

# **FINAL ENVIRONMENTAL IMPACT REPORT**

## **State Clearinghouse Number 2018101010**

**for**

**Change of Zone No. 1800007 (CZ1800007)**  
**Plot Plan No. 180024 (PPT180024)**  
**Tentative Tract Map No. 37439 (TTM37439)**

*Lead Agency:*

**County of Riverside**

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951.955.3025

Point of Contact: Russell Brady, Project Planner  
[rbrady@rivco.org](mailto:rbrady@rivco.org)

*Project Proponent:*

**Sun Holland, LLC**

27127 Calle Arroyo, #1910  
San Juan Capistrano, CA 92675  
Point of Contact: William Lo  
[bl@billoconsulting.com](mailto:bl@billoconsulting.com)

*Prepared by:*

**Matthew Fagan Consulting Services, Inc.**

42011 Avenida Vista Ladera  
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**June 2020**

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### **Appendices (on CD at the back of this Final EIR)**

Appendix A - Draft EIR

Appendix B - Canterwood (TTM No. 37439) Traffic Impact Analysis Response to Comments, prepared by Urban Crossroads (4-24-2020)

Appendix C - Canterwood (TTM No. 37439) Supplemental Traffic Assessment Memo, prepared by Urban Crossroads (4-24-2020)

Appendix D - Design Manual - Canterwood (Change of Zone No. 1800007, Plot Plan No. 180024, and Tentative Tract Map No. 37439), prepared by Matthew Fagan Consulting Services, Inc., (4-2020)

## 1.0 INTRODUCTION

The Final Environmental Impact Report (Final EIR) for the proposed Canterwood Project has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines and the County of Riverside policies for implementing CEQA.

The following is an excerpt from the CEQA Guidelines Section 15132 that states: “The Final EIR shall consist of:

- (a) Environmental Impact Reports shall contain the information outlined in this article, but the format of the document may be varied. Each element must be covered, and when these elements are not separated into distinct sections, the document shall state where in the document each element is discussed.
- (b) The EIR may be prepared as a separate document, as part of a general plan, or as part of a project report. If prepared as a part of the project report, it must still contain one separate and distinguishable section providing either analysis of all the subjects required in an EIR or, as a minimum, a table showing where each of the subjects is discussed. When the Lead Agency is a state agency, the EIR shall be included as part of the regular project report if such a report is used in the agency’s existing review and budgetary process.
- (c) Draft EIRs shall contain the information required by Sections 15122 through 15131. Final EIRs shall contain the same information and the subjects described in Section 15132.
- (d) No document prepared pursuant to this article that is available for public examination shall include a “trade secret” as defined in Section 6254.7 of the Government Code, information about the location of archaeological sites and sacred lands, or any other information that is subject to the disclosure restrictions of Section 6254 of the Government Code.

The Final EIR includes all of these required components.

In accordance with § 15088 of the State CEQA Guidelines, the County of Riverside, as the lead agency for the proposed Project, evaluated comments received on the Draft EIR (DEIR), State Clearinghouse No. 2018101010, and has prepared responses to the comments received. The preceding Table of Contents provides of a list of all persons, organizations, and public agencies commenting on the DEIR. Section 2.0 includes the Responses to Comments received by the County of Riverside on the DEIR. It should be noted that responses to comments also resulted in various editorial clarifications and corrections to the original DEIR text. Added or modified text is shown in Section 3.0, Errata, by underlining (example) while deleted text is shown by striking (~~example~~). The additional information, corrections, and clarifications are not considered to substantively affect the conclusions within the EIR. This Response to Comments document is part of the Final EIR, which includes the EIR pursuant to § 15132 of the State CEQA Guidelines.

After review and discussion by County staff and the Planning Commission, responses to comments will be sent to commenting agencies and individuals. This satisfies the requirement of Section 21092.5 of CEQA to send responses to the public agency comments received on the DEIR at least 10 days prior to Project approval. This document includes responses to all written and verbal comments received on the DEIR.

## BACKGROUND

On October 8, 2018, the County of Riverside publicly noticed its decision to prepare an environmental impact report (EIR) for the Project by noticing the State Clearinghouse, related agencies, other government agencies and surrounding property owners within a 600-foot radius from the Project site boundaries.

On November 5, 2018, the County of Riverside held a duly noticed public scoping meeting regarding the preparation of the EIR to discuss and hear from the public on the potential environmental impacts, which meeting was publicly noticed by an agenda posting and a notice to surrounding property owners within a 600-foot radius from the Project site boundaries, at least ten (10) days prior to the public meeting.

Between February 10, 2020 and March 25, 2020, the State-mandated forty-five (45)-day public review period for the Draft Project EIR (DEIR) took effect, which was publicly noticed by a publication in a newspaper of general circulation, notice to owners within 600 feet of the Project site boundaries, related agencies and government agencies, and other interested parties, copies of the DEIR were sent to the State Clearinghouse, a copy placed at the County of Riverside Planning Department counter and a copy placed at the Paloma Valley Library and the Riverside Public Library.

Comments and testimony are responded to through Response to Comments as part of the Final EIR and the Response to Comments shall be distributed to all public agencies and other interested parties that submitted comments on the DEIR at least 10 days prior to certification of the Final Project EIR (Final EIR) in accordance with CEQA.

No evidence of new significant impacts, as defined by CEQA Guidelines Section 15088.5, have been received by the County after circulation of the DEIR which would require re-circulation.

The DEIR for the Canterwood Project, dated February 2020 and Final EIR for the Canterwood Project, dated June 2020 provide an assessment of the environmental impacts associated with the Canterwood Project and have been prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*, and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.*

As set forth in more detail in the Responses to Comments and Errata, none of the clarifications or amplifications set forth herein change the significance conclusions presented in the DEIR or substantially alters the analysis presented for public review. Furthermore, the DEIR circulated for public review was fully adequate under CEQA such that meaningful public review was not precluded. Thus, the clarifications provided in the Responses to Comments and Errata do not constitute significant new information that might trigger recirculation.

## 2.0 COMMENTS AND RESPONSES

### Comment Letter No. 1

Cheryl Madrigal, Tribal Historic Preservation Officer, Cultural Resources Manager  
Rincon Band of Luiseño Indians (2-2-2020)

# Rincon Band of Luiseño Indians

## CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082  
(760) 749-1051 | Fax: (760) 749-8901 | rincon-nsn.gov



February 28, 2020

**Sent via email: rbrady@rivco.org**  
Riverside County Planning Department  
Attn: Russell Brady  
P.O. Box 1406  
Riverside, CA 92502-1409

**Re: Canterwood: Change of Zone No. 1800007 (CZ 1800007), TTM 374389, PPT180024, TPM 37864**

Dear Mr. Brady,

This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for providing us with the Draft EIR for the above referenced project. The identified location is within the Territory of the Luiseño people, and is also within Rincon's specific area of Historic interest. | 1.1

We have reviewed the provided documents and are in agreement with the measures which include archaeological and Luiseño tribal monitoring, a monitoring report, and protocols for discovery of cultural material and human remains. We have no further concerns pertaining to cultural resources. | 1.2

We do request that the Rincon Band be notified of any changes in project plans. In addition, we request a copy of the final monitoring report, when available. |

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 297-2635. | 1.3

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Cheryl Madrigal  
Tribal Historic Preservation Officer  
Cultural Resources Manager

Bo Mazzetti  
Chairman

Tishmall Turner  
Vice Chair

Laurie E. Gonzalez  
Council Member

Alfonso Kolb, Sr.  
Council Member

John Constantino  
Council Member

**Responses to Comment Letter No. 1**

- 1.1 These are introductory statements thanking the County of Riverside for the opportunity to comment on the Project and acknowledging that the Project location is within the Territory of the Luiseño people, and is also within Rincon's specific area of Historic interest; no response is required.
- 1.2 The commenter is in agreement with the measures which include archaeological and Luiseño tribal monitoring, a monitoring report, and protocols for discovery of cultural material and human remains and has no further concerns pertaining to cultural resources.
- The Rincon Band will be notified of any changes in Project plans and a copy of the final monitoring report will be sent to the Rincon Band, when available.
- 1.3 These are closing statements indicating not to hesitate to contact the commenter, if needed; no response is required.

**Comment Letter No. 2**

Glenn Robertson, Engineering Geologist, PG, M.S.  
Regional Water Quality Control Board (3-5-2020)

**From:** Robertson, Glenn@Waterboards [<mailto:Glenn.Robertson@waterboards.ca.gov>]  
**Sent:** Thursday, March 5, 2020 6:25 PM  
**To:** [rfozler@cityofmenifee.us](mailto:rfozler@cityofmenifee.us); Brady, Russell <[rbrady@RIVCO.ORG](mailto:rbrady@RIVCO.ORG)>  
**Cc:** Reeder, Terri@Waterboards <[Terri.Reeder@waterboards.ca.gov](mailto:Terri.Reeder@waterboards.ca.gov)>  
**Subject:** Menifee sites - Canterwood, Mill Creek Promenade, TTM No. 2019-0012

To Ryan Fowler and Russell Brady-

Staff of the Regional Water Quality Control Board wish to convey messages about water bodies within three Menifee sites that are currently in planning progress:

2.1

1)TTM 37439, Canterwood Project, Leon at Holland Roads, Riverside County jurisdiction, in the current review period for DEIR SCH 2018101010 –  
For the expected impacts to 0.14 acre of waters of the state (p.1-28) in the agricultural ditch, for which a CDFW streambed alteration agreement is likely, the Regional Board also requests submittal of an application for waste discharge requirements. Our agency considers permitting for ag ditches in concert with the CDFW, particularly where beneficial uses can be identified. That application may utilize our 401 Certification format, but the most appropriate application would be for authorization under State Board Water Quality Order 2004-0004 for "Dredge or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside Federal Jurisdiction," limited to water bodies no larger than 0.20 acre. This application may be found at  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

2.2

2)Tentative Tract Map No. 2019-0012, TTM 37668, Scott Rd at Lindenberger Rd, City jurisdiction – Thank you for the planned avoidance of the wetland/drainage/vernal pool complex in the northern portion of the site. We note that the southern central boundary of the site--near where a detention basin is planned-- also has a seasonal depression with a history of runoff collection; here, historical discing could have introduced the cysts of fairy shrimp (only evaluated for the northern water bodies). Therefore, a created seasonal depression in this location, or its function within the detention basin concept, should please be considered.

Though not an issue for this particular Project, we note that the lot to the north of the Project additionally has near-vernal pool or seasonal depression water bodies, forming and reforming over time.

2.3

3)Mill Creek Promenade, near Wickard and Haun Roads, City jurisdiction – The Regional Board accepts jurisdiction for the narrow drainage across the southeastern portion of this rectangular Project site. While the Draft EIR noted that a 404 Permit would be required from the U.S. Army Corps of Engineers, the Regional Board/ State Board was listed only for stormwater permit "enforcement" and not for a 401 Certification. Please have the Project proponent submit a Certification application (also found on our website).

Thank you both for your consideration of the above comments. Do ask me any questions if clarification is needed. Glenn Robertson

2.4

Glenn S. Robertson  
Engineering Geologist, PG, M.S.  
Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501

Phone (951) 782-3259  
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Email [Glenn.Robertson@waterboards.ca.gov](mailto:Glenn.Robertson@waterboards.ca.gov)

**Responses Comment Letter No. 2**

- 2.1 These are introductory statements indicating that the Staff of the Regional Water Quality Control Board wish to convey messages about water bodies within three Menifee sites; no response is required.
- 2.2 Regarding jurisdictional impacts and the need for future permitting through the Regional Water Quality Control Board (RWQCB), Mitigation Measure MM-BIO-3 on DEIR p. 4.5-46 states the following:
- MM-BIO-3:** Prior to issuance of grading permits, the applicant must provide documentation demonstrating that streambed permits have been applied for. This would include a Notification of Lake or Streambed Alteration was submitted to the California Department of Fish and Wildlife pursuant to Fish and Game Code section 1602. If CDFW determines that a Lake or Streambed Alteration Agreement is required as a result of the Notification process, the applicant shall provide the final Agreement documentation. Also, a 401 Certification from Regional Water Quality Control Board shall be applied for and the final agreement documentation shall be provided to EPD. When the requested documents are completed and ready for EPD review, please upload them to our Secure File Transfer server to ensure prompt response and review. If you are unfamiliar with the process for uploading biological documents to the FTP site, please contact Matthew Poonamallee at [mpoonama@rivco.org](mailto:mpoonama@rivco.org) and Teresa Harness at [tharness@rivco.org](mailto:tharness@rivco.org) for instructions. Biological documents not uploaded to the FTP site may result in delayed review and approval.
- This measure addresses the concerns/issues raised by the RWQCB in this comment and no additional response is needed.
- 2.3 These are comments regarding two projects in the City of Menifee (TTM 37668 and Mill Creek Promenade) that are unrelated to TTM 37439; no response is required.
- 2.4 These are closing statements indicating to contact the commenter, if needed; no response is required.



**Comment Letter No. 3**

Molly Earp-Escobar, Cultural planning Specialist  
Pechanga Band of Luiseño Indians (3-6-2020)



**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luiseño Mission Indians*

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Cultural Analyst:  
Tuba Ebru Ozdil

Planning Specialist:  
Molly E. Escobar

March 6, 2020

**VIA E-MAIL and USPS**

Russell Brady  
Riverside County Planning Department  
P.O. Box 1409  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92502-1409

**Re: Pechanga Tribe Comments on the Draft Environmental Impact Report (DEIR) for the Tentative Tract Map No. 37439 (CZ1800007, PPT180024, TTM37439)**

Dear Mr. Fowler,

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

3.1

The Tribe submits these comments concerning the Project's impacts to cultural resources in conjunction with the environmental review of the Project and to assist the County of Riverside in developing appropriate avoidance and preservation standards. The project location is within the Luiseño traditional land use area, and there is a high potential to find subsurface cultural resources during earth moving activities for the proposed project.

The Tribe agrees with the majority of the proposed mitigation measures, with minor edits but does not agree that paleontological mitigation measures to be incorporated within the cultural section of the DEIR and requests relocating it to a more appropriate section of the document such as the geology section or within its own section. As for the cultural resources mitigation measures as presented in the DEIR for this project, the Tribe request that our proposed editions and deletions into the final EIR and added as conditions of approval for the Project.

3.2

**PECHANGA CULTURAL AFFILIATION TO THE PROJECT AREA**

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The Pechanga Tribe asserts that the Project area is part of 'Atáaxum (Luiseño), and therefore the Tribe's, aboriginal territory as evidenced by the existence of 'Atáaxum place names, *tóota yixélval* (rock art, pictographs, petroglyphs), and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as extensive history with both this Project and other projects within the area.

The Pechanga Tribe's knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history and ethno-history; and through recorded ethnographic and linguistic accounts. Of the many anthropologists and historians who have presented boundaries of the Luiseño traditional territory, few have excluded the Menifee area from their descriptions (Drucker 1955; Sparkman 1908; Kroeber 1925; Smith and Freers 1994), and such territory descriptions correspond with that communicated to the Pechanga people by our elders. While historic accounts and anthropological and linguistic theories are important in determining traditional Luiseño territory, the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions. The Tribe welcomes the opportunity to meet with the County to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction.

3.3

**Pechanga Tribe's Comments Regarding Sections 4.6 and 4.17**

The Pechanga Tribe received and reviewed the Cultural Resources and Tribal Cultural Resources section of the DEIR and has some concerns regarding statements made in these sections of the report. The DEIR should summarize the information conducted during the entitlement process and should not include the entire report. Therefore sections **4.6.2 Environmental Setting, 4.6.2.1 Existing Conditions, 4.6.2.1.a Topography and Geology, 4.6.2.1.b Biology, 4.6.2.1.c Climate 4.6.2.1.d, Discussion of Environmental Setting, 4.6.2.2 Cultural Setting, 4.6.2.2.a Prehistory, 4.6.2.2.b Ethnography, 4.6.2.2.c History,** and most of the discussions under the Methods and Procedures subsection under **4.6.4 Potential Impacts** should not be included in the Final EIR as there are several areas with incorrect information; however, if these sections will be included the Tribe requests that the Final EIR acknowledge the Tribe's following comments and concerns.

3.4

Through the Tribe's review of the DEIR, it was noticed that **9.c.** of the Archaeological Resources issue area, under section **4.6.1 Introduction**, was deleted from the environmental review. **9.c.** pertains to human remains, and needs to be addressed in the DEIR. A project, no matter its level of ground disturbance, always has the potential to disturb unknown human remains. Thus, the Tribe requests that SC-CUL-6 and SC-CUL-8, as proposed below, be included to ensure that the projects potential impacts to human remains is less than significant with mitigation incorporated.

3.5

Further, the Tribe requests that the title for section **4.6.2.2.a** be changed to Prehistoric Era. The term prehistory denotes that history only started after Europeans invaded the New World. The

3.6

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Tribe understands that the words “prehistory” and “history” are used by archaeologists and historians to distinguish the time prior to European contact and after and that the period of time after European contact is still within the historic era, therefore, the Tribe requests that the section title be changed to reflect a more inclusive understanding of the cultural time periods of California’s history.

3.6  
cont..

Section **4.6.2.2.b Ethnography** makes the statement that, “the Project area was included in the known territory of the Shoshonean-speaking Luiseño Indians” the paragraph goes on to say, “as far as can be determined the Luiseño, whose language is of the Takic Family (part of the Uto-Aztecan linguistic stock) has no word naming of their nationality”. The above statements are a misclassification of the ‘Atáaxum (Luiseño people), language and their territory. The Luiseño recognize that the world was created in the area now known as Temecula<sup>1</sup>, and the Luiseño People have been in this area since the beginning of time, the Luiseño never migrated into the area. Linguistic theory and archaeological data now support the view that the Luiseño were in California before the “Shoshonean Intrusion” occurred. The theory that Luiseño is a Shoshonean language was a theory introduced in the 1890s and has long since been abandoned. Beginning in the 1960s and 70s linguistic researched reclassified the Uto-Aztecan language family into two branches the Northern and Southern. Within those branches the Shoshonean language falls within the Numic branch of the larger U-A family. “Shoshonean” is not a recognized language group, but it falls within the Central Numic sub-branch and is a language spoken by Shoshonean people. Luiseño is recognized as being within the southern Uto-Aztecan language family in the Takic sub-branch. Some current sources on the Uto-Aztecan family are as follows: Victor Golla, 2011, California Indian Languages, University of California Press, Berkeley, Pg. 169-188; Lyle Campbell, 1997, American Indian Languages: The Historical Linguistics of Native America, Oxford University Press, New York, pgs. 133-138; Marianne Mithun, 1999, The Languages of Native North America, Cambridge University Press, Cambridge, pgs. 539-548. Therefore, the Tribe would like to assert that the “Shoshonean Wedge” theory is no longer supported by current research and all mention of the “Shoshonean Intrusion” be removed throughout the cultural section of the DEIR for this project. Additionally, the statement that the Luiseño had no word for their nationality is wildly incorrect. The Luiseño called themselves ‘Atáaxum, which means “people,” and traditional songs refer to the people as Payómkawichum “people of the west.” Constance Goddard DuBois, 1908, The Religion of the Luiseño Indians of Southern California, University of California Publications in American Archaeology and Ethnography, pgs. 138, 159. The people were also associated with their villages, for example, today the Pechanga people refer to themselves as the “Pechangayam,” people of Pechanga.

3.7

The **Ethnography** section further states that “The territory of the Luiseño was extensive, encompassing over 1500 square miles of coastal and inland Southern California. Known territorial boundaries extended on the coast from Aliso Creek on the north to Agua Hedionda Creek on the south, then inland to Santiago Peak, across to the eastern side of the Elsinore Fault Valley, southward to the east of Palomar Mountain, and finally, around the southern slope of the

<sup>1</sup> Masiel-Zamora, Myra, 2016, *Éxva Teméku: Where We Began*. Great Oak Press, Pechanga, California.  
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Valley of San Jose. Their habitat included every ecological zone from sea level to 6000 mean feet above sea level.” Additionally **Figure 4.6-6** represents the Luiseño ancestral territory as described above; these descriptions are incorrect. The figure and description leaves out about approximately 60% of the true Luiseño ancestral territory. The territory reached as far northeast as the Santa Ana River and Box Springs Mountain Range, as far east as Mount San Jacinto, and as far southeast as Lake Henshaw, and to the west including the Southern Channel Islands. 3.7 cont.

A prehistoric era Archaeological District, recorded in the 1970s, has not been included in Results subsection of Section **4.6.4 Potential Impacts**. The Project lies within the district which spans over four and a half square miles. The projects impacts to the district needs to be assessed as part of the environmental review. 3.8

Section **4.16.2.1 Existing Conditions** should be removed from the Final EIR as it does not add value to the discussion of Tribal Cultural Resources. 3.9

**Section 4.16.4 Potential Impacts** states that the Pechanga Band did not respond to the Cultural Resource Assessment (CRA) or consult on this project, both statements are incorrect. The Tribe provided comments to the County on the CRA on July 20<sup>th</sup>, 2018; additionally the project and the Tribes concerns, were discussed in several face-to-face meetings between the County Archaeologist, County Geologist and the Tribe throughout 2018. 3.10

In section **4.16.1 Introduction** and **4.16. 5 Avoidance, Minimization, Standard Conditions, and Mitigation Measure** in the response to mitigation measures; it states that “Because the Project site has experienced severe ground disturbances in the past, any buried archaeological resources would have already been uncovered or destroyed.” The Tribe finds this statement untrue for a couple different reasons. Firstly, the Project area has not been severely disturbed. The Tribe fully understands that the area has been disturbed, however, archaeological resources are known to be in deep deposits within a mile of the Project area, depths of 8-10 feet. Additionally, the Tribe must make note that a Tribal Cultural Resource does not always mean an archaeological resource. While archaeological resources are a part of Tribal Cultural Resources, often the resources are intangible. Therefore the “Impacts to cultural resources (which could include tribal cultural resources) were addressed in the Cultural Resources Section of the DEIR is incorrect. 3.11

Lastly, the Tribe finds it incredibly concerning that the Cultural Resources and Tribal Cultural Resources sections (**4.6, 4.16**) includes no citations to where the information regarding the Tribal or historic era information has come from. The Tribe requests all citations be included not only in the Final EIR, but in all archaeological reports and all environmental documents in the future. 3.12

**PROJECT IMPACTS TO CULTURAL RESOURCES  
AND PROPOSED MITIGATION MEASURES**

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The proposed Project is located in Menifee, a very sensitive region of Luiseño territory. The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources and any impacts that could be avoided by consultation with the Tribe.

3.13

The Tribe requests that the following mitigation measures be incorporated into the final Environmental Impact Report (FEIR) in the Traditional Cultural Resources section or any other applicable documents, such as development and grading plans (strikeouts are deletions, underlines are additions). We would be happy to discuss our request for implementation of mitigation measures for this project further with the County.

**SC-CUL-1 (Conduct Archaeological Sensitivity Training for Construction Personnel).** The Applicant must retain a qualified professional archaeologist, approved by the Community Development Director, or designee, who meets U.S. Secretary of the Interior's Professional Qualifications and Standards, to conduct an Archaeological Sensitivity Training for construction personnel before commencing excavation activities. The training session must be carried out by a cultural-resources professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The training session will include a handout and will focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and, the general steps a qualified professional archaeologist would follow. ~~in conducting a salvage investigation if one is necessary.~~

3.14

**SC-CUL-2 (Unanticipated Resources).** The developer/permit holder or any successor in interest shall comply with the following for the life of this permit. If during ground disturbance activities, unanticipated cultural resources\* are discovered, the following procedures shall be followed: All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the applicant shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist\*\*, the Native American tribal representative (~~or other appropriate ethnic/cultural group representative~~), and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc.) for the cultural resource. Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by the additional Tribal monitor, if needed. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Management Plan and Monitoring Agreements entered into

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with the Tribe(s). This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial mitigation. Resource evaluations shall be limited to nondestructive analysis. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the project archeologist, in consultation with the Tribe(s), and shall be submitted to the County for their review and approval prior to implementation of the said plan. Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the Community Development Director for decision. The Community Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the Community Development Director shall be appealable to the Planning Commission and/or Board of Supervisors.

3.14  
cont.

\* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other.

\*\* If not already employed by the project developer, a County approved archaeologist shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

SC-CUL-3 (Cultural Resources Disposition). In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

- I. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the Riverside County Planning Department:

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- i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources.
- ii. Reburial of the resources on the Project property. The measures for reburial shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the County under a confidential cover and not subject to Public Records Request.
- iii. If preservation in place or reburial is not feasible then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the County. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

3.14  
cont.

SC-CUL-34 **(Native American Monitor)**. Prior to the issuance of grading permits, the developer/permit applicant shall enter into an agreement with the consulting tribe(s) for a Native American Monitor. The Native American Monitor(s) shall be on-site during all initial ground disturbing activities and excavation of each portion of the Project site including clearing, grubbing, tree removals, grading and trenching. ~~With the Archaeological Monitor(s),~~ ~~the~~ The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources. The developer/permit applicant shall submit a fully executed copy of the agreement to the County Archaeologist to ensure compliance with this mitigation measure

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~~condition of approval. Upon verification, the Archaeologist shall clear this condition. This agreement shall not modify any condition of approval or mitigation measure.~~

SC-CUL-45 **(Project Archaeologist)**. Prior to issuance of grading permits: The applicant/developer shall provide evidence to the County of Riverside Planning Department that a County certified professional archaeologist (Project Archaeologist) has been contracted to implement a Cultural Resource Monitoring Program. ~~A Cultural Resource Monitoring Plan shall be developed that addresses the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural and historic resources to a level that is less than significant as well as address potential impacts to undiscovered buried archaeological resources associated with this project.~~ A fully executed copy of the contract and a wet-signed copy of the Monitoring Plan shall be provided to the County Archaeologist to ensure compliance with this condition of approval. Working directly under the Project Archaeologist, an adequate number of qualified Archaeological Monitors shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored including off-site improvements. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist.

In addition, the Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the County, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:

- a. Project grading and development scheduling;
- b. The Project archeologist and the Consulting Tribes(s) shall attend the pre-grading meeting with the County, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures

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3.14  
cont.



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until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial Training must take the Cultural Sensitivity Training prior to beginning work and the Project archaeologist and Consulting Tribe(s) shall make themselves available to provide the training on an as-needed basis;

- c. The protocols and stipulations that the contractor, County, Consulting Tribe(s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

~~MM-CUL-5 Artifact Disposition. Prior to Grading Permit Final Inspection, the landowner(s) shall relinquish ownership of all cultural resources that are unearthed on the Project property during any ground-disturbing activities, including previous investigations and/or Phase III data recovery. Historic Resources all historic archaeological materials recovered during the archaeological investigations (this includes collections made during an earlier project, such as testing of archaeological sites that took place years ago), shall be curated at the Western Science Center, a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines Prehistoric Resources One of the following treatments shall be applied. a. Reburial of the resources on the Project property. The measures for reburial shall include, at least, the following: Measures to protect the reburial area from any future impacts. Reburial shall not occur until all required cataloguing, analysis and studies have been completed on the cultural resources, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial processes shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV Report. The Phase IV Report shall be filed with the County under a confidential cover and not subject to a Public Records Request. b. If reburial is not agreed upon by the Consulting Tribes then the resources shall be curated at a culturally appropriate manner at the Western Science Center, a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the County. There shall be no~~

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cont.

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~~destructive or invasive testing on sacred items, burial goods and Native American human remains.~~

SC-CUL-6 (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 associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 @., 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 @.

SC-CUL-67 Phase III and Phase IV Cultural Report. Prior to Grading Permit Final Inspection, the developer/permit holder shall prompt the Project Archeologist to submit two copies of the Phase III Data Recovery report (if required for the Project), and a Phase IV Cultural Resources Monitoring Report shall be submitted that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scopes of Work posted on the TLMA website. The report shall include results of any feature avoidance, relocation, reburial or residue analysis required as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting and evidence that any artifacts have been treated in accordance to procedures stipulated in the Cultural resources Management Plan.

3.14  
cont.

SC-CUL-8 (Human Remains). If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the

Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

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A large portion of Riverside County and smaller portions of San Diego County and Orange County are considered, by the Tribe, to be a culturally significant area. These areas are the Tribes ancestral territory. The Tribe appreciates the opportunity to work towards preserving and protecting our sensitive cultural resources and to monitor earth moving activities in areas that cannot be feasibly be avoided. The Pechanga Tribe looks forward to working together with the County of Riverside in protecting the invaluable Pechanga cultural resources. Please contact Ebru Ozdil, Cultural Analyst, at 951-770-6313 or at [eozdil@pechanga-nsn.gov](mailto:eozdil@pechanga-nsn.gov), or Molly Earp-Escobar, Cultural Planning Specialist, at 951-770-6314 or at [mescobar@pechanga-nsn.gov](mailto:mescobar@pechanga-nsn.gov), if there are any questions or concerns. Thank you.

3.15

Sincerely,



Molly Earp-Escobar  
Cultural Planning Specialist

Cc Pechanga Office of the General Counsel

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### **Responses Comment Letter No. 3**

*Note: The Comment Letter is addressed to Russell Brady, yet the greeting is to Mr. Fowler (Planner at City of Menifee). Also, the Letter references Standard Conditions SC-CUL for the Project when there is only one SC for the Project and all others are Mitigation Measures MM-CUL. However, after careful review, the Standard Conditions in the Letter do match up exactly with the Mitigation Measures in the DEIR, so no revised Letter was requested.*

- 3.1 The Tribe will be directly notified of all public hearings and scheduled approvals concerning this Project, as requested. The comments and responses are hereby incorporated into the record of approval for this Project. Comment noted that the Project location is within the Luiseño traditional land use area, and there is a high potential to find subsurface cultural resources during earth moving activities for the proposed Project.
- 3.2 The wording of the mitigation measures will be modified as requested and as indicated in the following responses and will also be noted in Final EIR Section 3.0 Errata. As per County standard as part of its development review process, these revised mitigation measures will be made conditions of approval for the Project. The commenter requested the paleontology information and mitigation to be relocated into another or new section of the document. While the County understands this is not strictly a cultural issue, until recently, Appendix G of the State CEQA Guidelines (Environmental Checklist) included paleontology in the section on cultural resources so that format was followed in this document based on the format utilized when the Notice of Preparation was prepared. After consideration, the County has decided not to move this material to a new or different section as it represents an editorial or format change and does not affect the accuracy of the information or applicability of the mitigation.
- 3.3 While the commenter did not specifically request it, in the interest of accuracy, the County acknowledges the Tribe's knowledge of its own cultural history and territory and the tribal information presented in this comment has been incorporated in the Final EIR Errata, Section 3.0. This information is intended as a global change where appropriate and supersedes information in the DEIR where necessary.
- 3.4 The information provided by the commenter on the history and territory of their tribe is intended as a global change where appropriate and supersedes information in the DEIR. These global changes are described in detail in Final EIR Section 3.0 Errata. The sections of the DEIR to which these changes apply include but are not limited to those sections identified in this specific comment. As outlined in the following responses, the County has acknowledged the Tribe's comments and concerns. It should be noted that this additional information will not change the conclusions of the EIR regarding the significance of cultural or tribal cultural resources with the related mitigation (i.e., less than significant) so the additional information does not trigger the need to recirculate the EIR.
- 3.5 The commenter did not acknowledge that Archaeological Resources Issue 9.c had already been addressed in the Initial Study that was a part of the Notice of Preparation for the DEIR and the County considered Standard Condition SC-CUL-1 to be sufficient to prevent significant impacts to buried human remains. Standard Condition SC-CUL-1 was carried over to the DEIR in Subchapters 4.6 and 4.16. To be fully responsive to the Tribe's comment, Mitigation Measures MM-CUL-6 and MM-CUL-8 will be outlined in Section 3.0 Errata of the Final EIR and will be included in the Mitigation Monitoring and Reporting Program. This additional information will not change the conclusions of the EIR regarding the significance of cultural or tribal cultural resources with the related mitigation (i.e., less

- than significant) so the additional information does not trigger the need to recirculate the EIR.
- 3.6 The title for DEIR Section 4.6.2.2.a will be changed from Prehistory to Prehistoric Era, as requested (DEIR p. 4.6-14). This change will be shown in Final EIR Section 3.0, Errata.
- 3.7 The term "Shoshonean Intrusion" does not appear in the DEIR document, either in Subchapter 4.6 (Cultural Resources) or Subchapter 4.16 (Tribal Cultural Resources) so it does not need to be removed in the DEIR as requested. As a matter of control over professional authorship, the term will not be removed from the Cultural Resources Assessment (DEIR Appendix E). Instead, the appropriate sections of the DEIR (i.e., 4.6 and 4.16) will be augmented with the information provided by the commenter on the Pechanga tribe's history and territory as appropriate, including section 4.6.2.2b cited by the commenter.
- 3.8 The analysis in the DEIR did address the prehistoric era Archaeological District referred to by the commenter (DEIR Section 4.6.4, Project Impacts, Threshold 6.a) regarding archaeological resources. The DEIR determined the Project site was just south of and outside of the identified prehistoric era district. Therefore, the Project will have no impacts on this cultural resource area and no changes will be reflected in Final EIR Section 3.0, Errata, in this regard.
- 3.9 This section will have expanded text but will not be removed from the DEIR in order to refer the reader to the appropriate information in Section 4.6, but information from the Tribe will be added to the Introduction to better explain the Tribe's history and territory (see Final EIR Section 3.0, Errata).
- 3.10 Section 3.0, Errata, of this Final EIR will reflect these changes to the text in DEIR Section 4.16.4 to indicate the Tribe did consult with the County on the Project.
- 3.11 The text of Section 4.16.1 Introduction will have additional text to clarify conditions, and Section 4.16.5, Avoidance, Minimization, Standard Conditions, and Mitigation Measures will be modified in Final EIR Section 3.0, Errata, to reflect these statements and intent.
- 3.12 The DEIR is a public information document that necessarily incorporates a number of scientific or technical studies to support its analysis of potential impacts to environmental resources. The Cultural Resources Assessment (DEIR Appendix E) clearly cites all of the related scientific references in the appropriate locations of its text. It would make the EIR document overly long and less readable if all of the references in the various technical studies supporting the EIR were to be included in every section of the EIR. The various studies used to support the analysis of each chapter and subchapter of the EIR are clearly stated at the beginning of each of those chapters or subchapters as appropriate. In addition, the information provided by the commenter on the local tribal history and territory will be added to the appropriate Subchapters of the DEIR including 4.6 (Cultural Resources) and 4.16 (Tribal Cultural Resources).
- 3.13 The Final EIR reflects the Tribe has consulted with the County on this Project, and the County is committed to protecting identified resources in tribal groups including Pechanga within the limits of existing laws and regulations, including tribal consultation under AB 52 as appropriate. The County has reviewed the proposed mitigation measure language provided by the Tribe and has added revised mitigation measures to Final EIR Section 3.0,

Errata, with additional edits provided by County Staff.

- 3.14 Modifications, additions, and deletions indicated by the commenter will be made to the Standard Condition (SC) and Mitigation Measures (MM) as noted below, with additional edits provided by County Staff. All of these changes will be reflected in Final EIR Section 3.0, Errata.
- 3.15 These are informational statements stating that the Tribe appreciates the opportunity to work towards preserving and protecting their sensitive cultural resources and to monitor earth moving activities in areas that cannot feasibly be avoided. Noted that the Pechanga Tribe looks forward to working together with the County of Riverside in protecting the invaluable Pechanga cultural resources and whom to contact if there are questions or concerns; no response is required.

**Comment Letter No. 4**

Doug Darnell, AICP, Senior Planner  
City of Menifee (3-23-2020)



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951-672-6777 | Fax 951-679-3843

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March 23, 2020

Russell Brady  
Project Planner  
Riverside County Planning Department  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92502-1409

RE: Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the Canterwood project: Change of Zone No. 1800007, Tentative Tract Map No. 37439, Plot Plan 180024, and Tentative Parcel Map 37864

Dear Mr. Brady,

Thank you for the opportunity for the City of Menifee to review the DEIR for the proposed Canterwood project consisting of a maximum of 574 units on 158.8 acres located east of the City of Menifee, bounded by Eucalyptus Road to the east, Craig Avenue to the south, Leon Road to the west, and Holland Road to the north.

The DEIR, describes the project as a Change of Zone from R-1, One Family Dwellings to R4, Planned Residential, a Tentative Tract Map and Plot Plan to subdivide 158.18 acres into 574 single-family residential lots (lot sizes between 6,500 and 4,700 square feet), 25 open space lots including a 8.96-acre community park, 9 drainage basin lots, and 45.6 acres of project roadways. The project also includes:

- A tentative parcel map/Schedule J subdivision of the project site into 9 lots for financing/conveyance purposes;
- An offsite trapezoidal earthen drainage channel (Holland Channel) extending 1.5 miles from Eucalyptus Avenue to the east to Southshore Drive to the west in the City of Menifee; and
- Water - The project will tie into an existing 48-inch Eastern Municipal Water District (EMWD) water line in Leon Road, and an existing 30-inch EMWD water line in Craig Avenue.
- Sewer - Off-site sewer to be installed in the Holland Road, Briggs Road, and Tres Lagos Road rights of way (ROW). 10,850 linear feet of sewer line will extend from Leon Road on the western boundary of the residential project site, proceed 5,780 feet westerly within an EMWD easement to the intersection of Holland and Briggs Roads, then proceed 2,690 feet northerly within the Briggs Road ROW, finally proceeding 2,380 feet westerly within the Tres Lagos Drive ROW where it will terminate into a proposed sewer lift station

4.1

Bill Zimmerman  
Mayor

Matt Liesemeyer  
Mayor Pro Tem  
District 2

Greg August  
Councilmember  
District 1

Lesa A. Sobek  
Councilmember  
District 3

Dean Deines  
Councilmember  
District 4

Armando G. Villa  
City Manager

located on the south side of Tres Lagos Drive at the northwesterly corner of the Wilderness Lakes RV Resort in the City of Menifee. The EMWD sewer easement will be within the proposed Holland Channel and will require shared access within the future Riverside County Flood Control & Water Conservation District right-of-way.

4.1  
cont.

The City has reviewed the project environmental documents and has the following comments:

**Project Description:** The Notice of Availability (NOA) describes the project as proposing “a maximum of 574 units on a 158.18-acre area”, yet further describes it as “a subdivision of 158.18 gross acres into 446 units (a reduced amount from what the Project and analysis of the EIR covers)”. The DEIR further clarifies that, the proposed tentative map was amended to 446 residential lots and one remainder 25.3-acre parcel. As such, the project appears to contemplate 128 additional units with a future subdivision of the remainder 25.3-acre parcel. As stated in the DEIR, “the purpose of the amended map is to be consistent with County Policy SCMVAP 6.1 which is currently under consideration for change as part of the Harvest Valley/Winchester Community Plan update.” As stated in the DEIR, the Policy “monitors overall trip generation from residential development to ensure that, overall, within the Highway 79 Policy Area, development projects produce traffic generation at a level that is 9 percent less than the trips projected by the General Plan traffic model trip generation level...” However, the policy is still currently in effect, and the 574-unit project described in the DEIR is not consistent with the 9 percent reduction requirement of the Policy. Given these facts, City staff has the following concerns:

4.2

- While the amended the map serves as a means to state the project is consistent with Policy SCMVAP 6.1, it appears that the appropriate application of the Policy should be for the whole project considered under the DEIR.
- The DEIR needs to appropriately analyze and mitigate the full impacts of the whole of the project (i.e., 574 units) in compliance with CEQA.
- It appears that Certification of the EIR and approval of the project prior to the approval of and certification of the EIR for the Community Plan Amendment update would be in conflict with Policy SCMVAP 6.1. If so, this would be a premature approval that inappropriately assumes the Policy will change to a “no project conflict” with the Community Plan update.

**Transportation/Traffic:** The City’s primary concern is related to the inadequacy of the analysis of traffic impacts and mitigation of potentially significant traffic impacts to the City of Menifee. The Transportation/Traffic Analysis section of the DEIR concludes that project traffic impacts will be significant and unavoidable, and includes standard conditions and mitigation measures generally consisting of payment of TUMF and DIF fees. The City’s Public Works Department, Traffic Engineering reviewed the Project Traffic Impact Analysis, prepared June 5, 2018, and has identified deficiencies with the traffic impact analysis as follows:

4.3

1. Table 1-4 Summary of Intersection Improvements:

4.4



- Since Scott Road interchange improvement is approved and under construction, only additional improvements at Haun Rd, Antelope Rd and I-215 Ramp intersections at Scott Rd should be listed.
  - Haun Rd-Zeiders Rd/Scott Rd – This improvement should also include northbound/southbound phasing change from split phase to a protected left turn phase. The impact is a project specific impact and the project is 100% responsible for this improvement to mitigate impacts.
  - The project shall construct the signal at Leon/Scott at 100% the cost of the improvement. The project is causing a direct impact at this intersection and is 100% responsible for improvements at this location to mitigate project impacts even though it is a DIF Facility.
- 4.4 cont.
2. Table 1-5 Project Fair Share Calculations:
- Haun Rd/Scott Rd – The impact at this location is project specific (direct impact) and hence the project is 100% responsible for the improvements to mitigate project impacts instead of fair share contribution.
- 4.5
3. Traffic Signal Warrant Analysis Table (all scenarios): If the warrant was met for consecutive scenarios, indicate warrant type that was met rather than showing a hatch. Instead of leaving the cells as blank where the warrant does not meet, indicate with “WNM-Warrant Not Met” or something along the same line.
- 4.6
4. Summary of LOS Exhibit (all scenarios): On some of the exhibits for some intersections, the condition shown on the exhibit is not consistent with what is reported in the intersection conditions table. For example, on Exhibit 6-6 for Scott Rd/Leon Rd, the PM condition is shown as green, but should be red. Please check all the exhibits to match the intersection conditions table.
- 4.7
5. Briggs Rd / Scott Road analysis (all scenarios): The existing AM intersection conditions analysis at the intersection shows failure which is not how the intersection operates in the field. A re-creation of the intersection in synchro determined that synchro reports LOS F if a Through/LT lane and a right turn lane was used. When a shared all way lane was used, synchro reported LOS B. Although a de facto right turn lane can be used in the northbound approach, to reflect the actual field conditions (better LOS), change the lane configuration in the northbound approach to an all way lane.
- 4.8
6. Section 6.9 EAP Deficiencies and Recommended Improvements: Intersection improvements for the Haun Road-Zeiders Road/Scott Rd intersection should also include changing the north/south phasing to a protected left turn phasing.
- 4.9
- The City appreciates the County’s consideration of these comments, and in particular, traffic analysis and mitigation concerns indicated above. The City also requests that development
- 4.10

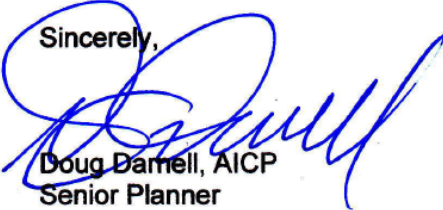
plans and any future notices regarding this project be sent to Doug Darnell, Senior Planner at 29844 Haun Road, Menifee, CA 92586.

The City is available, at your convenience, to meet to discuss these comments. If you have questions or to schedule a meeting, please contact me at 951-723-3744 or by e-mail at [ddarnell@cityofmenifee.us](mailto:ddarnell@cityofmenifee.us)

4.10  
cont.

Thank you again for the opportunity to provide comments.

Sincerely,



Doug Darnell, AICP  
Senior Planner

Cc: Charissa Leach, Assistant Director of TLMA  
Keith Gardner, TLMA Administrative Services Manager  
Cheryl Kitzerow, Community Development Director  
Jonathan Smith, Public Works Director

---

**Responses to Comment Letter No. 4**

- 4.1 These are introductory statements thanking the County of Riverside for the opportunity to comment on the Project and a reiteration of the Project Description; no response is required.
- 4.2 The Tentative Tract Map (TTM) 37439 showed 574 residential lots or units at the time the Notice of Preparation was issued, so the EIR and its technical studies appropriately evaluated the potential environmental impacts of that level of development. However, TTM 37439 was modified (amended) after issuance of the NOP but before preparation of the DEIR, so the EIR looked at both the “potential worst case” condition if all 574 dwelling units were developed and the amended map at 446 dwelling units. The DEIR does appropriately analyze and mitigate the full impacts of the whole project at 574 units since all technical reports that the EIR is based on utilized the assumption of 574 units. The analysis of the Project in the EIR is not required to show consistency with the General Plan, specifically Harvest Valley/Winchester Area Plan (HVWAP) Policy 7.2; however, the TTM that is to be considered by the Planning Commission will have to show compliance with HVWAP Policy 7.2 prior to any potential approval. If the County were to Certify the EIR that would determine the potential impacts of the Project at 574 units, the County would not be approving any development up to the 574 units since that level of development would not be consistent with HVWAP Policy 7.2. If HVWAP Policy 7.2 was eventually modified as indicated in this EIR, any potential future development that maximizes up to the 574 units as analyzed in the EIR would be reviewed at that time based on the applicable policies and regulations at that time with appropriate CEQA analysis and documentation and the County, at this time, is not granting any approvals for such a project via potential certification of this EIR.
- 4.3 This comment is a summary of the City of Menifee’s concerns regarding the potentially significant traffic impact to the City of Menifee. Please refer to Response to Comment 4.4, below, which addresses these concerns.
- 4.4 The following response is addressed in three parts (a-c) per the comment:
- a. Although the I-215 Freeway/Scott Road interchange is currently under construction, at the time this traffic study was prepared, the interchange was not yet under construction. Additionally, Table 1-4 of the Traffic Study denotes which improvements are interchange improvements and which improvements are additional improvements beyond the I-215 Freeway/Scott Road interchange project. Since the recommended intersection improvements at these locations are included in the Western Riverside Council of Governments (WRCOG) Transportation Uniform Mitigation Fee (TUMF) program, the Project will contribute towards these improvements through participation/payment of fees. In this case the payment of a fee is appropriate mitigation for cumulative impacts as the TUMF program was specifically established to collect monies from developers on an ongoing basis to fund specific roadway and intersection improvements in the various area plans of the County. The TUMF program has a specific list of identified improvement projects that is regularly updated and tied to the County’s quarterly budgeting process to assure improvements are funded as needed. Freeway-related improvements would be considered indirect or cumulative impacts compared to local road or intersection improvements which provide access to the site and are considered direct impacts. In contrast, if the impact is a direct impact, then it would be appropriate for the Project to construct or pay directly for the construction of the needed improvement. The TUMF fees are not generally applicable to improvements needed for direct project impacts. For more information, the reader is referred to Traffic Study Table 1-4. Although the Traffic Signal at Leon and Scott is identified as a TUMF improvement, the Project may get a credit but should

construct the traffic signal as it is a required improvement under the Existing Plus Project (E+P only) scenario in the Traffic Study. Other improvements are either needed for Existing or cumulative conditions with other traffic, so the Project's contributions would be only cumulative not direct.

b. Consistent with the recommendations in the Traffic Study, the Project will construct a second southbound left turn lane and modify the traffic signal to implement overlap phasing on the westbound right turn lane at the intersection of Haun Road/Zeiders Road & Scott Road. It should be noted that the aforementioned improvements have been conditioned on other nearby developments and are anticipated to be constructed by others prior to this project triggering the requirement.

c. Since the addition of Project traffic to existing traffic volumes causes the intersection to operate at an unacceptable LOS, the Project will construct the traffic signal at the intersection of Leon Road & Scott Road as noted in the Draft EIR.

4.5 See Response to Comment 4.4b above.

4.6 This comment discusses formatting changes only to a table in the Traffic Study; however, no findings or recommendations will change in the Traffic Study or EIR based on the comment. Urban Crossroads provided a Response to Comments Letter containing the revised pages of the Traffic Impact Analysis. Their Response to Comments Letter is provided with this Final EIR as Appendix B. These changes are also reflected in the Final EIR Errata, Section 3.0.

4.7 All summary of LOS exhibits have been reviewed and updated to be consistent with the intersection LOS tables - the typo occurred only on the LOS summary of exhibits. However, the intersection improvement recommendations are based on the intersection analysis tables not the exhibits, therefore no findings would change in the Traffic Study or EIR. Urban Crossroads provided a Response to Comments Letter containing the revised exhibits for the Traffic Impact Analysis. Their Response to Comments Letter is provided with this Final EIR as Appendix B. These changes are also reflected in the Final EIR Errata, Section 3.0.

4.8 Pursuant to the request of City of Menifee staff, the intersection traffic signal timing and lane geometric assumptions have been revised for the intersection of Briggs Road & Scott Road as part of a Supplemental Traffic Assessment Memo, prepared April 24, 2020 (included as Final EIR Appendix C). Updated operations analysis and new findings/recommendations are summarized in the April 2020 Supplemental Traffic Assessment Memo.

4.9 See Response to Comment 4.4b above. The intersection improvements at this location do assume modification to the traffic signal to implement protected left-turn phasing on the northbound and southbound approaches.

4.10 These are closing statements acknowledging that the City appreciates the County's consideration of the comments, particularly traffic analysis and mitigation concerns. See Response to Comment 4.3.

The City also requests that development plans and any future notices regarding this Project be sent to Doug Darnell, Senior Planner; the County will provide Mr. Darnell with any plans or future notices, which will be complied with by the County.

Comment noted that the City is available to meet and discuss their comments. It should be

noted that on April 15, 2020, the County of Riverside, along with key members of the Project Team and City of Menifee Staff, had a conference call to discuss the County's response to the City's comments provided here and the responses are in conformance with the discussions and resolutions that were agreed to on that call.

**Comment Letter No. 5**

Scott Morgan, AICP, Director, State Clearinghouse  
Governor's Office of Planning and Research (3-24-2020)



Gavin Newsom  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

March 24, 2020

Russell Brady  
Riverside County  
4080 Lemon St., 12th Floor  
Riverside, CA 92501

Subject: TIM 37439 • CANTERWOOD  
SCH#: 2018101010

Dear Russell Brady

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 3/23/2020, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, <https://ceqanet.opr.ca.gov/2018101010/2>.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Morgan".

Scott Morgan  
Director, State Clearinghouse

**Response to Comment Letter No. 5**

This Letter acknowledges that the State Clearinghouse submitted the DEIR to selected state agencies for review, that the review period closed on 3/23/2020, and that no state agencies submitted comments by that date. This letter also acknowledges that the Project has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act; no response is required under CEQA.

### 3.0 ERRATA

Changes to the DEIR are noted below. Underlining indicates additions to the text; striking indicates deletions to the text. The changes to the DEIR do not affect the overall conclusions of the environmental document. These errata represent changes to the DEIR to provide clarification, corrections, revisions as needed as a result of public comments on the DEIR, or due to additional information received during the public review period, and minor typographical revisions. These clarifications and corrections are not considered to result in any new or more severe impacts than identified in the DEIR and are not otherwise deemed to warrant DEIR recirculation pursuant to CEQA Guidelines §15088.5. Added or modified text is shown by underlining (example) while deleted text is shown by striking (~~example~~).

DEIR pages 1-5 and 1-11 in Chapter 1, Executive Summary, text is corrected to include Mitigation Measures based on comments received from the Pechanga Band of Luiseño Indians in their Comment Letter dated 3-6-2020. The modifications are as follows:

#### Cultural Resources

With implementation of **Standard Condition SC-CUL-1**, and **Mitigation Measures MM-CUL-1** through **MM-CUL-~~68~~**, the Project's contribution to the cumulative loss of known and unknown cultural and/or archaeological resources in the County will be reduced to a level of less than significant.

#### Tribal Cultural Resources

All potential tribal cultural resources impacts would be limited and can be reduced to a less than significant impact level with adherence to **Standard Condition SC-CUL-1**, and **Mitigation Measures MM-CUL-1** through **MM-CUL-~~68~~**. As a result, there will not be any unavoidable Project specific or cumulative adverse impacts to tribal cultural resources from implementing the Project as proposed. The Project tribal cultural resource impacts are less than significant.

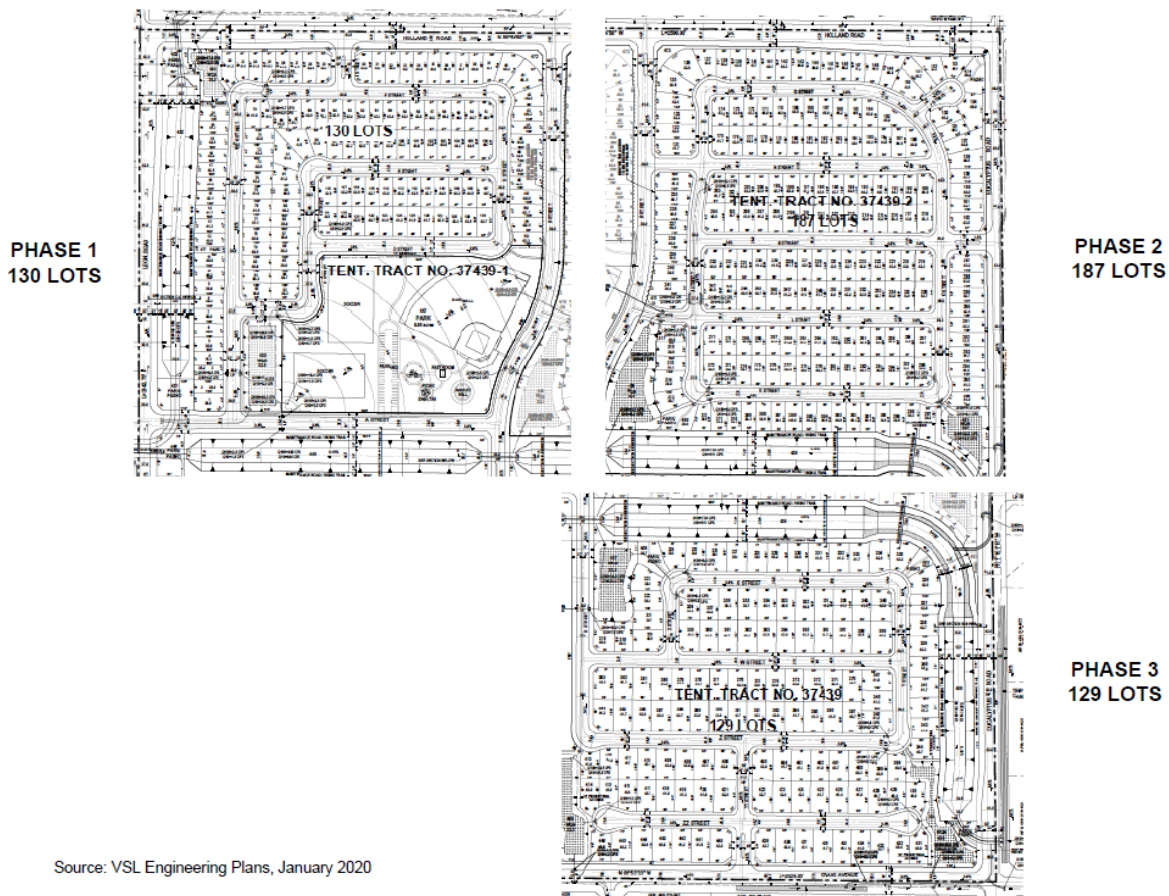
DEIR pages 1-33 through 1-38 and 1-73 through 1-74 in Chapter 1, Executive Summary, Cultural Resources and Tribal Cultural Resources portions of Table 1-2 are corrected to include Mitigation Measures based on comments received from the Pechanga Band of Luiseño Indians in their Comment Letter dated 3-6-2020. The modifications shall be the same as those outlined in Final EIR pages 3-9 through 3-15 as these same revisions shall apply to the mitigation measures presented in Table 1-2.

DEIR pages 3-7 and 3-10 in Chapter 3, Project Description, text and Figure 3-3 are corrected to provide the correct phasing. The modifications are as follows:

The subdivision would be divided into three (3) phases. Reference **Figure 3-3, TTM 37439 Phasing**. Phase 1 will build ~~429~~ 130 lots, Phase 2 will build ~~430~~ 187 lots, and Phase 3 will build ~~487~~ 129 lots. The phasing map represents the logical development of the Project in terms of on- and off-site infrastructure improvements needed to support each phase of development.



Figure 3-3  
TTM 37439 PHASING



Source: VSL Engineering Plans, January 2020

MATTHEW FAGAN CONSULTING SERVICES, INC.

Canterwood DEIR - TTM 37439

Project Description 3-10

DEIR page 3-13 in Chapter 3, Project Description, text is corrected to provide consistency with the amended Tract Map and Design Manual. The referenced Design Manual (DEIR Appendix M) has been revised to reflect the Amended Tract Map and is provided in the Final EIR as Appendix D. The modifications are as follows:

#### 3.4.1.4 PPT 180024

A Design Manual was prepared for the Project (Design Manual - Canterwood [Change of Zone No. 180007, Plot Plan No. 180024, and Tentative Tract Map No. 37439]), to provide details on site planning and design, as well as to provide architectural and landscaping design guidelines. The R-4 zone requires a development plan to be approved by the Planning Commission and the Design Manual functions as the Plot Plan exhibit; there is no Plot Plan Exhibit Figure provided in the EIR, instead, please reference the Design Manual (Final EIR Appendix D).

A total of 574 single-family residential lots are being analyzed within this EIR and the technical reports proposed. The Design Manual has been revised to match the Amended Tract Map that will include 447 single-family residential lots. The proposed Project includes four (4) individual neighborhoods, with minimum lots

sizes of 4,700 sq. ft., 5,000 sq. ft., 5,500 sq. ft. (future), and 6,500 sq. ft. Five (5) architectural styles have been provided. A minimum of four (4) architectural elevations and three (3) floor plans are required for each neighborhood comprised of 50 or more homes.

The Project includes a comprehensive, interconnected public trail and walkway system that provides residents and visitors with convenient access to the on-site community park and open space. Drainage channels on lots ~~577~~ 449, ~~584~~ 452, and ~~588~~ 459 will be flanked on either side by a 16' wide maintenance road/hiking trail (Regional Trail), as well as 3-rail vinyl fencing on the channel side and tubular steel fencing on the outside edge of the trail. Sidewalks will be provided along all Project streets, as well as within the paseos.

Reference *Design Manual - Canterwood (Change of Zone No. 1800007, Plot Plan No. 180024, and Tentative Tract Map No. 37439)*, prepared by Matthew Fagan Consulting Services, Inc., April 2020 (Final EIR Appendix D) ~~August 2018 (Appendix M)~~, which provides overall guidelines and additional Plot Plan information.

DEIR multiple pages in Subchapter 4.6, Cultural Resources, text is corrected to include Mitigation Measures and revised text provided by the Pechanga Band of Luiseño Indians (Tribe) in their Comment Letter dated 3-6-2020. This information is considered a global change or clarification to the information in the DEIR in Subchapter 4.6. As such, this information supersedes and refines the existing information already provided in the DEIR relative to Native American tribal activities and territory affecting the Project area. It provides more local detail on the history and territory of the Pechanga Tribe but does not represent "significant new information" within the definition of CEQA and, therefore, does not trigger a need to recirculate the DEIR for additional public comment. Comments from the Tribe were also used to modify the Standard Conditions and Mitigation Measures in the DEIR within this section as well. The modifications are as follows:

#### **4.6 CULTURAL RESOURCES**

The Pechanga tribe asserts that the Project area is part of ' Ataaxum (Luiseno), and therefore the Tribe's, aboriginal territory, as evidenced by the existence of ' Ataaxum place names, toota yixelval (rock art, pictographs, petroglyphs), and an extensive Luiseno artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseno Indians because of the Tribe's cultural ties to this area as well as extensive history with both this Project and other projects within the area.

The Pechanga Tribe's knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history, and ethno-history; and through recorded ethnographic and linguistic accounts. Of the many anthropologists and historians who have presented boundaries of the Luiseno traditional territory, few have excluded the Menifee area from their descriptions (Drucker 1955; Sparkman 1908; Kroeber 1925; Smith and Freers 1994), and such territory descriptions correspond with that communicated to the Pechanga people by our elders. While historic accounts and anthropological and linguistic theories are important in determining traditional Luiseno territory, the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions. The

Tribe welcomes the opportunity to meet with the County to further explain and provide documentation concerning our specific cultural affiliations to lands within your jurisdiction.

This information supersedes and updates information as appropriate in the following sections:

<u>4.6.2</u>	<u>Environmental Setting</u>
<u>4.6.2.1</u>	<u>Existing Conditions</u>
<u>4.6.2.1a</u>	<u>Topography and Geology</u>
<u>4.6.2.1b</u>	<u>Biology</u>
<u>4.6.2.1c</u>	<u>Climate</u>
<u>4.6.2.1d</u>	<u>Discussion of Environmental Setting</u>
<u>4.6.2.2a</u>	<u>Cultural Setting</u>
<u>4.6.2.2a</u>	<u>Prehistory Prehistoric Era</u>
<u>4.6.2.2b</u>	<u>Ethnography</u>
<u>4.6.2.2c</u>	<u>History</u>

NOTE: Based on comments by the Pechanga Tribe, the following information is added at the end of this section to expand and clarify the information in the DEIR regarding the Tribe's historic territory:

#### **4.6.2.2b Ethnography**

The Pechanga Tribe has provided the following clarification regarding its historical tribal territory.

The figure and description in the DEIR leave out approximately 60% of the true Luiseno ancestral territory. The territory reached as far northeast as the Santa Ana River and Box Springs Mountain Range, as far east as Mount San Jacinto, as far southeast as Lake Henshaw, and to the west including the Southern Channel Islands.

In addition, a prehistoric era Archaeological District was recorded in this area in the 1970s. The Tribe indicates the Project site is within the district, however, the Project archaeologist concluded the Project site was just south of and outside of the district boundaries which spans an area of approximately four and a half square miles just north of the Project site (DEIR p. 4.6-39).

#### **4.6.4 Potential Impacts**

**THRESHOLD 9.a: Would the Project alter or destroy an archaeological site?**

##### **Less Than Significant with Mitigation Incorporated**

Cultural resources of prehistoric (i.e. Native American) or historic origin were not observed within the boundaries of the Project site or Off-site Project components. Cartographic evidence indicates that by 1897, a structure was located immediately south of Holland Road near the center of the northern boundary. The structure was probably Thomas W. Holland's residence. Holland purchased 80 acres of the

Project site in 1891. By the next survey in 1939, the structure no longer existed and no evidence of it was observed during the current field survey. Thirty-four cultural resources properties have been recorded within a one-mile radius of the Residential Project site and eight are within one mile of the Off-site Project components located to the west. The majority of these cultural resources are located within 33-14370, an unnamed and informally defined archaeological district comprised of several spatially separated prehistoric and historic-era sites and isolates. The southern boundary of 33-14370 is located immediately north of Holland Road, which forms the northern boundary of the Residential Project site.

Although archaeological district 33-14370, containing spatially separated prehistoric and historic-era sites and isolates is located adjacent to the north boundary of the Project site, no cultural resources of prehistoric (i.e. Native American) or historic origin were observed within the boundaries of the Project site or the Off-site Project components.

Because the Project site has experienced ~~severe~~ ground disturbances in the past, any buried archaeological and/or cultural resources that were relatively shallow would have already been uncovered or destroyed. However, it is possible that buried resources at greater depths may still be present. In the ~~unlikely~~ event that archeological and/or cultural materials are uncovered during ground-disturbing activities, **Mitigation Measures MM-CUL-1** through **MM-CUL-68** are provided to reduce the Project's potential to alter or destroy an archaeological site to a less than significant level.

**THRESHOLD 9.b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, Section 15064.5?**

#### **Less Than Significant with Mitigation Incorporated**

No significant archaeological resources were observed within the boundaries of the Residential Project or site the Off-site Project components. As stated in Threshold 9.a, above, because the Project site has experienced ~~severe~~ ground disturbances in the past, any buried archaeological and/or cultural resources that were relatively shallow would have already been uncovered or destroyed. However, it is possible that buried resources at greater depths may still be present. In the unlikely event that archeological and/or cultural materials are uncovered during ground-disturbing activities, **Mitigation Measures MM-CUL-1** through **MM-CUL-68** are provided to reduce the Project's potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, Section 15064.5 to a less than significant level.

#### **4.6.5 Avoidance Minimization, Standard Conditions, and Mitigation Measures**

##### *Standard Condition(s)*

**Standard Condition SC-CUL-1**, below, was identified in the IS to ensure that the Project's potential to affect human remains (which may be encountered during ground-disturbing activities) would remain less than significant:

---

**SC-CUL-1** **If Human Remains Found. If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5 (See also MM-CUL-8).**

*Mitigation Measure(s)*

Because the Project site has experienced ~~severe~~ ground disturbances in the past, any buried archaeological and/or cultural resources that were relatively shallow would have already been uncovered or destroyed. However, in the ~~unlikely~~ event that archeological and/or cultural materials are uncovered during ground-disturbing activities, **Mitigation Measures MM-CUL-1** through **MM-CUL-68**, below, are provided to reduce potential adverse archaeological and/or cultural resource impacts to a less than significant level:

**MM-CUL-1** **Conduct Archaeological Sensitivity Training for Construction Personnel. The Applicant must retain a qualified professional archaeologist, approved by the Community Development Director, or designee, who meets U.S. Secretary of the Interior's Professional Qualifications and Standards, to conduct an Archaeological Sensitivity Training for construction personnel before commencing excavation activities. The training session must be carried out by a cultural-resources professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The training session will include a handout and will focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and, the general steps a qualified professional archaeologist would follow in conducting a salvage investigation if one is necessary.**

**MM-CUL-2** **Unanticipated Resources. The developer/permit holder or any successor in interest shall comply with the following for the life of this permit. If during ground disturbance activities, unanticipated cultural resources\* are discovered, the following procedures shall be followed: All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the applicant shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist\*\*, a Native American tribal representative from the consulting Tribe(s) ~~(or other appropriate ethnic/cultural group representative)~~, and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc.) for the cultural resource. Grading or further**

ground disturbance shall not resume within the area of the discovery until a decision is made after consultation with all relevant parties as to the appropriate treatment. Work shall be allowed to continue outside of the buffer area and monitoring will continue, if needed. Treatment and avoidance of the newly discovered resource(s) shall be consistent with the Cultural Resources Management Plan and Monitoring Agreements entered into with the County and Tribe(s). This may include avoidance of the cultural resource through project design, in-place preservation of cultural resources located in native soils, and/or reburial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure and Reburial mitigation. Resource evaluations shall be limited to nondestructive analysis. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase II data recovery plan shall be prepared by the project archaeologist, in consultation with the Tribe(s), and shall be submitted to the County for their review and approval prior to implementation of the said plan. Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished. Pursuant to Calif. Pub. Res. Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the Community Development Director for decision. The Community Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archaeologist, and shall take into account the cultural and religious principles and practices of the tribe.

\* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other.

\*\* If not already employed by the project developer, a County approved archaeologist shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

**MM-CUL-3 Cultural Resources Disposition. In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:**

- 1. One or more of the following treatments, in order of preference, shall be employed with the consulting Tribe(s). Evidence of such shall be provided to the Riverside County Planning Department:**

- i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they are found with no development affecting the integrity of the resources.
- ii. Reburial of the resources on the Project property. The measures for reburial shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods, and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location for the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the County under a confidential cover and not subject to Public Records Requests.
- iii. If preservation in place or reburial is not feasible then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation guidelines of the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the County. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

**MM-CUL-34** Native American Monitor. Prior to the issuance of grading permits, the developer/permit applicant shall enter into an agreement with the consulting tribe(s) for a Native American Monitor. The Native American Monitor(s) shall be on-site during all initial ground disturbing activities and excavation of each portion of the Project site including clearing, grubbing, tree removals, grading and trenching. ~~In conjunction with the Archaeological Monitor(s), t~~ The Project Archaeologist, the County Archaeologist, and the Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources. The

developer/permit applicant shall submit a fully executed copy of the agreement to the County Archaeologist to ensure compliance with this mitigation measure or any correlating condition of approval. ~~Upon verification, the Archaeologist shall clear this condition.~~ This agreement shall not modify any condition of approval or mitigation measure.

- MM-CUL-45** Project Archaeologist. Prior to issuance of grading permits: The applicant/developer shall provide evidence to the County of Riverside Planning Department that a County certified professional archaeologist (Project Archaeologist) has been contracted. ~~to implement a Cultural Resource Monitoring Program. A Cultural Resource Monitoring Plan shall be developed that addresses the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural and historic resources to a level that is less than significant as well as address potential impacts to undiscovered buried archaeological resources associated with this project.~~ A fully executed copy of the contract and a wet-signed copy of the Cultural Resources Monitoring Plan (CRMP), (discussed further below), shall be provided to the County Archaeologist to ensure compliance with this condition of approval. Working directly under the Project Archaeologist, an adequate number of qualified Archaeological Monitors shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored including off-site improvements. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist.

The Project Archaeologist, in consulting with the Consulting Tribe(s), the contractor, and the County, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB 52 to address the details, timing, and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the County as provided for in Cal Pub Res Section 21080.3.2(b)(1) of AB 52. Details of the Plan shall include:

- a. Project grading and development scheduling.
- b. The Project Archaeologist and the Consulting Tribe(s) shall attend the pre-grading meeting with the County, the construction manager, and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The Training will include a brief review of the cultural



sensitivity of the Project site and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resource are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial training must take the Cultural Sensitivity Training prior to beginning work and the Project Archaeologist and Consulting Tribe(s) shall make themselves available to provide the training on an as-needed basis.

- c. The protocols and stipulations that the contractor, County, Consulting Tribe(s), and the Project Archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

~~MM-CUL-5 — Artifact Disposition. Prior to Grading Permit Final Inspection, the landowner(s) shall relinquish ownership of all cultural resources that are unearthed on the Project property during any ground-disturbing activities, including previous investigations and/or Phase III data recovery. Historic Resources all historic archaeological materials recovered during the archaeological investigations (this includes collections made during an earlier project, such as testing of archaeological sites that took place years ago), shall be curated at the Western Science Center, a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines Prehistoric Resources. One of the following treatments shall be applied. a. Reburial of the resources on the Project property. The measures for reburial shall include, at least, the following: Measures to protect the reburial area from any future impacts. Reburial shall not occur until all required cataloguing, analysis and studies have been completed on the cultural resources, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial processes shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV Report. The Phase IV Report shall be filed with the County under a confidential cover and not subject to a Public Records Request. b. If reburial is not agreed upon by the Consulting Tribes then the resources shall be curated at a culturally appropriate manner at the Western Science Center, a Riverside County curation facility that meets~~

~~State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the County. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains.~~

**MM-CUL-6 Non-Disclosure of Location Burials.** It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254(c), parties and Lead Agencies will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set for in California Government Code 6254(c).

**MM-CUL-67 Phase III and IV Cultural Report.** Prior to Grading Permit Final Inspection, the developer/permit holder shall prompt the Project Archaeologist to submit two copies of the Phase III Data Recovery report (if required for the Project), and a Phase IV Cultural Resources Monitoring Report shall be submitted that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scopes of Work posted on the TLMA website. The report shall include results of any feature relocation or residue analysis required as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting and evidence that any artifacts have been treated in accordance to procedures stipulated in the Cultural Resources Management Plan.

**MM-CUL-8 Human Remains.** If human remains are encountered, State Health Department and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as the treatment and disposition has been made, if any. If the Riverside County Coroner determines the remains

**to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the “most likely descendant”. The most likely descendent shall then make recommendations and engage in consultation concerning the treatment of the remains as provided for in Public Resources Code Section 5097.98.**

#### **4.6.6 Cumulative Impacts**

The cumulative study area for cultural and/or archaeological resources is the geographical area of the County of Riverside, which is the geographical area covered by the General Plan. Future development in the County could include excavation and grading, which could potentially impact cultural and/or archaeological resources and human remains. The cumulative effect of future development in the County is the continued loss of cultural and/or archaeological resources. Therefore, the proposed Project, in conjunction with other future development in the County, has the potential to cumulatively impact cultural and/or archaeological resources.

However, CEQA requires the County to conduct an environmental review of each project submitted. If the project has the potential to result in a significant impact to cultural, archaeological, and/or paleontological resources, CEQA requires the County to require the project proponent to investigate the site to determine the nature and extent of the existing resources and identify appropriate mitigation measures. If subsurface cultural and/or archaeological resources are assessed and/or protected as they are discovered, impacts to these resources will be less than significant. In addition, applicable General Plan policies will be implemented to reduce the effects of future development in the County.

With implementation of **Standard Condition SC-CUL-1** and **Mitigation Measures MM-CUL-1** through **MM-CUL-68**, the Project’s contribution to the cumulative loss of known and unknown cultural and/or archaeological resources in the County will be reduced to a level of less than significant.

#### **4.6.7 Unavoidable Significant Adverse Impacts**

Based on the information above and in the IS, with adherence to **Standard Condition SC-CUL-1** and **Mitigation Measures MM-CUL-1** through **MM-CUL-68**, all potential impacts to cultural, and/or archaeological resources will be limited and reduced to a level of less than significant. As a result, implementation of the proposed Project will not result in any unavoidable Project-specific or cumulative adverse impacts to cultural and/or archaeological, resources.

DEIR multiple pages in Subchapter 4.16, Tribal Cultural Resources, text is corrected to include Mitigation Measures and revised text provided by the Pechanga Band of Luiseño Indians (Tribe) in their Comment Letter dated 3-6-2020. This information is considered a global change or clarification to the information in the DEIR in Subchapter 4.16. As such, this information supersedes and refines the existing information already provided in the DEIR relative to Native American tribal activities and territory affecting the Project area. It provides more local detail on

the history and territory of the Pechanga Tribe but does not represent “significant new information” within the definition of CEQA and, therefore, does not trigger a need to recirculate the DEIR for additional public comment. Comments from the Tribe were also used to modify the Standard Conditions and Mitigation Measures in the DEIR within this section as well. The modifications are as follows:

#### **4.16 TRIBAL CULTURAL RESOURCES**

##### **4.16.2.1 Existing Conditions**

In order to reduce redundancies of analysis, please refer to the discussion of the environmental setting contained in Subchapter 4.6, Cultural Resources Section 4.6.2 (Environmental Setting) of this DEIR, as it also applies to tribal cultural resources. Pertinent information is contained in the following Sections in Subchapter 4.6:

- 4.6.2.1.a Topography and Geology;
- 4.6.2.2.b Biology;
- 4.6.2.3.c Climate;
- 4.6.2.1d Discussion of Environmental Setting;
- 4.6.2.2 Cultural Setting
  - 4.6.2.2.a ~~Prehistory~~ Prehistoric Era;
  - 4.6.2.2.b Ethnography; and
  - 4.6.2.2.c History.

The Pechanga tribe asserts that the Project area is part of ‘ Ataaxum (Luiseno), and therefore the Tribe’s, aboriginal territory, as evidenced by the existence of ‘ Ataaxum place names, toota yixelval (rock art, pictographs, petroglyphs), and an extensive Luiseno artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseno Indians because of the Tribe’s cultural ties to this area as well as extensive history with both this Project and other projects within the area.

The Pechanga Tribe’s knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history, and ethno-history; and through recorded ethnographic and linguistic accounts. Of the many anthropologists and historians who have presented boundaries of the Luiseno traditional territory, few have excluded the Menifee area from tehri descriptions (Drucker 1955; Sparkman 1908; Kroeber 1925; Smith and Freers 1994), and such territory descriptions correspond with that communicated to the Pechanga people by our elders. While historic accounts and anthropological and linguistic theories are important in determining traditional Luiseno territory, the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions. The Tribe welcomes the opportunity to meet with the County to further explain and provide documentation concerning our specific cultural affiliations to lands within your jurisdiction.

##### **4.16.4 Potential Impacts** (DEIR p. 4.6-7, paragraph 3)

The CRA was provided to the Pechanga Band of Mission Indians on May 22, 2018 along with an invitation for a face-to-face meeting. The Tribe commented on the CRA on July 20, 2018 and discussed the Project in a number of face-to-face meetings during 2018. ~~No response was received from the group and the project conditions of approval were sent to them on May 30, 2018. Finally, an email asking if the band had any further comments or concerns was sent on July 11, 2018 with no response from the Pechanga Band of Mission Indians.~~

*(DEIR p. 4.6-7, paragraph 7)*

However, in the unlikely event that archeological and/or cultural materials are uncovered during ground-disturbing activities, **Standard Condition SC-CUL-1** and **Mitigation Measures MM-CUL-1** through **MM-CUL-68**, (see Section 4.16.5), will be implemented. With **Standard Condition SC-CUL-1** and **Mitigation Measures MM-CUL-1** through **MM-CUL-68**, impacts to tribal cultural resources will remain less than significant.

#### **4.16.5 Avoidance Minimization, Standard Conditions, and Mitigation Measures**

##### *Standard Condition(s)*

**Standard Condition SC-CUL-1**, below, was identified in the IS to ensure that the Project's potential to affect human remains (which may be encountered during ground-disturbing activities) would remain less than significant:

**SC-CUL-1     If Human Remains Found. If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5 (See also MM-CUL-8).**

##### *Mitigation Measure(s)*

Because the Project site has experienced ~~severe~~ ground disturbances in the past, any buried archaeological and/or cultural resources that are relatively shallow would have already been uncovered or destroyed. However, it is possible that buried resources at greater depths may still be present. ~~In~~ in the unlikely event that archeological and/or cultural materials are uncovered during ground-disturbing activities, **Mitigation Measures MM-CUL-1** through **MM-CUL-68**, below, are provided to reduce potential adverse archaeological and/or cultural resource impacts to a less than significant level:

Please see the revised Mitigation Measures as outlined in Final EIR pages 3-9 through 3-15 as these same revisions shall apply to the mitigation measures presented in Subchapter 4.16.

DEIR pages 4.15-45, -93, -97, -119, -123, -139, and -143 in Subchapter 4.15, Transportation, figures were corrected to be consistent with the intersection LOS tables – there was a typo that occurred only on the LOS summary of figures. However, the intersection improvement recommendations are based on the intersection analysis tables not the figures, therefore, no findings would change in the Traffic Impact Analysis or the DEIR. Urban Crossroads provided a Response to Comments Letter containing the revised figures for the Traffic Impact Analysis. Their

Response to Comments Letter is provided with this Final EIR as Appendix B and the modifications to figures are available for review therein.

DEIR pages 4.15-100, -126, and -146, in Subchapter 4.15, Transportation, tables were corrected in response to a Comment Letter received from the City of Menifee. This was a formatting change only and no findings or recommendations will change in the Traffic Impact Analysis or the DEIR. Urban Crossroads provided a Response to Comments Letter containing the revised tables for the Traffic Impact Analysis. Their Response to Comments Letter is provided with this Final EIR as Appendix B and the modifications to figures are available for review therein.

DEIR pages 5-6 and 5-13 in Chapter 5, Alternatives, text is corrected to include Mitigation Measures provided by the Pechanga Band of Luiseño Indians in their Comment Letter dated 3-6-2020. The modifications are as follows:

#### Cultural Resources

With adherence to **Standard Condition SC-CUL-1** and **Mitigation Measures MM-CUL-1** through **MM-CUL-68**, all potential impacts to cultural, and/or archaeological resources will be limited and reduced to a level of less than significant. As a result, implementation of the proposed Project will not result in any unavoidable Project-specific or cumulative adverse impacts to cultural and/or archaeological resources.

#### Tribal Cultural Resources

All potential tribal cultural resources impacts would be limited and can be reduced to a less than significant impact level with adherence to **Standard Condition SC-CUL-1** and **Mitigation Measures MM-CUL-1** through **MM-CUL-68**. As a result, there will not be any unavoidable Project specific or cumulative adverse impacts to tribal cultural resources from implementing the Project as proposed. The Project tribal cultural resource impacts are less than significant.

DEIR pages 6-7 and 6-15, in Chapter 6, Topical Issues, text is corrected to include Mitigation Measures provided by the Pechanga Band of Luiseño Indians in their Comment Letter dated 3-6-2020. The modifications are as follows:

#### Cultural Resources

With implementation of **Standard Condition SC-CUL-1** and **Mitigation Measures MM-CUL-1** through **MM-CUL-68**, the Project's contribution to the cumulative loss of known and unknown cultural and/or archaeological resources in the County will be reduced to a level of less than significant.

#### Tribal Cultural Resources

With implementation of **Standard Condition SC-CUL-1** and **Mitigation Measures MM-CUL-1** through **MM-CUL-68**, the contribution of the proposed Project to the cumulative loss of known and unknown tribal cultural resources throughout the County would be reduced to a less than significant level.