



FEMA

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

San Timoteo Foothill Neighborhood Flood Protection Project

City of Moreno Valley, California

FEMA-1810-DR-CA

HMGP 1810-13-13

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Federal Emergency Management Agency
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Appendix A Historic Properties/SHPO Correspondence

Acronyms and Abbreviations

APE	area of potential effect
BMPs	best management practices
CAAQS	California Ambient Air Quality Standards
CalEMA	California Emergency Management Agency
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
cfs	cubic feet per second
CNDDDB	California Natural Diversity Database
CO	carbon monoxide
CWA	Clean Water Act
EO	Executive Order
ESA	Endangered Species Act
FC	Federal Candidate Species
FE	Federal Endangered Species
FEMA	Federal Emergency Management Agency
FT	Federal Threatened Species
GCR	General Conformity Rule
HMGP	Hazard Mitigation Grant Program
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NO ₂	nitrogen dioxide
NO _x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
O ₃	ozone
PA	Programmatic Agreement
PEA	Programmatic Environmental Assessment
PM _{2.5}	particulate matter less than or equal to 2.5 micrometers in diameter
PM ₁₀	particulate matter less than or equal to 10 micrometers in diameter
RCP	reinforced concrete pipe
SIP	State Implementation Plan
SCAQMD	South Coast Air Quality Management District
SEA	Supplemental Environmental Assessment
SHPO	State Historic Preservation Officer
SO ₂	sulfur dioxide
SWPPP	storm water pollution and prevention plan
USFWS	U.S. Fish and Wildlife Service
VOCs	volatile organic compounds

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Supplemental Environmental Assessment to the Final Programmatic Environmental Assessment for Typical Recurring Actions Resulting from Flood, Earthquake, Fire, Rain, and Wind Disasters in California

**City of Moreno Valley
San Timoteo Foothill Neighborhood Flood Protection Project
FEMA-1810-DR-CA
June 2013**

1. Introduction

Under the Hazard Mitigation Grant Program (HMGP) of the Federal Emergency Management Agency (FEMA), the City of Moreno Valley has applied to the California Emergency Management Agency (CalEMA) for FEMA funds to construct a storm drain system within the San Timoteo Foothill Neighborhood in the northeastern portion of the City of Moreno Valley. To qualify for FEMA funding, the proposed project requires environmental review by FEMA.

1.1 Scope of Document

In 2003, FEMA prepared a Final Programmatic Environmental Assessment for Typical Recurring Actions Resulting from Flood, Earthquake, Fire, Rain, and Wind Disasters in California (PEA), which assesses the common impacts of action alternatives that are under consideration at the proposed project site. The PEA adequately assesses the impacts of the action alternatives in some resource areas, but does not fully assess the impacts of the action alternatives in all relevant resource areas.

Therefore, for FEMA funding of this project to comply with the National Environmental Policy Act (NEPA), FEMA has prepared this Supplemental Environmental Assessment (SEA) to tier from the PEA and fully assess impacts to resources that are not adequately addressed in the PEA. This SEA hereby incorporates the PEA by reference, in accordance with Title 40 of the Code of Federal Regulations (CFR) Section 1508.28.

1.2 Purpose and Need for Action

Under authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 5121 et seq.) and CFR Title 44, FEMA's HMGP provides grants to state and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The program's purpose is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. The purpose of the proposed project is to provide HMGP funding to the City of Moreno Valley to reduce the risk of flooding in the San Timoteo Foothill Neighborhood.

The City of Moreno Valley currently operates drainage facilities within the City's borders. The existing minimal drainage system in the San Timoteo Foothill neighborhood is unable to capture and drain storm water flows during major storms, resulting in flooding of streets and homes, damage to buildings and their contents, disruption of services, and threats to health and safety. Therefore, action is needed to upgrade the stormwater drainage system.

The residents living in the San Timoteo Foothill neighborhood suffer flooding nearly every year. Records show that flooding occurs on average once a year, and twice in some years during the winter and fall seasons. The effects of flooding (including mud and debris cleanup, damage to landscape and hardscapes, disruption of traffic, health hazards created by flooding, and property damage) can last for weeks and even months.

Within the last 25 years, eight major flooding incidents occurred within the project area. In 2005, record rains in Riverside County caused flooding and mud deposits in the project area, resulting in the area being declared a major disaster area during February 2005.

Details of the major flooding incidents are as follows: In 1992, a 50-year storm caused flooding of residential homes and streets

- In 1992, a 50-year storm caused flooding of parts of Kalmia Avenue and residential homes.
- In 1993, a 10-year storm caused flooding to homes and Kalmia Avenue, Carrie Lane and Weber Avenue.
- In 1993, a 100-year storm brought continuous rain for two weeks and caused flooding to homes and streets including Locust Avenue, Weber Avenue, Carrie Lane and Kalmia Avenue. In the project area, the cost of cleanup was approximately \$120,000 for mud and debris removal within the neighborhood.
- In 1995, a 50-year storm caused flooding of Locust Avenue and Kalmia Avenue as well as flooding of residential homes and mud deposits in the neighborhood.
- In 2003 a 10-year storm caused flooding of Petit Street, Locust Avenue, Morry Lane, Gerald Lane and Kalmia Avenue. In addition, the storm caused mud deposits and water pondings.
- In 2004, a 10-year storm caused flooding of streets and mud deposits.
- In 2005, a 100-year storm resulted in record rains, which caused flooding and mud deposits triggering President Bush to declare the area a major disaster area.
- In 2008, a 50-year storm caused flooding of residential homes and streets in the project area.

2. Description of Proposed Project and Alternatives

2.1 No Project Alternative

NEPA requires inclusion of a No Project Alternative in environmental analysis and documentation. The No Project Alternative is defined as maintaining the status quo with no FEMA funding for any of the alternatives. The No Project Alternative is used to evaluate the effects of not providing assistance for which the project is eligible. It provides a benchmark against which alternatives can be evaluated. Consistent with Section 2.1 of the PEA, evaluation of this alternative to the proposed project assumes that the City of Moreno Valley would be unable to implement the project for lack of federal assistance, and the flooding problem would not be solved.

The No Project Alternative is in conflict with FEMA's mission and the purpose of the HMGP. Under the No Project Alternative, existing flood control infrastructure would not be improved. No new environmental effects would occur. Adverse impacts would continue to occur within the existing neighborhood. Floodwaters would continue to periodically inundate the neighborhood during periods of heavy rainfall, resulting in erosion and siltation, potential disruption of public services and utilities, and disruption of traffic.

2.2 Proposed Project Alternative

The proposed project is the type of project described in Section 2.3.5 of the PEA, Constructing New Facilities or Relocating Existing Facilities (The PEA can be viewed at the following web address: <http://www.fema.gov/library/viewRecord.do?id=7176>). The City of Moreno Valley proposes to construct an underground storm drain system in the San Timoteo Foothill Neighborhood to collect runoff from the 100-year storm and convey it to an existing 54-inch underground storm drain that discharges at the southern edge of the neighborhood. The project location is shown in Figure 1. A diagram of the proposed project is shown in Figure 2. The environmental effects of the proposed project alternative are described in detail in Section 3 of this SEA.

The proposed storm drain system would begin on Locust Street and run west to Carrie Lane. At Carrie Lane, the pipeline would turn south and run to Kalmia Avenue. At Kalmia Avenue, the pipeline would turn west and run to Pettit Street. At Pettit Street, the pipeline would run south 700 feet and connect with the existing 54-inch pipe.

The storm drain system would consist of approximately 3,000 feet of reinforced concrete pipe (RCP) in three segments: 1,600 feet of 40-inch RCP, 400 feet of 48-inch RCP, and 1,000 feet of 54-inch RCP. In addition, five grate inlets and seven catch basins would be connected to the storm drain system through lengths of 24-inch RCP up to 175 feet (see Figure 2). The trenching for the pipeline would be approximately 7 feet wide and 9 to 17 feet deep.

The scope of work for the proposed project would also include obtaining all necessary encroachment permits to connect the storm drain system to the existing storm drain in Pettit Street. The pipeline would be installed within existing street rights-of-way.

The project would occur in two phases: the design phase and the construction phase. The design phase is projected to be completed within 20 months and would consist of design, review, acquiring encroachment permits and storm drain easements, and acquiring proper environmental clearances. The construction phase would consist of selecting the contractor; clearing the site; excavating trenches and relocating any conflicting facilities; installing the storm drain system, catch basins, and connection pipes; trench backfilling, restoring landscape and street pavement; and cleaning up the job site. The duration of both phases of the project is projected to be approximately 36 months.

The construction methods, equipment, and procedures that would be used for the project would be typical of public works storm drain improvement projects. The project contractor would stake out easements, determine the depths and limits of excavation that would be required for installation, and align the elevations of the proposed storm drain. All utility companies that have facilities that would be in conflict with the proposed storm drain would be notified to relocate their facilities. The contractor would then set up traffic control devices and signs and remove pavement, vegetation, and other features that would interfere with trench excavation. The next stage would include excavating the trench using a backhoe or similar equipment, installing and connecting the pipes, installing catch basins at various low points, connecting the new pipe to the existing storm drain in Pettit Street, and backfilling and subsequent compaction of the trench. The last stage would include restoring street pavement, striping, and restoring vegetation to disturbed areas.

The proposed storm drain would provide a level of protection at the 100-year flood level that would protect 23 homes with approximately 124,000 square feet of floor area and approximately 100 to 150 residents from further damage. The City of Moreno Valley expects the storm drain system's useful life to exceed 30 years.

In summary, the system would do the following:

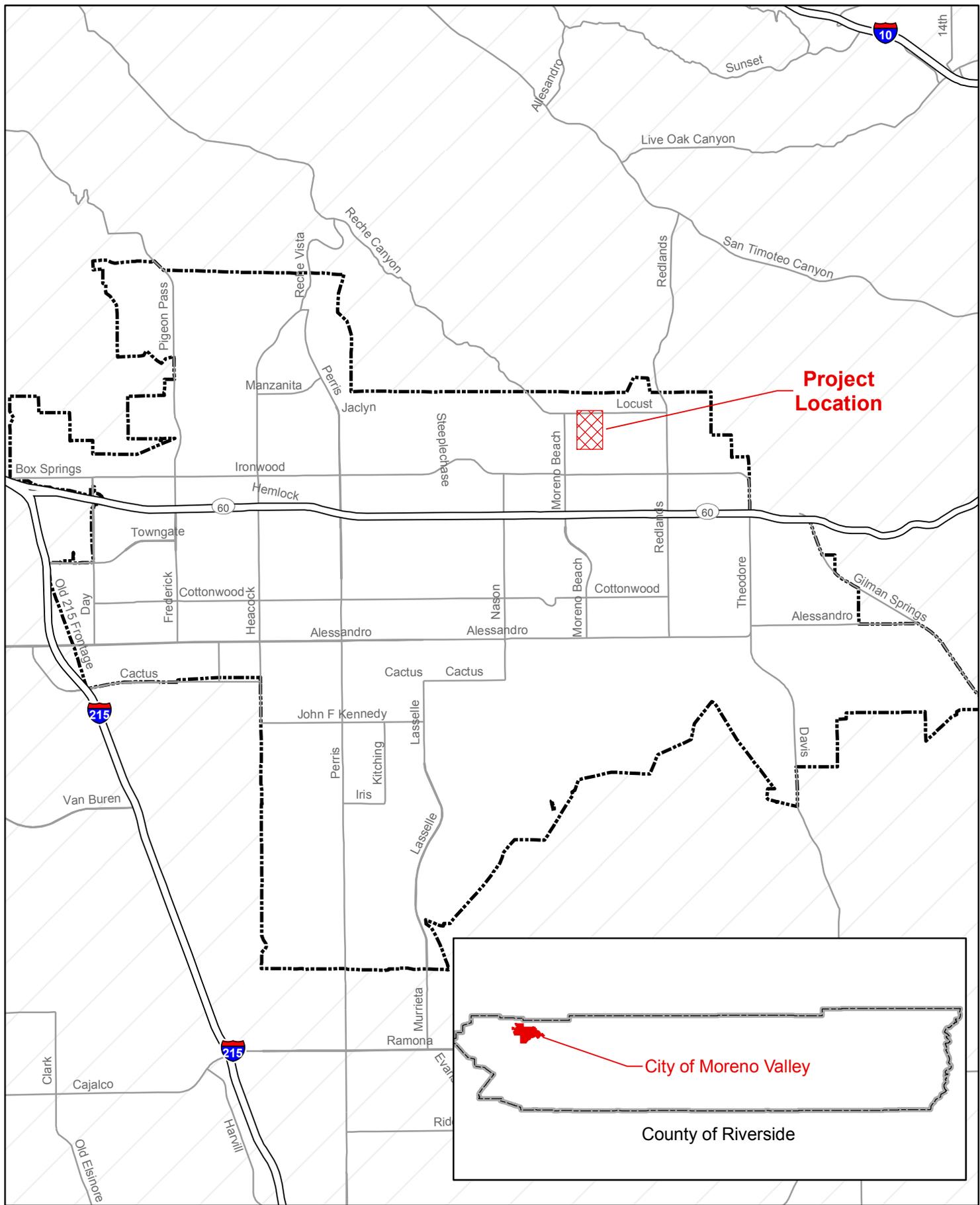
- Reduce the risk and cost of street flooding on Locust Avenue, Carrie Lane, and Kalmia Avenue and resulting disruption of traffic and emergency response
- Reduce the risk of flood waters entering homes.
- Reduce the risk of flood waters damaging building contents
- Reduce the cost of flooding of motor vehicles
- Reduce the risk of flood waters concentrating garbage, debris, sewage, and toxic pollutants that can cause secondary environmental effects and health hazards to the residents
- Reduce the risk of livestock, pets, and other animals being carried away or drowned during a flood
- Reduce the risk and cost of disruption of services such as drinking water supplies, gas, and electrical service

2.3 Alternative Considered but Eliminated from Further Evaluation

An alternative considered for the project is the following:

Construct Detention Basin to Hold Storm Water – This alternative proposes to construct a detention basin to collect and hold storm water during a major storm event and then allow for metered 10-year storm water flowing down Carrie Lane and across private property. This alternative requires acquisition of a large area for the detention basin, therefore resulting in high costs for design and construction. Additionally, the process of obtaining the required easements would be costly with the potential for prohibiting the project from moving forward. Completion of this alternative would also result in higher maintenance costs (compared to the Proposed Project Alternative).

For the reasons stated above, this alternative was eliminated from further evaluation.



Project Location

City of Moreno Valley

County of Riverside



**City of Moreno Valley
San Timoteo Foothill Neighborhood
Flood Protection Project**

Project Location and Vicinity Map

Figure 1



Source: City of Moreno Valley, Public Works Department, 2011

Note: Not to scale.



3. Affected Environment and Environmental Consequences

FEMA has prepared a PEA to address typical recurring actions within California related to flood, earthquake, fire, rain, and wind disasters. The purpose of the PEA is to provide a framework to address the impacts of these typical actions with the overall goal of preventing future disasters resulting from these types of events.

The PEA discusses 12 environmental topic areas related to these typical actions. The discussion provided in the PEA is broad and regional in nature and has the intent of providing relevant information to characterize each resource area. The 12 resource areas covered in the PEA are as follows:

- Geology, Seismicity, and Soils
- Air Quality
- Water Resources
- Biological Resources
- Cultural Resources
- Socioeconomics and Public Safety
- Land Use and Planning
- Public Services and Recreation
- Transportation
- Noise
- Hazardous Materials and Wastes
- Visual Resources

The PEA sufficiently describes the affected environment and environmental consequences of the proposed project in the areas of land use and planning and hazardous materials and wastes. The affected environment and environmental consequences for all of the other above-listed resources are described in the following sections, which supplement the PEA. The Affected Environment is described in Section 3 of the PEA while the Environmental Consequences of Actions and Alternatives are described in Section 4 of the PEA. Appropriate avoidance and minimization measures, either stipulated in the PEA or based on the results of the impact analysis in this SEA, are discussed in Section 4. The No Project Alternative is adequately described in the PEA for all resource areas. Impacts associated with the No Action Alternative are described in Section 4 of the PEA and Section 2.1 of this SEA

3.1 Geology, Seismicity, and Soils

The City of Moreno Valley is on the Perris Block, a mass of granitic rock in the Peninsular Ranges Geomorphic Province. The Perris Block is bounded by the San Jacinto Fault to the northeast, the Elsinore Fault to the southwest, and the Santa Ana River to the northwest. The southeast boundary is only vaguely defined. In Pliocene and Pleistocene times, the Perris Block moved up and down thousands of feet. (P&D Consultants, 2006, page 4-1)

Two of California's most active faults, the San Andreas and the San Jacinto, traverse Riverside County. Both of these faults, as well as the Elsinore fault zone, have the potential to generate earthquakes in Riverside County. However, the project work area contains no active faults and is not within a designated State of California Alquist-Priolo Earthquake Fault Zone.

The San Jacinto Fault is approximately 0.7 mile northeast of the project site. The areas immediately adjacent to this fault line are in an Alquist-Priolo Fault Zone. The project site is approximately 0.5 mile from the Alquist-Priolo Fault Zone. Ground shaking from earthquakes associated with nearby and distant faults is likely to occur during the useful life of the project.

Construction of the proposed project would temporarily impact soils at the project site during removal of vegetation, excavation of trenches, and the use of heavy equipment. Potential impacts to soils would include compaction and a temporary increase in susceptibility to water and wind erosion. Best management practices would be implemented to minimize erosion, as described in Section 4.1.

In addition, the proposed drainage pipeline would ultimately connect to the existing 54-inch pipeline that runs along Pettit Street, which would then empty into an open channel that flows through mostly bare fields. Although the amount of water being discharged would not change, the velocity of the peak flow would increase, which could impact soils and cause increased levels of erosion downstream. However, because the overall flow amounts wouldn't change, along with the fact that the proposed drainage system would discharge into facilities with adequate capacity to handle the runoff, overall impacts to soils are expected to be minimal. In addition, restoration of the existing riprap just downstream of the discharge end of existing 54-inch pipe is a project condition that will provide scour protection (see Section 4.3).

With the implementation of the avoidance and minimization measures, construction of the proposed project would not result in adverse, long-term impacts to soils.

3.2 Air Quality

The project site is in the South Coast Air Basin (Basin), which is managed by the South Coast Air Quality Management District (SCAQMD). The Basin covers 6,600 square miles and includes most of Los Angeles County, all of Orange County, the southwestern portion of San Bernardino County, and the western portion of Riverside County. With over 16 million people, it is the second most populated urban area in the United States (SCAQMD, 2007, page 1-5). The Basin's climate is determined by its terrain and geographical location. It is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean to the southwest and by the mountains that channel and confine the airflow around the rest of the perimeter. The upward dispersion of air pollutants is typically slow due to the laying within the atmosphere, trapping pollutants within the basin (SCAQMD, 2007, page 1-3). The basin generally lies on the semi-permanent high-pressure zone of the eastern Pacific.

The Basin is under the jurisdiction of the SCAQMD. The principal sources of air pollution in the Basin include industrial facilities and vehicle emissions. Residents in the Basin drive 40 percent of all vehicle miles traveled in California and produce one-third of all air pollutant emissions in the state. The Basin is designated as a nonattainment area for the California Ambient Air Quality Standards (CAAQS) for ozone (O₃), nitrogen dioxide (NO₂), particulate matter less than or equal to 10 micrometers in diameter (PM₁₀), particulate matter less than or equal to 2.5 micrometers in diameter (PM_{2.5}), and lead (Los Angeles County only), but is in attainment or unclassified for all other California criteria pollutants (City of Moreno Valley, 2006, page 5.3-3)

Under 40 CFR § 93.153(b), a component of what is called the General Conformity Rule (GCR), a non-transportation construction project proposed for federal funding in a nonattainment or maintenance area requires a demonstration of conformity with the State Implementation Plan (SIP) or a demonstration that direct and indirect emissions attributable to the project would be below specified threshold rates. For federal Supplemental Environmental Assessment: HMGP 1810-13-13 Federal Emergency Management Agency June 2013 Page 8

purposes, a nonattainment area is an area that has not met one or more National Ambient Air Quality Standards (NAAQS) established in 40 CFR Part 50. A maintenance area is an area that was formerly designated as a nonattainment area, but has since met the NAAQS, for which the jurisdictional authority has established a maintenance plan to maintain compliance with the applicable standards. The project site is in the western portion of Riverside County. Under the NAAQS, western Riverside County is designated as an extreme nonattainment area for O₃; a nonattainment area for PM_{2.5}; a serious nonattainment area for PM₁₀; a maintenance area for CO; and an attainment or unclassified area for lead, NO₂, and sulfur dioxides (SO₂).

A summary of applicable GCR threshold rates for the western portion of Riverside County is presented in Table 1 below.

**Table 1
GCR Emission Threshold Rates in Western Riverside County**

Pollutant	GCR Threshold (tons/yr) ¹
Carbon monoxide (CO)	100 (maintenance area)
Nitrogen oxides (NOx) ²	10 (extreme nonattainment, O ₃ precursor)
Inhalable particulate matter (PM ₁₀)	70 (serious nonattainment)
Fine particulate matter (PM _{2.5})	100 (nonattainment)
Sulfur dioxide (SO ₂) ³	100 (PM _{2.5} precursor)
Volatile organic compounds (VOC) ⁴	10 (extreme nonattainment, O ₃ precursor)
Ammonia ⁵	100 (PM _{2.5} precursor)

¹GCR determinations are based on federal attainment designations, not state attainment designations.

²As a precursor to both NO₂ and PM_{2.5}, NOx also has a threshold of 100 tons per year. Since the 10 tons per year threshold for NOx as an O₃ precursor is more conservative, that value is used in the analysis.

³Although the South Coast Air Basin is in attainment of SO₂, any precursors to nonattainment pollutants are also subject to applicable thresholds; therefore, since SO₂ is a precursor to PM_{2.5}, which is in nonattainment, it is subject to the given threshold.

⁴As a precursor to PM_{2.5}, VOC also has a threshold of 100 tons per year. Since the 10 ton per year threshold for VOC as an O₃ precursor is more conservative, that value is used in the analysis.

⁵Ammonia, although not a criteria pollutant, is a precursor to PM_{2.5}, and as such has a threshold of 100 tons per year.

The proposed project would not result in permanent impacts to air quality, but would cause temporary impacts to air quality in the area. These impacts include temporary increases of fugitive dust (PM₁₀ and PM_{2.5}) and combustion emissions (CO, NOx, PM₁₀, PM_{2.5}, SO₂, and VOC). Fugitive dust emissions would be generated by vehicle movement over paved and unpaved surfaces, dirt tracked onto paved surfaces from unpaved areas at access points, and particulate matter suspended during construction activities. Combustion emissions would be generated from the operation of construction equipment, haul vehicles, and worker vehicles during the construction process.

It is important to note that there are no NAAQS or CAAQS for VOCs. Along with NOx, VOCs are a precursor to O₃, which has both a federal and state ambient air quality standard. The formation of O₃ occurs in the troposphere as precursor pollutants react in the presence of sunlight. The only way to regulate/reduce O₃ is through the control of its reactive precursors.

To determine conformance with the GCR, construction-related emissions were estimated to determine if emission threshold rates would be exceeded. Construction-related emissions include emissions from diesel-powered construction equipment such as backhoes and graders, fugitive dust from site grading, and vehicle trips for construction workers and hauling of construction materials. Unmitigated emission estimates were determined using an urban emissions model (URBEMIS2007). Emission rates and meteorological conditions for SCAQMD were used. For site clearing, model defaults for fine site grading were used along with the default equipment list for grubbing and land clearing in the Roadway Construction Emissions Model developed by Sacramento Metropolitan AQMD. Model defaults for equipment types, equipment sizes, quantities of equipment and construction workers, and length of vehicle trips were used for relocating conflicting utilities, installing the proposed storm drain system, and paving.

The SCAQMD prohibits emissions of visible dust (Rule 403). To comply with this rule, watering of exposed surfaces twice daily would be required during work involving soil disturbance.

Based on the above assumptions, the following unmitigated emissions are projected for this project:

**Table 2
Estimated Emission Rates of Proposed Project**

Pollutant	2012 Project Emissions (ton/yr)	2013 Project Emissions (ton/yr)
Carbon monoxide (CO)	1.41	0.63
Nitrogen oxides (NOx)	2.55	0.99
Inhalable particulate matter (PM10)	0.55	0.19
Fine particulate matter (PM2.5)	0.20	0.08
Sulfur dioxide (SO2)	<0.01	<0.01
Volatile organic compounds (VOC)	0.31	0.13

The emissions calculated for the proposed project would be below the applicable GCR thresholds. Therefore, conformity with the SIP need not be demonstrated.

The proposed project would be required to comply with all rules and standards of the South Coast AQMD; therefore emissions would be minimized using the best management practices (BMPs) described in Section 4.2.

3.3 Water Resources

3.3.1 Surface Water

The project area is located within the lower watershed of the Santa Ana River. The watershed tributary for the proposed pipeline improvements covers approximately 300 acres. The Santa Ana River watershed flows from the San Bernardino and San Gabriel Mountains westward through San Bernardino and Orange Counties where it flows into the Pacific Ocean. Peak flows within the watershed occur during the late winter and spring due to a combination of seasonal storms and snowmelt within the mountainous areas. Rainfall within the action area averages 18 inches per year. Flooding is a direct result of seasonal storms and, as a result, the majority of flooding tends to occur during the winter and spring months (SAWPA 2002).

Potential effects to surface water including erosion and sedimentation would occur on a short-term basis as a result of project construction. Because the proposed project would eliminate flooding in the project area, it would eliminate long-term effects related to erosion and sedimentation due to flooding. The City of Moreno Valley would implement measures to control erosion and sedimentation during construction, as described in Section 4.3 of the SEA. With the implementation of these measures, the proposed project would have minimal impacts to surface water resources.

3.3.2 Hydrology/Hydraulics

The proposed 3,000 foot pipeline would consist of 1,600 feet of 42-inch reinforced concrete (RCP) pipeline, 400 feet of 48-inch RCP, and 1,000 feet of 54-inch RCP. As shown on the 35 percent construction engineering plans prepared by the City of Moreno Valley, the capacities of these pipes are equal to or greater than the existing 100-year flows.

The downstream end of the pipeline would connect to the existing 54-inch RCP along Pettit Street, which has a capacity of 270 cubic feet per second (cfs). The downstream end of the existing 54-inch pipeline crosses Juniper Avenue and discharges stormwater to the existing open channel that would convey storm water to the south of the project area.

Hydraulic analysis conducted by CDM confirmed that the existing storm channel and roadside drainage ditches cannot convey the 100-year storm water flow through the San Timoteo Foothill neighborhood.

Construction of the proposed project, including 3,000 feet of pipeline with inlet pipes and catch basins, as described above, would have the capacity to convey the 262 cfs of flow from a 100-year storm event to the existing 54-inch RCP in Pettit Street. During this runoff event, there would be no flooding at the entrance to the existing 54-inch pipe because that pipe can convey 270 cfs. As a result, the risk of flooding from a 100-year storm in the project area would be minimized.

In regards to potential downstream impacts created by the proposed project, detailed hydrologic analyses are not currently available for the south side of Juniper Avenue. However, based on information from the City of Moreno Valley, the 100-year flow would be less than the 390 cfs capacity of the open channel, as shown on the Riverside County Flood Control District Moreno Master Drainage Plan. In other words, the 100-year flow from the project can be conveyed within the existing open channel located south of the project area, if the channel continues to be properly maintained.

In summary, after implementation of the proposed storm drain system, the 100-year flow would cause no flood impacts to the downstream 54-inch pipe on Pettit Street, to the open channel downstream of the 54-inch pipe, or to adjacent lands.

3.3.3 Executive Order 11988: Floodplain Management

Executive Order (EO) 11988 requires federal agencies to avoid, to the extent possible, the short-and long-term adverse impacts associated with the occupancy and modification of floodplains. If there is no practicable alternative to undertaking an action in a floodplain, any potential adverse impacts must be mitigated. FEMA's regulations for complying with Executive Order 11988 are found in 44 CFR Part 9.

The FIRM (#06065C0760G) for the area covering the project area indicates that the project is in shaded Zone X, defined as the area between the limits of the 1-percent annual chance flood (the 100-year floodplain) and the limits of the 0.2 percent annual chance flood (the 500-year floodplain). FEMA has not published the 100-year flows for the watercourses in the project neighborhood. The General Plan's Safety Element also indicates the project site falls within a 500-year flood zone. The project is not in a 100-year flood zone. The proposed project does not qualify as a "critical action" as defined in 44 CFR § 9.4. The project would have no effect on the 100-year floodplain. Therefore, the proposed project complies with EO 11988.

3.3.4 Executive Order 11990: Protection of Wetlands

EO 11990, Protection of Wetlands, requires federal agencies to minimize damage to wetlands resulting from federal and federally assisted projects. The project area does not contain wetlands.

However, the proposed drainage system would connect to an existing 54-inch pipeline in Pettit Street that empties into a natural drainage channel containing some riparian habitat. According to the National Wetlands Inventory, the drainage channel is mapped as an R4SBW wetland, indicating that wetlands may occur in the streambed of this intermittent stream. Areas designated R4SBW often lack the characteristics of wetlands, and areas lacking the characteristics of wetlands are not wetlands. A formal wetland delineation has not been performed in the channel. During the field survey by a qualified biologist, no wetland vegetation was observed in the channel. Therefore, wetlands are not likely to be present. The proposed project is likely to slightly increase the velocity of the water reaching the point of discharge into the channel, but would not

substantially increase the overall amount of storm water. An increase in flow velocity has the potential to cause the streambed at the point of discharge to be washed away. The increase in flow velocity would be mitigated by restoration of the existing riprap channel protection just downstream of the discharge point. Restoration of channel protection is a project condition (see Section 4.3). With this mitigation measure in place, the proposed project would have no impact on wetlands that may occur within the channel and would comply with EO 11990.

3.3.5 Water Quality

The Clean Water Act (CWA) regulates water quality, establishes the National Pollutant Discharge Elimination System (NPDES) (Section 401 and 402), and requires permits for any dredge or fill activities in jurisdictional waters of the United States (Section 404). Temporary localized impacts to water resources could occur during construction. A storm water pollution and prevention plan (SWPPP) would be prepared and BMPs would be implemented to reduce the amount of erosion and sedimentation during the construction process.

The Santa Ana River is a vital source of water for residents and industries in southern California. Water from the Santa Ana River is used for municipal potable supply, irrigation, and groundwater recharge. The river also carries the discharge from wastewater treatment plants from the inland cities downstream to the Pacific Ocean. The proposed project would not change the overall amount of storm water runoff from the site. The project is not designed to filter sediments out of the stormwater but annual cleaning to remove debris and mud from inlets, catch basins and pipes would occur. The proposed drainage system would contain the water within the new series of drainage pipes and ultimately discharge the water into a 54-inch drainage pipe in Pettit Street. As a result, no additional quantities of pollutants would be added to the overall regional drainage system but the peak flow of water at the discharge would increase as a result of the proposed project. However, because the flow velocities would not change substantially, along with the fact that the proposed drainage system would discharge into facilities with adequate capacity to handle the runoff and restoration of the existing scour protection (riprap) would be required, overall impacts to water quality are expected to be minimal.

A minimal amount of annual maintenance and cleaning would be required, mostly related to the removal of trash and debris. The City of Moreno Valley Public Works Department would perform this maintenance to ensure the storm drain system works efficiently.

The proposed project is located within the Santa Ana River watershed, which is currently impaired for total dissolved solids (TDS), hardness, sodium chloride, tin, sulfate and chemical oxygen demand (COD). Construction of the proposed project would not add any impermeable surfaces and, as a result, the amount of velocity of runoff would not change.

The new storm drain system would have the capacity to accommodate peak flows from a 100-year storm event, which are expected to reach a maximum of 270 cfs, as indicated in Section 3.3.2.

In addition, long-term operation of the project would not introduce any new materials to the watercourse. Long-term effects on water quality would not occur. Construction of the project could result in short-term water quality effects due to increased siltation. However, BMPs would be implemented to reduce short-term effects to water quality.

With the implementation of avoidance and minimization measures such as BMPs for erosion and sediment control (e.g., restoration of the riprap at the downstream end of the existing 54-inch pipe), as described in Section 4.1 and 4.3, impacts to water quality would not be adverse.

3.4 Biological Resources

A field survey of the project area was conducted on September 8, 2011 by a CDM Smith biologist to assess existing vegetation communities, potential wetlands, and habitat for the presence of special-status species. Land use in the vicinity of the project area consists of suburban residential and agricultural lands.

Vegetation Communities

Landscaped/Ornamental/Disturbed

The majority of the project area consists of single-family residential development, improved streets and driveways. The proposed project would be constructed within disturbed areas. The entire length of the pipeline would be installed by open trench within existing roads and previously-disturbed rights-of-way. The main pipeline would be 40 to 54 inches in diameter installed in trenches 9 to 17 feet deep.

Landscaped areas around many of the homes consist of managed lawns and ornamental vegetation. Some of the residential lots within the neighborhood are large and provide pasture for horses and other livestock. Large mature Eucalyptus trees are located along Carrie Lane. Native trees and other vegetation is also present along streets and in planted areas.

Riparian

Riparian vegetation within the project area is limited to that existing along an unnamed natural drainage channel at the southern end of the neighborhood off Pettit Street. The drainage channel is an incised channel with evidence of high flows. A narrow band of riparian vegetation grows along the channel and consists primarily of willows (*Salix* sp.). The proposed storm drain system would connect to an existing storm drain pipe that discharges to this channel. During the field visit, trash including old tires were observed in the drainage channel and only a small pool of stagnant water was present. No wetland vegetation was observed.

Shrubland/Non-Native Grassland

Open space to the north and south of the San Timoteo Foothill Neighborhood contains primarily non-native annual grassland vegetation with some native shrubs. This area has been significantly disturbed by off-road vehicle use and other human activities.

Wildlife

Wildlife species utilizing the project area consist primarily of common species adapted to urban areas such as striped skunk (*Mephitis mephitis*), opossum (*Didelphis virginiana*), and rabbit (*Sylvilagus* sp.). Open lots with livestock likely support rodents such as Norway rat (*Rattus norvegicus*), which are prey for raptors such as red-tailed hawk (*Buteo jamaicensis*) and mammals such as coyote (*Canis latrans*). Reptiles such as western fence lizard (*Sceloporus occidentalis*) are also likely to occur. Bird species observed during the field visit include American kestrel (*Falco sparverius*), American crow (*Corvus brachyrhynchos*), Nuttall's woodpecker (*Picoides nuttallii*), Costa's hummingbird (*Calypte costae*) house finch (*Haemorhous mexicanus*), and lesser goldfinch (*Carduelis psaltria*).

Migratory birds, such as many of the species listed above, could nest within the large mature trees and other vegetation present along the roads within which the proposed storm drain system would be installed. Migratory birds are protected under the federal Migratory Bird Treaty Act. If the proposed project would result in removal or disturbance of active migratory bird nests during the nesting season (February 1- August 1), impacts to migratory birds could occur. The City of Moreno Valley is responsible for complying with the MBTA. Mitigation, as described in Section 4.4, would be required to avoid impacts to nesting migratory birds.

The small amount of riparian vegetation along the natural drainage channel at the end of Pettit Street is also likely used by some species of migratory birds. However, the riparian vegetation is limited to a narrow band along the drainage and does not provide suitable habitat for species that require large blocks of riparian habitat with dense understory. In addition, this intermittent drainage is not likely to support aquatic species that require permanent water.

Endangered Species Act

The Endangered Species Act (ESA) of 1973 gives the USFWS federal legislative authority for the protection of listed (threatened or endangered) species. This protection includes a prohibition of direct take (i.e., killing, harassing) and indirect take (i.e., destruction of critical habitat).

Federally listed species with potential to occur in the project area were initially identified based on a California Natural Diversity Database (CNDDDB) search of the Sunnymead 7.5-minute USGS quadrangle (CNDDDB 2013). Table 3 lists the species and provides information on their habitat requirements. Based on the field survey, observation of the type and extent of habitats in the project area, and CNDDDB occurrence data, Table 3 presents the likelihood of each species to occur. Based on a review of the U.S. Fish and Wildlife Service (USFWS) Critical Habitat Portal (USFWS 2013), there is no designated critical habitat within or near the project area. The nearest critical habitat to the project area is for the coastal California gnatcatcher (*Polioptila californica californica*) and is located approximately two miles west.

Based on the vegetation communities described above, the project area does not support habitat for any federally-listed species. The majority of the project area is developed and not likely to be utilized by wildlife other than those species adapted to living among humans. The drainage channel into which the proposed pipeline would discharge is disturbed and flows are intermittent. Riparian habitat along this channel is limited and does not provide suitable habitat for riparian-dependent bird species. In addition, the drainage channel is intermittent and disturbed and does not provide suitable aquatic habitat for species that require permanent water.

As a result of the background review and site reconnaissance, FEMA determined there may be suitable habitat for the western burrowing owl in the vicinity of the project area. The burrowing owl is a California species of concern and is not a federally listed species. As a result, further analysis in this SEA is not required. However, the City of Moreno Valley is responsible for complying with the provisions of the California Endangered Species Act and the California Environmental Quality Act (CEQA), under which impacts to federal and state species, including species of concern, must be evaluated.

As shown in Table 3, no federally listed species have the potential to occur in the project area, and there is no designated critical habitat in the project area. The proposed project would not have any impacts on any federally protected species or critical habitat and would therefore comply with the Endangered Species Act.

Executive Order 13122, Invasive Species.

Under EO 13112, actions that occur on federal lands or are federally funded must be “subject to the availability of appropriations, and within administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to, and control,

Table 3. Federally Listed Species With Potential to Occur in the Vicinity of the San Timoteo Foothill Neighborhood Flood Protection Project.

Species	Status	Habitat Requirements	Likelihood of Occurrence
Birds			
Western yellow-billed cuckoo <i>Coccyzus americanus</i>	FC	Riparian deciduous forest with dense tree canopy closure (>59 percent) and shrub canopy (>59 percent). Cottonwoods and willows that form open woodlands with dense, low vegetation are particularly preferred.	No potential; limited riparian habitat in the drainage channel within the project area does not provide suitable habitat. Nearest CNDDDB occurrence is approximately 4.4 miles west of the project area at Poorman Reservoir. This occurrence was documented in 2001 and there are no recent occurrences in the project area.
Coastal California gnatcatcher <i>Poliophtila californica californica</i>	FT	Obligate, permanent resident of coastal sage scrub below 2500 ft in southern California.	No potential; project area does not provide suitable coastal sage scrub habitat. Nearest CNDDDB occurrence is approximately 3.3 miles northwest of the project area within California sagebrush scrub and brittlebush drought deciduous scrub habitat. This occurrence was documented in 2002 and there are no recent occurrences in the project area.
Mammals			
San Bernardino kangaroo rat <i>Dipodomys merriami parvus</i>	FE	Desert scrub, alkali scrub, sagebrush steppe, pinyon-juniper woodland, and Joshua tree habitat.	No potential; project area does not provide suitable habitat or vegetation. Nearest CNDDDB occurrence is approximately 2.25 miles southeast of the project area. This occurrence was documented in 1913 in an area of suitable habitat north of Lake Perris. There are no recent occurrences in the project area.
Stephens' kangaroo rat <i>Dipodomys stephensi</i>	FE	Primarily annual and perennial grasslands, but also occurs in coastal scrub & sagebrush with sparse canopy cover.	No potential; project area does not provide suitable habitat. Nearest CNDDDB occurrence is approximately 0.75 miles northwest of the project area. This occurrence was documented in 1988 within non-native grassland bordered by riversidian sage scrub habitat. There are no recent occurrences in the project area.
Plants			
Slender-horned spineflower <i>Dodecahema leptoceras</i>	FE	Chaparral, coastal scrub (alluvial fan sage scrub), and flood deposited terraces and washes.	No potential; project area does not provide suitable habitat. Nearest CNDDDB occurrence is approximately 7.25 miles northeast of the project area in Wildwood Canyon wash. There are no recent occurrences in the project area.

Sources: California Natural Diversity Database (CNDDDB) search of the Sunnymead 7.5-minute USGS quadrangle, accessed March 14, 2013.

FC – Federal Candidate
FE – Federal Endangered
FT – Federal Threatened

populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; and (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded.” During construction, impacts could occur through the introduction or spread of invasive species within the project area. Mitigation would be implemented as described in Section 4.4 to avoid or reduce this potential impact. Therefore, the proposed project would comply with EO 13112.

3.5 Cultural Resources

Cultural resources investigations and archaeological surveys were undertaken to identify both recorded and previously undiscovered sites within the project area. The cultural resources report has been prepared to supplement the SEA. The report was prepared to ensure compliance with Section 106 of the National Historic Preservation Act (NHPA) and the 2005 First Amended Programmatic Agreement (PA) among FEMA, the California State Historic Preservation Officer (SHPO), the Governor’s Office of Emergency Services (now the California Emergency Management Agency), and the Advisory Council on Historic Preservation.

A pedestrian cultural resources reconnaissance survey of the proposed project’s area of potential effects (APE) was conducted by a qualified cultural resources professional on September 8, 2011. The reconnaissance included the existing paved city streets and an intensive pedestrian survey of the staging area plus a 50-foot buffer surrounding it using transects spaced at 15 meters. The APE is shown in Figure 1 of the Cultural Resources Technical Memorandum. Construction would be contained within the existing roadway and limited to the footprint of the temporary staging area. These areas are highly disturbed. No historical or archaeological resources were identified during the survey.

In accordance with Stipulation VII.A of the PA, FEMA has determined that the APE for direct impacts consists of the areas that are subject to construction activities. The vertical APE would be anywhere from 7 to 17 feet deep. The proposed project would result in a negligible change to the landscape. A separate APE for indirect impacts was not determined because no potential effects beyond the construction zone from factors such as visual intrusions and noise were identified.

Pursuant to Stipulation VII.B of the PA, FEMA reviewed the Eastern Information Center Cultural Resource Inventory to identify information about prior cultural resources studies and recorded historic properties within 0.5 mile of the APE. Five previous studies have been conducted within a 0.5-mile radius of the APE, and one study covered portions of the APE. No cultural resources were identified within the APE; however, three previously recorded resources are located within 0.5 mile of the APE.

A record search of the Native American Heritage Commission (NAHC) Lands file was performed and did not indicate the presence of Native American cultural resources in the project survey area or within the 0.5-mile study buffer.

The NAHC was contacted on September 1, 2011 and responded on September 9, 2011 with a list of Native Americans interested in consulting on development projects. The list provided by the NAHC contained twelve Native American contacts, and each of these individuals/groups was contacted by letter in February 2012.

As a result of this contact, Joseph Ontiveros of the Soboba Band of Luiseno Indians requested a Government to Government consultation in accordance with Section 106. To date, there has been no response from the Tribe despite reasonable effort by FEMA to contact the Soboba Tribe through email and by phone, as

requested in their letter (attempts made on May 22, 2012 via email and June 27, 2012 via email, as well as several attempts to speak on the phone, all unanswered). Because FEMA has made a good faith effort to allow Mr. Ontiveros to conduct government to government consultation, FEMA has determined that the requests in the original letter were the Tribe's concerns and that honoring these satisfies their concerns and concludes FEMA's consultation with the Tribe.

To date, only one other Tribe has responded, Ms. Shasta Gaugher with the Tribal Historic Preservation Office of the Pala Band of Mission Indians. A letter dated March 27, 2012 stated the Tribe did not have any objections to the project.

No historical or archaeological resources were identified in the APE during the cultural resources survey and records search. FEMA has determined that no properties eligible for listing in the National Register of Historic Places exist within the APE. A response to SHPO's comments on the project was sent August 17, 2012 (see Appendix A). On October 29, 2012 a letter was received from SHPO indicating concurrence with the "no historic properties finding of no effect" (see Appendix A). In accordance with Stipulation VII.C of the PA, FEMA has determined that the proposed project would result in a finding of "no historic properties affected."

Project construction could result in the discovery of buried resources. With the implementation of measures in Section 4.5, the proposed project would have minimal impacts to buried cultural resources, if any, during project construction.

3.6 Socioeconomics and Public Safety

3.6.1 Executive Order 12898: Environmental Justice

EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, directs federal agencies to ensure that their programs, policies, and activities do not have a disproportionately high and adverse human health and environmental effect on minority or low-income populations. This executive order also tasks federal agencies with ensuring that public notifications regarding environmental issues are concise, understandable, and readily accessible.

U.S. Census data relevant to environmental justice were collected for residents in the project vicinity and compared to data for Moreno Valley and Riverside County as a whole. Currently, only a portion of the relevant demographic data from the 2010 Census is available. Data on primary household language, educational attainment and income at the census tract and block group level are not currently available. As shown in Tables 4 and 5, only total population data and data related to the percentage of minorities is available from the 2010 Census. Data from the 2000 Census was used for the remaining parameters (see Table 5).

**Table 4
Demographic Data for the Project Area from the 2010 Census**

Parameter	Block Group 1, Riverside County Census Tract 424.01 ¹	Block Group 1, Riverside County Census Tract 424.12 ²	Riverside County Census Tract 424.12 ²	City of Moreno Valley	Riverside County
Total Population in 2010	2,082	1,277	5,129	193,365	2,189,641
Total Minority Population ³	1,110 53.3%	541 42.4%	2,764 53.9%	156,792 81.1%	1,320,573 60.3%

¹South of Locust Avenue. Census tract contains only one block group, so data for block group are also data for census tract.

²North of Locust Avenue

³Persons not "white alone" plus Hispanics and Latinos who are "white alone."

**Table 5
Demographic Data for the Project Area from the 2000 Census¹**

Parameter	Block Group 1, Riverside County Census Tract 424.01²	Block Group 3, Riverside County Census Tract 424.12³	Riverside County Census Tract 424.12³	City of Moreno Valley	Riverside County
Total Population ⁴	2,243	866	3,810	141,492	1,511,153
Households in which English Is Not the Primary Language	207 34.6%	30 10.3%	225 19.5%	15,921 40.5%	165,849 32.7%
People over 25 with Less Than a High School Education	177 14.2%	89 16.0%	238 9.8%	19,112 23.5%	234,473 25.0%
Median Household Income 1999	\$79,501	\$61,023	\$73,889	\$47,387	\$42,887
Median Family Income 1999	\$79,564	\$75,141	\$78,764	\$48,965	\$48,409
People below Poverty Level in 1999	101 4.5%	35 4.0%	200 5.2%	20,141 14.2%	214,084 14.2%

¹2010 census results for the parameters in this table are not yet available at the block group level.

²South of Locust Avenue. Census tract contains only one block group, so data for block group are also data for census tract.

³North of Locust Avenue

⁴From Summary File 3

For the 2000 Census, the proposed project site was in Block Group 1 of Riverside County Census Tract 424.01 (south of Locust Avenue), and Block Group 3 of Census Tract 424.12 (north of Locust Avenue). The census tracts and block groups changed slightly for the 2010 Census. The main part of the project site south of Locust Avenue was still in Block Group 1 of Census Tract 424.01, but the small part of the project site north of Locust Avenue was in Block Group 1 of Census Tract 424.12 rather than Block Group 3. For both censuses, Census Tract 424.01 had only one block group, so the block group data and the census tract data are the same.

As shown on Tables 4 and 5 the total minority percentage and the percentage of people with less than a high school education in the block groups and census tracts containing the project site are lower than in Moreno Valley and Riverside County as a whole. However, the percentage in the block group south of Locust Avenue, which contains most of the project site, has a total minority percentage greater than 50 percent, and is therefore an environmental justice population for purposes of EO 12898 (CEQ, 1997, page 25).

Table 5 shows that the percentage of households in which English is not the primary language in the block group south of Locust Avenue is high at almost 35 percent, but is similar to Moreno Valley and Riverside County as a whole. The percentage in the block group north of Locust Avenue—10 percent—is less than one third of the city and county percentages.

Table 5 also shows that median incomes in the block groups containing the project site are substantially higher than the medians for Moreno Valley and Riverside County, while the percentage of people below the poverty line in the block groups containing the project site are less than half the rates for Moreno Valley and Riverside County.

Because residents of the project work area are an environmental justice population, the primary impacts of the project would be experienced by an environmental justice population. All adverse impacts would be temporary and minor, however. The primary benefits of the project would be experienced by the same environmental justice population. The proposed project would benefit the San Timoteo Foothill Neighborhood by reducing the potential for flooding. The proposed action would comply with EO 12898.

3.7 Public Services and Recreation

There are no parks or recreational areas within or adjacent to the project work area. However, utility lines for the major services and utilities such as water, power, sewer, and natural gas are located within the street and rights of ways where the proposed pipeline would be installed. These utilities would be relocated during construction to prevent interruption of service. As a result, no impacts would occur. In addition, as stated in Section 4.7, all public utility and service providers would be notified in advance of the construction and the City would work with providers to prevent any disruption of services during construction.

3.8 Transportation

Construction would occur in areas of residential traffic flow along Locust Avenue, Carrie Lane, Kalmia Avenue, and Pettit Street. Locust Avenue, Kalmia Avenue, and Pettit Street are two-lane public streets. Carrie Lane is currently a two-lane private street. However, as part of the proposed project, Carrie Lane would either be made a public road or an easement would be granted to allow the proposed project.

Construction would result in a short-term increase in the number of vehicles operating in the project area. To reduce impacts to public safety, construction vehicles traveling through the area would maintain legal and safe speeds. In addition, the length of trench open would be limited to 300 feet, and would be filled in at the end of each day, reducing the risk to drivers in the area. With implementation of the additional transportation-related minimization and avoidance measures described in Section 4.8, no substantial or permanent adverse impacts to transportation are anticipated.

3.9 Noise

Current noise levels in the project area are mainly associated with traffic and household activities. Construction of the proposed project would temporarily increase noise in the immediate vicinity of the stormwater system installation from the use of construction equipment to install the pipeline and from increased traffic as workers commute to the project area. To prevent potential noise impacts to the community, construction would be limited to 7 a.m. to 8 p.m., Monday through Friday. In addition, all noise producing equipment and vehicles using internal combustion engines would be equipped with mufflers and air inlet silencers, as described in Section 4.9.

3.10 Visual Resources

The project site is bounded by homes and open space on all sides. Mountains are visible from within and around the project site. Viewers of the project site and the surrounding area would be mostly residents and visitors to the area.

The proposed project would have a temporary effect on the scenic aspects of the project site and its surroundings during construction. Temporary construction activities would be visible from multiple viewing areas within the San Timoteo Foothill Neighborhood.

Implementation of the proposed project would not substantially or permanently affect the visual quality or scenic nature of the project site or its surroundings, particularly with the implementation of avoidance and minimization measures described in Section 4.10 of this SEA.

3.11 Cumulative Impacts

Cumulative impacts are impacts on the environment that result from the incremental impact of the proposed project when added to other past, present, and reasonably foreseeable future projects regardless of the person or agency that undertakes the other projects (40 CFR 1508.7).

The evaluation of cumulative impacts for this SEA considered the past, present and reasonably foreseeable projects in the potentially affected area of the project. Identification of these projects was provided by the City of Moreno Valley Planning Department. A list of projects considered in the cumulative impact analysis is shown in Table 6 below.

**Table 6
Cumulative Projects List**

Project	Location	Type
Stoneridge Towne Center (Phase 2)	South of SR-60 at southeast corner of SR-60 and Nason Street	80,000 square feet of retail/restaurant
WalMart Shopping Center (Phase 3)	South of SR-60 at southwest corner of SR-60 and Moreno Beach Drive	85,267 square feet of retail/restaurant
UC Riverside Foundation/L'Aquila D'Pietra	Northeast corner of Moreno Beach Drive and Cottonwood Avenue	478 residential units
Commercial Center	Northeast corner of Moreno Beach Drive and Alessandro Avenue	176,200 square feet of commercial
West Ridge Commerce Center	North side of Fir Avenue and west of Redlands Boulevard at Quincy Channel	937,260 square feet of warehouse distribution facility
Gascon Group	Northwest corner of Redlands Boulevard and Fir Avenue	116,363 square feet of retail center/business park
Highland Fairview Corporate Park	South side of SR-60 on Eucalyptus Avenue between Redlands Boulevard and Theodore Street	2,410,000 square feet of warehouse distribution facility, 10,000 square feet of retail/outlet center, 200,000 square feet of community commercial uses

Source: City of Moreno Valley, July 2011

The proposed project would result in temporary, construction-related impacts to visual resources, air quality, biological resources, geology and soils, hydrology and water quality, noise, socioeconomics and public safety, public services and recreation, and transportation and traffic. As described in this section of this SEA, potential impacts related to these resources would not be adverse. There would be no long-term, operations-related substantial impacts to any of the resource areas analyzed in this SEA. Given the limited extent and duration of potential impacts during construction and operations of the proposed project, the proposed project's contribution to potentially cumulatively considerable impacts from past, present, and reasonably foreseeable projects in the surrounding area would be minimal.

4. Avoidance and Minimization Measures

4.1 Geology and Soils

The City of Moreno Valley would be responsible for implementing erosion protection measures including BMPs such as installing silt fences and mulching cleared soil to avoid or minimize soil erosion during construction. The City of Moreno Valley would be responsible for implementing permanent erosion control measures including revegetation with native species when construction is completed.

4.2 Air Quality

The City of Moreno Valley would be required to comply with the rules and standards of the SCAQMD, including applicable BMPs (<http://www.aqmd.gov/ceqa/hdbk.html>).

4.3 Water Resources

To avoid and minimize adverse impacts to water resources, BMPs would be implemented including the following:

- Developing and implementing an erosion and sedimentation control plan
- Using silt fences, hay bales, and similar measures to prevent soils from eroding and entering the local surface water system
- Revegetation of disturbed soils to provide stability and runoff filtration after construction is complete
- Designating vehicle parking areas on paved surfaces where possible to prevent disturbance of surface soils
- Restoration of the existing riprap at the downstream end of the 54-inch pipe at the end of Pettit Street

The City of Moreno Valley would be required to comply with the CWA, state water quality regulations, and local water quality regulations, and to obtain all required permits.

4.4 Biological Resources

The City of Moreno Valley would be responsible for implementing the following measures to minimize potential impacts to biological resources:

- In order to ensure that invasive plants or seeds are not introduced into or spread from one area of the project to another, before moving from one area of the project to another, the contractor shall wash all equipment tires and treads of soil and plant material. In addition, the contractor will be required to certify that imported materials are weed-free.
- The City of Moreno Valley is responsible for complying with the provisions of the MBTA and the California ESA.

4.5 Cultural Resources

As a matter of best practices, in the highly unlikely event that cultural resources are encountered during construction, excavation and construction activities will halt and no activity will occur within 50 feet of the discovery. Construction will resume only after a professional cultural resources specialist has assessed the

discovery. If human remains are found during construction, project officials are required by the California Health and Safety Code (Section 7050.5) to contact the County Coroner with jurisdiction within 48 hours and there should be no further disturbance to the site where the remains are found.

4.6 Public Safety

The City of Moreno Valley would be responsible for implementation of the following measures to protect the health and safety of the community surrounding the project site during the Proposed Project Alternative:

- The work area and other public hazards would be barricaded and properly marked.
- Construction vehicles traveling through the area would maintain legal and safe speeds.
- The length of trench open at any one time would be limited to 300 feet and would be filled in or covered at the end of each day.

4.7 Public Services and Recreation

All public utility and service providers would be notified in advance of the construction and the City would work with such service providers to prevent any disruption of services during construction. The City of Moreno Valley would be responsible for ensuring that all affected residents are notified well in advance of any disruption to utility services.

4.8 Transportation

The City of Moreno Valley would be responsible for implementing the following measures to minimize the potential short-term impacts to transportation in the project area during construction:

- No public traffic routes would be fully blocked at any time.
- Workers would park their privately owned vehicles at designated locations to reduce traffic impacts.
- A 12-foot minimum lane width would be maintained at all times and a minimum distance of 5 feet would be maintained between any open trench and the nearest active traffic lane.
- Temporary parking advisory signs would be posted at least 24 hours, but no more than 48 hours, in advance of construction.
- Within 3 days of placement of final pavement, all traffic striping destroyed or damaged would be restored in accordance with City of Moreno Valley's standards.
- Access to private property would be maintained at all times.
- The City of Moreno Valley would be responsible for ensuring that all affected residents are notified well in advance of any disruption to transportation infrastructure.

4.9 Noise

The City of Moreno Valley would be responsible for ensuring that project activity would not be conducted between 8:00 p.m. and 7:00 a.m., the following day.

All noise-producing equipment and vehicles using internal combustion engines would be equipped with properly operating mufflers and air inlet silencers, where appropriate, that meet or exceed original factory specifications. This measure would ensure that noise from vehicles is limited to the minimum feasible level.

4.10 Visual Resources

The City of Moreno Valley would be responsible for implementing minimization and avoidance measures to address potential short-term and long-term impacts to visual resources. The measures would include but are not limited to the following:

- Contouring of finished surfaces to blend with adjacent natural terrain where appropriate
- Replacing vegetation removed from the project area during construction with native vegetation
- Maintaining replacement native vegetation until it is well established

4.11 Hazardous Materials and Wastes

Hazardous materials used in conjunction with construction activities would be handled in accordance with state and local ordinances and regulations that govern such materials.

5. References

California Department of Conservation, Alquist-Priolo Special Study Zone Maps.

<http://gmw.consrv.ca.gov/shmp/download/ap/pdf/SUNNYMEAD.PDF>. Accessed September 2011.

California Natural Diversity Database (CNDDDB). 2013. California Department of Fish and Wildlife. Available at: <http://www.dfg.ca.gov/biogeodata/cnddb/> Last accessed March 14, City of Moreno Valley. 2006. *General Plan*.

P&D Consultants. 2006. *Environmental Impact Report—City of Moreno Valley General Plan*.

City of Moreno Valley. 2009. Hazard Mitigation Grant Program DR-1810 application.

Council on Environmental Quality. 1997. *Environmental Justice—Guidance under the National Environmental Policy Act*. Appendix A—Guidance for Federal Agencies on Key Terms in Executive Order 12898.

Federal Emergency Management Agency (FEMA). 2008. Flood Insurance Rate Map #06065C0760G.

FEMA. 2003. Programmatic Environmental Assessment (PEA) for Typical Recurring Actions—Flood, Earthquake, Fire, Rain, and Wind Disasters in California. U.S. Department of Homeland Security, FEMA Region IX.

Santa Ana Watershed Project Authority (SAWPA). 2005. *About the Santa Ana River Watershed*.

<http://www.sawpa.org/about/watershed.htm>. Accessed September 2011.

South Coast Air Quality Management District. 2007. Air Quality Management Plan.

U.S. Fish and Wildlife Service (USFWS). 2013. Critical Habitat Portal. Available online at:

<http://criticalhabitat.fws.gov/crithab/> Last accessed March 14, 2013.

6. List of Preparers

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8/17/2012

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California Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816
(916) 445-7047

**Re: Hazard Mitigation Grant Program -DR-1810-CA
San Timoteo Foothill Neighborhood Flood Protection Project
Applicant: The City of Moreno Valley, CA**

Dear Mr. Beason,

FEMA appreciates your comments received by email dated January 9, 2012 regarding consultation with your office on the San Timoteo Foothill Neighborhood Flood Protection Project. This letter responds to each of your comments (in bold below) and provides FEMA's response (in italics) and additional information as requested.

Comment: APE – The letter and supporting documentation describes the APE as areas subject to construction activities and mentions the vertical APE. However, neither description nor the map referenced (Figure 2) fully describe the APE. How much beyond the roadway will the APE extend? How deep will the vertical APE extend? Figure 2 does not identify an APE at all, so the visual representation is also unclear.

FEMA Response: As indicated in our November 23, 2011 letter; "The storm drain system would consist of approximately 3,000 feet of reinforced concrete pipe (RCP) in three segments: 1,600 feet of 40-inch RCP, 400 feet of 48-inch RCP, and 1,000 feet of 54-inch RCP. In addition, five grate inlets and seven catch basins would be connected to the storm drain system through lengths of 24-inch RCP up to 175 feet. The trenching for the pipeline would be approximately 7 feet wide and 9 to 17 feet deep. The storm drain system would be installed within existing streets." In addition, the City has designated an approximately 2.0 acre portion of an open area at the northwest corner of Pettit Street and Juniper Avenue for temporary staging of equipment and materials during construction.

All construction activity will be contained within the existing roadway and limited to the footprint of the temporary staging area. The APE for this project is depicted in the attached in Appendix A of Attachment A and the entire area was subject cultural resources assessment. Based on the maximum depth the vertical APE will be 17 feet.

Comment: Identification and Evaluation effort – The supporting documentation for this consultation references a pedestrian cultural resources reconnaissance survey performed by CH2M HILL, but the resulting report was not submitted. Please submit that report as support

for the statement that no resources were found and that there is no potential for resources. This report should include a map showing the survey area, which can be compared to the APE map for full coverage.

FEMA Response: CH2M HILL conducted pedestrian reconnaissance of the existing paved city streets and an intensive pedestrian survey of the staging area plus a 50-foot buffer surrounding it using transects spaced at 15 meters. No resources of any kind were found. The APE consists of highly disturbed soils within city streets and disturbed contexts of the residential neighborhood, and within a stratigraphic unit (Pleistocene alluvium) with no potential for resources to be found. The proposed project would result in a negligible change to the landscape. A separate APE for indirect impacts was not determined because no potential effects beyond the construction zone from factors such as visual intrusions and noise were identified.

Given the project's setting in highly disturbed contexts and absence of potential to affect historic properties, a brief technical memorandum documenting the study performed by CH2M HILL was prepared and is provided as Attachment A. The report includes a map of the area subject to cultural resources survey (Appendix A of Attachment A) and also includes ground level photos of the site in Appendix B of Attachment A.

Comment: Native American consultation – The supporting documentation states that the Native American Heritage Commission search found no presence of resources in the APE, but did identify Native Americans with consultation interests for this project area. FEMA must consult with these interested parties and may not decide unilaterally not to consult with them.

FEMA Response: As indicated in our November 23, 2011 letter the Native American Heritage Commission (NAHC) was contacted on September 1, 2011. The NAHC responded on September 9, 2011 with a list of Native Americans interested in consulting on development projects. The NAHC record search of the Sacred Lands file did not indicate the presence of Native American cultural resources in the project survey area or within the 0.5-mile study buffer.

The list provided by the NAHC contained twelve Native American contacts; each of these individuals/groups was contacted by letter on March 13, 2012. On March 14, 2012, Joseph Ontiveros of the Soboba Cultural Resource Department for the Soboba Band of Luiseño Indians, responded with a letter (Attachment C). The letter does not explicitly state an objection to FEMA's no historic properties affected determination, but states that the Tribe wanted government to government consultation and to meet with FEMA in person.

The other requests as stated in the letter were the Soboba Tribe will be the lead consulting tribal entity on the project, a monitor be present during any ground disturbing activities, and proper procedures be taken if there are any discoveries of human remains (more detail on this request in the attachment of the Ontiveros letter).

As requested in the letter Alessandro Amaglio (FEMA), Katerina Hardegan (FEMA), and Mr. Ontiveros initiated government to government consultation by phone with an initial conference call on 04/12/12 to discuss the Tribes concerns. The Tribe stated that they would respond to FEMA within the day with their specific concerns.

To date there has been no response from the Tribe despite reasonable effort by FEMA to contact Mr. Ontiveros, through email and by the phone as requested in the letter, in order for him to have the opportunity to comment and identify concerns. The attempts are as follows:

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- 5/22/2012: Katerina (FEMA) sent a 'generic' tribal agreement document to Mr. Ontiveros, via email in an attempt to identify the tribes concerns regarding the proposed project.
- 6/27/2012: Kat sent another version of tribal agreement document to Mr. Ontiveros, via email, in another attempt to obtain a response for our request to identify the tribes concerns regarding the proposed project.
- Several attempts to speak on the phone with messages left, all go unanswered.

Because Mr. Ontiveros (who, as stated in the letter is the preferred Tribal contact) has yet to provide comments on the project since the initiation of the government to government consultation, and because FEMA has made a good faith effort to allow him to provide comments, FEMA has determined that the requests in the original letter were the Tribes concerns and that honoring these satisfies their concerns and concludes FEMA's consultation with the Tribe.

FEMA has further determined that it has fulfilled the Tribes request to be the lead consulting Tribe, and intends to condition the project with the requirement of a cultural monitor (from the Soboba Band of Luiseño Indians) and with the requested procedures to honor the Tribe if remains are discovered.

To date, only one other Tribe has responded, Ms. Shasta Gaugher with the Tribal Historic Preservation Office of the Pala Band of Mission Indians on March 28, 2012, which stated that the Tribe did not have any objections to the project (Attachment C).

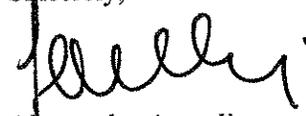
A sample copy of the letters is provided in Attachment B. Also, a detailed summary table of the results of consultations with the individual Native American organizations on the NAHC contact list is included in Attachment B.

No historical or archaeological resources were identified in the APE during the cultural resources records search and survey. FEMA has determined that no properties eligible for listing in the National Register of Historic Places exist within the APE. Therefore, in accordance with Stipulation VII.C of the PA, FEMA has determined that FEMA's Undertaking would result in "no historic properties affected" and that it has put in a reasonable and good faith effort to identify and consult with Native American Indian Tribes that attach religious and cultural significance to the APE.

FEMA requests your concurrence on our finding in compliance with Stipulation VII.C of the PA. For your review, FEMA has enclosed documentation in accordance with 36 CFR 800.11(d). FEMA will authorize funding for the Applicant's proposed project unless you notify FEMA of your non-concurrence within 21 days of your receipt of this documentation.

I look forward to your earliest possible reply. If you require any additional information, please do not hesitate to contact Morgan Griffin at 510-627-7033 or morgan.griffin@fema.dhs.gov.

Sincerely,



Alessandro Amaglio
Regional Environmental Officer

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Enclosures: Attachment A—CH2M HILL Technical Memorandum
Attachment B—Copies of Letters to Native Americans
Attachment C – Soboba Band of Luiseño Indians Response Letter and Pala Band of
Mission Indians Response Letter

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Attachment A

CH2M HILL Technical Memorandum

Cultural Resources Assessment in Support of Hazard Mitigation Grant Program -DR-1810-CA, San Timoteo Foothill Neighborhood Flood Protection Project

PREPARED FOR: FEMA
PREPARED BY: Gloriella Cardenas M.A, RPA / CH2M HILL
DATE: August 9, 2012

Introduction

The City of Moreno Valley, California (Applicant) proposes installation of an underground storm drainage system designed to handle runoff from the 100-year storm within the San Timoteo Foothill neighborhood, which covers approximately 53 acres.

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to fund the proposed project under the Hazard Mitigation Grant Program. FEMA's action of providing Federal financial assistance meets the definition of an Undertaking in 36 CFR 800.16(y) and therefore requires the completion of a Section 106 review in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470f).

Previous Work

A California Historical Resources Information System (CHRIS) cultural resources literature search was conducted at the Eastern Information Center (EIC) located in the Department of Anthropology, University of California, Riverside in September 2011. The record search yielded no results for the presence of cultural resources in the project area or within 0.25 mile.

Native American Consultation

A search of the Sacred Land files by the Native American Heritage Commission (NAHC) on September 1, 2011 failed to indicate the presence of Native American sacred sites in the immediate Project vicinity. The NAHC responded on September 9, 2011 with a list of Native Americans interested in consulting on development projects. Letters were sent to all listed tribes and individuals on March 13, 2012. On March 14, 2012, Joseph Ontiveros from the Cultural Resource Department for the Soboba Band of Luiseño Indians, responded that the tribe would like to participate in government to government consultation with the Department of Homeland Security. One other response has been received, on March 28, 2012, from Shasta Gaugher who is with Tribal Historic Preservation Office of the Pala Band of Mission Indians which states that the project is outside of their traditional lands and they have no objection. To date, no other input from other Tribes has been received.

Results of Field Survey

Gloriella Cardenas, M.A., RPA of CH2M HILL, conducted a pedestrian reconnaissance of the existing paved city streets and an intensive pedestrian survey of a 2.8-acre staging area plus a 50-foot buffer surrounding it using transects spaced at 15 meters. CH2M HILL completed a reconnaissance survey of the catch basins, inlets and pipeline corridor on September 8, 2011. The survey area was within city streets and the built environment. Visibility was zero due to pavement. The day was warm and clear. No cultural resources were discovered during this field investigation.

An intensive pedestrian survey of an approximate 2.8-acre staging area was conducted on February 1, 2012. Survey area was within a disturbed open field with recent agricultural activities observed. Visibility was at 100 percent as the field was recently plowed and vegetation was just beginning to sprout; the day was warm and clear with approximately 20 percent cloud coverage. Soils were comprised primarily of silt, possibly a loam and contained less than 1mm sized clasts; metavolcanic subangular rocks larger than 4mm were observed at less than 1 percent of matrix. No cultural resources were discovered during this investigation.

Figure 1 in Appendix A depicts the APE and the area surveyed for prehistoric and historic cultural resources. Appendix B contains representative project area photographs.

Recommendations

The sensitivity for cultural resources in this area is considered very low due to the lack of any known cultural resources in the immediate area and the high degree of disturbance throughout this residential neighborhood.

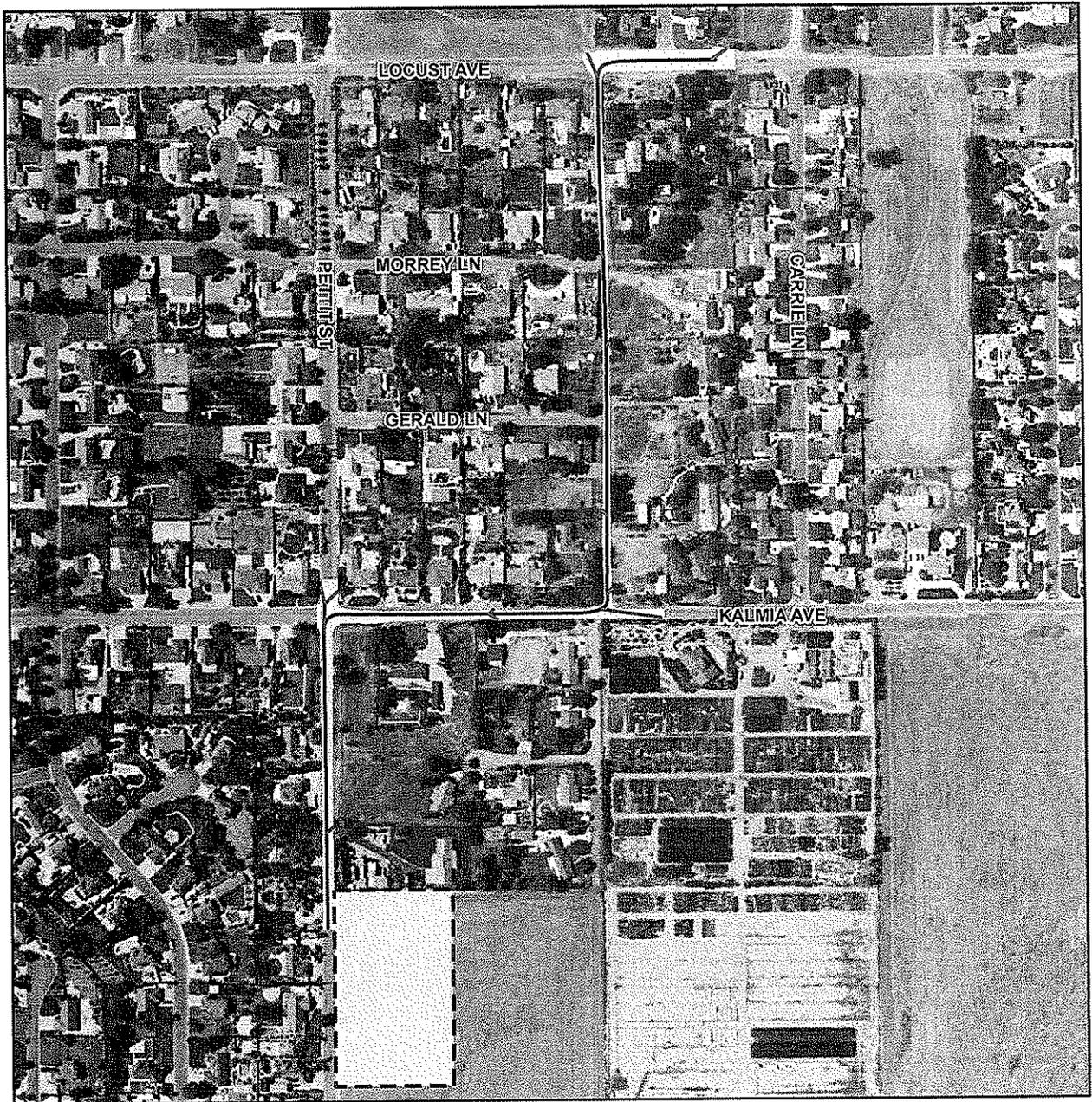
The APE consists of highly disturbed soils within city streets and disturbed contexts of the residential neighborhood, and within a stratigraphic unit (Pleistocene alluvium) with no potential for resources. The proposed project would result in a negligible change to the landscape. A separate APE for indirect impacts was not determined because no potential effects beyond the construction zone from factors such as visual intrusions and noise were identified.

FEMA has made a determination that no historic properties are affected. In accordance with Stipulation VII.A of the 2005 First Amended Programmatic Agreement (PA) among FEMA, the State Historic Preservation Officer, the California Emergency Management Agency, and the Advisory Council on Historic Preservation, the project's area of potential effects (APE) for direct impacts consists of the areas that are subject to construction activities.

As a matter of best practices, in the highly unlikely event that cultural resources are encountered during construction, excavation and construction activities should halt and no activity should occur within 50 feet of the discovery. Construction should resume only after a professional cultural resource specialist has assessed the discovery. If human remains are found during construction, project officials are required by the California Health and Safety Code (Section 7050.5) to contact the County Coroner with jurisdiction within 48 hours and there should be no further disturbance to the site where the remains are found.

Appendix A

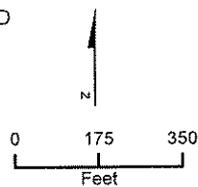
Map of Project Area Surveyed for Cultural Resources



LEGEND

- Stormwater Mainline
- Stormwater Lateral, Catch Basin or Inlet
- - - Staging Area
- Area of Potential Effect

Note:
 - Project Area is entirely within the SUNNYMEAD USGS 7.5 minute Quadrangle.



VICINITY MAP

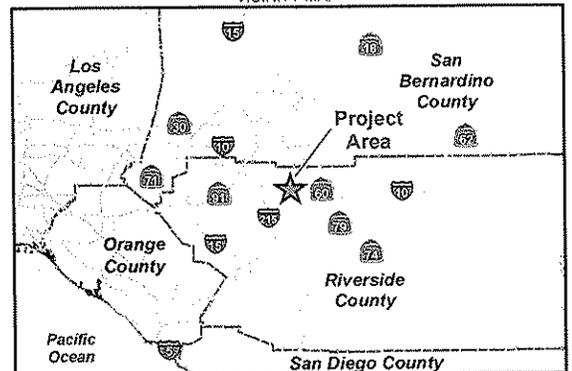


FIGURE 1
Area of Potential Effect
 San Timoteo Foothill Neighborhood
 Flood Protection

Appendix B

Representative Photos of Project Area



Photo 1. Intersection of Carrie Ln and Gerald Ln. Overview of Carrie Ln to the north.



Photo 2. Looking west along Gerald Lane to its intersection with Carrie Lane

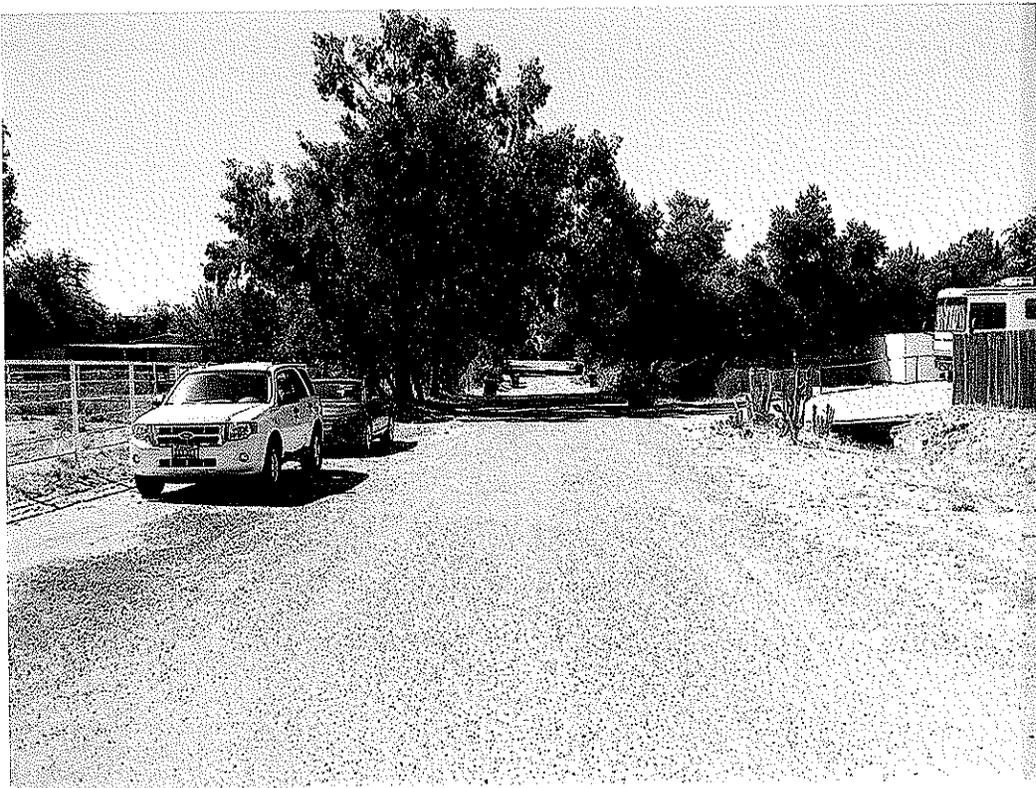


Photo 3. ROW on Carrie Ln towards Kalmia Ave. View to the south.



Photo 4. At Intersection of Carrie Ln. and Locust Ave. View to the east on Locust Ave.



Photo 5. On Locust Ave, overview towards Carrie Ln. View to the west.



Photo 6. Overview of Pettit St. View to the north.



Photo 7. Overview of south extension of APE on Pettit St. View to the south.



Photo 8. Overview of staging area, adjacent to Pettit St. View to the north.



Photo 9. Overview of staging area. View to the east.



Photo 10. Overview of staging area. View to the northwest.

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Attachment B
Spreadsheet and Letter Example



FEMA

March 12, 2012

Ann Brierty
San Manuel Band of Mission Indians
Cultural Resources Department
26569 Community Center Drive
Highland, CA 92346

RE: San Timoteo Foothill Neighborhood Flood Protection Project
FEMA-1810-DR-CA, HMGP 1810-13-3
Subgrantee: City of Moreno Valley

Dear Spokesperson Brierty:

The City of Moreno Valley (Subapplicant) proposes installation of an underground storm drainage system designed to handle runoff from the 100-year storm over an approximately 53-acre area within the San Timoteo Foothill neighborhood in the City of Moreno Valley, California. The proposed storm drainage system would consist of approximately 3,000 linear feet (LF) of reinforced concrete pipe (RCP) in three segments: 1,600 LF of 40-inch-diameter RCP, 400 LF of 48-inch-diameter RCP, and 1,000 LF of 54-inch-diameter RCP. In addition, five grate inlets and seven catch basins would be connected to the storm drainage system through lengths of 24-inch-diameter RCP up to 175 LF. The trenching for the pipeline would be approximately 7 feet wide and 9 to 17 feet deep.

The Department of Homeland Security's Federal Emergency Management Agency (FEMA), through the California Emergency Management Agency, proposes to fund the proposed project under the Hazard Mitigation Grant Program. FEMA's action of providing Federal financial assistance meets the definition of an Undertaking in 36 CFR 800.16(y) and therefore requires the completion of a Section 106 review in accordance with the National Historic Preservation Act of 1966 as amended (NHPA) (16 U.S.C. 470f).

FEMA has made a finding that no historic properties would be affected by the Undertaking. The horizontal and vertical area of potential effects (APE) consist entirely of disturbed soils within city streets, disturbed contexts of a residential neighborhood, and a stratigraphic unit (Pleistocene alluvium) with no potential for resources to be found. Record searches and a pedestrian survey conducted by FEMA's archaeological consultant support this determination. A location map of the project area and APE is enclosed.

Section 101(d)(6)(B) of the NHPA requires that FEMA consults with any Indian Tribe that may attach religious and cultural significance to historic properties that may be affected by FEMA's Undertaking.

Ms. Ann Brierty
March 12, 2012
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If you have any knowledge of historic or cultural properties in the project vicinity, or if you have other concerns about the proposed project, please contact me at (510) 627-7027, fema-rix-ehp-documents@dhs.gov, or the letterhead address within 30 days of receipt of this letter.

Sincerely,

/s/

Alessandro Amaglio
Environmental Officer

Enclosure

SAN TIMOTEO						
RESULTS AS OF: 8/9/12		NAHC CONTACTED: SEPTEMBER 1, 2011				
CONSULTATION LETTERS TO NATIVE AMERICAN CONTACTS PROVIDED BY NAHC		NAHC RESPONSE: SEPTEMBER 9, 2011				
RECIPIENT	LETTER MAILED	FAXED	E-MAILED	COMMENTS RECEIVED (from letter)	FOLLOW UP PHONE CALL	COMMENTS SUMMARY
Ms. Shasta Gaugher Tribal Historic Preservation Office Pala Band of Mission Indians 35008 Pala Temecula Road, PMB 445 Pala, CA 92059 sgaughen@palatribe.com (760) 891-3515 (760) 742-3189 FAX	3/13/12			3/28/2012	3/19/12	Voice mail message was left. FEMA received letter dated 03/26/12 stating Tribe had no concerns. Letter received 3/28/2012 from Gaugher which states that the project is outside of their traditional lands and they have no objection.
Pechanga Band of Mission Indians Paul Macarro Cultural Resource Center P.O. Box 1477 Temecula ,CA 92593 pmacarro@pechanga-nsn.gov (951) 770-8100 (951) 506-9491 fax	3/13/12				3/19/12	Voice mail message was left
Morongo Band of Mission Indians	3/13/12				3/19/12	Voice mail message was left

<p>Michael Contreras, Cultural Heritage Program 12700 Pumarra Road Bannin, CA 92220 mcontreras@morongo-nsn.gov (951) 201-1866 cell (951)0922-0105 fax</p>						
<p>San Manuel Band of Mission Indians Ann Brierty Policy/Cultural Resources Department 26569 Community Center. Drive Highland ,CA 92346 abrierty@sanmanuel-nsn.gov (909) 864-8933, Ext 3250 (909) 862-5152 Fax</p>	3/13/12				3/19/12	Voice mail message was left
<p>Ramona Band of Cahuilla Mission Indians Joseph Hamilton, Chairman P.O. Box 391670 Anza , CA 92539 admin@ramonatribe.com (951) 763-4105 (951) 763-4325 Fax</p>	3/13/12				3/19/12	Voice mail message was left
<p>Santa Rosa Band of Mission Indians Mayme Estrada, Chairwoman P.O. Box 609 Hemet ,CA 92546 srbcioffice@yahoo.com</p>	3/13/12 3/20/12				3/19/12 3/30/12	The tribe was called as a follow up to the letter and new contact information was given. New Name: Santa Rosa Band of Cahuilla Indians PO Box 391820 Anza, 92539

(951) 658-5311 (951) 658-6733 Fax Incorrect Contact!						(951) 659- 2700 (951) 659-2228 Fax thughes@santarosacahuilla- nsn.gov 3/30/12 Confirmed receipt of letter from Veronica Hicks
Willie J. Pink 48310 Pechanga Road Temecula ,CA 92592 wjpink@hotmail.com (909) 936-1216 Prefers a-mail contact	3/13/12		3/19/12 3/20/12			An email was sent to Mr. Pink on 3/19/12, he replied the same day that no letter was received. USPS certified mail was tracked, and a delivery notice and need for signature was left. Mr. Pink must pick up the letter. He was emailed this information on 3/20/12
Serrano Nation of Indians Goldie Walker P.O. Box 343 Patton , CA 92369 (909) 862-9883	3/13/12				3/19/12	The phone number is no longer in service. A new number was not made available.
Soboba Band Of Luiseño Indians Joseph Ontiveros, Cultural Resource Department P. O. Box 487 San Jacinto, CA 92581 (951) 663-5279 (951) 654-5544 Ext. 4137	3/13/12					Mr. Ontiveros sent a letter reponse to FEMA on 3/14/12 stating the tribe's desire to be included in government to government consultation
Cahuilla Band of Indians Luther Salgado, Sr.	3/13/12				3/19/12	The phone number is no longer in service. A new

Chairperson PO Box 391760 Anza , CA 92539 tribalcouncil@cahuilla.net 915-763-5549						number was not made available.
Pechanga Cultural Resources Department Anna Hoover, Cultural Analyst P.O. Box 2183 Temecula ,CA 92593 ahoover@pechanga-nsn.gov (951) 770-8100 (951) 694-0446 - fax	3/13/12				3/19/12	Voicemail message was left
Morongo Band of Mission Indians Ernest H. Siva Tribal Elder 9570 Mias Canyon Road Banning ,CA 92220 Cahuilla siva@dishmail.com (951) 849-4676	3/13/12				3/19/12	Voicemail message was left

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Attachment C
Soboba Response Letter

March 14, 2012

APR 02 2012

Attn: Alessandro Amaglio, Environmental Officer
U.S. Department of Homeland Security
Region IX
1111 Broadway, Suite 1200
Oakland, CA 94607-4052



Re: San Timoteo Foothill Neighborhood Flood Protection Project FEMA-1810-DR-CA, HMGP 1810-13-3

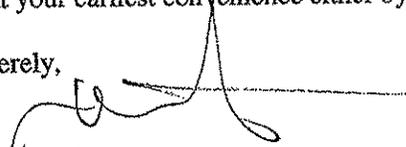
The Soboba Band of Luiseno Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. This project location is in close proximity to known village sites and is a shared use area that was used in ongoing trade between the Luiseno and Cahuilla tribes. Therefore it is regarded as highly sensitive to the people of Soboba.

Soboba Band of Luiseno Indians is requesting the following:

1. **Government to Government** consultation in accordance to Section 106. Including the transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.
2. Soboba Band of Luiseno Indians continue to be a lead consulting tribal entity for this project.
3. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseno Indians requests that Native American Monitor(s) from the Soboba Band of Luiseno Indians Cultural Resource Department to be present during any ground disturbing proceedings. Including surveys and archaeological testing.
4. Request that proper procedures be taken and requests of the tribe be honored (Please see the attachment)

The Soboba Band of Luiseno Indians is requesting a face-to-face meeting between the U.S. Department of Homeland Security and the Soboba Cultural Resource Department. Please contact me at your earliest convenience either by email or phone in order to make arrangements.

Sincerely,


Joseph Ontiveros
Soboba Cultural Resource Department
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

Cultural Items (Artifacts). Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer should agree to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. When appropriate and agreed upon in advance, the Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

The Developer should waive any and all claims to ownership of Native American ceremonial and cultural artifacts that may be found on the Project site. Upon completion of authorized and mandatory archeological analysis, the Developer should return said artifacts to the Soboba Band within a reasonable time period agreed to by the Parties and not to exceed (30) days from the initial recovery of the items.

Treatment and Disposition of Remains

A. The Soboba Band shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity.

B. The Soboba Band, as MLD, shall complete its inspection within twenty-four (24) hours of receiving notification from either the Developer or the NAHC, as required by California Public Resources Code § 5097.98 (a). The Parties agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes.

C. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The Soboba Band, as the MLD in consultation with the Developer, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains.

D. All parties are aware that the Soboba Band may wish to rebury the human remains and associated ceremonial and cultural items (artifacts) on or near, the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The Developer should accommodate on-site reburial in a location mutually agreed upon by the Parties.

E. The term "human remains" encompasses more than human bones because the Soboba Band's traditions periodically necessitated the ceremonial burning of human remains. Grave goods are those artifacts associated with any human remains. These items, and other funerary remnants and their ashes are to be treated in the same manner as human bone fragments or bones that remain intact.

Coordination with County Coroner's Office. The Lead Agencies and the Developer should immediately contact both the Coroner and the Soboba Band in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

Non-Disclosure of Location Reburials. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

2012 MAR 28 PM 2 06

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax



PALA THPO

March 26, 2012

Alessandro Amaglio
U.S. Dept of Homeland Security- FEMA
1111 Broadway, Suite 1200
Oakland, CA 94607

Re: FEMA-1810-DR-CA, HMGP 1810-13-3

Dear Mr. Amaglio,

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

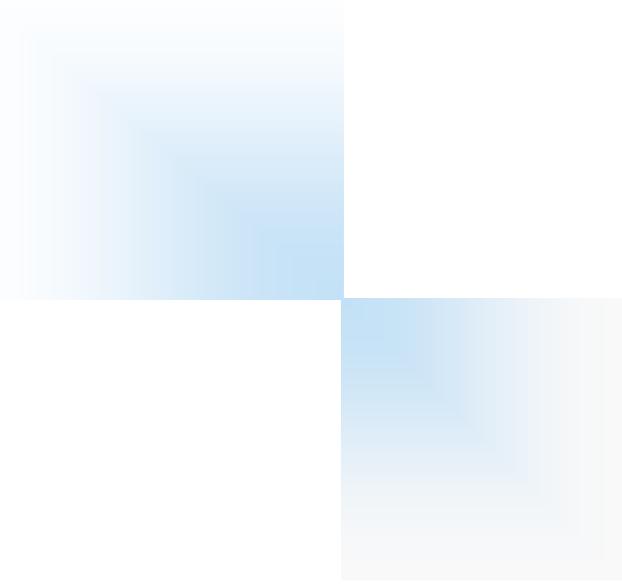
We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we have no objection to the continuation of project activities as currently planned and we defer to the wishes of Tribes in closer proximity to the project area.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at sgaughen@palatribe.com.

Sincerely,

Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians

ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO SHASTA C. GAUGHEN AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH.



**CDM
Smith**

www.cdmsmith.com