

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE  
GOETZ ROAD POTABLE WATER STORAGE TANK AND PIPELINE PROJECT  
ENVIRONMENTAL IMPACT REPORT (SCH # 2015101020)**

January 2021

The Findings of Fact (Section I) is organized as follows:

- Section I.A provides the background and context of the proposed Goetz Road Potable Water Storage Tank and Transmission Pipeline Project (Project) and describes the need for these Findings.
- Section I.B includes a brief description of the Project.
- Section I.C describes the CEQA environmental review process for the Project.
- Section I.D describes the record of documents for the Project.
- Section I.E summarizes the significant environmental impacts of the Project, and contains EMWD's Findings of Fact regarding the Project's impacts.
- Section I.F contains EMWD's Findings regarding alternatives to the Project.
- Section I.G contains EMWD's general Findings regarding the Project and EIR.
- Section I.H describes and adopts the MMRP for the Project.

The Statement of Overriding Considerations (Section II) is organized as follows:

- Section II.A summarizes the impacts of the Project and Associated Mitigation Measures.
- Section II.B describes the benefits of the Project.
- Section II.C presents the conclusion.

## **I. FINDINGS OF FACT PURSUANT TO CEQA**

### **A. Introduction**

#### **1. Project Overview and Findings Summary**

The Eastern Municipal Water District (EMWD) proposes to approve the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project (Project), which includes construction and operation of an 8 million gallon (MG) potable water storage tank and transmission pipeline, in order to address a number of existing deficiencies in EMWD's 1627 pressure zone as identified in EMWD's Water Facilities Master Plan. The Project would correct existing storage deficiencies and provide additional storage volume for existing and planned development in the 1627 pressure zone. The proposed Goetz Road potable water storage tank would be constructed on a 2.85-acre parcel owned by EMWD located in the City of Perris. A new transmission pipeline is proposed from the proposed tank (City of Perris) to the existing 1627 transmission pipeline within Murrieta Road (City of Menifee).

EMWD has conducted a CEQA project-level analysis of the Project which incorporates design details into the analysis. As a result, EMWD has concluded the following CEQA significance determinations: no impact, less than significant impact, less than significant impact with implementation of mitigation, and significant and unavoidable impact even with implementation of mitigation measures. Of the Project's potentially significant impacts, the only environmental impacts that are not able to be reduced to a less than significant level after implementation of mitigation measures are impacts associated with short-term construction for noise and vibration. These construction-related impacts remain significant and unavoidable even after implementation of mitigation measures.

EMWD recognizes the importance of its water supply system integrity. The Project would relieve existing deficiencies in the 1627 pressure zone and provide additional storage volume for existing and planned development in the area. The Project would involve a suite of mitigation measures to reduce impacts during construction to noise and vibration impacts. While these Project impacts cannot be reduced to a level of less than significance, the Project balances the needs for EMWD to operate a fully functioning water system and the need to protect the environment of Southern California to the greatest extent feasible.

#### **2. Project Purpose and Objectives**

EMWD's service area is vast and has significant elevation differences. These areas of distinct elevation are separated into hydraulic pressure zones, which refer to the different elevations or "pressures" at which water is transported within the service area. Portions of EMWD's 1627 pressure zone are hydraulically isolated due to major north-south pipeline corridors that lack east-west capacity. Additionally, the pressure zone has low pressure, deficient storage, and insufficient pumping capacities. The Project would correct existing storage deficiencies and provide additional storage volume for existing and planned development in the 1627 pressure zone.

The objectives of the Project are as follows:

- Relieve existing deficiencies in the 1627 pressure zone including hydraulic deficiencies, low pressure, deficient storage, and pumping capacities;
- Provide additional storage volume for existing and planned development in the Central West Area of the 1627 pressure zone;
- Achieve the shortest possible length of pipeline to connect the proposed water storage tank to the existing 1627 pressure zone in order to reduce water quality issues and hydraulic concerns.

### 3. Requirements for CEQA Findings

The California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq. and the regulations implementing that statute, Cal. Code Regs., tit. 14, Sections 15000 et seq. (the CEQA Guidelines) (collectively, the Act and the CEQA Guidelines are referred to as CEQA) require public agencies to consider the potential effects of their discretionary activities on the environment and, when feasible, to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment. Specifically, Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles set forth in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, Section 21081, subd. (a); CEQA Guidelines, Section 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency.
- (3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the

agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, Sections 15093, 15043, subd. (b); see also Pub. Resources Code Section 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving...any...development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 576.)

Because the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project identified significant effects that may occur as a result of implementation of the Project, and in accordance with the CEQA provisions identified above, the EMWD Board of Directors hereby adopts these Findings as part of the approval of the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project. These Findings constitute EMWD's best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect with EMWD's approval of the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project.

CEQA also requires a mitigation monitoring or reporting program to be adopted by the Lead Agency. EMWD thus prepared a Mitigation Monitoring and Reporting Program (MMRP) in compliance with the requirements of Public Resources Code Section 21081.6 to assess and ensure the efficacy of mitigation measures. The Final EIR identifies the potentially significant environmental impacts associated with the Project and specifies measures designed to mitigate adverse environmental impacts. The MMRP relates directly to the procedures to be used to implement the mitigation measures adopted in connection with the certification of the Final EIR and the methods of monitoring and reporting.

## **B. Description of the Project**

The proposed Goetz Road potable water storage tank would be constructed on a 2.85-acre parcel owned by EMWD located in the City of Perris. A new transmission pipeline is proposed from the proposed tank to the existing 1627 transmission pipeline within Murrieta Road in the City of Menifee.

### **1. Potable Water Storage Tank and Associated Facilities**

The proposed water storage tank would have the capacity to store up to approximately 8 MG of potable water. The tank would be located on the northwest corner of Goetz Road and Sotelo Road in the City of Perris as identified in the Draft EIR Figure 2-1. The tank would be approximately 190 feet in diameter and approximately 42 feet in height. Grading and excavation would be required to construct the tank foundation that would extend approximately 6 feet to 20 feet below ground surface (bgs). The tank would be comprised of pre-stressed concrete, allowing the tank sidewalls to be buried up to 13-feet deep along parts of the tank walls to help conceal the tank from surrounding properties.

Due to the size of the proposed water storage tank and concern about water quality during both low demand periods and prolonged hot weather periods, an on-site chlorination system would be constructed to allow additional treatment to take place, as needed. The chlorination facility would have a footprint of approximately 900 square feet within the 2.85-acre tank site. Disinfection equipment would consist of a sodium hypochlorite generation system and aqueous ammonia feed system; and would be housed in a climate-controlled building that also conceals potential noise generated by the chlorine pump.

Due to large predicted storm flows through the site, the current drainage design concept includes proposed offsite drainage facilities adjacent to the site that would allow a 100-year storm event to be conveyed around the site without impacting the water storage tank and other site facilities, or creating additional runoff that could impact adjacent properties. Facilities include inlets and storm drains within adjacent rights-of-way such as Our Way, Sotelo Road, and Goetz Road. This activity would occur outside of EMWD's property and would require coordination with the Riverside County Flood Control and Water Conservation District (RCFCWCD), the City of Perris, and the City of Menifee.

Proposed water storage tank appurtenances include a booster pump to support an internal tank washdown system, a 1-horsepower motor to support water mixing within the tank, an exterior circumferential stairway, lighting, and an antenna tower (40 feet high by 4 feet wide). Additionally, a proposed Southern California Edison (SCE) transformer and meter would be installed on the proposed water storage tank site to power the facility. Staging areas for construction of the water storage tank and the transmission pipeline alignment would be located within the 2.85-acre tank site as well as along the alignment of the pipeline as needed, at locations to be approved by the City of Menifee.

## 2. Transmission Pipeline

Water supply to the potable water storage tank would be pumped from the existing Murrieta Booster pumping station within the existing 1627 pressure zone. A 30-inch transmission pipeline would be installed to connect the water storage tank to the existing 1627 pressure zone pipeline on Murrieta Road. The pipeline would be installed entirely within existing and future public rights-of-way along Thornton Avenue, Goetz Road, and Murrieta Road. The pipeline would be approximately 5,490 feet in length and would be installed up to approximately 72 inches bgs. Blow off and air valves would be installed along the transmission pipeline route. The pipeline would traverse the Cimarron Ridge Development Project that is expected to begin development in 2020, therefore the alignment of the pipeline has been coordinated between EMWD and the developer. Once constructed, water supply stored in the water storage tank would be provided by gravity and would not require the addition of new pumps.

**C. CEQA Public Review Process**

1. Notice of Preparation and Public Scoping

In accordance with Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) of a Draft EIR was prepared and circulated by mail for review by applicable local, state and federal agencies and interested parties. The NOP was also made available on EMWD's website. The NOP was published by EMWD on November 25, 2015 in *The Press-Enterprise* for a period of 36 days until December 30, 2015. The NOP presented an overview of the Project, and provided a brief and preliminary list of environmental resources that could be affected. A public scoping meeting was not held. Six comments were received from agencies and local citizens.

2. Notice of Availability of the Draft EIR and Invitation to Provide Comments

Once the Draft EIR was complete, a Notice of Completion was submitted to the Office of Planning and Research (OPR) as required by CEQA Guidelines Section 15085, along with CD copies of the Draft EIR for distribution to public agencies via the State Clearinghouse (CEQA Guidelines Section 15087(f)) (<https://ceqanet.opr.ca.gov/2015101020/3>). At the same time, a Notice of Availability (NOA) of the Draft EIR was posted with the Riverside County Clerk (CEQA Guidelines Section 15087(d)). The NOA also was published in *The Press-Enterprise* on July 17, 2020 (per CEQA Guidelines Section 15087(a)). Printed copies of the Draft EIR were sent to the following public libraries<sup>1</sup> per CEQA Guidelines Section 15087(g) and the EMWD office:

- Perris Public Library, 163 E. San Jacinto, Perris, CA 92570;
- Sun City Public Library, 26982 Cherry Hills, Menifee, CA 92586;
- EMWD's Office, 2270 Trumble Road Perris, CA 92572.

Additionally, EMWD conducted a mailing of the NOA to interested parties and residents/occupants adjacent to the proposed water storage tank and transmission pipelines. The Draft EIR was also posted on EMWD's website (<https://www.emwd.org/public-notice>). The Draft EIR was made available for public review from July 17, 2020 to August 31, 2020 for a total of 45 days as required by CEQA Guidelines Section 15105(a). One comment was received on the Draft EIR for the Project.

3. Circulation and Posting of the Final EIR

As required by section 15088(b) of the CEQA Guidelines, EMWD provided the Final EIR, which includes written responses to all comments, to commenters ten days in advance of the meeting at which the Board of Directors will consider certification of the EIR and approval of

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<sup>1</sup> In order to comply with COVID-19 social distancing requirements, in the event of the libraries' closure, the Draft EIR was available online at the EMWD website.

the Project. In addition, EMWD made the Final EIR available to the public at the following locations:

- EMWD Web Site (<https://www.emwd.org/public-notices>)
- EMWD Office, 2270 Trumble Road, Perris CA 92570

EMWD concludes it has met the requirements of CEQA relating to public noticing and outreach during the public review period of the Draft EIR. EMWD further concludes that it has provided ample time for agencies, organizations, and interested members of the public to participate in the CEQA process by reviewing the Draft EIR and providing substantive comments.

#### **D. The Record of Proceedings**

EMWD is the custodian of the documents and other materials that constitute the record of proceedings upon which the Board of Director's decision is based, and such documents and other materials are located at EMWD's Office, 2270 Trumble Road, Perris CA 92570. Copies of the Draft EIR and Final EIR are also available at the EMWD Website (<https://www.emwd.org/public-notices>).

For the purposes of CEQA and these Findings, the record of proceedings is composed of all non-privileged documents relating to the project in EMWD's files on this matter, including, without limitation:

- The NOP prepared for the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project;
- The Draft EIR for the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project, including all Appendices to the Draft EIR;
- All comments or documents submitted by public agencies or by members of the public during or after the comment period on the Draft EIR and up to the Board of Director's approval of the Project;
- The Final EIR for the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project;
- The MMRP;
- All Findings and Resolutions adopted by the Board of Directors in connection with the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project and all documents cited or referred to therein;
- All staff reports and presentation materials related to the Project, including internal reports and analyses prepared by consultants to EMWD;

- All studies conducted for the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project and contained in, or referenced by, staff reports, the Draft EIR, the Final EIR, or the MMRP;
- All public reports and documents related to the project prepared for or by EMWD including, without limitation, all planning documents;
- All Draft EIR and Final EIR references, whether or not the referenced documents are included in the Appendices;
- All documentary and oral evidence received and reviewed at public hearings, meetings and workshops related to the project, the Draft EIR, the Final EIR, or the MMRP;
- All other public reports and documents relating to the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project that were used by EMWD staff or consultants in the preparation of the Draft EIR, the Final EIR or the MMRP; and
- All other documents, not otherwise included above, required by Public Resources Code Section 21167.6.

**E. Findings of Fact Regarding Project Impacts**

1. Findings Regarding No Impacts

The EIR concludes that the Project will result in no impacts to the following resource areas:

- Biological Resources Impacts 3.3-2 (Riparian Habitat or Other Sensitive Natural Community), 3.3-3 (State or Federally Protected Wetlands), and 3.3-4 (Wildlife Corridors).
- Hazards, Hazardous Materials, and Wildfire Impact 3.8-2 (Hazardous Material Site Listing).
- Hydrology and Water Quality Impact 3.9-5 (Water Quality Control Plan or Sustainable Groundwater Management Plan).

The Board of Directors finds, based on the EIR and the entire record, that the EIR's conclusions regarding the Project's impacts to these resource areas are correct.

2. Findings Regarding Less than Significant Impacts

The EIR concludes that the Project will result in less than significant impacts without the need for mitigation measures to the following resource areas:

- Aesthetic Impacts 3.1-1 (Scenic Vistas), 3.1-4 (Shade and Shadow).
- Air Quality Impact 3.2-3 (Other Emissions Such as Odors).
- Biological Resources Impact 3.3-5 (County Policies or Ordinances).



- Energy Impacts 3.5-1 (Energy Consumption), 3.5-2 (Consistency with Energy Plans), 3.5-3 (Cumulative Impacts).
- Geology, Soils, and Paleontology Impacts 3.6-1 (Seismic Groundshaking), 3.6-2 (Soil Erosion or Topsoil Loss).
- Greenhouse Gas Emissions Impacts 3.7-1 (Greenhouse Gas Emissions), 3.7-2 (Plan, Policy or Regulation), 3.7-3 (Cumulative Impacts).
- Hazards, Hazardous Materials, and Wildfire Impact 3.8-1 (Hazardous Materials), 3.8-6 (Exacerbate Fire Risk), 3.8-7 (Post Fire Hazards).
- Hydrology and Water Quality Impact 3.9-1 (Water Quality), 3.9-2 (Groundwater Supplies), 3.9-3 (Erosion), 3.9-4 (Flood Hazard, Tsunami, or Seiche), 3.9-6 (Cumulative Impacts).
- Land Use and Planning Impacts 3.10-1 (Land Use Plan, Policy, and Regulation Consistency), 3.10-2 (Cumulative Impacts).
- Traffic and Transportation Impact 3.12-2 (Congestion Management Programs and Public Transit).
- Tribal Cultural Resources Impacts 3.13-1 (Tribal Cultural Resource Identified in the CRHR), 3.13-2 (Tribal Cultural Resource Determined to be Significant), 3.13-3 (Cumulative Impacts).
- Utilities and Service Systems Impacts 3.14-1 (Utilities Construction or Relocation), 3.14-2 (Water Supply), 3.14-3 (Wastewater Services), 3.14-4 (Solid Waste Capacity), 3.14-5 (Solid Waste Regulations), 3.14-6 (Cumulative Impacts).

The Board of Directors finds, based on the EIR and the entire record, that the EIR's conclusions regarding these specific potential impacts are correct.

3. Findings Regarding Potentially Significant Impacts That Will Be Mitigated or Avoided to Less than Significant Levels

EMWD makes the Findings below in accordance with CEQA Guidelines, Section 15091, subd. (a)(1): Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment.

**Aesthetics**

*Impact 3.1-2: The Proposed Project could substantially degrade the existing visual character or quality of public views of the site and its surroundings or other natural resources. (Public views are those that are experienced from publicly accessible vantage point).*

**Finding:** The Project would require temporary construction equipment that would be visible at public vantage points, but would not permanently affect the existing visual character and quality of the surrounding area and impacts would be less than significant. The pipeline would be installed underground and would have no impact to the existing visual quality of the area. The water storage tank and associated buildings would create permanent aboveground facilities as high as 42 feet above the ground surface within a rural residential area of the City of Perris.

Visual simulations of the proposed water storage tank show a significant degree of obstruction and contrast in the foreground and middleground views from adjacent public vantage points on Goetz Road, Sotelo Road, and Our Way. Due to the size of the proposed storage tank, Project implementation would introduce features into the largely undeveloped landscape that would contrast with the rural residential land uses in the immediate vicinity of the water storage tank. While views of the constructed water storage tank from adjacent public vantage points would be brief while motorists, bicyclists or pedestrians pass by the Project site, the loss of view, amount of view obstruction, and duration/timing of view obstruction from adjacent public viewpoints is considered a potentially significant impact to the visual character and quality of the area. With implementation of Mitigation Measure AES-1, which would include an enhanced landscape plan to assist in screening and buffering the proposed facilities from adjacent public vantage points, and Mitigation Measure AES-2, which would design the proposed water storage tank and associated facilities to have color palettes that blend in with the surrounding character of the Project site to minimize contrasting features in the visual landscape, the impacts to visual character and quality from adjacent public vantage points would be reduced to less than significant levels.

**Facts in support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.1-2 to a less than significant level:

Mitigation Measure AES-1: During Project design, EMWD shall prepare a landscape plan that includes measures to provide vegetation screening to assist in shielding the proposed water storage tank and other on-site facilities from surrounding views. The landscaping plan would provide for tall growth trees and multi-level vegetation in between the storage tank and Goetz Road, Sotelo Road, and Our Way to buffer the water storage tank from adjacent public vantage points. The landscape plan shall also include restoration of disturbed areas by replanting trees and/or reseeding with a native seed mix typical of the surrounding area.

Mitigation Measure AES-2: Aboveground buildings/structures shall be finished with a non-reflective material and painted with an earth-tone color to blend in with the surrounding landscape and vegetation.

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*Impact 3.1-3: The Proposed Project could create a new source of substantial light or glare that would adversely affect sensitive receptors, and/or daytime/nighttime views in the area.*

**Finding:** Construction of the Project would not require nighttime lighting and no impact would occur. Operation of the pipeline would not require nighttime lighting and no impact would occur. The water storage tank design would require new exterior nighttime lighting for operational and security purposes that would be motion-activated. The increase in lighting could result in spill over lighting onto neighboring parcels and could be visible by the nearest sensitive receptors (residences), which would be considered a significant impact. Additionally, building materials of the storage tank and associated facilities once constructed could create sources of glare during various times of the day. EMWD would be required to implement Mitigation Measure AES-3, requiring new permeant exterior lighting to be shielded and directed downward to minimize light

cast on neighboring residences. EMWD would also be required to implement Mitigation Measure AES-4, which would ensure that the proposed water storage tank is designed to minimize glare or reflection, including non-glare exterior materials or coatings. With implementation of these mitigation measures, impacts to light and glare would be reduced to a less than significant level.

**Facts in support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.1-3 to a less than significant level:

Mitigation Measure AES-3: All new permanent exterior lighting associated with the proposed water storage tank shall be shielded and directed downward to avoid light spill onto neighboring parcels and visibility from surrounding public vantage points.

Mitigation Measure AES-4: The proposed water storage tank aboveground facilities shall be designed to include non-glare exterior materials and coatings to minimize glare or reflection. The paint used for this purpose should be low-luster (low reflectivity) so as to reduce glare.

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*Impact 3.1-5: Concurrent construction and operation of the Proposed Project and related projects in the geographic scope could result in cumulative short-term and long-term impacts to aesthetics.*

**Finding:** Concurrent construction and operation of the Project and Cumulative Project 1 Cimarron Ridge Development Project could result in cumulatively considerable impacts to aesthetics. While the introduction of 756 new homes as part of the Cimarron Ridge Development Project would significantly alter the visual character and quality of the area, residential development has been envisioned in this location by the City of Menifee. The Cimarron Ridge Specific Plan EIR, which evaluated impacts of installation of the Cimarron Ridge Development Project, found that all aesthetic impacts would be less than significant without the need for mitigation measures (Albert A. Webb Associates 2015, page 4-1). This includes impacts to scenic vistas, visual character, light and glare and shade and shadow. As a result, the cumulative scenario is less than significant. The effects of the Project would represent a permanent incremental change that would alter the composition and character of existing landscape views of the foothills within southern Perris and visible to the Menifee Valley. EMWD would be required to implement Mitigation Measures AES-1 through AES-4, which would include a landscape plan, lighting requirements, and design parameters to reduce the Project's contribution to significant cumulative aesthetic impacts to a less than significant level. When considered in addition to the Cimarron Ridge Development Project's less than significant aesthetic impact, the Project's incremental contribution to aesthetic impacts would not be cumulatively considerable.

**Facts in support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.1-5 to a less than significant level:

Implement Mitigation Measures AES-1 through AES-4.

## **Air Quality**

*Impact 3.2-1: The Proposed Project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.*

**Finding:** The Project would result in emissions of criteria air pollutants for which the region is in nonattainment during both construction and operation. Regional maximum daily emissions for constructing the water storage tank site concurrently with the transmission pipeline would exceed the SCAQMD regional threshold for construction activities for NO<sub>x</sub> but not for any other criteria pollutants that is in nonattainment within the Air Basin (VOC as an ozone precursor, PM10, and PM2.5). Therefore, impacts would be potentially significant for NO<sub>x</sub> and mitigation is required. EMWD would be required to implement Mitigation Measure AQ-1, which would require the use of a mix of Tier 3 and Tier 4 rated engines for all equipment greater than 50 hp for construction of the water storage tank and the transmission pipeline. With implementation of Mitigation Measure AQ-1, impacts would be reduced to a less than significant level. The net increase in operational-related daily emissions (Project emissions minus existing emissions) for the criteria and precursor pollutants (VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM10, and PM2.5) would not exceed the SCAQMD threshold of significance for any nonattainment pollutants and impacts would be less than significant.

**Facts in support of Finding:** EMWD has adopted and will implement the following mitigation measure that will reduce Impact 3.2-1 to a less than significant level:

Mitigation Measure AQ-1: Prior to ground disturbing activities, EMWD shall require all diesel-fueled scrapers, graders, and pavers greater than 50 horsepower (hp) to meet USEPA Tier 3 off-road emission standards or equivalent. All other equipment greater than 50 hp shall meet the USEPA Tier 4 final off-road emission standards or equivalent. All equipment greater than 50 hp shall be outfitted with Best Available Control Technology (BACT) devices including a California Air Resources Board certified Level 3 Diesel Particulate Filter (DPF) or equivalent. Certification for all equipment, including certification of DPF installation for any Tier 3 equipment used, shall be maintained onsite. Additionally, the contractor may also limit the concurrent use of off-road construction vehicles used to install the pipeline and the tank and re-calculate the emissions to demonstrate the combined fleet would emit less than 100 pounds per day of NO<sub>x</sub>.

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*Impact 3.2-2: The Proposed Project could expose sensitive receptors to substantial pollutant concentrations.*

**Finding:** Localized maximum daily Project emissions for construction of the potable water storage tank would not exceed SCAQMD thresholds and impacts would be less than significant. However, localized maximum daily Project construction emissions would exceed SCAQMD localized construction emissions thresholds for PM10 for construction of the transmission pipeline. Therefore, impacts would be potentially significant for construction of the transmission pipeline. Implementation of Mitigation Measure AQ-1 would be required for construction of the transmission pipeline to reduce exhaust emissions from the majority of off-road construction equipment to less than significant levels.

For toxic air contaminants, unmitigated construction impacts would result in a maximum risk of approximately 83 in one million which exceeds the regulatory threshold of 10 in one million. Because the cancer risk exceeds the regulatory threshold, Project impacts are potentially significant. EMWD would be required to implement Mitigation Measures AQ-1 as well as Mitigation Measure AQ-2, which requires the use of electric equipment when feasible to reduce diesel particulate matter emissions from the construction equipment. With implementation of Mitigation Measure AQ-1 and AQ-2, construction activities would result in a mitigated cancer risk of approximately 8 in one million, which is below the 10 in one million threshold and would result in a less than significant impact.

For operation of the Project, the increase in maximum localized operational emissions for sensitive receptors would not exceed the localized thresholds for NO<sub>x</sub>, CO, PM10, and PM2.5. Therefore, impacts related to localized operational emissions would be less than significant. Project operations would generate only minor amounts of diesel emissions from mobile sources, such as the two delivery trucks per month and occasional maintenance activities that would result in up to 6 round trips per day and therefore would not exceed 100 trucks per day. Based on the expected uses on the Project site, potential long-term operational impacts associated with the release of TACs would be minimal, regulated, and controlled, and would not be expected to exceed the SCAQMD significance threshold. Therefore, impacts to toxic air contaminants during operation would be less than significant.

**Facts in support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.2-2 to a less than significant level:

Implementation of Mitigation Measure AQ-1.

Mitigation Measure AQ-2: Prior to ground disturbance, EMWD shall require certain types of off-road equipment to be electrified. Equipment that is to be electrified should, at a minimum, include all air compressors, all cranes, all plate compactors, and welders. Electricity or temporary electricity from SCE shall be used to provide electricity where feasible. If infeasible to connect to SCE for electricity during construction activities, a non-diesel powered generator shall be used. In addition, for sweepers and scrubbers, in lieu of meeting the Tier 3 or Tier 4 Final emissions standards requirements in Mitigation Measure AQ-1, such equipment may be alternative-fueled, such as CNG or other non-

diesel fuel such as electricity, if Tier 3 or Tier 4 Final sweepers and scrubbers cannot be readily obtained.

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*Impact 3.2-4: Concurrent construction and operation of the Proposed Project and related projects in the geographic scope could result in cumulative short-term and long-term impacts to air quality.*

**Finding:** Cumulative impacts with respect to air quality are discussed under Impacts 3.2-1 and 3.2-2 above.

**Facts in support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.2-4 to a less than significant level:

Implementation of Mitigation Measure AQ-1 and AQ-2.

### **Biological Resources**

*Impact 3.3-1: The Proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.*

**Finding:** Marginal habitat is present in the Project area for the special-status plant species identified as having a low potential to occur within the study area. Portions of the Project that are within the Cimarron Ridge Development Project were not accessible during the 2019 habitat assessment conducted by ESA and therefore the current condition respective to special-status plants cannot be confirmed. As a result, impacts to special-status plants would be potentially significant. To ensure that any impacts to special-status plants are minimized and/or avoided, EMWD would be required to implement Mitigation Measures BIO-1 and BIO-2 to determine presence or absence of special-status plant species prior to construction activities by conducting appropriately timed surveys, avoiding areas where special-status plants are observed, implementing restoration if avoidance is not feasible, and obtainment of federal and/or State take permit from the United States Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW) prior to initiating construction activities if any federally- or State-listed species may be impacted. Additionally, Mitigation Measure BIO-3 would require preparation of a Worker Environmental Awareness Program (WEAP) and monitoring during construction activities by a qualified monitoring biologist to ensure impacts to special-status plants are avoided. With implementation of these mitigation measures, impacts to special-status plants would be less than significant.

The California buckwheat scrub surrounding the storage tank site and non-native grassland adjacent to the proposed transmission pipeline provides marginal habitat for *Dulzura* pocket mouse, northwestern San Diego pocket mouse, Stephens's kangaroo rat and Los Angeles pocket mouse. Additionally, American badger and San Diego black-tailed jackrabbit could be incidentally impacted by construction activities if species were to wander onto construction sites. Impacts to these species would be potentially significant. To ensure avoidance of these species,

EMWD would be required to implement Mitigation Measure BIO-4, requiring a habitat assessment in the areas that were not assessed during the 2019 habitat assessment to determine if suitable habitat for these species is present. Should it be determined that suitable habitat for these species is present, EMWD will implement Mitigation Measure BIO-5 to conduct focused surveys to determine presence or absence. If any of these species are found to be present, Mitigation Measure BIO-6 will be implemented to relocate the species, including obtainment of a federal and State “take” permit if Stephens’s kangaroo rat is present and impacts cannot be avoided. Mitigation Measure BIO-3 would also be required that entails implementation of a WEAP and supervision of all construction activities by a qualified monitoring biologist. With implementation of mitigation measures, impacts would be reduced to a less than significant level.

For special-status reptile species, significant impacts could occur if an individual were to wander onto the construction site. EMWD would be required to Mitigation Measure BIO-3 that entails implementation of a WEAP to educate construction personnel on species identification and avoidance measures should an individual be observed on or near the construction site or under equipment. With implementation of this mitigation measure, impacts would be reduced to a less than significant level.

For burrowing owl, the California buckwheat scrub, non-native grassland areas adjacent to the transmission pipeline, and possibly areas of the Cimarron Ridge Development Project, provides suitable habitat for this species. Impacts to burrowing owl would be potentially significant. To ensure that no burrowing owls are directly or indirectly impacted during construction, EMWD will implement Mitigation Measure BIO-7, which requires protocol surveys for burrowing owl in areas that contain suitable habitat for the species. With implementation of mitigation measures, impacts would be reduced to a less than significant level.

Coastal California gnatcatcher, mountain plover, golden eagle, ferruginous hawk, Swainson’s hawk, northern harrier, white-tailed kite and merlin have not been documented in the study area during any general biological surveys, however these species could forage within the undisturbed habitats located to the west of the water storage tank site and as well as the non-native grassland areas west of the transmission pipeline. The California buckwheat scrub and non-native grasslands located adjacent to the water storage tank site and transmission pipeline have the potential to support a variety of nesting birds. To ensure that these species are not impacted during construction activities, pre-construction nesting avian and nesting bird surveys and avoidance measures identified in Mitigation Measure BIO-8 will be required prior to initiation of construction activities. Additionally, Mitigation Measure BIO-3 requires a WEAP to educate construction personnel on species identification and avoidance measures should an individual or nest be observed on or near the construction site or under equipment. With implementation of mitigation measures, impacts would be reduced to a less than significant level.

Operation of the Project would not impact special-status wildlife species and no impact would occur.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce potentially significant Impact 3.3-1 to a less than significant level:

Mitigation Measure BIO-1: Special-Status and Narrow Endemic Plant Surveys. Prior to initiation of construction activities, focused surveys for special-status and MSHCP narrow endemic plant species shall be conducted within area that contain suitable habitat that will be directly disturbed. This includes the portion of the Project that traverses through the Cimarron Ridge Development Project that were disturbed over four years ago that may now contain suitable habitat. The focused surveys must be conducted by a qualified botanist in accordance with the MCHCP requirements for conducting surveys for narrow and endemic plants, the 2001 CNPS Botanical Survey Guidelines (CNPS 2001), 2002 USFWS General Rare Plant Survey Guidelines (USFWS 2002) and *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, March 20, 2018).

Mitigation Measure BIO-2: Avoidance of Special-Status Plants. If narrow endemic species are observed during the focused surveys and found to be potentially impacted by the Project, the locations of special-status plants and/or MSHCP narrow endemic species within 25-feet of construction areas shall be identified and mapped. Individual plants shall be flagged for avoidance and an avoidance buffer of at least 10-feet comprised of temporary fence material shall be established around the plant(s). If avoidance is not feasible, no impacts may occur to the plants until avoidance or mitigation strategies are determined through consultation with the CDFW and/or RCA, such as relocation or restoration based on an approved Restoration Plan. If take of a federal- or State-listed species is unavoidable, take authorization shall be obtained from USFWS and/or CDFW prior to impacting the plant(s).

Mitigation Measure BIO-3: Environmental Awareness Training. Prior to commencement of construction activities, a qualified biologist shall prepare a WEAP that provides a description of potentially-occurring special-status species that could be affected. The WEAP shall include information on identifying special-status species, and measures to avoid special-status species during construction activities, such as establishing an onsite speed limit of 15 miles per hour, covering trenches and open pits at the end of each workday, installing wildlife escape ramps in open trenches or pits, and daily trash and debris disposal from the Project site. The WEAP training shall be provided to all construction personnel by a qualified biologist. Completion of the WEAP training shall be documented for all construction personnel on a sign-in sheet that shall be onsite at all time during construction activities.

Mitigation Measure BIO-4: Preconstruction Habitat Assessment. Prior to initiating construction activities, a habitat assessment shall be conducted within the portions of the Project site that are located within the Cimarron Ridge Development Project that have not been assessed in over four years. The assessment shall be focused on identifying presence of suitable habitat for special-status plant and animal species identified in Tables 3.3-1 and 3.3-2. If suitable habitat is determined to present within areas that will be disturbed during construction activities, Mitigation Measure BIO-5 shall be implemented.

Mitigation Measure BIO-5: Pre-Construction Wildlife Surveys: If suitable habitat for special-status species is determined to be present within areas that will be disturbed



during construction activities, preconstruction surveys for special-status wildlife shall be conducted by a qualified biologist prior to the start of ground-disturbing activities. The pre-construction survey shall focus on those species having potential to occur, including American badger, San Diego black-tailed jackrabbit, coast horned lizard, orange-throated whiptail and red diamond rattlesnake, Dulzura pocket mouse, northwestern San Diego pocket mouse, Stephens's kangaroo rat and Los Angeles pocket mouse. For listed species, including Stephens's kangaroo rat, surveys shall be conducted by a USFWS-permitted (10(a)(1)(A)) biologist in accordance with USFWS survey protocols. If a special-status species is identified to be present during the preconstruction survey, and impacts cannot be avoided, consultation with CDFW and/or USFWS shall be conducted to determine avoidance or mitigation measures. Construction activities shall not commence until take authorization by CDFW and/or USFWS is provided.

Mitigation Measure BIO-6: Wildlife Avoidance Plan: If a special-status species is determined to be present within areas that will be directly impacted by Project-related construction activities, a Wildlife Avoidance Plan shall be prepared by a qualified biologist that identifies measures to avoid species-status wildlife, such as establishment of avoidance buffers, exclusionary fencing, monitoring, and relocation. The Plan shall be approved by CDFW prior to initiation of construction activities. The Plan shall identify biologist qualifications, handling methods, and identification of relocation sites.

Mitigation Measure BIO-7: Habitat Assessment and Protocol Surveys for Burrowing Owl. Prior to commencement of construction activities, focused surveys for burrowing owl shall be conducted in areas that contain suitable habitat for the species that would be directly impacted, such as portions of the Project that occur with the Cimarron Ridge Development Project that have not been assessed since 2015. If suitable habitat is determined to be present in such areas, a protocol survey shall be conducted by a qualified biologist following the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012) on EMWD-owned parcels, and following the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (RCA 2016) on all other properties containing suitable habitat that are not owned by EMWD.

If a burrowing owl is observed during the focused surveys where construction activities would occur, avoidance and mitigation measures shall be established and approved by CDFW and/or RCA, respectively, prior to commencement of construction activities. Avoidance of burrowing owls can be achieved by avoiding construction activities during the breeding season (February 1 to August 31), establishing a minimum 300-foot buffer around an active burrow comprised of orange mesh drift fencing or temporary chain-link fencing, or excluding and relocating owls based on coordination with CDFW. If a burrowing owl may be impacted during construction activities, a Burrow Exclusion Plan approved by CDFW and/or RCA shall be prepared by a qualified biologist that identifies methods for excluding burrowing owls from the site, relocation methods, and identification of recipient sites. Permanent impacts to land that supports burrowing owls may require conservation of mitigation lands to offset the impact to burrowing owl and its habitat. The conservation of mitigation lands will be determined through consultation

with CDFW and/or the RCA depending on the ownership of the occupied land, which shall be established and approved prior to commencement of construction activities.

Mitigation Measure BIO-8: Nesting Bird and Raptor Avoidance. To avoid potential impacts to nesting birds, including California horned lark, vegetation removal and/or ground disturbance shall be timed to occur between September 1 and January 31, which is outside of the typical nesting season for birds in the region. If vegetation removal and/or ground disturbances must occur during the typical nesting season (February 1 – August 31), a qualified biologist shall conduct a preconstruction survey for active nests within areas that will be subject to vegetation removal and/or ground disturbances, including an approximate 300-foot buffer to identify active nests that could be indirectly impacted during construction by noises and vibrations generated from construction equipment. Buffer distances may be adjusted at the discretion of a qualified biologist based on the location of the nest, species, surrounding land uses, and the type of construction that will be occurring in the area.

Construction activities shall be avoided within the buffer, unless otherwise approved by a qualified biologist. The buffer shall be delineated with exclusionary fencing or flagging to prevent the nest from being inadvertently impacted, and shall remain in place until the nest is no longer active as determined by the biologist.

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*Impact 3.3-6: The Proposed Project could conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

**Finding:** The Project occurs within both the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP). Although EMWD is not a Participating Entity and not required to demonstrate consistency on EMWD-owned land, EMWD is required to demonstrate consistency with the MSHCP on non-EMWD-owned lands (such as the disturbed area between the water storage tank site and Goetz Road, and the Cimarron Ridge Development Project site through which the transmission pipeline would be installed). Should burrowing owls be found to occur in the areas that would be disturbed during construction activities, EMWD would be required to implement Mitigation Measure BIO-9 that requires that a consistency analysis report and a Determination of Biologically Equivalent or Superior Preservation (DBESP) Report to ensure the Project would not conflict with the provisions of the Western Riverside MSHCP. On non-EMWD-owned lands where suitable habitat for Stephens's kangaroo rat is present, EMWD would be required to implement Mitigation Measure BIO-10, which would ensure compliance with the SKR HCP.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce potentially significant Impact 3.3-6 to a less than significant level:

Mitigation Measure BIO-9: Western Riverside MSHCP. Focused rare plant and burrowing owl surveys shall be conducted to verify if any narrow endemic plant species and burrowing owl are present that may be effected by construction activities. In

accordance with the MSHCP, the Project shall demonstrate consistency on non-EMWD owned properties through the preparation of a MSHCP Consistency Analysis Report. A DBESP Report will be required if rare plants or burrowing owls are detected and impacts are unavoidable. The DBESP will need to include a discussion of why avoidance is not feasible, including minimization measures for addressing potential indirect impacts, mitigation that will offset the Project's impacts, and a determination that mitigation proposed is biologically equivalent or superior. A DBESP, should it be required, must be prepared when the project is finalized and any replacement land required shall be determined prior to the issuance of a grading permit. Both the Consistency Analysis and DBESP will be reviewed and approved by the RCA and/or wildlife agencies prior to issuance of a grading permit.

In addition, the Project shall follow guidelines listed under Section 7.5.3 of the MSHCP as well as standard Best Management Practices (BMPs) listed under Appendix C of the MSHCP during construction and operations activities. The following guidelines and BMPs shall be implemented in accordance with MSCHP Section 7.5.3.

- Timing of construction activities will consider seasonal requirements for breeding birds and migratory non-resident species. Habitat clearing will be avoided during species active breeding season defined as March 1 to June 30.
- The footprint of disturbance will be minimized to the maximum extent Feasible. Access to sites will occur on pre-existing access routes to the greatest extent possible.
- Equipment storage, fueling and staging areas will be sited on non-sensitive upland Habitat types with minimal risk of direct discharge into riparian areas or other sensitive Habitat types.
- Exotic species removed during construction will be properly handled to prevent sprouting or regrowth.
- Training of construction personnel will be provided.
- Ongoing monitoring and reporting will occur for the duration of the construction activity to ensure implementation of best management practices.
- When work is conducted during the fire season (as identified by the Riverside County Fire Department) adjacent to coastal sage scrub or chaparral vegetation, appropriate fire-fighting equipment (e.g., extinguishers, shovels, water tankers) shall be available on the site during all phases of project construction to help minimize the chance of human-caused wildfires. Shields, protective mats, and/or other fire preventative methods shall be used during grinding, welding, and other spark-inducing activities. Personnel trained in fire hazards, preventative actions, and responses to fires shall advise contractors regarding fire risk from all construction-related activities.

- Active construction areas shall be watered regularly to control dust and minimize impacts to adjacent vegetation.
- All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other toxic substances shall occur only in designated areas within the proposed grading limits of the project site. These designated areas shall be clearly marked and located in such a manner as to contain run-off.
- Waste, dirt, rubble, or trash shall not be deposited in the Conservation Area or on native habitat.

The following BMPs that are applicable to the Project shall be implemented in accordance with Appendix C of the MSHCP:

- A condition shall be placed on grading permits requiring a qualified biologist to conduct a training session for project personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished.
- The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.
- Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian identified in MSHCP Global Species Objective No. 7.
- Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, USFWS, and CDFW, RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.
- The qualified project biologist shall monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.

- The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species.
- Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible.
- To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).
- Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.
- The Permittee shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs.

Mitigation Measure BIO-10: SKR HCP. A USFWS-permitted biologist shall conduct preconstruction surveys for the Stephens's kangaroo rat in areas determined to provide suitable habitat that would be disturbed during construction activities. Burrows determined to be occupied by Stephens's kangaroo rat presents shall be avoided with the establishment of a minimum 50-foot buffer zone approved by USFWS and CDFW. The buffer zone shall be enclosed with orange drift fencing material or temporary chain-link fence to limit access where occupied burrows occur. Where avoidance of Stephens's kangaroo rat is infeasible, prior to construction-related activities, EMWD shall consult with the RCA, CDFW and/or USFWS to determine adequate compensatory mitigation, such as purchasing credits at an approved mitigation bank or restoration.

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*Impact 3.3-7: Concurrent construction and operation of the Proposed Project and related projects in the geographic scope could result in cumulative impacts to biological resources.*

**Finding:** Concurrent construction and operation of the Project and Cumulative Project 1 Cimarron Ridge Development Project could result in cumulatively considerable impacts to biological resources. The introduction of the Cimarron Ridge Development Project, which includes a residential subdivision that includes parks, functional open space areas, a multi-purpose trail system and road improvements, could result in the potential loss of natural habitat and could directly and indirectly impact plant and wildlife species. The effects of the Project would not contribute incrementally to the cumulative impacts on biological resources, since few

sensitive biological resource are expected to occur, and because the majority of the Project site has already been disturbed. Impacts to sensitive species within the Project area would be avoided through implementation of Mitigation Measures BIO-1 through BIO-10. Therefore, when considered in addition to the anticipated impacts of other projects in the cumulative scenario, the Project's incremental contribution to biological resources impacts would not be cumulatively considerable. With implementation of mitigation measures, impacts would be less than significant.

**Facts in support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.3-7 to a less than significant level:

Implement Mitigation Measures BIO-1 through BIO-10.

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## **Cultural Resources**

*Impact 3.4-1: The Proposed Project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.*

**Finding:** Currently, there are no National or California register-listed historic resources located within or adjacent to the Project site, nor are there any buildings, structures, or objects within or adjacent to the Project site that are 45-years old or more, which meet the eligibility requirements for historical resources pursuant to CEQA Guidelines Section 15064.5(a). The Project area is considered to have a moderate to low sensitivity for subsurface archaeological resources. Although the likelihood of encountering prehistoric and/or historic-period archaeological deposits during either construction or operation is low, there remains the possibility that Project-related ground disturbance of up to 20 feet bgs could potentially encounter archaeological deposits, should they exist in the Project site, that qualify as historical resources. If such resources were encountered, the Project would have a potentially significant impact on those resources. With implementation of Mitigation Measures CUL-1 through CUL-4, which include provisions for archaeological and Native American monitoring as a result of discussions with the Tribe regarding sensitivity of the Project site, impacts to historical resources would be reduced to a less than significant level.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.4-1 to a less than significant level:

Mitigation Measure CUL-1: Prior to earth moving activities, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of cultural resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. EMWD shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

Mitigation Measure CUL-2: Prior to the start of any ground-disturbing activities, EMWD shall retain an archaeological monitor and a Consulting Tribe (s) monitor to observe all ground-disturbing activities. Archaeological monitoring shall be conducted by a monitor familiar with the types of archaeological resources that could be encountered and shall work under the direct supervision of the qualified archaeologist. Monitoring may be reduced or discontinued by the qualified archaeologist, in coordination with EMWD, based on observations of subsurface soil stratigraphy. Both the archaeological and Tribal monitors shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of a discovery until the qualified archaeologist has evaluated the discovery and determined appropriate treatment in coordination with the Tribe. The monitors shall keep daily logs detailing the types of activities and soils observed, and any discoveries. After monitoring has been completed, the qualified archaeologist shall prepare a monitoring report that details the results of monitoring. The report shall be submitted to EMWD, EIC, and any Native American groups who request a copy.

Mitigation Measure CUL-3: Prior to the start of any ground-disturbing activities, EMWD shall retain a Native American monitor to observe all ground-disturbing activities. The monitor shall be obtained from a Tribe that is traditionally and culturally affiliated with the area, according to the NAHC list. The monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of a discovery until the qualified archaeologist has evaluated the discovery and determined appropriate treatment. Monitoring may be reduced or discontinued, in coordination with EMWD and the qualified archaeologist, based on observations of subsurface soil stratigraphy.

Mitigation Measure CUL-4: In the event of the discovery of archaeological materials, EMWD or its contractor shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery until it can be evaluated by the qualified archaeologist. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone or concrete footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. Construction shall not resume until the qualified archaeologist has conferred with EMWD on the significance of the resource.

If it is determined that the discovered archaeological resource constitutes a historical resource under CEQA, avoidance and preservation in place shall be the preferred manner of mitigation. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan that provides for the adequate recovery of the scientifically

consequential information contained in the archaeological resource shall be prepared and implemented by the qualified archaeologist in consultation with EMWD. The appropriate Native American representatives shall be consulted in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond that which is scientifically important, are considered. In the event that on-site reburial is not feasible, EMWD will enter into a curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 Code of Federal Regulations 800 Part 79, if one will accept the collection, and therefore would be curated and made available to other archaeologists/researchers for further study. If the collection is not accepted by a curation center with federal standards the collection(s) may be curated at a local facility, donated to tribes, or local historical societies. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation. All reports, DPR 523 forms, and catalogs, shall be filed with the EIC.

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*Impact 3.4-2: The Proposed Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.*

**Finding:** No surface evidence of archaeological resources or historic-period built resources were identified at the Project site. Nevertheless, although the likelihood of encountering prehistoric and/or historic-period archaeological deposits during construction or operation of the Project is low, there remains the possibility that Project-related ground disturbance could potentially encounter archaeological deposits that qualify as historical resources or unique archaeological resources. If such resources were encountered, the Project would have a potentially significant impact on those resources. Implementation of Mitigation Measures CUL-1 through CUL-4, which includes provisions for archaeological and Native American monitoring as a result of discussions with the Tribe regarding sensitivity of the Project site, would reduce impacts to unique archaeological resources to a less than significant level.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.4-2 to a less than significant level:

Implement Mitigation Measures CUL-1 through CUL-4

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*Impact 3.4-3: The Proposed Project could disturb human remains, including those interred outside of formal cemeteries.*

**Finding:** No formal cemeteries are known to exist within the Project area. No human remains were identified during the pedestrian survey of the Project site and no known human remains have been recorded within the Project site or a 0.50-mile radius. The overall sensitivity of the Project site with respect to archaeological resources, including human remains, is moderate to low. Project-associated grading and excavation would extend into previously undisturbed subsurface areas or other locations where there is some possibility to encounter buried human



remains. As a result, although unlikely, construction may disturb human remains, including those interred outside of dedicated cemeteries, which would be a potentially significant impact. Implementation of Mitigation Measure CUL-5, which would ensure that any discovery of human remains are adequately protected per State and local regulations, would reduce the impact to a less than significant level.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measure that will reduce Impact 3.4-3 to a less than significant level:

Mitigation Measure CUL-5: If Native American human remains are encountered, Public Resources Code Section 5097.98 and California Health and Safety Code Section 7050.5 will be followed. If human remains are encountered no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours. Subsequently, the NAHC shall identify the person or persons it believes to be the “most likely descendant.” The most likely descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

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*Impact 3.4-4: Concurrent construction and operation of the Proposed Project and related projects in the geographic scope could result in cumulative impacts to cultural resources.*

**Finding:** Concurrent construction and operation of the Project and Cumulative Project 1 Cimarron Ridge Development Project could result in cumulatively considerable impacts to cultural resources. The introduction of the Cimarron Ridge Development Project, which includes construction of 756 residential units as well as parks, functional open space areas, a multi-purpose trail system and road improvements, would include ground disturbing activities. Similar to the Project, unknown, subsurface, historic, archaeological resources, or human remains, some of which may be historical resources under CEQA, could be located under the surface of the Cimarron Ridge Development Project. As such, development in the vicinity of the Project could combine with the Project to create a potentially significant cumulative impact to cultural resources. Similar to the Project, the Cimarron Ridge Development Project would be required to adhere to State and local laws requiring the preservation of resources, if discovered. As a result, implementation of Mitigation Measures CUL-1 through CUL-5, and similar measures for the Cimarron Ridge Development Project, would reduce potential cumulative impacts regarding cultural resources to a less than cumulatively considerable levels.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.4-4 to a less than significant level:

Mitigation Measures CUL-1 through CUL-5

## **Geology, Soils, and Paleontology**

*Impact 3.6-3: The Proposed Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

**Finding:** The surficial sediments underlying the transmission pipeline area are identified as Qvof that have a high paleontological sensitivity. The trenching for the pipeline could occur up to depths of 10.5 feet and could encounter paleontological resources in the Qvof alluvial fan sediments. As a result, the Project's impacts on paleontological resources would be potentially significant. EMWD would be required to implement Mitigation Measures GEO-1 through GEO-4, which involve professional paleontological oversight of construction activities, monitoring, and curation of resources, and would reduce impacts to a less than significant level. The proposed water storage tank would be located within the Mesozoic sediment that has a low potential to produce paleontological resources. As a result, impacts would be less than significant and no mitigation measures would be required.

Operation of the Project does not have the capacity to affect paleontological resources as there will be no excavation, grading, or other earthmoving activities involved that could potentially encounter paleontological resources. As such, no impact to paleontological resources would occur.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measure that will reduce Impact 3.6-3 to a less than significant level:

Mitigation Measure GEO-1: A qualified paleontologist meeting the SVP Standards (SVP 2010) (Qualified Paleontologist) shall be retained prior to the approval of demolition or grading permits to produce a Paleontological Resource Monitoring and Mitigation Plan for the Project. The Plan shall include monitoring specifications based on location and sediments within the Project Site and the type of ground disturbance planned for each portion of the alignment. The plan will also include mapping of the alignment to visually highlight the locations requiring monitoring. The plan will further identify locations for sediment sampling and procedures for communication and collection and recordation protocol of findings. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a regular basis, and shall report to the Project area in the event potential paleontological resources are encountered.

Mitigation Measure GEO-2: The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the Project area and the procedures to be followed if they are found. Documentation shall be retained by the

Qualified Paleontologist demonstrating that the appropriate construction personnel attended the training.

Mitigation Measure GEO-3: Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting the standards of the SVP 2010) under the direction of the Qualified Paleontologist within the Qvof alluvial fan sediments. Paleontological resources monitoring shall be conducted for all ground disturbing activities in previously undisturbed alluvial fan sediments as described and mapped in the monitoring and mitigation plan. Sediment samples shall be tested for the presence of microvertebrate fossils. However, depending on the conditions encountered, full-time monitoring within these sediments can be reduced to part-time inspections or ceased entirely if determined adequate by the Qualified Paleontologist. The Qualified Paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on his/her observations. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils or potential fossils. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries.

Mitigation Measure GEO-4: Any significant fossils collected during project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. The Qualified Paleontologist shall prepare a final monitoring and mitigation report for submittal to EMWD in order to document the results of the monitoring effort and any discoveries. If there are significant discoveries, fossil locality information and final disposition will be included with the final report which will be submitted to the appropriate repository and EMWD.

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*Impact 3.6-4: Concurrent construction and operation of the Proposed Project and related projects in the geographic scope could result in cumulative impacts to geology, soils, and paleontological resources.*

**Finding:** Concurrent construction and operation of the Project and Cumulative Project 1 Cimarron Ridge Development Project could result in cumulatively considerable impacts to geology and seismicity. The Cimarron Ridge Development Project would, similar to the Project be located within the Qvof deposits which has high paleontological sensitivity. It is possible that the Cimarron Ridge Development Project would result in the demolition or destruction of significant paleontological resources. The Project's contribution, when taken in combination with the contributions from the Cimarron Ridge Development Project, could combine together to create a significant cumulative impact. However, implementation of Mitigation Measures GEO-1 through GEO-4 would reduce impacts to a less than significant level. The Cimarron Ridge Development Project would also be required to implement a similar suite of mitigation measures to avoid significant impacts to paleontological resources (City of Menifee 2015). Therefore, the Project's cumulative contribution to paleontological resources would be less than cumulatively considerable with implementation of mitigation measures.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.6-4 to a less than significant level:

Mitigation Measures GEO-1 through GEO-4

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### **Hazards, Hazardous Materials, and Wildfire**

*Impact 3.8-3: The Proposed Project could expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.*

**Finding:** The proposed water storage tank, associated facilities, and portions of the proposed transmission pipeline would be located in areas with high risk of wildland fires that are designated as very high fire severity zones (FHSZs). The use of spark-producing construction machinery within these fire risk areas could create hazardous fire conditions and expose Project workers and contractors to wildfire risks, resulting in a potentially significant impact. However, EMWD would be required to implement Mitigation Measure HAZ-1, which would ensure fire hazard reduction measures are conducted during construction in areas designated as very high FHSZs to reduce the potential for wildfire impacts on people or structures to less than significant levels.

Operation-related temporary trips to the Project site would not place Project staff in an area of high wildland fire risk permanently. As a result, operational impacts would be less than significant.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measure that will reduce Impact 3.8-3 to a less than significant level:

Mitigation Measure HAZ-1: Implement Fire Hazard Reduction Measures. During construction of facilities located in areas designated high or very high fire hazard severity zone by CALFIRE, EMWD shall require that all staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other material that could ignite. Any construction equipment that includes a spark arrestor shall be equipped with a spark arrestor in good working order. During the construction of the Project facilities, contractors shall require all vehicles and crews to have access to functional fire extinguishers at all times. In addition, construction crews shall have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks.

*Impact 3.8-4: The Proposed Project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, or substantially impair an adopted emergency response plan or emergency evacuation plan within a very high fire severity zone or state responsibility area.*

**Finding:** The proposed stormwater drainage features and various portions of the proposed transmission pipeline would be implemented within the unpaved roadways of Sotelo Road and/or Our Way, and paved areas of Goetz Road, Thornton Avenue, and Murrieta Road. This construction activity could potentially block access to roadways and driveways for emergency vehicles. The construction-related impacts, although temporary, could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan in Local Responsibility Areas (LRA) and State Responsibility Areas (SRA), resulting in a potentially significant impact. EMWD would be required to implement Mitigation Measure TRA-1 that would require the preparation of a Traffic Control Plan with comprehensive strategies to reduce disruption to emergency access. Some of these strategies include signage, striping, flagging and delineated detours if/when roadways may be blocked. With implementation of Mitigation Measure TRA-1, potential significant impacts to emergency access and evacuation plans would be reduced to less than significant levels.

Operation of the Project facilities would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measure that will reduce Impact 3.8-4 to a less than significant level:

Mitigation Measure TRA-1: Prior to the start of construction, EMWD shall require the construction contractor to prepare and have approved a Traffic Control Plan. The Traffic Control Plan will show all signage, striping, delineated detours, flagging operations, and any other devices that will be used during construction to guide motorists, bicyclists, and pedestrians safely through the construction area and allow for adequate access and circulation to the satisfaction of the City of Perris, City of Menifee, and Riverside County, as applicable. The Traffic Control Plan shall be prepared in accordance with the City of Perris' and City of Menifee's traffic control guidelines and will be prepared to ensure that access will be maintained to individual properties, and that emergency access will not be restricted. Additionally, the Traffic Control Plan will ensure that congestion and traffic delays are not substantially increased as a result of the construction activities. Further, the Traffic Control Plan will include detours or alternative routes for bicyclists using on-street bicycle lanes as well as for pedestrians using adjacent sidewalks.

EMWD shall provide written notice at least two weeks prior to the start of construction to owners/occupants along streets to be affected during construction.

During construction, EMWD will maintain continuous vehicular and pedestrian access to any affected residential driveways from the public street to the private property line,

except where necessary construction precludes such continuous access for reasonable periods of time. Access will be reestablished at the end of the workday. If a driveway needs to be closed or interfered with as described above, EMWD shall notify the owner or occupant of the closure of the driveway at least five working days prior to the closure. The Traffic Control Plan shall include provisions to ensure that the construction of the Project does not interfere unnecessarily with the work of other agencies such as mail delivery, school buses, and municipal waste services.

EMWD shall also notify local emergency responders of any planned partial or full lane closures or blocked access to roadways or driveways required for project construction. Emergency responders include fire departments, police departments, and ambulances that have jurisdiction within the project area. Written notification and disclosure of lane closure location must be provided at least 30 days prior to the planned closure to allow emergency response providers adequate time to prepare for lane closures.

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*Impact 3.8-5: The Proposed Project could exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire within a very high fire severity zone or state responsibility area.*

**Finding:** The Project is located within an area designated as a very high FHSZ. The Project area does not contain steep slopes or valleys that would be susceptible to prevailing winds. However, during construction, the use of fuel for equipment could pose a risk of wildfire with possible ignition sources such as internal combustion engines, fuel-powered tools, and equipment that could produce a spark, fire, or flame. The use of spark-producing construction machinery within fire risk areas could expose temporary Project workers and contractors to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. EMWD would be required to implement Mitigation Measure HAZ-1, which would ensure fire hazard reduction measures are implemented during construction activities to further reduce the potential for wildfire impacts on Project workers and contractors to a less than significant level.

The Project does not involve permanent workers or occupants at the Project site, therefore, no Project occupants would be exposed to pollutant concentrations from wildfire. Impacts would be less than significant.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measure that will reduce Impact 3.8-5 to a less than significant level:

Implement Mitigation Measure HAZ-1.

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*Impact 3.8-8: Concurrent construction and operation of the Proposed Project and related projects in the geographic scope could result in cumulative short-term and long-term impacts to hazards, hazardous materials, and wildfires.*

**Finding:** Concurrent construction and operation of the Project and Cumulative Project 1 Cimarron Ridge Development Project could result in cumulatively considerable impacts to hazards, hazardous materials, and wildfire. Cumulative Project 1 Cimarron Ridge Development Project has the potential to adversely affect emergency access routes during construction, and would be required to implement a mitigation measure similar to Mitigation Measure TRA-1 that would implement a traffic control plan to prevent interfering with emergency access. Additionally, Cumulative Project 1 would be located within a very high FHSZ and would be required to implement fire reduction building techniques and design to reduce potential impacts regarding wildland fires. If necessary, Cumulative Project 1 would also be required to implement a mitigation measure similar to Mitigation Measure HAZ-1 to reduce the risk of wildfires. Therefore, cumulative projects are not expected to result in significant impacts regarding hazards, hazardous materials, and wildfires with the implementation of similar mitigation. Cumulative development, including Cumulative Project 1 immediately adjacent to the Project site, in conjunction with implementation of the Project, would not contribute incrementally to cumulative impacts on hazards, hazardous materials and wildfire. With implementation of mitigation measures, impacts would be less than significant.

**Facts in support of Finding:** EMWD has adopted and will implement the following mitigation measures that will reduce Impact 3.8-8 to a less than significant level:

Implement Mitigation Measure TRA-1 and HAZ-1.

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## **Traffic and Transportation**

*Impact 3.12-1: The Proposed Project could conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.*

**Finding:** Construction of the Project would temporarily generate an average of approximately 8 additional daily truck trips, 20 vehicle trips, and a handful of vendor trips which would not substantially increase traffic levels above baseline daily traffic loads. While construction of the water storage tank and transmission pipeline would not significantly increase the number of vehicles on the local and regional circulation systems, construction of the transmission pipeline and drainage facilities would require partial closure of traffic lanes, which may include closures of portions of Goetz Road, Thornton Avenue, Murrieta Road, Sotelo Road, and Our Way. As a result, construction activities within roadways could potentially impact the performance of applicable roadways and alternative transportation methods, resulting in a potentially significant impact. EMWD would be required to implement Mitigation Measure TRA-1, which would include the preparation and implementation of a Traffic Control Plan that would reduce any potential impacts to alternative transportation to less than significant. The Traffic Control Plan would include traffic control measures to guide motorists, bicyclists, and pedestrians safely through the construction area and allow for adequate access and circulation to the satisfaction of the cities of Perris and Menifee. With implementation of Mitigation Measure TRA-1, impacts would be reduced to a less than significant level.

Operation of the Project would involve minimal trips. As a result, the effects on the surrounding circulation system would be negligible.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measure that will reduce Impact 3.12-1 to a less than significant level:

Implement Mitigation Measure TRA-1.

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*Impact 3.12-3: The Proposed Project could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).*

**Finding:** Construction of the water storage tank and transmission pipeline would require partial road closures, which would result in hazardous driving conditions constituting a potentially significant impact. However, implementation of Mitigation Measure TRA-1 would require the preparation and implementation of a Traffic Control Plan to minimize the effects on roadway safety. Therefore, construction of the Project would not result in a hazardous design feature within the Project area. Impacts during construction would be less than significant with mitigation.

Operation of the Project would not require heavy equipment, nor would it impact existing intersections or roadways and as such would not result in a hazardous design feature. As a result, impacts during operation of the Project would be less than significant.



**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measure that will reduce Impact 3.12-3 to a less than significant level:

Implement Mitigation Measure TRA-1.

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*Impact 3.12-4: The Proposed Project could result in inadequate emergency access.*

**Finding:** While construction of the Project would not significantly increase the amount of trucks and vehicles on the local and regional circulation systems, construction activities within roadways would require partial road closures, which could interfere with emergency access and could result in a potentially significant impact. In order to reduce impacts to emergency access during construction of the Project, EMWD would be required to implement Mitigation Measure TRA-1 which would require the preparation and implementation of a Traffic Control Plan. The Traffic Control Plan would include, but would not be limited to, signage, striping, delineated detours, flagging operations, changeable message signs, delineators, arrow boards, and K-Rails that will be used during construction to guide motorists, bicyclists, and pedestrians safely through the construction area and allow for adequate emergency access and circulation to the satisfaction of the cities of Perris and Menifee. The Traffic Control Plan would be coordinated with Riverside County, as necessary, as well as with emergency responders, which include fire departments, police departments, and ambulances that have jurisdiction within the Project area. The mitigation measure also requires that EMWD notify emergency responders of proposed partial or full lane closures at least 30 days prior to impacts. With implementation of Mitigation Measure TRA-1, impacts would be less than significant.

While Project-related operational activities would generate additional truck trips on the surrounding local and regional circulation system, the number of truck trips during operation would be minimal and would occur on a limited number of days throughout the year and would not interfere with emergency access. Thus, impacts to emergency access during operation would be less than significant.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measure that will reduce Impact 3.12-4 to a less than significant level:

Implement Mitigation Measure TRA-1.

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*Impact 3.12-5: Concurrent construction of the Proposed Project and related projects in the geographic scope could result in cumulative short-term impacts to traffic and transportation.*

**Finding:** Concurrent construction and operation of the Project and Cumulative Projects 1, 8 and 9, which are residential subdivisions consisting of 756, 637 and 65 houses/lots, could result in cumulatively considerable impacts to traffic and transportation. The permanent increase in daily trips associated with new large-scale residential development (Cumulative Projects 1, 8 and 9) are part of the planned growth within the City of Menifee and would not be expected to increase

stress on traffic systems and transportation routes that would reduce the effectiveness of the circulation system. Construction of the Project, along with the identified related projects in the geographic scope, could affect traffic and circulation in the region. These projects could be constructed simultaneously in areas proximate to, or overlapping geographically with the Project, most notably the Cimarron Ridge Development Project (Cumulative Project 1). This project has the potential to result in a cumulative impact to traffic, particularly since the proposed pipelines would involve construction activities within roadways and public rights-of-way. As required by Mitigation Measure TRA-1, EMWD would implement a Traffic Control Plan for the Project as necessary to reduce construction-related effects of the Project to less than significant levels. The Traffic Control Plan would also take into consideration the effects other construction activities occurring simultaneously in the same geographic area. Mitigation Measure TRA-1 would require EMWD to coordinate all construction activities with emergency service providers to ensure adequate access to emergency services is maintained during construction. While the Cimarron Ridge Development Project could potentially overlap with the Project construction, the proposed area for the Cimarron Ridge Development Project is undeveloped and does not include roadways. As a result, the Project's incremental contribution to traffic and transportation would not be cumulatively considerable with implementation of mitigation measures.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measure that will reduce Impact 3.12-5 to a less than significant level:

Implement Mitigation Measure TRA-1.

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#### 4. Findings Regarding Significant and Unavoidable Impacts

EMWD makes the Findings below in accordance with CEQA Guidelines, Section 15091, subd. (a)(1): Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment.

#### Noise

*Impact 3.11-1: The Proposed Project could have a significant impact if it would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.*

**Finding:** During Project construction, nearby offsite sensitive receptors would be exposed to increased exterior noise levels. In the City of Perris, the maximum construction noise levels associated with construction of the water storage tank would range from approximately 78 dBA  $L_{eq}$  to 106 dBA  $L_{eq}$  at nearby residential property boundaries. Construction noise at sensitive receptor property boundaries within the City of Perris would exceed 80 dBA, which is the City's daytime noise standard, resulting in a potentially significant impact. EMWD would be required to implement Mitigation Measures NOISE-1 through NOISE-3 for all construction activities at the proposed water storage tank site, which involve noise barriers and BMPs. With implementation of Mitigation Measures NOISE-1 through NOISE-3, the temporary increase in

ambient noise levels would be reduced but would still exceed the daytime noise standards for the sensitive receptor to the north of the water storage tank. Thus, construction noise impacts would be significant and unavoidable for the receptor to the north. Blasting could be used at the storage tank site to clear bedrock material at depths greater than 10 feet bgs. With implementation of Mitigation Measures NOISE-1 through NOISE-3, the impacts from blasting noise would be reduced to a less than significant level. For operation, noise levels would not contribute to a significant permanent increase in noise. Impacts would be less than significant.

In the City of Menifee, construction of the transmission pipeline would occur in segments, with construction crews moving along the transmission pipeline alignment in segments. The maximum construction noise level associated with construction of the transmission pipeline would range from 83 to 90 dBA  $L_{eq}$  at adjacent residences that are 25 feet from the transmission pipeline construction, on a temporary basis depending on the specific transmission pipeline construction activity being conducted near adjacent residences. The City of Menifee has not established an upper noise limit for construction activity, as long as the construction activity occurs within the permitted hours. The Project facilities would be constructed within the City of Menifee's allowable hours of construction as regulated in Chapter 8.01 of the Menifee Municipal Code. Therefore, construction noise impacts in the City of Menifee would be less than significant. Nevertheless, construction of the Project would implement Mitigation Measures NOISE-2 and NOISE-3, as previously discussed, which require notification of upcoming construction work, an onsite noise complaint manager, and BMPs to reduce construction noise, which would reduce noise levels within and surrounding the Project. With implementation of these mitigation measures, temporary increases in ambient levels would be minimized within the City of Menifee. For operation, there is no new noise-generating equipment associated with the water transmission pipeline and impacts would be less than significant.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measures; however, they will not reduce significant Impact 3.11-1 to a less than significant level; impacts remain significant and unavoidable after implementation of mitigation measures:

Mitigation Measure NOISE-1: The following mitigation measures are recommended to minimize the noise impacts near the water storage tank site:

- For water storage tank construction activities, the contractor shall provide a minimum 8-foot-tall temporary noise barrier around the tank site between the adjacent receivers to the north, west, and south with a performance standard of achieving a minimum 10 dBA noise level reduction at the residential receptors to the north, south, and west.
- Notice should be sent out to residences within 1,000 feet of the water storage tank site at least 10 days prior to the occurrence of blasting.

Mitigation Measure NOISE-2: In coordination with the City of Perris and City of Menifee, construction contractors shall implement the following:

- Signs shall be posted at the construction sites that include permitted construction days and hours, a day and evening contact number for the job site, and an EMWD contact number in the event of problems.
- An on-site complaint and enforcement manager shall respond to and track complaints and questions related to noise.

Mitigation Measure NOISE-3: To reduce noise impacts due to construction, EMWD shall require construction contractors to implement the following BMP measures:

- During construction, the contractor shall outfit all equipment, fixed or mobile, with properly operating and maintained exhaust and intake mufflers, consistent with manufacturers' standards.
- Impact tools (e.g., jack hammers, pavement breakers) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. External jackets on the tools themselves shall be used where feasible.
- Stationary noise sources that could affect adjacent receptors shall be located as far from adjacent receptors as possible.

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*Impact 3.11-2: The Proposed Project could have a significant impact if it would generate excessive ground-borne vibration or ground-borne noise levels.*

**Finding:** In the City of Perris, blasting activities could be used to clear bedrock material at depths greater than 10 feet bgs for construction of the storage tank site. While blasting vibration would be up to 1.0 in/sec PPV, which would not exceed the 1 in/sec PPV damage threshold for new residential buildings, the instantaneous vibration event may exceed the 80 VdB threshold for human annoyance response. A blast typically lasts less than three seconds and would occur infrequently on a non-continuous basis and would only occur during daytime hours per City of Perris Municipal Code Section 7.34.060. Because blasting cannot be eliminated as an option and there are no feasible mitigation measures that could be implemented to reduce the temporary vibration impacts from blasting associated with human annoyance, blasting would result in a short-term significant and unavoidable impact with respect to human annoyance response.

In the City of Menifee, vibration may be generated along the transmission pipeline route from haul trucks that would travel on major arterials and would generally be 25 feet or more from surrounding residential structures. For those few residential structures along Thornton Avenue located approximately 25 feet from the transmission pipeline, the vibration level would be up to 0.076 in/sec PPV and 86 VdB from loaded haul trucks, which would not exceed the threshold of 0.2 in/sec PPV for structural impacts due to non-transient vibrations from construction equipment but would exceed the 80 VdB threshold for human annoyance response, albeit for

very short-term durations associated with haul trucks driving past. Nonetheless, because construction work and the use of haul trucks would be required on Thornton Avenue in order to construct the Project, the vibration impacts for temporary and short-term human annoyance would be significant and unavoidable. Potential mitigation measures to reduce vibration impacts from on-site construction activities with respect to human annoyance include the installation of a wave barrier, which is typically a trench or a thin wall made of sheet piles installed in the ground (essentially a subterranean sound barrier to reduce noise). However, wave barriers must be very deep and long to be effective and are not considered feasible for temporary applications, such as the Project construction (Caltrans 2013). Per Caltrans, the wave barrier would need to be at least two-thirds of the seismic wavelength and the length of the barrier must be at least one wavelength (typical wavelength can be up to 500 feet). In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate ground-borne vibration from the excavation equipment. Thus, it is concluded that there are no feasible mitigation measures that could be implemented to reduce the temporary vibration impacts from on-site construction associated with human annoyance. Therefore, vibration from construction equipment would result in a short-term significant and unavoidable impact with respect to human annoyance response.

Operation of the Project would not involve any equipment that would cause high levels of vibration and much of the Project will consist of subterranean transmission pipelines that would not cause discernible vibration above ambient levels. Therefore, operation-related vibration would be less than significant.

**Facts in Support of Finding:** EMWD has concluded there are no feasible mitigation measures that could be implemented to reduce the temporary vibration impacts from on-site construction associated with human annoyance. Significant Impact 3.11-2 is not able to be reduced to a less than significant level and will remain significant and unavoidable.

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*Impact 3.11-3: Concurrent construction and operation of the Proposed Project and related projects in the geographic scope could result in cumulative impacts to noise and vibration.*

**Finding:** Concurrent construction and operation of the Project and Cumulative Project 1 Cimarron Ridge Development Project could result in cumulatively considerable impacts to noise and vibration. The Cimarron Ridge Development Project on the east side of Goetz Road may have overlapping construction access routes and affect residential uses to the north, west, and south of the Project site. Since noise levels attenuate at a rate of 6 dBA per doubling of distance from the source, construction of the Project and the Cimarron Ridge Development Project, even occurring at the same time, would not affect the same receiver with the same level of noise intensity. When considering distance attenuation, noise receivers that are affected by construction noise from the Project and the Cimarron Ridge Development Project would experience at most a 1 dBA increase on top of the worst case construction noise level the receiver would be exposed to compared to construction of one of the projects. Each project is required to comply with the requirements identified in the Municipal Code noise ordinance of the city or jurisdiction in which it is located. Nonetheless, given that the Project would result in a significant and unavoidable impact for construction noise occurring in the City of Perris, even

when considering the minor increase in noise level from the combined Project and the Cimarron Ridge Development Project, the resulting cumulative noise level would result in a cumulatively significant impact and the noise levels would be cumulatively considerable. Mitigation measures NOISE-1 through NOISE-3 would be required. Even with implementation of NOISE-1 through NOISE-3, impacts would be significant and unavoidable.

**Facts in Support of Finding:** EMWD has adopted and will implement the following mitigation measures; however, they will not reduce significant Impact 3.11-3 to a less than significant level. Impact 3.11-3 remains significant and unavoidable after implementation of mitigation measures:

Implement Mitigation Measures NOISE-1 through NOISE-3.

#### **F. Findings Regarding Alternatives**

CEQA requires that an EIR describe and evaluate a reasonable range of feasible alternatives to a project, or to the location of a project, that would attain most of the project objectives and avoid or substantially lessen significant project impacts. The alternatives analysis must also include the “No Project Alternative” as a point of comparison. The No Project Alternative includes existing conditions and reasonably foreseeable future conditions that would exist if the project were not approved (CEQA Guidelines Section 15126.6(e)). Alternatives considered in an EIR need to attain most of the project objectives in order to be considered feasible per CEQA Guidelines Section 15126.6(f).

EMWD’s consideration of a broad range of alternatives to the Project is described below. Alternatives that were considered but found to be infeasible are described first. Second, the alternatives evaluated in the EIR are described and their associated environmental impacts are summarized. The reasoning behind rejection of each of the evaluated alternatives is provided.

##### 1. Alternatives Considered and Dismissed from Further Consideration

CEQA Guidelines Section 15126.6(c) provides that an EIR “should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination.” Since 2017, EMWD conducted extensive siting studies to evaluate alternative locations to the Project water storage tank on Goetz Road. The *1627 Zone Tank Siting Study* prepared by Albert A. Webb Associates (2017) took into consideration a variety of constraints including buildable space, hydraulics, grading, and topography. The following discussion describes two alternatives that were considered but not evaluated in detail in the EIR.

##### a. Sun City Tank Alternative

The Sun City Tank Alternative would involve construction of one storage tank on the existing EMWD Sun City tank site in the City of Menifee. The site is located on top of a small hill adjacent to residences just west of Interstate 215 north of El Rancho Road, and would require approximately 9,900 feet of transmission pipeline. The Sun City Tank Alternative would involve similar aesthetic impacts as the Project given the adjacent development and proximity to local rights-of-way. The Sun City Tank Alternative would involve construction noise impacts that would likely be significant for the homes within 20 feet of the access road due to regular truck

trips and material hauling. In this respect, the Sun City Tank Alternative would not avoid significant and unavoidable noise and vibration impacts of the Project.

The Sun City Tank Alternative would meet most of the Project objectives because it would correct existing deficiencies in the 1627 pressure zone and provide additional storage volume. The alternative would not meet Project objectives of achieving the shortest possible pipeline length, since pipeline construction would equal approximately 9,900 feet (compared to 5,490 feet for the Project). Additionally, hydraulic analysis indicates the Sun City Tank Alternative is least preferred to the storage tank on Goetz Road that is part of the Project (West Yost Associates 2018). Because of these reasons, EMWD has determined that the Sun City Tank Alternative is not a feasible alternative to the Project, and the alternative was rejected from further consideration in this EIR.

b. Holland Road Tank Alternative

The Holland Road Tank Alternative would involve construction and operation of one or two storage tanks located northeast of the intersection of Holland Road and Murrieta Road in the City of Menifee. The site would be located to the west of an existing knoll adjacent to rural development and would require approximately 18,600 feet of transmission pipeline. The Holland Road Tank Alternative would involve similar aesthetic impacts as the Project given the adjacent development and proximity to local rights-of-way. The alternative would be located adjacent to a proposed open space area associated with the Pacific Mayfield project, and may negatively alter the scenic views associated with that project. Similar to the Project, the Holland Road Tank Alternative would be installed adjacent to rural residential properties and would likely result in similar noise and vibration impacts as the proposed water storage tank site on Goetz Road. As a result, the Holland Road Tank Alternative would not avoid significant and unavoidable noise and vibration impacts of the Project.

The Holland Road Tank Alternative would meet most of the Project objectives because it would correct existing deficiencies in the 1627 pressure zone and provide additional storage volume. The alternative would not meet Project objectives of achieving the shortest possible pipeline length, since pipeline construction would equal approximately 18,600 feet (compared to 5,490 feet for the Project). While the site topography could allow either one larger or two smaller sized tanks at the site, significant rock outcroppings existing on the site would make grading difficult at this location. Additionally, the Holland Road Tank Alternative is the furthest south of the alternatives evaluated, and as a result has the lowest operating range due to the distance from principal water supply sources in the northern part of the system (West Yost Associates 2018). Because of these reasons, EMWD has determined that the Holland Road Tank Alternative is not a feasible alternative to the Project, and the alternative was rejected from further consideration in this EIR.

2. Alternatives Considered in the EIR

Section 15126.6(e) of the CEQA Guidelines requires that an EIR include analysis of a “no project” alternative. Based on the “rule of reason” governance in the CEQA Guidelines, an EIR is only required to “set forth only those alternatives necessary to permit a reasoned choice.” (CEQA Guidelines Section 15126.6(f). The following discussion describes the two alternatives evaluated in detail in this EIR.

a. Alternative 1: No-Project Alternative

Under the No Project Alternative, EMWD would not construct a new 8 MG water storage tank and associated transmission pipeline. The vacant land proposed for the water storage tank would remain undeveloped and the rights-of-ways and undeveloped land would not be impacted by construction of the transmission pipeline. The No Project Alternative would avoid each of the significant impacts of the Project but would not meet any of the project objectives. If the No Project Alternative were implemented, additional storage volume for existing and planned development in the Central West Area of the 1627 pressure zone would not occur. Additional benefits of the Project, which include improved operating conditions in the 1627 pressure zone, would not occur if the No Project Alternative were implemented.

3. McLaughlin Avenue Pipeline Alternative

The McLaughlin Avenue Pipeline Alternative would involve use of a different transmission pipeline alignment to connect the proposed water storage tank at Goetz Road to the 1627 pressure zone along Murrieta Road. Instead of being installed within Thornton Avenue, the pipeline would travel north from the proposed water storage tank site along Goetz Road, and east along McLaughlin Road until the terminus within Murrieta Road. The alternative alignment would be approximately 8,950 feet long, approximately 3,460 feet longer than the Project alignment. The 2019 Habitat Assessment (Draft EIR Appendix BIO) and 2019 Cultural Resources Assessment (Draft EIR Appendix CUL) prepared for the Project include a full analysis of the McLaughlin Avenue Pipeline Alternative. The McLaughlin Avenue Pipeline Alternative would result in greater impacts to certain resources topics, and also would not avoid the significant and unavoidable impacts to noise and vibration associated with the Project.

The McLaughlin Avenue Pipeline Alternative would meet most of the Project objectives. The alternative would address existing deficiencies in the 1627 pressure zone and would provide additional water storage for existing and planned developments in the area. The alternative would also meet the objective of implementing one storage tank on one site. However, the McLaughlin Avenue Pipeline Alternative would not meet the objective of achieving the shortest possible length of pipeline to connect the proposed tank to the existing 1627 pressure zone.

4. The Environmentally Superior Alternative

Section 15126.6(e) of the CEQA Guidelines requires the lead agency to identify which of the alternatives other than the no-project alternative is environmentally superior. The McLaughlin Avenue Pipeline Alternative would result in overall greater environmental impacts than the Project. The McLaughlin Avenue Pipeline Alternative would not avoid the significant and unavoidable impact of the Project on temporary noise and vibration since the same water storage tank would be built under both alternatives. For this reason, the Project is considered the environmentally superior alternative.

**G. Additional Findings**

1. Certification of the EIR

In accordance with CEQA, EMWD and its Board of Directors have considered the effects of the Project on the environment, as shown in the Draft EIR, Final EIR, and the whole of the



administrative record, prior to taking any action to approve the Project. As required by Section 15088(b) of the CEQA Guidelines, EMWD provided the Final EIR, which includes written responses to all comments, to commenters ten days in advance of the meeting at which the Board of Directors will consider certification of the EIR and approval of the Project. The Board of Directors has reviewed and considered the Draft EIR and Final EIR and the information relating to the environmental impacts of the Project contained in those documents and certifies that the EIR has been prepared and completed in compliance with CEQA. By adopting these Findings, the Board of Directors ratifies and adopts the conclusions of the Final EIR as set forth in these Findings. The Final EIR and these Findings represent the independent judgment and analysis of the Board of Directors.

2. Changes to the DEIR; No Need to Recirculate

No changes to the Draft EIR have been made since publication of the Draft EIR. As a result, there have been no modifications to the text of the Draft EIR to reveal the existence of: (1) a new significant environmental impact that would result either from changes to the Project or the need for an additional mitigation measure; (2) a substantial increase in the severity of an environmental impact; (3) a feasible project alternative or mitigation measure not adopted that is considerably different from others analyzed in the Draft EIR that would clearly lessen the significant environmental impacts of the Project; or (4) information that indicates that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. No significant new information has been generated by EMWD related to the Project within the meaning of Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5. Recirculation of the Draft EIR or any portion thereof, is therefore not required.

3. Evidentiary Basis for Findings

These Findings are based upon substantial evidence in the entire record before EMWD. The references to the Draft EIR and Final EIR set forth in these Findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these Findings.

**H. Adoption of Mitigation Measures and Mitigation Monitoring and Reporting Program**

1. Mitigation Measures Adopted

Except as otherwise noted, the mitigation measures herein referenced are those identified in the Final EIR and adopted by EMWD as set forth in the MMRP.

2. Impact After Implementation of Mitigation Measures.

Except as otherwise stated in these Findings, in accordance with CEQA Guidelines Section 15092, EMWD finds that most environmental effects of the Project will not be significant or will be mitigated to a less than significant level by the adopted mitigation measures. EMWD has substantially lessened or eliminated all significant environmental effects where feasible. For the Project, EMWD has determined that any remaining significant effects on the environment that are found to be unavoidable under CEQA Guidelines Section 15091 are acceptable due to overriding considerations as described in CEQA Guidelines Section 15093. These overriding considerations consist of specific environmental, economic, legal, social, technological, and

other benefits of the Project, which justify approval of the Project and outweigh the unavoidable adverse environmental effects of the Project, as more fully stated in Section II (Statement of Overriding Considerations). Except as otherwise stated in these Findings, EMWD finds that the mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not analyzed in the EIR.

3. Relationship of Findings and MMRP to the FEIR

These Findings and the MMRP are intended to summarize and describe the contents and conclusions of the Draft EIR and Final EIR for policymakers and the public. For purposes of clarity, these impacts and mitigation measures may be worded differently from the provisions in the Final EIR and/or some provisions may be combined. Nonetheless, EMWD will implement all measures contained in the Final EIR. In the event that there is any inconsistency between the descriptions of mitigation measures in these Findings or the MMRP and the Final EIR, EMWD will implement the measures as they are described in the Final EIR. In the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from these Findings or from the MMRP, such a mitigation measure is hereby adopted and incorporated in the Findings and/or MMRP as applicable.

## **II. STATEMENT OF OVERRIDING CONSIDERATIONS**

CEQA requires that a public agency balance the benefits of a project against its unavoidable environmental risks in determining whether to approve the project, and authorizes a public agency to approve a project with significant and unavoidable environmental impacts if it concludes that such impacts are acceptable because they are outweighed by the benefits of the project. In making this determination, EMWD follows CEQA Guidelines Section 15093, which provides as follows:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Consistent with these guidelines and the California Public Resources Code Section 21081(b), EMWD has made a good-faith effort to eliminate, minimize, and render less than significant all potentially significant adverse impacts that may result from implementation of the Project through the adoption of feasible mitigation measures. Despite this effort, EMWD concludes that the Project is likely to result in significant and unavoidable impacts to noise and vibration during construction of Project components. However, after considering the Project and the entire administrative record and weighing the Project’s benefits against its potential environmental impacts, EMWD concludes that the benefits of the Project outweigh its potential significant and unavoidable adverse environmental impacts.

EMWD recognizes the importance of correcting existing operational deficiencies and providing additional storage volume for existing and planned development in the 1627 pressure zone. The Project would relieve existing operational deficiencies and allow for existing and planned development by providing adequate water storage. The Project would involve a suite of mitigation measures to reduce impacts during construction to noise impacts; however, there are no feasible mitigation measures available to reduce vibration impacts during construction. While these Project impacts cannot be reduced to a level of less than significance, the Project specifically balances the needs for EMWD to operate a fully functioning water system and the need to protect the environment of Southern California to the greatest extent feasible.

## **A. Impacts of the Project and Associated Mitigation Measures**

As described in Section E.4 above, the EIR identified the following significant and unavoidable impacts associated with the Project:

- Impact 3.11-1: The Proposed Project could have a significant impact if it would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Impact 3.11-2: The Proposed Project could have a significant impact if it would generate excessive ground-borne vibration or ground-borne noise levels.
- Impact 3.11-3: Concurrent construction and operation of the Proposed Project and related projects in the geographic scope could result in cumulative impacts to noise and vibration.

For the Project, Mitigation Measures NOISE-1 through NOISE-3 were incorporated into the EIR and the MMRP demonstrate a commitment by EMWD to avoid, minimize, and compensate for these environmental impacts. However, even after implementation of mitigation measures, these three impacts remain significant and unavoidable impacts of the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project.

## **B. Benefits of the Project**

CEQA requires the lead agency to balance the benefits of a project against its unavoidable environmental risks in determining whether to approve a project. EMWD finds that each of the following technological, social and other benefits of the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project supports the overriding of the significant impacts identified above.

- Implementation of the Project would relieve existing deficiencies in the 1627 pressure zone including hydraulic deficiencies, low pressure, deficient storage, and pumping capacities.
- Implementation of the Project would provide additional storage volume for existing and planned development in the Central West Area of the 1627 pressure zone.
- Implementation of the Project would achieve the shortest possible length of pipeline to connect the proposed water storage tank to the existing 1627 pressure zone in order to reduce water quality issues and hydraulic concerns.

## **C. Conclusion**

EMWD acknowledges that despite all feasible mitigation measures, approval of the Goetz Road Potable Water Storage Tank and Transmission Pipeline Project will result in a temporary significant adverse and unavoidable impacts to noise and vibration during construction.

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However, for the foregoing reasons and based on the EIR and the entire administrative record, EMWD hereby determines that when the impacts are balanced against the Project's specific benefits, on the whole the benefits of the Project outweigh the impacts and warrant approval of the Project. While certain Project impacts cannot be reduced to a level of less than significance, the Project specifically balances the needs for EMWD to operate a fully functioning water system and the need to protect the environment of Southern California to the greatest extent feasible.

EMWD further finds that each of the overriding considerations set forth above constitutes a separate and independent basis for finding that the benefits of the Project outweigh the unavoidable adverse environmental effects, and warrants approval of the Project.