SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS
COUNTRY OF RIVERSIDE, STATE OF CALIFORNIA

MEETING DATE:
Tuesday, June 20, 2017

FROM: FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Santa Ana River Mainstem – Below Prado BNSF Railroad Bridge Protection Project, Project No. 2-0-00105, Resolution No. F2017-13 Consideration and Acceptance of CEQA Addenda as a Responsible Agency; Authorization of the Purchase of Temporary Construction License and Easement Interests in Property located in the City of Corona, County of Riverside, Assessor’s Parcel Number 101-130-080; Approval of Construction and Maintenance Agreement and Easement Agreement; District 2 [$3,318,766]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the environmental effects of the purchase of easement interests in real property will not have a significant impact on the environment and nothing further is required because any potential significant effects have been adequately analyzed and addressed in previously adopted environmental documents, as such environmental documents further described and defined as the "Documents" in Resolution No. F2017-13, prepared by the County of Orange, as lead agency for CEQA, and the US Army Corps of Engineers for NEPA; and

2. Adopt Resolution No. F2017-13 Consideration and Acceptance of CEQA Addenda as a Responsible Agency and Issuing Certain Limited Approvals for the Santa Ana River Mainstem Project by Authorizing the Purchase of a Temporary Construction License and Easement Interests in Real Property located in the City of Corona, County of Riverside, Assessor's Parcel Number 101-130-080; and

3. Approve the attached Construction and Maintenance Agreement and Easement Agreement between the District and the BNSF Railway Company which includes the terms for construction, maintenance of bridge pier and abutment improvements, monitoring, access and acquisition of temporary construction license and easement interest; and

4. Authorize the Chairman of the District to execute both the Construction and Maintenance Agreement and Easement Agreement on behalf of the District; and

5. Authorize the General Manager-Chief Engineer, or his designee, to execute any other related documents and to administer all actions necessary to complete this transaction; and

6. Direct the Clerk of the Board to file the Notice of Determination with the County Clerk and the State Office of Planning and Research for filing within five (5) days of the approval of this acquisition.

ACTION: Policy
CE.O. RECOMMENDATION: APPROVE

BACKGROUND:

Summary
The District, in conjunction with the U.S. Army Corps of Engineers ("USACE"), has been constructing flood control improvements downstream of the Prado Dam which was raised to protect the Green River area of Corona, thereby preventing flooding and damage to homes, and State Highway 91. In addition to the levee improvements which have been contracted, BNSF currently has a bridge with pier structures located in the Santa Ana River which need additional protection.

USACE has designed the proposed improvements and designated the real property necessary for the project. The District has reviewed and approved the improvement plans, the maintenance plans and the right of way for acquisition. The acquisition of the subject properties consists of the purchase of temporary construction license and easement interests in real property within Assessor’s Parcel Number 101-130-080 owned by BNSF Railway Company. The owners are willing sellers and are in agreement to grant the right of way interest to the District for the fair market value of $242,722 to construct and implement a certain limited part of the SARM.

The District, as a CEQA responsible agency, and pursuant to certain cooperative agreements with the USACE would acquire real property interests over time to implement portions of the SARM. CEQA Guidelines Section 15096, requires the District, as a responsible agency, to consider the environmental documents prepared by the lead agency. As indicated in Resolution No. F2017-13, the District in its limited role as a responsible agency under CEQA has received, reviewed, and considered the information contained in the 2015 Addendum and 2017 Addendum to the 2001 Prado Basin and Vicinity, Including Reach 9 and Stabilization of the Bluff Toe at Norco Bluffs Supplemental Final Environmental Impact Statement/Environmental Impact Report as prepared by the Army Corps of Engineers and County of Orange. The Acquisition Project is within the scope of the 2015 Addendum and 2017 Addendum, and taken together, the environmental effects of the Acquisition Project have been adequately addressed and none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR have occurred.
District staff is recommending the adoption of Resolution No. F2017-13 to consider CEQA Addenda as a responsible agency and authorize the purchase of a temporary construction license and easement interests in real property. It is further recommended to approve both the Construction and Maintenance Agreement and the Easement Agreement between the District and BNSF Railway Company which includes the terms of construction, maintenance of bridge pier and abutment improvements, monitoring access and acquisition of real property interests, in order for the District to implement this portion of the Santa Ana River Mainstem Project ("SARM").

The attached Resolution No. F2017-13, the Construction and Maintenance Agreement and the Easement Agreement have been approved as to form by County Counsel.

**Impact on Residents and Businesses**

No impact.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

Pursuant to the terms of the Construction and Maintenance Agreement, while construction is taking place on BNSF’s property, BNSF will require staff onsite to inspect all construction and protect BNSF’s interest. These services include railroad flagging and engineering inspection/plan review for the anticipated 4 years of construction. BNSF shall provide all the necessary labor, materials, tool and equipment required. BNSF has provided an estimate of the cost for these service to be $3,076,044 detailed in Exhibit D of the CMA. BNSF will send the District progressive invoices detailing the costs during construction period.

**ATTACHMENTS:**

2. 2015 CEQA Addenda to the 2001 Prado Basin and Vicinity, Including Reach 9 and Stabilization of the Bluff Toe at Norco Bluffs Supplemental
4. Resolution No. F2017-13
5. Vicinity Map
6. Construction and Maintenance Agreement and Easement Agreement between District and BNSF Railway Company
7. Authorization to Bill, OCFCD NOD, CDFW Filing Receipt, RCFC NOD, Attachment