

Section 2.0: Comments and Responses

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EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

April 7, 2015

RECEIVED
APR 09 2015

Kristi Lovelady
Riverside County, TLMA
4080 Lemon Street, 12th Floor
Riverside, CA 92501-3634

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Subject: General Plan Amendment No. 960: Update of the Riverside County General Plan
SCH#: 2009041065

Dear Kristi Lovelady:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on April 6, 2015, 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.

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,

Scott Morgan
Director, State Clearinghouse

1.1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009041065
Project Title General Plan Amendment No. 960: Update of the Riverside County General Plan
Lead Agency Riverside County

Type EIR Draft EIR
Description The action to be evaluated by the EIR is the adoption of Riverside County General Plan Amendment (GPA) No. 960, the General Plan 5-Year Update Project, which proposes a variety of revisions to the current County General Plan to update existing policies, maps and implementing directions, and provide new information and policies where needed. This will ensure that the County's General Plan continues to provide a clear and consistent set of directions for implementing the County Vision throughout the County over the next five years and into the future (2035 and beyond).

Lead Agency Contact

Name Kristi Lovelady
Agency Riverside County, TLMA
Phone 951 955 0781 **Fax**
email
Address 4080 Lemon Street, 12th Floor
City Riverside **State** CA **Zip** 92501-3634

Project Location

County Riverside
City
Region
Lat / Long
Cross Streets Countywide
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use Countywide General Plan Update includes policy and land use changes.

**1.1
CONT.**

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 6; Cal Fire; Department of Parks and Recreation; Office of Emergency Services, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Board, Region 7; Regional Water Quality Control Board, Region 8; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Public Utilities Commission

Date Received 02/19/2015 **Start of Review** 02/19/2015 **End of Review** 04/06/2015

**Comment Letter No. 1: Governor's Office of Planning and Research
(Scott Morgan, Director)**

Comment 1.1 This comment indicates that the California Governor's Office of Planning and Research (OPR) acknowledges the noticing of the document through the California State Clearinghouse, and that no comments were submitted to OPR on Draft EIR No. 521. This comment also indicates that the necessary noticing requirements pursuant to the CEQA for the State Clearinghouse were met. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

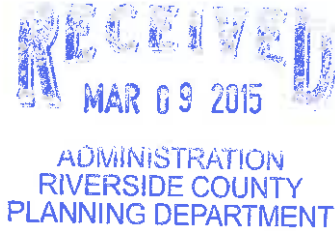
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BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
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(916) 653-8007



Kristi Lovelady
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501



March 5, 2015

RE: General Plan Amendment No. 960: General Plan Update Draft EIR, SCH #2009041065

Dear Ms. Lovelady:

The California State Board of Forestry and Fire Protection (Board) would like to issue comment on the General Plan Amendment No. 960: General Plan Update Draft Environmental Impact Report. 2.1

The color scheme in Figure 4.13.7 in the Draft EIR (Figure S-11 in the General Plan) denoting SRA and FRA Fire Hazard Severity Zones is confusing; the SRA Very High designation is a lighter color than the FRA Very High designation, while the SRA High and Moderate designations are darker than those for FRA. When one is trying to read the map, having to switch between dark tones for FRA then dark tones for SRA makes it difficult to get an accurate picture of the fire hazard throughout the Count. 2.2

On pages 4.13-65 through 4.13-69, the Draft EIR brings attention to policies in the General Plan Land Use and Safety Elements that discuss requirements for construction, development, planning, and landscaping in Fire Hazard Severity Zones (FHSZ); further clarification regarding which FHSZs those policies would be required in would be beneficial (all SRA FHSZs? All LRA? Very High in LRA only?). 2.3

The Board supports many of the new policies identified in the General Plan Safety Element, specifically S 5.1-9 and other new or amended policies related to fire safe development, emergency vehicle access, and long term fire protection planning. The Safety Element and Draft EIR contain a thorough analysis of the wildfire risk to the project area and specific mitigation projects to manage fuels and limit the unreasonable risk of wildfire to the community. 2.4

The Board welcomes Riverside County to continue ongoing collaboration and cooperation with the Board and CAL FIRE Riverside Unit through the Draft EIR and General Plan update process. 2.5

Thank you for your consideration,

Edith Hannigan
Board Staff
edith.hannigan@bof.ca.gov
(916) 653-2928

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Comment Letter No. 2: California Board of Forestry and Fire Protection

- Comment 2.1** The County appreciates and values your comments during the General Plan Update and Environmental Impact Report process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 2.2** This comment is duly noted. Figure 4.13.7 of Draft EIR No. 521 and Figure S-11 of GPA No. 960 have been updated to better display the Fire Hazard Severity Zones. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 2.3** This comment is duly noted. The policies referenced in pages 4.13-65 to 4.13-69 of Draft EIR No. 521 originated in the General Plan Safety Element. This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 2.4** The County appreciates your support of the new policies in the General Plan Safety Element. This comment is duly noted. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 2.5** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. Responses to specific comments are provided above; no further response is required.

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DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

April 6, 2015



Via Email: klovelad@rctlma.org
Kristi Lovelady
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside CA 92501

SUBJECT: RIVERSIDE COUNTY GENERAL PLAN AMENDMENT NO. 960: GENERAL PLAN UPDATE
(EIR NO. 521 / SCH No. 2009041065)

Dear Ms. Lovelady:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above referenced project and offers the following comments and recommendations.

3.1

PROJECT DESCRIPTION

Riverside County is proposing a General Plan Update (known as General Plan Amendment No. 960). The result of the effort is an amended County General Plan that continues to provide a clear and consistent set of directions for implementing the County Vision, Elements and Area Plans over the next five years and into the future.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

It was discovered that the Farmland Mapping and Monitoring Program (FMMP) data that the DEIR was using, was not the most current data available. Upon reading further through the Agricultural and Forestry Resource section, page 4.5-14 stated that:

3.2

"Pursuant to CEQA, the description of the physical environmental conditions provided in this EIR is as they exist at the time the issuance of the Notice of Preparation (NOP), that is, April 13, 2009. This environmental setting will constitute the baseline physical conditions by which the County of Riverside, as Lead Agency under CEQA, determines whether an impact to agricultural and forest resources is significant. Because of the countywide scope and nature of this project and its programmatic EIR, much of the data presented herein cannot all be said to represent a single point in time (i.e., April 13, 2009). In such cases, the data set that is best supported by substantial evidence will be used."

The Department is unsure whether the County is intentionally using older data as a baseline, or whether newer data would be welcome as a part of the analysis. Therefore, the Department offers the following information:

On page 4.5-4, the DEIR states, "in September 2009, the FMMP released a set of three maps of 2008 data for western, central and eastern Riverside County, see Figure 4.5.1." However, the most recent set of maps released for Riverside County are current to 2012. It was posted online in February 2015 and is available online at:

<http://www.conservation.ca.gov/dlrp/fmmp/Pages/Riverside.aspx>

On page 4.5-5, the DEIR states, "In January 2011, the FMMP released a report on additional farmland data, entitled "California Farmland Conversion Report, 2006- 2008." However, the 2008-2010 statewide report is available on the Farmland Mapping and Monitoring Program's website at:

<http://www.conservation.ca.gov/dlrp/fmmp/products/Pages/ReportsStatistics.aspx>

Mitigation Measures

Although there are State regulations and local policies which apply to the conservation of agricultural resources in the County, the DEIR states that 5,300 acres of agricultural lands have the potential to be effected¹. However, the Department does not believe that the existing General Plan policies adequately address conservation and that feasible mitigation has not been sufficiently analyzed in the DEIR, as explained below.

On page 4.5-35, the DEIR states that, "Pursuant to EIR No. 441 (2003 RCIP General Plan), no additional project-specific mitigation measures have been identified for General Plan implementation. Thus, indirect impacts leading to the conversion of designated Farmlands and conflicts between urban and agricultural land uses remain significant and unavoidable." The County is basing their environmental review on the analysis of the previously approved EIR No. 441 for the 2003 General Plan. However, since then new information has become available that may affect the analysis that was used to determine available mitigation at that time.

In 2003 a proposal was included in the RCIP General Plan (EIR No. 441), for the creation of an agricultural land mitigation bank. At that time, the County utilized the case law *Friends of the Kangaroo Rat v. California Department of Corrections* (August 18, 2003)² to support removal of the proposed mitigation in the EIR. The decision to remove the mitigation was based on the California Court of Appeal which held that a mitigation measure of that nature did not actually avoid or reduce the loss of farmland subject to development, and that an agricultural land mitigation bank was not a valid form of mitigation for farmland conversion impacts³. However, the Department has discovered that the case law used to justify the decision to remove the creation of an agricultural land mitigation bank, was ordered depublished by the California

¹ County of Riverside Environmental Impact Report No. 521. Public Review Draft. February 2015. Page 4.5-26

² Fifth Appellate District Number F040956

³ *Agricultural Mitigation Bank Memo*. County of Riverside Transportation and Land Management Agency. October 2, 2003.

<http://planning.rctlma.org/ZoningInformation/GeneralPlan/RiversideCountyGeneralPlan2003/AgriculturalMitigationBankMemo.aspx> Accessed 4/6/2015.

3.2
CONT.

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3.4

Supreme Court in February 2004⁴. No subsequent cases addressing agricultural mitigation under CEQA have utilized this case. Therefore, the County's use of the existing Statement of Overriding considerations for the previous EIR may not be sufficient.

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CONT.

While the County may not be able to replace agricultural lands that are converted, the Department notes that the 6th District Court of Appeals found in *Save Panoche Valley v. County of San Benito* (2013)(217 Cal.App.4th 503,526):

Save Panoche Valley's insistence that the mitigation measures fail because there is no creation of additional agricultural lands to compensate for the ones utilized for the project site are unsubstantiated. We are unaware of any case law that supports Save Panoche Valley's position. The goal of mitigation measures is not to net out the impact of a proposed project, but to reduce the impact to insignificant levels. (See Banning Ranch Conservancy, supra, 211 Cal.App.4th at p.1233).

3.5

In *Masonite Corporation v. County of Mendocino* (2013)(218 Cal.App.4th 230) the County argued that conservation easements were not feasible because they did not create additional agricultural lands⁵. The Court rejected this reasoning, stating:

*We conclude that ACEs may appropriately mitigate for the direct loss of farmland when a project converts agricultural land to a nonagricultural use, even though an ACE does not replace the onsite resources. Our conclusion is reinforced by the CEQA Guidelines, case law on offsite mitigation for loss of biological resources, case law on ACEs, prevailing practice, and the public policy of this state.*⁶

3.6

The Division has outlined, in the following paragraphs, potentially feasible mitigation measures that would reduce the impact of agricultural land conversion. If the County cannot adopt mitigation measures that reduce the impact to a less-than-significant level, the County must make the findings outlined in Public Resources Code §§ 21081 (a)(3) and 21081(b).

3.7

Direct conversion of agricultural land is often an unavoidable impact under CEQA, and the County has made the argument that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project. However, the criterion is any feasible mitigation that lessens a project's impacts, not a requirement to completely negate the impact. Pursuant to CEQA Guideline § 15370, mitigation includes measures that avoid, minimize, rectify, reduce or eliminate, or compensate for the impact (emphasis added). A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely (14 Cal Code Regs § 15370(b)). Therefore, all potentially feasible mitigation measures which could lessen a project's impacts should be included in the Riverside

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⁴ *Friends of the Kangaroo Rat v. Department of Corrections*, 2004 Cal. LEXIS 1234, 2004 Cal. Daily Op. Service 1397.

⁵ "Here, the determination that no mitigation was feasible for the loss of farmland rested on a conclusion that offsite agricultural conservation easements (ACEs) cannot mitigate for the land lost at the Project site because they would "not replace the on-site resources." The County presumed that ACEs were useful only to address "the indirect and cumulative effects of farmland conversion," and were not needed here because the Project would have no such effects. Thus, the finding of infeasibility in the EIR rested on the legal conclusion that while ACEs can be used to mitigate a project's indirect and cumulative effects on agricultural resources, they do not mitigate its direct effect on those resources." *Masonite Corporation v. County of Mendocino* at 238.

⁶ See *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230, 239 for the Court's discussion of the case law on agricultural conservation easements.

County General Plan Amendment No. 960 FEIR. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

3.8
CONT.

Mitigation via agricultural conservation easement can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The California Council of Land Trusts (CCLT) and the California Farmland Conservancy Program (CFCP) are two sources of information on the mechanisms and fees associated with conservation easements as well as their use in mitigating for agricultural land conversion. Their web site addresses are:

3.9

<http://www.calandtrusts.org/wp-content/uploads/2014/03/conserving-californias-harvest-web-version-6.26.14.pdf>

<http://www.conservation.ca.gov/DLRP/CFCP/Pages/Index.aspx>

Of course, the use of conservation easements is only one form of mitigation that should be analyzed. Any other feasible mitigation measures should also be considered.

Finally, when presenting any mitigation measures in the Final EIR, it is important to note that mitigation should consist of specific, measurable actions that allow monitoring to ensure their implementation and evaluation of success. A mitigation consisting only of a statement of intention or an unspecified future action may not be adequate pursuant to CEQA.

3.10

DEPARTMENT RECOMMENDATIONS AND CONCLUSIONS

Thank you for the opportunity to provide comments. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions concerning our comments, please contact Meri Meraz, Associate Environmental Planner at (916) 445-9411 or at mmeraz@conservation.ca.gov.

3.11

Sincerely,



Molly A Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

Comment Letter No. 3: California Department of Conservation

Comment 3.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 3.2 The County appreciates your update on current status of the Farmland Mapping and Monitoring Program (FMMP) data. In regards to the environmental baseline used for the Draft EIR document, due to the countywide scope of GPA No. 960 and Draft EIR No. 521, much of the data presented within Draft EIR No. 521 cannot all be said to represent a single point in time (i.e., April 13, 2009). In such cases, Draft EIR No. 521 uses the data set that is best supported by substantial evidence and provides a discussion of how it is or is not expected to differ from existing physical conditions. Information and analyses regarding farmland and agricultural resources were each determined to be the best-supported and best available information. Further, each section of the Draft EIR document explicitly states the baseline data used for the analysis in order to ensure the transparency of the data used. The data incorporated into the document represents the best available at the time of the Draft EIR analysis and as such was incorporated to the document.

Draft EIR No 521 utilized the mapping data posted at the time of the release of the Notice of Preparation (2009). In addition, the County of Riverside General Plan policies and EIR mitigation measures, such as Policy LU 30.7 which requires adherence to the County Right-to-Farm Ordinance and Policy LU 20.2 which discourages the development of projects containing inconsistent uses in close proximity to agricultural uses, require project-specific analysis of potential effects to agricultural land. No further response is warranted.

Comment 3.3 Due to the programmatic nature of the General Plan document, assessing project-level impacts resulting from the implementation of GPA No. 960 is beyond the scope of Draft EIR No. 521. However, in order to ensure the reduction of potential impacts to agricultural resources within the County, several policies are proposed within GPA No. 960 including a number of protections for farmlands and their operations. While the Draft EIR does reference the 2003 General Plan EIR, an independent analysis was conducted within Draft EIR No. 521; ultimately the determination was the same as the 2003 General Plan EIR. Several policies and existing ordinances provide future protections for farmland resources within the County. These policies include the incorporation of agricultural land conservation (Policy OS 7.3), allowance of accessory agricultural uses on designated agricultural land (Policy OS 7.5), and agricultural incentive programs including tax incentives to increase the viability of agricultural uses (Policy LU 20.1).

However, even with the incorporation of the proposed policies related to agricultural resources within GPA No. 960 and existing ordinances, impacts that will occur as a result of GPA No. 960 will remain significant and unavoidable for agricultural resources.

- Comment 3.4** This comment is duly noted. As noted above, the County, while not instituting the use of a farmland mitigation bank, has several other programs in place to reduce the impacts of increased development on agricultural lands including the downzoning of lands, a right to farm ordinance (Ordinance No. 625) as well as others. It is not anticipated that the County will utilize the prior 2003 Statement of Overriding Considerations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 3.5** The commenter references the *Save Panoche Valley v. San Benito County*, stating that while converted agricultural lands cannot be replaced, that mitigation measures should still be used to reduce impacts to and insignificant level. The County has a number of existing and proposed policies, as well as adopted ordinances, developed to reduce impacts to agricultural resources (See Response 3.8, below). However, impacts to these resources will remain significant despite these policies and ordinances. The County acknowledges the potential impacts to agricultural resources that would result through the implementation of GPA No. 960 within the Draft EIR, and does not omit mitigation simply because converted agricultural lands cannot be replaced. As outlined in the responses below, the County has worked extensively to maintain and protect the agricultural resources within its boundaries through the adoption and implementation of policies and ordinances specifically developed to afford safeguards to agricultural resources. While this comment is duly noted, the County has not foregone the development of measures to reduce potential impacts to agricultural lands, and does not purport within the Draft EIR that the impacts are immitigable simply because agricultural lands that are converted cannot be replaced. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 3.6** The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. As discussed in *Friends of the Kings River v County of Fresno* (2014) 232 Cal.App.4th 105, 126, Masonite does not stand for the position that every project must incorporate agricultural conservation easements for any impacts to prime farmland. While the County does not propose the inclusion of agricultural conservation easements, the County does include several ordinances and policies that protect farmland within the County. These ordinances include Riverside County Ordinances 625 (Right to Farm Ordinance), Ordinance 509 (Establishment of Agricultural Preserves), as well as Riverside County Resolution 84-526 (Rules and Regulations Governing Agricultural Preserves). The County also proposes a number of policies in the Land Use and Multipurpose Open Space elements of GPA No. 960 to encourage and protect agricultural resources. Similar to the reasoning under *Friends of the Kings River* case, the County has incorporated a number of policy options to help protect the loss of farmland and agricultural operations. In fact, while

the County does acknowledge the potential loss of approximately 32 acres of prime farmland and farmland of statewide importance, the Draft EIR also envisions a net increase of roughly 74 acres of land designated as farmland of local importance. Further, once any potential future project-specific applications occur, any direct loss of farmland will require additional CEQA analysis, including the evaluation of potential agricultural conservation easements for the direct loss.

This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 3.7 The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 3.8 This comment is duly noted. Please see Response 3.6 discussed above. While the County does not propose the inclusion of agricultural conservation easements, the County does include several ordinances and policies that protect farmland within the County. These ordinances include Riverside County Ordinances 625 (Right to Farm Ordinance), Ordinance 509 (Establishment of Agricultural Preserves), as well as Riverside County Resolution 84-526 (Rules and Regulations Governing Agricultural Preserves). The County also proposes a number of policies in the Land Use and Multipurpose Open Space elements of GPA No. 960 to encourage and protect agricultural resources. The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations.

Comment 3.9 Please view response to Response 3.6, discussed prior. This comment is duly noted. As noted above, the County has a number of ordinances and policies that protect the future of agricultural resources. As stated in Table 4.5-E: *Project Effects on Agriculture Land Use Designations in the General Plan*, the General Plan will result in the potential loss of 170 acres of land designated for agriculture. While this amount is limited to a loss of approximately 4% of the County's agriculture land, this is further offset by the reduced development located in areas that will be downzoned in order to accommodate rural uses. This includes projects such as the Wine County Community Plan, as well as others¹. While this comment is duly noted, the

¹ The Wine County Community Plan allows for an increase of 3,695 acres of agricultural lands beyond those designated by the existing Southwest Area Plan (Wine County Community Plan EIR Pg. 4.2-13). GPA No. 960 also allows for an increase in agricultural uses from 4,080 acres to 4,250 acres at buildout (Draft EIR No. 521, Table 4.5-E)

County has evaluated existing ordinances, as well as proposed policies to ensure all feasible measures have been incorporated into GPA No. 960 and Draft EIR No. 521.

Comment 3.10 This comments is duly noted. The County has developed and presented mitigation measures throughout Draft EIR No. 521 that consist of a similar level of specify and detail to the policies presented in GPA No. 960 as required by the California CEQA Guidelines §15146 (a). No further response is required.

Comment 3.11 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process, and will continue to provide the Department of Conservation with information regarding future hearing dates and staff reports pertaining to GPA No. 960 and Draft EIR No. 521.



State of California – Natural Resources Agency
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EDMUND G. BROWN, Jr., Governor
 CHARLTON H. BONHAM, Director



April 6, 2015

Kristi Lovelady, Principal Planner
 Riverside County Planning Department
 4080 Lemon Street, 12th Floor
 Riverside, CA 92501-3634



Subject: General Plan Amendment No. 960/Recirculated Environmental Impact Report
 No. 521/Climate Action Plan, SCH # 2009041065

Ms. Lovelady:

The California Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the proposed draft General Plan Amendment No. 960 (GPA No.960 or Amendment), the recirculated draft Environmental Impact Report No. 521 (RDEIR) and the Climate Action Plan. The action to be evaluated by the RDEIR is the adoption of Riverside County General Plan Amendment No. 960, the General Plan 5-Year Update Project, which proposes a variety of revisions to the current County General Plan to update existing policies, maps and implementing directions, and provide new information and policies where needed.

4.1

The Department is responding to the plan as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

As a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802), the Department is responsible for ensuring appropriate conservation of fish and wildlife resources including rare, threatened, and endangered plant and animal species, pursuant to the CESA, and administers the Natural Community Conservation Planning Program (NCCP). The Department issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County Multiple Species Habitat Conservation Plan (WR MSHCP) and the Coachella Valley Multiple Species Habitat Conservation Plan (CV MSHCP) as per Section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004 and October 1, 2008, respectively. The WR MSHCP and CV MSHCP establish multiple

4.2

species conservation programs to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit.

Due to staffing constraints, limited available time, and the large size of the plan documents (over 4000 pages) the Department was unable to complete a thorough review of the plan. Because the Department was unable to thoroughly review the plan, the Lead Agency should note that a lack of comment in this letter does not imply that the Department does not have additional issues or concerns with the plan. The Department expects that REIR No. 521 will indeed be a Program EIR, and that effects of proposed later activities not examined in the program EIR will be addressed in new initial studies, leading to either an EIR or a negative declaration (CEQA Guidelines Section 15168(c)).

The Department's questions, comments and concerns are listed below. The Department requests that each of these be addressed by the Lead Agency.

Draft General Plan Amendment No. 960

General Comments on the GPA No. 960:

1) Groundwater Management. The GPA identifies five key reasons that water supply is uncertain for Riverside County yet fails to recognize that lack of a comprehensive groundwater management plan across the County contributes to uncertainty in water supply. Furthermore, the GPA also fails to analyze the potential compounding impacts of climate change on groundwater supply. Declining groundwater will likely have serious impacts on natural resources particularly plant communities, such as the mesquite hummocks, and should be addressed in this plan. The Department is concerned that the lack of comprehensive, county-wide groundwater planning effort, that incorporates climate change modeling, will have far-reaching implications for natural resources within Riverside County.

2) Native Plants in Landscape Planting. The Department encourages the use of native, drought-resistant landscape planting and recommends that the County also encourage the use of these species in the GPA. Research illustrates the importance of native plants in residential yards/gardens and common areas in providing important habitat for wildlife in increasingly urban landscapes.

3) Floodplain and Riparian Area Management. The GPA includes language in the Floodplain and Riparian Area Management section that highlights the value of floodplains and the importance of retaining the natural functions of rivers: "The conventional assumption that flooding can be completely eliminated has meant not only an unrealistic reliance on manufactured flood protection, but also the development of a flood control system that squeezes rivers into artificially narrow channels, adds steeply sloped levees (devoid of riparian vegetation), and eliminates historic floodplains, all in the name of reclamation, flood protection and urban growth. Unfortunately, this highlights the fact that floods have been viewed for far too



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long as everything except part of the natural life cycle of rivers and floodplains. Flooding is part of the dynamic nature of healthy rivers and ecosystems. High flows and flood waters are needed to cleanse the channels of accumulated debris, build stream banks, import gravels for aquatic life, thin riparian forests and create riparian habitat. ...The intent of Riverside County is to sustain riparian habitats to the maximum extent possible."

In contrast with the above-stated language in the Floodplain and Riparian Area Management section, the discussion of the San Jacinto River includes the following language: there is a current "proposal to channelize the river with earthen berms from the Ramona Expressway to Interstate 215 to reduce flood threats and facilitate future development of adjacent properties. ...The broad valley in which this river sits may then be developed per the Area Plan Land Use Map. It is assumed that the channelization project will be approved, and it is included in the Area Plan Land Use Map." The Department is unclear why the proposal to channelize the San Jacinto River remains in the GPA No. 960 given that the proposed language for OS 4.9 states: "*Discourage development within watercourses and areas within 100 feet of the outside boundary of the riparian vegetation, the top of the bank, or the 100 year floodplain, whichever is greater.*" The San Jacinto River Channel is identified in the WR MSCHP as an important live-in habitat and corridor for plants and animals. Therefore, maintaining the ecological values of the channel should be a goal of GPA.

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- 4) Wildlife Corridors. The RDEIR identifies that GPA No. 960 would adversely affect wildlife movement and migration, wildlife corridors, and the use of native nursery sites. However, the EIR states that compliance with existing laws, regulatory programs, General Plan Policies and mitigation measures "would ensure that this impact is less than significant." Further, the RDEIR states sufficient programs are in place within both MSHCPs that would prevent substantial interference with wildlife movement and corridors. In general, this statement is accurate. However, there is at least one important exception: Southern mule deer (*Odocoileus hemionus fuliginatus*) are not a covered species under either of the MSHCPs. Mule deer are an important large mammal in California; they provide wildlife viewing, recreational and ecological value, as well as economic value to the public. Mule deer require tall openings (>14') for wildlife crossings, but the species is rarely sufficiently accommodated because wildlife crossings are often designed based on the other MSHCP planning species such as mountain lion (*Puma concolor*), or smaller mammals such as bobcat (*Lynx rufus*) or Los Angeles pocket mouse (*Perognathus longimembris brevinasus*). The Department recommends that GPA No. 960 provide measures for wildlife crossings that accommodate the movement and migration of mule deer in Riverside County. Department staff would welcome the opportunity to develop measures with County Planning staff.

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- 5) Wildfires – The plan documents fail to adequately address fires and wildfires. The Department requests additional information on how wild land fire hazards will be managed "...in the design of development proposals located adjacent to natural

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open space" (LU 4.1v). Proposed fuel management should occur entirely within a proposed project's boundary. The Department requests that the County provide the following information: a description of the types of proposed fuel management activities, where fuel management areas will be located, and the size of fuel management areas. The Department also recommends that the County provide a fuel management plan that includes a detailed plant palette, proposed maintenance activities, graphics that clearly define fuel modification zones with reference to the Project developments, and an assessment of current and long-term potential impacts related to the fuel management area and associated maintenance activities.

The Department frequently receives weed abatement requests from the County and/or land owners to clear riparian areas and/or mitigation lands. These requests are primarily due to development being sited immediately adjacent to native habitats without incorporating fuel management zones within the development boundary itself. The Department requests that the County ensure appropriate and adequate buffers within future project boundaries to avoid encroachment into and alteration of habitat within existing and/or future mitigation and/or open space lands. If adequate fuel management cannot be accomplished within a project boundary, the project should be reconfigured and/or amended to ensure that appropriate fire management can be entirely accommodated within the project boundary.

6) Lakes and Streams. Please note that for any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the CEQA document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Although the County of Riverside may offer guidance to projects within the vicinity of lakes and streams, it is the Department's jurisdiction to verify the presence or absence of riparian/riverine areas and to comment on appropriate avoidance, minimization, and mitigation measures, should impacts to a lake or stream be unavoidable.

7) The RDEIR includes an emphasis on trail systems and access to open space areas but fails to provide an analysis of impacts to biological resources from the installation and maintenance of the proposed trail systems, or the use they will receive. The Department recognizes the value of trail systems and the need for communities to have access to wild lands; however, when trail systems are proposed in or adjacent to conserved lands, human access should be evaluated and managed if the desired conservation values are going to persist. The Department is particularly concerned with trails proposed in or adjacent to areas identified as constrained linkages under



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the WR MSHCP. Though passive recreational activities, such as trails, are covered activities within WR MSHCP conservation areas, such activities should be designed to “not impact land within the MSHCP Conservation and cause minimal disturbance to resources within the MSHCP Conservation Areas” (WR MSHCP Section 7.4.2). There needs to be careful consideration given to the placement of trails in sensitive or constrained habitats such as constrained linkages to ensure that the trails do not have the potential to degrade the value of a linkage and conflict with the goals of the WR MSHCP. Any trails should be placed outside or along the edges of the linkage. If there are existing interior trails, or trails are placed along the edge or anywhere within the linkage, then the linkage should be wider to offset the effects of the trails. In addition, trails within conservation areas may require fencing to keep people on the trails and away from sensitive resources.

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The Department requests that the revised DEIR include an analysis of the potential direct and indirect impacts to listed species and adjacent conserved lands and forest lands from the proposed trail systems (and their maintenance), and as appropriate, provide avoidance, minimization and mitigation measures to address them. The effects of trail use on wildlife movement should also be addressed where trails are proposed in or adjacent to areas identified as wildlife corridors.

Northeast Business Park Overlay

The GPA includes the proposed Northeast Business Park Overlay (Overlay) as a revision to the existing Lakeview/Nuevo Area Plan within the 2008 Riverside County General Plan. The Overlay is located north of the Ramona Expressway and south of the San Jacinto Wildlife Area. The intent of the Overlay appears to be the conversion of an agricultural area to a commercial and industrial development that would serve to provide employment in the area plan.

San Jacinto Wildlife Area and Northeast Business Park Overlay/Community of Lakeview

The San Jacinto Wildlife Area, a state-owned and -managed property, includes over 10,000 acres of land adjacent to the proposed Northeast Business Park Overlay. The San Jacinto Wildlife Area supports a diverse array of biological resources including habitats associated with the San Jacinto River floodplain and the San Jacinto foothill region such as wetlands, vernal playas, vernal pools, and riparian areas. The wetland habitat provides an important stop for a number of migratory birds along the Pacific flyway. It includes highly alkaline and silty-clay soils that support Narrow Endemic Plant Species (identified in the MSHCP). In addition, it supports a connection to MSHCP Core Areas in the Badlands and the San Jacinto River. The Wildlife Area includes grasslands adjacent to coastal sage scrub habitats that provide habitat for many species including the Stephens’ Kangaroo Rat (*Dipodomys stephensi*), burrowing owl (*Athene cunicularia*), and foraging habitat for raptors. Recreational resources provided by the San Jacinto Wildlife Area include waterfowl and upland small game hunting, dog training, bird watching, and hiking. The existing rural community that surrounds the wildlife area not only provides an important buffer but also acts as a food source for species that forage in the agricultural lands.

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The Department has the following concerns regarding the Northeast Business Park Overlay/Community of Lakeview:

- 1) The Northeast Business Park Overlay would be in an area currently identified as agriculture between the San Jacinto Wildlife Area and Ramona Expressway. The Department is concerned that not only will this overlay and the proposed Community of Lakeview result in the loss of foraging habitat for wildlife, but they may also facilitate the construction of homes and development immediately adjacent to the Wildlife Area, which may, in turn lead to: increased predation on wildlife from domestic pets (e.g., cats, dogs), as well as subsidized predators attracted to human-occupied areas (e.g., coyotes, raccoons); increased trash; increased trespass from mountain bikes, OHV, and other unauthorized uses; increased spread and establishment of invasive plants and other species on the wildlife area; increased fire risk; increased noise and lighting from any adjacent development/community; increased traffic; complaints from homeowners and businesses about noise associated with hunting; and potentially vector control complaints stemming from wetlands on the San Jacinto Wildlife Area.

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In order to protect the substantial resources the State has invested in the San Jacinto Wildlife Area, the Department requests that all residential and commercial development occur south of the Ramona Expressway. The Department requests that the County coordinate with the Department on developing measures to address the Department's concerns. Possible measures may include 8-foot fencing, buffers between the Wildlife Area and development to address trespass, a no outdoor cat policy in any adjacent development, further restrictions on pets, and establishing an endowment fund for increased management costs on the wildlife area.

- 2) The Department is also concerned that adjacent development may affect wildlife movement corridors within and surrounding the San Jacinto Wildlife Area. Roads and development pose a barrier to many species of wildlife: individuals may be killed attempting to cross roads or other open areas, or the risk of exposure in these areas may be so great that certain species will not attempt to move between or through these areas. The Department requests that wildlife crossings be incorporated into proposed development plans and that the crossing designs accommodate all species found on the wildlife area, including species that are not planning species or covered by the WR MSHCP, such as mule deer.

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- 3) The County should also consider the potential effects the San Jacinto Wildlife Area may have on any proposed adjacent community or business development. Any project site adjoining the wildlife area may be subject to wildlife movement and wildlife-human interactions, as well as traffic and noise from management and recreational activities, including hunting. For instance,

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during waterfowl-hunting season an air horn is used 30 minutes before sunrise on Wednesdays through Saturday from mid-October to the beginning of February to signify the start of the waterfowl hunt. The air horn is loud enough to be heard by hunters across the wildlife area. Further, the San Jacinto Wildlife Area encompasses 1,000 acres of wetlands, which attract numerous insect species, including mosquitoes. These areas are not currently treated for mosquitoes, and the insects are an important prey base for a multitude of species that reside or migrate through the San Jacinto Wildlife Area. The Department requests assurances from the County that any adjacent developments proposed from GPA No. 960 will not result in requests or directives for: mosquito abatement activities; modified hunting hours or a reduction in the noise from the activities (both management and recreational); or requests or proposals for trails or roads across the Wildlife Area.

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- 4) Proposed GPA No. 960 does not address how urban development may affect hydrology in and around the San Jacinto Wildlife Area. The Department is concerned that urban development may result in changes to drainage patterns, water volume, velocity, and quality, as well as soil erosion, and/or sedimentation in streams and other water courses or water bodies. The San Jacinto Wildlife Area is dependent on water flow into and out of this area, and as such any proposed development will need to assess any direct and indirect impacts of alterations to hydrology. In addition, the San Jacinto River and floodplain are within the Plan Area and are also vulnerable to impacts from urban development. The Department requests assurances from the County that changes to the zoning from GPA No. 960 will not result in detrimental effects to hydrology within and around the Wildlife Area.

4.14

- 5) The Department is concerned with the County's assumption that this area will become urban and not remain rural. It is unclear to the Department why the County cannot develop a Policy Area that identifies this area as rural in order to maintain the existing characteristics of the community. The Department is requesting an alternative to the proposed Overlay in GPA No. 960 that retains the rural nature of the zoning around the Wildlife Area.

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Roads

Figure 7 of Lakeview/Nuevo Area Plan depicts an arterial road crossing the San Jacinto River and a proposed bridge between Ramona Expressway and Nuevo Road. On the approved General Plan Circulation Element within Criteria Area (Figure 7-1) there is no road between Ramona Expressway and Nuevo Road. In the WR MSHCP (Section 7.3.5) it states "Evaluations of planned roadways with respect to conservation of biological resources have been conducted throughout the MSHCP planning process. As a result, only those planned roadways identified in this section are Covered Activities within the criteria areas. Roadways other than those identified in this section are not covered without an amendment to the MSHCP...." Placing a new road in this Plan Area would require a minor amendment to the MSHCP. In addition, Figure 7 is inaccurate

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since it shows an existing bridge where Ramona Expressway crosses the San Jacinto River but fails to also illustrate a proposed bridge immediately downstream from the existing bridge for the proposed Mid County Parkway. The map should depict two bridges adjacent to each other as well as a portion of Ramona Expressway remaining.

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Regarding Figure 4 of the Lakeview/Nuevo Area Plan, please provide information on what the numbers 114, 134, 251, 246, 239, and 183 signify. Throughout GPA No. 960, all figures should include a legend containing relevant information on the numbers and colors used, in this case specifically the pink, purple, and lavender solid colors.

4.17

San Jacinto River Channelization Project – The Lakeview/Nuevo Area Plan states that the San Jacinto River Channelization project would “reduce the threat of flooding during a 100-year flood event and allow for increased development on adjacent lands.” Climate change models predict more intense, severe flooding and recommendations to address these changes including modeling the 500-year floodplain to identify where development should not occur. The proposed Extension of Existing Core 4, which consists of the middle reach of the San Jacinto River is within the San Jacinto River Policy Area and the habitat is described for conservation with a target acreage of between 2,605 and 4,025 acres. Two of the goals for this area are to “conserve wetland habitats and floodplain along the San Jacinto River including existing vernal playas and vernal pools and associated watersheds” and “maintain watershed processes that contribute to and enhance water quality and hydrologic regime.” The Department requests that the County reevaluate the stated goals of the San Jacinto River Policy Area to include the protection of homes from flooding by keeping them out of the floodplain and assess the consistency of the goals with the WR MSCHP.

4.18

Western Riverside MSHCP

2) Take. Under the MSHCP, the Wildlife Agencies grant “Take Authorization” to MSHCP Permittees for otherwise lawful actions -- such as public and private development that may incidentally Take or harm individual species or their habitat outside of the MSHCP Conservation Area -- in exchange for the assembly and management of a coordinated MSHCP Conservation Area. For WR MSHCP and CV MSHCP, the County of Riverside has ‘take’ coverage and under the ‘No Surprise Rule,’ and is fully covered, provided that the terms and conditions of the MSHCP are implemented as stated. The WR MSHCP states that the County coordinate with the Wildlife Agencies on the implementation of the Plan (WR MSHCP Section 6.6.2). The Department requests clarification on whether the information provided to the County by the Department on implementation of the WR MSHCP will be viewed as merely “comments” or whether County staff will coordinate with the Department on implementing the WR MSHCP where there is disagreement.

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Climate Action Plan

The County’s Climate Action Plan identified using energy more efficiently, harnessing renewable energy to power buildings, enhancing access to sustainable transportation modes and recycling waste in coordination with Riverside County’s land use decision as

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efforts toward reducing Greenhouse Gas (GHG) emissions. However, the Climate Action Plan does not address the role of the natural environment in providing opportunities for carbon capture and carbon sequestration. Carbon sequestration is of special interest due to its importance as a tool to offset GHG emissions and contribute to the mitigation of global climate change. Careful management of Riverside County's ecosystems, including deserts, open spaces, and wetlands, may provide significant capture and sequestration of GHGs while simultaneously providing important ecosystem services. Given the extensive amount of undeveloped areas and areas identified for long-term conservation through the two MSCHPs county there may be an opportunity, with proposed legislation, to participate in the State Cap and Trade program through the selling of carbon credits for lands that remain undeveloped. In addition, Riverside County should have a goal of reducing wildfire not only because of the economic, social, and ecological cost but also because increased wildfire is also likely to reduce above- and below-ground carbon storage by natural ecosystems. The County should look at the role of its abundant natural resources in meeting the goals of AB 32 to fight climate change through reduction in GHG emissions. More information is available here: http://opr.ca.gov/docs/EGPR_ReviewDraft.pdf.

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Thank you for this opportunity to comment on the draft General Plan Amendment No. 960, the recirculated draft Environmental Impact Report No. 521 and the Climate Action Plan. Please contact Heather Pert at 858-395-9692 or Heather.Pert@wildlife.ca.gov, if you have any questions regarding this letter.

4.21

Sincerely,


(Fun) Leslie MacNair
Acting Regional manager

ec:
Tom Kirk, CVCC
Charles Landry, WR MSHCP

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Comment Letter No. 4: California Department of Fish and Wildlife

- Comment 4.1** The County appreciates and values your comments during the General Plan Update and EIR process. The County recognizes CDFW's role as both a Trustee Agency and Responsible Agency for certain discretionary actions within the County. This comment provides general introductory information. Responses to specific comments are provided below; no further response is required.
- Comment 4.2** The County appreciates and values your comments during the General Plan Update and EIR participation process. The commenter notes that due to the large size of the documents, a complete review was not completed. This comment provides introductory information about the Department of Fish and Wildlife. Responses to specific comments are provided below; no further response is required.
- Comment 4.3** The County recognizes that there is not a comprehensive groundwater management plan for Riverside County; however, one that incorporates a detailed analysis of the impacts of Greenhouse Gases on groundwater is simply not available at this time. However, as CDFW is well aware, Riverside County has implemented two large MSHCPs that address all natural plant communities in the County, including mesquite hummocks and other riparian habitats and the sensitive plant and animal species they support. Potential impacts to riparian and riverine habitats, via reduction in groundwater levels or otherwise, are managed under guidance developed in Section 6.1.2 of the Western Riverside County MSHCP.
- Comment 4.4** General Plan Policies LU 4.1(d) and 4.1(e) require that new development utilize drought tolerant landscaping and incorporate water efficient irrigation systems. General Plan Policy LU 18.2 calls for the minimization of the use of natural turf in landscaping, instead advocating for drought tolerant planting options. Finally, General Plan Policy LU 18.6 encourages public participation in water conservation efforts. These policies will help to promote the use of native, drought-resistant landscaping. Furthermore, beyond the General Plan, the County has adopted Ordinance 859 (Water Efficient Landscape Requirements Ordinance), which stipulates a number of requirements for new development to ensure reduced water use, including planting requirements. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 4.5** This comment is duly noted. While the County does propose a number of programs and policies to protect floodplains, however, development within floodplains can occur under limited circumstances. According to Policy S 4.4, the County will "Prohibit alteration of floodways and channelization unless alternative methods of flood control are not technically feasible or unless alternative methods are utilized to the maximum extent practicable. The intent is to balance the need for protection with prudent land use solutions, recreation needs,

and habitat requirements, and as applicable to provide incentives for natural watercourse preservation, including density transfer programs as may be adopted. (AI 25, 60)”

If a channelization project were to move forward in the San Jacinto River, extensive permitting and environmental compliance would be required at the project level. The project has been noted in the GPA as it would, if completed, modify the land available for development in the vicinity of the San Jacinto River.

Comment 4.6 This comment is duly noted. The County and the Regional Conservation Authority will work with CDFW Staff and individuals knowledgeable with the population and movement of mule deer in Riverside County to develop measures to ensure wildlife corridors are sufficient to accommodate for mule deer since mule deer are not a covered species under the WRC-MSHCP and CV-MSHCP. It should be noted that both plans recognize and provide specific conservation measures to protect wildlife movement corridors. As noted above, the two MSHCPs will be continually reviewed and updated to ensure that its conservation measures are adequate to accommodate mule deer.

Comment 4.7 This comment is duly noted. All projects developed under the proposed General Plan would be required to undergo substantial environmental compliance measures and would be subject to all relevant codes and policies. Within Riverside County, all development is subject to the Riverside County Fire Code, which includes requirements for defensible space and buffering in order to reduce potential impacts resulting from wildfire. The General Plan also has several policies that directly address wildfire risk, including S 5.1 (Develop and enforce design standards that encourage fire prevention), S 5.2 (Encourage programs that require fuel breaks and brush management zones), S 5.5 (Encourage development where existing services are located) as well as several others. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 4.8 The County agrees that the CDFW has regulatory authority concerning activities which occur in streams and/or lakes and that applicants must provide written notification to CDFW for any activity that will divert or obstruct the natural flow or change the bed, channel or bank of a river or stream. As written, New Mitigation Measure 4.8A-N1 acknowledges CDFW’s regulatory authority. The mitigation measure mandates that the project applicant “obtain a Section 404 permit from the ACOE and/or Fish and Game Code Section 1600 agreement prior to the issuance of any grading permit or other action by the County of Riverside that would lead to the disturbance of the riparian resource.”

As indicated in Section 4.8.5B of Draft EIR No. 521, “it would not be feasible to provide detailed biological information or asses site-specific biological effects at this time given the size and programmatic nature of this EIR.” Where not foreseeable at this time, such affects

are addressed programmatically in Draft EIR No. 521 as outlined through existing and proposed policies, existing regulatory programs and, where necessary, new mitigation measures. New Mitigation Measure 4.8A-N1 does not seek to abrogate CDFW's regulatory authority under Section 1602 of the Fish and Game Code, it merely serves as a mechanism for the County to gather information on a site-specific basis that was not available at a programmatic level (for Draft EIR No. 521) and to make an informed decision concerning the presence/absence of a resource and a project's obligation to pursue a regulatory permit.

CDFW notes that it is their "jurisdiction to verify the presence or absence of riparian/riverine areas" on project sites. This would imply that each and every development application submitted to Riverside County must be circulated through the CDFW for a preliminary review of the presence or absence of riparian/riverine resources. However, the Fish and Game Code does not require that all development proposals obtain CDFW 1602 clearances, only that an entity may not "substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled flaked, or ground pavement where it may pass into any river, stream, or lake" unless the project proponent files a written notification with CDFW, pays the applicable fees, and obtains clearances outlined in Section 1602(a)(4).

Riverside County processes many projects that do not impact streams and/or lakes and therefore do not require a Lake and Streambed Alteration Agreement. New Mitigation Measure 4.8A-N1 simply closes the gap between information available at the programmatic level (Draft EIR No. 521) and information collected at the project level. It directs the County to require an assessment from a qualified professional and, based on that information, permits the County Ecological Resources Specialist to make a finding that either: a) riparian/riverine areas do not exist on site; b) sufficient measures are in place that would insure avoidance of the riparian/riverine areas; or c) impacts are significant and unavoidable. If avoidance is infeasible and project impacts remain significant and unavoidable, then project applicants must obtain a Section 404 permit from the ACOE and/or a Fish and Game Code Section 1600 agreement from CDFW prior to the disturbance of the resource.

Comment 4.9

Both MSHCPs considered the placement of trails, passive or otherwise, adjacent to sensitive habitat areas. Both plans also have specific guidelines that must be considered in the design of any such trail. It is the intent of these guidelines to ensure that a trail will not have direct or indirect impacts on the protected biological resources. The County has provided in-depth discussion in the Draft EIR on the two MSHCPs and the biological goals and objectives of the two plans in the Biological Resources section of the Draft EIR. The County has also noted a number of policies that have been developed to protect biological resources from trail activities, which includes Board of Supervisors Policy J-11, as well as General Plan Policies LU 9.1, OS 5.4, and OS 18.1 which provide protections to biological resources from trails. These policies, in conjunction with the requirements set for by the MSHCP the County will continue

to preserve biological resources while encouraging the development of trails and open space areas.

Comment 4.10 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 4.11 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. However, edge effects are an important consideration for all development projects, as new development within urban/agricultural landscapes converge with native habitats. As development accommodated by GPA No. 960 would be in proximity to areas set aside for conservation, these projects would be required to address urban/wildlands interface (UWI) impacts. The protocols for UWI development are expressly identified in WRC-MSHCP Section 6.1.4 (Guidelines Pertaining to the Urban/Wildlands Interface). This section identifies a wide range of measures to be taken to ensure that UWI development is implemented in a responsible manner, ranging anywhere from guidelines for lighting plans, avoiding invasive species, implementing barriers, and noise standards. As noted in Section 6.1.4, these guidelines are intended to be implemented alongside existing regulations and policies already in place. GPA No. 960 includes a number of policies developed to protect conserved lands from new development, including Policies OS 4.9 (Discourage development within 100 feet of a watercourse or riparian vegetation), OS 5.5 (preserve natural watercourses) and OS 17.2 (enforce the requirements within the MSCHP during development review). The guidelines set forth within the WRC-MSHCP, in conjunction with the proposed policies within GPA No. 960, will protect the invaluable resources located within the conserved lands of the LNAP, as well as the rest of the County.

Comment 4.12 Refer to Response 4.6, above, regarding mule deer. As described in the WRC-MSHCP, an “important feature of reserve design is the special arrangement of wildlife movement corridors and Linkages between Core Areas” (Page 3-4). Additionally, Page 3-207 of the WRC-MSHCP provides a description of the MSCHP Conservation Area within the Lakeview/Nuevo Area Plan. This comment pertains to policy areas within the Lakeview/Nuevo Area Plan of GPA No. 960 and does not identify any specific concern with the adequacy of the Draft EIR.

Comment 4.13 Refer to Response 4.11, above, regarding the potential impacts related to the UWI as a result of GPA No. 960. Future projects facilitated by GPA No. 960 would be required to comply with the guidelines set forth by the WRC-MSHCP Section 6.1.4, as well as the proposed policies within GPA No. 960 on an individual project level. This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR.

Comment 4.14 As noted in Response 4.11, above, the WRC-MSHCP and GPA No. 960 both contain guidelines, policies, and the respective relevant discussions specifically related to minimizing potential impacts to watersheds. Future projects facilitated by GPA No. 960 would be required to comply with the guidelines set forth by the WRC-MSHCP Section 6.1.4 as well as the proposed policies within GPA No. 960 on an individual project level. This comment is duly noted; however, this comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 4.15 This comment is duly noted. The County of Riverside has incorporated several policies into the Lakeview/Nuevo Area Plan pertaining to the Northeast Business Park Overlay that will help preserve the rural character of this special area, including the neighboring rural community of Nuevo. For example, Policy LNAP 5.2 prohibits operational uses that would generate substantial truck traffic and reads as follows:

LNAP 5.2 Truck terminals, as well as draying, freight and trucking operations, or other industrial/manufacturing uses which could be expected to generate substantial truck traffic, shall not be allowed.

Additionally, Policy LNAP 7.1 would ensure that new development within the Northeast Business Park Overlay adhere to high-quality design standards and reads as follows:

LNAP ~~6.7.1~~ Require development to adhere to standards established in the Design Standards and Guidelines for Development in the Third and Fifth Supervisorial Districts.

LNAP 5.2 and 7.1 would further ensure that proposed development accommodated by GPA No. 960 will preserve the rural character of the Lakeview/Nuevo Area Plan. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 4.16 This comment identifies discrepancies between the approved WRC-MSHCP and the Circulation Plan for the Lakeview/Nuevo Area Plan (Figure 7). It is noted that there is an additional east-west arterial roadway and bridge shown crossing the San Jacinto River between the Ramona Expressway and Nuevo Road that are not covered by the WRC-MSHCP. Also, the comment states that while the plan illustrates the existing Ramona Expressway bridge at the San Jacinto River, it fails to show the proposed bridge for the Mid County Parkway, immediately adjacent to and south of the Ramona Expressway bridge.

The County appreciates and values your comments during the General Plan Update and Environmental Impact Report participation process. However, it should be noted that the various maps included in the GPA and EIR documents are graphic depictions for illustrative purposes, as the following disclaimer, contained on each map, explains:

“Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.”

Nonetheless, we acknowledge that the east-west arterial roadway and bridge shown crossing the San Jacinto River between the Ramona Expressway and Nuevo Road are a new addition to the Circulation Plan and may require an MSHCP amendment should the County intend to move forward with implementation of this concept.

With respect to the Mid County Parkway CETAP Corridor, the exhibit is not intended to show all of the details that have been worked out to date with regard to facility placement and design features. It is presumed, however, that implementation of the CETAP corridors will include appropriate drainage and flood water conveyance structures in accordance with the provisions of the WRC-MSHCP. You may notice that the crosshatching for the Mid County Parkway avoids the north side of the Ramona Expressway where it is adjacent to the San Jacinto Wildlife Preserve. The map will, however, be modified to reflect a bridge for the Mid County Parkway CETAP Corridor.

This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 4.17 The numbers located on Figure 4 of the Lakeview-Nuevo Area Plan are County of Riverside Specific Plan Numbers. The colored outline is included to show the boundary of the Specific Plan area. The numbers and boundary outlines are noted in the legend for all maps that include Specific Plan data. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 4.18 The Flood Abatement and Hazard section of the GPA No. 960 Safety Element contains a number of policies to ensure that development projects are not constructed within flood areas. These policies within the document include allowable development within a mapped

floodplain, as well as requirements for site specific floodplain mapping. These policies are further supported by the floodplain requirements dictated by the California Building Code, as well as site specific analysis required before the issuance of development permits. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 4.19 The management structure for both MSHCPs in Riverside County does not directly involve Riverside County Administrative staff. Instead, dependent but autonomous land management agencies have been assigned that authority: Coachella Valley Conservation Commission for Coachella Valley MSHCP and the Regional Conservation Authority for Western Riverside MSHCP. Further, both agencies have oversight from joint power authorities that include CDFW as a participating member. Information provided to the County will be reviewed with these joint power authorities and CDFW will have continued opportunities to provide comments and to ensure proper implementation of measures to alleviate concerns.

Comment 4.20 This comment is duly noted. This comment pertains to the Climate Action Plan (CAP), but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

However, both the CAP and the General Plan include measures that address the role of the natural environment and provide opportunities for carbon capture and sequestration. CAP Reduction Measure R3-L1: Expand County Tree Planting includes the evaluation of potential carbon sequestration from different tree species. Additionally, New General Plan Policy AQ 20.16 would preserve and promote forest lands and other suitable natural and artificial vegetation areas to maintain and increase the carbon sequestration capacity of such areas within the County. Artificial vegetation could include urban forestry and reforestation, development of parks and recreation areas, and preserving unique farmlands that provide additional carbon sequestration potential. New Policy AQ 23.1 would prevent urban sprawl to maximize protection of open space, particularly forests, which provide carbon sequestration potential. New Policy AQ 25.2 would reduce GHG emissions with conservation of biota that provides carbon sequestration through implementation of the Multiple Species Habitat Conservation Plans for western and eastern Riverside County. New Policy AQ 25.2 would also preserve forest lands and other suitable natural vegetation areas to maintain the carbon sequestration capacity of such areas within the County, promote establishment of vegetated recreational uses (such as local and regional parks) that provide carbon sequestration potential and opportunities for healthy recreation, promote urban forestry and reforestation and the preservation of farmlands to provide additional carbon sequestration potential, and preserve areas of native vegetation that may contribute to biological carbon sequestration

functions. Furthermore, New Policy AQ 25.2 would also protect vegetation from increased fire risks associated with drought conditions to ensure biological carbon remains sequestered in vegetation and not released to the atmosphere through wildfires. In particular, New Policy AQ 25.2 would prevent the unnecessary intrusion of people, vehicles and development into natural open space areas to lessen risk of wildfire from human activities.

Comment 4.21 The County appreciates and values your comments during the General Plan Update and EIR process. This comment serves as a conclusion to the letter. Responses to specific comments are provided above; no further response is required.

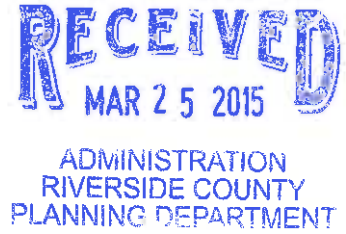
AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL PLANNING & DEVELOPMENT



March 23, 2015

Kristi Lovelady, Principal Planner
County of Riverside – TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501



RE: General Plan Amendment No. 960: General Plan Update (EIR No. 521 / SCH 2009041065)

Dear Ms. Lovelady:

Thank you for providing the Tribe the opportunity to review and comment on General Plan Amendment No. 960. Tribal Staff have reviewed the General Plan Amendment and have the following minor comments.

5.1

The Rancho Mirage Sphere of Influence Policy Area needs to be updated to reflect the current boundaries of the Rancho Mirage Sphere of Influence (SOI). Several years ago the City removed the area north of Interstate 10 from its SOI boundary, and that area has since been included in Cathedral City's SOI. Recently, portions of Section 11 and 13, T4S, R5E, SBBM, north of Interstate 10 have actually been annexed by Cathedral City, and the Agua Caliente Casino · Resort · Spa and Section 13 south of Interstate 10 have been annexed by the City of Rancho Mirage.

5.2

Therefore, we recommend the description of the Rancho Mirage Sphere of Influence Policy Area on page 27 of the Western Coachella Valley Plan be revised as follows:

"The Rancho Mirage Sphere of Influence Policy Area is generally located in the center of the Western Coachella Valley planning area, ~~on both sides~~ south of Interstate 10 at ~~Ramon Road and west of Bob Hope Drive~~. The area includes the entire sphere of influence of the City of Rancho Mirage. Characterized by a series of sloping dunes, hillsides and flat desert terrain, this area consists primarily of large vacant parcels, with ~~adjacent residential uses to the south and west, the Agua Caliente Casino · Resort · Spa to the east, and~~ some commercial uses ~~further to the northeast~~ near the intersection of Interstate 10 and Ramon Road. ~~South of Interstate 10~~ Partially located in this policy area lies the ~~Agua Caliente Casino~~ Rancho Mirage High School. ~~The community of Thousand Palms abuts the eastern edge of the Policy Area."~~

5.3

The boundary of this Policy Area shown on the Western Coachella Valley Area Plan Overlays and Policy Areas Map (Figure 4, Page 25) also needs to be updated, and since this Policy Area no longer includes any land north of Interstate 10, the following issues and policies identified on pages 27 and 28 should also be modified or deleted as shown:

5.4



Issues

- ~~Biological and visual values of Indio Hills;~~

5.5

Policies

~~WCVAP 1.4 Coordinate development strategies with the Thousand Palms Community Council and the Riverside County Economic Development Agency.~~

5.6

WCVAP 1.7 Ensure a mix of land uses that creates a vital, economically and environmentally healthy area that is supportive of transit and other forms of alternative modes of transportation, promotes walkability and civic life, and provides a variety of housing, civic, employment, and open space opportunities throughout the planning area. General land uses may include a mix of:

- Regional and local-serving commercial uses;
- Tourist facilities;
- Residential densities from Medium to High Density Residential;
- Active and passive open space areas;
- Mixed use;
- Cultural, educational, and civic uses;
- Transit facilities; and
- Employment-intensive office and business park uses; and
- ~~Light Industrial uses north of Interstate 10.~~

5.7

Finally, the Land Use Contract between the Tribe and the County was amended last year to exclude the remaining unincorporated portion of Section 24, T4S, R5E, SBBM. Therefore, the 577 acre area bounded by Ramon Road to the north, Bob Hope Drive to the east, Dinah Shore Drive to the south, and Los Alamos Road to the west should be shown as "Tribal Lands" on the Western Coachella Valley Area Plan Land Use Plan (Figure 3, page 18).

5.8

If you have any questions please contact me at 760-883-1326.

5.9

Very truly yours,

Margaret E. Park, AICP
 Director of Planning & Natural Resources
**AGUA CALIENTE BAND
 OF CAHUILLA INDIANS**

Comment Letter No. 5: Agua Caliente Band of Cahuilla Indians

- Comment 5.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 5.2** This comment provides introductory information related to changes made to the Rancho Mirage Sphere of Influence. This comment is duly noted. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 5.3** This comment is duly noted. The County has experienced several changes related to jurisdictional boundaries since the beginning of the General Plan Update process. The County established the baseline date for the GPA No. 960 and Draft EIR No. 521 as April 13, 2009. As it is impossible to capture the state of the entire County on a single day, baseline data sources have been noted where possible. The updates requested in the comment, related to the Rancho Mirage Sphere of influence as noted in the Western Coachella Valley Area Plan of GPA No. 960, will be considered during Project deliberations and hearings. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 5.4** This comment is duly noted. Refer to Response 5.3, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 5.5** This comment is duly noted. Refer to Response 5.3, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 5.6** This comment is duly noted. Refer to Response 5.3, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

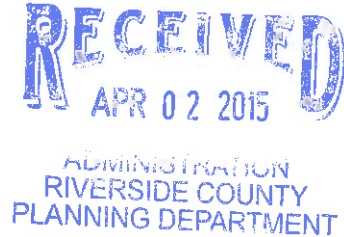
- Comment 5.7** This comment is duly noted. Refer to Response 5.3, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 5.8** This comment is duly noted. Refer to Response 5.3, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 5.9** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides a summary of the comments provided in the letter and serves as a conclusion to the letter. No further response is required.



Coachella Valley Mosquito and Vector Control District

43-420 Trader Place • Indio, CA 92201 • (760) 342-8287 • Fax (760) 342-8110
• Toll Free 1-888-343-9399

E-mail: CVmosquito@cvmvcd.org • Website: www.cvmvcd.org



March 27, 2015

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Rancho Mirage

BRANKA B. LOTHROP, Ph. D.
General Manager

To: Kristi Lovelady
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Subject: Comments regarding GPA No. 960/Draft EIR No. 521 Comments

Dear Ms. Lovelady,

Thank you for the opportunity to express the position of the Coachella Valley Mosquito and Vector Control District (hereafter, the District) regarding the Riverside County General Plan Amendment number 960 and Draft Environmental Impact Report number 521.

The District is a non-enterprise independent special district accountable to the citizens of the Coachella Valley, charged with the protection of public health through the control of vectors and vector-borne diseases within its boundaries. Our boundaries are the Western Coachella Valley and Eastern Coachella Valley Area Plan Boundaries as defined in the Land Use Element chapter of the General Plan. We operate under the California Health and Safety Code Division 3, Sections 2000-2910 (known as the Mosquito Abatement and Vector Control District Law). Our activities include the prevention and control of mosquitoes, filth flies, eye gnats, and the red imported fire ant.

We appreciate the inclusion of the potential for mosquito development within the description of the Whitewater River Watershed in urban runoff (page 4.19-50 and Table 4.19-B). The statement that floatable plastic is “an aesthetic nuisance and can be a substrate for algae and insect vectors” when it is in urban runoff is true. Irrigation runoff within storm water structures does not need plastic to have mosquitoes develop; the presence of the water standing and becoming stagnant is enough. Without control efforts by our technicians, these mosquitoes have an adverse impact on public health and welfare.

The draft EIR shows that increased development may occur within the Western and Eastern Coachella Valleys. While the precise nature of these developments is not known at this time, poorly constructed and maintained storm water structures can have significant public health impacts. We recommend that developers follow

6.1
6.2
6.3

the Best Management Practices (BMP) for Mosquito Control in California, created by the California Department of Public Health Vector-Borne Disease Section. (<http://www.cdph.ca.gov/HealthInfo/discond/Documents/BMPforMosquitoControl07-12.pdf>).

The manual includes excellent information on how to construct storm water structures which will minimize the development of mosquitoes. The District also has a BMP manual on its website (www.cvmvcd.org) which may be useful.

↑
6.3
CONT.

Should you have any questions of concerns, please feel free to contact me at (760) 342-8287 or at jhenke@cvmvcd.org.

↑
6.4

Sincerely,



Jennifer A. Henke, M.S.
Environmental Biologist
jhenke@cvmvcd.org

cc: Branka B. Lothrop, Ph.D., General Manager
Jeremy Wittie, M.S., Scientific Operations Manager

Comment Letter No. 6: Coachella Valley Mosquito and Vector Control District

- Comment 6.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 6.2** This comment is duly noted. The County appreciates your support of the language regarding mosquito development within the Whitewater River incorporated into Draft EIR No. 521. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 6.3** This comment is duly noted. The County will consider the suggestion to add requirements to comply with Mosquito Control BMP's in the Coachella Valley during project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 6.4** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

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Peter Nelson, Vice President - Div. 4
G. Patrick O'Dowd - Div. 1
Ed Pack - Div. 2
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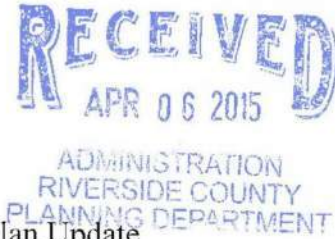
Officers:
Jim Barrett, General Manager
Julia Fernandez, Board Secretary

Best Best & Krieger LLP, Attorneys

April 6, 2015

File: 1150.011

Ms. Kristi Lovelady
Riverside County TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501



Dear Ms. Lovelady:

Subject: General Plan Amendment No. 960: General Plan Update including Recirculated Draft Environmental Impact Report No. 521 and Draft Climate Action Plan

Thank you for affording the Coachella Valley Water District (CVWD) the opportunity to review the General Plan Amendment No. 960 including the Recirculated Draft Environmental Impact Report No. 521, and Draft Climate Action Plan for Riverside County.

CVWD provides domestic water, wastewater, recycled water, irrigation/drainage, regional stormwater protection and groundwater management services to a population of over 300,000 throughout the Coachella Valley. CVWD's Board of Directors certified the 2010 Coachella Valley Water Management Plan Update (CVWMP) and Subsequent Program Environmental Impact Report on January 24, 2012. These documents are available at CVWD's website (www.cvwd.org) and should be utilized and referenced as the most comprehensive source of water resource planning information for the Coachella Valley.

7.1

At this time, CVWD submits the following comments regarding the draft documents:

Recirculated Draft Environmental Impact Report No. 521

1. Table 4.19-A: please refer to us as Coachella Valley Water District (CVWD) instead of Coachella Valley Municipal Water District (CVMWD).

CVWD is shown in bold with IWA and CWA indented making it look like we are the primary agency and they are subordinate agencies; all water agencies should be listed with same format.

7.2

Please remove reference to "Mecca Sanitation District"; CVWD provides sewer service to Mecca.

2. Page 4.19-48: this page and others reference the Coachella Valley Stormwater Channel when it really should be the “Whitewater River Stormwater Channel (WWSC)/Coachella Valley Stormwater Channel (CVSC)” with WWSC extending from the Whitewater Groundwater Recharge Facility in Palm Springs to Washington Street in La Quinta, and CVSC extending from Washington Street to Salton Sea delta.

7.3

3. Page 4.19-57: the “San Francisco-San Joaquin Bay Delta” should be “Sacramento-San Joaquin Bay Delta”.

7.4

4. Page 4.19-89: this whole section on QSA should be updated to include several key court rulings that are missing.

7.5

5. Page 4.19-95: the section on Quagga Mussels should mention CVWD’s successful efforts to prevent Quagga from colonizing the Coachella Canal and Irrigation Distribution System using a program that includes a boating ban, chemical treatment and hydraulic jumps.

7.6

6. Page 4.19-100: this section should reference CVWD Landscape Ordinance 1302 which is one of the most stringent in California.

7.7

7. Page 4.19-110, Water Resources: please replace these statements: *“The Coachella Valley Water Management Plan includes the Indio Subbasin amongst its management areas. As described previously, this CVWD-DWA joint plan is intended to outline and address the current issues and management goals and practices pertaining to the area’s groundwater system, including overdraft of the Indio Subbasin”*

7.8

with these statements: *“The planning area for the 2010 Coachella Valley Water Management Plan Update is the Indio Subbasin (also known as the Whitewater River Subbasin). This 35-year plan was developed by CVWD and adopted by CVWD and DWA to eliminate the Indio Subbasin Overdraft. It evaluates all municipal, golf and agricultural water demands and supplies and proposes implementation of conservation, water importation, and water reuse programs to sustain the groundwater basin.”*

Also on Page 4.19-110, the fifth and sixth full paragraphs starting with: “in 2003...” are obsolete and should be deleted. Progress is being made on overdraft reduction especially in the Eastern Coachella Valley. For the ten (10) year period from 2004 through 2013, there was no overdraft, largely due to Conservation and imported water. However, groundwater levels are still declining in portions of the Coachella Valley and Plan implementation is a high priority.

7.9

8. Page 4.19-111: the fifth paragraph is mostly incorrect. It states: "*The subbasin is utilized by the MSWD, as well as CVWD and DWA.*" This is incorrect. DWA and CVWD are Groundwater Management Agencies in the Mission Creek and Garnet Hill Subbasins. They collect replenishment assessment fees from pumpers in their respective management areas of the basin and they recharge the subbasins with imported water. MSWD and CVWD have wells in the Mission Creek Subbasin, but DWA does not. 7.10
9. Page 4.19-111: the fifth paragraph states: "*The subbasin ..., but is managed under the Coachella Valley Water Management Plan.*" The 2010 Coachella Valley Water Management Plan Update does not address the Mission Creek Subbasin. In 2012, the three agencies, CVWD, DWA and MSWD, jointly prepared the Mission Creek/Garnet Hill Water Management Plan to manage the water resources of the subbasin. This plan was a result of the Mission Creek Settlement Agreement between CVWD, DWA and MSWD. 7.11
10. Page 4.19-111: Desert Hot Springs Subbasin - it is important to state that this subbasin contains elevated levels of naturally occurring minerals and would require costly treatment to meet drinking water standards. 7.12
11. Page 4.19-112: the last sentence in the eighth paragraph incorrectly states: "*CVWD, DWA and MSWD all use water from this subbasin, which is also addressed in the Coachella Valley Water Management Plan.*" The Desert Hot Springs subbasin is not covered in the Coachella Valley Water Management Plan, and there are no municipal wells that pump from this subbasin. CVWD, DWA and MSWD **do not** pump water from this subbasin. 7.13
12. Page 4.19-126: in the second paragraph, please note that DWA also has a highly successful recycled water program. Also in this paragraph, the correct title is the *2010 Coachella Valley Water Management Plan Update*. 7.14
13. Figure 4.19-16 is a rudimentary diagram of groundwater basins and pumping in the Coachella Valley; the names of the subbasins are incorrect; the diagram could be revised for accuracy. 7.15
14. Page 4.19-129, 1) Urban Water Management Plans: please note that Indio Water Authority, Coachella Water Authority, and Mission Springs Water District also have Urban Water Management Plans (UWMP's). This section should be updated to include the deadline for the 2015 UWMP's. 7.16

15. Page 4.19-131, 3) Relationship Amongst Local Water Providers: please note that DWA is also a major water importer for the Coachella Valley. Also, this section should describe that the five local water agencies (CVWD, DWA, CWA, IWA, and MSWD) and Valley Sanitary District have signed an MOU and developed and maintain the Coachella Valley Integrated Regional Water Management Plan. Additional information on that plan is available at www.cvrwmg.org. 7.17
16. Page 4.19-157, Table 4.19-3: in reference to the last row on the table, MWD's 80,000 acre feet (AF) come from the All-American Canal lining only; reference to the Coachella Canal should be deleted. 7.18
17. Page 4.19-206: population given is 336,500- CVWD is using 306,250 for Domestic Water population served in 2014. 7.19
18. Page 4.19-206: mentions the CVWD Urban Water Management Plan, but not the Coachella Valley Water Management Plan. Also, the Integrated Regional Water Management Plan (IRWMP) should be mentioned along with the Coachella Valley Regional Water Management Group (CVRWMG). 7.20
19. Page 4.19-206, 1) Coachella Valley Water District: the last sentence should read: "*The management and implementation of CVWD urban water resources are conducted pursuant to its 2010 Urban Water Management Plan Final Report, dated July 2010.*" In addition, the 2010 CV Water Management Plan Update guides the management of all water demands and supplies including agricultural, golf, and municipal for all Coachella Valley water agencies. 7.21
20. Page 4.19-211, Table 4.19-AQ: Coachella Water Authority and Indio Water Authority are independent urban water agencies and are not "sub-Agencies" to CVWD. CVWD does not serve Palm Springs. CVWD does not serve surface water for potable uses. Desert Water Agency relies on an approximate average of 5,800 acre-feet per year of surface water supply for drinking water. 7.22
21. Page 4.19-212, Table 4.19-AR: in the Water Service Data section under Water Supply (AF), the 33,000 AF amount listed for State Water Project is incorrect and does not have a footnote "5" description at bottom of table. Also, under Water Supply (AF) section, the Wells amount listed should be "268,000 (240 MGD)". Under the Water Connections section, Domestic should be corrected to "108,599". Under the Water Service Capacity section, please revise as follows: Total Capacity (AF) 268,000 (240 MGD); Total Demand (AF) 101,000 (90.4 MGD); Peak Capacity (AF) 268,000 (240 MGD); Peak Demand (AF) 200,000 (180 MGD); Storage Capacity (MGD) 135. Under Water Treatment Facilities, replace "Filtration Plants" with "Ion Exchange Treatment Plants" for which there are "3". 7.23

In the Wastewater Service Data section, please revise to:

- Gravity Sewer – 1085 Miles
- Force Main – 44 Miles
- Sewer Connections – 93,797

In the Wastewater Treatment Facilities section, please use this info:

		Average/Capacity
1	WRP-1	0.018/ 0.15
2	WRP-2	0.014 / 0.033
3	WRP-4	4,990 / 9.9
4	WRP-7	2,444 / 5.0
5	WRP-9	0.229/ 0.40
6	WRP-10	9,515 / 18.0
	Total Average	17.21/ Total Capacity 33.5

- Treatment at WRP-7 & WRP-10 is tertiary; all others are equivalent to secondary.
- Planned WRP expansions should be “0”.

22. Page 4.19-213, 1) Groundwater: in the first and third paragraphs, please replace “Upper” with “West” and replace “Lower” with “East”.

23. Page 4.19-219, Water Quality: Please replace the last three sentences of the second paragraph with: “*CVWD and Desert Water Agency are working with local stakeholders to complete a Salt and Nutrient Management Plan in compliance with the State Water Resources Control Board Recycled Water Policy. This plan identifies sources and sinks of TDS and nitrates, and also identifies best management strategies to reduce water quality impacts to the groundwater basin.*”

The last paragraph states: “*CVWD’s existing waivers for these discharges have expired; the RWQCB must develop a water quality control policy to address potential or actual impacts of these discharges on the waters of the region.*”

Please replace this statement with the following: “*The State’s statewide waiver for discharges from irrigated agriculture lands was allowed to sunset in 2003. Since that time, Regional Boards throughout the state have been developing regulatory programs for these discharges. In most cases, conditional waivers are being used to regulate these discharges. The Colorado River Basin Regional Water Quality Control Board approved a conditional waiver for discharges from Coachella Valley irrigated agriculture lands in June 2014.*”

24. Page 4.19-213: reference to CVWD/DWA Water Management Agreement-1992 is out of date; should be CVWD/DWA Water Management Agreement-2014.



7.23
CONT.

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7.26

7.27

25. Table 4.19-AS: supply and demand should match Coachella Valley Water Management Plan Status Report-2014. 7.28
26. Page 4.19-214: the CVWD-DWA-MWD Exchange Agreement-2003 should be cited. 7.29
27. Page 4.19-218: need to add the Glorious Lands Corporation/Rosedale Water Transfer (9,500 acre-feet/year). 7.30
28. Page 4.19-220: Invasive species- add climate heat as deterrent to Quagga colonization. 7.31
29. Page 4.19-221, f) CVWD – it is important to note in the text that the 2010 CVWMP Update identifies all Whitewater River Subbasin (Indio Subbasin) supplies and demands, and not just CVWD supplies and demands, including the supplies and demands of Desert Water Agency, Indio Water Authority, Coachella Water Authority and all private pumpers. 7.32
30. Page 4.19-225, g) CVWD Sewer and Wastewater Treatment Services: please revise as stated in the following: 7.33
- “CVWD operates six wastewater reclamation plants (WRPs), three of which (plants 7, 9 and 10) currently generate recycled water for irrigation of golf courses and large landscaped areas. WRP-4 serves communities from La Quinta to Mecca, although its effluent is not currently recycled. However, it is anticipated that WRP-4 effluent will be recycled to meet future water demands. The City of Palm Springs operates the Palm Springs Wastewater Treatment Plant. The DWA provides tertiary treatment to effluent from this plant and delivers recycled water to golf courses and parks in the Palm Springs area. There is also potential for obtaining additional recycled water from the reclamation plants operated by the City of Coachella and Valley Sanitary District. CVWD plans to expand the non-potable water delivery systems described below in the future. The existing wastewater treatment plants treat 35,900 AF on average 19,300 AF annually and with expansions will have a projected treatment capability of just under 89,700 AFY.”*
- Water Reclamation Plant 1 (WRP 1):** *“WRP-1 serves the Bombay Beach community near the Salton Sea. It has a permitted plant capacity of 150,000 gallons per day and consists of two concrete lined (one aerated) oxidation basins, six stabilization basins and one evaporation basins. Currently all of the effluent from this facility is disposed by percolation and evaporation. CVWD has no plans to recycle effluent from this facility because of the low flow and lack of potential uses near the plant.”*
- Water Reclamation Plant 2 (WRP 2):** *“WRP-2 serves housing in the North Shore community. It has a permitted plant capacity of 0.033 million gallons-per-day (MGD) and consists of one lined (one aerated) oxidation basins, two stabilization and*

evaporation basins and one overflow basins. The oxidation treatment basin is mechanically aerated and lined with a single synthetic liner. Currently, all of the effluent from this facility is disposed by percolation and evaporation. CVWD has no plans to recycle effluent from this facility because of the low flow and lack of potential uses near the plant."

Water Reclamation Plant 4 (WRP 4): *"CVWD's WRP-4 is a 9.9 MGD permitted capacity treatment facility located in Thermal, with two types of treatment facilities: an activated sludge treatment plant capable of providing secondary treatment of up to 2.9 MGD; and an oxidation treatment system with a design capacity of 7.0 MGD. The treated effluent is discharged to the CVSC pursuant to a NPDES permit. Annual average flow to the facility is approximately 4.99 MGD (5,600 AFY). CVWD may recycle effluent from this facility to meet future water demands."*

Water Reclamation Plant 7 (WRP 7): *"Located in northern Indio, WRP-7 is a 5.0 MGD permitted capacity secondary treatment facility with a current tertiary treatment of 2.5 MGD. The tertiary-treated wastewater is used for irrigation of golf courses. The average annual flow in 2010 is estimated to be 2.44 MGD (2,700 AFY). The plant consists of aeration basins, circular clarifiers, polishing ponds and filtration. Recycled water not used for irrigation is percolated and evaporated at onsite and offsite percolation ponds."*

Water Reclamation Plant 9 (WRP 9): *"WRP-9 serves the developments surrounding Palm Desert Country Club. It has a permitted plant capacity of 0.40 MGD. Treatment units at the plant include: a grit chamber, aeration tanks, secondary clarifiers, chlorine contact chamber, aerobic digester and two infiltration basins. One basin is lined for storage of treated wastewater. Secondary effluent from WRP-9 is used to irrigate a portion of the Palm Desert Country Club golf course."*

Water Reclamation Plant 10 (WRP 10): *"WRP-10 is located in Palm Desert and consists of an activated sludge treatment plant, a tertiary wastewater treatment plant, a lined holding basin, six storage basins and infiltration basins. The plant's permitted capacity is 18 MGD. WRP-10 treats an annual average daily flow of 9.52 MGD from the activated sludge plant. Most of the secondary effluent receives tertiary treatment and is used for irrigation. Since 2009, CVWD blends tertiary effluent with Coachella Canal water provided by the Mid-Valley Pipeline for distribution to golf courses, homeowner's associations and one school."*

7.33
CONT.

Draft General Plan Amendment No. 960

Eastern Coachella Valley Plan

1. Page 7: “Whitewater River Stormwater Evacuation Channel” should be “Whitewater River Stormwater Channel/Coachella Valley Stormwater Channel”.
2. Figure 3: Eastern Coachella Valley Area Plan – Land Use Plan: the land use plan shows the Coachella Valley Stormwater Channel (CVSC); however, it does not depict the East Side Dike, or Wasteway Nos. 1, 2, and 3.

CVWD recently completed the Eastern Coachella Valley Stormwater Master Plan for the Oasis and Mecca/North Shore areas, which provides a planning level document for future land development purposes. The following summarizes the various planning areas:

Oasis Area Stormwater Master Plan

The study recognizes alluvial fan and valley floor flood hazards within the Oasis area and recommends construction of a series of stormwater facilities consisting of channels, levees, debris basins and improvements to the CVSC to protect against the flood hazards.

Mecca/North Shore Area Stormwater Master Plan

The study evaluated the riverine flooding from the CVSC, as well as local flooding from the drainage area downstream of the East Side Dike to the CVSC and the Salton Sea. The study recommends improvements to the CVSC and nine proposed conveyance channels to manage the flood hazards.

1. Figure 12: Eastern Coachella Valley Area Plan – Flood Hazards: Figure 12 should be revised to reflect FEMA’s current Flood Insurance Rate Maps (FIRMs) for the area. The US Bureau of Reclamation’s (USBR’s) East Side Dike (Dike) is not currently recognized by FEMA. However, CVWD is in the FEMA certification process for the Dike which, upon completion, will recognize the facility as providing regional flood protection.

CVWD has recently completed the Eastern Coachella Valley Stormwater Master Plan (ECVSMP). The ECVSMP updated hydrologic and hydraulic studies for the area and CVWD is working closely with FEMA to use the information to revise the FIRMs within the Oasis area. A composite map showing this proposed revision is enclosed for convenience.

The General Plan Amendment should be updated to include the following:

- Alluvial fan flooding hazard map for the Oasis Area;
- Riverine flood hazard map for the Coachella Valley Stormwater Channel.

7.34

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7.36

Western Coachella Valley Plan

1. Page 7: please remove BLM from description of Whitewater River Floodplain Preserve since these are CVWD lands only.

7.37

2. Page 8: the description of Lake Cahuilla should mention that it is a US Bureau of Reclamation facility and operated and maintained by CVWD.

7.38

3. Figure 3: Western Coachella Valley Area Plan- Land Use Plan: The land use plan shows the Whitewater River Stormwater Channel (WWRSC) and the CVSC; however, it does not depict existing CVWD tributary regional stormwater facilities.

7.39

Figure 3 shows an area depicted as “water” which is flood inundation area of the East Side Dike. This area is continuous and not separated by a “conservation habitat area”.

4. Figure 11: Western Coachella Valley Area Plan- Flood Hazards: Figure 11 should be revised to reflect FEMA’s current Flood Insurance Rate Maps (FIRMs) for the area.

Existing regional stormwater facilities which are owned, operated and maintained by CVWD are not consistently depicted on Figure 11. These tributary facilities play an important role in intercepting and conveying the 100-Year Flood. These facilities are:

7.40

- West Magnesia Stormwater Channel
- East Magnesia Stormwater Channel
- Palm Valley Stormwater Channel System
- The Deep Canyon Channel System
- The La Quinta Stormwater System

5. Page 60: Flooding and Inundation needs to reference CVWD Stormwater Master Plans.

7.41

6. CVWD Proposed Regional Stormwater Facilities for Northern Coachella Valley:

CVWD has recently completed the Northern Coachella Valley Stormwater Master Plan (NCVSMP) which provides a planning level document for future land development purposes. The following summarizes the various planning areas:

7.42

THOUSAND PALMS FLOOD CONTROL PROJECT (TPFCP)

The study recognizes alluvial fan flood hazards from Indio Hills and Thousand Palms Canyon and recommends construction of a series of levees and channels to protect against these flood hazards. This project will also help preserve a long-term sand supply for the endangered Coachella Valley fringe-toed lizard.

NORTH INDIO REGIONAL FLOOD CONTROL CHANNEL


The study recommends the construction of a series of trapezoidal and box structures to intercept flows from the Sun City Palm Desert and convey them to Sun City Shadow Hill and ultimately, on to the CVSC.

NORTH CATHEDRAL CITY STORMWATER MASTER PLAN

The study recommends construction of a new bridge under Interstate 10, concrete conveyance channels, improvements of the existing UPRR undercrossing, and concrete slope protection and compacted embankments to convey flows from the Morongo watershed to the WWRSC.

If you have any questions, please call Luke Stowe, Senior Environmental Specialist, extension 2545.

Sincerely,



Steve Bigley
Director of Environmental Services

Enclosure/1/as

LS: kflenv srvs\env\15\apr\RC GP Amend No. 960 EIR No. 521



7.42
CONT.

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Comment Letter No. 7: Coachella Valley Water District

Comment 7.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information regarding the Coachella Valley Water District (CVWD). Responses to specific comments are provided below; no further response is required.

Comment 7.2 This comment is duly noted. The requested corrections have been made to Table 4.19-A of the Draft EIR. CVWD's title has been modified as requested and the reference to Mecca Sanitation District has been removed, as noted below and in the Errata section of the EIR document. The reference to CVWD and Mecca Sanitary District will now read as follows:

Table 4.19-A:

“Coachella Valley ~~Municipal~~ Water District (CVWD)”

Table 4.19-A:

“~~Mecca Sanitary District~~”

As stated in the “Notes” section below Table 4.19-A, water purveyors listed in bold text predominantly serve unincorporated County Connections, while those listed in standard text serve Incorporated City Connections. Therefore, no changes to the formatting of the table were made. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.3 This comment is duly noted. The requested correction has been made to page 4.19-48 of the Draft EIR in order to correct the reference to the Whitewater River Stormwater Channel (WRSC). This change is reflected below and in the Errata section of the EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-48:

“The *Whitewater River Stormwater Channel (WRSC)*/Coachella Valley Stormwater Channel (CVSC) is the constructed downstream extension of the Whitewater River channel starting near Indio. It serves as a drainage way for irrigation return flows, treated community wastewater and urban runoff. The Coachella Valley Water District (CVWD) operates and maintains the *WRSC*/CVSC and the regional subsurface drainage collection system for the

Coachella Valley. General information from CVWD 2006-07 Annual Review and Water Quality Report states approximately 245,900 AF of water was provided for irrigation.”

Comment 7.4 This comment is duly noted. The requested correction has been made to the Draft EIR to correct the reference regarding the Sacramento-San Joaquin Bay Delta. The update to the document is reflected below and in the Errata section of this document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-57:

“~~San Francisco~~ Sacramento-San Joaquin Bay Delta”

Comment 7.5 This comment is duly noted. Court rulings related to the QSA do not affect or alter the language within the General Plan. This comment does not identify a specific concern with the adequacy of the Draft EIR, or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.6 This comment is duly noted. CVWD’s discussion related to its successful efforts to prevent Quagga in the Coachella Canal and Irrigation Distribution System is notable, but does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.7 This comment is duly noted. While CVWD’s Landscape Ordinance 1302 effort is notable, its inclusion in Draft EIR No. 521 is not necessary for the document’s analysis of GPA No. 960. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.8 This comment is duly noted. The requested correction has been incorporated into the Draft EIR to add additional information about the Coachella Valley Urban Water Management Plan. The updates to the document are reflected below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-110:

“The subbasin has a reported 30 wells used by the CVWD for water level monitoring and 204 wells are used for public water supplies. The subbasin is utilized by both the CVWD and the DWA. The *planning area for the 2010 Coachella Valley Water Management Plan includes is the Indio Subbasin (also known as the Whitewater River Subbasin) amongst its management areas. This 35-year plan was developed by CVWD and adopted by CVWD and DWA to eliminate Indio Subbasin Overdraft. It evaluates all municipal, golf and agricultural water demands and supplies and proposes implementation of conservation water importation, and water reuse programs to sustain the groundwater basin. As described previously, this CVWD-DWA joint plan is intended to outline and address the “current issues and management goals and practices pertaining to the area’s groundwater system,” including overdraft of the Indio Subbasin.*”

Comment 7.9

This comment is duly noted. The County recognizes CVWD’s progress in addressing overdraft issues; however, the requested correction is not necessary for Draft EIR No. 521’s analysis of GPA No. 960. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.10

This comment is duly noted. The correction has been made and is noted below and in the Errata section of the EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-111:

“The subbasin has a reported five wells used by the MSWD for water level monitoring and 15 wells used for public water supplies. ~~The subbasin is utilized by the MSWD, as well as CVWD and DWA.~~”

Comment 7.11

This comment is duly noted. The correction has been made and is noted below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-111:

~~“Mission Creek/Garnet Hill Water Management Plan Coachella Valley Water Management Plan.”~~

Comment 7.12 This comment is duly noted. Including a notation related to naturally occurring minerals or the cost of treatment to meeting drinking water standards as part of the Desert Hot Springs Subbasin does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.13 This comment is duly noted. The requested correction has been made to the document, and is noted below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-112:

~~“CVWD, DWA and MSWD all use water from this subbasin, which is also addressed in the Coachella Valley Water Management Plan.”~~

Comment 7.14 This comment is duly noted. The requested corrections have been made and are noted below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-126:

“However, little wastewater reuse is occurring in eastern Coachella Valley. According to CVWD’s ~~2011~~ 2010 Management Plan Update, as population growth continues [...]”

Page 4.19-126:

“CVWD, *DWA* and others also utilize recycled wastewater and recognize its significant potential as a local resource that could be expanded to help reduce current local overdraft problems.”

Comment 7.15 This comment is duly noted. Figure 4.19.16 is included in Draft EIR No. 521 for informational purposes in order to clarify water supply resources for eastern Riverside County. While this graphic, as well as Figures 4.19.15 and 4.19.17, depict the general schematic of the western Riverside County and Pass water supplies, they are not intended to provide a detailed mapping of these supplies. As explicitly stated on page 4.19-131 of the Draft EIR, these maps are intended to show the general flow of water resources within these regions, and are followed with extensive detailed analysis of the resources in the following pages of the Water Resources

Analysis. While the information on the graphic noted by the commenter provides a general overview of the water supply sources within the eastern Coachella Valley, sufficient clarification and analysis of the specific components that compose the water supplies throughout the County are provided within the Water Resources section of the Draft EIR.

This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.16 This comment is duly noted. The County recognizes that the Indio Water Authority, Coachella Water Authority, and Mission Springs Water District have UWMPs. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.17 This comment is duly noted. The requested corrections regarding the relationship between water agencies have been made and are reflected below as well as in the Errata section of the document. This comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a), which requires that a lead agency respond to environmental comments).

Page 4.19-131:

“Five local water agencies, including CVWD, DWA, CWA, IWA, and MSWD, along with Valley Sanitary District, signed a Memorandum of Understanding (MOU) in September 2008 to develop and maintain the Coachella Valley Integrated Regional Water Management Plan. The Coachella Valley Integrated Regional Water Management Plan is a collective effort between the five water purveyors and wastewater agency to address the water resources planning needs of the Coachella Valley.

Likewise, detailed information is provided on the Coachella Valley Water District and *Desert Water Agency*, which ~~is~~ *are* the major water importer and wholesaler for (Colorado River and SWP water) for eastern Riverside County.”

Comment 7.18 This comment is duly noted. The correction has been made to address that MWD's 80,000 AF come from the All-American Canal and not the Coachella Canal. The requested update is noted below and in the Errata section of the document. This comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a), which requires that a lead agency respond to environmental comments).

Page 4.19-157, Table 4.19-W (MWD Local Supplies within MWD Service Area, Average Year and Single Dry Year):

Coachella Canal and All American Canal Lining	80,000	80,000	80,000	80,000	80,000	80,000
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Comment 7.19 This comment is duly noted. The correction has been made to the population served by CVWD, and the change is noted below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-206:

“The District provides water to approximately ~~306,250~~ ~~366,500~~ residents, in addition to irrigated farmland and a variety of commercial, resort and industrial users.”

Comment 7.20 This comment is duly noted. The requested edits have been made to the Draft EIR and can be seen reflected below as well as in the Errata document. This comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a), which requires that a lead agency respond to environmental comments).

Page 4.19-206:

“The management and implementation of CVWD water resources are conducted pursuant to its 2010 Urban Water Management Plan Final Report, dated July 2010 (‘UWMP’ for this subsection). *In addition, the 2010 Coachella Valley Water Management Plan Update guides the management of all water demands and supplies including agricultural, golf, and municipal for all Coachella Valley water agencies. CVWD water resources are also managed pursuant to the Coachella Valley Integrated Regional Water Management Plan, which addresses the water resources planning needs of the Coachella Valley and is managed by the Coachella Valley Regional Water Management Group.*”

Comment 7.21 This comment is duly noted. The requested corrections have been made and are noted below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-206:

“The management and implementation of CVWD water resources are conducted pursuant to its 2010 Urban Water Management Plan Final Report, dated July 2010 (‘UWMP’ for this subsection). *In addition, the 2010 Coachella Valley Water Management Plan Update guides the management of all water demands and supplies including agricultural, golf, and municipal for all Coachella Valley water agencies.*”

- Comment 7.22** This comment is duly noted, and further clarification was added to Table 4.19-AQ. The correction is noted below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Table 4.19-AQ:

“5. Independent water agency from Coachella Valley Water District”

- Comment 7.23** This comment is duly noted, and clarifications were added to Table 4.19-AR. These corrections are noted below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Table 4.19-AR:

“Import Provider MWD ~~4,5~~”

Table 4.19-AR:

~~“4. Pumped from groundwater basin.”~~

- Comment 7.24** This comment is duly noted. The requested corrections regarding the references to the West and East Whitewater River have been made and are noted below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-214:

“For purposes of administering a replenishment assessment, CVWD divides the Whitewater River Subbasin into the ~~West Upper~~ and ~~East Lower~~ Whitewater River ‘Areas of Benefit’ (AOBs). Myoma Dunes and the cities of Indio and Coachella obtain water from the ~~East Lower~~ Whitewater River AOB.”

Page 4.19-214:

“The Whitewater River Subbasin is not adjudicated. For oversight purposes, it is divided into two management areas, the ~~West Upper~~ and ~~East Lower~~ Whitewater River Subbasin AOBs. The ~~West Upper~~ Whitewater River Subbasin AOB is jointly managed by CVWD and DWA under the terms of the 1976 Water Management Agreement, while the ~~East Lower~~ Subbasin AOB is managed only by CVWD.”

Comment 7.25

This comment is duly noted. The requested clarification has been added into the document and is noted below and in the Errata section of the Draft EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-220:

~~“The planning area includes the Coachella Valley. The Basin Plan was updated with subsequent amendments and was readopted by the RWQCB in June 2006. The Coachella Valley water agencies will keep tracking proposed changes to the Basin Plan and will actively participate in development of new policies. Additional monitoring, increased treatment and implementation of best management practices (BMPs) can also help limit discharges to the CVSC and Salton Sea which could otherwise conflict with the Basin Plan. CVWD and DWA are working with local stakeholders to complete a Salt and Nutrient Management Plan in compliance with the State Water Resources Control Board Recycled Water Policy. This Plan identifies sources and sinks of TDS and Nitrates, and also identifies best management strategies to reduce water quality impacts to the groundwater basin.”~~

Comment 7.26

This comment is duly noted. The requested clarification has been added into the document and is noted below and in the Errata section of the Draft EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-221:

“The State and Regional Water Quality Control Boards can conditionally waive waste discharge requirements if it is in the best interest of the public and such waivers are generally given on the condition that the discharges not cause violations of water quality objectives. ~~CVWD’s existing waivers for these discharges have expired; the RWQCB must develop a water quality control policy to address potential or actual impacts of these discharges on the waters of the region.~~ *The State’s statewide waiver for discharges from irrigated agricultural lands was allowed to sunset in 2003. Since that time, Regional Boards throughout the state have been developing regulatory programs for these discharges. The Colorado River Basin Regional Water Quality Control Board approved a conditional waiver for discharges from Coachella Valley irrigated agricultural lands in June 2014.*”

Comment 7.27 This comment is duly noted. The requested update has been made to the Draft EIR and is reflected below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-221:

“For details on the legal basis for the water rights involved with these basins, as well as other contractual water rights used by CVWD, refer to the ~~2014~~ *1992* CVWD-DWA Water Management Agreement.”

Comment 7.28 The comment is duly noted. In regards to baseline data used for the analysis within the Draft EIR No. 521, as stated in Section 4.1 *Environmental Assumptions and Methods*, the Draft EIR uses the date of the Notice of Preparation (April 2009) to establish the baseline for the document. However, due to the broad scope of analysis required, it is not possible to establish a unified baseline for all sections of the Draft EIR as the state of the County on that specific date cannot be established for each topic the report must cover. In order to clarify the baseline used in each section of the report, the baseline data source is listed within each section. The baseline data used for the Water Resources section predates the 2014 Water Management Plan Status Report. Therefore, the 2014 Water Management Plan Status Report will not be incorporated into Draft EIR No. 521’s analysis. However, all project specific analysis and policies contained within the Plan will apply to future projects. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.29 This comment is duly noted. The 2003 CVWD–DWA–MWD agreement is cited under the “SWP Supplies” section of the Draft EIR on page 4.19-216. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically

related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.30 This comment is duly noted. The requested update has been made and is reflected below and in the Errata section of this document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-219:

“Glorious Lands Corporation/ Rosedale Water Transfer: In 2012, CVWD entered into an Assignment Agreement with the Glorious Lands Corporation which transferred the existing Amended Water Supply Agreement between Rosedale and GLC to CVWD. This water transfer allows for CVWD to receive a fixed annual quantity of 9,500 AF of Rosedale water through 2035.”

Comment 7.31 This comment is duly noted. The requested addition of language regarding Quagga mussels has been completed and is noted below and in the Errata section of the Draft EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-221:

“CVWD has been proactively working to prevent infestation and spread by chlorinating Coachella Canal water downstream of the turnout from the All-American Canal and turbulence is generated by keeping the gate partially closed. The hot climate of the Coachella Valley also deters potential colonization of Quagga mussels.”

Comment 7.32 This comment is duly noted. The requested update has been made and is reflected below and in the Errata section of this document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-224:

“The elements of the CVWMP implementation plan are being carried out by CVWD in conjunction with the region's Indian Tribes and other valley water districts. The CVWMP

identifies all Whitewater River Subbasin (Indio Subbasin) supplies and demands, including those beyond the boundaries of the CVWD boundaries.”

Comment 7.33 This comment is duly noted. The requested update has been made and is reflected below and in the Errata section of this document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-226:

“CVWD operates six wastewater reclamation plants (WRPs), three of which (plants 7, 9 and 10) currently generate recycled water for irrigation of golf courses and large landscaped areas. WRP-4 serves communities from La Quinta to Mecca, although its effluent is not currently recycled. However, *it is anticipated that WRP-4 effluent will be recycled to meet future water demands. ~~it will be recycled in the future when the demand for recycled water develops and tertiary treatment is constructed.~~* The City of Palm Springs operates the Palm Springs Wastewater Treatment Plant. The DWA provides tertiary treatment to effluent from this plant and delivers recycled water to golf courses and parks in the Palm Springs area. There is also potential for obtaining *additional* recycled water from the reclamation plants operated by the City of Coachella and Valley Sanitary District, but water from these sources is not currently recycled. CVWD plans to expand the non-potable water delivery systems described below in the future. The existing wastewater treatment plants treat 35,900 AF *on average, 19,300 AF* annually and with expansions will have a projected treatment capability of just under 89,700 AFY.”

Page 4.19-226:

“**Water Reclamation Plant 1 (WRP 1):** WRP-1 serves the Bombay Beach community near the Salton Sea. It has a *design permitted plant* capacity of 150,000 gallons per day and consists of two ~~mechanically aerated~~ concrete-lined *(one aerated)* oxidation basins, ~~two unlined~~ *six* stabilization basins and ~~six one~~ evaporation-~~infiltration~~ basins. Currently all of the effluent from this facility is disposed by *percolation and* evaporation-~~infiltration~~. CVWD has no plans to recycle effluent from this facility because of the low flow and lack of potential uses near the plant.”

Page 4.19-226:

“**Water Reclamation Plant 2 (WRP 2):** WRP-2 serves housing in the North Shore community. ~~with two types of treatment facilities: an activated sludge treatment plant capable of providing secondary treatment of up to 180,000 gpd and an oxidation treatment basin with a design~~ *It has a permitted plant* capacity of 33,000 gpd *0.033 million gallons per day (MGD) and consists of one lined (one aerated) oxidation basin, two stabilization and evaporation basins and one overflow basin.* The oxidation treatment basin is mechanically aerated and lined with a single synthetic

liner. ~~The activated sludge treatment plant is used only when the maximum daily flow exceeds 33,000 gpd, otherwise the oxidation basin is used for treatment. WRP-2 is currently discharging an average of 18,000 gpd of treated secondary effluent into four evaporation-infiltration basins for final disposal. Currently, all of the effluent from this facility is disposed by percolation and evaporation.~~ CVWD has no plans to recycle effluent from this facility because of the low flow and lack of potential uses near the plant.”

Page 4.19-226:

“**Water Reclamation Plant 4 (WRP 4):** CVWD’s WRP-4 is a 9.9 ~~million gallons per day (mgd)~~ (MGD) *permitted* capacity treatment facility located in Thermal, *with two types of treatment facilities: an activated sludge treatment plant capable of providing secondary treatment of up to 2.9 MGD; and an oxidation treatment system with a design capacity of 7.0 MGD.* ~~WRP-4 provides secondary treatment consisting of pre-aeration ponds, aeration lagoons, polishing ponds and disinfection.~~ The treated effluent is discharged to the CVSC pursuant to a NPDES permit. Annual average flow to the facility is approximately ~~4.75 mgd~~ *4.99 MGD (5,300 5,600 AFY).* ~~Effluent from WRP-4 is not currently suitable for water recycling due to the lack of tertiary treatment. However, CVWD plans to add tertiary treatment and reuse effluent from this plant in the future as development occurs. CVWD may recycle effluent from this facility to meet future water demands.~~”

Page 4.19-227:

“**Water Reclamation Plant 7 (WRP 7):** Located in northern Indio, WRP-7 is a 5.0 ~~mgd~~ *MGD permitted capacity* secondary treatment facility with a current tertiary treatment capacity of 2.5 ~~mgd~~ *MGD*. The tertiary-treated wastewater is used for irrigation of golf courses ~~in the Sun City area.~~ The average annual flow in 2010 is estimated to be ~~3 mgd~~ *2.44 MGD (3,300 2,700 AFY).* The plant consists of aeration basins, circular clarifiers, polishing ponds and filtration. Recycled water not used for irrigation is percolated *and evaporated* at onsite and offsite percolation ponds. ~~A plant expansion is currently under design that will increase the plant capacity to 7.5 mgd.~~”

Page 4.19-227:

“**Water Reclamation Plant 9 (WRP 9):** ~~Located in Palm Desert, WRP-9 treats approximately 0.33 mgd (370 AFY) of wastewater from the residential~~ *serves the* developments surrounding the Palm Desert Country Club. *It has a permitted plant capacity of 0.40 MGD.* Treatment units at the plant include: a grit chamber, aeration tanks, secondary clarifiers, chlorine contact chamber, aerobic digester and two infiltration basins. One basin is lined for storage of treated wastewater. ~~Raw wastewater in excess of the design capacity is pumped to WRP-10 for treatment.~~ Secondary effluent from WRP-9 is used to irrigate a portion of the Palm Desert Country Club golf course. ~~During winter months when demand is low, effluent that cannot be recycled is diverted to the infiltration basins for disposal through ground infiltration.~~”

Page 4.19-227:

“Water Reclamation Plant 10 (WRP 10): WRP-10 is located in Palm Desert and consists of an activated sludge treatment plant, a tertiary wastewater treatment plant, a lined holding basin, six storage basins and 21 infiltration basins. The plant’s ~~combined secondary wastewater treatment design permitted~~ capacity is 18 ~~mgd~~ MGD. WRP-10 treats an annual average daily flow of ~~10.8~~ 9.52 MGD ~~mgd~~ from the activated sludge plant. ~~Approximately 60% of this plant’s effluent receives tertiary treatment for reuse and is delivered to customers through an existing recycled water distribution system. The remaining secondary effluent is piped to a holding basin or one of six storage basins and disposed of by distribution to the 21 infiltration basins.~~ Most of the secondary effluent receives tertiary treatment and is used for ~~irrigation of local golf courses~~. Since 2009, CVWD blends tertiary effluent with Coachella Canal water provided by the Mid-Valley Pipeline for distribution to golf courses, *homeowner’s associations and one school.*”

Comment 7.34 This comment is duly noted. The requested update has been made and can be seen reflected below and in the Errata of the GPA No. 960 document. This comment related to the inclusion of the Coachella Valley Stormwater Channel does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

ECVAP, Page 7:

“Whitewater River Stormwater ~~Evacuation~~ Channel/Coachella Valley Stormwater Channel”

Comment 7.35 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment related to the CVWDs updated master plans do not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.36 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.37 This comment is duly noted. The requested update has been made and is reflected below and in the Errata section of the GPA No. 960 document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

WCVAP Page 7:

“The Whitewater River Floodplain Preserve is located south of Interstate 10 and east of Indian Avenue, and consists of 1,230 acres of ~~Bureau of Land Management and~~ Coachella Valley Water District land.”

Comment 7.38 This comment is duly noted. The requested update has been made and is reflected below and in the Errata section of the GPA No. 960 document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

WCVAP Page 8:

“Located in the City of La Quinta, the 135-acre Lake Cahuilla and the surrounding 710-acre, Riverside County-operated recreation area is a valuable scenic and recreational asset for Western Coachella Valley, providing opportunities for sightseeing, fishing, swimming, hiking, and camping. *Lake Cahuilla is owned by the United States Bureau of Reclamation; however, it is operated by the Coachella Valley Water District.*”

Comment 7.39 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment related to the depiction of tributary regional facilities or does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 7.40 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment regarding the need to reference CVWD stormwater plans does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

- Comment 7.41** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. The comment regarding the need to reference CVWD stormwater plans does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 7.42** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information about CVWD. Responses to specific comments are provided above; no further response is required.
- Comment 7.43** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

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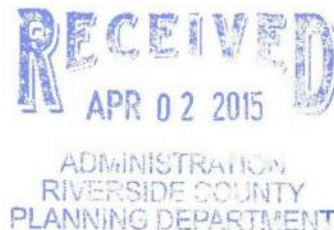
PUBLIC WORKS DEPARTMENT

(951) 736-2266
(951) 279-3627 (FAX)

400 SOUTH VICENTIA AVENUE, P.O. BOX 940, CORONA, CALIFORNIA 92879-0940
CITY HALL - ON LINE ALL THE TIME (<http://www.discovercorona.com>)

April 2, 2015

Kristi Lovelady
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501



Dear Ms. Lovelady:

The City of Corona Public Works Department has reviewed the Draft EIR No. 521 and Circulation Elements associated with General Plan Amendment No. 960. Generally The Corona Public Works Department is in agreement with most of the proposed changes. However, we are concerned with the proposed changes in the following polices:

- *Table 4.18-D was removed from the General Plan document because the values on the table "are part of the technical data used for the purposes of traffic analysis, they are not a policy element of the General Plan".*
This statement seems to diminish the value of evaluating the operational performance of a transportation network which is essential to clarify a policy in the General Plan. Table 4.18-D "Segment Volume Capacities/Level of Service for Riverside County Roadways" is an important tool that the City uses to identify circulation impacts and needed improvements. Excluding the table from the General Plan documents would limit our ability to require developers to make necessary capital improvements to minimize their impacts on the roadway system. We therefore disagree with the decision to remove this table from the General Plan and respectfully request that it remain.
- *Page 4.18-29 & 31, Policy C2.1 allows target Level of Service (LOS) "D" as the minimum LOS in all of the urbanizing Area Plans of the Western Riverside County and the Western Coachella Valley. We recommend this be modified to a target LOS "C" except along arterial and collector street where an LOS "D" is allowed.* The Corona Public Works Department is concerned that allowing an overall LOS "D" along all roads in the Western Riverside County and the Western Coachella Valley may negatively impact the existing and future circulation system within the City's Sphere of influence with the County and other nearby

8.1

8.2

8.3

jurisdictions because the City's target LOS is "C" or better except along arterial or collector streets where an LOS "D" is allowed.

↑ 8.3
CONT.

We also have a few other minor comments as follows:

- Page 4.18-90, second paragraph under Existing Mitigation Measure 4.16.1C, the entire section should be noted in different text to emphasis the fact that the proposed bi-county corridor between Riverside County and Orange County is not actively being studied by the RCTC at this time and therefore is no longer included as part of the mitigation measures in the General Plan Amendment No. 960.
- Page 4.18-91, Table 4.18-U Mitigation Recommendations for GPA No. 960 (Build Out), two of the Area Plans, Temescal Canyon and Elsinore, included Recommendation Code 5, but there is no description of Code 5 this section.

8.4

8.5

Should you have any questions, or would like to discuss our concerns in more detail, please contact me via email at Nelson.Nelson@ci.corona.ca.us or by telephone at (951) 817-5765.

8.6

Sincerely,



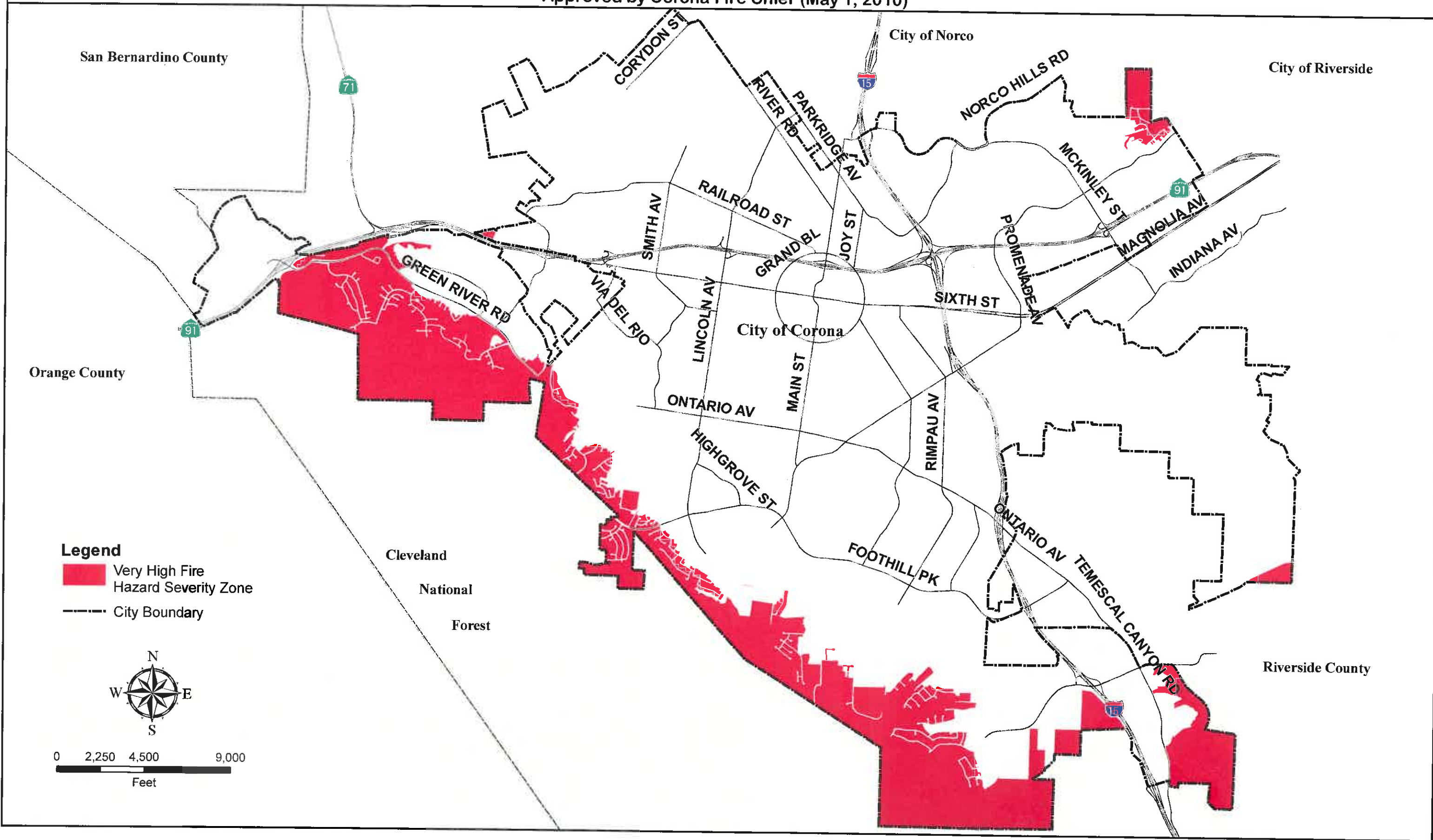
Nelson D. Nelson, P.E.
Public Works Director / City Engineer

Cc: Joanne Coletta, Community Development Director
Albert Espinoza, Principal Engineer
Robert Morin, Principal Engineer



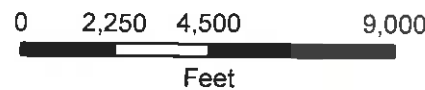
City of Corona
Very High Fire Hazard Severity Zones in LRA
As Recommended by Cal Fire
Approved by Corona Fire Chief (May 1, 2010)

City of Corona
 Geographic Information Services
 Created on: March 15, 2010
 09-1294-corona-FRAP-b



Legend

- Very High Fire Hazard Severity Zone
- City Boundary



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Comment Letter No. 8: City of Corona Public Works Department

Comment 8.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 8.2 This comment objects to the removal of Table 4.18-D (Segment Volume Capacities/Level of Service for Riverside County Roadways) from GPA No. 960. The table identifier, 4.18-D, is from Draft EIR No. 521, where it is still presented. The removal of this information from the General Plan in no way negates the need for a technical evaluation of the operational performance of the transportation network.

In fact, as stated in the Draft EIR, “These values were used to evaluate the traffic model results and make refinements to the roadway network designations. As these values are part of the technical data used for the purposes of traffic analysis, they are not a policy element of the General Plan and thus are no longer included in the General Plan document.” Draft EIR No. 521 goes on to cite the specific policies, which are contained in GPA No. 960, which address Level of Service.

The County appreciates and values your comments during the General Plan Update and EIR process. However, the appropriate location for this technical background data is in the EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 8.3 This comment recommends language changes to Circulation Policy C 2.1 in regards to Level of Service standards. This policy has been extensively rewritten to clarify the intent of the policy and to remove ambiguities in the current policy. It no longer cites a “countywide” target Level of Service immediately followed by a list of exceptions. Instead, the policy begins by clarifying where and how these policies apply. The policy relates to the evaluation of development proposals in the unincorporated areas of Riverside County and applies to roadways which are or are intended to be County maintained. It applies to roadways which are designated on the Riverside County General Plan Circulation Plan (Figure C-1), all of which are Collector level or above.

The target Level of Service specified for the area adjacent to the City of Corona and the Temescal Canyon Area Plan is LOS “D,” which is consistent with the City’s LOS policy. As stated in their letter, LOS “D” is allowed along arterial or collector streets. Riverside County does not set an LOS target for local streets, as our traffic study guidelines only address LOS impacts to General Plan roadways.

This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis.

Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 8.4 This comments pertains to the Draft EIR discussion of compliance with the mitigation measures previously identified in EIR No. 441. The comment suggests that the paragraph addressing Mitigation Measure 4.16.1C be presented in a different text for emphasis. While this discussion may be of importance to the City of Corona, the County of Riverside sees no reason to draw additional attention to this discussion over all of the other factors presented in Draft EIR No. 521.

This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 8.5 This comment pertains to Table 4.18-U (Mitigation Recommendations for GPA No. 960 (Build Out)) and the alleged lack of any description for Recommendation Code Number 5. This reference is a carryover from an early version of this table. The reference to Recommendation Code Number 5 is not applicable and will be removed from the final document. The requested changes are reflected below and in the Errata document.

Page 4.18-91:

Temescal Canyon	Temescal Canyon Rd	Dos Lagos Dr to 0.05 Mi. N Temescal Canyon Rd Cutoff	2.26	Arterial - 4 Lanes	Urban Arterial - 6 Lanes	4, 5
Temescal Canyon	Temescal Canyon Rd	El Cerrito Rd to Cajalco Rd	1.12	Arterial - 4 Lanes	Urban Arterial - 8 Lanes	2, 4
Elsinore	W Foothill Pkwy	Mangular Ave to Green River Rd	1.7	Secondary - 4 Lanes	Urban Arterial - 6 Lanes	2, 5

Page 4.18-93:

Highgrove	Box Springs Rd	I-215 NB Ramps at Fair Isle Dr/Box Springs Rd to 1.01 Mi. W Day St	0.34	Secondary - 4 Lanes	Arterial - 4 Lanes	2, 3, 5
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Comment 8.6 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.



Board of Directors

March 2, 2015

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Randy A. Record

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Ronald W. Sullivan

General Manager
Paul D. Jones II, P.E.

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**Chairman of the Board,
The Metropolitan Water
District of So. Calif.**
Randy A. Record

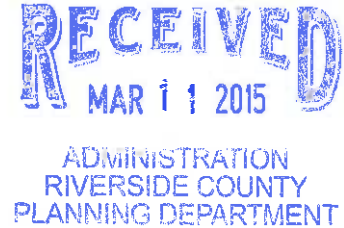
Legal Counsel
Lemieux & O'Neill

County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Attention: Kristi Lovelady

Gentlemen:

**SUBJECT: General Plan Amendment No. 960. General Plan Update (EIR)
No. 521/ SCH 2009041065).**



Eastern Municipal Water District (EMWD) thanks you for the opportunity to review the Notice of Availability for a Draft Environmental Impact Report General Plan Amendment No. 960. The General Plan Amendment No. 960 is proposing a variety of revisions to the current Riverside County General Plan to update existing policies, maps, and implementing directions, and provide new information and policies where needed. Various revisions are proposed for nearly all of the General Plan's Elements and Area Plans. Some items affect countrywide policies, some item affect specific parcels. EMWD offers the following comments.

9.1

EMWD would like to point out that completed Water, Wastewater and Recycled Water Master Plans have identified backbone facilities based on current land use. As Development within this proposed General Plan occurs over time, the proponents of implementing development projects shall consult EMWD's New Business Development Department to compare water demands and sewer flows from the proposed land use with the existing demands/flows, a ND if necessary, to serve such implementing development projects, prepare a Plan of Service (POS) to detail all pertinent water, sewer and recycled water facilities, resulting in an approved POS, prior to final design of such facilities.

9.2

To that end, EMWD requires beginning dialogue with the project proponent at an early stage in site design and development, via a one-hour complimentary Due Diligence meeting. To set up this meeting, the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our New Development Process web page, under the "Businesses" tab, at www.emwd.org. This meeting will offer the following benefits:

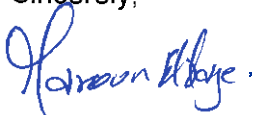
1. Describe EMWD's development work-flow process
2. Identify project scope and parameters
3. Preliminary, high level review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service

Following the Due Diligence meeting, to proceed with this project, a POS will need to be developed by the developer's engineer and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The POS process will provide the following:

1. Technical evaluation of the projects preliminary design
2. Defined facility requirements, i.e. approved POS
3. Exception: for feasibility evaluation of a purchase acquisition, only a conceptual facilities assessment may be developed.

Again, EMWD appreciates the opportunity to comment on this project. If you have questions concerning these comments, please feel free to contact me at (951) 928-3777, Ext. 4468.

Sincerely,



Maroun El-Hage, M.S., P.E.
Senior Civil Engineer
New Business Development
(951) 928-3777 x4468
El-hagem@emwd.org

ME:pn

Attachment: Riverside County Planning Department Notice of Availability for a DEIR

↑
9.2
CONT.
9.3

Comment Letter No. 9: Eastern Municipal Water District

- Comment 9.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. No further response is required.
- Comment 9.2** The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 9.3** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

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CITY OF MENIFEE

Community Development Department

Robert A. Brady - Interim Community Development Director

Scott A. Mann
Mayor

John V. Denver
Mayor Pro Tem

Wallace W. Edgerton
Councilmember

Greg August
Councilmember

Matthew Liesemeyer
Councilmember

March 16, 2015

Kristi Lovelady
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

RE: City of Menifee Community Development Department Comments on the Notice of Availability for the Revised and Recirculated Draft Environmental Impact Report for the Riverside County General Plan Update (GPA No. 960, EIR No. 521, SCH2009041065)

Dear Ms. Lovelady,

Thank you for providing an opportunity for the City of Menifee Community Development Department to review the Draft EIR for the Riverside County General Plan Update. The City of Menifee Community Development Department has the following comments:

10.1

In the Land Use portion of the Draft EIR, impacts to physically dividing an established community are reduced with compliance to general plan policies including Land Use Policy 1.3 (LU 1.3). This policy states: "Notify city planning departments of any discretionary projects within their respective spheres-of-influence in time to allow for coordination and to comment at public hearings."

10.2

However, as noted in the City's June 30, 2014 comment letter on the previous Notice of Availability, the City of Menifee's sphere of influence is contiguous with our City boundary. The City of Menifee would again suggest again that the policy be revised to add language such as "or project's adjacent to cities" so that impacts from projects adjacent to the city, but outside our sphere of influence can be adequately addressed. Similarly, policies should be added to the Sun City/Menifee Valley Area Plan and Harvest Valley/Winchester Area Plan which would require notification of city planning departments for discretionary projects adjacent to city boundaries.

The Draft EIR states that compliance with Circulation Policy 16.1 (C 16.1) will reduce impacts related to the need for construction or expansion of recreational facilities or uses that would have a significant adverse physical effect on the environment due to their provision. As previously stated in the City's June 30, 2014 comment letter the City requests an additional policy that would encourage coordination between the cities and the County for regional trails to further reduce impacts to recreational

10.3

facilities, specifically trails and to help implement the County's trails plan and ensure trail connectivity.

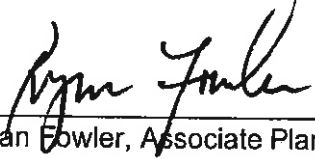
↑10.3
| Cont.

Thank you again for the opportunity to review the Draft EIR. We are available to meet to discuss these comments. Please forward any subsequent environmental documents regarding the project to my attention at this office.

| 10.4

Sincerely,

City of Menifee Community Development Department



Ryan Fowler, Associate Planner

Comment Letter No. 10: City of Menifee

- Comment 10.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 10.2** This comment is duly noted. This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 10.3** This comment is duly noted. Policy C 16.9 of the General Plan was added to the document during the 2014-2015 revision period of GPA No. 960/Draft EIR No. 521, in response to the comment letter received from the City of Menifee during the 2014 public review of the documents. The policy states:
- C 16.9 Coordinate with cities, adjacent counties and affected state or federal land management entities regarding regional trails that cross over or terminate at jurisdictional boundaries. Ensure that adequate consideration is given to how the trail is addressed once it leaves the jurisdiction of Riverside County.*
- This comment pertains to the General Plan but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 10.4** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general closing remarks. No further response is required.

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MORONGO
BAND OF
MISSION
INDIANS



A SOVEREIGN NATION

February 24, 2015

County of Riverside
TLMA Planning Department
Attn: Kristi Lovelady
4080 Lemon Street, 12th Floor
Riverside, CA 92501

RECEIVED
MAR 04 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

**SUBJECT: General Plan Amendment No. 960
Environmental Impact Report No. 521
SCH 2000904105**

Dear Ms. Lovelady:

Thank you for contacting the Morongo Band of Mission Indians regarding the above referenced project. The Tribe greatly appreciates the opportunity to review the project and, respectfully, offer the following comments.

11.1

The project is outside of the Tribe's current reservation boundaries but within an area that may be considered a traditional use area or one in which the Tribe has cultural ties (e.g. Cahuilla/Serrano territory). Because the project involves a proposal to revise the Riverside County General Plan to ensure that Riverside County's General Plan continues to provide a clear and consistent set of directions for implementing the County of Riverside's vision throughout Riverside County over the next eight years and into the future (2035 and beyond), the Morongo Band of Mission Indians asks that you impose specific conditions regarding cultural and/or archaeological resources and buried cultural materials on any future development plans or entitlement applications, discretionary or administrative, as follows:

- o If human remains are encountered during grading and other construction excavation, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5.
- o In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project may continue during this assessment period.

11.2

If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his

archaeologist shall contact the Morongo Band of Mission Indians ("Tribe")¹. If requested by the Tribe, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

↑
11.2
Cont.

If I may be of further assistance with regard to this matter, please do not hesitate to contact me at your convenience.

Very truly yours,

MORONGO BAND OF MISSION INDIANS



Franklin A. Dancy,
Director of Planning

11.3

¹ The Morongo Band of Mission Indians realizes that there may be additional tribes claiming cultural affiliation to the area; however, Morongo can only speak for itself. The Tribe has no objection if the archaeologist wishes to consult with other tribes and if the city wishes to revise the condition to recognize other tribes.

Comment Letter No. 11: Morongo Band of Mission Indians

Comment 11.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 11.2 This comment is duly noted. The County requires development projects to undergo cultural resource review prior to construction to ensure the protection of cultural resources, particularly during ground disturbance. As indicated in Section 4.9.D.3 of Draft EIR No. 521, the County Archeologist reviews all proposed land use projects subject to CEQA and that are not otherwise exempt. The Archeologist then reviews various internal databases and requires a Phase I Cultural Resources Study where appropriate. The Phase I report is forwarded to tribes who request such information as part of consultation under SB 18. The Phase I Cultural Resource Study also guides the County Archeologist in determining which project-level conditions of approval and/or mitigation measures to apply to the proposed project, which includes most of the measures suggested among others. For example, Existing Mitigation Measure 4.7.1A reduces potential impacts related to human remains. Additionally, where it is infeasible for cultural resources to be avoided or preserved in place, New Mitigation Measure 4.9.B-N1 would lessen impacts to cultural resources by providing for a dialog between the County and the appropriate ethnic or cultural group concerning the dispensation of cultural resources.

This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 11.3 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. Responses to specific comments are provided above; no further response is required.

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**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

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



March 25, 2015

Kristi Lovelady
County of Riverside Planning Dept.
4080 Lemon Street, 12th Floor
Riverside, CA 92501



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Re: GPA No. 960/ Draft EIR No. 521

Dear Mrs. Lovelady:

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

12.1

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

12.2

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

12.3

Sincerely,

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

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

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

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



February 27, 2015

It has come to the attention of the Pala Band of Mission Indians Tribal Historic Preservation Office (Pala THPO) that government agencies and their consultants have been directed by the Native American Heritage Commission to send requests for Native American consultation to every known point of contact for tribes within geographic proximity to those projects. This has resulted in the Pala THPO receiving multiple and duplicative copies of consultation requests for many projects. To reduce the paperwork burden on the Pala THPO as well as on agencies and consultants, please note that requests for consultation need only be sent directly to the Pala THPO:

Shasta Gaughen, PhD
Pala THPO
PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
sgaughen@palatribe.com

If your agency requires that government-to-government consultation requests be sent directly to a Pala government official, please send requests to the Pala Chairman:

Robert Smith, Chairman
Pala Band of Mission Indians
PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
rsmith@palatribe.com.

12.4

Requests for consultation do not need to be sent to both of these points of contact. We prefer that requests be sent directly to the Pala THPO; if they must be sent to the tribal chairman, please do not also send a copy to the Pala THPO. We accept requests via e-mail or postal mail; again, there is no need to use both.

All other addresses or other points of contact for the Pala Band of Mission Indians should be deleted from your contact lists. This includes the Cupa Cultural Center, which used to house the Pala THPO. The only points of contact for the Pala Band of Mission Indians are those listed above.

The NAHC has been provided this updated contact information but it may take some time for the changes to be reflected in their contact lists. We appreciate your cooperation in using only the contact information in this letter. Please contact me directly with any questions or concerns.

Sincerely,

Shasta C. Gaughen, PhD
Pala THPO

Comment Letter No. 12: Pala Tribal Historic Preservation Office

- Comment 12.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 12.2** This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 12.3** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. No further response is required.
- Comment 12.4** This comment is duly noted, and future correspondence from the County to the Pala Tribal Historic Preservation Office (THPO) will be forwarded to the address provided. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

Chairperson:
Mary Bear Magee

Vice Chairperson:
Darlene Miranda

Committee Members:
Evie Gerber
Bridgett Barcello Maxwell
Richard B. Scarce, III
Neal Ibanez
Michael Vasquez

Director:
Gary DuBois

Coordinator:
Paul Macarro

Planning Specialist:
Tuba Ebru Ozdil

Cultural Analyst:
Anna Hoover

April 6, 2015

RECEIVED
APR 06 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

VIA E-MAIL and USPS

Ms. Kristi Lovelady
Principal Planner
County of Riverside TLMA
4080 Lemon Street, 9th Floor
Riverside, CA 92502

Re: Pechanga Tribe Comments on the Draft Environmental Impact Report (DEIR) for the Riverside County General Plan Amendment 960 (GPA 960), County General Plan 5-Year Update Project

Dear Ms. Lovelady:

Thank you for inviting us to submit comments on the above named Project. 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 continues to formally request, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). Please incorporate these comments into the record of approval for this Project.

13.1

The Tribe consulted multiple times with Riverside County through government-to-government SB18 consultations in 2010; however, we have not been contacted since then to continue consultation regarding the most recent update and changes to GPA 960. As SB18 consultation is ongoing throughout the life of the Project, the Tribe retains the right to submit these additional comments upon reviewing the revised DEIR and GPA 960 since the Tribe has additional concerns and to request additional face-to-face meetings as soon as possible.

The General Plan Amendment, while incorporating some of the Tribe's concerns (primarily from 2010), there are multiple sections that have either deleted our requested additions or changed them entirely. Further, the removal of the terms archaeological and historic resources is very disturbing as these particular resources are identified in California State law and must specifically be addressed, in addition to Tribal Cultural Resources (with the passage of AB 52), during all CEQA reviews. While AB 52's changes are not effective until July 1, 2015, it is likely that this GPA and the Final EIR will not be approved until after that time, and as part of the County's best planning efforts and to ensure better compliance for future development, we

13.2

strongly recommend that the GPA and Final EIR adequately address the significant changes that AB 52 will usher in to the world of development and planning.

↑ 13.2
CONT.

We request to consult further with the County on these issues prior to completion of the Final GPA and FEIR, as is our right under SB 18, and request that our recommendations be included in the Final GPA. Finally, the DEIR contains statements that are incorrect or imply that tribal traditions, customs and beliefs are nonexistent or, if they do exist, are not as significant as archaeological and scientific techniques and methods. Contrary to contemporary thought, tribal traditions are very much alive and tribes know a great deal about their traditional landscapes, customs and beliefs. In fact, with the passage of AB 52, the California Legislature explicitly recognized that Tribes are in fact experts in their own culture and thus, their expertise must be used when determining the impacts that a project may have on "tribal cultural resources." Many of the statements included in the DEIR are offensive or simply incorrect. We recommend that these issues be addressed in a more sensitive manner in the DEIR and would like to consult with the County further, pursuant to SB 18. Even though we have already provided extensive comments (during 2010, the only period in which the County consulted with us), below please find our requested edits and comments.

13.3

THE COUNTY OF RIVERSIDE MUST INCLUDE INVOLVEMENT OF AND CONSULTATION WITH THE PECHANGA TRIBE IN ITS ENVIRONMENTAL REVIEW PROCESS

It has been the intent of the Federal Government¹ and the State of California² that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. In this case, it is undisputed that the GPA 960 affects lands within the Pechanga Tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that the County of Riverside consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the Project effects, as well as generating adequate mitigation measures.

13.4

In addition to the above consultation requirements, this General Plan update is subject to the requirements of SB 18. The Tribe began consultation under SB 18 with the County on April 27, 2010 but has not consulted since then. As SB18 consultation continues throughout the life of a project, we submit these comments as part of the ongoing efforts of the Tribe to continue consulting on this important Project. We look forward to further discussing our concerns as

¹ See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments and Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments.

² See California Public Resource Code §5097.9 et seq.; California Government Code §§65351,65352,65352.3 and 65352.4

outlined in this comment letter as soon as possible. The GPA and DEIR as drafted completely fail to address tribal concerns, despite having been raised with the County nearly five years ago, and before the documents are finalized, the County must continue to pursue “meaningful consultation” with the Tribe under SB 18.

13.4
CONT.

**THE PECHANGA TRIBE IS CULTURALLY AFFILIATED WITH LAND
WITHIN THE COUNTY’S JURISDICTION AND SPHERE OF INFLUENCE**

The Pechanga Tribe has a legal and cultural interest in the proper protection of sacred places, traditional landscapes and all Luiseño cultural resources within western Riverside County. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño Village Complexes, Traditional Cultural Properties (TCPs), sacred/ceremonial locations, habitations, landscapes and other cultural resources which would be displaced by development, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of development and improvements within the County.

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. The Tribe further knows that the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions. This information is stored at Pechanga and is used for analysis, research and study through the Tribe’s Cultural Resources Department.

13.5

The proposed General Plan Amendment boundaries encompass multiple village and habitation areas, traditional landscapes and TCPs as well as numerous *tóota yixélval* (rock art) and domestic activity areas. Human remains have also been identified in areas subject to the Amendment, for which Pechanga has been named Most Likely Descendant (MLD) by the Native American Heritage Commission (NAHC). The Tribe knows that culturally significant resources will be impacted by any development proposed within the GPA and requests that the County take into account both known and unknown resources when determining the most appropriate designations for proposed land use in all areas to be changed through this process.

Our songs and stories, as well as academic works and recorded archaeological/cultural sites, demonstrate that the Luiseño people who occupied the Project area are ancestors of the present-day Pechanga Band of Luiseño Indians, and as such, Pechanga is the appropriate culturally affiliated tribe for projects that impact select areas of this geographic area.

The Tribe welcomes the opportunity to meet with the County of Riverside to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction as well as to continue our consultation efforts under SB 18 as we have not consulted since 2010.

**TRIBAL COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT
REPORT AND THE GENERAL PLAN AMENDMENT 960**

The Tribe requests to continue to be involved and to participate with the County in assuring that an adequate environmental assessment is completed, as well as developing applicable Elements and Policies for the General Plan and appropriate language for the DEIR regarding the protection of cultural resources and the importance of Tribal information for future developments and projects. The Tribe believes that the County should not rely on narrow interpretations of cultural/archaeological resources as defined in the California Public Resources Codes but must also take into account the cultural knowledge and perspective of tribes. Meaningful consultation with tribes is needed during all phases of investigation and evaluation of cultural resources so that the knowledge and information that the tribes have regarding their cultural resources, which is based on tradition and history, can be incorporated into significance determinations. This specialized knowledge is not necessarily shared with or agreed upon by archaeological professionals, whose primary focus is the scientific aspect of a site or artifact rather than the cultural and historical significance of such resources to the tribes themselves. Failing to take this information into account reduces the importance of these resources to that of merely scientific interest and ignores the integral part these resources play in the tradition, history and contemporary situations of the true owners of cultural resources, the tribes. The Tribe urges the County to take into account this information when

13.5
CONT.

Even though the majority of our prior comments were ignored or deleted, we once again attempt to convey to the County that there are significant gaps and flaws in the GPA and DEIR as it relates to cultural resources. As such, the Tribe submits the comments below as a follow-up to the formal government-to-government consultations that have occurred with Pechanga and County staff on April 27, June 2, July 26 and August 30, 2010. (Strikeouts are removals and underlines are additions). We look forward to meeting again once you have reviewed our comments.

Circulation Element

Page C-47: Section C 16.4c.: Provide buffers between streets and trails, and between adjacent residences and trails, and between cultural resources and trails.

Section C 16.4d.: Make use of already available or already disturbed land where possible for trail alignments, except where there could be an impact to cultural and/or biological resources.

Page C-45-46: Section C16.7f.: When a trail is to be obtained through the development approval process, base the precise trail alignments on the physical characteristics of the property, avoiding or minimizing impacts to cultural and biological resources, assuring connectivity through adjoining properties.

13.6

Section C 16.7v: Offer consultation to local Native American tribes on all new or redesigned trail locations to ensure that the trail does not impact cultural resources.

Page C-51: Section C20.5: In order to protect the watershed, water supply, groundwater recharge, and wildlife and cultural resources values of watercourses, the County of Riverside will avoid siting utility infrastructure and associated grading, fire clearances, and other disturbances within or adjacent to watercourses...

Section 20.16: Ensure early and meaningful consultation occurs with Native American Tribes in order to preserve and/or mitigate cultural resources that are located within any proposed or existing transportation systems.

The Tribe is further concerned with a specific modification to Oleander Road, west of Harvil Road and Interstate 215 in the Mead Valley area of Riverside County. The roadway realignment was approved through the Specific Plan 341 Majestic Freeway Business Center. However, it was realigned to directly impact a portion of the *Qaxáalku* Village Complex. The Tribe requests that this portion of the roadway be either: 1) eliminated; or 2) redesigned to remove the impacts to this significant cultural resources and traditional landscape. Because the goal of the County, the Tribe and the CEQA is avoidance and preservation, requirement of this roadway will be a direct and significant impact to this important area. We would like to discuss our concerns and suggestions further with the County, prior to approval of the GPA and DEIR.

13.6
CONT.

Land Use/Open Space, Habitat & Natural Resource Preservation Element

Page 35 Hillside Development and Slope: ...Development of hillsides within the county, where land use designations permit, will require careful siting, grading and design in order to minimize exposure to hazards, to protect sensitive biological and cultural resources and to maintain and enhance the scenic quality of Riverside County.

Section LU 12.1a: Require that hillside development minimize alteration of the natural landforms and natural vegetation and minimize or remove impacts to cultural resources located on slopes and hillsides.

Page LU-54: Rural: ...Rural areas are also valuable in providing important wildlife habitat and habitat linkages as well as to maintain cultural preservation goals such as historic landscapes for prehistoric and historic sites, sensitive tribal resources and traditional cultural and historic landscapes....

13.7

Page LU-59 Open-Space – The Open Space General Plan Foundation Component is intended to accomplish this by identifying open space areas for the preservation of habitat, cultural, water and other natural resources, protection from natural hazards, provision of recreational areas and the protection of scenic resources.

Page LU-60 Open Space-Recreation (OS-R) – The Open Space-Recreation land use designation allows for active and passive recreational uses such as parks, trails, camp grounds, athletic fields, golf courses, and off-road vehicle parks. Ancillary structures may be permitted for recreational opportunities. Actual building or structure size, siting, and design will be determined on a case by case basis and will eliminate or minimize impacts to biological and cultural resources.

Page LU-61 Open Space-Rural (OS-RUR) - ...consistent with maintenance of scenic resources and views from residential neighborhoods and major roadways and that the project does not detract from efforts to protect endangered species and cultural resources.

Section LU 26.3: Ensure that development does not adversely impact the open space and rural character of the surrounding area including sensitive biological and cultural resources. (AI 3)

Page LU-62: Open Space-Mineral Resource (OS-MIN): ...Actual building or structure size, siting, and design will be determined on a case by case basis and will take into account goals to preserve and protect sensitive biological and cultural resources.

Multipurpose Open Space Element

Page OS-1: Introduction: ...Non-renewable resources are those that have a finite stock relative to human consumption over time, and that are not alive in the sense of having an ability to grow. Mineral resources and cultural resources, for example, are non-renewable.

Page OS-37 Non-Renewable Resources: The non-renewable resources discussed in this element are mineral resources, cultural resources, and energy resources....The Energy Resources section addressed petroleum resources as well as energy conservation. The Cultural Resources section discusses both prehistoric and historic resources and the goals to preserve and protect their values.

13.7
CONT.

13.8

Page OS-47: Section 18.4g: Ensure that lands under control of Homeowner's Associations (HOA's) employ an experienced non-profit conservation group or agency to manage/maintain the land. Further, if lands under the control of an HOA contain identified cultural resources, the HOA must consult with the appropriate Native American tribe to ensure the avoidancce, protection and mitigation of such resources.

Page OS-48: Section 19.2: The County of Riverside shall establish a eCultural rResources pProgram in consultation with Tribes and the professional cultural resources consulting community for implementation on all projects subject to environmental review. Such a program shall, at a minimum, address each of the following: application processing requirements; information database(s); confidentiality of site locations; content and review of technical studies; professional consultant qualifications and requirements; site monitoring; examples of preservation and mitigation techniques and methods; curation; and the descendant community consultation requirements of local, state and federal law. (Al 144)

Section 19.3: Review proposed development for the possibility of cultural resources by requiring cultural and archacological studies, consultation with Native American tribes per applicable laws and regulations and review of project documentation for compliance with the eCultural rResources pProgram.

13.8
CONT.

Appendix A – Glossary

The removal of the terms “archaeological” and “historic” resources within the General Plan does not appropriately account for all potential resources required to be analyzed through CEQA. By not defining or addressing these terms, the EIR does not adequately assess impacts to all components of the environment required by law. We request that the terms be included back into the entire GPA and EIR documents along with “cultural resources,” which will then be consistent with the requirements of state law. Further, even though the amendments to CEQA approved through AB 52 do not take effect until July 1, 2015, this document will apply to projects that will be subject to its requirements and if this GPA is to reflect the County's best planning efforts, it should reflect the significant changes in state environmental law that will be reality in less than three months' time.

The County needs to include a definition for the California Register of Historic Places as this is the appropriate Register in which all California cultural resources should be analyzed.

Cultural Landscape –A tangible geographic area, including both cultural and natural resourccs and the wildlife or domestic animals therein, associated with a

13.9

historic event, activity, or person, or exhibiting other cultural or aesthetic values. Cultural landscapes can pertain to both prehistoric and historic resources.

Cultural Resources: Cultural resources are evidence of past human activity that becomes important for scientific, historic, traditional and/or religious reasons to communities, descendent groups, and individuals. Cultural resources may include areas, landscapes, places, sites (particularly archeological sites), buildings, structures, objects, records, or manuscripts associated with history or prehistory. Some specific examples of cultural resources are historic properties, traditional use areas, and sacred resource areas.

Ethnohistory/Ethnohistorical - systematic description (ethnography) and analysis (ethnology) of changes in cultural systems through time, using data from oral histories and documentary materials; anthropologists and historians conduct these studies.

[Historic Preservation: The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.] – Historic Preservation pertains to both prehistoric and historic resources. Please consult with the County Archaeologist for a more appropriate definition.

Traditional Cultural Property (TCP) - A traditional cultural property can be defined generally as one that is eligible for inclusion in the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that are rooted in that community's history, and are important in maintaining the continuing cultural identity of the community. (NPS Bulletin 38) TCPs should also be analyzed during California Register of Historic Places analysis.

Sacred Resources – Sacred resources are defined as traditional sites, places, or items that various culture groups perceive as having a high importance or religious significance to their group.

Proposed Area Plan Updates

After review of the GPA, none of the Tribe's recommendations were included within the revised document. Thus, the Tribe has included the previous concerns, as well as some additional recommendations, regarding Temescal Canyon, Highgrove, Elsinore, Southwest, Lake Mathews/Woodcrest, Mead Valley, Sun City/Menifee, Harvest Valley/Winchester, Reche Canyon/Badlands, Lakeview/Nuevo, San Jacinto and REMAP.

As we previously stated, each Area Plan contains its own unique and important prehistoric and historic resources. Based upon current research, some Area Plans contain denser concentrations of significant cultural resources than others, including large Village Complexes, smaller habitation areas, sacred/ceremonial areas, and other areas that contain tangible and intangible remnants of the past. Each area is significant to the Pechanga Tribe in some way. Many of these areas are specifically mentioned in our sacred songs; stories that have been passed from generations to generation; in the Creation Story; recorded in ethnographic documents; and in other ways. Further, not only does the Southwest Area Plan contain the main lands for the Temecula Band of Luiseño Mission Indian's Reservation but the Mead Valley Area Plan also contains a newly designated non-contiguous portion of the reservation which is federal trust land.

13.10
CONT.

To further address the lacking or missing cultural, historical and archaeological elements within each Area Plan, the Tribe requests that a Cultural Policy be added to each of the Area Plans identified by the Tribe as being of concern and which include specifically: Temescal Canyon, Highgrove, Elsinore, Southwest, Lake Mathews/Woodcrest, Mead Valley, Sun City/Menifee, Harvest Valley/Winchester, Reche Canyon/Badlands, Lakeview/Nuevo, San Jacinto and REMAP.

Temescal Canyon:

Temescal Wash: TCAP 6.1: Protect the multipurpose open space attributes of the Temescal Wash through adherence to policies in the Flood and Inundation Hazards section of the Safety Element, the Floodplain and Riparian Area Management, Cultural Resources and Wetland sections of the Multipurpose Open Space Element, and the Open Space, Habitat and Natural Resource Preservation section of the Land Use Element in the General Plan.

Include as a separate section below the existing Oak Tree Preservation Policy:

Cultural, Historical and Archaeological Resources

The Temescal Canyon Area Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations.

13.11

TCAP 18.1 Protect Temescal Canyon's cultural, historical, and archaeological resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

TCAP 18.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified

archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

13.11
CONT.

Highgrove:

Page 5 – Open Space Resources: ...They also serve as important habitat preservation areas for several species as well as contain numerous cultural resources and traditional landscapes...

Page 27 – Natural Features Protection - ...Furthermore, easements acquired during the development review process to implement regional multi-purpose trails, as depicted in the Trails and Bikeways Plan, will provide Highgrove residents future access to these natural features in as unspoiled condition as is practicable. Cultural Resources must also be appropriately preserved and avoided.

Page 49: Multipurpose Open Space: These open space areas provide visual relief, serve as habitat for plants and animals, provide recreational opportunities, and otherwise establish the area's unique character. Open space areas also are important in protecting citizens from natural hazards and are important for protecting the numerous cultural resources located within this area.

Include as a separate section below the existing Key Biological Issues Policies:

Cultural, Historical and Archaeological Resources

The Highgrove Area Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations.

13.12

HAP 20.1 Protect Highgrove's cultural, historical, and archaeological, resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

HAP 20.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

Elsinore:

Meadowbrook: The County has not taken into account that the Tribe has Federal Trust Lands (Reservation) within the Community of Meadowbrook. This was formalized by the United States Government in 2009.

Include as a separate section below the existing Oak Tree Preservation Policy:

Cultural, Historical and Archaeological Resources

The Elsinore Area Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations.

ELAP 16.1 Protect Elsinore's cultural, historical, and archaeological resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

ELAP 16.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

13.13

Southwest:

Page 6 - Environmental Character: ...The tourism and products generated by these natural resources carry out the Vision within the Southwest planning area by preserving, maintaining, and actively using such destinations as the Santa Rosa Plateau, the Citrus/Vineyard areas, and the surrounding hillsides, while promoting the individuality of the communities within and around these attractions. This area contains numerous cultural resources, many of which are of a sacred/religious nature to the Luiseño People. These sites also contribute to the individuality of this area and should be preserved and protected through clear planning and design requirements.

13.14

Include as a separate section below the existing Oak Tree Preservation Policy:

Cultural, Historical and Archaeological Resources

The Southwest Area Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations.

SWAP 23.1 Protect the Southwest's cultural, historical, and archaeological resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

SWAP 23.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

13.14
CONT.

Lake Mathews/Woodcrest:

Include as a separate section below the existing Multipurpose Open Space Summary:
Cultural, Historical and Archaeological Resources

The Lake Mathews/Woodcrest Area Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations.

LMWAP 13.1 Protect Lake Mathews/Woodcrest's cultural, historical, and archaeological resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

13.15

LMWAP 13.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

Mead Valley:

Include as a separate section below the existing Oak Tree Preservation Policy:
Cultural, Historical and Archaeological Resources

The Mead Valley Area Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic

13.16

periods. These resources make this area unique and should be protected and preserved for future generations.

MVAP 16.1 Protect Mead Valley's cultural, historical, and archaeological resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

MVAP 16.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

13.16
CONT.

Sun City/Menifee:

We request that the description for Salt Creek (minus the EMWD sentence) be added to the Cultural, Historical and Archaeological Resources Section as it is an extremely important cultural resource and one of the primary reasons for the villages in this Plan Area.

Cultural Resources

The Sun City/Menifee Area Plan contains cultural, historical, and archaeological, cultural and/or paleontological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations. ~~The Menifee Archaeological Site ("Ringing Rock" site) will be the nucleus of a native American Interpretive Park connected by trails to other cultural sites and recreation centers.~~

13.17

SCMVAP 22.2 Require all development proposals to be sensitive to valuable resources by requiring new or updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and provide to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of additional buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

Harvest Valley/Winchester:

Include as a separate section above the Watersheds, Floodplains and Watercourses Policy:

13.18

Cultural, Historical and Archaeological Resources

The Harvest Valley/Winchester Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations.

HVWAP 18.1 Protect the Harvest Valley/Winchester's cultural, historical, and archaeological, resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

HVWAP 18.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

13.18
CONT.

Reche Canyon/Badlands:

Include as a separate section below the existing Multipurpose Open Space Summary:

Cultural, Historical and Archaeological Resources

The Reche Canyon/Badlands Area Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations.

RCBAP 14.1 Protect the Reche Canyon/Badland's cultural, historical, and archaeological, resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

RCBAP 14.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

13.19

Lakeview/Nuevo:

Include as a separate section above the Watersheds, Floodplains and Watercourses Policy:

Cultural, Historical and Archaeological Resources

The Lakeview/Nuevo Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations.

LNAP 11.1 Protect the Lakeview/Nuevo's cultural, historical, and archaeological resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

13.20

LNWAP 11.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

San Jacinto Valley:

Include as a separate section below above the Ridgelines Policy:

Cultural, Historical and Archaeological Resources

The San Jacinto Valley Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations.

SJVAP 13.1 Protect San Jacinto Valley's cultural, historical, and archaeological resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

13.21

SJVAP 13.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

Riverside Extended Mountain:

Include as a separate section below the existing Multipurpose Open Space Summary:
Cultural, Historical and Archaeological Resources

The Riverside Extended Mountain Area Plan contains significant cultural, historical and archaeological resources defining this area's important prehistoric and historic periods. These resources make this area unique and should be protected and preserved for future generations.

REMAP 11.1 Protect REMAP's cultural, historical, and archaeological, resources through adherence to the General Plan's Multipurpose Open Space Element policies, Cultural, Historical and Archaeological Guidelines as well as applicable ordinances and policies adopted by Riverside County.

REMAP 11.2 Require all development proposals to be sensitive to valuable resources by requiring updated archaeological studies by Riverside County qualified archaeologists and consultation with local Native American tribes and to contribute to preservation of cultural, historical, and/or archaeological sites including but not limited to the placement of buffers around the areas and/or dedications of land and creation of conservation easements as necessary.

13.22

Parcel-Specific Mapping Error Corrections

The Tribe was not provided the revisions/corrections the County may have made to the specific parcels we discussed in 2010, during our initial consultation meetings. We request to continue discussions with the County on the following: Exhibit C1-5; Area Plan – Southwest; Exhibit C2-9; Area Plan – Elsinore; Exhibit C2-10; Area Plan – Elsinore; Exhibit C2-11; Zone Area – Alberhill; Exhibit C2-12; Area Plan – Elsinore; Exhibit C2-13b; Zone Area – Rancho California; Exhibit C2-14; Zone Area – Rancho California; Exhibit C2-15; Zone Area – Rancho California; Exhibit C3-5; Area Plan – Harvest Valley/Winchester; Exhibit C6-2; Area Plan – Harvest Valley/Winchester; Exhibit C7-1; Area Plan – Southwest; Exhibit C8-3a; Area Plan – Southwest; Exhibit C8-8; Area Plan – Lake Mathews/Woodcrest; and Exhibit C8-9; Area Plan – Mead Valley.

13.23

DRAFT ENVIRONMENTAL IMPACT REPORT

The Tribe is highly concerned that Section 4.9 Cultural and Paleontological Resources contains inaccurate and offensive language concerning Native American Tribes. Further, the inclusion of specific archaeological and cultural sites within Table 4.9A conflicts with California Public Records Act (Cal. Govt. C. 6254(r)) which requires confidentiality of archaeological and Native American cultural sites. In addition, the provided ancestral territory map and language is grossly inaccurate and it needs to be revised and corrected as soon as possible. Because of the

13.24

Pechanga Comment Letter to the County of Riverside
Re: Pechanga Tribe Comments on GPA 960
April 6, 2015
Page 17

extent of issues with this document, the Tribe requests additional face-to-face consultation with the County pursuant to SB 18 in order to address these concerns.

↑
13.24
CONT.

CONTINUED INVOLVEMENT

The Pechanga Tribe requests to meet immediately with the County to discuss our concerns and recommendations on the GPA and the DEIR. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov once you have had a chance to review these comments so that we can schedule a consultation meeting. Thank you.

13.25
|

Sincerely,



Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel
Heather Thomson, Riverside County Archaeologist
David Jones, Riverside County Geologist
Russell Williams, Riverside County Transportation Department

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Comment Letter No. 13: Pechanga Band of Luiseño Indians (Letter 1)

Comment 13.1 The County appreciates and values your comments during the General Plan Update and EIR process. The comments submitted by the Pechanga Band of Luiseño Indians (hereinafter, “Pechanga”) have been incorporated into the public record. Responses to specific comments are provided below; no further response is required.

Comment 13.2 The County recognizes Pechanga’s request for continued consultation as required by SB 18 for the GPA No. 960 Project. The County has consulted with Tribal Government Officials from Pechanga throughout the General Plan Update process, beginning in September of 2009. The County has facilitated consultation with Pechanga for the Project (GPA No. 960) through the following actions:

- September 2009: The County sent out a Notice of Consultation for GPA No. 960, and received a request for formal consultation from Pechanga, as well as several other Tribal Governments within the County.
- February 2010: The County held a meeting with the responding Tribal Governments in order to discuss the General Plan Update process, updated Project components and to answer any questions related to the Project. The County sent follow-up emails to all attending tribal representatives to set up individual consultation meetings.
- April 2010: The County facilitated the first formal tribal consultation meeting with Pechanga staff. The County provided materials to Pechanga one month prior to the meeting, to allow for a review of the documents prior to consultation. During the meeting, Pechanga requested copies of the draft GPA, which were provided by the County.
- June 2010: The County facilitated the second formal tribal consultation meeting with Pechanga staff. This consultation included extensive discussion related to trails. Pechanga requested the addition of policy language related to the consideration of cultural resources during trail design. The County added the following language related to cultural resources in Policy C 16.7:

*~~h.j.~~ Design and construct trails that properly account for ~~Take into consideration~~ such issues as sensitive habitat areas, *cultural resources*, flooding potential~~s~~, access to neighborhoods and open space, safety, alternate land uses, and usefulness for both transportation and recreation. ~~when designing and constructing trails.~~*

- July 2010: The County facilitated the third formal tribal consultation meeting with Pechanga staff. Several topics were discussed including Arroyo Policies, Area Plan and land use amendments, trail alignments (and possible adjustments if cultural resources are found) and notification when grading of single family homes will occur.

To follow-up to this meeting, the County sent Pechanga a summary of Draft GPA No. 960 textual changes.

- August 2010: The County facilitated the fourth formal tribal consultation meeting with Pechanga staff. Several topics were discussed including the Multipurpose Open Space and Circulation Elements, traditional landscape policies for open space, cultural resource references, tribal lands within the Southwest and Meadowbrook area plans, and mineral resource maps. To follow up, the County sent Pechanga information pertaining to mineral resources and flood control, as well as land use designation changes to multiple parcels to the Indian Lands to reflect Pechanga's ownership.
- September 2010: The County received a final comment letter from Pechanga with follow-up comments from the previous SB 18 consultation meetings.

Aside from formal, in-person consultation on the Project (GPA No. 960) pursuant to SB 18, the County has also solicited comments from Pechanga through the Environmental Review Process (Draft EIR No. 521). The County has met and exceeded all noticing requirements outlined in the State CEQA Guidelines §15087. The public review process for the Draft EIR included the release of the Notice of Preparation in April of 2009, as well as two public review periods for the document including a 60-day public review period in 2014 and 45-day public review period in 2015. Pechanga was sent a hard-copy notice, in addition to a complete CD set of GPA No. 960, Draft EIR No. 521, and the CAP during each of the 2014 and 2015 public review periods. As a follow-up to the comment letter received in April 2015 from Pechanga, County staff met with Pechanga staff on May 5, 2015 in order to discuss concerns noted in the comment letter and to address potential solutions to these comments. The County has also responded to a second comment letter received on May 26, 2015, which contained several comments on Draft EIR No. 521 (refer to Comment Letter 114 for the comments and responses to this letter).

Due to circumstances outside of the County's control, the environmental analysis for the Project has required an extensive timespan. However, the Draft EIR document only analyzes the environmental impacts of the Project (GPA No. 960). As such, Draft EIR No. 521 does not require a separate consultation under SB 18. While Pechanga does have the right to comment on the Draft EIR through the public review periods that have been provided, comments relating to the General Plan are not under consideration during this Draft EIR review period. However, General Plan comments will be considered by the County during Project deliberations and hearings. The County will continue to provide notices of public comment periods and hearings to Pechanga in regards to the GPA No. 960 process.

This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.3 This comment is duly noted, as it relates to both the Draft EIR and GPA.

In regards to Draft EIR No. 521, per State CEQA Guidelines section 15125, the Draft EIR uses the best available information that is accurate to a level commensurate to the analysis present in the General Plan and EIR as well as representative of the County at the time of Release of the NOP (April 2009). The NOP release date establishes the “baseline” for the purposes of CEQA. However, given the elapsed time since NOP release, the County has added updated technical information, where appropriate, to reflect best available information. The County is unable to incorporate AB 52 into the General Plan Update documents at this time, which, as noted in the comment letter, is effective July 1, 2015. Because the bill will become effective after the public review of Draft EIR No. 521, the County will continue to process Draft EIR No. 521 and GPA No. 960 under the current applicable laws at this time. For these reasons, AB 52 (effective July 1, 2015) will not be incorporated into the analysis in Draft EIR No. 521.

In regards to further consultation under SB 18, refer to Response 13.2 above. No further response is warranted.

Comment 13.4 This comment is duly noted. The County recognizes Pechanga’s request for continued SB 18 consultation; however, consultation occurred during 2010 for the Project (GPA No. 960). As stated above in Response 13.2, the County is not required under SB 18 to provide continued consultation for the Draft EIR document. The Draft EIR is the environmental impact analysis of the Project (GPA No. 960), and as such is not subject to the SB 18 process.² However, the comments related to the Draft EIR contained within this letter will be considered and, where appropriate, incorporated into the Draft EIR document as required by CEQA. All comments relating to the General Plan will be considered during Project deliberations and hearings. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.5 The County appreciates and values Pechanga’s comments and explanation of the Tribe’s historical traditions. The County has and will continue to initiate meaningful consultation with Pechanga on projects subject to SB 18. While the County is continuing consultation on projects with Pechanga, the development and initial drafting of the GPA No. 960 has been completed, and at this time the County has also provided on-going SB 18 consultation (refer to Response 13.2 above). Consultation on the Draft EIR, as noted in the responses above, has been completed pursuant to the requirements outlined in the State CEQA Guidelines. This

² As described on page 11 of the Governor’s Office of Planning and Research *Tribal Consultation Guidelines*, SB 18 requires cities and counties to consult with California Native American tribes prior to amending or adopting any general plan or specific plan, however it does not require consultation during the environmental analysis and processing of the project. The County of Riverside has continued to satisfy the requirements outlined by SB 18 throughout the General Plan Update process; see Response 13.2. Draft EIR No. 521 provides an *analysis* of GPA No. 960, and as such, is not subject to SB 18 consultation.

comment is duly noted; however, it does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.6 This comment pertains to a number of General Plan circulation policies. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

However, the County understands the concern identified in the comment submitted by Pechanga, particularly in regards to infrastructure projects, due to their large coverage area and potential impacts to cultural resources. The County endeavors to protect and preserve Pechanga’s sensitive cultural resources, as well as those resources belonging to other Native American tribes within Riverside County. In order to centralize the discussion of Cultural resources within the General Plan document, the County has amended Policy OS 19.2 to include clarifying language related to the County Cultural Resources Program. The Policy has been amended as follows:

Page OS-48:

“Policy OS 19.2 The County of Riverside shall establish a ~~€~~Cultural ~~†~~Resources ~~‡~~Program in consultation with Tribes and the professional cultural resources consulting community *that* ~~—Such a program shall~~, at a minimum, *would* address each of the following: *application of the Cultural Resources Program to projects subject to environmental review; government-to-government consultation; application processing requirements; information database(s); confidentiality of site locations; content and review of technical studies; professional consultant qualifications and requirements; site monitoring; examples of preservation and mitigation techniques and methods; curation* and the descendant community consultation requirements of local, state and federal law. (AI 144)”

The updated policy will provide a level of protection to cultural resources comparable to that indicated in Pechanga’s requested policy revisions contained within the comment letter. In the future, the County will continue to enforce the existing ordinances and regulations as adopted by the County on an individual project level.

While adopting policies on the programmatic level allows the County to prioritize the protection of these resources, the County requires a number of studies and protocols to be completed and followed for all development projects within the County. The County will work

alongside the Tribe in developing procedures intended to provide a more comprehensive, thoughtful approach to addressing cultural resources and development accommodated by GPA No. 960 by upholding the specific requirements California State law rather than GPA No. 960.

In regards to the request for the removal or realignment of Oleander Road west of Harvill Road, it should be noted that the various maps included in GPA No. 960 and Draft EIR No. 521 are graphic depictions for illustrative purposes, as the following disclaimer, contained on each map, explains:

“Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.”

Also, the existence of cultural resources or other environmental factors would certainly be considered in the design and siting of future roadway facilities. As Oleander Road is an important link in the circulation network and provides interchange access to I-215, the County is concerned with preserving this local freeway access; however, no precise alignment is envisioned at the present time. As such, it is believed that GPA No. 960 includes a degree of flexibility that would allow for coordination of intersection and network design as plans progress and more definitive alignments emerge. The County would entertain a future amendment to the County’s circulation network at such a time that a preferred configuration is determined. The County is prepared to work with all parties involved to reach a fair and equitable solution that is sensitive to all environmental issues. Also refer to Response 87.2.

Comment 13.7 This comment pertains to a number of General Plan Land Use Policies. Refer to Response 13.6, above. This comment is duly noted; however, it does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.8 This comment pertains to the General Plan Multipurpose Open Space Element, and suggests a number of policy edits. In order to preserve cultural resources through program-level policies, the County has amended Policy OS 19.2 to include further clarification in regards to a County Cultural Resources Program. The County incorporated the suggested wording additions proposed by Pechanga, as well as further detail regarding government-to-government consultation. The proposed policy now reads:

“Policy OS 19.2 The County of Riverside shall establish a ~~€~~Cultural ~~†~~Resources ~~‡~~Program in consultation with Tribes and the professional cultural resources consulting community *that*. ~~—Such a program shall~~, at a minimum, ~~would~~ address each of the following: *application of the Cultural Resources Program to projects subject to environmental review; government-to-government consultation; application processing requirements; information database(s); confidentiality of site locations; content and review of technical studies; professional consultant qualifications and requirements; site monitoring; examples of preservation and mitigation techniques and methods; curation* and the descendant community consultation requirements of local, state and federal law. (AI 144)”

This policy, and the program that would result from its implementation, is intended to accomplish the level of review that Pechanga requested through the proposed policy edits, while allowing the policies within the General Plan to maintain their original intent and meaning. This comment is duly noted; however, it does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.9 This comment is duly noted. The comment proposes a number of edits within the Glossary section of both the General Plan and Draft EIR. As noted in Response 13.3 above, the GPA and Draft EIR will not incorporate the requirements outlined in AB 52. The adoption and implementation of AB 52 occurred after the baseline date of the EIR document (April 2009), and as such will not be incorporated into the definitions or analysis within the documents. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.10 This comment is duly noted. The County understands Pechanga’s concerns regarding the varying prevalence of cultural resources within the individual Area Plans contained within GPA No. 960. However, through the edits made to Policy OS 19.2, the County will establish a comprehensive Cultural Resources Program that will allow for the protection of cultural resources across all Area Plans. The Cultural Resources Program will be implemented in addition to the existing regulatory safeguards currently followed by the County. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

- Comment 13.11** This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 13.12** This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 13.13** This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 13.14** This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 13.15** This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 13.16** This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 13.17** This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 13.18** This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically

related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.19 This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.20 This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.21 This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.22 This comment is duly noted. Refer to Response 13.10, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.23 This comment pertains to a parcel specific land use designation changes that the County proposes as part of GPA No. 960 (see Draft EIR Project Description, Section 3.5.C.2). These changes were reviewed with the Tribe in 2010. In a letter received from the Tribe on September 27, 2010, no specific requests were made to modify the parcel specific land use changes as proposed. However, when project specific land use proposals are submitted for the subject parcels, such proposals will be required to comply with the all applicable laws concerning Tribal consultation and will be subject to the appropriate Conditions of Approval prescribed by the County for Cultural Resources. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.24 This Comment is duly noted. In regards to potentially offensive and/or inaccurate language contained within the GPA No. 960/Draft EIR No. 521 documents, the County has afforded Pechanga the opportunity to comment on the documents (See Responses 13.2 and 13.3,

above). The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

In regards to the inclusion of specific archeological information in Table 4.9A of the Draft EIR, all information included in the table was retrieved from publically available websites for informational purposes. The County understands the importance of sensitive cultural resource protection, and assures Pechanga that the locations of cultural resources were only included if publically available. As such, information contained within Table 4.9A is not in violation of the California Public Records Act. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

In regards to the ancestral map and language, Draft EIR No. 521 Figure 4.9.1 has been deleted. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

In regards to SB 18 consultation requests, refer to Responses 13.2 and 13.3, above. The County has facilitated meaningful consultation with Pechanga throughout the lifetime of the Project as required by SB 18. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 13.25 The County thanks you for your participation in the General Plan Update and Environmental Impact Report Public Review period. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Community Development
Department
Planning Division

City of Arts & Innovation

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ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

April 6, 2015

Kristi Lavelady, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

SUBJECT: Notice of Availability (NOA) of a Recirculated Draft Environmental Impact Report (DEIR) for a General Plan Amendment (GPA) No. 960: County-Initiated General Plan Five-Year Update Project

Dear Ms. Lovelady:

Thank you very much for this opportunity to respond to the NOA for the DEIR on the five year update to the County's General Plan. The City of Riverside (City) staff has reviewed the Recirculated DEIR, proposed General Plan Amendment, and Climate Action Plan, and offers the following comments: 14.1

The proposed project includes a wide array of updates to several County Area Plans, including amendments to the Community Foundation Components. The City is concerned with the impacts these amendments create within the City's unincorporated sphere of influence area, including the Lake Mathew's Woodcrest, Highgrove and Jurupa Area Plans. In addition, the City is particularly concerned with substantial changes to land uses and policies within the Lakeview/Nueva Area Plan; changes that would concentrate urban growth within a predominately rural and open space area, transitioning it to a highly urbanized area.

Lakeview/Nuevo Area Plan

At the time an Environmental Impact Report (EIR) was being considered for the Villages of Lakeview Specific Plan, the City opposed the project due to the significant environmental impacts associated with the urbanization of this area, which would have resulted in adding over 11,000 dwelling units and a population of greater than 30,000. The Specific Plan's growth was equivalent of establishing a new city in a very rural area. The project EIR involved excessive numbers of unmitigated impacts that were significant, and required several Statements of Overriding Considerations. In spite of substantial opposition by the City of Riverside and numerous other entities, The Villages of Lakeview Specific Plan was approved by the County Board of Supervisors in 2010. However, the project was challenged in Court, and the Court issued a judgment on July 11, 2012. In that judgment the Court directed the Board of Supervisors to set aside the approvals. 14.2

It appears evident the proposed General Plan update intends to establish a foundation that will pave the way for approving The Villages of Lakeview Specific Plan. The prior, March, 2014 Draft General Plan, proposed two new policy areas; the Lakeview Mountains Policy Area and the Northeast Business Park Overlay. In the City's June 30, 2014 comment letter on the initial DEIR, it was noted that The Lakeview Mountains Policy Area essentially comprised the same area as The Villages of Lakeview Specific Plan, and that the new policies of this Policy Area were strikingly similar to the vision contemplated with the Villages of Lakeview Specific Plan. While the latest Draft shows that the Lakeview Mountains Policy Area has since been eliminated (struck-out) from the proposed General Plan, the proposed land use changes for each of the Foundation Components continue to reflect a dramatic change, from rural and agricultural land uses to highly urbanized uses as follows:

- Agricultural Foundation Component reduced by nearly 1,000 acres (from 2,794 to 1,802 acres).
- Rural Foundation Component reduced by over 600 acres (from 9,481 to 8,857 acres).
- Rural Community Foundation Component, which allows for low density residential, would increase by over 400 acres (from 6,144 to 6,550 acres).
- Open Space Foundation Component increases by 119 acres (from 2,211 to 2,330 acres).
- Community Development Foundation Component allowing for a wide range of urban uses including residential, commercial, industrial, public facilities and mixed use increases by almost 1,100 acres (from 7,133 to 8,207 acres).

14.3

In addition, the new proposed Northeast Business Park Overlay Policy Area remains in the Recirculated Draft General Plan/DEIR. Similar to the concerns related to the Lakeview Mountains Policy Area, this new Policy Area indicates that the northeast section of the Area Plan is foreseen to become more urbanized as the remaining agricultural uses fade away. It states, "*The Mid-County Parkway is planned to bisect this area and will direct future development patterns differently*" and "*The Northeast Business Park Overlay is intended to prepare the area for commercial and industrial uses that would serve to provide employment in the area plan.*" In essence, this would create an additional area of intense urbanization with commercial and industrial uses; this is apparently intended to show a job housing balance in order to justify The Villages of Lakeview Specific Plan development for the area. However, in reality, the increase in warehousing and industrial uses offers very little meaningful employment, and would have no real value in terms of a jobs housing balance. Additionally, proposed Policy LNAP 5.2 indicates "*Truck terminals, as well as draying, freight and trucking operations, or other industrial/manufacturing uses which could be expected to generate substantial truck traffic, shall not be allowed.*" Not only is substantial truck traffic not defined, but a lack of truck terminals will not prevent the significant increase in traffic generated by a concentration of warehousing distribution facilities.

14.4

The changes identified above for the Lakeview/Nuevo Area Plan are growth inducing and are sprawling in nature. The proposed Foundation Component land use changes, and Northeast Business Park Policy Area, are centered in an active agricultural area between several pre-existing communities, but not adjacent to any of them. The scope of development that could be allowed with the proposed five year General Plan update, and as was proposed under The Villages of Lakeview Specific Plan, would concentrate more people within this area than the

14.5

entire City of Monterey. This is an area that is completely agricultural, with active farms, ranches and crops, and which is adjacent to a wildlife preserve created by the State. This leapfrog approach to development is incredibly disturbing, as it is an clear example of how the State's limited resources and unique environs are lost to sprawl and farmland conversion. In fact, the proposed update itself is inconsistent with County General Plan Land Use Element Policy LU.2.E, which states - "Concentrate growth near or within existing urban and suburban areas to maintain the rural and open space character of the Riverside County to the greatest extent possible."

14.5
CONT.

The changes contemplated for this Area Plan will result in significant impacts related to aesthetics and loss of valuable scenic resources, conversion of agricultural land, biological impacts, impacts to population and housing, including lack of a jobs/housing balance, as well as impacts to transportation and traffic. The nature and significance of these impacts have previously been outlined in detail in the City's November 13, 2009, comment letter to the County pertaining to the Villages of Lakeview Specific Plan and its EIR (see attachment).

Moreover, in 2006, the County Board of Supervisors approved the Lakeview Nuevo Design Guidelines to ensure the protection of the rural lifestyle of the existing community. With the proposed Policy and Community Foundation Component amendments to the Area Plan, a rural lifestyle is not protected, and instead is replaced by a very urban environment that dramatically changes the character of the area.

Transportation & Traffic

The City of Riverside is concerned that the Project will have unmitigated project impacts on City of Riverside streets. The City of Riverside's Traffic Engineering Division of the Public Works Department reviewed the RDEIR, and offers comments that are in addition to, and supplement, prior traffic comments provided in the City's June 30, 2014 comment letter. Please refer to these comments in Attachment No. 1 - City of Riverside Public Works Department Engineering Traffic Division Comments.

14.6

Other Areas of Concern related to the City of Riverside Sphere of Influence Areas

Aesthetics – The City and County have a Memorandum of Understanding (MOU) regarding projects within the City's Sphere of Influence (SOI), and more recently the County adopted the City's Citywide Design and Sign Guidelines for the Highgrove area. In addition to the basic land use implications of the MOU, there are strong design and development standard considerations that must be addressed. In the past there has been difficulty in getting consistency in design of projects within the City's Sphere of Influence, especially those projects immediately adjacent to the City's boundaries. The Five Year General Plan update needs to establish more succinct parameters for design review procedures when projects are within the City of Riverside SOI, and near City boundaries, and specifically reflect this with a City SOI Policy statement within the proposed updates for the Highgrove Area Plan.

14.7

Land Use Element – The Notice of Preparation for the DEIR referenced a statement that "policies may be added to the Rural Community Foundation Components located within LAFCO-approved city Spheres of Influence (SOI) to address land use designations in order to

14.8

provide cities with greater control over future infrastructure planning within unincorporated areas identified for future city annexations."

14.8
CONT.

As previously stated in City comments on the NOP, and on the initial review of the DEIR, this is absolutely critical. Cities need greater control over land use decisions within their SOI. In fact, that is the basic tenet of the Cities-County MOU. The policies contained within the MOU need to be added as General Plan policies with assurances that they will be followed. These areas need to also be reviewed to add policies that ensure development patterns approved by the County are appropriately mitigated for impacts to adjacent cities. Too often impacts outside of the unincorporated City areas have not been adequately identified and mitigated.

14.9

Thank you in advance for your attention to the City's concerns. The City of Riverside is primarily concerned with deficiencies in the analysis of traffic impacts of the Project, particularly with regard to the Policy Area and Community Foundation component changes proposed for the Lakeview/Nuevo Area Plan. Such impacts must be adequately analyzed, and mitigated as feasible. Please contact Doug Damell, Senior Planner, at (951) 826-5219 or ddarnell@riversideca.gov should you have any questions concerning this matter.

Sincerely,



Jay Eastman, AICP
Principal Planner

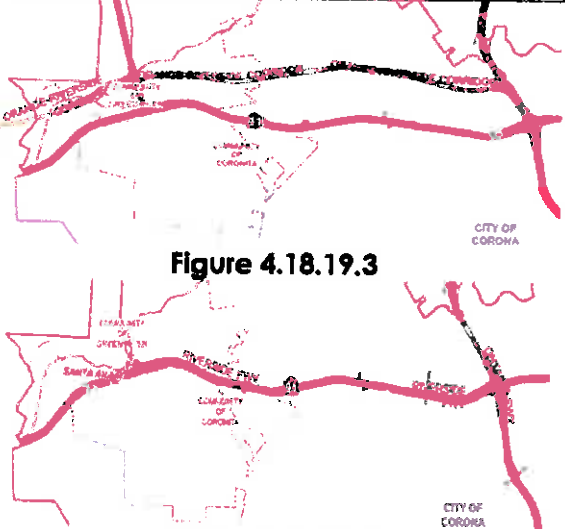
JE/dd

Attachments:

1. City of Riverside Public Works Department Engineering Traffic Division Comments
2. Comment letter dated November 13, 2009 pertaining to the Villages of Lakeview Specific Plan EIR

c: Rusty Bailey, Mayor
Riverside City Council Members
Lee McDougal, Interim City Manager
Al Zelinka, FAICP CMSM, Assistant City Manager
Kristi Smith, Interim City Attorney
Emilio Ramirez, Deputy Community Development Director
Anthony Beaumon, Deputy City Attorney
Tom Boyd, Public Works Director
Steve Weiss, AICP, County of Riverside Planning Director, 4080 Lemon Street, 9th Floor,
Riverside, CA 92502

**City of Riverside Public Works Department Engineering Traffic Division
RDEIR - Supplemental Comments of April 6, 2015**

Transportation and Traffic Initial Comments on DEIR	Comments on RDEIR	
<p>1. Number of lanes shown in modeling data is incorrect (lower) for La Sierra Avenue This lowered capacity can skew modeling results. ADT volumes shown in model figures and Appendix B Level Of Service Tables do not match.</p>	<p>Page 4.18-5 states that different capacity thresholds can be expected between interrupted flow and uninterrupted flow facilities of the same number of lanes. However; City of Riverside Comment 1 is still relevant. The number of lanes coded must remain accurate if capacity thresholds are to have the desired impact. The error in number of lanes is also reflected in Section 4.18 page 4.18-79.</p> <p>Daily Volumes shown in "Appendix B – Baseline to GPA No. 960 Comparison (Arterial Road Network)" remain inconsistent when compared to other figures and tables displayed in the RDEIR (Starting PDF Page 696 of 'EIR Appendices Part 1 Feb 2015'). It appears that the Baseline-Plus Project Daily Volumes were shown in place of the GPA960(Build Out) volumes. The header for these tables should not read 'GPA 960(Build Out)'.</p>	14.10
<p>2. Similar misclassifications of roadways exist elsewhere in the model, including Alessandro Boulevard.</p>	<p>These misclassifications remain in the baseline network and are not shown as an increase in capacity in the GPA 960 network.</p>	14.11
<p>3. Noted that Section 4.18 of the DEIR proposed to adjust Level of Service thresholds.</p>	<p>No further comment.</p>	14.12
<p>4. Noted that Policy C 7.6 supported the deletion of the Orange-Riverside Corridor. Noted that an increase in capacity on SR 91 was not a sufficient solution to improve operations between Orange and Riverside counties.</p>	<div style="text-align: center;">  <p>Figure 4.18.19.3</p> <p>Figure 4.18.25.3</p> </div> <p>Language regarding Policy C 7.6 should be expanded upon to detail alternatives to the Orange-Riverside Corridor. The</p>	14.13

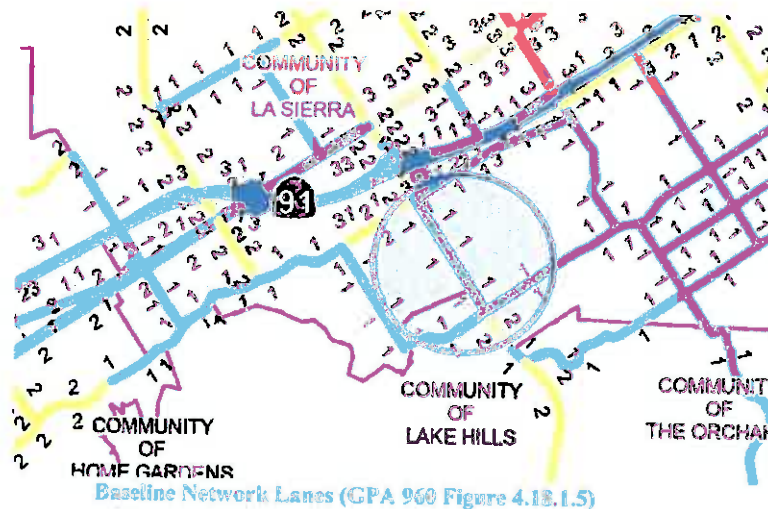
RDEIR alludes to "a wide variety of highway and transit options" that would help draw demand from SR-91. Current capacity enhancements to SR-91 will not be sufficient to address demand.

↑
14.13
CONT.

**City of Riverside Public Works Department Engineering Traffic Division
DEIR Comments of June 30, 2014**

1. The Proposed Network's Circulation Element reclassifies Cajalco Road from an Arterial to an Expressway. It is anticipated that this proposed facility will increase daily volumes along Las Sierra Avenue. Appendix B- 'Baseline to GPA No. 960 Comparison' makes reference to La Sierra Avenue but incorrectly characterizes both the geometry and daily volumes of the roadway.

La Sierra Avenue between Victoria Avenue and Indiana Avenue is shown as a 2 lane street (1 lane/direction) in both the Baseline and GPA960 Buildout Scenarios. This segment of roadway is primarily a 6 lane street (3 lanes/direction), with a small 4 lane segment (2 lanes/direction) between Arizona Avenue and Victoria Avenue. This incorrect classification can be found both in Appendix B of the EIR and in Appendix E's Figure 4.18.1.5 shown below.

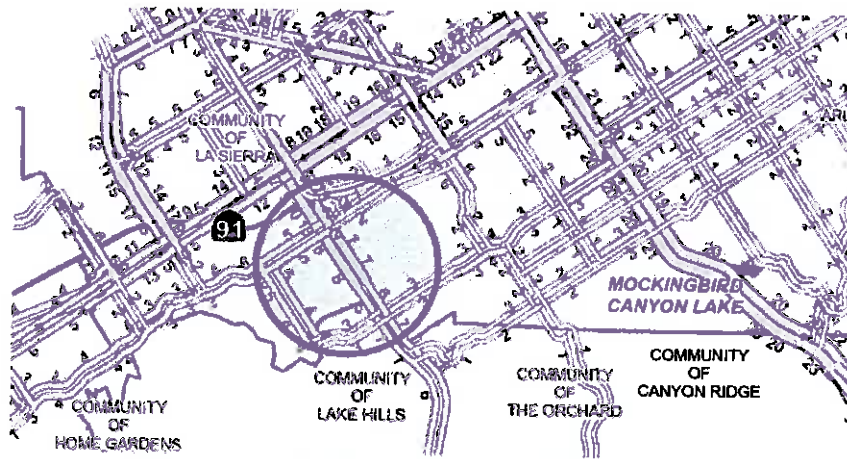


14.14

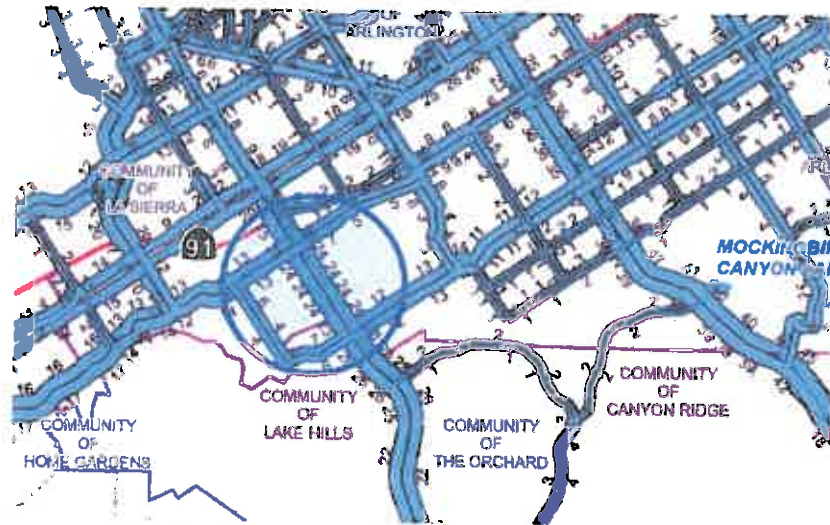
The incorrect modeling of this segment can result in lower daily volumes, as the model will seek larger facilities to assign trips to. City traffic counts dated Sep. 2003 reflect a measured ADT of 25,457 veh/day between Victoria Avenue and Arizona Avenue – this is significantly higher than the daily volumes of 13,800 for the Baseline Scenario shown in Appendix B, and the 17,800 for the GPA960 Buildout Scenario.

Volumes shown in relevant report figures do not match those reported in the Appendix B LOS tables. The segment of La Sierra Avenue in question shows 15,000 vehicles/day in the Baseline Scenario Figure 4.18.4.5 and 48,000 vehicles/day in GPA960 Buildout Arterial Network Figure 4.18.26.5.





Daily Directional Baseline Volumes (GPA 960 Figure 4.18.4.5)



Daily Directional Volumes Buildout (GPA 960 Figure 4.18.26.5)

14.14
CONT.

The modeled volume along La Sierra Avenue is unclear based on the information provided in the EIR appendices.

2. Similar misclassifications occur elsewhere in the model; notably Alessandra Boulevard between Trautwein Road and Arlington Ave-Chicago Ave is shown as a 4 lane arterial (2 lanes/direction). While the westbound approach at the intersection of Alessandra Boulevard & Chicago Avenue includes a trap lane into a dual left turn pocket, the eastbound approach and remainder of intersections along the segment in question include the full 3 through lanes/direction and should be modeled as such.

14.15

Inaccurate baseline modeling results in an improper characterization of projected volumes and levels of service. These smaller cross sections were compared to baseline data to generate levels of service – which has the potential for showing existing deficiencies where there may be none, and

no change in deficiencies between the baseline & proposed scenarios where there may be change.

It is not possible to adequately assess the impact of GPA960 on the City of Riverside without first having on accurate travel demand model.

3. Section 4.18 of the EIR proposes that the target Level of Service (LOS) should be adjusted to 'LOS D'. This is compliant with thresholds already established in Policy CCM-2.3 the City's General Plan: "Maintain LOS D or better on Arterial Streets wherever possible. At key locations, such as City Arterials that are used by regional freeway bypass traffic and at heavily traveled freeway interchanges, allow LOS E at peak hours as the acceptable standard on a case-by-case basis."
4. The updated general plan omits the previously proposed (2003 General Plan) Orange-Riverside Corridor as an alternative link between Riverside County and Orange County to mitigate congestion along SR 91. This removal is not noted in Figure 4.18.23.3 as a proposed deletion.



Orange-Riverside Corridor not shown in Proposed Changes (GPA 960 4.18.23.3)

The Transportation and Circulation EIR element states, "**Policy C 7.6:** The current policy supports the development of an internal East-West CETAP Corridor with a new Orange County CETAP connection. The CETAP Corridor project falls under the authority of the RCTC. The RCTC has placed planning efforts for this future facility on hold and is currently exploring a wide variety of highway and transit options in order to increase capacity to accommodate the travel demand between Riverside and Orange County. It is also proposed that this corridor be removed from the Circulation Element, Figure C-1 of the proposed

14.15
CONT.
14.16
14.17

General Plan (GPA No. 960). The policy as revised continues to support major capacity enhancements to SR-91."

Changes to the policy read as such, "**Policy C 7.6: Support the development of a new internal East West CETAP Corridor in conjunction with a new Orange County CETAP connection. Such corridor(s) would be constructed simultaneously to avoid further congestion on the I-15 Freeway. Or, in the alternative, the East West Corridor would be constructed simultaneously with major capacity enhancements on the State Route 91, between Pierce St the counties of Riverside and the Orange County line, and the capacity improvement of the 15 (north) to westbound 91 overpass.**"

Simply increasing the capacity of SR91 is not an adequate solution, as latent demand and the limitations of merge/diverge segments at ramp facilities will cause an expanded 91 to quickly deteriorate in Level of Service. The proposed Cajalco expressway is shown as terminating at the intersection with the 15 Freeway. Motorists using Cajalco as an alternative to SR 91 through Riverside would cause performance of the already impacted NB 15 to WB 91 ramp facility to deteriorate, while traffic operations along the 91 through Corona would remain deficient. RCTC's study of transit options should be pursued in conjunction with implementation of an Orange-Riverside Corridor.



14.17
CONT.



Office of the
City Attorney

November 13, 2009

Matt Straite
Project Planner
County of Riverside Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92502-1409

Subject: Villages of Lakeview Specific Plan No. 342; Our File No: 09-2332

Dear Mr. Straite:

Thank you for the opportunity to review the Villages of Lakeview Specific Plan (the "Project") and its environmental impact report ("EIR"). Having reviewed the Project, the City of Riverside (the "City") is concerned that the Project will have unmitigated traffic impacts on certain City streets.

The City's traffic engineers reviewed the EIR and found that:

- With a trip generation of 85,021 daily trips at buildout with 5,520 AM trips and 7,766 PM trips, the Project is regionally significant. It has medium- to high-density residential units with 400,000 square feet of retail and 100,000 square feet of office. This lends itself to high commuter activity to employment areas outside of the Project. The Project is definitely a Project of regional significance.
- The Riverside County TIA guidelines are intended to be used for traffic study areas where there are 50 or more new trips in the peak hour, but not exceeding a 5 mile radius from the source. The TIA guideline is based on smaller projects, of less significance, than this Project. By relying upon an inappropriate guideline, the EIR has ignored impacts on the regional arterial transportation system.
- One example of a regional impact is that vehicles entering the NB I-215 mainstream from Ramona Expressway (predicted to operate at a LOS of F) will find the "path of least resistance" and exit the freeway on nearby City arterials such as Van Buren and Alessandro Boulevards. At buildout, the Project will add 1,146 vehicles entering NB I-215 in the AM peak traffic time.



- There are still over 900 vehicle trips being generated at a point 5 miles from the Project limit, showing that the traffic impacts analytical area was impermissibly constrained and inaccurate. The more than 30,000 Project residents will behave exactly as do the residents of nearby Temecula, Murrieta, Lake Elsinore, Menifee, Perris, and Moreno Valley. They will add to the existing overload on the I-215, north and south. They will also work their way to the I-15 by the Ramona Expressway, to the SR-91 by Alessandro and Van Buren Boulevards, into and through the City of Riverside and adjacent areas. Those driving to Orange and Los Angeles Counties for work will conflict with the existing traffic nightmare at the I-15/SR91 interchange, which is literally stop-and-go traffic during rush hours. While the Project assumed without any evidence that the Project residents would find work within a 20-mile radius, the facts show that nobody else living in the area has done so. The Project residents will face, and add to, the worst commutes in the region.
- Because the Project will cause so many long-distance commutes, the traffic analysis must address the I-215, SR-91, I-15, their respective interchanges, and major thoroughfares linking the Project to freeways, such as Alessandro and Van Buren Boulevards.
- Paying TUMF fees is not mitigation in satisfaction of CEQA; the TUMF projects can occur anywhere at anytime and are not sufficiently related to the impacts to mitigate them.

The City's Planning Department observed the following problems with the EIR:

- Significant, unmitigated impacts to aesthetics are inappropriate, because impacts to aesthetics can, in most cases, be mitigated through careful design, a less intense development, greater setback buffers and more preservation of existing agricultural land. The fact that unmitigated aesthetics impacts remain shows that such an intense urban development in this rural location is inappropriate given the valuable scenic resources that will be affected including hundreds of acres of agricultural land that will be urbanized, the Lakeview Mountains, as well as the San Jacinto Wildlife Area and the Bernasconi Hills. In 2006, the County Board of Supervisors approved the Lakeview Nuevo Design Guidelines to ensure the protection of the rural lifestyle of the existing community. With the Project, a rural lifestyle is not protected and instead is replaced by a very urban environment dramatically changing the character of the area.
- The Project has excessive impacts to agricultural resources. It converts 1,236 acres of designated farmland, nearly half of the entire 2,800-acre Project site, to non-agricultural uses. This includes approximately 950 acres of row-crop agriculture, an approximately 150-acre thoroughbred horse farm, and the 89-acre chicken ranch. As a result, the Project will effectively transform a predominantly rural area to predominantly urban area with the Specific Plan. The mitigation measures (MM AG 1, 2, & 3) are inadequate, and will not preserve the existing agricultural land in the area or retain the existing rural character of the area. Instead, the Project will greatly

impact the viability of adjacent agricultural lands and accelerate the conversion of such lands to urban uses.

- MM AG 1 only addresses compatibility issues by requiring a 300-foot buffer between development and existing active agricultural uses of an offensive nature (i.e. the existing chicken farm). It does not serve to protect or preserve farmland.
- MM AG 2 requires the Master Developer to establish a conservation easement on 100 acres within five miles of the Project site to be recorded on or before the issuance of the 1,500th building permit. The required easement (under California Civil Code 815.1) does not ensure actual preservation agricultural land, but only requires that the agricultural productivity of the land is not significantly impaired by the use allowed under this provision. Even with this mitigation, the Project remains inconsistent with the state Department of Conservation's Declarations under the California Land Conservation Act (Government Code § 51220) where the Legislature found: (a) That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation. ... (d) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments. (e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.
- The Project is not consistent with Riverside County General Plan Land Use Policy No. LU.2.E because it does not "Concentrate growth near or within existing urban and suburban areas to maintain the rural and open space character of Riverside County to the greatest extent possible." Under the current General Plan growth is concentrated west of the Project site, and does maintain the rural and open space character of Riverside County. The Project serves to expand the growth (effectively promoting sprawl) so that rural and open space character of the area will be lost.
- The Project is not consistent with Land Use Policy LU 10.1 because it will not "Provide sufficient commercial and industrial development opportunities in order to increase local employment levels and thereby minimize long-distance commuting." The Project itself will provide employment opportunities for residents but these will consist of low income retail jobs because the Project is situated in a rural area, outside of an existing urban core, the number of available jobs in the area is limited. Although the Project will increase local employment opportunities consisting of lower income retail jobs, most residents of the Project will need to commute

substantial distances outside of the community for quality jobs that provide good incomes.

- The Project is inconsistent with Policies LU 16.1, 16.2, and 16.4 because it does not “Encourage conservation of agriculturally designated land, agricultural uses of an industrial nature, and productive agricultural lands and prime agricultural lands for high-value crop production.” The Project does not accommodate the conservation on-site of any of the existing agricultural uses. The minimal mitigation the Project proposes for loss of agricultural land (e.g. MM AG 3 requiring the creation of a community garden) will not have absolutely no effect whatsoever in terms of conserving agriculture land.
- The Project is inconsistent with Policy LU 17.3 which endeavors to “Ensure that development does not adversely impact the open space and rural character of the surrounding area.” A plan for an urban development that will add over 34,000 people into the area will dramatically change the open space and rural character of surrounding the area, including the San Jacinto Wildlife Area. The character will change dramatically not only in terms of the physical landscape, but also in terms of noise, air quality, light and glare, and traffic. The combined effect of all these things associated with placing a development, that is equivalent to or greater than the population of many Southern California cities, at this location, is the ultimate eradication of the rural area. The Project will promote the ultimate sprawl of suburban development within the entire area extending from the City of Perris to the City of San Jacinto.
- The Project is inconsistent with Policy LNAP 8.2 which aims “to maintain the County’s roadway Level of Service standards as described in the Level of Service section of the General Plan Circulation Element.” As described in detail in Section 5.14 of this DEIR, both temporary and buildout levels of service may not meet County standards.
- The Project will cumulatively exceed regional and local population projections resulting in a significant and unavoidable impact to population and housing including the RCIP General Plan population projections and, by extension, the SCAG forecasts. The Project will generate 42.3 percent of the population projected for the Area Plan whereas the Project area was previously anticipated to only generate 4.9 percent of the population. The difference between the anticipated population and the proposed population is over an 850 percent increase. If the Area Plan’s projected population of 80,602 is adjusted for the Project, it will increase the population to 110,822 people, which is a 27.27 percent increase from the Project alone.
- The Project also includes the construction of on- and off-site improvements, such as roads, water and sewer infrastructures that will provide access and utilities to surrounding properties and support increased future development in the area. These improvements will have an indirect impact to population growth by extending and/or

increasing capacity of the existing roadways thus eliminate one of the constraints to growth in the area.

- The Alternatives Analysis considered a number of alternative sites for the Project, all of which were rejected. However, one site, consisting of land located south and west of the Villages of San Jacinto and Gateway projects in the city of San Jacinto was considered to be of sufficient size and having similar characteristics and constraints as the Project site. Yet this site was ruled out as a viable alternative. In considering the potential impacts of this alternative site, the EIR provides no discussion of impacts to land use. Given the significance of impacts to land use and the numerous conflicts with Land Use Policies of the County General Plan as a result of the Project, the EIR failed to evaluate whether the alternative site would or would not result in lesser impacts with respect to land use. It makes no mention as to whether current land use policies applicable to the alternative location intend to preserve a rural agricultural character or whether they would encourage the conversion of agriculture to urban development potentially resulting a less than significant impact on land use. Without further discussion in this regard, the EIR does not adequately consider this site as possible alternative. Further, the analysis of this alternative fails to indicate that this alternative site does not abut a significant wildlife area as does the Project site, but instead would be primarily surrounded by existing or proposed urban development as illustrated in Figure 8-1 of the EIR. The alternatives analysis of an EIR should focus on those alternatives that avoid or substantially lessen one or more significant environmental impacts of the Project and generally meet Project objectives. As such, the San Jacinto Alternative location alternative needs to be analyzed further as this site could meet the Project objectives with potentially less significant impacts, particularly impacts to land use.
- The County Planning Commission expressed concerns regarding jobs provided within the Project. The Project fails to promote a jobs housing balance within the region and, in fact, serves to be contradictory to such goals by establishing a dense community with an ultimate population of over 34,000 (a population greater than that of many California cities) within a rural area. The jobs housing study prepared for the Project assumes that adequate jobs will be within a reasonable commute distance from the Project site (a 20 mile radius). The 20-mile radius assumes most jobs will be provided in the Riverside, Perris or areas to the south along the I-215, such as Murrieta (areas which are struggling to achieve their own jobs housing balance). Due to the location, many people will be required to commute substantially greater distances to higher paying, good jobs. The October 21st Planning Commission Staff Report, indicates that the applicant is preparing an exhibit specific locations of the jobs noted in the study. As such, the study is still incomplete and has not provided the necessary information to support its conclusions.
- In a jobs-poor region, there is no foundation to presume that the future Project residents will find employment within 20 miles. In fact, that it so clearly inaccurate and erroneous, as to be beyond agency discretion in its adoption. An October 29,

newspaper article (attached) showed that Lake Elsinore residents have the worst commute in the area – despite their proximity to the I-15 freeway. (Article available online from the Press-Enterprise at http://www.pe.com/localnews/transportation/stories/PE_News_Local_S_LeCommute29.41b0ff0.html.) Lake Elsinore is only a few miles from the Project. If Lake Elsinore residents have the longest commute in the area, Project residents will face a similar burden. There is no evidence to the contrary.

- It was previously asserted by County staff that a jobs-housing balance may not play a larger role in the total vehicle miles traveled (VMT) by a household. As indicated by the County Planning Commission on September 16, 2009, a jobs-housing balance contributes to much more than VMT's. The October 21st staff report contends that general design, standards, and mitigation measures serve to provide the benefits offered by a jobs-housing balance. This is misleading and, in fact, these elements have nothing to do with achieving a jobs-housing balance (i.e. locating housing in proximity to good, high paying jobs).
- No transit facilities exist to serve the Project. This means commutes to areas of employment located a substantial distance from the community will be vehicle commutes. The October 21, 2009 staff report indicates that once a community gains the right number of possible bus riders, the Riverside Transit Authority (RTA) will try some routes to test ridership levels. At this time it is still not known, and the report gives no indication of what the right number of possible bus riders are. Based on this there is no certainty that there will be any provision of transit for the development.
- With respect to rail transit facilities, the Project implies that the future Perris Valley Line - Metrolink extension with a station in the City of Perris will serve the transit needs of the proposed development. The Perris Valley Line is still in the planning stages and still requires public review of an Environmental Impact Report. It is premature to assume that the Perris Valley Line and the Perris Station will be available to serve this Project.
- The Project is inconsistent with SB 375. The whole point of SB 375 is to reduce the environmental impacts from sprawl and the excessive driving that ensues. This Project, however, by creating a small city in the middle of agricultural land, next to a nature reserve, depending upon new and expanded highways to support it, and away from any alternate transportation, is the definition of sprawl.
- The FEIR states that "SB 375 provides a path for better planning by providing incentives to locate housing developments closer to where people work and go to school, allowing them to reduce vehicle miles traveled (VMT) every year." (FEIR p. 5.3-33.) However, the Project assumes without any facts or evidence that jobs for project residents will appear within a 20-mile radius. Knowing that there are no jobs

in the region, this Project is *farther* from where people work and attend school, *increasing* the miles travelled. The Project is the opposite of SB 375.

- At this time, planners from western Riverside County cities as well as planners from the County are working to put together the base data to begin the SB 375 process with the Southern California Association of Governments (SCAG) to complete the Sustainable Community Strategy (SCS) as required by SB 375 by 2012. The SCS will link the cities' and County general plans with transportation and housing plans to reduce vehicle miles traveled and thereby reduce greenhouse gas emissions. *The goal is to keep development at the urban core*, to reduce vehicle miles traveled and encourage alternative modes of transportation (e.g., bus rapid transit, Metrolink); not to build suburban projects in rural areas - like the Project site - where infrastructure is lacking.

Thank you in advance for your attention to our concerns. The City of Riverside is primarily concerned with the traffic impacts from this Project, and the constrained, inadequate traffic analysis. The Project traffic impacts go far beyond the Project and its 5-mile radius; they must be adequately analyzed, and mitigated as feasible. The City of Riverside also shares the concerns expressed by the California Department of Fish and Game and others, which generally show that the Project is poorly-sited and not needed, and that the program/project level of analysis is uncertain and impermissible.

Respectfully Submitted,



Gregory P. Priamos
City Attorney

GPP/ALB/jw

Attachment

c: ✓ Bradley J. Hudson, City Manager
Ken Gutierrez, Planning Director

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Lake Elsinore residents have worst commutes

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10:00 PM PDT on Wednesday, October 28, 2009

By DUG BEGLEY
The Press-Enterprise

Mary Masters gets up at 5 a.m. to drive from Lake Elsinore to Westminster for work. The Census Bureau didn't need to tell her the western Riverside County city she calls home has a terrible commute.

Lake Elsinore, between Corona and Temecula, has the region's longest commute, according to data released Tuesday by the Census Bureau that annually tracks social and employment trends. Lake Elsinore residents on average drive 41.8 minutes to work in each direction.

For some like Masters, it is a choice they begrudgingly make.

"You have to have an open mind," Masters said. "If you like living out there, you're going to do it, and I love living out there."

But some Lake Elsinore commuters said the lack of good jobs in western Riverside County makes it impossible for them to work closer to home.

"If anybody is looking for a way to make commuting better, luring something other than health care and construction jobs to Riverside County would be a start," said Don Burnside, who works in online sales in Ontario.

Burnside and others said they have to commute because skilled jobs aren't available closer to home, and the only way to make a living wage is to travel to Orange, Los Angeles and San Diego counties.

"The alternative is unemployment," said Olivia Edwards. "What would you do?"

Lake Elsinore appeals to commuters heading a variety of directions, said Bob Magee, the town's mayor.

"We are approximately 70 miles from both downtown San Diego and downtown Los Angeles, making both destinations a possibility for commuters," Magee said.

But bottlenecks surround Lake Elsinore. Commuters traveling north flow right into Corona and the Highway 91/Interstate 15 congestion. Those going south often come to a stop where I-15 and Interstate 215 converge.

Getting to work on time for many in Lake Elsinore means commuters either leave early or shell out more money to use toll lanes in Orange County.

Angie Virden said she can shave an hour off her commute to Irvine each way by using tolls and spending \$8 daily, or she can sit and save her cash.

Officials plan to add toll lanes to both Interstate 15 and Highway 91 in the next decade. But some of those

projects are intended to keep people from having to commute long distances.

"We will make the region more attractive to potential employers, which will in turn provide people with more opportunity to work closer to home and further shorten their commutes," said John Standiford, deputy director of the county transportation commission.

Staff writer Aaron Burgin contributed to this report.

Reach Dug Begley at 951-368-9475 or dbegley@PE.com

More Info

For detailed information on commute times and other information released by the U.S. Census Bureau on Tuesday, go to:

www.census.gov

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Comment Letter No. 14: City of Riverside

- Comment 14.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 14.2** This comment is duly noted. This comment provides general introductory and background information pertaining to the Lakeview-Nuevo Area Plan (LNAP) and the Villages of Lakeview project, which is a separate project from GPA No. 960. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 14.3** This comment pertains to the LNAP section of the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 14.4** The County appreciates and values your comments during the General Plan Update and EIR process. This comment pertains to the LNAP section of the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 14.5** The Commenter notes concerns about the Villages of Lakeview Project and proposed land use changes within the LNAP. The Villages of Lakeview is a specific plan project that is separate from the General Plan. This project had to go through independent environmental review and is not included in the General Plan or General Plan EIR. However, in regards to concerns related to potential impacts associated with increased development within the LNAP, the County has added a small increase in development within the LNAP, with an increased population of approximately 3,000 residents compared to the 2003 General Plan (82,095 in the 2003 General Plan to 85,601 in GPA No. 960). This is an increase of approximately 4 percent. The majority of these houses will be large lot, rural residential homes. In order to provide increased job opportunities within the LNAP, the County has also proposed the Northeast Business Park Overlay. This area is intended to provide opportunities for commercial uses to be accommodated within the Area Plan to serve both the residents and

the agricultural operations within the area. The development of both new residential units and commercial uses will not be of a scale of the population of a new city (as stated within the commenter’s reference to the population of Monterey).

In regards to impacts that may potentially result from this potential increase in development within the LNAP, aesthetics, agriculture, biological resources, jobs-housing-balance, population and housing, and traffic have all been thoroughly analyzed within the respective EIR sections. Furthermore, this impacts will also be evaluated during future project-level environmental review processes.

Comment 14.6 This comment expresses concern that the Project will have inadequately mitigated impacts to the streets of the City of Riverside. The County of Riverside Board of Supervisors and the city councils of the cities of western Riverside County have enacted the Transportation Uniform Mitigation Fee (TUMF) to fund the mitigation of cumulative regional transportation impacts resulting from future development. The mitigation fees collected through the TUMF program are utilized to complete transportation system capital improvements necessary to meet the increased travel demand and to sustain current traffic levels of service. The TUMF program was developed with the specific intent to mitigate regional traffic impacts such as those expressed by the City. Beyond mitigation fees, GPA No. 960 also proposed reduced intensity land uses, which in turn will result in a net reduction of local and regional trips.

Comment 14.7 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 14.8 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 14.9 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides a summary of the comments provided in the letter and serves as a conclusion to the letter.

Additionally, the County of Riverside has received the attached Comment Letter dated November 13, 2009 pertaining to the Villages of Lakeview Specific Plan and Press Enterprise news article. As such, the letter pertains to the LNAP section of the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. Again, the Villages of Lakeview Specific Plan is a separate

project from GPA No. 960. The attachments do not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 14.10 This comment notes differences in the ADT volumes presented Draft EIR No. 521 Table 4.18-T versus the volumes presented in Appendix EIR-4: Traffic Study (Section B- Level of Service Baseline-Plus Data) and expresses particular concern regarding La Sierra Avenue.

We thank you for pointing out this discrepancy. While the Title Sheet and the initial table label on the first page of Appendix B both correctly identify the data as being a comparison of the Baseline and Baseline Plus Project data, the data in the right-hand columns of the table is incorrectly labeled “GPA 960 (Buildout).” This discrepancy has been corrected, as noted below and in the EIR Errata.

Appendix EIR-4: Traffic Study (Section B- Level of Service Baseline-Plus Data)

~~“GPA 960 (Buildout) Baseline Plus Project”~~

Comment 14.11 This comment notes similar differences in the ADT volumes presented EIR Table 4.18-T versus the volumes presented in Appendix EIR-4: Traffic Study (Section B- Level of Service Baseline-Plus Data) with respect to Alessandro Boulevard and other unnamed locations. As noted in Response 14.10 above, this labeling error has been corrected.

Comment 14.12 This comment notes that Section 4.18, Transportation and Circulation, of the Draft EIR proposes to adjust LOS thresholds, but presents no further comment. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted.

Comment 14.13 This comments notes revisions to Policy C 7.6 regarding the Orange County CETAP Connector and suggests the insertion of additional language to detail alternative considerations. As Draft EIR No. 521 explains on page 4.18-30, this facility falls under the jurisdiction of the Riverside County Transportation Commission (RCTC), which is exploring a broad variety of options. The County of Riverside supports the RCTC in these efforts. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. Also, refer to the responses to comment letter 14, which address CETAP Corridors.

Comment 14.14 This comment pertains to the classification of Cajalco Road and the potential to increase traffic volumes on La Sierra Avenue in the City of Riverside as a result, coupled with concern over the traffic model network assumptions for La Sierra Avenue.

Regarding the classification of Cajalco Road, Cajalco Road is currently designated as an Expressway and retains this designation in GPA No. 960. However, GPA No. 960 proposes to change the alignment of Cajalco Road. While the current General Plan indicates a new alignment somewhat southerly of existing Cajalco Road, GPA No. 960 moves the proposed route proposed by GPA No. 960 to be more approximate to the current alignment. Even so, the route proposed by GPA No. 960 will be adjusted during the design and construction phase to correct deficiencies in both the vertical and horizontal alignment of the existing roadway. There is no direct connection from the Cajalco Expressway via a General Plan roadway to La Sierra Avenue. The direct connectors to La Sierra Avenue are El Sobrante Road (Arterial) and Eagle Valley Parkway (Mountain Arterial), both currently designated as an East-West CETAP Corridor which is proposed to be removed. The segment of La Sierra within the County's jurisdiction retains its current designation as a four-lane Arterial.

It should be noted that Figure C-1 (Circulation Plan) as presented in in GPA No. 960 does not correctly represent the planned circulation system in this area and has been corrected. Refer to the General Plan Errata document.

This comment also notes that the Baseline network indicates a two-lane roadway, one lane in each direction, for La Sierra Avenue. The Riverside County Transportation Analysis Model (RIVTAM) used to analyze the traffic impacts associated with GPA No. 960 was developed under contract to the Riverside County Transportation Department in support of travel forecasting needs of the various agencies and jurisdictions of Riverside County. These include the Riverside County Transportation and Land Management Agency (RCTLMA), Riverside County Transportation Commission (RCTC), Coachella Valley Association of Governments (CVAG), Western Riverside Council of Governments (WRCOG), and the County's various cities and towns. The model uses the Southern California Association of Governments' (SCAG) 2008 RTP Model structure, equations, coefficients and algorithms as the base, and then runs these through the SCAG model module sequence, using the SCAG 4,092 zone system and networks, rather than the RIVTAM 5,616 zone system and networks.

The base year used for model validation was 2007. Thus, the baseline data as transferred from the SCAG RTP model is reflective of 2007 or earlier conditions. The two-lane designation in the baseline network is consistent with the pre-widening conditions which existed on La Sierra Avenue.

Comment 14.15 This comment presents additional concerns with respect to traffic model network misclassifications, particularly with respect to Alessandro Boulevard. As noted in Response 14.14, above, the modeling data reflects the earlier pre-widening condition of Alessandro Boulevard. As also noted, the RIVTAM Model was developed under contract to the Riverside County Transportation Department in support of travel forecasting needs of the various agencies and jurisdictions of Riverside County, the Riverside County Transportation and Land Management Agency (RCTLMA), Riverside County Transportation Commission (RCTC), Coachella Valley Association of Governments (CVAG), Western Riverside Council of

Governments (WRCOG), and the County's various cities and towns. Thus, the model has received extensive review prior to being utilized for this effort. The points raised by this comment do not represent any significant flaw in the methodology and would not significantly alter the model results.

Comment 14.16 This comment notes that the proposed change in the target LOS to "D" is compliant with the City of Riverside's General Plan. This comment is duly noted. The County appreciates and values your comments. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 14.17 This comment suggests that Appendix EIR-4 Section E: Figures for EIR Section 4.18, Figure 4.18.23.3 (Temescal Canyon Area Plan GPA 960- Circulation Element Proposed Changes) fails to indicate the removal of the Orange-Riverside County Connection from the County's Circulation Plan. The current General Plan exhibit does not include a corridor designation for this connection, and instead contains a note that the precise location has yet to be determined. While the note has been removed from Figure C-1 (Circulation Plan), GPA No. 960 includes an extensive discussion of the current status of each of the CETAP corridors and includes Circulation Policies C 7.1 through C 7.9 which address provisions for the CETAP corridors. Refer to response letter 17, which also addresses CETAP Corridors. The County thanks you for your participation in the General Plan Update and EIR Process. No further response is warranted.

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Lovelady, Kristi

From: Valle, Joan <jvalle@rcflood.org>
Sent: Monday, April 06, 2015 5:58 PM
To: Lovelady, Kristi
Cc: Flanigan, Kris
Subject: RCIP GP EIR comments from RCFCWCD



ADMINISTRATIVE
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Hello,
The following are our comments on the recirculated DEIR for the Riverside County General Plan DEIR (Volume One Part Two, pages 480-560):

- 1. The Construction General Permit has been amended twice since the 2009-0009DWQ (2010-0014-DWQ and 2012-0006-DWQ) and will be revised again since it expired July 17, 2012. Therefore, please revise the text on Page 4.19-263 as follows:

15.1

“Under the General Permit for Storm Water Discharges associated with Construction activities, Order No. 2009-0009-DWQ or current order or an individual permit for the construction activity.”

- 2. Page 4.19-272 first paragraph of section 2 should be revised to say *“The District encompasses 2700 square miles...”*

15.2

Please contact me or Kris Flanigan at 951-955-1200 if you have any questions.

Thank you,
Joan

Joan Valle
Associate Engineer
Riverside County Flood Control
& Water Conservation District

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Comment Letter No. 15: Riverside County Flood Control and Water Conservation District

Comment 15.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment is duly noted. The requested additional language has been incorporated into the Final EIR and is noted in the Errata section of the Final EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-263

“Among other things, the State Board oversees construction runoff control for projects disturbing 1 acre or more (or less than 1 acre, if part of a larger common plan of development or sale) and requires coverage under the General Permit for Storm Water Discharges Associated with Construction Activities, Order No. 2009-0009-DWQ *or current order* or an individual permit for the construction activity.”

Comment 15.2 This comment is duly noted. The requested additional language has been incorporated into the EIR and is noted in the Errata section of the EIR document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.19-272

“The District encompasses 2,700 *square* miles of western Riverside County and extends easterly into the Coachella Valley to include the cities of Palm Springs, Cathedral City and Desert Hot Springs.”

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SCOTT BANGLE Parks Director/General Manager
KYLE BROWN Chief - Parks & Recreation
KEITH HERRON Chief - Resources & Planning
BRANDE HUNE Chief - Business Operations

Riverside County Regional Park and Open-Space District

Date: March 4, 2015

County of Riverside
TLMA Planning Department
Attn: Kristi Lovelady
4080 Lemon Street, 12th Floor
Riverside, CA 92501



RE: Environmental Impact Report (EIR) for GPA00960

Thank you for the opportunity to comment on the above referenced project. After reviewing the project the Riverside County Regional Park and Open Space District has several questions and/or comments. Please see the following: I 16.1

- C-45 C 16.7 c. Is there a standard to design to prevent vandalism? I 16.2
- C-46 C 16.7 i. Cross out "...with high amounts of traffic" Trail sign should be posted regardless of high or low amount of traffic. I 16.3
- C-47 C 16.8 Cross out "...from road traffic, in order to adequately provide..." I 16.4
- C-49 C 18.1 e "...purchasing homes at the end of streets, constructing the connections, and reselling the homes." Who will do this? I 16.5
- C-50 C 18.2 e & f Does this refer to the new trail design guidelines? I 16.6

If you have any questions, please do not hesitate to contact me at (951) 955-6998 or email me at hpkang@rivcoparks.org. I 16.7

Sincerely,

H. P. Kang
Project Planner for Parks

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Comment Letter No. 16: Riverside County Regional Parks and Open Space District

Comment 16.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 16.2 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 16.3 This comment is duly noted, and Policy C 16.7 has been amended as requested. The updated text is reflected below and in the Errata of the General Plan Document.

Page C-46:

~~g-~~ Install warning signs indicating the presence of a trail at locations where regional or community trails cross public roads ~~with high amounts of traffic~~. *Design and build trail crossings at intersections with proper signs, signals, pavement markings, crossing islands, and curb extensions to ensure safe crossings by users. Install trail crossing signs at the intersections of trail crossings with public roads to ensure safe crossings by users.*

Comment 16.4 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 16.5 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 16.6 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no

further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 16.7 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.



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Riverside County Transportation Commission

April 3, 2015

Ms. Kristi Lovelady
Transportation and Land Management Agency
Planning Department
County of Riverside
4080 Lemon Street, 12th Floor
Riverside, CA 92501



Subject: GPA No. 960/Draft Environmental Impact Report No. 521 Comments

Dear Ms. Lovelady: *Kristi*

The Riverside County Transportation Commission (Commission) appreciates the opportunity to review and comment on the County of Riverside's (County) General Plan Amendment (GPA) Draft Environmental Impact Report (DEIR). Producing a County GPA is a complex process that identifies goals, policies, and strategies that address various elements such as the multimodal system, economic viability, land use, population growth, etc. This effort will guide and implement the County's vision through 2035 and beyond. This is a difficult task and the Commission commends the County's efforts in revising and recirculating the DEIR for public comment.

17.1

As you are aware, the Commission studied several corridors throughout Western Riverside County under the Community and Environmental Transportation and Acceptability Process (CETAP). CETAP corridors were identified and included in the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainability Communities Strategy (RTP/SCS).

The descriptions of the corridors in the current 2012 RTP/SCS and developing 2016 RTP/SCS are as follows:

CETAP Corridor A – (Unconstrained/Strategic Plan)

CETAP – Riverside to Orange County: Construct new inter-county transportation Corridor A - 2 toll each direction on new facility parallel to SR-91 from SR-241 to I-15, with IC at SR-241, SR-71, and I-15.

17.2

CETAP Corridor B – (Unconstrained/Strategic Plan)

Irvine to Corona Expressway from SR-133/SR-241 in Orange County to I-15 in Riverside: Tunnel (Corridor B).

CETAP West – (Constrained Plan)

CETAP Corridor East–West from I-15 to I-215: Provide new East-West Transportation Corridor between I-15 in the west and I-215 in the east, south of Lake Mathews in the north and SR-74 in the south.

Unconstrained or strategic plan projects are projects that currently do not have an identified funding source(s) and are typically conceptual and require funding above and beyond revenue forecasts. Strategic plan projects also require preliminary feasibility studies to determine alignments, scope, and constructability. Constrained projects are projects that can be funded given reasonable availability of future funding. Project alignments or scope may also be adequately developed to be included in the transportation model for the RTP/SCS.

17.3

Ms. Kristi Lovelady
Page 2
April 3, 2015

I would also like to provide additional background information on the CETAP Corridor B, also known as the Irvine Corona Expressway (ICE). In 2007, at the request of the Riverside Orange Corridor Authority (ROCA), the Commission and the Orange County Transportation Authority embarked on a feasibility study to determine the financial feasibility of constructing and operating the ICE tunnel project. This high-level financial feasibility assessment resulted in findings that the project was not financially viable at that time due to the high cost and limited likely revenue generation. A decision was made by the ROCA to defer the project until such time as financial considerations improve and/or technological advancements warrant re-examination. The project status, along with that of Corridor A, is now assessed annually as a part of the State Route 91 Implementation Plan Update. Until such time as the State Route 91 Advisory Committee determines otherwise, the projects will remain in the Unconstrained/Strategic Plan component of the RTP. A copy of the 2010 ROCA meeting agenda is enclosed for reference.

17.4

The Interstate 15 Express Lanes project is included in the RTP model and has also undergone project-level analysis. In the RTP and project-level analysis for the I-15 Tolleed Express Lanes project, the CETAP West corridor was included simulating traffic movement and its impacts within the general vicinity. To clarify, the Mid County Parkway (MCP) was approved by the Commission as a six lane facility (three lanes in each direction) between I-215 in Perris and State Route 79 in San Jacinto. Therefore, CETAP West is a separate project from the MCP.

17.5

The Commission does not anticipate making any changes to the CETAP West corridor in the 2016 RTP/SCS update. Completion of the I-15 environmental document, Cajalco Road environmental document, and the Ethanac Corridor feasibility studies would be an appropriate time to re-evaluate the CETAP West modeling in the RTP/SCS. Both the Cajalco Road and Ethanac Corridor projects are important potential mobility projects for Western Riverside County and the Commission considers them important components of the larger network. The Commission's commitment to those projects has been demonstrated by financial contributions for the planning efforts currently underway.

17.6

Again, thank you for the opportunity to comment on the revised and recirculated DEIR. Please contact me or Shirley Medina at (951) 787-7141 if you have any questions.

17.7

Sincerely,



Anne Mayer
Executive Director

Enclosure: 2010 ROCA Meeting Agenda

17.8

c: Juan C. Perez, Director



AGENDA

Riverside Orange Corridor Authority (ROCA) Meeting

Committee Members

*Karen Spiegel, Chairman
Carolyn Cavecche, Vice Chairman
Steve Adams
Jerry Amante
Bill Campbell
Richard Dixon
Peter Herzog
John Tavaglione
Cindy Quon
Ray W. Wolfe*

*Orange County Transportation Authority Headquarters
600 South Main Street, First Floor - Room 154
Orange, California
Friday, August 27, 2010, at 10:00 a.m.*

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Committee may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.

Call to Order

ROCA Chair Spiegel

Pledge of Allegiance

ROCA Chair Spiegel

1. Public Comments

Special Calendar

There are no Special Calendar matters.



AGENDA

Riverside Orange Corridor Authority (ROCA) Meeting

Consent Calendar (Items 2 and 3)

All items on the Consent Calendar are to be approved in one motion unless a Committee Member or a member of the public requests separate action or discussion on a specific item.

2. **Approval of Minutes**

Of the January 22, 2010, Riverside Orange Corridor Authority Committee meeting.

3. **Approval of Minutes**

Of the June 4, 2010, Riverside Orange Corridor Authority Committee meeting.

Regular Calendar

4. **Irvine Corona Expressway High-Level Financial Feasibility Analysis**

Tamara Warren, Project Manager, Corridor Studies, Orange County Transportation Authority

Cathy Bechtel, Project Development Director, Riverside County Transportation Commission

Overview

At the request of the Riverside Orange Corridor Authority Committee, staff from the Orange County Transportation Authority and the Riverside County Transportation Commission worked with financial advisors to determine the financial feasibility of constructing and operating the Irvine Corona Expressway tunnel project. Using the assumptions provided in the Irvine Corona Expressway feasibility study, information was developed on the debt financing requirements needed and potential toll revenue anticipated to fund and operate the tunnel project. The results of the high-level financial feasibility analysis are provided for the Riverside Orange Corridor Authority Committee's review and consideration for informed decisions on next steps.



AGENDA

Riverside Orange Corridor Authority (ROCA) Meeting

4. (Continued)

Recommendations

- A. Direct staff to defer the Irvine Corona Expressway tunnel project until such time as financial considerations improve and/or technological advancements warrant re-examination.
- B. Direct staff to revise the ground water monitoring program from its current form and develop an agreement with the United States National Forest Service to transfer the equipment and a one-time stipend of \$200,000 to assist in its ground water monitoring efforts at the five corehole sites.
- C. Assign review and discussion of tunnel considerations to the State Route 91 Advisory Committee as part of its annual State Route 91 Implementation Plan Update.
- D. Direct staff to identify remaining funds available from the federal grant and bring a recommendation to the State Route 91 Advisory Committee on project allocation for the remainder of the grant balance.

Discussion Items

5. ROCA Members' Reports

6. Adjournment

The next regularly scheduled meeting of this Committee will be held at **10:00 a.m. on Friday, October 22, 2010**, at the OCTA Headquarters.



MINUTES

Riverside Orange Corridor Authority (ROCA) Meeting

Committee Members Present

*Karen Spiegel, Chair
Bill Campbell
Richard Dixon
Cindy Quon
Ray W. Wolfe*

Staff Present

*Will Kempton, Chief Executive Officer
Anne Mayer, RCTC, Executive Director
Laurena Weinert, Assistant Clerk of the Board
Mary K. Burton, Deputy Clerk of the Board
Steve DeBaun, RCTC, Legal Counsel
Kennard R. Smart, Jr., General Counsel
OCTA and RCTC staff and General Public*

Committee Members Absent

*Carolyn Cavecche, Vice Chairman
Steve Adams
Jerry Amante
Peter Herzog
John Tavaglione*

Call to Order

The June 4, 2010, regular meeting of the Riverside Orange Corridor Authority was called to order by Committee Chair Spiegel at 10:36 a.m. at the City of Corona – City Hall, City Council Chambers – First Floor, 400 South Vicentia Avenue, Corona, California.

Pledge of Allegiance

Member Campbell led in the Pledge of Allegiance.

1. Public Comments

No public comments were received.

Special Calendar

There are no Special Calendar matters.

Consent Calendar (Item 2)

2. Approval of Minutes

Due to lack of quorum, the minutes of the January 22, 2010, ROCA meeting were continued to the next ROCA meeting.



Regular Calendar

3. Irvine Corona Expressway High-Level Financial Feasibility Analysis

Cathy Bechtel, Project Development Director, Riverside County Transportation Commission (RCTC), opened with comments explaining that at the January 22, 2010, ROCA meeting, the Members directed staff to conduct an Irvine Corona Expressway (ICE) high-level financial feasibility analysis.

Ms. Bechtel introduced Orange County Transportation Authority's (OCTA) financial advisor, James Martling of Sperry Capital Inc., and RCTC's financial advisor, Dan Wiles of Fieldman Rolapp.

Messrs. Martling and Wiles presented the financial results, which is based upon non-recourse financing that all net toll revenues are dedicated to the repayment of the debit. The financial analysis included review of engineer's construction costs, construction schedule, operations and maintenance, and annual toll revenue.

Member Dixon inquired about the environmental final design costs of \$301.6 million. Mr. Martling responded that the \$301.6 million is for the tunnel planning, which takes into consideration the engineers' estimates.

Member Wolfe referenced pages five and six of Attachment A in the staff report, which discussed design-build and public/private partnership (P3), and the message is that neither one is viable. Mr. Martling responded that the P3 concerns are a 10-year construction period, net toll revenue being the only source of repayment, and cost overruns.

Member Campbell commented that there are two potential alternatives. One, is to make the ICE a project of national consequence and have the feds pay the entire cost or two, review if there is another alternative approach.

Public comments were heard by:

Eugene Montanez, Corona Councilmember

Stan Skipworth, Corona's Mayor Pro Tem, read Councilmember Montanez's written statement in which he requested the ROCA alter staff's recommendation to allow more time to fully explore the ICE options, have a group meet with the private firms in September 2010 to discuss the ICE, continue the water monitoring until the end of 2010, and last, he agreed with staff's recommendation to use the remaining funds for the 91 expansion project.



MINUTES

Riverside Orange Corridor Authority (ROCA) Meeting

3. (Continued)

Committee Chair Spiegel asked Corona's Mayor Pro Tem Skipworth if he concurred with Councilmember Montanez's statement. He responded that the comments are specific to Councilmember Montanez and not on behalf of the City of Corona or himself.

Kenneth Taylor, City of Irvine resident, referenced his written statement, which was distributed to the Members. He also recommended review of alternate funding in order to go forward with ICE project.

Committee Chair Spiegel asked Ms. Bechtel to highlight the original goal to meet with the firms in September 2010, as stated by Councilmember Montanez. Ms. Bechtel responded that the original plan was to meet in September with the firms since many will be attending a conference in San Diego. To date, there has been information provided in technical and industry journals regarding this project and at this time, there has not been much interest from the firms.

Member Campbell requested staff meet with Congressmen Ken Calvert (R-CA) and Gary Miller (R-CA) to discuss the financial analysis outcome, return to the July 30, 2010, ROCA meeting with the Congressmen's input, and also meet with the firms in September.

Will Kempton, OCTA Chief Executive Officer, commented that the OCTA Board would be informed as to the ICE financial analysis outcome, and a meeting would be scheduled with the Congressmen prior to the July 30, 2010, ROCA meeting.

Committee Chair Spiegel reported that the RCTC Board would also be informed about the outcome of the ICE financial analysis.

No action was taken due to lack of quorum, and this item will return to the July 30, 2010, meeting.



MINUTES

Riverside Orange Corridor Authority (ROCA) Meeting

Discussion Items

4. ROCA Members' Reports

There were no ROCA Members' reports.

5. Closed Session

A Closed Session was not conducted at this meeting.

6. Adjournment

The meeting adjourned at 11:37 a.m. The next regularly scheduled meeting of this Committee will be held at **10:00 a.m. on Friday, July 30, 2010**, at the Orange County Transportation Authority Headquarters, 600 South Main Street, First Floor – Board Room, Orange, California.

ATTEST

Laurena Weinert
OCTA Assistant Clerk of the Board

Karen Spiegel
Committee ROCA Chair



MINUTES

Riverside Orange Corridor Authority (ROCA) Meeting

Committee Members Present

*Karen Spiegel, Chairman
Carolyn Cavecche, Vice Chairman
Jerry Amante
Bill Campbell
Peter Herzog
John Tavaglione
Cindy Quon
Ray W. Wolfe*

Staff Present

*Will Kempton, Chief Executive Officer
John Standiford, Deputy Executive Director, for
Anne Mayer, RCTC, Executive Director
Laurena Weinert, Assistant Clerk of the Board
Mary K. Burton, Deputy Clerk of the Board
Kennard R. Smart, Jr., OCTA, General Counsel
Steve DeBaun, RCTC, Legal Counsel
OCTA and RCTC staff and General Public*

Committee Members Absent

*Steve Adams
Richard Dixon*

Call to Order

The January 22, 2010, regular meeting of the Riverside Orange Corridor Authority was called to order by Committee Chairman Cavecche at 9:10 a.m.

Pledge of Allegiance

Committee Chairman Cavecche led in the Pledge of Allegiance.

1. Public Comments

No public comments were received.

Special Calendar

2. Election of New ROCA Chairman

Committee Chairman Cavecche opened nominations for the office of Chairman. A motion was made by Member Campbell, seconded by Member Tavaglione, and declared passed by those present, to approve Karen Spiegel as the Riverside Orange Corridor Authority Chairman.

3. Election of New ROCA Vice Chairman

Committee Chairman Cavecche opened nominations for the office of Committee Vice Chairman. A motion was made by Member Campbell, seconded by Member Tavaglione, and declared passed by those present, to approve Carolyn Cavecche as the Riverside Orange Corridor Authority Vice Chairman.



MINUTES

Riverside Orange Corridor Authority (ROCA) Meeting

Consent Calendar (Items 4 and 5)

4. Approval of Minutes

A motion was made by Member Tavaglione, seconded by Member Campbell, and declared passed by those present, to approve minutes of the February 27, 2009, meeting.

5. Proposed Riverside Orange Corridor Authority Meeting Calendar for the Year 2010

A motion was made by Member Tavaglione, seconded by Member Campbell, and declared passed by those present, to adopt the Riverside Orange Corridor Authority meeting calendar for the year 2010.

Regular Calendar

6. Final Feasibility Evaluation Report for the Irvine Corona Expressway Project

Tony Rahimian, Project Manager Consultant, RMC, Inc., introduced Keith Fletcher, District Ranger, Cleveland National Forest, and thanked him and United States Forest Service staff for their cooperation and guidance during the study of the Irvine Corona Expressway (ICE) project.

Mr. Rahimian presented the ICE project background, primary issues, Phase 1 construction issues, phase 1 cost and revenue, major challenges, estimated timelines, and next steps which are to complete the toll revenue study, conduct public private partnership workshop, and continue water resource monitoring for one year.

Paul Guptill, Consultant and Project Manager from Kleinfelder, presented the geotechnical findings, tunnel profile and design considerations, tunnel cross sections, and ventilation issues and concepts.

There was additional discussion regarding:

- Tunnel boring machines, tunnel stack size, portal locations, ventilation, coexistences of utilities and traffic, muck disposal, potential revenue from muck, and preliminary toll and revenue estimate assumptions.
- Member Campbell recommended that staff review toll revenue and other funding and revenue source estimates prior to the toll revenue study in order to cover the \$8.6 billion Phase 1 investment.



6. (Continued)

- Phase 2 estimates would require \$1 billion (2009 dollars). In addition, Phase 1 and 2 are due to demand capacities and costs.
- Member Amante recommended (prior to the toll revenue study) staff discuss with the utility agencies potential revenue estimates as a way to defray the costs of construction and annual maintenance.
- Congressmen Calvert and Miller were briefed on the ICE findings, and they are supportive of the study and staff recommendations to move forward.
- There have been discussions with the Metropolitan Water District (MWD). Currently, MWD is not ready for a water tunnel commitment, which is from Lake Matthews in Riverside County to Orange County.
- The ICE study also recommends a rail tunnel in an attempt to make the project multi-modal. The rail tunnel could also help with ventilation, as well as provide additional access for cross passages in case of an emergency.
- Currently, there have not been discussions with the rail entities regarding the rail tunnel.
- Concern about the trucks needed for the construction phase and the impacts on the arterials.
- Due to the priorities of the State Route (SR) 91 improvement program, RCTC has placed on hold the Corridor A (elevated 4-lane facility from SR-241 to Interstate 15).
- RCTC is refining the SR-91 tollroad traffic and revenue data, and the estimated toll collection for the SR-91 Riverside tollroad would begin in 2016.
- Approximately \$8 million is available from the initial \$15.6 million allocated for the ICE feasibility study.
- The U.S. Forest Service staff required an aggressive ground water monitoring at an estimated cost of \$400,000 per year.
- Member Campbell recommended that the ICE project return to the April 2010 meeting, and dependent on the revenue analysis, staff could return with the original staff Recommendations B and C:
 - “B. Authorize staff to conduct a toll revenue study to determine the pay back duration of the Irvine Corona Expressway tunnels for use at the public private partnership workshop.”
 - “C. Authorize staff to conduct a public private partnership workshop to gauge the private industry interest to finance, design, construct, maintain, and operate the Irvine Corona Expressway tunnels.”



MINUTES

Riverside Orange Corridor Authority (ROCA) Meeting

6. (Continued)

A motion was made by Member Campbell, seconded by Member Tavaglione, and declared passed by those present, to:

- A. Receive and file the feasibility evaluation report for Irvine Corona Expressway tunnels.
- B. Direct staff to do an evaluation of the revenues needed to fund the proposed Irvine Corona Expressway tunnel obligation.
- C. Authorize the Riverside County Transportation Commission and the Orange County Transportation Authority to continue ground water monitoring for up to an additional year.

Discussion Items

7. Committee Members' Reports

There were no ROCA Members' reports.

8. Closed Session

A Closed Session was not conducted at this meeting.

9. Adjournment

The meeting adjourned at 10:23 a.m. The next regularly scheduled meeting of the ROCA will be held at **10:00 a.m. on Friday, April 30, 2010**, at the City of Corona, City Council Chambers – First Floor, 400 South Vicentia Avenue, Corona, California.

ATTEST

Laurena Weinert
OCTA Assistant Clerk of the Board

Karen Spiegel
Committee Chairman

Irvine Corona Expressway High-Level Financial Feasibility Analysis

Staff Report



August 27, 2010

To: Riverside Orange Corridor Authority Committee

From: Will Kempton, Chief Executive Officer, Orange County Transportation Authority
Anne Mayer, Executive Director, Riverside County Transportation Commission

Subject: Irvine Corona Expressway High-Level Financial Feasibility Analysis

Overview

At the request of the Riverside Orange Corridor Authority Committee, staff from the Orange County Transportation Authority and the Riverside County Transportation Commission worked with financial advisors to determine the financial feasibility of constructing and operating the Irvine Corona Expressway tunnel project. Using the assumptions provided in the Irvine Corona Expressway feasibility study, information was developed on the debt financing requirements needed and potential toll revenue anticipated to fund and operate the tunnel project. The results of the high-level financial feasibility analysis are provided for the Riverside Orange Corridor Authority Committee's review and consideration for informed decisions on next steps.

Recommendations

- A. Direct staff to defer the Irvine Corona Expressway tunnel project until such time as financial considerations improve and/or technological advancements warrant re-examination.
- B. Direct staff to revise the ground water monitoring program from its current form and develop an agreement with the United States National Forest Service to transfer the equipment and a one-time stipend of \$200,000 to assist in its ground water monitoring efforts at the five corehole sites.
- C. Assign review and discussion of tunnel considerations to the State Route 91 Advisory Committee as part of its annual State Route 91 Implementation Plan Update.

- D. Direct staff to identify remaining funds available from the federal grant and bring a recommendation to the State Route 91 Advisory Committee on project allocation for the remainder of the grant balance.

Background

At the conclusion of the Riverside County – Orange County Major Investment Study, the Riverside County Transportation Commission (RCTC) and the Orange County Transportation Authority (OCTA) embarked on a feasibility study of the proposed Irvine Corona Expressway (ICE) Project. Through the efforts of Congressmen Ken Calvert (R-CA), Chris Cox (R-CA), and Gary Miller (R-CA), \$15.8 million of federal grant funds were set aside for the study of alternatives between the two counties. Study of the ICE Project began in early 2007 and was completed late 2009.

On January 22, 2010, the results of the ICE Project Final Feasibility Evaluation Report were presented to the Riverside Orange Corridor Authority (ROCA) Committee. At the meeting, staff recommended conducting a formal toll revenue study to determine the payback duration of the tunnel project. The results of the toll revenue study were to be provided as information at a public-private partnership (P3) workshop to gauge private industry interest in the project. The ROCA Committee instead, directed staff to conduct a high-level financial feasibility analysis to determine whether spending additional money on a full detailed toll revenue analysis and a P3 workshop had merit at this time. The ROCA Committee also directed staff to continue the required ground water monitoring program to avoid a lapse while a determination is made on the study's next steps.

Discussion

Staff from both agencies agreed to have OCTA conduct a financial review using the assumptions provided in the ICE feasibility study. Information was developed on the debt service requirements needed and potential toll revenue anticipated to fund and operate the tunnel project. OCTA's financial advisor, James Martling from Sperry Capital Inc., and RCTC's financial advisor, Dan Wiles, from Fieldman Rolapp, reviewed and concurred with the results of the analysis.

Without another revenue source, the assumption was made that this project would be solely secured by toll revenues. As a result, this requires that 100 percent of construction funds be raised before the start of the construction period (as opposed to other types of recourse financings such as sales tax revenue bonds). The high-level financial feasibility analysis concluded that a

\$28.3 billion would be required to initiate the project. Approximately \$9.25 billion of bond proceeds would be required for construction cost funds, and \$17.9 billion of capitalized interest of bond proceeds would be required to pay debt service for approximately ten years before the project could generate tolls to pay debt service, operations and maintenance, and required coverage. As a result, the long construction duration, associated lag of toll revenue generation, and high cost of debt service, makes funding this project, financed solely through tolls, extremely challenging. Additionally, the financial risk associated with the construction duration and resulting construction cost unknowns of this type of major tunnel construction project provides uncertainty in the market. These findings are summarized in Attachment A.

After consideration of the results of the high-level financial feasibility assessment, staff is not recommending further study of the tunnel concept at this time. If the financial considerations change in the future, there may be a time when the tunnel project may be financially attractive to move forward. Staff requested information from the financial advisors on the environment necessary to make this tunnel project viable.

Using the assumptions provided in the tunnel feasibility report with regard to the length of the construction period and toll revenue potential, the financial advisors suggested the following requirements necessary to determine (in future years) if the tunnel project could move forward:

1. Cost - tunnel technology advances would need to provide for a dramatic reduction in construction costs in order to have projected toll revenues provide for a minimum 1.75x debt service coverage ratio
2. Construction Duration - the ten year plus estimated construction duration, a reflection of the inherent technical challenges, will have to be dramatically reduced (approximately 50 percent) to convince investors that the tunnel can be build on time and on budget
3. Financing - today's extraordinarily high cost of negative arbitrage associated with capitalized interest would need to be eliminated or significantly reduced
4. Guarantee - federal backing or an additional source of funds to protect against cost overruns due to construction unknowns would be needed

Several considerations should be taken into account regarding next steps. The financial assessment was intended to provide information to determine whether a preliminary toll and revenue study should be conducted for the proposed tunnel project. The cost for a preliminary toll and revenue study would be

approximately \$100,000 to \$150,000. Staff is recommending the toll and revenue study be deferred, given the results of the initial assessment and the cost of the toll and revenue study. A P3 workshop was also intended to be held upon gaining the information regarding financial feasibility. At this time, staff does not believe that a P3 workshop should be held due to the information received regarding financial viability of the tunnel project. There is an opportunity to share the results of our feasibility work at the upcoming International Bridge, Tunnel and Turnpike Association's Annual Meeting in San Diego.

In January 2010, the ROCA Committee approved continuation of the ground water monitoring program for up to one year to avoid a time lapse while a decision is made regarding the tunnel projects next steps. The United States National Forest Service (Forest Service) requires ten years of continuous monitoring data prior to approving the necessary permit to allow construction of any such underground project. As part of the feasibility study, an extensive water monitoring program was put in place and has been providing baseline data to the Forest Service for approximately 21 months. If the program is halted, the clock starts over in terms of the ten-year requirement.

The cost of the water monitoring program at the five corehole sites and 55 springs and wells is approximately \$30,000 a month. If continued for the required ten-year duration, this would total nearly \$3 million. Given the results of the initial financial assessment and the cost of the monitoring program, staff recommends the program be terminated in its current form. However, arrangements are being made with the Forest Service to continue limited water monitoring at the five corehole sites which will allow the gathering of important baseline water data in the forest. Staff is recommending an agreement be developed with the Forest Service to transfer the monitoring equipment and allocate a one-time stipend of \$200,000 to assist the Forest Service in its cost of retrieving the data telemetrically, which can only be done at the corehole sites, not at the springs and wells.

The federal grant of \$15.8 million allowed for expenditure of the funds in the Riverside Freeway (State Route 91) corridor, which included study of the ICE tunnel project. At this time, there is approximately \$7.5 million of the grant remaining. The remaining dollars can be allocated to projects within the State Route 91 corridor. Once the open consultant contracts are closed out and the exact remaining dollars are determined, a recommendation on project allocation of the funds will be brought to the State Route 91 Advisory Committee.

Staff presented the high-level financial feasibility analysis to the ROCA Committee on June 4, 2010. Although the ROCA Committee lacked a quorum for action, it was requested that staff meet with Congressman Miller and Congressman Calvert to seek input. Meetings with both congressmen took place in early July. Staff presented the financial analysis and both congressmen support staff's recommendations included in this staff report.

Additionally, staff also contacted the Metropolitan Water District (MWD) to determine the status of the Central Pool Augmentation (CPA) project. MWD staff shared that the plan for the CPA project (water tunnel) has been adjusted with an anticipated timeframe of post 2040. This is a result of slower growth in demand for imported water due to conservation efforts, increased development of local supplies, and higher than originally anticipated cost of construction.

With the completion of the geotechnical studies on the ICE corridor, and a recommendation to defer further work on the tunnel project, the ROCA Committee's duties have been accomplished. Staff recommends that future tunnel discussions be reviewed annually by the State Route 91 Advisory Committee as part of the State Route 91 Implementation Plan Update. The annual review would determine if any of the major assumptions (with regard to financial considerations) have changed to make the tunnel financially viable.

Summary

Based on the findings of the high-level financial feasibility analysis, the ICE tunnel project appears to not be financially viable at this time due to the high cost and limited revenue generation. Staff recommends that further work on this project be deferred until financial considerations improve and technological advancements warrant reconsideration. This would not preclude sharing information with private toll road developers or other private sector entities if interest is expressed. Staff would inform the respective boards of private sector interest. As a result of this recommendation, the ground water monitoring program is also recommended to be suspended in its current form and limited water monitoring at the five corehole sites will be continued by the Forest Service. Staff would work with representatives from the Forest Service to restore the area as required under RCTC's special use permit. Once all necessary work is completed, staff should close-out open contracts and present the remaining grant funds to the State Route 91 Advisory Committee for a decision on a State Route 91 corridor project allocation.

Attachment

- A. Irvine Corona Expressway Project Financing Review

Prepared by:



Tamara Warren
Project Manager, Corridor Studies
Orange County Transportation Authority
(714) 560-5590

Prepared by:




Cathy Bechtel
Project Development Director,
Riverside County Transportation
Commission
(951) 787-7141

Irvine Corona Expressway High-Level Financial Feasibility Analysis

Attachment A



Irvine Corona Expressway Project Financing Review



June 4, 2010

The Proposed Irvine Corona Expressway (ICE) Project

- Project screening is key aspect of pre-development discussions
- Environmental and final design is targeted to begin in fiscal year (FY) 2012 and continue through FY 2028
- Construction is targeted to begin in FY 2018 and continue through FY 2029
- Project operations and tolling are assumed to begin in 2030

Project Screening



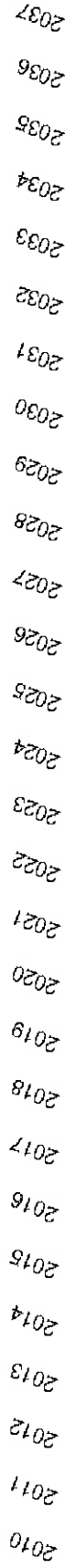
Environmental and Final Design



Estimated 10-Year Plus Construction Period



Start of Project Operations



Non-Recourse Financing

- This analysis assumes the ICE Project's \$301.6 million pre-development costs from FY 2012 through FY 2018 will be paid with equity contributions.
- This analysis assumes that the ICE Project construction cost will be financed with the proceeds of a non-recourse tax-exempt financing.
- Non-recourse financing assumes that lenders will buy the ICE Project's bonds based solely on the Project's net toll revenues (net toll revenue is assumed to be toll revenues minus annual operating and maintenance (O&M) expenses). Periodic capital costs for major maintenance are not included.
- Lenders require that non-recourse projects issue 100 percent of the debt before construction in order to guarantee project funding will be available.
 - ✓ If toll revenues are the only source of the ICE Project debt payment, who will guarantee the payment of short-term or periodic construction bonds that mature before construction completion?

Non-Recourse Financing

- Eight major ICE Project non-recourse debt risks include:

Construction costs	Traffic and revenue realization
Technical	Operational
Construction delay	Force majeure
Air quality	Political
- The greatest challenge for the ICE Project may be the estimated 10-year plus construction period. Non-recourse financings require capitalized interest until the project is complete and generates sufficient revenue to pay debt service.
- The ICE Project bonds' credit ratings will reflect the rating agencies' and lenders' risk assessments, including their views on the quality of the traffic and revenue report. Due to the unique aspects of the proposed ICE Project transaction, the financing model herein assumes a BBB- rating (based on a minimum 1.75x debt service coverage projection).

Risks and Risk Mitigation

Risk	Risk Mitigation	Comment
Negative lender reaction	Local, state, fed grants	Largest ever non-recourse financing
Construction cost/delay	Design-build (DB) contract	Size probably prevents DB contracts
“Optimism bias”	Large contingency	Bias higher for complex projects
Lack of sponsor equity	Local, state, and federal grants	Size is impediment
Traffic and revenue	Investment grade report; unique demographics	Problematic for “greenfield” tunnel
Interest rates	Monitor markets closely	Long re-development schedule
Capitalized interest	Equity to write down cost; reduce construction time	Reinvestment rates hard to forecast
Borrowing cost	Federal guarantee	Won't materially cut capitalized interest
Air quality and commuters	Superior ventilation	Key to attracting daily commuters?
Toll rates	Congestion management pricing; more equity	Need to run tunnel “like a business”; focus on customer experience
Safety	Operations focus	Key to attracting daily commuters?

Partnership (P3)?

- A P3 procurement can offer an attractive solution for challenging infrastructure projects
- A design-build-finance-operate-maintain procurement offers an integrated approach to project delivery, lifecycle costs and operations
- Nonetheless, an ICE Project P3 would finance the same challenges as a public concession
 - ✓ The eight major non-recourse risks outlined on page 4
 - ✓ The 10-year plus construction schedule and the resulting cost of capitalized interest
- The leading P3 concessionaires with large tunnel expertise are:
 - ✓ ACS
 - ✓ Bouygues Travaux Publics
 - ✓ Vinci (Cofiroute)

Today's ICE Project Financial Model: Simplified

ICE Project financial model assumptions:

Costs (current 2010 dollars)

- ✓ Construction cost: \$8.6 billion with contingency
- ✓ Annual O&M \$51.7 million with contingency

Costs (escalated dollars)

- ✓ Environmental and final design \$301.6 million
- ✓ Construction \$13.38 billion
- ✓ Annual O&M starting in 2030 \$96 million
- ✓ Periodic major maintenance Not included

Today's ICE Project Financial Model: Simplified

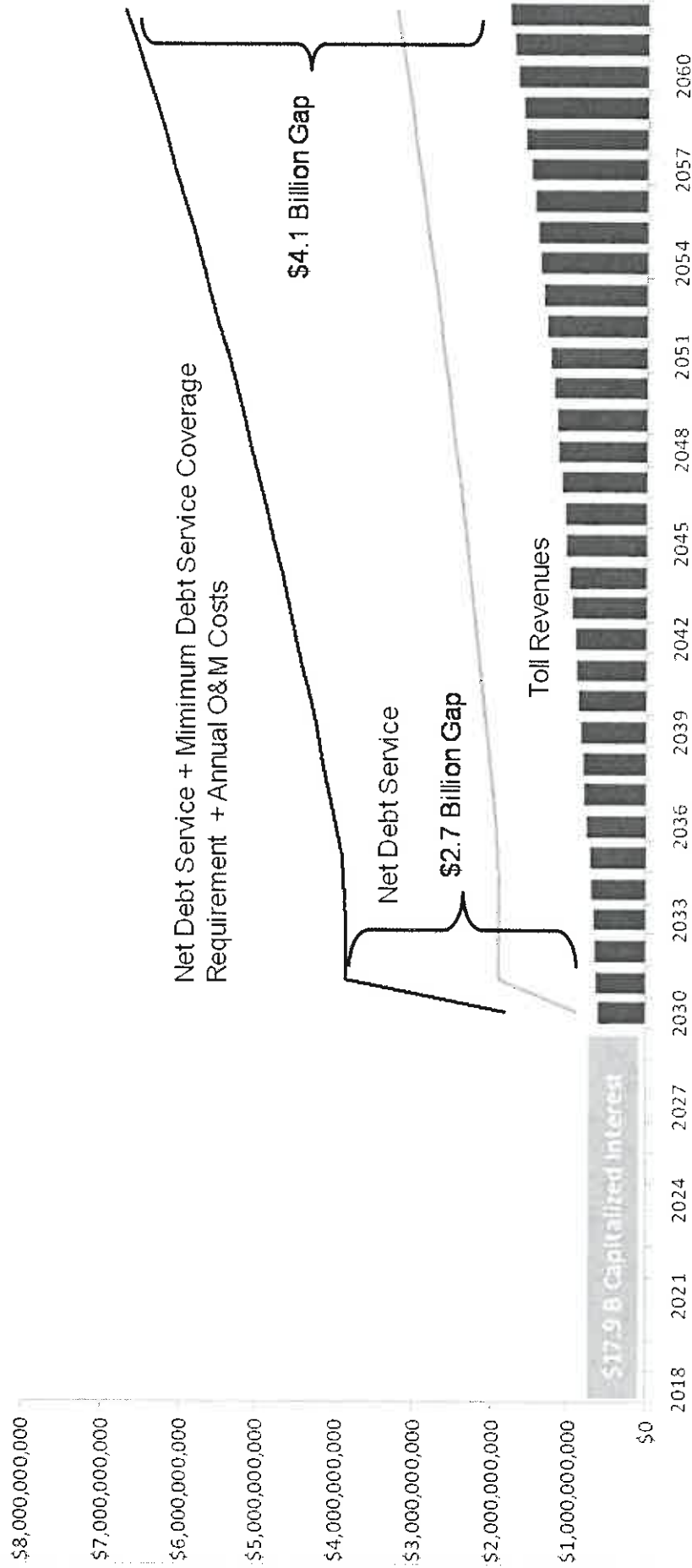
- Reversible traffic direction – one tunnel
- No additional truck tolls
- Peak hours tolled higher
 - ✓ Average toll \$14 each way
 - ✓ Tolls range from \$4 to \$20
- 55,000 daily trips = \$278 million or \$500 million @ ~3 percent CPI inflation
- 65,000 daily trips = \$347 million or \$526 million @ ~3 percent CPI inflation
- 65,000 daily trips results in \$347 million in toll revenues in \$2010 or \$626 million in FY 2030 (escalated at an assumed 3.3 percent annual inflation factor)
- 2008 Stantec traffic and revenue report estimates that in 2030 the 91 Express Lanes will attract 47,600 daily trips at an average daily toll of \$5 resulting in \$101.1 million in annual revenue

Today's ICE Project Financial Model: Simplified

- This analysis assumes that the ICE Project will be a non-recourse financing based solely on the Project's net toll revenues
- Non-recourse financing risks require that 100 percent of the debt be issued at the same time in order to ensure that 100 percent of the construction costs are realized at the initial funding rate so that pro forma cash flow projects are not dependent upon additional market access at an unknown interest rate
- The base case bond assumptions are:
 - ✓ \$31.8 billion (with \$3.5 OID) produces \$28.3 billion bond proceeds
 - ✓ Bonds issued on July 1, 2017
 - ✓ 45 years, interest only for the first 17 years and that the principal will be amortized on an ascending basis over the last 28 years
 - ✓ All-in interest cost of 7 percent
 - ✓ Six month debt service reserve fund earning 6.95 percent (arbitrage yield)
 - ✓ Project fund and capitalized interest fund earn 5 percent
 - ✓ BBB- investment grade ratings

Today's ICE Project Financial Model: Simplified

The challenge of 10-year plus construction schedule requiring a \$17.9 billion capitalized interest contribution (assuming a 5 percent investment rate) will be difficult to overcome

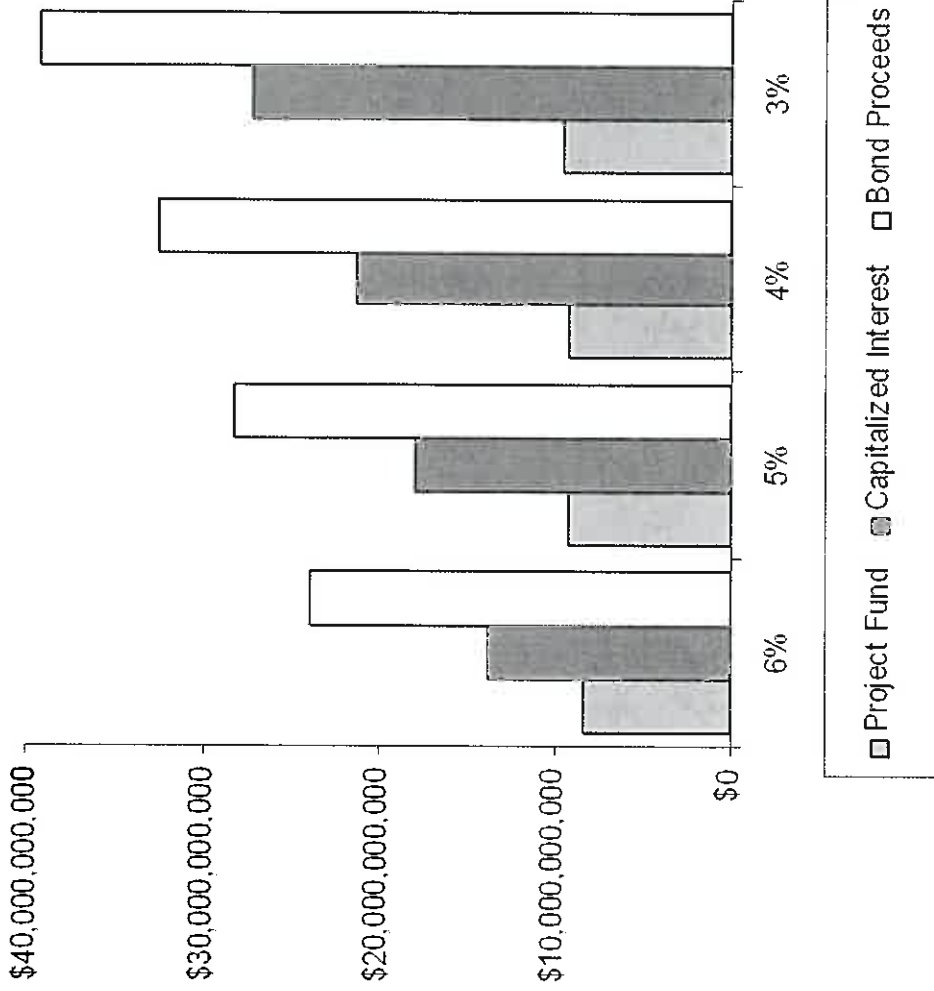


ICE Project Financial Model: Simplified

- ❑ Options to reduce the annual gap between revenues and net debt service + coverage + O&M
 - ✓ The ICE sponsors may receive a significant amount of state and/or federal equity
 - ✓ A technical solution that significantly reduces the length of construction could significantly reduce capitalized interest and, thereby, the size of a bond issue
 - ✓ Tax exempt borrowing rates may drop
 - ✓ Investment rates may return to rates higher than tax exempt borrowing rates
 - ✓ A P3 concessionaire may find a 99 year lease enhances financial feasibility
 - ✓ Subordinate lien TIFIA Loan at SLGs rate; 5 year “ramp up” grace period with zero amortization; 35-year maturity
 - ✓ The 45 year base case structure has 13 years interest only and 32 years principal amortization; the markets may be willing to accept a longer maturity in FY 2018
 - ✓ New national infrastructure bank may offer grants and/or debt guarantees
 - ✓ Metropolitan Water District and other utilities may purchase tunnel capacity

ICE Project Financial Model: Never Simple

- ❑ A 10-year plus construction period requires capitalized interest until the ICE Project generates sufficient revenue to pay debt service. 10-years plus is a very long time to wait for revenues; and no matter what investment rate is assumed.
- ❑ Investment rates are critical. The baseline financial model requires the deposit of \$17.9 billion into a capitalized interest fund at closing invested at 5 percent just to pay capitalized interest on the bonds for 10-years plus before the ICE Project can generate tolls sufficient to pay debt service, O&M and required coverage.



Questions?

Comment Letter No. 17: Riverside County Transportation Commission

For other responses related to CETAP, refer to Responses 14.14, 19.4, and 29.19.

- Comment 17.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 17.2** This comment provides background information on CETAP Corridors A, B and West. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 17.3** This comment provides information on unconstrained and strategic plan projects. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 17.4** This comment provides further information regarding CETAP Corridor B (Irvine Corona Expressway) and its financial viability. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 17.5** This comments clarifies that CETAP West is a separate project from the Mid County Parkway. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 17.6** This comment confirms that the RCTC does not anticipate making any changes to the CETAP West concept as part of the 2016 Regional Transportation Plan/Sustainable Communities Strategy. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 17.7** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general

information. Responses to specific comments are provided above; no further response is required.

Additionally, the County of Riverside has received the attached Riverside Orange Corridor Authority Meeting Agenda (dated August 27, 2010), the Irvine Corona Expressway High-Level Feasibility Analysis Staff Report (dated August 27, 2010), and the Irvine Corona Expressway Project Financing Review (dated June 4, 2010). This background material on the CETAP Corridors does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. As such, the three documents do not identify any specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).



Department of Public Works

- Environmental & Construction • Flood Control
- Operations • Solid Waste Management
- Surveyor • Transportation

Gerry Newcombe
Director

March 30, 2015

File: 10(ENV)-4.01

County of Riverside
 TLMA Planning Department
 Attn: Kristi Lovelady
 4080 Lemon Street, 12th Floor
 Riverside, CA. 92501
klovelad@rctkma.org



RE: CEQA – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN UPDATE IN RIVERSIDE COUNTY

Ms. Lovelady:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. We received this request on February 24, 2015, and pursuant to our review, the following comments are provided:

18.1

Water Resources Division (Mary Lou Mermilliod, PWE III, 909-387-8213):

18.2

1. If any activity is anticipated on or adjacent to San Bernardino County Flood Control District (District) right of way, a permit shall be obtained from the District. Other on-site or off-site improvements may be required which cannot be determined at this time.

If you have any questions, please contact the individuals who provided the specific comment, as listed above.

18.3

Sincerely,

ANNESLEY IGNATIUS, P.E., Deputy Director
 Environmental Management Division

ARI:PE:nh/CEQAComment_RiversideCo_GenPlanAmd_2015-03-30-01.docx

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Comment Letter No. 18: San Bernardino County

- Comment 18.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 18.2** This comment is duly noted. The County will consider these suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 18.3** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general contact information. Responses to specific comments are provided above; no further response is required.

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April 6, 2015

Kristi Lovelady, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

RECEIVED
APR 06 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

SUBJECT: Notice of Availability (NOA) of a Recirculated Draft Environmental Impact Report (DEIR) for a General Plan Amendment (GPA) No. 960: County-Initiated General Plan Five-Year Update Project

Dear Ms. Lovelady:

Thank you very much for this opportunity to respond to the NOA for the DEIR on the five year update to the County's General Plan. Let us congratulate you and the County on a great job. The City of San Jacinto staff (City) has reviewed the DEIR, proposed General Plan Amendment, and Climate Action Plan and offers the following comments:

19.1

San Jacinto Valley Area Plan – Land Use Plan

The City has compared the proposed General Plan land uses in the City's Sphere of Influence (SOI) with the City's General Plan land uses. It is noted that a small portion of the City's SOI, northerly and adjacent to the San Jacinto River is proposed under the County's GP as Mixed Use Planning Areas where the City's GP proposes this same area as Open Space. Before adoption of the County's GP, City staff would like to meet with you to discuss the land uses in the City's SOI. It is the City's goal to have the County GP for the City's SOI proposing similar land uses as the City's GP for the same area.

19.2

Transportation & Traffic

The City has reviewed the proposed Circulation Element as it relates to the San Jacinto Valley Area Plan and found it to be generally consistent with the City's proposal for the same Circulation Element resources in the City's General Plan. Staff notes that Bridge Street is still reflected on the County's Circulation Element in addition to the City's

19.3

Ms. Kristi Lovelady, Principal Planner, Riverside County
Re: City of San Jacinto Comments on General Plan Amendment No. 960
April 6, 2015

Circulation Element. Currently, Bridge Street (where it hasn't yet been dedicated) is proposed to meander to the North West corner of the City and beyond. However the North West corner of the City is designated Open Space in the City's General Plan and Rural Mountainous and Open Space Conservation in the County's Proposed General Plan. Due to the fact, that the actual construction of this street will be very problematic the City would like to meet with you, and any other members of your team, to discuss the possibility of deleting or realigning this roadway.

19.3
CONT.

In addition to above, the City is concerned about the proposal to drop the planning right-of-way for the Irvine-Corona Expressway and the County's East-West transportation corridors. These corridors, or something similar to them, needs to be considered with this General Plan update to ensure the needed land will be available for the right-of-way. As a City located within Riverside County, and more directly Western Riverside County, it is imperative that these corridors are planned for now to insure adequate traffic flows in the future. Therefore, it is recommended that the studies for alternate solutions to these Bi-County transportation corridors be completed and incorporated into the General Plan update prior to the adoption of this project.

19.4

Thank you in advance for your attention to the City's concerns. The City of San Jacinto looks forward to working with you to make this a successful project. Please contact Sharon Paisley, Development Director, at (951) 537-6372 or spaisley@sanjacintoca.us to schedule a meeting and if you have any questions concerning this matter.

19.5

Sincerely,



Sharon Paisley
Development Director

c: Tim Hults, City Manager
Haviva Shane, Best, Best & Krieger
Mary Lanier, Consultant
Diane Jenkins, Consultant
Habib Motlagh, City Engineer
Steve Weiss, AICP, County of Riverside Planning Director

Comment Letter No. 19: City of San Jacinto

Comment 19.1 The County appreciates and values your support of GPA No. 960 and Draft EIR No. 521. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 19.2 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

The County recognizes the City of San Jacinto's request for consultation, and has contacted the City of San Jacinto (City) via phone on May 1, 2015 and via Email on May 6, 2015 to discuss land uses in the City's sphere of influence.

Comment 19.3 This comment expresses concerns with respect to the designation and location of Bridge Street as it connects to the City in the northwest corner of the City. The City designates much of this area as Open Space, while the County area is mostly designated as Rural Mountainous and Open Space Conservation.

County Staff met with Mary Lanier, representing the City, and discussed the concerns identified by the City. The alignment shown on the Circulation Plan is conceptual, but clearly the intent is to avoid the open space areas and locate this facility, if and when it is needed, to the north of the Casa Loma Canal at the base of the hills. This conceptual alignment roughly follows the existing Baycrest Avenue, but no precise alignment has yet been determined.

The alignment within the City is entirely up to the City's discretion. Circulation Policy C 7.8 specifically addresses City-County coordination on roadway design issues in "edge" areas, such as this particular alignment. Based upon the meeting with the City's representative, it appears that the commenter's concerns have been adequately addressed, and no further action is need.

Comment 19.4 This comment expresses concern with the removal of the Irvine-Corona Expressway and the County's East-West transportation corridor. As indicated in both GPA No. 960 and Draft EIR No. 521, the Riverside County Transportation Commission (RCTC) is the lead agency for the CETAP facilities. While the County did assume the lead role in developing an integrated planning process to coordinate land use, transportation and open space conservation planning efforts, which led to the adoption of the County's 2003 General Plan and the subsequent approval the Western County MSHCP and endorsement by the RCTC of the CETAP Corridors, the implementation of both the MSHCP and the CETAP Corridors goes far beyond the County's jurisdiction to be able to implement on their own authority.

The corridors as currently presented in GPA No. 960 reflect the RCTC's further review of the corridors originally identified in the County's 2003 General Plan. In correspondence recently received from the RCTC (Comment Letter #17), it is indicated that both of the projects of concern, as well as further capacity enhancement to SR 91 between Riverside and Orange counties, are included in the current 2012 Regional Transportation Plan (RTP). However, CETAP Corridor B, the Irvine-Corona Expressway, is an unconstrained project, meaning that there are no funds currently identified for its construction. The project also requires a strategic plan to put forward preliminary feasibility studies to determine alignments, scope, and constructability. As such, there is no alignment determined at this time that could be plotted on an exhibit.

With respect to the CETAP West Corridor, the East-West corridor link between I-15 and I-215, this is a constrained project. Constrained projects are ones that can be funded given reasonable availability of future funding. However, the alignment has not been sufficiently studied to be able to identify a specific location. Nonetheless, the Circulation Plan does depict an expressway-level facility linking I-15 and I-215 that generally follows existing SR 74 and Ethanac Road. Once the RCTC has defined a specific alignment for the CETAP West Corridor the County will undertake to add that alignment to the General Plan Circulation Plan in a future amendment.

Comment 19.5 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general contact information. Responses to specific comments are provided above; no further response is required.



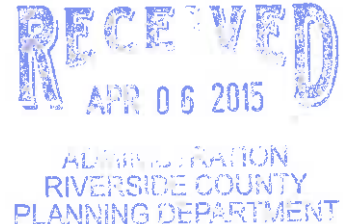
South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT BY E-MAILED AND USPS:
klovelad@rctlma.org

April 3, 2015

Ms. Kristi Lovelady, Principal Planner
Riverside County
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501



**Recirculated Draft Environmental Impact Report (RDEIR) for the Proposed
General Plan Amendment No. 960: General Plan Update Project
(EIR No. 521/SCH 2009041065)**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are intended to provide guidance to the lead agency and should be incorporated into the draft general plan and considered in the environmental document as appropriate to minimize localized and regional air quality impacts from future growth based on analyses from the existing 2008 baseline to 2040.

20.1

CEQA Baseline

For long-term air quality impacts, the Lead Agency has estimated mobile source operational emissions using EMFAC2007 emission factors for an existing baseline year (2008) to buildout in 2060, with the limitation that EMFAC2007 emission factors are available only through 2040. Based on its estimates, unmitigated long-term emissions including mobile sources from the existing year 2008 (baseline) through 2060 (project buildout) will exceed the SCAQMD recommended thresholds of significance for CO, ROG, SO_x, PM10 and PM2.5. Negative net NO_x emissions are shown in Table 4.6-E “due to the substantial decrease in anticipated vehicle emissions from vehicles mandated by increased efficiency requirements in current Federal and State law that have been implemented and will continue to affect the motor vehicle fleet between the existing year and 2040.” Although existing regulatory and other requirements have shown an improvement in the region’s air quality and is expected to continue to improve over time, the decrease in emissions from compliance from such requirements should not be considered mitigation since the reduced emissions are not a result of additional actions incorporated in the project to reduce the unmitigated emissions from mobile source vehicle emission activities.

20.2

Further, while it is appropriate to include regulatory requirements in measuring project emissions, the proposed Project’s emissions themselves should not be masked by comparing it to an existing conditions baseline where air quality is worse than what it will be when the proposed Project is operational. It is appropriate to assume that vehicles will comply with existing regulatory requirements, however their increase in activity needs to be accounted for and shouldn’t be masked by improvements brought on by those

20.3

regulations. By comparing project impacts to a baseline of actual 2008 conditions, the RDEIR fails as an information document because it does not disclose true air quality impacts from the project. This is exactly the type of situation which led the California Supreme Court to state that, "[t]o the extent a departure from the "norm[]" of an existing conditions baseline (Guidelines, [§ 15125\(a\)](#)) promotes public participation and more informed decision making by providing a more accurate picture of a proposed project's likely impacts, CEQA permits the departure." (*Neighbors for Smart Rail v. Exposition Metro Line Const. Authority* (2013) 57 Cal. 4th 439, 453.). The SCAQMD staff recommends revising the Final REIR comparing baseline 2008 emission activities with future vehicle activity using 2008 emission factors to show the situation if no changes are made to the County General Plan.

↑
20.3
CONT.

Air Quality Policies (Proposed New or Revised General Plan Policies)

Based on the SCAQMD staff comment letter dated July 25, 2013 for Early Drafts of the Air Quality and Greenhouse Gas Elements for the General Plan, the SCAQMD staff incorporates by reference recommendations made in that comment letter in addition to the new or revised policies included in the RDEIR starting on page 4.6-30 in order to address emission reductions related to NOx and adverse health effects to sensitive receptors to meet regional goals as outlined in the 2012 Air Quality Management Plan.

20.4

Contact Information

SCAQMD staff is available to work with the lead agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist CEQA Section, at (909) 396-3302, if you have any questions regarding the enclosed comments.

20.5

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

RVC150219-10
Control Number

JW:GM



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: July 25, 2013
mmehta@rctlma.org

July 25, 2013

Ms. Mitra Mehta-Cooper
Riverside County Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92502

Review of Early Drafts of the Air Quality and Greenhouse Gas Elements for the General Plan Update Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are intended to provide guidance to the lead agency and should be incorporated into the draft general plan and considered in the environmental document as appropriate. With the incorporation of additional air quality policies and revisions to existing draft policies (see below) this comprehensive plan provides a pathway for the county to minimize localized and regional air quality impacts from future growth and reach its goal of achieving 1990 greenhouse gas (GHG) emission levels by 2020.

1) Air Quality Policies (Pollution Control Policies-Page AQ-15)

Given the significant local and regional air quality challenges in the South Coast Air Basin, especially in the Inland Empire, it is imperative that local land use plans maximize opportunities to reduce localized and regional air quality impacts. Specifically, as extensively discussed in the latest air quality management plan (2012 AQMP) the region must reduce regional NOx emissions by 65% by 2023 and 75% by 2032 to attain the 8-hour ozone NAAQS as required by federal law¹. Given the diversity of land uses that facilitate regional economic and population growth in Southern California it is crucial that land use agencies provide comprehensive land use policies that minimize local and regional air quality impacts. Therefore, the SCAQMD staff recommends that in addition to the policies provided in the air quality element of the Draft GPU the lead agency include revised and additional policies that address the topics below.

Sensitive Receptors/Localized Air Quality Impact

- Revise Policy AQ 2.1 and 2.2 to include thresholds designed to ensure that sensitive receptors are protected from potentially significant health impacts. Specifically, the lead agency should incorporate the SCAQMD's CEQA localized significance thresholds and discourage future land use operational activities that exceed these thresholds. In addition, the policies should apply to all emission

¹ <http://www.aqmd.gov/aqmp/2012aqmp/Final-February2013/Ch4.pdf>

sources, including significant mobile sources such as warehouses, rail yards, and freeways, not just point sources (such as power plants).

Transportation Policies

- Encourage expansion of the electric vehicle (EV) charging station network.
- Encourage a local light vehicle network.
- Encourage improved local circulation to facilitate non-motorized transportation (e.g., bike facilities, pedestrian access, etc).
- Encourage expanded use of mass transit.
- Encourage consistency with the adopted 2012 Regional Transportation Plan / Sustainable Community Strategy (RTP/SCS).

Energy and Other

- Encourage use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the project sites to generate solar energy for the facility.
- Encourage energy efficient lighting and appliances. Where feasible use solar powered lighting.
- Encourage light colored paving and roofing materials.
- Encourage use of water-based or low VOC cleaning products at the project.
- Encourage the use of electric and low emission construction and maintenance equipment.

2) Goods Movement (Mobile Pollution Sources – Section AQ 3)

Goods movement activities are a significant part of the existing regional land use setting in the county and given the growth projections for this industrial sector it is critical that local general plans address their land use needs. Therefore, SCAQMD staff recommends that the lead agency incorporate policies in the Draft GPU that will ensure local land use compatibility and minimize the potential localized and regional air quality impacts. Specifically, the SCAQMD staff recommends that the lead agency incorporate policies that address the following:

- Encourage zero and near-zero emissions technology (see page 41 of the Goods Movement Chapter in the RTP).²
- Until zero emission trucks are available, the lead agency should encourage the use of other lower emitting trucks, such as natural gas powered trucks. While diesel trucks are the most common truck technology used today, the lead agency could encourage diesel haul trucks that meet 2010 model year standards, or at a minimum those that meet 2007 model year standards.
- Require consistency with the recommended guidelines and strategies in the Good Neighbor Guidelines for Siting New and/or Modified Warehouse Distribution Facilities published by the Western Riverside Council of Governments.³

² <http://scagrtp.net/MediaViewer/10944?print=true>

³ <http://www.wrcog.cog.ca.us/downloads/Good+Neighbor+Policies+Final-091205.pdf>

3) Greenhouse Gas Emissions (Climate Action Plan)

The lead agency established a Climate Action Plan that requires the County to reduce GHG emissions by 15% below 2008 level by 2020. However, SCAQMD staff is concerned that if the emissions growth rate exceeds anticipated 2020 levels then the proposed CAP may not contain sufficient contingency and enforcement measures to ensure consistency with the goals of AB32. As an example, if 2020 emissions levels are above the projected 6.04 MMTCO_{2e} per year then the proposed emissions target (15% below 2008 level) may be inadequate. In order to address this possibility, the lead agency has proposed a monitoring and reporting program. However, the lead agency did not provide specific information about enforcement of this program. Therefore, SCAQMD staff requests that the lead agency provide additional details for the monitoring and reporting program (e.g., duration between reviews of the emissions inventory, enforcement mechanisms, compliance issues, etc.) and include further discussion on measures to remedy excess emissions if the results of the interim inventory compilation process require a revision of the CAP.

SCAQMD staff is available to work with the lead agency to address these issues and any other air quality questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,



Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

RVC130725-01
Control Number

IM:DG

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Comment Letter No. 20: South Coast Air Quality Management District

- Comment 20.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 20.2** The reduction in emissions is based on emission improvements in California Air Resources Board's (CARB) EMFAC model, which considers implementation of the Statewide Truck and Bus Rule, improvements to fuel economy, and the elimination of older vehicles. It should be noted that the emissions in Table 4.6-E are the unmitigated operational emissions, and do not include any mitigation. Mitigated emissions are depicted in Draft EIR No. 521 Tables 4.6-G and 4.6-H. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 20.3** State CEQA Guidelines section 15125(a) provides that an EIR must include a description of the physical environmental conditions as they exist at the time the notice of preparation is published, or at the time environmental analysis is commenced. Such existing physical conditions will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. (State CEQA Guidelines § 15125(a)). As noted in the Draft EIR and CAP, the County uses 2008 as a baseline as this is the latest date that actual data was available at the time the analysis was prepared. While the *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) decision allows for a departure from the norm of an existing conditions baseline, the Lead Agency must justify its decision by showing that an existing conditions analysis would be misleading or without informational value. There is no uniform or inflexible rule for determining the existing environmental baseline conditions and the lead agency has the authority and discretion to decide the most appropriate method for determining the baseline. (See *Neighbors for Smart Rail v Exposition Metro Line Construction Authority* (2013) 57 C4th 439, 453; *Communities for a Better Env't v South Coast Air Quality Mgmt. Dist.* (2010) 48 C4th 310, 328). Additionally, it remains unclear what substantial evidence could show an existing conditions analysis would be misleading or without informational value. A comparison of the existing 2008 baseline emissions to the future GPA No. 960 emissions is provided in Draft EIR No. 521 to show the change in emissions with implementation of the GPA. The Draft EIR concludes that impacts related to air quality would be significant and unavoidable despite the implementation of the GPA No. 960 policies and Draft EIR mitigation measures.
- Comment 20.4** The SCAQMD comment letter from July 25, 2013 was considered during the development of the General Plan Update. The 2013 letter recommended several additional policies to address the topics of sensitive receptors/localized air quality, transportation, energy, and goods

movement. Additionally, the 2013 comment letter provided comments on the County's GHG reduction target and growth rate. Responses to these concerns are provided below.

Sensitive Receptors/Localized Air Quality. Suggestions such as incorporating the SCAQMD's CEQA localized significance thresholds were not reflected in the General Plan Update as these thresholds are already utilized for projects subject to CEQA in the County per SCAQMD guidance. It should be noted that GPA No. 960 includes various policies that support SCAQMD goals and protect sensitive receptors. For example, Policy AQ 1.4 requires coordination with SCAQMD to ensure that all elements of air quality plans are being enforced. Policy AQ 4.9 requires compliance with Rules 403 and 403.1. Policy AQ 16.4 requires collaboration with SCAQMD and other agencies to reduce diesel fumes due to warehousing operations. Mitigation Measure 4.6-D-N1 includes provisions to reduce truck emissions by limiting idling and requiring electrical outlets for refrigeration units to minimize localized impacts and overall truck emissions. Additionally, Mitigation Measure 4.6.D-N2 requires the minimum distance buffer zones for incompatible land uses that are recommended by SCAQMD and CARB to minimize health risk impacts.

Transportation Policies. The majority of the concepts in the suggested transportation policies were incorporated into the General Plan Update. For example, New Policies AQ 20.5 and 20.6 require electric vehicle charging stations. New Policies AQ 20.1 through 20.4 require the reduction in VMT through increases in transit options, circulation improvements, multi-modal facilities, and other trip reduction techniques. New Policy 22.1 requires expanded multi-modal facilities, transportation alternatives including pedestrian modes, and improving pedestrian linkages.

Energy Policies. The General Plan Update also incorporated various energy related policies that are similar to those suggested in the 2013 comment letter. For example, New Policy AQ 20.11 requires energy efficient mechanical design and New Policy AQ 20.18 encourages the installation of solar panels and other energy efficient improvements, among others. Additionally, Policy OS 11.1 supports alternative energy sources, New Policy AQ 20.21 would provide homeowner education programs for adding solar energy capabilities, New Policy AQ 20.28 supports solar array installations and other renewable sources, and New Policy AQ 26.1 encourages solar panels. Further, New Policy AQ 28.1 includes provisions for adding solar energy capabilities to existing structures and New Policy AQ 29.2 also allows for renewable energy.

GHG Emissions. Regarding the GHG emissions inventories and reduction target, New Policy AQ 19.1 requires continued coordination with CARB, SCAQMD, and the State Attorney General's office to ensure that reduction strategies presented in the General Plan and CAP adequately address the County's GHG emissions. Through agency coordination and the implementation process outlined in Chapter 7 of the CAP, the County would continue to monitor emissions and update inventories to ensure the reduction target is still relevant and adequate. Chapter 7 identifies the steps necessary for CAP implementation. Step 3 identifies

a timeline and provides criteria for prioritization for implementing the CAP. Additionally, Step 6 outlines the process for monitoring and inventorying and provides dates and milestones that would trigger such updates. The CAP Implementation Coordinator would be responsible for maintaining records of reduction measure implementation and insuring that the periodic updates to the emissions inventory are completed using an emission inventory tool.

Comment 20.5 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

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Lovelady, Kristi

From: Nathan Miller <nMiller@riversidebia.org>
Sent: Wednesday, April 01, 2015 1:50 PM
To: Lovelady, Kristi
Subject: BIA Comments - Riverside County CAP and EIR No. 521



Hi Kristi,

The BIA would like to recommend the following additional revisions to the County's CAP and EIR No. 521 to reduce the reduction target to the levels recommended by CARB and to define the "2020 adjusted BAU" in accordance with the CARB Scoping Plan's recommendation and ask that they be provided to the Planning Commission members as well as the Board. The BIA has determined that the County still would be able to demonstrate compliance with the reduction targets set forth in Executive Order S-3-05 without burdening new development proposals with expensive, if not infeasible mitigation obligations.

21.1

- Reconsideration of the 20% reduction target as compared to the 2020 adjusted BAU scenario to instead require a 16% reduction below 2020 adjusted BAU, consistent with the CARB Scoping Plan recommendations.
- Redefinition of the 2020 adjusted BAU to specifically identify which regional, state, and/or federal measures may be counted towards a project's greenhouse gas reductions, consistent with the CARB Scoping Plan recommendations.
- Discussion of the relationship between the CAP's definition of the 2020 adjusted BAU scenario and the California Emissions Estimator Model (CalEEMod), which is the modeling tool that the vast majority, if not all, of the entitlement projects that will be processed through Riverside County

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21.4

Thank you in advance for your consideration and feel free to contact me if you have any questions.

21.5

Sincerely,

Nathan A. Miller, *Director of Government Affairs*



C: (951) 505-2594
F: (951) 781-0509

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Comment Letter No. 21: Building Industries Association of Southern California

Comment 21.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 21.2 The CARB AB 32 Scoping Plan recommended a greenhouse gas (GHG) reduction goal for local governments of 15 percent below existing levels by 2020 to ensure that their municipal and community-wide emissions match the State's reduction target. The CARB AB 32 Scoping Plan also indicates that reducing GHG emissions to 1990 levels means cutting approximately 30 percent from business-as-usual (BAU) emission levels projected for 2020, which equates to about 15 percent from existing levels. CARB's estimate of 30 percent below BAU levels for 2020 include reductions from various state measures, vehicle emissions and transportation system improvements, utility improvements, and industrial improvements.

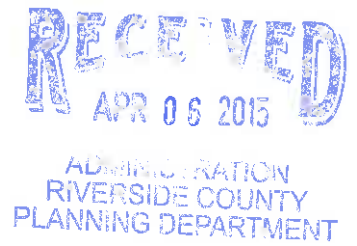
As described in the CAP and Draft EIR No. 521, consistent with the State of California's adopted AB 32 GHG reduction target, Riverside County has set a goal to reduce GHG emissions back to 1990 levels by the year 2020. This target was calculated as a 15 percent decrease from 2008 levels, as recommended in the CARB AB 32 Scoping Plan. Draft EIR No. 521 determined that the 15 percent decrease from 2008 levels equates to a GHG emissions reduction of 25 percent below the 2020 BAU scenario for future development proposed as a discretionary project. The 25 percent reduction from 2020 BAU levels is the reduction needed for future development in order to meet the 15 percent reduction target below 2008 levels. Additional reductions would come from building retrofits, state measures, and other implementation measures in the CAP (not associated with new development) are not reflected in the 25 percent reduction from 2020 BAU levels. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 21.3 As described in Section 7.5 of the CAP, project review would involve: (1) applying an emissions level that is determined to be less than significant for small projects; and (2) utilizing Screening Tables to mitigate project GHG emissions that exceed the threshold level. Projects would have the option of preparing a project-specific technical analysis to quantify and mitigate GHG emissions. It should be noted that the GHG emissions reduction of 25 percent below the BAU scenario referenced in Policy AQ 18.2 and Mitigation Measure 4.7.A-N1 equate to the 15 percent below 2008 baseline levels. This reduction percentage is provided for informational purposes, as future projects would be required to demonstrate compliance with the CAP through the Screening Tables and/or a quantified analysis. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further

response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 21.4 Please refer to Response 21.3, above. The BAU is provided for informational purposes. Future projects would be required to demonstrate compliance with the CAP through the Screening Tables and/or a quantified analysis (typically using CalEEMod). This provides an applicant with the ability to utilize more than one option in meeting the targeted reductions in GHG emissions for future projects. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 21.5 The County appreciates and values your comments during the General Plan Update and EIR process. This comment serves as a conclusion to the letter and provides contact information. No further response is required.



San Bernardino Valley
Audubon Society

via electronic mail and USPS

April 6, 2015

Kristi Lovelady
Principal Planner
4080 Lemon St., 12th Floor
Riverside, CA 92501
klovelad@rcplma.org

Re: Recirculated Draft Environmental Impact Report and Climate Action Plan for General Plan Amendment No. 960

Dear Ms. Lovelady:

The Center for Biological Diversity (the Center) and San Bernardino Valley Audubon Society (SBVAS) submit the following comments concerning the Recirculated Draft Environmental Impact Report (RDEIR) and Climate Action Plan (CAP) for General Plan Amendment No. 960 (GPA 960, Plan, or Project) for Riverside County (the County). For the reasons detailed below, we urge approval of GPA 960 be denied or that revisions be made to the RDEIR and CAP to better analyze, mitigate or avoid the Project's significant environmental impacts.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has 825,000 members and online activists, including those in Riverside County, California, and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Riverside County.

The SBVAS is a local chapter of the National Audubon Society, a 501(c)3 corporation. The SBVAS chapter area covers almost all of Riverside and San Bernardino Counties and includes the project area. SBVAS has about 2,000 members. Part of the chapter's mission is to preserve habitat in the area, not just for birds, but for other wildlife, and to maintain the quality of life in and around Riverside County.

22.1

I. The DEIR and Associated CAP Lack an Adequate Analysis of the General Plan’s GHG Emissions and Necessary Mitigation Measures to Meet Emission Reduction Goals

GPA 960 allows for incredible growth within Riverside County. However, the Plan and its accompanying DEIR and CAP do not adequately address the emissions that would result from such growth. While the CAP and DEIR for the GPA take important strides in acknowledging the significant impacts of climate change facing California and the need for significant reductions in greenhouse gas (GHG) emissions, neither document goes far enough to truly address the climate crisis ahead of us. The GPA contains vague policies on how to mitigate GHG emissions, and the DEIR fails to inventory important emissions that would result, directly and indirectly, from implementation of the Plan.

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Troublingly, the information in the GPA, DEIR and CAP is often inconsistent, resulting in dubious claims on the County’s ability to minimize the significant GHG emissions that will result both directly and indirectly from the GPA. While the County establishes promising reduction goals, the mitigation measures proposed to meet those goals are flawed and lack necessary enforcement mechanisms. The County also at times overestimates the emission reductions likely to result from mitigation measures. Many of the issues raised in CBD’s prior comment letter, particularly the continued reliance on a Business-As-Usual baseline remain in the environmental documents. Therefore, the conservation groups urges the County to revise the GHG analysis in the GPA, DEIR and CAP to address the issues raised below in order to ensure that growth in the Riverside County will not come at the cost of significant new emissions of GHGs.

A. The Climate Action Plan’s Conclusion that Greenhouse Gas Emissions will be Less than Significant is Dubious and Conflicts with CEQA’s Requirements

In order to fully address climate impacts arising from the GPA, the County has created a Climate Action Plan (CAP), which details the specific measures the County would take in order to minimize the GHG emissions impacts of GPA 960. The CAP proposes measures to reduce GHG emissions to less than significant levels and serves as a basis for tiering by future development projects. These measures however, contain numerous flaws that violate the mandates of CEQA: they rely upon an improper baseline, are unenforceable, defer mitigation, and fail to include all feasible measures. Furthermore, the CAP and DEIR overestimate the reductions the mitigation measures will achieve and omit information necessary for informed decision-making, also in violation of CEQA. Finally, the CAP and its Screening Tables, which are meant to be the basis for tiering by future projects, fail as tiering documents because of their numerous CEQA violations and because they reward meaningless reductions. These numerous flaws show that the DEIR’s finding of less than significant impacts for GPA 960 is invalid.

22.3

i. Business as Usual” Calculations Do Not Serve as a Proper Baseline for Future Project Emissions

According to CEQA Guidelines, the appropriate baseline against which to measure significance is the “existing environmental setting.” (§ 15064.4.) This means that hypothetical

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future conditions do not constitute a proper baseline under CEQA. (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 322 (CBE).) The business as usual (BAU) projection found in the CAP relies on hypothetical future conditions in which important state measures reducing greenhouse gas emissions do not exist. Although the BAU projection does not serve as the baseline for analysis of emissions resulting from the GPA, it can be used by future development projects to prove that their GHG emissions are not significant: “[t]he target to be met is a GHG emissions reduction of 25% below emissions for the adjusted BAU scenario.” (DEIR 4.7-53.) Therefore, new developments can entirely avoid the CAP’s stronger threshold of a 15% reduction from 2008 levels and the screening table approach when conducting their GHG significance analysis.

The BAU scenario does not serve as an appropriate baseline against which to compare future projects because it does not represent the existing environmental settings. For example, as recognized throughout the CAP, state laws like AB 1493 have been passed to reduce GHG emissions statewide. (See, e.g., CAP 4-3.) These laws represent existing environmental settings because Riverside County and its occupants are required to comply with them. The BAU, however, does not include GHG reductions from statewide programs in its projected 2020 emissions: “[r]eduction initiatives coming from the state or other agencies are not included in the BAU scenario.” (CAP 3-6.) By failing to take these initiatives into account, the BAU represents a hypothetical, rather than existing, setting. Such hypothetical settings are not a proper baseline for analysis of environmental impacts. (See *Save Our Peninsula Comm. v. Bd. of Supervisors*, (2001) 87 Cal. App. 4th 99, 121 [“the impacts of the project must be measured against the ‘real conditions on the ground.’”]) Rather than using recent historical or current emission levels as a baseline, as CEQA requires, the BAU approach relies on a legally impermissible baseline to determine significance levels. Because the BAU violates regulatory and statutory mandates and could never legally occur, it is not a proper baseline against which to measure the impacts of future development.

ii. The Mitigation Measures Improperly Rely on “Business as Usual” Calculations as a Baseline

In order to reduce the impacts of greenhouse gas emissions to less than significant levels, Riverside County has had to adopt two mitigation measures in the DEIR, both of which primarily address new development. Measure 4.7.A-N1 allows future developers to demonstrate achievement of a target level of GHG emissions set at 25% below Business-As-Usual levels. (DEIR 4.7-53.) CEQA requires, however, that a baseline represent existing environmental settings, and BAU levels are not a proper baseline against which to measure the significance of anticipated GHG emissions. (See Guidelines, § 15064.4.)

The DEIR should explicitly state that existing environmental conditions, not future hypothetical conditions will be the basis for calculating baseline conditions. This is because future hypothetical conditions create “unwarranted barriers to the public understanding of the EIR.” (*Neighbors for Smart Rail v. Exposition Metro Line Const. Authority* (2013) 57 Cal. 4th 439, 455 (*Neighbors*).) Using an existing environmental baseline would ensure that the County’s calculations are accurate, attainable and most accessible to courts and members of the public. (*Neighbors*, (2013) 57 Cal. 4th 439, 455 [“Existing conditions as a baseline makes the analysis

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more accessible to decision makers and especially to members of the public, who may be familiar with the existing environment, but not technically equipped to assess a projection into the distant future.”)]

Instead, the DEIR gives the County wide discretion to adopt “alternative methods” as long as they are “scientifically defensible.” (DEIR 4.7-32.) Scientific defensibility is not foolproof because it can be used to manipulate the public into thinking that the County’s baseline calculations are accurate. The *Neighbors* court further highlighted this concept of manipulability, “[i]n a hypothetical future world, the environment is what the statisticians say it is.” (*Neighbors*, (2013) 57 Cal. 4th 439, 455.)

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Because the BAU scenario in the CAP does not include statewide reduction strategies, it inflates projected GHG emissions. (See CAP 3-6.) Therefore, a 25% reduction from such an inflated and improper baseline would not achieve meaningful reductions.

Furthermore, public agencies have criticized the use of BAU as a baseline against which to assess the significance of GHG emissions. The California Air Pollution Control Officers Association (CAPCOA), for example, has stated that such an approach has “low” GHG emission reduction effectiveness and consistency with state targets. (CAPCOA 2008.) The California Resources Agency has also cautioned against this approach, warning that “a comparison of the project against a ‘business as usual’ scenario as defined by [California Air Resources Board (ARB)] in the Scoping Plan . . . would confuse ‘business as usual’ projections used in ARB’s Scoping Plan with CEQA’s separate requirement of analyzing project effects in comparison to the environmental baseline.” (Resources Agency 2009.) Therefore, the BAU scenario is not a proper baseline against which to determine the significance of emissions from future development.

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Even if the BAU scenario used by Riverside County were accurate, a 25% reduction from BAU levels is insufficient to meet the threshold of significance established by the DEIR. This flaw invalidates the finding that emissions by future developers that are 25% below BAU levels would be less than significant. As the DEIR states, GHG emissions have a less than significant impact if they fall below the threshold of significance, 15% below 2008 levels. (4.7-38.) This is equivalent to a **50.9% reduction** from 2020 BAU emissions. (CAP 5-2.) Thus, the anticipated reductions needed to fall below the significance threshold are twice the reductions called for by Measure 4.7.A-N1.

22.7

Developers attempting to comply with this measure, as opposed to alternative Measure 4.7.A.N2, will not be required to reduce emissions to the threshold of significance of 50% below BAU. Therefore, it is likely many developers will likely opt to reach the target of 25% below BAU, since this threshold requires fewer reductions. Because this approach does not meet the threshold of significance established in the DEIR – 15% below 2008 levels – emissions from future projects that use this approach will cause significant harmful impacts not accounted for in the GPA or DEIR. Therefore, Mitigation Measure 4.7.A-N1 fails to reduce the impacts of the Plan to less than significant levels. Rather to allowing developers to employ this ineffective measure as an alternative, the Screening Tables in Measure 4.7-A-N2 require more substantial reductions and should be mandatory for all new development projects in the County.

iii. The Mitigation Measures in the DEIR Violate CEQA Because They Are Voluntary, Vague, and Thus Unenforceable

Not only does the County defer mitigation until the future, but the mitigation measures proposed in the CAP are not enforceable. To comply with CEQA, mitigation measures must be “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (Guidelines, § 15126.4 subd. (a)(2).) Furthermore, they must be “incorporated into the project or required as a condition of project approval in such a way that [would] ensure their implementation.” (*Fed’n of Hillside and Canyon Assoc. v. City of Los Angeles*, (2000) 83 Cal. App. 4th 1252, 1262 (*Federation*)). These enforceability requirements ensure the effectiveness of mitigation measures as applied to both the General Plan and future projects. (See Guidelines, § 15183.5 subd. (b)(2).)

The mitigation measures of the DEIR rely primarily upon the implementation measures (IM’s) described in the CAP. These are the measures that, apart from preexisting local policies and statewide regulations, are meant to reduce GHG emissions from both the GPA as a whole and from individual future projects. Many of the IM’s are voluntary. These voluntary measures do not require actual reductions in GHG emissions: rather, they rely on a certain level of voluntary participation of developers and individual residents in order to achieve reductions. Nonetheless, the County attributes emission reduction estimates in the future from these voluntary, vague implementation measures.

Furthermore, no “legally-binding instrument” or “other measure” gives the County the power to enforce these voluntary IM’s. (Guidelines, § 15126.4 subd. (a)(2); Pub. Resources Code §21081.6 subd. (b).) Instead, a developer might choose not to incorporate a single one in the final form of the development. The County provides little explanation on how it will get developers to commit to implementing the County’s more stringent emission reduction measures. Such voluntary measures violate CEQA’s requirement that mitigation measures actually be incorporated and implemented by a project. (See *Federation, supra*, 83 Cal. App. 4th at p. 1262.) Not only are many IM’s voluntary, but they and others contain vague descriptions that limit the degree to which they can be enforced. Many of these measures do not specify how they should be implemented, how many reductions they must achieve or how failure to comply will be regulated. The County assures the public and decisionmakers it will “monitor implementation of the reduction measures” but provides no detail or specificity on how it will monitor or enforce the reduction measures. (DEIR 4.7-53.) Such explanation is necessary information for citizens seeking to understand and evaluate the County’s CAP and is therefore required under CEQA. (See *Dry Creek*, 70 Cal. App. 4th at p. 26.) Therefore, the mitigation measures and the IM they rely upon are unenforceable and violate CEQA.

iv. The Climate Action Plan Fails to Adopt All Feasible Mitigation Measures

In addition to the mandate that mitigation measures be enforceable, CEQA requires the adoption of all feasible mitigation measures that would reduce the environmental impacts of a project. (Pub. Res. Code § 21002; Guidelines, § 15126.4 subd. (c); *City of Marina v. Bd. of Trs. of the Cal. State University* (2006) 39 Cal.4th 341, 369-70.) The mitigation measures proposed

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by Riverside County rely on enforcement of IM's contained in the CAP. These IM's fail to include many feasible mitigation measures, some of which are discussed below and included as attachments to this comment letter.

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a. The Updated DEIR Hardly Addresses Specific Mitigation Measures for GHG Emissions in the Transportation and Construction Sectors.

The updated DEIR's mitigation measures for reducing GHG emissions in the transportation and construction sectors are neither well developed nor specific. (See Circulation Element 4.7-27, 4.7-28; Air Quality Element 4.7-30, 4.7-33, 4.7-34.) First, the DEIR does not discuss mitigation measures for transportation emissions in its Green House Gases Section even though vehicle use contributes to a significant portion of greenhouse gases in the atmosphere. (See generally DEIR 4.7.) Rather, the transportation related mitigation measure that the County articulates in its Transportation and Circulation Section does not directly address emissions: "Work with incorporated cities to mitigate the cumulative impacts of incorporated and unincorporated development on the countywide transportation system." (See Policy C 7.1 in DEIR 4.18-34.) This measure is underdeveloped because it does not address how the County plans on mitigating cumulative impacts of transportation emissions specifically.

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The County could include more specific and well-developed transportation related measures in its Greenhouse Gases Section 4.7 (not just its Transportation and Circulation Section 4.18). In *Sierra Club*, the court found Tahoe Regional Planning Agency's "Mitigation Program" to be an "established program with well-developed guidelines" because it included specific measures designed to "attract and retain users." (F. Supp. 2d 1098, 1138 (E.D. Cal. 2013).) The Planning Agency's Program also included cost estimates and project objectives for transportation related measures. Even though the Agency in *Sierra Club* did not address measures related to GHG emissions, the case is instructive because court lauded the Mitigation Program's high level of specificity. Here, as in *Sierra Club*, the County might add a section in the Greenhouse Gases Section 4.7 of the DEIR specifically discussing how it plans on mitigating emissions from activities such as "accelerat[ed] construction of transportation infrastructure," and "design[ing], construct[ing] and maintain[ing]" Riverside County roadways. (See Policies C 2.2, C 2.6, C 3.1 in DEIR 4.18-32.) These measures would be beneficial in keeping decision makers and the public duly informed. Also, including these measures in the Greenhouse Gases Section would make the County's mitigation measures accessible and clear to members of the public who read only that Section.

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b. The DEIR Fails to Address Emissions and Mitigation Measures of Agricultural and Irrigation Related Development.

The DEIR also fails to address specific mitigation measures for construction emissions. (Impacts of Construction Emissions discussed in DEIR 4.7-49.) As discussed in the Center's previous Comment, construction emissions from building development contribute to significant GHG emissions. The three mitigation measures the County proposes in the Greenhouse Gases Section do not address construction emissions directly. (See DEIR 4.7-52; 4.7-53.) CBD's

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previous Comment addressed the first two measures at length. (See DEIR 4.7-53.) The new Mitigation Measure 4.7.A-N3 reiterates information that is already present in the County’s CAP. (DEIR 4.7-53; CAP Table 7-2 post-2020 plan.) Taken together, the updated DEIR’s new mitigation measures generally do not identify mitigation methods for construction emissions or lay out standards for enforcing those methods. In sum, the DEIR’s mitigation measures fail to reach the level of specificity that California courts required in *San Joaquin* and *City of Richmond* cases. The Center urges the County to include specific mitigation measures that live up to those described by other counties and agencies in their development projects. Enumerating specific mitigation measures would allow decision makers and the public to remain informed. And, if necessary, members of the public could hold the County accountable for any oversight in mitigating future project-specific impacts of construction related emissions.

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There are several specific measures that the County could address. With respect to transportation emissions, the County might come up with measureable standards for reducing vehicle miles traveled (VMT) based on the total number of people who drive on Riverside’s roadways. But, if the County proposes reducing transportation emissions by decreasing the total number of vehicle miles traveled (VMT), then it should address where and how it plans on achieving its goal. For example, one way the County could reduce VMT is by incentivizing drivers to take alternative modes of transportation like bicycling. In that respect, the County should also address alternative measures in case a particular measure (e.g., bicycling) is unsuccessful. As for construction emissions, the County could maximize the use of older buildings and limit construction of new ones. Accordingly, the County could adopt a measure that places a numerical cap on the number of buildings that are constructed each year. Enumerating detailed, specific and comprehensive measures in the Greenhouse Gases Section would allow the public to easily access and, in turn, assess the County’s plan for reducing GHG emissions.

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Agricultural and large irrigation related developments contribute to significant GHG emissions, and are also the highest consumers of water resources. (See DEIR 4.19-154; Table 4.19-T.) The overlap between agricultural development, water consumption and greenhouse gases is significant. For example, a large number of activities on agricultural lands including fertilizer application and methods of irrigation as well as tillage contribute to the production of emissions. Specifically, irrigation pumps require energy to operate, and so, most are powered by diesel fuel. As a consequence of the lack of precipitation in California, Riverside’s agricultural industry will increasingly need to rely on irrigation systems for water supply. The implications of using more large scale irrigation systems, which rely on diesel fuel, are significant for GHG emissions. (See CARB 2006). Also, black carbon emissions from agricultural fires contribute to the greenhouse gases in the atmosphere. Management of agricultural soils, therefore, is crucial to reducing GHG emissions. In this respect, the DEIR fails to address mitigation measures related to the emissions from management of agricultural soils and irrigation related activities.

22.14

B. The CAP and DEIR Must Include Clear Enforcement, Monitoring of Emission Reduction Measure in order to be Effective

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The Center is encouraged by the County’s efforts to take into account long-term emission reduction goals that extend through the life of the GPA and set targets of increasing emission

reductions from 2008 levels in 2020, 2035 and 255. However, the Center remains concerned about the commitment of the County to follow through on these goals because of the CAP and DEIR weak and vague implementation measures and the absence of concrete enforcement and monitoring measures. The County also appears to overestimate the likely emission reduction from these vague implementation measures. To ensure that the County actually reaches its targets, it should revise the DEIR and CAP to eliminate the Business-As-Usual baseline analysis option for new development, incorporate strict, enforceable mitigation measures for GHG emission reduction and fund long-term monitoring mechanisms to confirm the County is on track to meet its GHG reduction goals. Without such assurances and actions, the County's goals will likely remain only an aspiration.

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II. The DEIR uses a flawed and inadequate baseline to evaluate Project impact on water supply.

It is well established that the purpose of an EIR is to provide public agency decision-makers and members of the public with an informational document that explains potentially significant environmental impacts and feasible mitigation measures. (Cal. Pub. Res. Code § 21002.1; Guidelines § 15121; *Carmel Valley View, Ltd. v. Board of Supervisors* (1976) 58 Cal.App.3d 817, 821-822.) In order to be useful, however, the EIR must accurately identify what significant impacts exist. “[T]he significance of a project’s impacts can be ascertained only if the agency first establishes the physical conditions against which those impacts are to be measured.” Michael H. Remy et al., *Guide to CEQA California Environmental Quality Act*, 198 (11th ed., Solano Press 2007). The idea is to compare “what will happen if the project is built with what will happen if the site is left alone.” (*Woodward Park Homeowners Assn, Inc. v. City of Fresno* (2007) 58 Cal.Rptr.3d 102, 119.)

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The rule for what constitutes an environmental baseline is set forth in Guidelines section 15125(a), which provides that:

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant. (Guidelines § 15125(a).) Even when an EIR relies upon an adopted plan, the EIR must still analyze the existing physical conditions as they exist at the time the Notice of Preparation is published. (Guidelines § 15125(a).)

A. The baseline analysis fails to and must quantify current and likely long-term reduced water supply from extended drought periods due to climate change.

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GPA 960 and the DEIR concludes that water supply for the county is unreliable, but does not adequately address or quantify the likely massive reductions of State Water Project water

deliveries due to prolonged drought periods due to climate change, including the current drought. The DEIR's brief and qualified analysis of current hydrological conditions violates Section 15151 of CEQA, where, to the extent reasonably feasible, an EIR "should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines § 15151.)

Although the DEIR has been updated to discuss the ongoing drought and its potential impacts on water supply reliability for the county, it still uses outdated assumptions for projecting water supply availability for the county through 2035. Notably, the DEIR uses Metropolitan Water District ("MWD")'s water availability estimate assuming multiple dry-years similar to those of 1990-1992. (DEIR, at 4.9-157 & 158.) However, California is currently already in its fourth year of drought where hydrological conditions are the driest recorded (NOAA 2014; Scientific American 2014; U.S. Drought Monitor Center 2015.) By relying on outdated water supply estimates from MWD, the direct purveyor or broker of the vast majority of the county's potable and non-potable water, the DEIR severely underestimates the quantity of water that is and will be available for the county through 2035. Thus the DEIR presents a flawed environmental baseline that relies on an inaccurate physical condition, in violation of § 15125(a).

The DEIR should be revised to take into account the current as well as likely worse and extended drought conditions in order to accurately assess Project impacts on water supply. Studies have shown that Southwestern United States, which includes California, is very likely in or will very likely enter a megadrought over the length of 10 years due to climate change. (Ault et al. 2014; *see also* Rice 2014.) Additionally, there is an 80% chance that the Southwest will experience an unprecedented megadrought that would last more than three decades, between 2050 and 2099. (Cook 2015.) In the mean time, this region will experience additional droughts leading up to the megadrought. (Cook 2015.) A recent study regarding droughts in California concluded that anthropogenic climate change has resulted in and will continue to result in the co-occurrence of warm and dry periods in California, which in turn will exacerbate water shortages, groundwater overdraft, and species extinction. (Differbaugh 2015.)

Since the DEIR already discusses that climate change will increase the unpredictability of water supply reliability in the county, it should also discuss the likely future climate-induced extended drought conditions as part of its baseline analysis. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439 ("nothing in CEQA law precludes an agency, as well, from considering both types of baseline--existing and future conditions--in its primary analysis of the project's significant adverse effects.").)

III. The DEIR provides an inadequate analysis and mitigation of Project impacts on water resources and water quality.

The analysis of water supply and availability is inadequate and requires further analysis and recirculation. The DEIR recognizes that GPA 960 will result in significant and unavoidable impacts to water resources because it would result in an insufficient water supply, substantially deplete groundwater supplies, and interfere substantially with groundwater recharge. (DEIR, at

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22.18

4.19-298; 4.19-303) However, the EIR's analysis and mitigation of those impacts falls short of CEQA's requirements.

↑ 22.18
CONT.

A. *The EIR fails to provide substantial evidence in discussing the impacts of potential water infrastructure projects, water management strategies, and additional imported water supply.*

The DEIR provides that a high level of uncertainty surrounds water supply availability beyond 2035 to meet demands of anticipated new development and land use changes in the county. (DEIR, at 5-13, 5-14.) The EIR discusses the potential for infrastructure projects, water management strategies (including conservation, outreach and education, groundwater recharge areas, and water supply monitoring), and additional imported water supply to satisfy water supply shortfalls the county will likely face. (DEIR, at 5-14.)

However, the DEIR fails to assess the reasonably foreseeable impacts of all of these options as required by CEQA. The DEIR merely states that "in the absence of a definitive identification of future water supply, potential impacts associated with water supply and demand must be considered significant and unavoidable." (DEIR, at 5-14.) The DEIR's failure to analyze these impacts, for instance the amount of water the , or how water conservation strategies will help offset the impacts of securing additional imported water supply, constitutes a violation of CEQA's requirement to analyze and discuss significant environmental impacts. (CEQA § 15126.2.) Without this information the county cannot meaningfully analyze and mitigate the reasonably foreseeable impacts of the project. (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1090, 1094 (EIR must address the "reasonably foreseeable impacts of supplying water to the project" since "[t]he purpose of an EIR is to identify and discuss the impact of the proposed project on the existing environment."); *Napa Citizens for Honest Government v. Napa County Bd. Of Supervisors* (2001) 91 Cal. App. 4th 342, 371-373.)

22.19

B. *The DEIR proposes inadequate mitigation measures to alleviate Project impacts on surface water and groundwater resources and quality.*

The EIR's admission that the Project would result in significant water supply impacts required the County to adopt all "feasible alternatives or mitigation measures available which would substantially lessen" these impacts. (Pub. Res. Code § 21002; CEQA Guidelines § 15021(a); *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 360.) Mitigation measures must be feasible and enforceable. (CEQA Guidelines § 15126.4(a)(1), (2).) As mitigation measures that are feasible and that will reduce the negative effects on water supplies and quantity, the County should adopt policies and regulations that do the following:

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- Reduce residential densities in areas where water supplies are being overdrawn by current development, or where water supplies are compromised by natural or man-made contaminants.
- Enact policies to assure that additional projects do not deplete groundwater resources.
- Create ordinances that prohibit development that will result in a direct, indirect, or cumulative impact on water supply availability.

↓

- Discourage and restrict uses with heavy water demands from locating in those same areas.
- Mandate water conservation.
- Adopt landscape regulations that prohibit plants with heavy water demands. Require the use of native, drought-tolerant vegetation.
- Adopt standards for and encourage installation of gray-water systems.
- Require use of pervious surfaces for driveways and parking lots, to reduce run-off and maintain some recharge capacity for the site.

22.20
CONT.

C. The DEIR improperly defers analysis of mitigation measures regarding Project impacts on water supply.

Since the EIR fails to provide substantial evidence in discussing the impacts of potential water infrastructure projects, water management strategies, and additional imported water supply (as stated above), the DEIR also improperly defers formulation of mitigation measures, to a later time when development of specific projects is considered. This deferral of developing feasible and enforceable mitigation measures for additional water supply impacts frustrates informed decision-making and violates CEQA. (CEQA Guidelines § 15126.4(a)(1), (2).)

22.21

i. The DEIR improperly defers analysis of mitigation measures regarding Project impacts on water quality.

The DEIR concludes in Section 4.19 that Project impacts on water quality will be less than significant after adopting the various ongoing and proposed mitigation measures. However, the DEIR improperly defers identification and analysis of many of the project’s impacts regarding water quality and waste discharge, as well as formulation of mitigation measures, to a later time when development of specific projects is considered.

For instance, the DEIR defers further impact and mitigation analysis for water quality effects of the Project by proposing mitigation measure 4.17.5C & D that “where development may contribute to a worsening of local or regional ground or surface water quality (as determined by the Riverside County Department of Environmental Health and/or RWQCB), a water quality analysis shall be prepared.” (DEIR, at 4.19-307.) The water quality analysis will then be submitted to the county and the RWCQB for review and be approved prior to the issuance of any entitlement that would result in physical modification of the project site. (DEIR, at 4.19-308.) Only after this impact analysis will the project applicant then submit to the county and RWQCB evidence that the specific measures to limit or eliminate potential water quality impacts resulting from the entire development process, will be implemented as set forth in the water quality analysis, which shall be approved prior to physical modification of the site. (DEIR, at 4.19-308.) The DEIR provides the same formula that defers determining impacts and mitigation measures regarding waste discharge impacts. (DEIR, at 4.9-312 & 313.)

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These mitigation measures processes are inadequate since they do not meet the CEQA requirement for the Project proponent to develop performance criteria upon which mitigation measures will be based. (CEQA Guidelines § 15126.4(a)(1)(B) (Formulation of mitigation measures should not be deferred until some future time. However, measures may specify

performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.); *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.App.4th 889, 915 (“Impermissible deferral of mitigation measures occur when the EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.”); *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 (a performance standards (in this case draft habitat conservation plan for managing a preserve) can be relied on if it contains specific details including assurance that standards will be satisfied at a particular time and manner); *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793-94 (mitigation measure is inadequate when it “does no more than require a report be prepared and followed, or allow approval by a county department without setting any standards”); *Communities for a Better Env’t v. City of Richmond* (2010) 184 Cal.App.4th 70, 95 (rejecting mitigation measure that required project applicant to develop plan for reducing GHG emissions because it did not contain any objective criteria for measuring success).)

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CONT.

Additionally, the EIR does not provide that mitigation measures will be implemented prior to Project activities, and by deferring the approval of mitigation measures to just prior to Project activities the EIR implies that mitigation measures will not be implemented prior to the activities. (*POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 740 (agency improperly delayed implementing mitigation measures while project went forward.))

22.23

The EIR violates Section 15126.4(a)(1)(B) by failing to fully analyze the water quality impacts of GPA 960 and providing specific Project-specific mitigation measures, or measurable performance criteria, to reduce those significant impacts.

IV. The Riverside County Area Plans Do Not Follow GPA 960

Policies proposed in the area plans are inconsistent with those of GPA 960. For instance, despite the GP Amendment 960 acknowledging that water supply is unreliable in the county especially in the Coachella Valley area, (GPA 960, at OS-4, 8), the area plans for the Eastern Coachella Valley area does not provide for specific water supply policy, and instead resorts to a general policy to conserve and protect watersheds and water supply through adherence to policies stated in the general plan (ECVAP, at 9.1; Draft General Plan Amendment 960-Eastern Coachella Valley Area Plan, 48.) The Western Coachella Valley Area Plan does not contain any discussion regarding water resources and ensure that the development of this area is based on reliable water supplies. And while GPA 960 and the DEIR discusses how the Coachella Valley Water District and other districts are adopting water-efficiency measures into their land use actions, these measures are not reflected in the Western and Eastern Coachella Valley Area Plans. The Palo Verde Valley Area Plan, which covers one of the most productive agricultural areas in the state, does not address the GPA 960 policy to encourage efficient water use in agriculture. (DEIR, at 4.7-30.)

22.24

A. The county will not likely achieve its greenhouse gas emissions reduction goals from purchased water under the current Climate Action Plan.

The CAP intends to reduce GHG emissions from purchased water by 37.8% (from 2008 levels) by 2020, from 152,470 to 109,021 MTCO₂e. (CAP, at 5-7.) The CAP has adopted

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several measures that it projects will reduce GHG emissions from purchased water, including complying with the statewide renewable energy portfolio related to water conveyance (“R1-W1”) and implementing a water use reduction initiative (“R2-W1”). However, these measures will not allow the county to achieve its GHG emissions reduction goals related to purchased water, for reasons we highlight below.

The CAP concludes that by adopting the Renewable Portfolio Standard of reducing GHG emissions by 33% by 2020, the county would reduce emissions from electricity used for water supply and conveyance in California by 33,315 MTCO_{2e} by 2020. (CAP, at 5.1.) However, the CAP does not explain the difference between these GHG emissions reductions under R1-W1 and those that it projects will be achieved through R1-E1, GHG emissions reductions that would also be met through complying with the 33% RPS by 2020 goal. (CAP, at Appendix E.) Without distinguishing how GHG emissions reductions would be achieved from these two measures that seek to comply with the same standard, it appears that the CAP has double-counted reductions between water supply-related emissions and reductions in emissions via electricity generation, thus over-estimating GHG emissions reductions. Furthermore, it is questionable whether the 33% RPS by 2020 goal will be met in reality, since the CAP itself acknowledges that the feasibility of the goal is not certain due to current limitations in production and transmission of renewable energy. (CAP, at 4-8.)

The CAP adopts R2-W1, the Water Use Reduction Initiative, which would apparently reduce GHG emissions associated with electricity consumption for water treatment and reduction. (CAP, at 5-3.) The CAP projects that implementing R2-W1 will reduce total GHG emissions related to purchased water by 16.2% by 2020 (CAP, at 5-3.) However, these reductions are calculated relying on vague and voluntary not mandatory measures discussed in Appendix E. Specifically, the CAP “encourages the County to adopt a per capita water use reduction goal” in support of E.O. S-14-08 mandating the reduction of water use by 20 % per capita. The 20% reduction per capita is a goal, and therefore not mandatory. This reduction goal would then be promoted by a variety of programs including incentives for developers to comply with the new California Green Building Standards Code requirements (e.g. to reduce indoor potable water use by 20%), water efficiency pricing programs, training and education, and recycled water use programs--all of which are voluntary. Despite the voluntary and amorphous nature of these programs and goals, the CAP assumes these actions would result in an assumed emissions reductions of 20%. (CAP, at 4-17 and 4-18.) Even if the county implements all of these measures it will be unable to track their effectiveness since most of these measures are not quantifiable and therefore not measurable.

Additionally, the CAP provides that R2-W1 regarding water use reductions will only be implemented during Phase 1 (between 2010 and 2014), when it should be continuous through Phases 2 (2014-2017) & 3 (2017), especially since many of these programs have not even been established yet, let alone implemented. (CAP, at 7-6.)

B. The assumption that implementing the CAP will directly reduce water usage by 30% is unsubstantiated and not incorporated into the GPA 960.

The CAP also assumes these water reduction actions would reduce direct water usage by 30%, providing no rationale or calculation for this percentage in reduction. A reduction in direct water usage is not part of the GPA 960 or the DEIR.

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22.26

C. The CAP and DEIR do not sufficiently discuss financing related to GHG emissions reductions related to purchased water.

The CAP and the DEIR do not discuss how it reductions in GHG emissions related to purchased water will be financed. The only specific water conservation and treatment financing source the CAP identifies assists reductions in water pollution, not water consumption or reducing GHG emissions from water supply and conveyance. (CAP, at 7-5.)

22.27

D. The CAP does not sufficiently discuss monitoring related to GHG emissions reductions related to purchased water.

The CAP does not sufficiently discuss monitoring related to GHG emissions reductions related to purchased water. The CAP simply provides that the county will “create a system for monitoring the implementation of this CAP and adjusting the plan as opportunities arise.” (CAP, at 7-8.)

22.28

E. The EIR’s Fails to take into account Water when Analyzing the County’s Energy Needs

The RDEIR’s energy analysis also does not appear to analyze the energy requirements to provide water to the growing region. Moving water around the state utilizes a large portion of the state’s energy output, and this will only become a more difficult problem with climate change. The RDEIR’s energy analysis should consider the energy needs related to providing more water to the region, and it is not clear that the document has done this already.

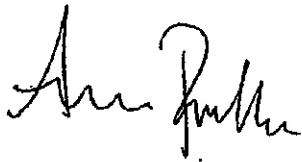
22.29

Conclusion

Thank you for the opportunity to submit comments on this Plan. In light of the significant greenhouse gas emissions and water impacts that will result from the Plan, we do not recommend that it be approved in its current form. We look forward to working with Riverside County to ensure that the Plan sufficiently addresses, mitigates, and avoids environmental impacts and conforms to applicable state law. Please do not hesitate to contact Aruna Prabhala (aprabhala@biologicaldiversity.org) at the Center with any questions.

22.30

Sincerely,



Aruna Prabhala
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Center for Biological Diversity

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A handwritten signature in black ink that reads "Drew Feldman". The script is fluid and cursive, with the first letter of each word being capitalized and prominent.

Drew Feldman
Conservation Chair
San Bernardino Valley Audubon Society

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Comment Letter No. 22: Center for Biological Diversity with San Bernardino Valley Audubon Society

Note: Refer to Attachment A, Comment Letter Attachments, to view the full materials provided and referenced by the commenter.

Comment 22.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 22.2 The comment notes the growth that is planned for in GPA No. 960. The estimated community-wide emissions within the Climate Action Plan and Draft EIR No. 521 are based on population and housing growth projections associated with the assumptions used in the proposed General Plan Update. Although the CAP and Draft EIR anticipate growth in the County, emissions associated the anticipated growth are planned for and managed. For example, the CAP includes various transportation, energy, solid waste, area source, water, agricultural, and industrial reduction programs to offset emissions growth and reach the County's reduction target.

Despite the anticipated growth, with the modernization of vehicle fleets the CAP demonstrates that the continued implementation of the proposed measures would reduce GHG emissions by approximately 6,595,384 MT CO_{2e} from 2020 levels. Implementation of the state (R1) measures combined with Riverside County's R2 and R3 measures would reduce GHG emissions down to 5,534,113 MT CO_{2e} by year 2020, which is 426,884 MT CO_{2e} below the reduction target. The GHG emissions reduction programs in Chapter 4 of the CAP include performance standards that require specific reduction levels to be met and CAP Appendix E provides the references and assumptions for the reductions that were applied to each measure.

Beyond 2020, Riverside County would continue implementation of the Screening Tables. During this time, the reduction measures implemented through the Screening Tables would continue to reduce GHG emissions from new development. The Screening Tables include specific measures that clearly indicate the improvement that should be made in order to receive credit for the reduction. For example, several of the reductions from the Transportation Measures are based on the CARB AB 32 Scoping Plan or the CAPCOA document, *Quantifying Greenhouse Gas Mitigation Measures* (August 2010).

The implementation mechanisms for these GHG-related policies are the Screening Tables for New Development, included in Appendix N of the General Plan. The Screening Tables provide new development projects with a streamlined option for complying with the CEQA requirements for addressing GHG emissions.

It should be noted that the baseline for the CAP was 2008 and that the expected reductions associated with new developments are improvements over "Business As Usual" (BAU) of the regulatory efficiencies in place in 2008. BAU refers to continued operations and development

of Riverside County according to 2008 policies, without the inclusion of proposed reduction or sustainability initiatives as part of this CAP. Reduction initiatives coming from the state or other agencies are not included in the BAU scenario.

Comment 22.3 CEQA Guidelines Section 15125(a) provide that an EIR must include a description of the physical environmental conditions as they exist at the time the notice of preparation is published, or at the time environmental analysis is commenced. As noted in Draft EIR No. 521 and the CAP, the County uses 2008 as air quality and GHG baseline as this is the latest date that actual data was available at the time the analysis was prepared. GPA No. 960 introduces Riverside County's first GHG Emission Reduction Strategy and includes Table AQ-7, 2008 Baseline GHG Emissions Inventory for Unincorporated Riverside County. The GPA No. 960, Draft EIR No. 521, and the CAP do not use an improper baseline. The baseline used in these documents represents existing conditions pursuant to CEQA Guidelines Section 15125(a). Refer to Response 22.2, above, regarding how the reductions were quantified. As stated above, the reductions are based on data from the CARB Scoping Plan and CAPCOA guidance for quantifying GHG reduction measures.

As the General Plan Update does not identify specific land use development projects and does not permit subsequent development. Therefore, the nature of the Draft EIR No. 521 mitigation measures are programmatic. Regarding the inclusion of all feasible mitigation measures, the Draft EIR, General Plan Update, and CAP include numerous policies that would reduce impacts. In *Twain Harte Homeowners Association v. Tuolumne County* (1982) 138 Cal.App.3d 664, the court determined that General Plan policies can address environmental issues and satisfy the requirements of CEQA. CEQA clearance would be required for future development proposals. Any necessary project specific mitigation would be identified at the project level analysis.

The timing and verification mechanisms of the mitigation measures will also be identified in the Mitigation Monitoring and Reporting Program, which is included as part of the Final EIR. Therefore the mitigation measures are fully enforceable per CEQA Guidelines Section 15126.4(a)(2).

Comment 22.4 Refer to Responses 22.2 and 22.3, above. The Draft EIR and CAP do not use a hypothetical future condition as a baseline. The Draft EIR and CAP use 2008 as the baseline. BAU refers to continued operations and development of Riverside County according to 2008 policies, without the inclusion of proposed reduction or sustainability initiatives as part of the CAP. However, the CAP reduction target is still 15 percent below 2008 baseline emissions, regardless of any projected levels.

Additionally, comparison to BAU projections is not a method identified by the CAP for project review. The CAP Screening Tables provide guidance for the analysis of development projects. The Screening Tables provide a menu of reduction options. If a project can obtain

100 points from the Screening Table, the mitigated project would implement the necessary reduction measures to meet the goals of the CAP.

It should be noted that the GHG emissions reduction of 25 percent below the BAU scenario referenced in Policy AQ 18.2 and Mitigation Measure 4.7.A-N1 refers to the reduction needed for future development proposed as a discretionary project and equates to the referenced 15 percent below 2008 baseline levels. This reduction does not preclude projects from demonstrating consistency using the Screening Tables. The BAU levels are provided in order to allow consistency with the CARB Scoping Plan which uses a forecast 2020 BAU scenario in order to evaluate the effects of AB 32. Under AB 32, offsets must be additional to any regulatory requirement and beyond BAU. Additionally, it should be noted that references to an “adjusted” BAU scenario were made in error. The document has been corrected as shown below and in the Errata section of the document. Pages 4.7-41, 4.7-42, and 4.7-53 of the Draft EIR will read as follows:

Page 4.7-41:

“2020 ~~Adjusted~~ BAU

As noted earlier, AB 32 calls for state reductions of GHGs by roughly 15% from current levels by the year 2020. With Riverside County’s BAU scenario for 2020 GHG emissions calculated, it is now possible to establish the GHG reduction measures necessary to reduce 2020 emissions. To accomplish this, Riverside County has prepared a Climate Action Plan (CAP) that details a variety of actions necessary to reduce GHGs across a number of sectors. Key to these measures are a series of IMs that may be used by new development proposals to demonstrate consistency with Riverside County’s CAP (and, hence, AB 32). Alternatively, individual future developments that wish to model and mitigate their projects directly may also do so. Such analyses would also have to show consistency with Riverside County’s CAP by demonstrating a 25% reduction in GHG emissions as compared to the ~~adjusted~~ BAU scenario for residential, commercial, industrial, institutional and mixed-use projects and by including all measures necessary to achieve such reductions in the project’s design (i.e., site plans), Riverside County Conditions of Approval or project-specific CEQA mitigation measures, as applicable. The ~~adjusted~~ BAU is based upon the 2020 ~~adjusted~~ BAU found in the Final Supplement to the AB 32 Scoping Plan (CARB 2011). See the mitigation measures outlined in Section 4.7.6 for additional details.”

Page 4.7-42:

“As this represents a 25% decrease from emissions from new development compared to the ~~adjusted~~ 2020 BAU and a 15% decrease from 2008 levels, Riverside County’s 2020 emissions would be below the AB 32 reduction target.”

Page 4.7-53

“**NEW Mitigation Measure 4.7.A-N1:** To ensure GHG emissions resulting from new development are reduced to levels necessary to meet state targets, the County of Riverside shall require all new discretionary development to comply with the Implementation Measures of the Riverside County Climate Action Plan or provide comparable custom measures backed by a project GHG study (for example, using CalEEMod modeling) demonstrating achievement of the same target. The target to be met is a GHG emissions reduction of 25% below emissions for the ~~adjusted~~ BAU scenario for residential, commercial, industrial, institutional and mixed-use projects. The ~~adjusted~~ BAU is based upon the 2020 ~~adjusted~~ BAU found in the Final Supplement to the AB 32 Scoping Plan (CARB 2011).”

Comment 22.5 The comment incorrectly states that the mitigation measures improperly rely on BAU calculations as a baseline. Refer to Responses 22.2 and 22.3, above. CEQA Guidelines Section 15064.4(b)(1) requires a lead agency to consider the extent to which a project may increase or reduce GHG emissions compared to the existing environmental setting. As described in the CAP and Draft EIR, 2008 is used as the baseline for analysis. The reduction target for the CAP is 15 percent below existing 2008 baseline levels. The basis for calculating baseline conditions does not include future hypothetical conditions. It should be noted that the GHG emissions reduction of 25 percent below the BAU scenario for new development referenced in Policy AQ 18.2 and Mitigation Measure 4.7.A-N1 equate to the referenced 15 percent below 2008 baseline levels.

Comment 22.6 Refer to Responses 22.2 and 22.3, above. The comment incorrectly infers that the Draft EIR and CAP improperly rely on BAU calculations as a baseline. The Draft EIR and CAP use 2008 as the baseline. A BAU scenario is not used as a baseline. The reduction target for the CAP is 15 percent below existing 2008 baseline levels. The 25 percent reduction from 2020 BAU levels refers to the reduction needed for future development proposed as a discretionary project in order to meet the 15 percent reduction target below 2008 levels. The 25 percent reduction from 2020 BAU levels is provided for informational purposes to isolate the reductions just needed for future development projects. Additional reductions would come from building retrofits, state measures, and other implementation measures in the CAP (not associated with new development) are not reflected in the 25 percent reduction from 2020 BAU levels. As stated above, the 25 percent reduction below the BAU scenario referenced in Policy AQ 18.2 and Mitigation Measure 4.7.A-N1 equates to the 15 percent below 2008 baseline target.

Also refer to Response to Comment 22.4, above. Comparison to BAU projections is not a method identified by the CAP for project review. The CAP Screening Tables provide guidance for the analysis of development projects. The Screening Tables provide a menu of reduction options. If a project can obtain 100 points from the Screening Tables, the mitigated project would implement the necessary reduction measures to meet the goals of the CAP.

As described above, neither the CAP nor the Draft EIR utilize the 2020 BAU scenario as the baseline against which to assess the significance of GHG emissions. The CAP and Draft EIR use a reduction target of 15 percent below the 2008 baseline to evaluate GHG impacts associated with the General Plan Update. This target is also used in the CAP Screening Tables to determine the significance of emissions from future development projects.

Comment 22.7 The comment appears to confuse differences in emissions inventories and the CAP reduction target. The comment incorrectly tries to apply a reference to a 25 percent reduction for new development as a proposed reduction target by the CAP. As stated above, the CAP reduction target is 15 percent below 2008 levels. The 25 percent reduction below the BAU scenario referenced in Policy AQ 18.2 and Mitigation Measure 4.7.A-N1 is taken out of context. The comment fails to note that Policy AQ 18.2 and Mitigation Measure 4.7.A-N1 state that the 25 percent reduction applies to new development. The 25 percent reduction is not a reduction target established by the CAP. It should be noted that the 50.9 percent reduction represents the difference between the 2020 inventory (without any state, CAP, or other reduction measures) and the reduction target. The 25 percent reduction refers to future development and represents the difference between the 2020 inventory (which includes Statewide reductions) and the reduction target. It should be noted that the 2020 inventory is included in order to avoid comparison to an unrealistic future scenario.

The comment incorrectly states that a 50 percent reduction should apply to future projects due to a misinterpretation of the emissions inventories in the Draft EIR and CAP. Developers would not be required to demonstrate a reduction of 50 percent below BAU. Future development projects would be required to use the CAP Screening Tables or otherwise demonstrate consistency with the County's reduction goals.

Comment 22.8 The comment inaccurately states that the Draft EIR defers mitigation. The Draft EIR does not defer mitigation. The Draft EIR is a programmatic document that analyzes the land use and growth projections in the General Plan Update. The General Plan Update does not identify specific land use development projects. Additionally, the General Plan Update does not permit subsequent development. Therefore, the nature of the mitigation measures are programmatic. Future development projects would require specific environmental review and necessary mitigation measures would be identified that are associated with project specific impacts. The timing and verification mechanisms of the mitigation measures will also be identified in the Mitigation Monitoring and Reporting Program, which is included as part of the Final EIR. Therefore the mitigation measures are fully enforceable per CEQA Guidelines Section 15126.4(a)(2).

Draft EIR No 521's Mitigation Measures 4.7-A-N1 and 4.7.A-N2 require compliance with the Implementation Measures of the CAP or provide comparable custom measures backed by a project GHG study. The mitigation measures require the implementation of the CAP measures for projects to garnish at least 100 points. This process is enforced on the project level. Although the CAP Implementation Measures may be worded to sound voluntary, they

would be required for projects that are using them to achieve the 100 point threshold. Therefore, once selected from the screening tables on the project level, these Implementation Measures become mandatory and would be enforced for each specific project. Alternatively, future projects may prepare a quantitative analysis and either demonstrate how a project would be below the threshold established in the Screening Tables, or how a project would reduce emissions to a level consistent with the CAP. As stated above, compliance would be enforced at the project level through the project entitlement/environmental review process. Additionally, it should be noted that the implementation measures in the screening tables have been revised to provide greater specificity regarding what is required in order to achieve the reduction credit. For example, Implementation Measure E1.B.1 specifies the R-value of insulation needed in order to achieve the associated reductions and points.

Comment 22.9 Refer to Response 22.8, above. As described above, the Draft EIR mitigation measures are enforceable and future development projects are required to achieve specific emissions reductions or demonstrate consistency with the CAP. This process would be conducted and verified at the project level.

Comment 22.10 As the General Plan Update process involves the preparation of a CAP, an extensive amount of mitigation measures are not necessary. The Draft EIR, General Plan Update, and CAP include numerous policies that would reduce impacts. In *Twain Harte Homeowners Association v. Tuolumne County* (1982) 138 Cal.App.3d 664, the court determined that General Plan policies can address environmental issues and satisfy the requirements of CEQA. The CAP includes GHG emissions reduction programs and policies that would achieve the reduction target necessary in order to meet the goals of AB 32. The CAP includes numerous transportation and land use policies including employment based trip and VMT reduction, increasing public transit, increasing residential density, and mixed use development. Implementation of all of the transportation measures would reduce transportation emissions by 49.6 percent from the 2020 inventory. It should be noted that Policy C 7.1 is a policy from the previous General Plan. The General Plan Update includes various subsequent policies that would implement Policy C 7.1 and require regional transportation planning improvements, review of development applications, and the use of annexations, redevelopment agreements, revenue sharing agreements, and tax allocation agreements, and the CEQA process, which would facilitate the County's coordination in mitigating cumulative impacts of incorporated and unincorporated development. Additionally, as described above, the CAP includes various policies intended to reduce vehicle trips, VMT, and improve land use decisions would also reduce impacts from construction and maintenance of transportation infrastructure.

Comment 22.11 Refer to Response 22.10, above. As described above, an extensive mitigation program is not necessary as the General Plan Update and CAP include numerous policies and programs that would reduce emissions. These policies and reduction measures were developed in consideration of the projected growth throughout the horizon year and take into account construction of transportation infrastructure and maintenance of the County's roadways. It should be noted that maintenance and development of transportation infrastructure is

essential to reducing mobile source emissions. New transportation infrastructure can reduce congestion, reduce VMT by eliminating circuitous travel routes, and provide alternative transportation sources.

Comment 22.12 Both the Draft EIR and CAP quantify emissions from agricultural land uses within the County. Additionally, the General Plan includes policies that would reduce agricultural emissions such as Policy OS 2.5, which pertains to continued agricultural water conservation by lining canals, recovering tail water at the end of irrigated fields, and appropriate scheduling of water deliveries. New Policy AQ 20.13 also requires the increased efficiency of water use for agricultural activities. Furthermore, CAP reduction measure R1-A1 requires methane capture at large dairies and measure R3-A1 includes soil management practices to reduce nitrogen dioxide emissions.

As stated above, Draft EIR No. 521 incorporates the reduction measures from the CAP that would be required for future development instead of mitigation measures. The CAP, itself, is a form of mitigation. Future development projects would be subject to project-level review and mitigation measures would be applied, if necessary. Also, refer to Response 22.8, above.

Furthermore, CAP reduction measure R2-S1 requires a minimum of 15 percent of materials used in construction to be sourced locally and encourages the use of recycled building materials and cement substitutes for new developments. Future development projects would be required to demonstrate compliance with applicable CAP measures, thereby achieving the necessary reductions required by AB 32.

It should be noted that the City of Richmond case pertains to the environmental findings and mitigation measures of a project-level document. Also, the comment does not specify as to which San Joaquin court case it is referring to. Regardless, the proposed project is a program-level document and is meant to develop and provide general guidance for future development. The programmatic analysis is based on future growth trends for Riverside County. Future development projects would be required to go through the CEQA process and necessary mitigation measures would be identified that are associated with project specific impacts.

Comment 22.13 Refer to Response 22.10, above. The General Plan Update and CAP include numerous policies and programs that would reduce transportation emissions. As noted above, the CAP serves as mitigation for the Project, and as such the inclusion of additional mitigation measures is not warranted. The CAP transportation measures include employment based trip and VMT reductions, increased residential density, mixed use development, preferential parking, roadway improvements/signal synchronizing/transportation flow management, non-motorized transportation systems, renewable/low-emissions vehicle use, anti-idling enforcement, increased public transit, and employee commute alternative schedule. All of these measures contribute towards reductions in VMT. Additionally, the R3 transportation measures include regional land use and transportation coordination, which provides the framework for future development to lower VMT.

Comment 22.14 Refer to Response 22.12, above, regarding agricultural emissions. The General Plan Update and CAP include various policies to reduce agricultural emissions.

Comment 22.15 Refer to Response 22.8, above. The Draft EIR is a programmatic document that does not identify specific land use development projects. Therefore, the nature of the mitigation measures are programmatic. Future development projects would be required to undergo the CEQA process and necessary mitigation measures would be identified that are associated with project specific impacts. The timing and verification mechanisms of the mitigation measures will also be identified in the Mitigation Monitoring and Reporting Program, which is included as part of the Final EIR.

Additionally, as stated Response 22.2, several of the emissions reductions are conservatively based on the CARB AB 32 Scoping Plan or CAPCOA guidance and are not overestimated. The CAP uses a horizon year consistent with the General Plan Update and requires future development projects to demonstrate consistency with the reduction goals through the screening tables or other quantifiable methods.

Comment 22.16 This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below.

Comment 22.17 As mentioned in Section 4.19 of Draft EIR No. 521, *Water Resources*, Riverside County maintains a diverse water supply portfolio in order to provide sufficient supply during periods of reduced rainfall. Reliance on groundwater supplies and alternative water sources increase during droughts due to decreased availability of supply from surface water sources.

In regards to the environmental baseline used for the Draft EIR document, due to the countywide scope of GPA No. 960 and Draft EIR No. 521, much of the data presented within Draft EIR No. 521 cannot all be said to represent a single point in time (i.e., April 13, 2009). In such cases, Draft EIR No. 521 uses the data set that is best supported by substantial evidence and provides a discussion of how it is or is not expected to differ from existing physical conditions. Information and analyses regarding water resources and supply were each determined to be the best-supported and best available information. Further, each section of the Draft EIR document explicitly states the baseline data used for the analysis in order to ensure the transparency of the data used. Due to the unpredictability of water resources and potential dry periods, the data incorporated into the document represents the best available at the time of the Draft EIR analysis and as such was incorporated to the document.

Comment 22.18 This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below.

Comment 22.19 This comment is duly noted. Do to the volatility of water supply, especially during drought, planning for and subsequently analyzing future water supply projects would be speculative at

this time. As stated above, the use of various water supplies will fluctuate with weather and rainfall patterns. As noted in the “Recycled Water” section of the Draft EIR on page 4.18-126, “existing water quality and regulatory issues limit groundwater recharge using recycled water, as does the need for high-quality potable water for blending in order to meet specified water quality targets. Recycled water use is growing rapidly in Riverside County and elsewhere in MWD’s service area. However, further expansion depends on progress in research, regulatory change, public acceptance and financing of local projects.”

The scope of recycled water, conservation, and alternative water supply projects within the County may expand in the coming years, depending on technological improvements and the available water supplies in the region. Depending on drought conditions, future established water supplies and other outside factors, the use of existing sources and alternative water supply projects will fluctuate depending on climactic conditions. As such, the implementation of future water supply projects is beyond the scope of GPA No. 960, and is the responsibility of water suppliers within the region.

Comment 22.20 This comment is duly noted. As stated in the Draft EIR, the County has included several policies that aim to reduce water needs, which include many of the suggestions noted by the commenter. The policies would play a role in ensuring any potential water-related environmental effects are avoided or reduced through their application on a case-by-case basis when a given development proposal warrants their use. Refer to pages 4.19-275 through 4.19-281 of Draft EIR No. 521 for the full list of water-related policies that are both already in effect and that are proposed by GPA No. 960. It is the intent of GPA No. 960 to adopt the policies which will impose new regulations and guidance related to water conservation.

Comment 22.21 This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below.

Comment 22.22 GPA No. 960 is ultimately a program-level document, and as such is meant to develop and provide general guidance for future development. Buildout accommodated by GPA No. 960 is speculative in nature, and accordingly analysis of water resources is more appropriately and accurately addressed on a project by project basis. This allows for a more up-to-date and accurate data for developers and policymakers to use during the individual project development process.

However, several federal and State regulations are in place to reduce impacts to water quality (see page 4.19-306 of Section 4.19, *Water Resources*). Additionally, compliance with existing and new Riverside County regulations, policies and Mitigation Measures would prevent significant impacts to water quality. Most notably, existing Mitigation Measures 4.14.5C and 4.17.5D directly address water quality and would mandate reducing impacts to water quality.

“Existing Mitigation Measure 4.17.5C: Where development may contribute to a worsening of local or regional ground or surface water quality (as determined by the Riverside County

Department of Environmental Health and/or RWQCB), a water quality analysis shall be prepared. The water quality analysis shall include (but shall not be limited to): an analysis of existing surface and subsurface water quality; an assessment of how the proposed development would affect existing water quality; an assessment of how the proposed development would affect beneficial uses of the water; and specific measures to limit or eliminate potential water quality impacts and/or impacts to beneficial uses of ground/surface water. Where determined necessary by the County [of Riverside] or other responsible entity, the water quality analysis shall include, at an equal level of detail, potential impacts to tributary or downstream areas. The water quality analysis shall be submitted to the County [of Riverside] and the RWQCB for review and shall be approved prior to the issuance of any entitlement that would result in the physical modification of the project site.”

“**Existing Mitigation Measure 4.17.5D:** The project applicant shall submit to the County [of Riverside] and the RWQCB, for review and approval, evidence that the specific measures to limit or eliminate potential water quality impacts resulting from the entire development process, will be implemented as set forth in the water quality analysis. Said evidence shall be submitted and approved prior to the issuance of any entitlement that would result in the physical modification of the project site.

These measures, along with existing State and federal regulations and existing Riverside County regulations and policies, will help to reduce impacts to water quality. Ultimately, project-level review of water quality is beyond the scope of the General Plan, and the proposed policies and mitigation contained within GPA No. 960 and Draft EIR No. 521, as well as existing laws, will ensure future development provides a thorough evaluation of potential water quality impacts through the project-level environmental review process.”

Comment 22.23 In regards to the timing of mitigation implementation, specific timing requirements for the mitigation measures as well as required implementing bodies for all mitigation within the Draft EIR are clearly defined within the Mitigation Monitoring and Reporting Program. The Mitigation Monitoring and Reporting Program would ensure Mitigation Measures proposed by Draft EIR No. 521 are fully enforced. In order to increase the effectiveness of the Mitigation Measures proposed by Draft EIR No. 521, Mitigation Measures will be implemented over varying timelines to assure that each Measure is adopted in a timely and appropriate manner.

In regards to the adequacy of Draft EIR No. 521’s Mitigation Measures concerning water resources, refer to Responses 22.19 and 22.21, above.

Comment 22.24 The purpose of the General Plan Update is to provide a clear and consistent set of policy guidance for implementing the Area Plans over the next five years and into the future. Therefore, it is not necessary for the Area Plans to reflect the efficiency measures of the General Plan at this point.

Comment 22.25 The emissions reductions from purchased water would occur through the mandated Renewables Portfolio Standard (RPS) for electricity utilities. As the import of water requires electricity, as energy generated is derived from renewable/cleaner sources the emissions associated with water import would decrease. The emissions associated with the import of water were calculated separately from the energy demand of buildings. Therefore, the while the two measures comply with the same standard, they apply to two different emissions sources (water conveyance and building energy use).

Although the comment questions whether the 33 percent RPS goal will be met by 2020, California utilities continue to make significant progress toward the goal. For example, Southern California Edison, a major service provider in Riverside County, currently served 21.6 percent of 2013 retail electricity sales with renewable power. California's three large investor-owned utilities collectively served 22.7 percent of their 2013 retail electricity sales with renewable power.³

Also, refer to Response 22.8, above. The Draft EIR mitigation measures are enforceable and future development projects are required to achieve specific emissions reductions or demonstrate consistency with the CAP. This process would be conducted and verified at the project level.

Comment 22.26 Neither the CAP nor the Draft EIR assume water reduction actions would reduce direct water usage by 30 percent. The comment does not reference specific text in the Draft EIR or CAP and it is unclear what it is addressing. However, refer to Response 22.25, above, regarding reductions from water measures. This comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. Therefore, no further response is warranted.

Comment 22.27 As described in Response 22.25, above, the majority of the emissions reductions from purchased water would occur indirectly through implementation of the RPS. Additionally, as described in the Chapter 7 of the CAP, reductions would also be funded with the Clean Water State Revolving Funds, which are also applicable to water conservation. This comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. Therefore, no further response is warranted.

Comment 22.28 Monitoring of the CAP reduction measures is a part of the CAP implementation process. Chapter 7 of the CAP outlines the implementation process, which includes staffing, financing, prioritizing, public participation, project review, monitoring and inventorying, and planning beyond 2020. As such, implementation of the CAP is an involved process that goes beyond the actual document. The system for monitoring implementation of the CAP will be determined as the previous steps are completed (staffing, financing, prioritizing, etc.). This

³ California Public Utilities Commission, *California Renewables Portfolio Standard (RPS)*, <http://www.cpuc.ca.gov/PUC/energy/Renewables/>, accessed May 19, 2015.

comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. Therefore, no further response is warranted.

Comment 22.29 As described in Chapter 2 of the CAP, energy emissions associated with water conveyance are included within the future emissions inventories. This comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. Therefore, no further response is warranted.

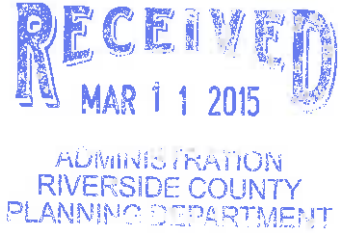
Comment 22.30 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general contact information. Responses to specific comments are provided above; no further response is required.

Additionally, the County has reviewed the attached material included with the Comment Letter. The attachments included with the Comment Letter function to support claims made within the letter. As such, the material did not identify any specific concern with the adequacy of Draft EIR No. 521 or any environmental issues. Therefore, the material does not warrant any further response as part of the Final EIR.

March 9, 2015

Via U.S. Mail and E-mail

Kristi Lovelady
Principal Planner
County of Riverside
4080 Lemon Street, 12 Floor
Riverside, CA 92501



Re: General Plan Amendment No. 960: General Plan Update
(EIR No. 521/SCH 2009041065)

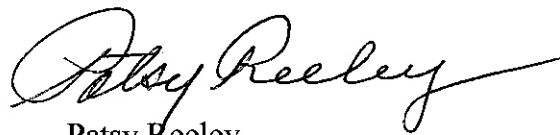
Dear Ms. Lovelady:

I write on behalf of Cherry Valley Environmental Planning Group and Cherry Valley Pass Acres and Neighbors to address the proposed extension of Cherry Valley Boulevard east of Highland Springs Avenue to Wilson Street. For the reasons provided in the enclosed letter, I request that proposed extension be removed from in the Circulation Element of the County General Plan.

23.1

Thank you.

Sincerely yours,


Patsy Keeley

Enclosure

cc: Robert C. Goodman

November ____, 2014

Via U.S. Mail and E-mail (klovelady@rcplma.org)

Kristi Lovelady, Principal Planner
County of Riverside
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: General Plan Amendment No. 960
Removal of Extension Cherry Valley Boulevard from Circulation Element

Dear Ms. Lovelady,

On behalf of the Highland Springs Resort, Cherry Valley Pass Acres and Neighbors, the Cherry Valley Environmental Planning Group, and Pardee Homes, we submit these comments on General Plan Amendment No. 960 to request the removal of the extension of Cherry Valley Boulevard east of Highland Springs Avenue to Wilson Street from the Circulation Element of the County General Plan.

The Highland Springs Resort is located in the community of Cherry Valley, within the Pass Area of the County's General Plan. The resort is "a popular conference retreat with a picturesque lodge and convenient connections to surrounding natural features via trail systems." (General Plan Amendment No. 690, Pass Area Plan, p. 9.) Cherry Valley Acres and Neighbors and the Cherry Valley Environmental Planning Group are citizens groups dedicated to preserving the environmental values and unique character of Cherry Valley. As described in the Pass Area Plan, Cherry Valley is a rural community characterized by charming orchards, large-lot residential, agricultural and animal-keeping uses. (General Plan Amendment No. 690, Pass Area Plan, pp. 8-9.) To retain the rural charm, the County LAFCO has designated Cherry Valley as an unincorporated community.

On March 27, 2012, the City of Banning approved Pardee Homes' application for the Butterfield Specific Plan. The Butterfield Specific Plan authorizes 5,387 new residences, parks, schools, commercial uses, and open space on 1,522 acres of undeveloped land located in the northern portion of the City of Banning, east of Highland Springs Avenue. The Specific Plan area is adjacent to the community of Cherry Valley and the Resort's property. The environmental review conducted for the Specific Plan determined that the circulation system approved by the City would satisfy City and County traffic standards, without requiring the future extension of Cherry Valley Boulevard depicted in the Circulation Element. Since its 2012 approval, Pardee Homes has agreed to reduce the number of dwelling units planned for this site to 4,862 units, and remove the proposed golf course from

23.2

23.3

Ms. Kristi Lovelady
November ____, 2014
Page 2

the project. Given that the City's traffic analyses had already determined that the future extension of Cherry Valley Boulevard was unnecessary, even with 5,387 homes and the golf course, these reductions ensure that the Specific Plan area will be adequately served without the need for extension of Cherry Valley Boulevard. Further, the circulation system and development plan that was approved for the Specific Plan eliminated the Highland Home Road extension to Brookside Avenue, and re-configured traffic through the center of the Specific Plan area, making the extension of Cherry Valley Boulevard unnecessary to the Butterfield Specific Plan development.

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CONT.

In addition, further development in the area is constrained by land use restrictions, agricultural easements, and the San Bernardino National Forest. Accordingly, the Highland Springs Resort, Cherry Valley Acres and Neighbors, Cherry Valley Environmental Planning Group, and Pardee Homes all respectfully request that the County remove the future extension of Cherry Valley Boulevard between Highland Springs Avenue and Wilson Street from the Circulation Element of the Riverside County General Plan.

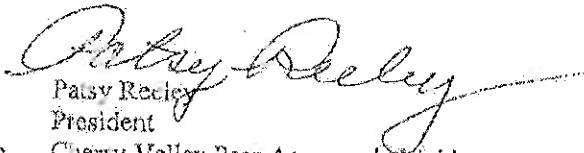
23.4

Sincerely,

Tina Kummerie
President
Highland Springs Resort

Mike Taylor
Division President of Inland Empire
Pardee Homes

Patrick Doherty
President
Cherry Valley Environmental Planning Group


Patsy Reiley
President
Cherry Valley Pass Acres and Neighbors



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Comment Letter No. 23: Cherry Valley Environmental Planning Group and Cherry Valley Pass Acres and Neighbors

Comment 23.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment is duly noted. The comment is an introductory statement regarding the extension of Cherry Valley Boulevard easterly of Highland Springs Avenue and references the enclosed letter which requests the removal of this extension from the County General Plan. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 23.2 This comment is duly noted. The comment introduces the parties involved in preparing the letter, their interest in the Cherry Valley Boulevard extension, and background information on the Cherry Valley unincorporated community. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 23.3 This comment provides information relative to the March 27, 2012 approval by the City of Banning of the Pardee Homes Butterfield Specific Plan. Based upon this approval and the internal circulation network of the Butterfield Specific Plan, the comment expresses the opinion that the Cherry Valley Boulevard extension is unnecessary to serve Butterfield Specific Plan development.

The comment does appear to correctly denote the City's approval of the Butterfield Specific Plan. However, the City of Banning General Plan has not yet been updated to reflect this approval. As the majority of this roadway extension falls within the City of Banning, the County would look very favorably toward the City's lead on this issue. The alignment within the City is entirely up to the City's discretion. County Circulation Policy C 7.8 specifically addresses City-County coordination on roadway design issues in "edge" areas, such as the case in point.

A review of the City's current General Plan Street System indicates that the plan continues to show the extension of Cherry Valley Boulevard (Highland Home Road) in a configuration much the same as the County's Circulation Plan. Although, a note has been added to the City Plan in the vicinity of the Cherry Valley Boulevard, Highland Springs Road, Highland Home Road intersection indicating that the intersection alignment is conceptual only and references the Special Issues discussion. The Special Issues discussion of this intersection does not shed much light on City's intent, only to note that one possible option would be to extend 18th Street, and concludes that flexibility is included in the General Plan to allow changes to the street system in the future.

The various maps included in the County GPA and EIR documents are graphic depictions for illustrative purposes, as the following disclaimer, contained on each map, explains:

“Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.”

With these considerations, it is believed that the County Plan also includes a degree of flexibility that would allow for coordination of intersection and network design as plans progress and more definitive alignments emerge. As such, the removal of the Cherry Valley Boulevard extension at point in time would appear to be premature, however, the County would entertain a future amendment once the City of Banning has settled on a preferred configuration. (See also Comment 109.5)

Comment 23.4 This closing comment notes that further development in the area is constrained by land use restrictions, agricultural easements and the San Bernardino National Forest as additional justification for the removal of the Cherry Valley Boulevard extension.

As noted in the Response 23.3, the exact configuration of future roadways has not yet been determined. Thus, it would be premature to simply remove the existing designation for Cherry Valley Boulevard without having some concept to offer as a replacement to satisfy future traffic demand. As previously mentioned, the County would entertain a future amendment once the City of Banning has settled on a preferred configuration. (See also response to Comment 109.6.)



County of Riverside
TLMA Planning Department
Attn: Kristi Lovelady
4080 Lemon Street, 12th Floor
Riverside, CA 92501

RECEIVED
MAR 26 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

March 24, 2015

Re: General Plan Amendment No. 960: General Plan Update (EIR / SCH 200904165)
Draft EIR No. 521 Comments

Dear Ms. Lovelady:

In response to the planning department's request for public comments regarding the above:

The only changes shown in the cultural resources section are the addition of some historic resources and the change of Figure number OS-6 to OS 7. These are minor changes that are supported by CVAS. However, we wish that the addition of railroad water towers had been added sooner as most of them have already been removed.

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CVAS has no problem with the changes shown for the Cultural Resources section and hopes that all portions of the plan will be enforced equally.

Thank you for allowing us to comment on this matter and we will be interested in future information on up-dates to it.

24.2

Very truly yours,

Fred Clewell

Chair, Environmental Assessment Committee

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Comment Letter No. 24: Coachella Valley Archeological Society

Comment 24.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 24.2 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process; no further response is required.

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ENDANGERED HABITATS LEAGUE

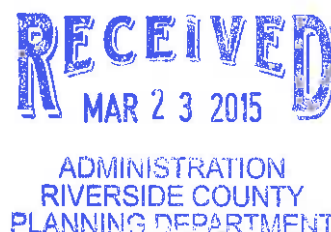
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



March 19, 2015

VIA ELECTRONIC MAIL

County of Riverside
TLMA Planning Department
ATTN: Kristi Lovelady, Principal Planner
4080 Lemon St, 12th Floor
Riverside, CA 92501
klovelady@rctlma.org



RE: Draft General Plan Amendment No. 960; Draft Climate Action Plan, DEIR No. 521 - RECIRCULATED

Dear Ms. Lovelady:

The Endangered Habitats League (EHL) respectfully submits the following comments on the Recirculated Draft Environmental Impact Report (DEIR) No. 521 as well as on Draft GPA 960 and its Climate Action Plan. As you know, EHL has participated extensively in planning for sustainability and natural resource protection in Riverside County for over two decades, and was a key stakeholder in the development of the County's Multiple Species Habitat Conservation Plan (MSHCP). EHL is a nonprofit membership organization dedicated to the conservation of Southern California's unique native ecosystems and to sustainable land use planning in the region with numerous members in Riverside County.

25.1

DEIR 521 Comments

While EHL is encouraged that the Project will slightly reduce the quantity of development when compared to the existing general plan, the capacity of the Project still vastly exceeds what is required to accommodate realistic projections of population and employment. Moreover, the relatively larger reductions in non-residential development will further exacerbate what is already a serious inter-county jobs-housing imbalance (housing would be decreased by 2.0%, population by 1.4%, and employment by 5.6%). In addition, the overwhelming majority of residential development envisioned by the Project consists of environmentally and economically unsustainable low-density residential far from any jobs or major shopping, thereby further exacerbating what is already one of the most auto-dependent major urban areas in the United States.

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EHL supports the adoption of an alternative to the preferred project. This alternative should combine features from the suite of options already developed and

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optimize them. Several of the alternatives feature transfer of density from remote, rural areas (OS-Rural, Rural Mountainous) to community development or to newly created additional community centers. While EHL supports this approach, the environmental benefits could *also* be realized through simple downplanning of the Rural designations without introducing the urban impacts of increased density elsewhere. Another feature for inclusion in a hybrid alternative is reducing the unnecessary new Rural Villages.

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The reasons provided for rejecting density-transfer options are rife with contradictions. For example, Additional Community Centers is acknowledged to have many benefits over the preferred project and would substantially meet project objectives. GHG and VMT are *reduced* and SB 375 goals are advanced. Yet, the conclusion states that it was rejected because of “finite water supply availability, this alternative will cause an increase in greenhouse gas emissions.” No evidentiary support is provided for this rejection. Also, instead of increasing total housing and housing (by 6900 units), and thereby increasing localized traffic impacts, a population neutral version could have been described that did not have as much of this effect.

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Other alternatives were saddled with “poison pills.” Instead of simply bringing Agricultural lands into the Certainty System, the Agricultural Emphasis alternative includes a vast expansion of agriculture and a corresponding increase in water use and off-road GHG emissions. We do not find a good faith exploration of alternatives, and indeed, it appears that superior alternatives were designed to fail.

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The flawed analysis extends to what the DEIR identified as the lower impact alternative, the Reduced Villages Alternative. This alternative would, at least incrementally, better balance jobs and housing in the County. Such an alternative could be combined with a density-neutral version of the Added Community Centers Alternative in which community center (CC) or mixed use planning area (MUPA) overlays were accompanied by reduced development in less suitable locations. Also, the density transfer provision of the Green Economy Alternative could be used to preserve open space.

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The DEIR nonetheless proposes to reject its identified lower-impact alternative, claiming that it does not sufficiently meet stated project objectives. The DEIR states, for example, that this alternative would not “provide future planning necessary to address and accommodate the new needs related to urbanizing growth pressures on rural areas located near urban fringes” and “actually limits further progress in terms of future development necessary to meet population growth forecasts for Riverside County.” The DEIR also concludes that this alternative’s “limits on urbanization in growing rural-fringe areas would limit, rather than enhance or extend, continued progress within Riverside County.” (Page 1.0-22)

These “reasons” lack any evidentiary support. How many years of projected growth do the already adopted General Plans of the County and its many municipalities

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already accommodate? Where is the shortfall? What “new needs” justify the expanded rural village overlays in Meadowbrook or Good Hope or intensification in Anza, Vista Santa Rosa or Chiriaco Summit?

And why is this additional development “necessary to meet population growth forecasts for Riverside County”? The DEIR does not say. Nor does the DEIR tie these purported bases for rejection to any specific project goal. As such, the County’s rejection of an environmentally superior alternative that would at a minimum “substantially lessen” significant environmental impacts on air quality and traffic lacks substantial evidence. Under CEQA, the preferred project thus cannot be approved.

The DEIR also fails to adequately analyze the proposed change in County-wide LOS standards from “C” to “D” or even worse for larger projects where an EIR has been prepared. The DEIR claims that the impact from such changes is “marginal” because it would impact less than 100 miles of roadway. (14.8-10) But in so concluding, the DEIR looked only at *current* development levels. (See Table 14.8-G [measuring *baseline* LOS on roads.]) The DEIR never assesses the impact of this change *assuming project implementation* (full 960 plan buildout) in violation of CEQA.

Adverse impacts on traffic, air quality, and climate change directly or indirectly attributable to this change are manifold. First, projects that would not pass muster under the old level of service C standard would be built under the new standard, potentially resulting in increased impacts to the entire suite of impacts considered under CEQA. Second, provision of a more lenient significance threshold will reduce the number of projects with significant impacts before mitigation, thereby reducing the amount of resources available through the County’s existing “fair-share” mitigation program—undermining the validity of the assumption (used to analyze the impacts of 960 on traffic) that the entire circulation element will be built out. Third, major projects requiring an EIR will have *no* LOS standard, thereby facilitating their approval, a major growth-inducing impact. None of these impacts are addressed in the DEIR, in violation of CEQA.

The DEIR also does not adequately address groundwater shortages that project build-out will likely cause. The DEIR acknowledges that “[t]he chief source of local water supplies is groundwater.” (4.19-99.) Indeed, “roughly one-third of Riverside County’s water demand is met by groundwater.” (4.19-293.) Given the massive amount on development permitted by the Project in groundwater-dependent areas, the DEIR correctly concludes that impacts to groundwater resources would be significant and unavoidable. (4.19-297.)

The County fails to follow through on this conclusion, however, by adopting all feasible mitigation to reduce this impact as CEQA requires. For example, the County lacks any standardized method of assuring adequate groundwater for new projects without compromising supplies for other existing and future users. Adoption of a testing protocol through a groundwater ordinance to protect such resources is unquestionably

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feasible, as is reflected by the existence of such an ordinance in neighboring San Diego County. (See <<http://www.sdcounty.ca.gov/pds/docs/GROUNDWATER-ORD.pdf>>.)

Similarly, the County could feasibly adopt policies to ensure that permitted densities in areas with potentially depleted groundwater resources reflect such constraints. In San Diego County, for example, the General Plan Update adopted in 2011 requires that “land use densities in groundwater dependent areas [] be consistent with the long-term sustainability of groundwater supplies.” (LU 8.1.) There is no reason why Riverside cannot adopt a similar policy. Its failure to adopt such feasible measures precludes approval under CEQA.

The DEIR also fails to justify the massive amount of growth capacity contained in 960. According to the DEIR, for the General Plan as amended per GPA No. 960, future development projections indicate its build out would yield approximately 520,900 dwelling units. Yet the RCP-10 forecasts anticipate a need for only 324,571 units in unincorporated Riverside by the year 2035, resulting in an overshoot of nearly 200,000 units in a county where current housing vacancy rates hover stubbornly at around 13%. (See Table 4.3-G.) So why add nearly 200,000 un-needed units? The DEIR does not explain. Nor does it explain why these 200,000 excess units do not trigger the significance threshold of inducing substantial population growth in an area. (See 4.3-8) The DEIR must be revised to account for this growth-inducing impact.

This vast overcapacity is not without significant environmental consequences. Other than the fact of the unnecessary growth itself, the question of *where* this growth occurs within the Southern California region affects a whole suite of environmental sustainability indicators. Because auto-dependent sprawl is still the prevailing land use pattern in the Inland Empire (even as other Southern California counties are steadily shifting to more sustainable growth configurations), shifting growth to Riverside County adversely impacts air quality, climate change, energy water and land consumption and associated biological impacts. As the DEIR itself acknowledges, “Due to the interrelationship of urban and rural activities (employment, housing and services), and the low average density of existing land uses, the private automobile is the dominant mode of travel within Riverside County. Trips by mass transit currently represent less than 2% of all trips made in Riverside County. Public transportation, where service is available, is utilized primarily by a transit-dependent population (senior citizens, students, low-income residents, and the physically disabled) that generally do not have access to automobiles.” (4.18-2.)

Unsustainable sprawl development in the County is also rapidly destroying what remains of Riverside County’s agricultural heritage. The DEIR acknowledges that “Riverside County’s agricultural industry plays a vital role in the local economy and consistently ranks among the most profitable in California.” (4.5-1.) Despite this “vital role,” existing agriculture in the County is disappearing at an astonishing clip; the County

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lost 30% of its existing agriculture to development pressure in just six short years from 2000 to 2006. (1.0-17.) The perpetuation of estate lot subdivision and far flung residential subdivision in the Project’s land use designations virtually guarantee that most of what remains will also be eventually bulldozed into oblivion.

The DEIR completely ignores the broad impact of overall plan build-out on agricultural resources, focusing exclusively on impacts to agricultural lands *only* from land use changes relative to its General plan approved in 2003. The DEIR concludes, for example, that “extremely small amounts (roughly 32 acres) of Prime and State-Important Farmlands would potentially be directly adversely affected (i.e., made unavailable for agricultural uses) *due to GPA No. 960 LUD changes.*” (4.5-24, emphasis added.) Similarly, the DEIR concludes that “of the areas directly *affected by changes proposed by GPA No. 960*, a total of 4,080 acres are designated AG under the existing General Plan. The proposed changes would result in an overall net loss of 170 acres of designated AG in the General Plan. (4.5-23, emphasis added.)

This methodology of assessing impacts—by assessing changes compared to a previously adopted plan—is prohibited under CEQA. (See *Woodward Park Homeowners Ass’n v. City of Fresno* (2007) 150 Cal. App. 4th 683.) *Woodward Park* concerned a commercial development on a vacant lot, the impacts of which the challenged EIR evaluated by comparing the project’s impacts with those of the maximum buildable development under existing zoning and plan designations. The court of appeal rejected this “plan to plan” comparison and invalidated the EIR, concluding that the EIR “was legally inadequate as an informational document because it failed to analyze consistently and coherently the impacts of the project relative to leaving the land *in its existing physical condition.*” (Id at 699, emphasis added.)

The 960 DEIR’s analysis of agricultural impacts suffers from an identical defect. Instead of assessing the impact of 960’s land use designations on existing agricultural resources, the DEIR limited its analysis only to the *changes between 960 and the existing plan* approved in 2003. As a result, the true impacts on agricultural resources in the County are not analyzed or disclosed. For this independent reason, the DEIR as drafted cannot be certified consistent with CEQA.

The DEIR’s conclusion that the 960 plan’s impacts on climate change are insignificant is also legally defective. As an initial matter, the County has abused its discretion by selecting a threshold of significance for determining whether the GHG emissions from plan build-out are significant—AB 32—that by its terms is almost completely inapplicable to the Project’s implementation. (4.7-38.)

AB 32, the California Global Warming Solutions Act of 2006, requires that greenhouse gases emitted in California be reduced to 1990 levels by the year 2020. AB 32 does not address what further reductions will be required post 2020. Yet the County

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has selected this threshold even though the overwhelming majority of the development contained in the 960 General Plan, by contrast, will be implemented *long after* the targets set by AB 32 have been superseded in just a few years from now. Targets for the year 2020 are therefore irrelevant to a plan whose implementation will just have barely begun by 2020 and may remain in place decades *after* the year 2020.

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Indeed, the DEIR acknowledges that “[t]he proposed project’s future GHG emissions were analyzed for three different timelines: 2020, 2035 and 2060. The BAU 2060 inventory represents Riverside County’s forecasted emissions *for the year 2060*, the General Plan build out year under GPA 960” (4.7-38, emphasis added.) The County must select a threshold that, unlike AB 32, is relevant to the time during which the plan will take effect. As a result, the Project cannot be approved consistent with CEQA.

As for impacts on biological resources, the DEIR concludes that impacts to sensitive habitats from GPA 960 will be reduced to a level of insignificance. This conclusion lacks supporting substantial evidence and is based on illegal deferred mitigation as it applies to areas not covered by the Western Riverside County or Coachella Valley MSHCPs.

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As an initial matter, the DEIR acknowledges, as it must, that adopted multiple species plans cover only a portion of the sensitive biological resources in the County. Non-MSHCP areas encompass nearly 2.2 million acres. (4.8-17.) Furthermore, “The non-MSHCP areas contain eight sensitive natural communities that provide habitat for covered species. Sonoran creosote bush scrub, as previously described under Coachella Valley, is by far the dominant community occurring within the non-MSHCP areas. It is widespread across the eastern desert floor. Other habitats that occur within the non-MSHCP areas include Mojave mixed woody scrub, redshank chaparral, semi-desert chaparral, desert dry wash woodland, Mojavean pinyon and juniper woodland and Peninsular pinyon-juniper woodland.” (4.8-31.)

To mitigate for impacts on these sensitive resources found in this vast area, the DEIR merely punts to other laws that, in most cases, simply do not apply to the enumerated habitat types. Thus, the County states that compliance with Sections 401, 402 and 404 of the federal Clean Water Act, Section 1600 *et seq.* of the California Fish and Game Code will “ensure” that impacts on these resources will be less than significant, even though none of the enumerated laws apply to upland habitats like chaparral and pinyon and juniper woodlands.

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Perhaps aware of this gaping hole, the DEIR also invokes a series general plan policies, even though none of these explicitly provide protection to sensitive habitats located outside of multi-species plan areas. (See policies listed at 4.8-71 to 4.8-72.) Purporting to fill this gap, the DEIR relies on two new mitigation measures, 4.8.A-N1 and 4.8.A-N2. However, Mitigation Measure 4.8.A-N1 by its terms only applies to

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riparian and riverine resources, and not to the upland habitats identified as sensitive in non-MSHCP areas. (See 4.8-73.) That leaves Mitigation Measure 4.8.A-N2 to provide the claimed reduction in impacts. But that mitigation measure only requires a mere study called a “general biological resources assessment (BRA).” What an official does with that study is left to his or her unfettered discretion.

Reliance on a mere study as mitigation is prohibited under CEQA. The EIR in *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, was found inadequate for precisely this reason when it deferred noise mitigation to the unfettered discretion of a lead agency official. The Court found “*this mitigation measure does no more than require a report be prepared and followed, or allow approval by a county department without setting any standards.*” (*Id.* at p. 794, emphasis added.)

Because none of the claimed mitigation will offer meaningful protection to sensitive upland habitats found outside of areas covered by multispecies plans, the DEIR’s conclusion that reductions in impacts to these habitat types to a level of insignificance is “ensured” (4.8-73) lacks substantial evidence. As a result, the DEIR as drafted cannot be certified consistent with CEQA.

GPA 960 Comments

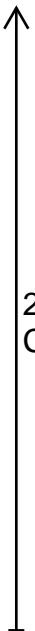
Map Change Exhibit C2-15

In this instance, private property was mis-mapped in the adopted General Plan as OS-CH. It is adjacent to property mapped OS-CH and the western portion is in MSHCP Criteria Cell 6433. The draft proposal is to re-designate 16 acres of the property as OS-RUR and the greater portion of 84 acres as Community Development (residential estate lots or EDR-CD). No planning rationale is provided for converting habitat to inefficient estate lots, with high GHG emissions. Furthermore, to do so would create an *exception* the County’s standard practice evident in many similar cases of mis-mapped OS-CH, wherein such lands are redesignated to a *Rural or Open Space* designation. Therefore, the 84 acres should be remapped as RR, RM, or OS-RUR, as appropriate. To re-designate as EDR-CD would create a density level that would ignore on site constraints and significantly prejudice MSCHP assembly.

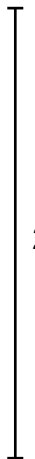
General Plan Policies

- EHL *supports* the inclusion of the following new or revised policies that better protect natural resources and improve land use planning, although as pointed out above, they may not in themselves be sufficient:

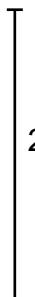
LU 7.7, LU 9.1, LU 9.4, LU 21.4, LU 26.6
OS 5.3, OS 5.5, OS 17.1, OS 17.2, OS 17.3, OS 18.1, OS 18.3, OS 18.4 a-j



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- EHL *opposes* new Land Use Policy LU 22.8, and the related new finding 3.i on page A-14 of the Administration Element, which would allow former Foundation changes from the Rural Community Foundation to Community Development Foundation to proceed as Technical or Entitlement/Policy Amendments. This is because changes in urban boundaries should occur as part of the more comprehensive planning that occurs during the 8-year General Plan Review Cycle process rather than on a more piecemeal basis, and because urbanization within City spheres should be done via the annexation process under municipal land use authority.

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- EHL *opposes* the proposed changes to OS 14.3:

Prohibit ~~Restrict~~ land uses incompatible with mineral resource recovery within areas designated Open Space-Mineral Resources and within areas designated by the State Mining and Geology Board as being of regional or statewide significance. (AI 11)

The State Board may well consider long-term biological resource protection to be *incompatible* with the future extraction of mineral resources. Indeed, this is obviously the case, as mining of necessity involves the destruction of on site habitats, often in a wholesale manner. *The revisions would therefore prevent the County from implementing conservation or MSHCP land uses within any area that the State Board determines to be of importance.* This change would *unnecessarily* cede County land use authority to the State Board and preclude MSHCP assembly.

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Currently, if the County wishes to redesignate land from OS-MR to OS-CH, it can do so. But the proposed revision would prevent the County from putting an OC-CH designation on any land that the State Board deems important for mineral extraction, irrespective of the County's wishes. Given the absence of a compelling reason for the County to give away its existing legislative discretion to protect its natural resources through conservation to an unaccountable State Board, the language of OS 14.3 should not be changed.

- EHL *opposes* policy C 2.1 to reduce LOS standards for the reasons described above.

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Fire Issues in the Safety and Land Use Elements

There is an enormous threat to public safety throughout the Fire Hazard Severity Zones. It is not enough to improve site design and require defensible space. "Preventive medicine" on the land use planning front is needed, as well.

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EHL recommends the inclusion of a critically important new land use policy *to limit the expansion of the Wildland Urban Interface, or WUI.* The WUI is where homes



are located near or among fire prone lands. This interface is where wildfires ignite, where loss of life and property occurs, and where firefighters spend finite time and resources defending structures rather than stopping the spread of a wind-driven wildfire.

Assign land uses and densities in a manner that minimizes development in Fire Hazard Severity Zones.

Note that this policy is essential verbatim from San Diego County's General Plan, adopted in 2011. (LU-6.11, p. 3-26 <<http://www.sdcounty.ca.gov/pds/gpupdate/docs/LUE.pdf>>) A discussion on the importance of reducing development intensity in Fire Hazard Severity Zones should be added to the Land Use and Safety Elements to accompany this new policy.

In addition, EHL suggests the following important improvement to S 5.16. Clustered homes compared to dispersed homes have the benefits of being more easily defended during a fire incident, of allowing more efficient use of limited firefighting resources, and of requiring less fuel modification for defensible space and therefore less habitat loss.

Encourage Require property owners to utilize clustering, and Transfer of Development Rights (TDR) program if and when available, when developing lands within Fire Hazard Severity Zones by:

- *Restricting the development of a property through placement of conservation easement.*
- *Acquiring the conservation easements similar to that of MSHCP Program.*
- *Siting development on a consolidated footprint consistent with LU 21.4.*

Finally, in S 5.1c., the provision for single loaded roads should not be deleted. Such road design offers a major advantage for fire protection as it substantially increases defensibility of communities. The single loaded road becomes an effective fuel break for the staging of firefighting equipment and personnel on the edge of a community. This provision should be retained rather than deleted.

Proposed development and construction in Fire Hazard Severity Zones Hazardous Fire areas shall use single loaded roads to enhance fuel modification areas, unless otherwise determined by the Riverside County Fire Chief.

General Plan Mitigation Measures (DEIR 521)

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EHL *supports* these new mitigation measures to help mitigate biological impacts of the project, including connectivity, though as described above, they are not in themselves adequate:

4.8.A-N1, 4.8.A-N2, 4.8.B-N1, 4.8.C- N1, 4.8.C-N2, 4.8.D-N1

Lakeview Nuevo Area Plan

EHL agrees with deleting the previously proposed Lakeview Mountains Policy Area, which would have unwisely urbanized this intact rural, agricultural, and habitat area. Urban development in this location would have increased vehicles miles traveled over baseline conditions and over alternative patterns of growth closer to existing employment and services, and would never have provided transit options that would be available closer to existing or planned transit hubs.

Conclusion

EHL appreciates the opportunity to participate in the land use process in Riverside County, and wishes to work proactively with staff and other stakeholders to resolve the issues raised in these comments. Should staff have any comments or questions, please contact the undersigned.

Very truly yours,



Dan Silver, MD
Executive Director

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Comment Letter No. 25: Endangered Habitats League

Comment 25.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 25.2 This comment is duly noted. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

However, to clarify, population and employment forecasts are found in General Plan Appendix F-1, which was updated as part of GPA No. 960. Population and employment forecasts were predicted for the County by the Riverside County Center for Demographic Research (RCCDR) using demographic data, socioeconomic and population trends (birth and death rates, immigration, emigration, etc.) and other factors independent of land use. The results from this demographic research were used to inform the land use changes proposed by GPA No. 960.

Comment 25.3 This comment is duly noted. Chapter 6.0, *Alternatives Analysis*, of Draft EIR No. 521 describes the process undertaken by the County in order to decide which project alternative would be the most appropriate for the County, both environmentally and through its attainment of the Project objectives. Ultimately, through the Alternatives Analysis process, the GPA No. 960 project as proposed was determined to be the preferred project.

As described on page 6.0-3 of Draft EIR No. 521, the County used five criteria to determine if a proposed alternative would satisfy the Project's objectives. An alternative was evaluated based on whether or not the alternative could meet the following

Further Progress: An alternative would successfully meet this objective if it ensures the General Plan remains suitable as a plan for the coordination of future growth within Riverside County (for example, provides additional policies and plans, such as new Rural Village Overlays, where warranted to appropriately handle emerging growth patterns).

Update Land Use: An alternative would successfully meet this objective if it provides updates to land use designations and Foundational components where necessary to ensure that the General Plan remains suitable as a plan for the coordination of future growth within Riverside County (for example, change mapped land use designations [LUDs] and Foundations where warranted to appropriately handle emerging growth patterns).

Update Technical Data: An alternative would successfully meet this objective if it provides updates to General Plan's technical information (e.g., resource mapping, regulations,

demographics and statistics, etc.) where necessary to ensure that the General Plan continues to accurately reflect the current environmental, regulatory, socioeconomic and development status of Riverside County (for example, updating General Plan maps to reflect newly released mineral data from the State of California and adding a forest resources map to better coordinate with new CEQA policies addressing forest resources).

Address New Needs: An alternative would successfully meet this objective if it provides updates to the General Plan that enable it to appropriately plan, coordinate and implement new policies and programs necessitated by regulatory changes or by previously unanticipated needs (for example, adding greenhouse gas and climate change policies to the General Plan Air Quality Element in response to California State directives aimed at reducing carbon emissions).

Further County Vision: An alternative would successfully meet this objective if the changes it proposes serve to enhance and extend the continued progress of the General Plan in achieving the long-range goals established in the Riverside County Vision (for example, the addition of the “Healthy Communities” Element to the General Plan to encourage healthy living enabled by appropriate patterns of development).

Each alternative’s success at satisfying project objectives was then evaluated against the environmental impacts that would result from the alternative, in comparison to GPA No. 960 as proposed. The range of alternatives provided in the Draft EIR is governed by the “rule of reason,” as required by the State CEQA Guidelines §15126.6(f), which requires the EIR to set forth the alternatives “necessary to permit a reasoned choice.” Per the State CEQA Guidelines, the County reviewed those alternatives that could “feasibly attain most of the basic objectives of the project” and would “avoid or substantially lessen any of the significant effects of the project.” As described in Section 6.0, Alternatives Analysis, the Environmentally Superior Alternative for the proposed Project was the Reduced Rural Villages Alternative. However, it was determined that this alternative does not adequately address significant adverse effects to agriculture, because the reduced potential for urbanizing development in key locations would contribute to an increase in development within areas that would otherwise remain rural and undeveloped, particularly within wildland and interface portions of Riverside County. Also, the Reduced Rural Villages Alternative does not provide adequate plans for handling future urbanizing growth pressures and, as a result, would tend to lead to sprawling growth within the rural portions of Riverside County, particularly within the Rural Community Foundation. Additionally, it was determined that this alternative only meets two out of the five project objectives described previously. Through this process, it was determined that GPA No. 960 as proposed was the preferred project through its satisfaction of the Project objectives while minimizing environmental impacts. Therefore, the analysis of alternatives, and the determination that GPA No. 960 as written is the preferred project, is pursuant to the requirements set forth by CEQA.

- Comment 25.4** This comment is duly noted. Refer to Response 25.3, above. The Added Community Centers Alternative was rejected as it does not update land use designations, in addition to the fact that this alternative was determined to have a number of significant impacts to air quality, noise, traffic, parks and recreation, schools and school districts, and water supply. More specifically, the assumptions and projections used for the Added Community Centers Alternative are clearly defined in Table 6.4-G (Added Community Centers—Assumptions and Projections) and 6.4-H (Added Community Centers Alternative—Environmental Effects Summary). Pursuant to the requirements outlined in the State CEQA Guidelines, the Added Community Centers Alternative has been analyzed by the Riverside County Planning Department, and as such was not deemed the preferred alternative over GPA No. 960.
- Comment 25.5** This comment is duly noted. Refer to Responses 25.3 and 25.4, above, regarding the CEQA requirements for the alternatives analysis, and the process used to determine the alternatives analyzed in Draft EIR No. 521 for GPA No. 960 and the selection of GPA No. 960 as the environmentally preferred project. The assumptions and projections used for the Agricultural Emphasis Alternative are clearly defined in Table 6.4-E (Agricultural Emphasis Alternative—Assumptions and Projections). This Table, including its subtext, supports the County’s decision in rejecting the Agricultural Emphasis Alternative, and the selection of GPA No. 960 as proposed as the preferred alternative. The Agricultural Emphasis Alternative buildout scenario was designed from the existing (2008) General Plan. Specific changes were applied to the existing buildout scenario in order to clarify assumptions used for this Alternative (See Pages 6.0-40 through 6.0-42). As noted by the commenter, this alternative does move agricultural lands into the certainty system, with the exception of the ECVAP where agricultural land could be converted if development stipulations are met (See Page 6.0-40). However, the Agricultural Emphasis Alternative also proposes the expansion of agricultural uses in order to accommodate the SCAG agricultural land estimates. Even with the increase of Agricultural land uses, it is still estimated that a loss of approximately 37,000 acres of agricultural land operations would be lost at buildout (See Page 6.0-48). While impacts to water resources, air quality and greenhouse gas emissions would arise under this alternative, impacts to farmland and other environmental areas could occur without the increase of designated agricultural land. The County disagrees that a good faith and reasoned alternative analysis was not completed that meets the legal standards as required under CEQA.
- Comment 25.6** This Comment is duly noted. Refer to Response 25.4, above. Riverside County addressed “feasible alternatives” to GPA No. 960 using criteria established by the State CEQA Guidelines §15126.6(a) and (c), including those suggested through public input during the NOP and scoping process. The commenter did not identify specific feasible alternatives during these periods, and as such, the comments proposed by EHL are not included as part of the analysis of EIR No. 521. As noted in Response 25.4 above, the analysis of alternatives within Draft EIR No. 521 meets the requirements outlined in the State CEQA Guidelines. Again, CEQA requires only a reasonable range of alternatives as part of the analysis sufficient for informed decision making. CEQA does not require a discussion of any and all alternatives proposed. Provided a reasonable range of alternatives exists, courts will defer to the lead

agency's selection of appropriate alternatives to evaluate within the EIR. No further response is required.

Comment 25.7 This comment argues that the Draft EIR has failed to adequately analyze the proposed change to the Target LOS from "C" to "D" by only evaluating Baseline conditions. The figures presented in Draft EIR No. 521 Table 4.18-F and the more detailed information presented in Appendix EIR 4-F are based upon the traffic forecast for the Buildout analysis of GPA No. 960. This apparent confusion may have resulted due to the fact that this discussion is located in the section of the Draft EIR dealing with Baseline conditions and flows from the discussion of existing LOS policies. Also, immediately following the rather lengthy discourse regarding LOS policies, the Draft EIR then launches into a discussion of Baseline LOS conditions. GPA No. 960, as proposed, would result in less intensive development than the No Project Scenario. As described in the No Project/Status Quo Alternative, this alternative would not substantially lessen any of the significant environmental impacts associated with the project-updated General Plan, mainly because this alternative, which represents build out of the existing General Plan, would result in more people, houses, jobs, economic land uses, vehicle miles travelled and related effects. Specifically, General Plan build out with implementation of project (GPA No. 960) changes would result in a reduction of roughly 2-6% fewer people, homes, jobs and economic land uses as compared to the existing General Plan.

Appendix EIR 4-F presents the LOS analysis on a segment by segment basis organized by Area Plan and comparing the projected Buildout LOS for both GPA No. 960 and the 2003 General Plan. In every case, each roadway segment also failed to meet the LOS "C" target under the 2003 General Plan Buildout analysis. As the LOS discussion in the EIR points out, there never was a single countywide target LOS of "C." The current policy states:

"Maintain the following countywide target Levels of Service:"

LOS "C" happened to be the first target LOS discussed. In addition, the current language is somewhat vague and ambiguous, which was another reason for rewriting the policy. The impacts of the revised LOS policy language have been fully evaluated and are insignificant. (See also Response 108.9).

This comment also asserts that projects which could not be built under the old LOS "C" target could be approved, potentially resulting in additional impacts. As pointed out in the prior response, the road segments impacted by the change in LOS policy are insignificant and every single road segment was already forecast to operate at LOS "D" or worse under the 2003 General Plan Buildout forecast. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

This comment suggests that the more lenient LOS threshold will reduce the resources available to the County through “fair share” mitigation programs. The roadway segments impacts by the change from a target LOS “C” to “D” are short, isolated and widely scattered. The implementation of the new policy will have an insignificant impact on the County’s ability to mitigate impacts on a “fair share” basis. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis.

Finally, this comment asserts that the new LOS policy will result in no LOS standard for major projects which require an EIR and is thus growth-inducing. This comment is apparently a reaction to the following new language added to Policy C 2.1:

“Notwithstanding the forgoing minimum LOS targets, the Board of Supervisors may, on occasion by virtue of their discretionary powers, approve a project that fails to meet these LOS targets in order to balance congestion management considerations in relation to benefits, environmental impacts and costs, provided an Environmental Impact Report, or equivalent, has been completed to fully evaluate the impacts of such approval. Any such approval must incorporate all feasible mitigation measures, make specific findings to support the decision, and adopt a statement of overriding considerations.”

This language was added to the County’s LOS policy to state what is, in fact, already in effect. The Board of Supervisors does have the authority to approve a project that cannot satisfy the minimum LOS target. The policy language goes on to state under what conditions the Board might consider such an approval. This portion of the policy in no way negates the LOS targets also presented in the policy, but acknowledges the need, on occasion, to balance competing interests for the public good.

GPA No. 960, as proposed, would result in less intensive development than the No Project Scenario. As described in the No Project/Status Quo Alternative, this alternative would not substantially lessen any of the significant environmental impacts associated with the project-updated General Plan, mainly because this alternative, which represents build out of the existing General Plan, would result in more people, houses, jobs, economic land uses, vehicle miles travelled and related effects. Specifically, General Plan build out with implementation of project (GPA No. 960) changes would result in a reduction of roughly 2-6% fewer people, homes, jobs and economic land uses as compared to the existing General Plan.

Another consideration with respect to LOS analysis is the passage of Senate Bill 743, amending CEQA with respect to how transportation impacts are to be evaluated. The bill was signed by Governor Brown on September 27, 2013. Since then, the California Office of Planning and Research (OPR) has been developing new guidelines which would eliminate the use of LOS measures in evaluating transportation impacts in CEQA documents in favor of a methodology which focuses on vehicle miles of travel (VMT).

As discussed in the EIR No. 521 Section 4.18.3 Regulations and Programs for Transportation and Circulation – Item 5. Senate Bill 743: Amending CEQA with Respect to Evaluating

Transportation Impacts on pages 14.18-25 and 26, OPR supports the lowering of LOS targets as means to achieve land use patterns that support transit usage and other alternative means of transportation, such as walking and bicycling. Toward this end, there are several policies within the General Plan aimed at encouraging transit and other alternative travel modes, including the revisions to the Counties LOS targets as presented in Circulation Policy C 2.1, page C-6 and 7 of GPA No. 960. (See also Responses 29.52 and 108.2).

Comment 25.8 GPA No. 960 is ultimately a program-level document, and as such is meant to develop and provide general guidance for future development. Buildout accommodated by GPA No. 960 is speculative in nature and accordingly, analysis of water resources is more appropriately and accurately addressed on a project-level basis. The County recognizes that there is not a comprehensive Groundwater Management Plan for Riverside County available at this time, particularly one that incorporates a realistic and detailed analysis of the impacts of Greenhouse Gases on groundwater.

However, The Draft EIR provides an in-depth discussion pertaining to water supply and drought-related issues (including groundwater) from pages 4.19-57 to 4.19-101. The General Plan and DEIR provide numerous policies and mitigation measures that directly address water conservation and drought-related alternative supply considerations, including Policy OS 1.1 (Balance water requirements of Urban, Agricultural, and environmental uses to ensure sufficient supply for these uses), Policy OS 2.2 (Encourage the installation of water efficient infrastructure such as gray water wells), Policy OS 2.5 (Encourage agricultural water conservation measures), as well as several mitigation measures (as noted below).

In addition, the State Water Resources Control Board has purview over enforcing the recently enacted mandatory water conservation measures pursuant to the Governor's Executive Order B-29-15.⁴ As discussed in the Section 4.19.3 of Draft EIR 521 (*Existing Environmental Setting – State and Regional Water Supply*), water supplies are provided to County residents and businesses through various water retailers including municipal water districts and CPUC-regulated water utilities. The State of California has also enacted the Sustainable Groundwater Management Act, enforced by the State Water Resources Control Board, which requires certain groundwater basins to prepare Groundwater Management Plans.⁵ Finally, groundwater is also managed in Riverside County by various watermasters, adjudications and settlement agreements, which are described in the Draft EIR (Page 4.19-103) and overseen by a collaborative effort of County and watershed stakeholders led by the Santa Ana Watershed Project Authority in Western Riverside County and the Colorado River Basin stakeholders for eastern Riverside County.^{6,7}

⁴ http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/emergency_regulation.shtml

⁵ <http://groundwater.ca.gov/>

⁶ <http://www.sawpa.org/owow/the-plan/>

⁷ <http://www.usbr.gov/lc/region/programs/crbstudy/MovingForward/index.html>

Additionally, compliance with existing and new Riverside County regulations and Mitigation Measures would prevent significant impacts to water quality. Most notably, existing Mitigation Measures 4.14.5C and 4.17.5D directly address water quality and would mandate reducing impacts to water quality:

Existing Mitigation Measure 4.17.5C: Where development may contribute to a worsening of local or regional ground or surface water quality (as determined by the Riverside County Department of Environmental Health and/or RWQCB), a water quality analysis shall be prepared. The water quality analysis shall include (but shall not be limited to): an analysis of existing surface and subsurface water quality; an assessment of how the proposed development would affect existing water quality; an assessment of how the proposed development would affect beneficial uses of the water; and specific measures to limit or eliminate potential water quality impacts and/or impacts to beneficial uses of ground/surface water. Where determined necessary by the County [of Riverside] or other responsible entity, the water quality analysis shall include, at an equal level of detail, potential impacts to tributary or downstream areas. The water quality analysis shall be submitted to the County [of Riverside] and the RWCQB for review and shall be approved prior to the issuance of any entitlement that would result in the physical modification of the project site.

Existing Mitigation Measure 4.17.5D: The project applicant shall submit to the County [of Riverside] and the RWQCB, for review and approval, evidence that the specific measures to limit or eliminate potential water quality impacts resulting from the entire development process, will be implemented as set forth in the water quality analysis. Said evidence shall be submitted and approved prior to the issuance of any entitlement that would result in the physical modification of the project site.

These measures, along with existing State and federal regulations and existing Riverside County policies as described above will help to reduce impacts to water quality and water supply. Ultimately, project-level review of water quality is beyond the purview of the General Plan.

Comment 25.9

This comment is duly noted. Riverside County is one of the primary growth areas of the State of California. For example, it is estimated that by 2035, Riverside County will be home to approximately 3.6 million people, who will occupy 1.3 million dwelling units (Riverside County Progress Report, 2009). This represents roughly a 65% increase over Riverside County's present population and housing stock. As noted in Response 25.2, an extensive demographic analysis was conducted in order to establish the projected future population of the County. Based on this data, land use changes were made to accommodate the projected population, as determined by the Riverside County Center for Demographic Research (RCCDR). Once these land use changes were determined, the Draft EIR analyzed the impacts that additional development may cause as a result of the proposed land use changes proposed in GPA No. 960. This includes analysis of potential growth inducement, land use impacts, transportation impacts as well as others.

The commenter also states that the General Plan projects a total build-out of 520,900 units while the SCAG RCP-10 only projects a need for 324,571 units for the year 2035. While the abovementioned statement is correct, they refer to two different timelines for the County population. The projected build-out for Riverside County is not anticipated to occur until the year 2060. Thus, after the 2035 SCAG projection year the County is anticipated to grow for another 25 years until reaching a maximum build-out of 520,900. The difference is a result of the 25-year span between 2035 and 2060, in which projected growth is expected to continue. The difference between the 2035 SCAG projections and the build-out projections developed by the County is the 25-year difference between the 2060 projection that is used by the County in order to model the final build-out of the region.

The commenter also states that the 520,900 projection for 2060 is a growth-inducing impact; however, it is notably lower than the proposed build-out that was included in the 2003 General Plan (buildout with implementation of the Project changes would result in a reduction of roughly 2-6% fewer people, homes, jobs, and economic land uses as compared to the existing General Plan). Although the build-out assumes growth, the proposed build-out actually reduces the dwelling unit capacity of the County by 2 percent from the existing General Plan. As such, the findings of Draft EIR No. 521 and GPA No. 960 are not changed, and no further response is necessary.

Comment 25.10

The commenter expresses concern that the Draft EIR analyzes the impacts on agricultural resources by comparing the impacts of the current General Plan to the Proposed General Plan, without consideration of the existing agricultural resources within the County. While a direct comparison of the current and proposed General Plan is included in Draft EIR No. 521, specifically in Table 4.5E of the Report, a thorough analysis of the existing agricultural lands and the impacts to these resources is provided in the *Agricultural Resources* section of Draft EIR No. 521. This analysis of impacts does not include any comparison of the existing and proposed General Plan differences. The analysis looks at the impacts in relation to State Farmland Classifications and notes that upon build out that the remaining farmland will be less than the mapped amount under the State Farmland Mapping Program. This discussion of impacts is supported by the information provided in the introductory section of the chapter; however, the analysis does not use the comparisons between the current and proposed General Plan documents to quantify the impacts to agricultural lands.

The discussion of impacts contained in Impacts 4.5A and 4.5B evaluates the potential Project impacts on Designated Farmland and Williamson Act contracts, which the responses adequately address. The discussion also notes that the ultimate build out of the County will result in less farmland than the amount designated by the State Farmland Mapping and Monitoring Program. The Impact Analysis also notes that the County-wide build out of GPA No. 960 would result in a loss of additional farmland across all designations.

In order to ensure the reduction of potential impacts to agricultural resources within the County, several policies are proposed within GPA No. 960 including a number of protections

for farmlands and their operations. While the Draft EIR does reference the 2003 General Plan EIR, an independent analysis was conducted within Draft EIR No. 521; ultimately the determination was the same as the 2003 General Plan EIR. Several policies and existing ordinances provide future protections for farmland resources within the County. These policies include the incorporation of agricultural land conservation (Policy OS 7.3), allowance of accessory agricultural uses on designated agricultural land (Policy OS 7.5), and agricultural incentive programs including tax incentives to increase the viability of agricultural uses (Policy LU 20.1).

The concerns contained within the author's comment are noted; however, the analysis within the *Agricultural Resources* section of Draft EIR No. 521 is adequate, due to its inclusion of several methods of analysis in order to best understand the existing farmland within the County. Therefore, the analyses and subsequent conclusions within the Draft EIR will remain and no further response is necessary. Also refer to the responses to Comment Letter 3 for further discussion regarding farmland resources.

Comment 25.11

Refer to Response 25.10, above. Impacts 4.5A and 4.5B evaluate the potential Project impacts on Designated Farmland and Williamson Act contracts. Impact 4.5.A and 4.5.B are adequately analyzed and addressed in their appropriate corresponding sections (see pages 4.5-29 through 4.5-35). The discussion notes that the ultimate build out of the County will result in less farmland than the amount designated by the State Farmland Mapping and Monitoring Program. The Impact Analysis also notes that the County-wide build out accommodated by GPA No. 960 would result in a loss of additional farmland across all designations.

While the Draft EIR does refer to EIR No. 441 in its analysis, the Draft EIR is tiering from the analysis provided in EIR No. 441. Per State CEQA Guidelines §15152 (b), "agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects." The Guidelines also state "Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in the first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed."

While the commenter's concerns are understood, the County fully analyzed the environmental impacts associated with GPA No. 960 through multiple forms of analysis. As such, the analysis within the *Agricultural Resources* section of Draft EIR No. 521 stands, due to its inclusion of several analytical methods in order to best understand the existing farmland within the County.

The Woodward Park Homeowners Ass'n v City of Fresno case reference by the commenter stands for the position that an EIR that only limits its analysis to a comparison of future

development pursuant to existing zoning or other similar land use plans is inadequate. The case only compared the project's development against a hypothetical community development that could be built and not the existing onsite physical conditions. As discussed, the Draft EIR does not "suffer from the same defect" as incorrectly characterized by the commenter.

Comment 25.12 The commenter incorrectly characterizes the Draft EIR's analysis as it relates to climate change. As described in the CAP and on page 4.7-38 of Draft EIR No. 521, the reduction target is 15 percent below current (2008 baseline) GHG emissions. The reference to 2020 is the deadline by which the 15 percent reduction below current levels must be met.

As noted in Section 7.7 of the CAP, 2020 is only a milestone in GHG reduction planning. As Executive Order S-03-05 calls for a reduction of GHG emissions to a level 80 percent below 1990 levels by 2050, the CAP identifies there will be a need to start planning ahead for the post-2020 period. The County of Riverside will commence planning for the post-2020 period starting in 2017, at the approximate midway point between plan implementation and the reduction target and after development of key ordinances and implementation of cost-effective measures. This measure allows for greater flexibility in upgrading the CAP to create an improved tool to combat climate change. The new plan will include a specific target for GHG reductions for 2035 and 2050. The targets will be consistent with broader state and federal reduction targets and with the scientific understanding of the needed reductions by 2050. Additionally, Draft EIR Mitigation Measure 4.7-N3 requires the County of Riverside to adopt an updated CAP on or before January 1, 2020 that will include 2035 and 2050 Reduction Targets and updated reduction measures designed to achieve the 2035 and 2050 Reduction Targets.

Comment 25.13 Within the 1,140 acres of non-MSHCP areas in Riverside County, additional requirements would be mandated on an individual project-level to ensure impacts to sensitive habitats would be less than significant. During subsequent project-level environmental analysis and review of individual future development projects, compliance with applicable regulations may require coordination with resource agencies (e.g., USFWS, CDFW, or Corps) to determine specific mitigation measures necessary for impacts to State and federally listed species, particularly in the non-MSHCP areas of Riverside County. Additionally, future development occurring in non-MSHCP areas of Riverside County would be subject to Mitigation Measure 4.8A-N1 and Mitigation Measure 4.8A-N2, which read as follows:

NEW Mitigation Measure 4.8.A-N1: *For sites not governed by an existing MSHCP,* Where site conditions (for example, topography, soils, vegetation, etc) indicate a project could adversely affect any riparian or riverine resources, then an appropriate assessment shall be prepared by a qualified professional. An assessment shall include, but not be limited to, identification and mapping of any riparian/riverine areas and evaluation of species composition, topography/hydrology and soil analysis, as applicable. An assessment shall be completed as part of the environmental review for the development proposal prior to its approval. Upon

receipt of an assessment, the Riverside County Ecological Resources Specialist (ERS) shall review the document and make a finding that either:

- a. Riparian/riverine areas do not exist on site;
- b. Project-specific avoidance measures have been identified that would be sufficient to ensure avoidance of riparian/riverine areas; or
- c. Impacts to riparian/riverine areas are significant and unavoidable. If avoidance is not feasible, a practicable alternative that minimizes direct and indirect effects to riparian/ riverine areas and vernal pools and associated functions and values to the greatest extent possible must be developed.

NEW Mitigation Measure 4.8.A-N2: ~~*For sites not governed by an MSHCP, a*~~ *A* general biological resources assessment (BRA) shall be required as part of the discretionary project review process at Riverside County's discretion. For example, *a BRA would be required* if a site inspection, aerial or other photos, resource agency data or any other information indicates potential for sensitive habitat to occur on, or be adversely affected by the proposed project. The BRA shall be prepared and reviewed as per the requirements outlined in Mitigation Measure 4.8.B-N1.

The BRA, which would include a comprehensive analysis of all sensitive habitat or species on a project site pursuant to the requirements outlined in both the CV-MSHCP and WR-MSHCP, would ensure impacts to sensitive resources on sites not governed by an MSHCP would be less than significant. As individual biological resources can be difficult to quantify (especially during a large-scale undertaking such as a General Plan or General Plan EIR), potential impacts to non-MSHCP areas within Riverside County are more appropriately and accurately done on a project-by-project basis. This allows for more up-to-date and accurate data for developers and policymakers to use during the development process. As such, the initial BRA conducted as part of Draft EIR No. 521 is adequate for the level of analysis conducted within the programmatic document.

Comment 25.14 This comment is duly noted. Refer to Response 25.13, above. In regards to biological impacts to sensitive resources located in non-MSHCP areas, the document is ultimately a program-level document and therefore is meant to develop and provide general guidance for future development. As stated in the responses above, the Draft EIR does not rely on MSHCP alone; it is subject to numerous State, federal, and local programs to protect sensitive biological resources within the County. Additionally, impacts to sensitive resources would be subject to Mitigation Measure 4.8A-N2, which would require projects to evaluate biological resource impacts including upland habitat, and would be required to undergo additional review and applicable mitigation on an individual project level.

Comment 25.15 The County disagrees with the commenter's opinions regarding "gaping holes" in the Draft EIR's analysis as it related to biological resources. The Draft EIR provides extensive analysis

for a project of this nature and magnitude. As described in Response 25.14, due to the broad scope of GPA No. 960, impacts to sensitive biological resources in non-MSHCP areas are best analyzed and mitigated on an individual project level. For this reason, specific mitigation relating to individual sensitive habitat communities within non-MSHCP areas would not be practicable for the program-level analysis present in Draft EIR No. 521. However, for projects that would occur outside of areas covered by multispecies plans, a BRA would be required to assess project-specific impacts and would require developers to implement five requirements as a part of the study, as mandated by Mitigation Measure 4.8.B-N1, below.

NEW Mitigation Measure 4.8.B-N1: Prior to discretionary project approval for projects with the potential to substantially adversely affect sensitive (listed, candidate or special status) species or habitats ~~not covered by an existing MSHCP or HCP~~, a general biological resource assessment (BRA) shall be performed. The following requirements shall apply:

- a. The BRA shall be performed by a Riverside County-approved biologist pursuant to a Memorandum of Understanding (MOU) executed between the biologist and the County of Riverside.
- b. The biology/environmental firm or biologist preparing the BRA must be on Riverside County's list of qualified consultants.
- c. Fieldwork must be performed by qualified biologists according to professional standards.
- d. If included in the BRA, presence/absence surveys for specific plants must be conducted during the applicable blooming season or other conditions as deemed scientifically appropriate and valid.
- e. Should affected species or habitat occur on the project site, then a "Focused Protocol Survey" must be prepared for those species using existing protocols established by the USFWS or CDFW. If no such protocols exist, the survey must be based on generally accepted biological survey protocols appropriate to the species.

The BRA requirement *may* be waived if any of the following conditions are documented to exist.

- a. The area affected by the proposed project ("footprint" herein) consists entirely of built environment (structures, pavement, etc.) and none of the biota or plant material present (i.e., landscaping) represent likely habitat used by a sensitive species.

- b. The Riverside County Environmental Resource Specialist (ERS) finds in writing that the proposed footprint does not have any biological resources expected to be used by a protected species or plant.
- c. The project or activity proposed is to be performed under an existing incidental take permit, habitat conservation plan or other governing permit, license or authorization (i.e., Section 7 consultation) and no new significant effect to the covered species or other protected species or resource is expected to occur.

In addition to the items herein, the BRA shall also be prepared in accordance with the Riverside County “Guide to Preparing General Biological Resource Assessments,” as well as any other requirements of the Riverside County Environmental Programs Department, Planning Department or other County of Riverside agency.

Upon receipt of the BRA, the Riverside County ERS shall review it and all supporting documentation. If the Riverside County ERS finds that the project does not have the potential to substantially affect sensitive species or habitat, no further mitigation is required. If the Riverside County ERS finds that the project has the potential to substantially adversely affect sensitive species or habitat, then additional mitigation will be developed and imposed to reduce such impacts to below a level of significance. Such mitigation may include but not be limited to obtaining incidental take permits from the USFWS and/or CDFW, as applicable and acquisition and conservation of replacement habitat at appropriate ratios.

Mitigation Measure 4.8.B-N1 mandates a step-by-step guideline for project-specific implementation of a BRA and is sufficient in ensuring meaningful protection to sensitive upland habitats found outside of areas covered by a multispecies plan. This mitigation is further supported by existing regulatory programs that require extensive project-level analysis prior to construction. Despite the commenter’s mischaracterization of the importance of this requirement, any project would be required to evaluate its potential for impacts to biological resources and would be required to implement feasible mitigation through an MMRP or applicable conditions of approval. Due to the programmatic nature of GPA No. 960 and Draft EIR No. 521, specific site level mitigation related to biological resource protection is better handled on the project-level basis, as outlined in Mitigation Measure 4.8B-N1 as well and related regulatory programs.

Comment 25.16 Regardless of whether the property was mis-mapped in the adopted GP, the GP update analyzes the new designation. The assumptions associated with adding residential lots are incorporated into the modeling and emissions inventories prepared for the GP update. Additionally, mitigation measures and significance findings were made with the correct assumptions. Therefore, the land use change has been fully analyzed in the GP EIR.

Additionally, it should be noted that characterizing rural estate lots as “inefficient” with “high GHG emissions” is not necessarily accurate. Residential land uses generate the fewer vehicle trips than most other land uses (especially commercial and retail). Residential uses also do not

include heavy truck trips which have greater emissions than automobiles. The energy demands of residences are generally lower than most other land uses, including commercial, retail, and industrial uses. Furthermore, future development projects would be required to comply with the State’s latest energy standards, which are continually getting more efficient over time. Future projects would also be required to comply with the reduction measures and targets within the County’s CAP and Screening Tables. Therefore, future development of rural residential units within this area would not be inefficient or have high GHG emissions. As described above, potential emissions from future development in this area have been included in the Draft EIR and CAP emissions inventories, analysis, and mitigation measures.

Comment 25.17 The County acknowledges your comments during the General Plan Update and EIR process and thanks you for your support of the Project. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 25.18 This comment is duly noted. Due to expanding development within the County, the County wants to ensure flexibility with development while ensuring safeguards are in place to process potential foundation component amendment changes. Potential cases that would qualify for a technical amendment would be required to meet the outlined stipulations within Policy 22.8 to ensure flexibility with projects along the County boundary while maintaining the consistency within the General Plan Land use designations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 25.19 This comment is duly noted. While the County notes the commenter’s concern about the changed wording for Policy OS 14.3, the County also has policies providing safeguards for biological resources, including Policy OS 8.1, Policy OS 17.1 and Policy OS 18.1 which state:

“OS 8.1 Cooperate with federal and state agencies to achieve the sustainable conservation of forest land as a means of providing open space and protecting natural resources and habitat lands included within the MSHCPs. (AI 3)”

“Policy OS 17.1 Enforce the provisions of applicable MSHCP’s, if adopted when conducting review of possible legislative actions such as general plan amendments, and/or zoning ordinance amendments, etc. changes. (AI 10)”

“OS 18.1 Preserve multi-species habitat resources in the County of Riverside through the enforcement of the provisions of applicable MSHCP’s, if adopted. (AI 10)”

The County acknowledges your comments during the General Plan Update and EIR process and thanks you for your support of the Project. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 25.20 Refer to Response 25.19, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 25.21 The General Plan Safety Element contains several policies designed to reduce impacts as a result of fire risk within the Wildlife Urban Interface (WUI). Policies S 5.1 through 5.8 provide a number of safeguards for development within high fire risk area including defensible space, topographical analysis, and site plan approval from the Riverside County Fire Department. These policies have been developed in order to reduce fire risk in the WUI. Policies S 5.1 and S 5.2 specifically address measures to reduce impacts to the WUI:

“S 5.1 Develop and enforce construction and design standards that ensure that proposed development incorporates fire prevention features through the following:

- a. *All proposed development and construction within Fire Hazard Severity Zones shall be reviewed by the Riverside County Fire and Building and Safety departments.*
- b. All proposed *development and* construction shall meet minimum standards for fire safety as defined in the Riverside County Building or County Fire Codes, or by County zoning, or as dictated by the Building Official or the Transportation Land Management Agency based on building type, design, occupancy, and use.
- c. In addition to the standards and guidelines of the California ~~Uniform~~ Building Code and California ~~Uniform~~ Fire Code fire safety provisions, continue *to implement* additional standards for high-risk, high occupancy, dependent, and essential facilities where appropriate under the Riverside County Fire ~~Code (Ordinance No. 787) Protection Ordinance~~. These shall include assurance that structural and nonstructural architectural elements of the building will not impede emergency egress for fire safety staffing/personnel, equipment, and apparatus; nor hinder evacuation from fire, including potential blockage of stairways or fire doors.

Proposed development and construction in Fire Hazard Severity Zones Hazardous Fire areas shall use single loaded roads to enhance fuel modification areas, unless otherwise determined by the Riverside County Fire Chief.

- d. Proposed development *and construction* in *Fire Hazard Severity Zones Hazardous Fire areas* shall provide secondary public access, *unless determined otherwise by the County Fire Chief in accordance with Riverside County Ordinances.*
- e. Proposed development *and construction* in *Fire Hazard Severity Zones Hazardous Fire areas* shall use single loaded roads to enhance fuel modification areas, unless otherwise determined by the Riverside County Fire Chief.
- f. *Proposed development and construction in Fire Hazard Severity Zones shall provide a defensible space or fuel modification zones to be located, designed, and constructed that provide adequate defensibility from wildfires.”*

S 5.2 *Encourage continued operation of programs for fuel breaks, brush management, controlled burning, revegetation and fire roads.*

While concerns about the wildland urban interface are noted, the DEIR (Pages 4.13-93-4.13-96) and GPA both extensively address potential fire risk and potential impacts that may occur as a result of development along the WUI.

Comment 25.22 This comment is duly noted, refer to Response 25.21, above. While the suggested policy edits are noted, there are several complimentary policies that encourage clustering of development that support S 5.16, including policies LU 9.4 (Allow clustering to protect biological resources, open space, and cultural resources when possible) and LU 12.1 (b) (allow clustering to retain slope). While the suggested edits are noted, the policy as currently proposed, in conjunction with complimentary policies, affords sufficient protection along the WUI and will allow for development to better integrate into these areas of the county. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 25.23 This comment is duly noted. While single loaded roads can serve as a tool to increase fire suppression, there are a number of other methods of fire breaks that are employed within the County. The use of single loaded roads also can decentralize development (due to development on only a single side of the road) and discourage clustering and other forms of development that aim to centralize fire-fighting resources. While the suggested policy edits are noted, the removal of single loaded roads allows for a variety of alternative development styles that centralize development, while other methods of fire breaks can be used to create defensible space. Also Refer to Response 25.21, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically

related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 25.24 The County acknowledges your comments during the General Plan Update and EIR process and thanks you for your support of the Project. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 25.25 The County acknowledges your comments during the General Plan Update and EIR process and thanks you for your support of the Project. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 25.26 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

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April 6, 2015

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Ms. Kristi Lovelady, Principal Planner
County of Riverside
Transportation Land Management Agency, Planning Department
4080 Lemon Street, 12th Floor
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**RE: Draft Environmental Impact Report No. 521 for General Plan Amendment
No. 960 – SCH No. 2009041065**

We have reviewed the Draft EIR No. 521 for General Plan Amendment No. 960 and are providing comments on behalf of the Friends of the Northern San Jacinto Valley (Friends) and as individual citizens objecting to the Draft EIR’s deficient analysis of Biological Resources and incorrect implementation of the California Environmental Quality Act (CEQA).

26.1

BIOLOGICAL RESOURCES

A] The Draft EIR impact analysis and mitigation measures for Biological Resources (Draft EIR pages 4.8-1 to 4.8-95) reliance on compliance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Coachella Valley MSHCP because both plans are designed such that payment of the mitigation fee and compliance with the plan requirements provide full mitigation under CEQA, NEPA, FESA and CESA for impacts to covered species, species and their habitats pursuant to agreements with the USFWS, the CDFW and other participating regulatory agencies is in error. Also in error is the Draft EIR assertion that **future** compliance with a variety of laws, including Section 401, 402, and 404 of the federal Clean Water Act, Section 1600 of the California Fish and Game Code as well as the multi-species habitat conservation plans will ensure impacts to Biological Resources resulting from this Project are reduced to less than significant.

26.2

Under state law, the “take” authorization for the western Riverside MSHCP and the Coachella Valley MSHCP were issued pursuant to the Natural Community Conservation Planning Act (NCCP Act – Fish and Game Code sections 2800-2835). The NCCP Act Section 2826 provides as follows:

Section 2826: “Nothing in this chapter exempts a project proposed in a natural community conservation planning area from Division 13 (commencing with Section 21000) of the Public Resources Code [California Environmental Quality Act] or otherwise alters or affects the applicability of that division.”

Merely reviewing the subject General Plan Amendment for compliance with the provisions of respective MSHCP’s and future promises of compliance with applicable state and federal laws does not comply with the applicable mandates of CEQA. Further consideration of the proposed General Plan Amendments must be deferred pending full compliance with the California Environmental Quality Act.

B] We are also including the references cited below [See Attachment; Press Enterprise January 15, 2012- Endangered Plant Loses Habitat to Duck Ponds/ video and newspaper links] for inclusion in the Administrative Record:

<https://www.youtube.com/watch?v=5kO69o9hxx0>

<http://www.pe.com/articles/plants-637217-club-duck.html?page=1>

These references document the prior failure of Riverside County [Regional Conservation Authority] and the Resources Agencies (USFWS, DFW, Army Corps of Engineers, etc.) to correctly implement the requirements of the MSHCP. Left uncorrected, this faulty implementation of the MSHCP has now placed the federally endangered plant species San Jacinto Valley Crownscale in jeopardy of extinction. The evidence provided is a persuasive showing that Riverside County and the Resources Agencies are not implementing and enforcing the MSHCP as presented in the Biological Resources section of the Draft EIR. The circumstance of the San Jacinto Valley Crownscale is not an isolated incident and additional MSHCP species (Burrowing Owl, Tricolored Blackbird, Stephens ’kangaroo rat, etc.) face extinction jeopardy unless the regulatory errors presented in this incident are acknowledged and necessary corrective measures instituted. The Draft EIR, Biological Resources section (Draft EIR pages 4.8-1 to 4.8-95), does not present an accurate picture [misleading] of the current implementation and enforcement of the MSHCP.

HAZARDOUS MATERIALS AND SAFETY

A] The General Plan Amendment (page 4.13-93) states that ordinance 695 covers all parcels in Riverside County. This is not correct; it covers only “unoccupied” parcels. In addition, because the CEQA on ordinance 695.4 to ensure all abatement is in compliance with the MSHCP only covers parcels below 3,000 feet in Riverside County, ordinance 695.4 does not include the mountains and forest of Riverside

26.2
CONT.

26.3

26.4

County, those areas where wildfire are most likely to occur. An important mitigation for this deficiency, which should be adopted, is for amendments to 695.4 to include all parcels in Riverside County (with and without structures) and to prepare a new CEQA analysis so that the abatement of all parcels in Riverside County is in compliance with the MSHCP.

↑
26.4
CONT.

Fire Chief John Hawkins has a Fire Code Committee that is looking into this County Code Amendment and should be consulted as to mitigation language included in General Plan. Nothing can stop a raging wildfire, but forced abatement of all parcels in Riverside County would go a long way to reduce the risk to fire fighters, the public and save many mountain communities (See Exhibit C, USDA 2013- Mountain Fire Fuel Treatment Effectiveness Summary).

↑
26.5

Thank you for the opportunity to participate in the CEQA review of the General Plan Amendment. Please advise us regarding the availability of the Final EIR and Public Hearing schedule for this important project.

Sincerely,

Tom Paulek
FNSJV, Conservation Chair

Susan Nash
FNSJV, President

Attachment: Riverside Press Enterprise, January 15, 2012 – “Endangered Plant Loses Habitat to Duck Ponds”

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Comment Letter No. 26: Friends of the Northern San Jacinto Valley

Comment 26.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment is duly noted; however, the County disagrees with the opinion that Draft EIR No. 521 has a deficient analysis of biological resources and asserts that the document strongly upholds the requirements of the California Environmental Quality Act. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 26.2 This comment is duly noted. When the County of Riverside developed both MSHCPs, comprehensive data was collected under the purview of a scientific committee. The final conservation strategy in the MSHCPs was developed to fully mitigate impacts to sensitive biological resources. The issuance of the Section 10(a) permit by the United States Fish and Wildlife Service (USFWS) acknowledged the adequacy of the conservation programs as full mitigation.

Each covered project in the County must comply with the requirements of the MSHCPs, including conducting habitat assessments and focused surveys, mandatory conservation of lands identified to have conservation value that would support the assemblage of several Conservation Areas in the Western Riverside County and Coachella Valley, and payment of mitigation fees. The Coachella Valley Association of Governments (CVAG) has a daily management responsibility for ensuring that these processes occur and that sensitive biological resources are properly protected and managed in the Coachella Valley. Regional Conservation Authority (RCA), CVAG, the County of Riverside, USFWS and the California Department of Fish and Wildlife (CDFW) meet routinely throughout the year to review all actions, including project approvals, resulting conservation activities and other required mitigation measures taken under the MSHCPs. A series of meetings are held each year between all of the aforementioned agencies to ensure that the MSHCPs are successfully being implemented and managed.

As part of this process, annual reports are prepared and work plans for the subsequent year are prepared, reviewed, approved and implemented. This robust process is a combined effort by the federal, State and local governments to ensure that the sensitive biological resources found in the Western Riverside County and Coachella Valley are successfully protected and conserved for the future. It should be noted that as part of an applicant's participation in the MSHCP, habitat assessments and focused surveys will be required to assess the ongoing status of sensitive biological resources in specific areas. The results of these surveys will be used by the County, CVAG, and the wildlife agencies to verify the ongoing adequacy of the MSHCPs for protecting biological resources and to make the adjustments to guide the development of the annual work plans for the conservation programs authorized by USFWS and CDFW.

This process ensures that the ongoing conservation programs are protecting and managing sensitive biological resources as required by the federal and State Endangered Species Acts, Migratory Bird Treaty Act, and other applicable natural resources laws, as well as required by CEQA.

Comment 26.3 This comment is duly noted, and the referenced materials have been reviewed. While the County appreciates the material provided from the Press Enterprise and YouTube, it is not indicative of a substantive comment or expert testimony as it relates to the Draft EIR's analysis. The comment does not appear to raise any substantive issues related to the Draft EIR aside from statements that the MSHCP needs improved enforcement and therefore the Draft EIR may be deficient. Additionally, Draft EIR No. 521 incorporates sensitive species of concern into its analysis including the San Jacinto Valley crowscale, burrowing owl, tricolored blackbird, and Stephens' kangaroo rat (Refer to Table 4.8-D (Sensitive Species of Riverside County in the WRC-MSHCP or CV-MSHCP)). As such, the analysis within Draft EIR No. 521 along with the document's incorporation of the two MSHCPs stands. Also refer to Response 26.2, above.

Comment 26.4 The County of Riverside employs several programs in order to ensure the safety of structures within the County from wildfire, as noted in the Hazardous Materials and Safety section of the Draft EIR. While Ordinance 695 is only applicable to certain properties within the County, there are other ordinances, policies, and regulations in GPA No. 960 that require wildfire safety measures to be implemented. As noted on page 4.13-94, the County requires all development in High Fire Hazard Zones to adopt fuel modification plans, which must be approved by the County Fire Department. These programs are specifically tailored for each development to ensure the fuel modification plan effectively reduces fire risk, while still meeting the development needs of the property owner. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 26.5 This comment is duly noted. The County appreciates and values your comments during the General Plan Update and EIR process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

General Plan Amendment No. 960 General Plan Update (EIR No. 521/SCH 2009041065)

The following comments are from R. A. "Barney" Barnett, Chmn. of Highgrove Municipal Advisory Council and Editor of Highgrove Happenings Newspaper.

As a long time Highgrove resident these are my personal suggestions regarding improvements needed to the Highgrove area. In my opinion here is what is needed for our future growth:

1. Shopping Center/Retail along Center Street.
2. New Park designed to accommodate the needs of the Highgrove Day Car Show.
3. Metrolink station needed on the BNSF main line.
4. Connect future "Pigeon Pass Corridor" to Palmyrita Avenue.
5. Protect historical structures in Highgrove.
6. Extend Michigan Ave. southward through the vacant land and connect to Palmyrita Court.
7. Extend trail system between Highgrove and Grand Terrace using abandoned Union Pacific railroad right-of-way.
8. Require major changes to Highgrove being presented to Highgrove Municipal Advisory Council first, before going to Riverside County Board of Supervisors or Planning Department.
9. Review status of sewer system for Highgrove.
10. Insist on adequate Sheriff protection.
11. Insist on adequate open space.
12. Oppose warehouses or big box stores unless supported by Highgrove MAC and public input.
13. Maintain Highgrove's "Identity" even if annexed to Riverside in the future.
14. Extend Spring St. westward at Transit Ave. and connect to Citrus St. at base of Iowa Ave. Overpass.
15. Establish No Whistling Zone at Center St. and Main St. at BNSF railroad grade crossings.
16. If future Overpass or Underpass is built, build it on the county line on Main St. to protect the historical buildings on Center Street.

27.1

*R. A. Barnett
 Chairman Highgrove MAC
 Submitted March 27, 2015
 11:15 AM*

Received by

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 MAR 27 2015

ADMINISTRATION
 RIVERSIDE COUNTY
 PLANNING DEPARTMENT



MAC
 Municipal Advisory Council

Chairman

R.A. "Barney" Barnett

951-683-4994 (Home)
 951-683-7258 (Fax)
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highgrovenews@roadrunner.com
 Web: www.highgrovehappenings.net

Supplement to General Plan amendment No. 960 General Plan Update (EIR No. 521/SCH 2009041065)

The following information is an explanation and directory of the 16 items submitted on March 27, 2015 for the General Plan to be used for reference regarding the needs of the Highgrove Area Plan.

- 1. SHOPPING CENTER:** Highgrove needs retail services of all kinds. There are currently 19 acres of vacant land owned by Washburn Co. on the north side of Center St. and 40 acres of vacant land across the street on the south side of Center Street that could be used for retail stores. Also the N/E corner of Center and Mt. Vernon is empty that could be used but there should be property set aside and designated for retail due to the growth potential of the Highgrove area that has over 1,500 acres of vacant land for future homes and/or businesses.
- 2. PARK:** The Highgrove Community Park is also used for “Highgrove Day” that includes a car show. This year (2015) is our 30th annual event since our Centennial in 1986. The new park being planned in Spring Mountain Ranch or a future park should include ample area to enable larger community events and sports facilities or a car show.
- 3. METROLINK STATION:** For over 13 years surrounding communities on both sides of the county line have ask for a Metrolink stop using the existing commuter trains that go between the two counties. The Marlborough Ave. station one mile south of the requested Highgrove Metrolink station will not take commuters between the counties but the Highgrove location will serve both counties. The Riverside County Transportation Commission owns both properties (the property at Highgrove and the property at Marlborough Ave.), that are only one mile apart. Congressman Takano believes both stations are needed because they have different destinations. Details are available on: www.highgrovehappenings.net that include a map, Supporting Docs, 8 years of comments, costs, and other information too numerous to mention in this item.
- 4. PIGEON PASS CORRIDOR:** If the Pigeon Pass Corridor is ever connected between Moreno Valley and Highgrove, the route of preference should be Palmyrita Ave. which is wider that will take traffic through industrial buildings and warehouses instead of through the historical part of Highgrove along Center Street.
- 5. HISTORICAL STRUCTURES:** Highgrove still has standing structures that include a former Post Office, Bank, and a Fire Station but the former structure of the old hotel is gone. The Highgrove Methodist Church was built in 1890 and should be protected. I have a list of the historically significant structures in Highgrove.
- 6. NEW NORTH/SOUTH ROAD:** By extending Michigan Ave. southward from Spring St across the vacant field and connecting to Palmyrita Court (approximately ¼ mile) this short road would enable vehicles to go between Barton Road in Grand Terrace southward through Highgrove into the city limits of Riverside and connect to Columbia Ave. where there is an overpass over the BNSF railroad. One short road through the vacant property formerly known as Springbrook Estates needs to be built while this property is still vacant. This short connection would benefit north/south traffic in both counties because it would result in Michigan Ave. being a 2 ½ mile straight road from Grand Terrace, in San Bernardino County, through Highgrove, and into Riverside in Riverside County.
- 7. TRAIL SYSTEM:** The Union Pacific railroad has abandoned the track between the I-215 freeway and Marlborough Ave. and could possibly be used for a trail between Grand Terrace, through Highgrove and into Riverside. There is a 12 foot diameter corrugated pipe under the access road just north of Citrus St. on the east side of the BNSF main line that was buried and sealed for future use as a trail system. Photos are available if needed.

8. HIGHGROVE MAC: Supervisor Marion Ashley established a policy that any major changes to Highgrove should be presented to the Highgrove Municipal Advisory Council first before going to the Riverside County Board of Supervisors or Planning Department.

9. SEWERS: There is an agreement to implement a sewer system for all of the Highgrove area. This agreement will prevent Highgrove from being the only community on septic tanks while Grand Terrace to the north and Riverside to the south both have sewer systems. The long term sewer agreement was made during Supervisor Ashley's jurisdiction that enabled the Spring Mountain Ranch homes to be connected to the Riverside City sewer system. The homes in Spring Mountain Ranch are now under construction that will add 1,409 new homes to the Highgrove area that will have sewer connections to the city of Riverside. Spring Mountain Ranch is only one development and there are many more acres of vacant land owned by other developers for future use.

10. SHERIFF PROTECTION: In 1991 Highgrove was the first un-incorporated community in the county to contract with the Riverside County Sheriff for its own designated Sheriff Deputy. Each parcel within the boundaries of CSA 126 (Highgrove) has been assessed \$120.00 per year for the additional Sheriff protection. Unfortunately, no cost of living (COLA) was built into the original system and the community no longer can afford a deputy assigned exclusively to Highgrove but the assessment still appears on the property tax bill. Proposition 47 that reduced some felonies to misdemeanors that recently passed allows for criminals to be released due to overcrowding of jails to make room for the more serious offenders. Now Highgrove is experiencing more crime and our dedicated Sheriff Deputy has been replaced with a deputy shared with Home Gardens near Corona. The Sheriff Dept. reports that Highgrove has 24/7 Sheriff protection but residents are concerned about the rise in crime in Highgrove.

11. OPEN SPACE: Open space is abundant in the foothills surrounding Spring Mountain Ranch and in the Springbrook arroyo. These and other locations should be protected instead of allowing over development.

12. WAREHOUSES: Developers have tried to build warehouses on the 40 acres right in the middle of Highgrove on property owned by Bixby Land Co. but the Highgrove Municipal Advisory Council, Supervisor Tavaglione, and Bixby Land Co. all agree that warehouses are not wanted or needed that would divide the Highgrove community right down the middle. Many large existing warehouses on the south side of the arroyo, that are in the city of Riverside, are vacant and there is still room for more large warehouses in Riverside without encroaching on the vacant land that is right in the middle of Highgrove. The Bixby property should be houses or a portion along Center St. should be used for a retail shopping center. This 40 acre property is still vacant.

13. HIGHGROVE IDENTITY: Highgrove has three entry monuments at the entrances to the community. One is at the northbound exit of the I-215 freeway at Center St., one at the entrance on Iowa Ave. for southbound traffic and one at the entrance for northbound traffic on Iowa Avenue. There are street signs in the older part of Highgrove that have the Highgrove logo at the top and the new street signs in the Spring Mountain Ranch also have the Highgrove logo at the top.

14. NEW EAST/WEST ROAD: By extending Spring St. westward at Transit Ave. and connecting to Citrus St. at the base of the Iowa Ave overpass, this short road would be in direct alignment for the existing and future residents in Spring Mountain Ranch to proceed down Spring St. into the Highgrove Metrolink station site, park their vehicles, and get on the existing commuter trains in both directions. This new road would also serve as an alternate route when

Center St. and/or Main St. are blocked by freight trains. Vehicles could use this new short road to get to the new Iowa overpass in case of a derailment like the one that blocked Main St. and Center St. for 18 hours on Aug. 6, 2006 or when Center St was blocked due to a derailment on May 16, 2006.

15. QUIET ZONE: Highgrove and Grand Terrace need a "NO Whistling" or quiet zone at the Main St. and Center St. railroad crossings. If these 2 crossings had dual gates with a quiet zone, there would be no whistling between Valley Blvd. in Colton and Palmyrita Ave. in Riverside. This distance is 4 ½ miles where the train whistle would only be sounded in case of emergency.

16. FUTURE OVERPASS: Item 14 would delay the need for an overpass at Main St. or Center St. but if future traffic warrants a new overpass it should be on Main St. which is the county line. The cost could be shared by both counties. Center St. has historic buildings such as the Bank, Fire Station, and Church that need to be protected.

Respectfully submitted by: R.A. Barnett April 2, 2015
Date

R. A. "Barney" Barnett
Chairman Highgrove Municipal Advisory Council
Editor: Highgrove Happenings Newspaper
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Received by: _____

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APR 02 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

27.2
CONT.

Comment Letter No. 27: Highgrove Municipal Advisory Council

Comment 27.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 27.2 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Michele Hasson <mhasson@leadershipcounsel.org>
Sent: Monday, April 06, 2015 2:24 PM
To: Lovelady, Kristi
Cc: Phoebe Seaton; Frank Kopcinski; Sergio Carranza; Megan Beaman; bianca@beaman-law.com; Silvia Paz; Vazquez, Miguel; Veronica Garibay; Ashley Werner; Margarita Luna; suguet@liderescampesinas.org; Dan Torres; Blaz Gutierrez; Karen Borja
Subject: Re: Comments on DEIR
Attachments: Advocates Coalition_COMMENTS_GPA No 960 DEIR 6.30.14.pdf; Comments to RDEIR No 521_Leadership Counsel.pdf; rgpcd_2015jan.pdf; Riv Co Comments 6_27 (2).pdf

Dear Ms. Lovelady,

We submit the following comments to the Recirculated Draft General Plan No. 521 for General Plan Update 960. In addition to these comments we have attached comments submitted along with Pueblo Unido CDC, Lideres Campesinas, and ICUC in response to the Draft Environmental Impact Report No. 521 (DEIR), comments submitted by SWAPE and the January 2015 Water Conservation Report .

We request that you include, address and respond to all comments submitted in response to the DEIR as though submitted in response to the RDEIR.

Thank you, we look forward to receiving your response.

Sincerely,

Michele Hasson



On Mon, Jun 30, 2014 at 3:33 PM, Michele Hasson <mhasson@leadershipcounsel.org> wrote:
Dear Ms. Lovelady;

In an effort to provide meaningful community input and representation in the Riverside County's General Plan Update process our organizations are providing comments on the Draft Environmental Impact Report (DEIR) for General Plan Update No. 960.

In addition to these comments, we are submitting an analysis prepared by SWAPE on the Environmental Impact Report's (EIR's) treatment of air quality and Greenhouse Gas (GHG).

Our organizations are all part of the Building Healthy Communities partnership, the Neighborhoods Action Team, and the Advocates Coalition for Coachella Valley Community and Environmental Health.

We submit these comments as part of a board effort to foster a mutually constructive working relationship between Riverside County's Transportation and Land Management Agency (TMLA) and the communities of the unincorporated Eastern Coachella Valley.

We look forward to receiving your feedback.

Sincerely,

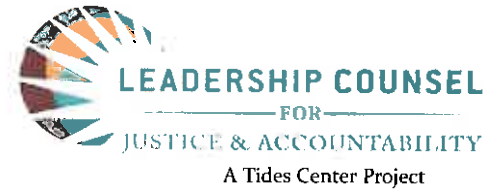
Michele Hasson

28.1

--
Michele Knab Hasson-- Regional Director, Coachella Valley
Leadership Counsel for Justice and Accountability
<http://www.leadershipcounsel.org>
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--
Michele Knab Hasson-- Regional Director, Coachella Valley
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↑
**28.1
CONT.**



April 6, 2015

Kristi Lovelady
Principal Planner, Riverside County
4080 Lemon St., 12th Floor
Riverside, CA 92501

Re: Comments on the Riverside County General Plan Update 960 and RDEIR No. 521

Dear Ms, Lovelady,

We submit the following comments to the Recirculated Draft General Plan No. 521 (RDEIR, RDEIR No. 521) for General Plan Update 960 (General Plan, GPU). We incorporate other comments submitted in response to the RDEIR herein. Additionally, we incorporate comments we submitted along with Pueblo Unido CDC, Lideres Campesinas, and ICUC in response to the Draft Environmental Impact Report No. 521 (DEIR) and have attached those comments hereto for your reference and convenience. We, furthermore, request that you include, address and respond to all comments submitted in response to the DEIR as though submitted in response to the RDEIR.

28.2

In addition to comments submitted in response to the DEIR, we offer the following comments and suggestions to the RDEIR:

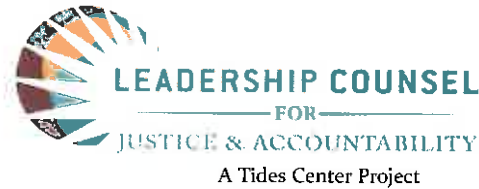
The RDEIR Fails to Consider Mitigation Measures for Increased Greenhouse Gas Emissions

The RDEIR acknowledges the impacts of agricultural practices on greenhouse gases, neither the General Plan nor the RDEIR offers any mitigation measures to lessen those impacts. The General Plan should include programs and policies designed to reduce or modify agricultural practices, including but not limited to fertilizer application, that contribute to greenhouse gas emissions.

28.3

Furthermore, the RDEIR continues to rely on future technological improvements to mitigate and reduce greenhouse gas emissions. Such technological improvements are distinct from mitigation measures that must be included in the General Plan and may not be attributable to the Plan. The General Plan must include programs and policies that

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achieve Greenhouse gas reduction targets independent from unrelated technological improvements.

↑ 28.4
CONT.

Increased Information Regarding Air Quality Impacts only Emphasizes the General Plan's Failure to Provide Adequate Mitigation Measures

We appreciate that the RDEIR includes more robust information with respect to the health impacts of air quality degradation, however the RDEIR still fails to provide effective mitigation measures to reduce degradation or ease its impacts. It simply repeats the futility – evident throughout the chapter - of effective mitigation measures to reduce exposure to ROG, Ozone, Carbon Monoxide and particulate matter. Strong, enforceable and measurable mitigation measures must be included and assessed in the General Plan Update and RDEIR.

28.5

The RDEIR Continues to Rely on Outdated Information Regarding Housing Need

The RDEIR includes some updated information with respect to building permits and economic conditions, yet it continues to rely on the 4th Cycle Housing Element and related data with respect to housing need. The 4th Cycle Housing Element covered the planning period that ended in June of 2014 – almost one year ago – therefore, it is outdated and irrelevant for considering future need. Regional Housing Needs Allocations for Riverside County for the Fifth Cycle (meant originally to cover the planning period through 2020) have been available for several years and must be incorporated into the Population and Housing Need analysis. Given the scarcity of adequate homes for lower income populations, the General Plan and accompanying environmental document must acknowledge and plan for the housing needs of these populations. Riverside County is extremely tardy in preparing and finalizing a 5th Cycle Housing element, yet this does not excuse the County from including relevant, up to date information regarding current and projected housing need for all income levels, thus planning for the identified need.

28.6

The RDEIR Does not Assess or Provide Mitigation Measures for Impacted Water Resources

While the RDEIR discusses the current drought and probable impacts of climate change on water supply, there are no corresponding mitigation measures to avoid impacts to water resources. According to information from the state water board, the county uses beyond a reasonable amount of water given changed circumstances and availability of ground and surface water. For example, average estimated usage from Desert Water Agency and Coachealla Valley Water District exceeds 200 gallons per person per day, and Myoma Dunes Mutual Water Agency's estimated usage exceeds 300 gallons per person per day (see

28.7



enclosures), far more than average usage in the state and far more than the 55 gallons per day recommended by the State Water Resources Control Board and 35 gallons per person per day as recently targeted by the East Bay Municipal Utilities District. A revised DEIR must include significant mitigation measures to address the impacts of growth on *diminishing* groundwater and surface water resources.

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**28.7
CONT.**

Do not hesitate to contact us with any questions you may have: Phoebe Seaton, Co-Director and Attorney at Law (Leadership Counsel for Justice and Accountability at: (310) 980-6494, pseaton@leadershipcounsel.org and; Michele Hasson, Regional Director (Leadership Counsel for Justice and Accountability) at: (347)578-0220, mhasson@leadershipcounsel.org.

↑
28.8

Sincerely
Michele Hasson,

Enclosed:

Comments submitted by: Advocates Coalition for Coachella Valley Community and Environmental Health (Advocates Coalition)

Comments submitted by: Soil / Water / Air Protection Enterprise (SWAPE)
January 2015 Water Conservation Report



June 30, 2014

Kristi Lovelady
Principal Planner, Riverside County
4080 Lemon St., 12th Floor
Riverside, CA 92501

Re: Draft Environmental Impact Report No. 521

Dear Ms. Lovelady,

On behalf of the Advocates Coalition for Coachella Valley Community and Environmental Health (Advocates Coalition), please accept these comments in response to the County of Riverside General Plan Draft Environmental Impact Report (DEIR) No. 521.

The Advocates Coalition is a group of non-profit organizations dedicated to improving conditions and advancing opportunities in the Eastern Coachella Valley (ECV). Members of the Advocates Coalition include; Lideres Campesinas, Pueblo Unido CDC, Leadership Counsel for Justice and Accountability, and ICUC. The group is also engaged in partnership through the Building Healthy Communities – Neighborhood Action Team (BHC-NAT). The BHC-NAT is a community forum where community members and other key players gather to discuss the most relevant issues impacting the quality of life in Eastern Coachella Valley communities.

28.9

The Advocates Coalition is formed by partners with expertise and experience assessing and addressing the impacts of public policy on rural development, specifically in the areas of transportation, infrastructure, affordable housing, and community-economic development. The Advocates Coalition also works in partnership as part of the Groundwater Partners, a collaborative formed by community based organizations and elected officials. This collaborative in turn participates as community partners in the Coachella Valley Integrated Water Management Plan Group (CVIRWMP). The Advocates Coalition maintains close working relationships with community leaders in the unincorporated communities of Thermal, Oasis, Mecca and North Shore. Combined,

these community leaders represent thousands of concerned constituents that are working towards resolving the most critical environmental and socio-economic issues in the Eastern Coachella Valley.

We submit these comments, because we are particularly concerned with the impact of the General Plan Amendment on communities in the Eastern Coachella Valley, including residents that live in mobile home communities, including "Polanco" parks (twelve unit mobile home parks), that lack basic infrastructure including sanitary sewer collection systems and domestic potable water.

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CONT.

In addition to these comments, we will submit an analysis prepared by SWAPE on the Environmental Impact Report's (EIR's) treatment of air quality and Greenhouse Gas (GHG) emissions. Additionally, we incorporate herein and as appropriate comments submitted by and on behalf of other parties. Furthermore, the Advocates Coalition and its constituent members reserve the right to comment further on both the EIR and its underlying General Plan Update.

28.10

Our analysis finds that the DEIR is inadequate in that it fails to provide sufficient and accurate baseline data, fails to adequately analyze the impacts - including indirect impacts - of the General Plan amendment, and fails to comply with General Plan internal consistency standards. We are particularly concerned that these deficiencies have a disparate and adverse impact on the communities of the Eastern Coachella Valley.

28.11

I. Failure of the DEIR to Adequately Assess Conditions in the Eastern Coachella Valley Render Impossible an Analysis of Impacts

The California Environmental Quality Act (CEQA) Guidelines require that the EIR describe the General Plan Update's (GPU's) environmental setting with sufficient detail to facilitate meaningful consideration of environmental impacts:

Knowledge of regional setting is critical to the assessment of environmental impacts The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

28.12

Cal. Code Regs. § 15125(c). The DEIR fails to satisfy this standard in that it overlooks critical information regarding the prevalence of mobile homes in the Eastern Coachella Valley, unsafe drinking water and unsafe wastewater treatment in the Eastern Coachella Valley, housing needs and information related to both circulation, air quality and Greenhouse Gases.

A) Insufficient Data and Analysis on Mobile Home Communities and Residents of Mobile Homes

There is no discussion of the existence of mobile home parks in the Eastern Coachella Valley, and in fact, based on descriptions of land uses in relevant sections of the DEIR, there is hardly an acknowledgment that mobile home parks exist, much less are prevalent, on agricultural land. (East Coachella Valley Area Plan, ECV Area plan pg. 19, Table 1). Census Data from fourteen census tracts in the ECV community demonstrate that mobile homes comprise the second most prevalent form of

28.13

housing in ECV after single family homes with 19% of total units and over 30% in some census tracts and constitute a much greater share of the affordable housing stock. Moreover, this form of affordable housing is growing as a share of the area's housing stock, comprising more than 30% of the growth in housing units between 2010 and 2012¹ and underscoring its importance to meeting the community's housing needs.

This deficiency in baseline information on housing units in the Eastern Coachella Valley renders the analysis of the General Plan Update's impact on the community, including an analysis of potential displacement, impossible.

Moreover, Figure 3 in Eastern Coachella Valley Area Plan, which identifies proposed land uses and land use changes, is insufficiently detailed for the public to determine whether proposed changes to land use designations (LUDs) in this Area Plan would jeopardize existing residential uses on existing agricultural land that may be subject to a changed LUD. This lack of detail exacerbates the already insufficient information regarding the number and condition of housing units on agricultural land.

The failure of the DEIR to assess the potential impacts of the General Plan Update on mobile homes, residents of mobile homes and mobile home parks throughout the Eastern Coachella Valley and especially on agriculturally zoned lands makes the DEIR's assessment of displacement wholly inadequate. The DEIR must assess displacement – both of homes and of people. An adequate analysis may well determine that such displacement is in fact significant and therefore requires mitigation measures. Unless and until the EIR assesses potential displacement with respect to mobile homes and mobile home communities in the Eastern Coachella Valley, and throughout the county, the EIR is inadequate.

B) Failure to Include Information Regarding the Safety of Drinking Water Resources and Wastewater Treatment in the Eastern Coachella Valley.

Many mobile home parks in the Eastern Coachella Valley rely on shallow drinking water wells and on septic systems, also known as on-site wastewater treatment systems (OWTSS). Most of these parks' drinking water systems and OWTSS are not subject to regular inspection or other oversight by any regulatory authority, such that inadequate maintenance and/or overuse may result in residents' prolonged exposure to unsafe conditions such as drinking water that exceeds Maximum Contaminant Levels (MCLs), overflows of raw sewage into residents' yards, backing up of raw sewage inside residents' homes, or contamination of drinking water sources. With respect to drinking water, it is particularly important to note that groundwater in the Coachella Valley has high levels of arsenic and hexavalent chromium and that many residents of the Eastern Coachella

¹ Data was extracted from: **United States Census Bureau**, *American Fact Finder*, http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml#none, June 30, 2014; See, also, mobile home parks in the Coachella Valley compiled by Ryan Sinclair, Ph.D., available at <https://www.google.com/maps/ms?msid=213821680968999594725.0004e38c36fc5fe05f26b&msa=0&ll=33.575154,-116.134415&spn=0.292908,0.346756>.

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CONT.

28.14

Valley rely on groundwater that is not treated for chemical or biological contaminants. See, e.g., 2014 Coachella Valley Integrated Regional Water Management Plan at 2-47, 3-16, 3-17.

The Water Resources chapter of the DEIR fails to describe any of these aspects of the existing environmental setting for the GPU. Section 4.19.I (Areas Not Served By Existing Water Purveyors) states that residents of existing water districts who are not served by existing water lines are “take[n] into account” in the preceding discussions of individual water agencies; however, there is no such discussion in the section on the Coachella Valley Water District (4.19.G.1), such as the number of such consumers or the existing drinking water quality issues (e.g., consumption of water with arsenic levels that exceed the MCL). In addition, the Water Resources chapter of the DEIR fails to give any details regarding OWTS usage and adequacy in Riverside County, such as the number of households and individuals that rely on OWTS for wastewater treatment, their geographic distribution, development patterns giving rise to heavy concentrations of OWTS in some areas of the County, or the number and severity of OWTS-related violations or failures. All of this information is necessary to satisfy the requirements of Cal. Code Regs. § 15125(c).

28.14
CONT.

The DEIR also fails to incorporate analysis recently brought to light regarding overdraft of critical aquifers. As a result the DEIR has failed to analyze the impact of such overdraft such as an increase in drinking water contaminant levels and the potential for wells to go dry, especially shallow drinking water wells on which so many residents of the ECV rely. The DEIR, fails too, to assess mitigation measures to adequately address groundwater contamination and depletion.

C) Failure to Adequately Consider Disadvantaged Unincorporated Communities

Government Code Section 65302.10(b) mandates that Riverside County have as part of its land use element an identification of each unincorporated legacy community within its boundaries, an analysis of water, wastewater, storm water drainage, and structural fire protection needs or deficiencies in those communities, and an analysis of financing alternatives that could make the extension of services to identified communities financially feasible. Neither the General Plan, nor the proposed General Plan Update includes these required analyses. The DEIR, then, is inadequate for its failure to consider data and analyses that should be included in the General Plan.

28.15

D) Failure to Consider Regional Housing Needs Allocation

As discussed below in greater detail, Riverside County is relying for this General Plan Amendment on its fourth cycle housing element, a planning document that covers the planning period that ends the same date that we submit these comments. The Regional Housing Needs Allocation (RHNA) for the 5th Cycle Housing Element (covering the planning period through 2021) has been available since November 26, 2012, when it was approved by the California Department of Housing and Community Development (HCD). It provides for the addition of 32,994 households to the unincorporated County between 1/1/2014 and 10/1/2021. See Southern California Association of Governments 5th Cycle RHNA Final Allocation Plan². By failing to take into consideration of this timely, relevant housing

28.16

² Available at <http://rtpscscs.scag.ca.gov/Documents/rhna/5thCyclePFinalRHNAplan.pdf>

needs data, the DEIR does not and cannot adequately assess environmental impacts of the General Plan Update.

28.16
CONT.

E) Failure to Consider Information Included in the 2035 RTP and SCS

The General Plan update does not consider or rely on information and analyses included in the Southern California Association of Governments' 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy, which was adopted in 2012 and includes information with respect to housing and employment growth, circulation, transportation, Greenhouse Gas Emissions and air quality. Therefore the DEIR fails to include important and relevant data, tools and analyses that would support its analysis of the General Plan Update's environmental impacts.

28.17

II. Failure to analyze the Impacts of Decreases in Employment Opportunities and Increased Jobs-Housing Imbalance in the Eastern Coachella Valley

The General Plan update predicts an increase in population in the Eastern Coachella Valley yet a decrease in employment opportunities (Population and Housing, DEIR pg. 4.3-12, Table 4.3F). However the DEIR does not assess the environmental impact of either the jobs housing imbalance or the potential economic and resulting displacement pressures that trend could result in.

An increase in population and concomitant decrease in employment options will increase the need to travel outside of the area for work. However, the DEIR does not assess increased vehicle miles traveled (VMTs) as a result of this trend. Thus the DEIR's assessment of GHG emissions is inadequate and inaccurate, as is its assessment of air quality and traffic.

28.18

The general plan update's anticipated increase in population and decrease in employment opportunities will increase pressure on the housing market and could result in displacement as employment opportunities disappear. The DEIR must consider socio-economic displacement that may well occur as a result of decreased employment opportunities. The DEIR must also consider other environmental and human impacts that may result from a reduction in job opportunities in the Eastern Coachella Valley. Pub. Res. Code § 21083(b)(3)

III. The DEIR Cannot Adequately Assess the Impacts of a General Plan that is Fatally Flawed for Lack of Consistency

The proposed General Plan Update relies on Riverside's 4th Cycle Housing Element (HE), and, as a result, if the general plan update proceeds to adoption, it will be at odds with general plan internal consistency standards by failing to incorporate mandatory programs and policies included in the 4th Cycle HE. Additionally, the general plan will be inconsistent because the county is out of compliance with its housing element for failure to have an adopted Fifth Cycle Housing Element (5th Cycle HE) (which was due in February of this year). A general plan that is inconsistent is legally inadequate and required finding of consistency for land use approvals cannot be made (Cal. Gov Code § 65300.5; *Gorat v. City of Riverside* (1991) 2 Cal.App.4th 259, 286)

28.19

A) The GPU is Internally Inconsistent. Because it Does Not Consider and Incorporate the Housing Element's Programs, Policies and Actions, Including Action 1.2t

28.20

Action 1.2t of the 4th cycle HE requires that the County rezone 595 acres of land to high density development by June of 2014. However the General Plan update neither includes that rezone nor anticipates it. The failure to incorporate Action 1.2t and other relevant programs into the General Plan update renders the Plan internally inconsistent. Similarly, the DEIR is inadequate because it fails to analyze *either* the environmental impacts that result from the failure to implement Action 1.2t or impacts that could result from implementation of Action 1.2t.

28.20
CONT.

B) The GPU is Internally Inconsistent, Because it Fails to Include the Fifth Cycle Housing Element.

By the simple fact that County is out of compliance with state housing element law for its failure to adopt a 5th Cycle HE, the General Plan may be found inconsistent. (Gov. Code §§ 65300.5, 65583(c)(7)).

As a related matter, the DEIR fails to take into consideration its Regional Housing Needs Allocation (RHNA) that it must fulfill by 2021. The RHNA for the 5th Cycle Housing Element (covering the planning period through 2021) provides for the addition of 32,994 households to the unincorporated County by October of 2021. (<http://rtpscs.scag.ca.gov/Documents/rhna/5thCyclePFinalRHNAplan.pdf>.) By failing to include these housing projections, the General Plan Update is inconsistent with already determined housing needs and thus any analysis in the DEIR thereof is inadequate and legally insufficient. Moreover, as noted above failure to take into consideration the projected increase in households precludes the DEIR from including an adequate assessment of environmental impacts.

28.21

IV. The DEIR's Inadequacies Threaten a Disproportionate Adverse Impact on Communities of Color and Low Income Communities

As illustrated in the foregoing comments, the DEIR is inadequate for several reasons, including but not limited to its failure to analyze potential impacts, including displacement and availability of basic services and infrastructure – including potable water, on communities in the Eastern Coachella valley and in particular residents of mobile homes and mobile home parks. These communities are disproportionately low income and disproportionately Latino compared to Riverside County at large.³

28.22

	Oasis/Thermal	Mecca	Thermal	North Shore	Riverside County
Per capita income	\$7,372	\$7,639	\$8,292	\$9,898	\$57,096
Hispanic/Latino	98%	98.7%	95.3%	95.3%	46.5%
Poverty Level	53.6%	48.5%	40.3%	35.7%	15.6%
Population	6,890	8,577	2,865	3,477	2,292,507

³ Data in this table was extracted from United States Census Bureau, *American Fact Finder*, at http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml#none, June 30, 2014.

To the extent the deficiencies in the DEIR have a disproportionate and adverse impact on the Eastern Coachella Valley, the document is not only inadequate but also subjects the County to liability under civil rights and fair housing laws including, but not limited to title VI of the Civil Rights Acts, the Fair Housing Act, California Government Code Section 11135 and Government Code Sections 12955, *et sec.*

28.23

* * *

Thank you for your consideration of these comments. Please contact Michele Hasson at: 347-578-0220 to set up a time to meet to discuss them in person. We look forward to working with you to address the above concerns and develop a stronger DEIR and General Plan.

28.24

Sincerely,

Sergio Carranza, Executive Director, Pueblo Unido Community Development Corporation
Michele Hasson, Regional Director-Coachella Valley, Leadership Counsel for Justice and Accountability
Suguet López, Executive Director, Líderes Campesinas
Karen Borja, Lead Organizer, Inland Congregations United for Change



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June 27, 2014

Kristi Lovelady
Principal Planner, Riverside County
4080 Lemon St., 12th Floor
Riverside, CA 92501

Subject: Comments on the Riverside County General Plan Update

Dear Ms. Lovelady:

On behalf of my client, Pueblo Unido CDC, a member of the Advocate Coalition of the Coachella Valley, I have reviewed the March 2014 Riverside County General Plan Update Project ("Project") Draft Environmental Impact Report No. 521 (DEIR). The Project (General Plan Amendment No. 960) has been prepared as an update to the current plan, developed in 2003. The Project establishes policy and standards for transportation, residential, and commercial development over the next 20 to 50 years. At buildout in 2060, according to figures in the DEIR, Riverside County population will grow from 2,078,601 to 4,709,325 people, housing will grow from 773,402 to 1,561,334 units, and jobs will grow from 700,266 to 1,879,954 (Table 4.3-G).

28.25

Areas of the DEIR that I have reviewed include Air Quality and Greenhouse Gases. In the preparation of these comments, I reviewed documents related to the Project, including the March 2014 Draft Climate Action Plan.

I have found the DEIR to inadequately disclose significant impacts in these subject areas and to fail to identify enforceable mitigation measures that would be necessary to reduce impacts to the maximum extent that is feasible. A revised DEIR and Climate Action Plan should be prepared to address these inadequacies and to identify additional mitigation.

Air Quality

Air quality thresholds for emissions from construction and operation in the South Coast, the Salton Sea and the Mojave Desert Air Basins will be exceeded during Project construction and implementation over the next 50 years. According to the DEIR, emissions of criteria air pollutants from operation of the Project "would remain significant and unavoidable with respect to regional air quality plans" (p. 4.6-52).

28.26

The DEIR fails to adequately quantify the construction emissions from the Project and does not provide for adequate mitigation. The DEIR also fails to demonstrate that mitigation measures that are identified would be effective in reducing construction and operational air emissions. We have also found the DEIR does not adequately consider impacts on air quality from the Salton Sea.

28.26
CONT.

Construction Emissions are not Adequately Estimated or Mitigated

Emissions of criteria air pollutants that would result from construction activities are not quantified in the DEIR. The DEIR states with respect to construction emissions of criteria air pollutants:

... since GPA No. 960 would be implemented through many (perhaps thousands) of individual projects occurring throughout Riverside County over next roughly 50 years, the level of daily disturbance for GPA No. 960 cannot be calculated and, therefore, the associated construction emissions cannot be quantified (p. 4.6-61).

Therefore, impacts of the project on the already degraded air quality in the South Coast, the Salton Sea and the Mojave Desert air basins cannot be evaluated. A revised DEIR needs to be prepared to provide quantitative estimates of construction air emissions and to mitigate those emissions.

Instead of providing an estimate of construction emissions, the DEIR throws up its hands in stating that quantification would be too difficult. The DEIR states (p. 4.6-42):

Because ... factors can vary so widely (and would occur over a roughly 50-year time span), estimating all of the construction emissions or impacts for future development expected as the County of Riverside builds out according to the General Plan (existing or proposed) is infeasible. No attempts to estimate construction emissions are made in the DEIR.

28.27

Even with the spatial and temporal variability in construction activity and without knowing schedules, emissions could be estimated in a revised DEIR. Quantitative estimates could be made, as a first cut, by evaluating predicted acreage of all foreseeable development and the square footage of the residential and commercial development and applying an assumed per acre and per square foot emission rate of criteria air pollutants. The timing of such development, and the resulting emissions, could be predicted on a schedule for construction of individual projects under various scenarios (rapid development during strong economic conditions to slow development during recessions). Or, more simply, the emissions of the criteria air pollutants from anticipated construction could be amortized over the life of the project until buildout in 2060. Use of such predictive tools would allow for Project construction emissions to be estimated and then mitigated as necessary.

Only by estimating the construction emissions and related mitigation can this goal, as presented in the DEIR (p. 2.0-1), be met:

This EIR is intended to fully inform decision-makers in Riverside County, other responsible and trustee agencies, and the general public of the potential environmental consequences of approval and implementation of the proposed project.

Impacts of Project construction on the quality of the air, both on regional and a local scales, are not estimated; therefore, there is no way to adequately inform the public and decision makers about impacts. The DEIR can only state (Impact 4.6.B(1)):

Thus, even with implementation of the regulations, existing policies and mitigation measures outlined herein that reduce emissions, it cannot be guaranteed that they would be cumulatively reduced to below applicable thresholds. Thus, this impact would be significant and unavoidable with respect to violations of air quality standards for construction activities.

Since the impact to air quality from construction has not been quantified and “cannot be guaranteed,” there is no substance to the conclusion that the impact would be significant and unavoidable. The question really is, how significant and unavoidable are the impacts and are there mitigation measures that could be implemented to reduce impacts to less than significant? A revised DEIR needs to be prepared to quantitatively evaluate these issues and to identify mitigation and to estimate the effectiveness of the mitigation.

The DEIR lists a number of policies that are to reduce adverse effects associated with criteria pollutant emissions from construction for future development (beginning on p. 4.6-S4). Not only are construction emissions not quantified in the DEIR, the reductions in construction emissions that would result from implementation of policies are not quantified either. The DEIR fails, completely, in identifying the impact of construction emissions and the efficacy in reducing those emissions with cited policies.

The DEIR makes only a weak attempt to quantify construction emissions, offering an analysis of construction of residential properties under three scenarios (Table 4.6-D). No attempt to quantify emissions from large scale industrial, commercial or residential development are made in the DEIR which can only weakly state:

Further, because construction impacts are modeled from a myriad of variables unique to each project, it is impossible to develop a reasonably foreseeable forecast of construction-related air quality impacts resulting from future development accommodated by GPA No. 960. Thus air quality impacts as a result of construction must be addressed on a case-by-case basis for each development project (p. 4.6-43)

The DEIR estimates only a narrow range of construction emissions and does not estimate the efficacy of mitigation measures in reducing construction emissions. Therefore, impacts of Project construction on air quality and the efficacy of mitigation are unknowable. A revised DEIR should be prepared to provide for quantitative estimates of unmitigated and mitigated construction emissions.

Construction and Operational Emissions are Inadequately Mitigated

Emissions from construction and operation of the Project will exceed significance thresholds for criteria air pollutants. The DEIR offers a number of policies and mitigation measures to address the emissions from both construction and operation; however, the enforceability of the measures is uncertain. A revised DEIR needs to be prepared to show how the mitigation will be implemented and enforced.

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28.28

As mitigation, the DEIR cites a long list of existing Riverside County General Plan policies and proposed policies that address air quality issues to “help ensure potential environmental effects are avoided, reduced or minimized through their application on a case-by-case basis” (p. 4.6-20). The DEIR states (p. 4.6-50):

These measures are implemented, enforced and verified through their inclusion in project Conditions of Approval.

This language is misleading. Many of the policies include language like the following

- Policy LU 4.1.e: “Pursue energy efficiency through street configuration, building orientation and landscaping to capitalize on shading and facilitate solar energy, as provided for in Title 24, Part 6 and/or Part 11, of the California Code of Regulations (CCR).”

There is no way to enforce a policy that simply states energy efficiency measures will be “pursued.” Other policies, cited as effective in reducing air emissions as listed beginning on p. 4.6-19, include words like “promote,” “support,” and “encourage.” A revised DEIR should be prepared to include a concise list of policies that have measurable performance criteria, like “will reduce opacity of diesel exhaust by 50%.”

Even with measurable performance criteria, there is no assurance that standards for reducing emissions will be achieved. Policies without mechanisms for reporting and enforcement are ineffectual and offer only false hope that cited reductions in operational emissions, for example, can be achieved. Without identifying who will measure performance (i.e. County staff, construction supervisors, maintenance staff), how performance is to be reported (to whom, by whom), and penalties for noncompliance, including enforcement (what agencies are responsible for enforcement and under what municipal codes) the effectiveness of the policies cited in the DEIR is uncertain and unknowable. Also, budgetary provisions to allow for inspection and enforcement personnel and staff to review and analyze and report on emissions data, should be included in a revised DEIR.

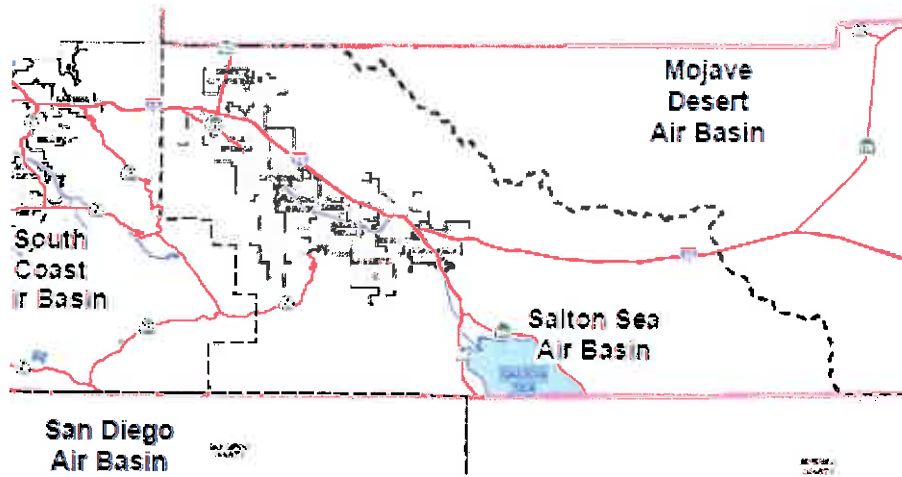
The DEIR cites a long list of ordinances and policies that are to be implemented for projects that would affect air quality. Without describing how the policies will be implemented, and by who, and with what budgetary appropriation, these measures are just promises. A revised DEIR should list only those policies with quantifiable performance measure and which are enforceable in reducing criteria air emissions. The DEIR should list what staff will be responsible for inspections and data view and reporting and how enforcement will be conducted under what budgetary appropriations.

Impacts from Salton Sea are not Considered

The DEIR’s Air quality section fails to mention the Salton Sea and the Impacts the Project will have on lake levels and concomitant generation of PM 10 and PM 2.5. A significant portion of the Salton Sea is found in Riverside County (see below, excerpted from 4.6.1 in the DEIR).

28.28
CONT.

28.29



According to the US Geological Survey

Air quality continues to be an important public-health concern within the Salton Sea Air Basin, with areas in both Riverside and Imperial Counties having among the worst air pollution and PM10 levels in the country during certain times of the year. With a recent agreement between the water stakeholders and the urban areas in southern California, some of the water that now drains into the Salton Sea will be diverted to cities. Over time this transfer will cause the water level to drop, and, without remediation, as much as 350 sq. kilometers (134 sq. miles) of the Salton Sea bottom will be exposed by about 2036. Even with remediation, large areas now underwater will be exposed and become potential new dust sources.¹

28.29
CONT.

Growth envisioned under the Project will see population more than double, from 2,078,601 to 4,709,325 people in 2060 according to the DEIR (Table 4.3-G). As stated by the US Geological Survey, that growth will divert water from the Salton Sea and an increased amount of shoreline area will be exposed.

The DEIR is mute on impacts of growth under the Project on Salton Sea lake levels. A revised DEIR should identify impacts on the Salton Sea and should estimate the increase in shoreline area that will result from the buildout of the Project. The DEIR should estimate impacts of the expanded shoreline on the generation of PM10 and PM2.5 and how increased emissions would affect air quality. The analysis should consider cumulative impacts and incorporate growth forecasts for Imperial County on the Salton Sea lake level.

The DEIR should consider mitigation to include implementation of additional air monitoring stations especially in communities nearest the Salton Sea and who are most affected by episodic dust storms generated by strong storm-related winds. The monitoring should be tied to a community alert system to warn citizens of approaching storms and of conditions that are unhealthy.

¹ http://esp.cr.usgs.gov/projects/sw/swdust/salton_sea.html

Mitigation should also include a mechanism for maintenance or moderation of lake levels through the diversion of water to Salton Sea. Water for diversion to replenish Salton Sea lake levels could be set aside from increased efforts in water conservation and in water recycling. Mitigation should also be included to establish a community advisory group to ensure input on the issue of the Lake Levels. The community advisory group should be funded to include a technical assistance grant, similar to the US EPA Superfund model², to best allow for interpretation and dissemination of highly technical reports.

28.29
CONT.

Greenhouse Gas Emissions

Implementation of an effective Project offers Riverside County an excellent opportunity to reduce greenhouse gas emissions. Although the DEIR does identify policies and measures that would theoretically allow for GHG emissions to achieve California mandates set forth in AB 32 (p. 4.7-42), the mitigation measures appear to be unenforceable, and a threshold for individual projects has not been adopted. Incorporation of these two components in a revised DEIR would better assure Riverside County of meeting required GHG emissions reductions.

As identified in the DEIR, the largest GHG emitters in Riverside County are:

- Transportation sector being the largest source of emissions, generating approximately 2,850,520 MTCO₂e, or 41 percent of total 2008 emissions.
- Agricultural production of 2,030,431 MTCO₂e, or 29 percent of total emissions in 2008.
- Electricity and natural gas consumption, generating 1,577,667 MTCO₂e, or 22 percent of the total 2008 emissions.

28.30

These areas represent, therefore, the greatest opportunity to reduce emissions. The DEIR includes an analysis that shows AB 32 targets will be met. However, these projections are optimistic because the DEIR relies too heavily on policies in a CAP that has yet to be approved, fails to include a threshold for GHG emissions for individual projects and does not identify mechanisms to ensure enforcement of the GHG reduction measures.

CAP is Subject to Separate CEQA Process

The analysis of greenhouse gasses in the DEIR is closely tied to the proposed March 2014 Climate Action Plan (CAP) that is concurrently undergoing a separate CEQA review. As such, because it has not been adopted, it is not reliable to cite the CAP in a DEIR until the CAP has been approved. For example the DEIR includes a number of policies from the yet to be adopted CAP, for example:

NEW Policy AQ 19.2: Utilize the County's CAP as the guiding document for determining the County's greenhouse gas reduction thresholds and implementation programs. Implementation of the CAP and its monitoring program shall include the ability to expand upon or, where appropriate, update or replace the Implementation Measures established herein so that the implementation of the CAP accomplishes the greenhouse gas reduction targets.

28.31

² <http://www.epa.gov/superfund/community/tag/>

The CAP is a draft proposed document. Citing to the policies in the CAP, prior to its approval, is premature. The DEIR should be sequenced to follow the approval of the CAP so that policies and other mitigation measures identified in the CAP are real and implementable.

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28.31
CONT.

Need to Establish a Threshold for Individual Projects

The DEIR fails to establish a threshold for emissions of GHGs from individual projects. Instead, the DEIR take this approach in determining the significance for individual projects:

Key to these measures are a series of [implementation measures] IMs that may be used by new development proposals to demonstrate consistency with Riverside County’s CAP (and, hence, AB 32). Alternatively, individual future developments that wish to model and mitigate their projects directly may also do so. Such analyses would also have to show consistency with Riverside County’s CAP by demonstrating a 25% reduction in GHG emissions as compared to the adjusted BAU scenario for residential, commercial, industrial, institutional and mixed-use projects and by including all measures necessary to achieve such reductions in the project’s design (i.e., site plans), Riverside County Conditions of Approval or project-specific CEQA mitigation measures, as applicable.

The DEIR does purport to meet AB32 benchmarks (i.e. Reducing Greenhouse Gas emissions to 1990 levels by the year 2020 and Reducing GHG emissions 15% below a baseline year (2008 or earlier) by 2020) (p. 4.7-42) but meeting these goals without thresholds for individual projects will be difficult. The SCAQMD has established a threshold process and has established these interim thresholds for commercial, residential, mixed use and industrial development projects:

28.32

- Industrial Projects- 10,000 MTC02e per year; and
- Residential, Commercial and Mixed Use Projects (including industrial parks, warehouses, etc.) - 3,000 MTC02e per year.

Nowhere in the DEIR are these or any other thresholds referenced as potential thresholds for individual development projects subject to the Project. A revised DEIR needs to be prepared to establish thresholds of significance for individual projects. Through the establishment of such thresholds, the contributions made to overall emissions reductions from each individual project to be constructed over the next 50 years can be better assured. In fact, the thresholds can be made enforceable through adoption of ordinances: We note cities have adopted GHG emissions thresholds as a part of their ordinances, including San Francisco.³

Inadequate Enforcement

Again, like in the issues we identified in the review of the Air Quality section, the DEIR cites a verification process that would appear to be unenforceable. The DEIR cites new policy like the following that cannot be implemented without the implementation of a host of other policies, staffing commitments and budgetary appropriations.

28.33
↓

³ http://www.sf-planning.org/ftp/files/MEA/GHG-Reduction_Rpt.pdf, p. I-3

NEW Policy AQ 18.S: Monitor and verify results. The County shall monitor and verify the progress and results of the CAP periodically. When necessary, the CAP's "feedback" provisions shall be used to ensure that any changes needed to stay "on target" with stated goals are accomplished.

The DEIR provides no information about who will monitor and what methods will be used to verify results. The process by which feedback provisions will be used is not identified and how it will be known when goals are achieved. This cited policy above is just one of many vague and unimplementable policies cited in the DEIR to reduce GHG emissions.

The DEIR provides no assurance that will contain enforceable GHG emission reduction measures. A revised DEIR should demonstrate that Riverside County's GHG emissions will be reduced to contribute its fair share to State emissions reduction efforts, consistent with California Attorney General guidance⁴ which states:

Mitigation measures must be "fully enforceable." Adequate mitigation does not, for example, merely "encourage" or "support" carpools and transit options, green building practices, and development in urban centers. While a menu of hortatory GHG policies is positive, it does not count as adequate mitigation because there is no certainty that the policies will be implemented.

As noted in the comments on Air Quality, many of the policies are vague and unenforceable, calling into question the effectiveness of the policies, like in the examples below, in reducing GHGs.

NEW Policy AQ 20.2: Reduce VMT by facilitating an increase in transit options. In particular, coordinate with adjacent municipalities, transit providers and regional transportation planning agencies to develop mutual policies and funding mechanisms to increase the use of alternative transportation.

NEW Policy AQ 20.3: Reduce VMT and GHG emissions by improving circulation network efficiency. NEW Policy AQ 20.4: Reduce VMT and traffic through programs that increase carpooling and public transit use, decrease trips and commute times, and increase use of alternative-fuel vehicles.

A DEIR needs to be prepared to identify how GHG emission reduction measures will be enforced and through what mechanism (adoption of ordinances). The DEIR needs to identify what agency will enforce the reduction measures and what budgetary appropriations will be necessary to fund an enforcement staff.

Sincerely,



⁴ http://ag.ca.gov/globalwarming/pdf/CEQA_GP_FAQs.pdf

Matt Hagemann, P.G., C.Hg., QSD, QSP

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions	Hydro Region	Percent Reduction 2013-2014	Estimated 2015 R-GPCD	Population
California Water Service Company King City	Yes	Central Coast	-5.3%	41	14,754
Santa Cruz City of	Yes	Central Coast	7.3%	46	94,887
Goleta Water District	Yes	Central Coast	3.3%	47	86,946
Soquel Creek Water District	Yes	Central Coast	9.5%	51	37,720
Watsonville City of	Yes	Central Coast	3.7%	51	65,739
San Luis Obispo City of	Yes	Central Coast	-3.9%	52	45,473
Santa Barbara City of	Yes	Central Coast	15.6%	52	93,091
California-American Water Company Monterey District	Yes	Central Coast	1.5%	52	109,817
Scotts Valley Water District	Yes	Central Coast	23.4%	55	10,309
Atascadero Mutual Water Company	Yes	Central Coast	34.6%	56	30,009
Soledad, City of	Yes	Central Coast	29.5%	56	16,729
Greenfield, City of	Yes	Central Coast	22.6%	57	17,898
Gilroy City of	Yes	Central Coast	23.3%	58	52,413
Lompoc City of	Yes	Central Coast	22.9%	59	39,846
California Water Service Company Salinas District	Yes	Central Coast	5.1%	60	120,730
Sunnyslope County Water District	Yes	Central Coast	7.8%	60	19,005
Paso Robles City of	Yes	Central Coast	-2.0%	61	30,450
Morgan Hill City of	Yes	Central Coast	36.4%	63	40,807
Morro Bay City of	Yes	Central Coast	2.8%	66	10,234
Carpinteria Valley Water District	Yes	Central Coast	-9.3%	68	14,616
Marina Coast Water District	Yes	Central Coast	-1.9%	68	31,405
Alco Water Service	No	Central Coast	-1.3%	92	29,179
Nipomo Community Services District	Yes	Central Coast	34.9%	92	12,148
Arroyo Grande City of		Central Coast	20.8%	94	17,003
Santa Maria City of	Yes	Central Coast	-15.5%	104	101,103
Golden State Water Company Orcutt	Yes	Central Coast	-10.4%	137	29,739
Hi-Desert Water District	Yes	Colorado River	2.5%	61	24,601
Brawley City of	Yes	Colorado River	65.7%	63	27,743
El Centro City of	Yes	Colorado River	1.6%	67	44,311
Calexico City of	Yes	Colorado River	1.5%	71	40,516
Banning City of	Yes	Colorado River	26.1%	76	30,325
Coachella City of	Yes	Colorado River	8.6%	77	43,633

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions	Hydro Region	Percent Reduction 2013-2014	Estimated 2015 R-GPCD	Population
Twentynine Palms Water District	Yes	Colorado River	-5.4%	83	18,795
Blythe City of	Yes	Colorado River	6.4%	84	13,839
Josua Basin Water District	Yes	Colorado River	3.3%	93	9,514
Imperial, City of	Yes	Colorado River	9.3%	93	18,022
Indio City of	Yes	Colorado River	12.3%	110	81,393
Desert Water Agency	Yes	Colorado River	10.8%	201	62,142
Coachella Valley Water District	Yes	Colorado River	9.8%	238	202,660
Myoma Dunes Mutual Water Company	Yes	Colorado River	7.8%	342	6,159
Santa Rosa City of	Yes	North Coast	24.5%	49	170,093
Windsor, Town of	Yes	North Coast	7.5%	50	28,234
Arcata City of	Yes	North Coast	11.5%	50	18,155
Rohnert Park City of	Yes	North Coast	29.7%	50	43,398
Ukiah City of	Yes	North Coast	-6.6%	52	16,075
Yreka, City of	Yes	North Coast	14.7%	55	7,840
Sweetwater Springs Water District	Yes	North Coast	11.8%	56	7,703
McKinleyville Community Service District	Yes	North Coast	14.3%	56	16,900
Healdsburg City of	Yes	North Coast	11.0%	60	11,541
California Water Service Company Redwood Valley	Yes	North Coast	29.4%	63	3,602
Fortuna City of	Yes	North Coast	-9.2%	86	11,926
Humboldt Community Service District	Yes	North Coast	11.7%	89	20,032
Eureka City of	No	North Coast	8.2%	89	26,066
Humboldt Bay Municipal Water District	No	North Coast	-6.5%	109	422
Tahoe City Public Utilities District	Yes	North Lahontan	-11.3%	93	5,089
North Tahoe Public Utility District	Yes	North Lahontan	0.6%	95	7,500
Susanville City of	Yes	North Lahontan	-3.3%	100	8,978
South Tahoe Public Utilities District	Yes	North Lahontan	-0.1%	101	33,124
Truckee-Donner Public Utilities District	Yes	North Lahontan	18.0%	129	16,280
Roseville City of	Yes	Sacramento River	3.0%	53	122,946
California Water Service Company Marysville	Yes	Sacramento River	19.7%	57	12,106
California Water Service Company Oroville	Yes	Sacramento River	31.9%	59	10,640
Davis City of	Yes	Sacramento River	25.0%	60	65,783
Woodland City of	Yes	Sacramento River	9.4%	60	56,610

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions	Hydro Region	Percent Reduction 2013-2014	Estimated 2015 R-GPCD	Population
California Water Service Company Willows	Yes	Sacramento River	11.1%	61	7,058
Sacramento City of	Yes	Sacramento River	6.2%	63	475,122
California-American Water Company Sacramento District	Yes	Sacramento River	16.4%	65	201,418
Fairfield City of	Yes	Sacramento River	-1.5%	68	105,392
California Water Service Company Dixon, City of	Yes	Sacramento River	-8.1%	69	9,815
Citrus Heights Water District	Yes	Sacramento River	16.4%	75	67,333
Galt City of	Yes	Sacramento River	32.4%	75	24,289
California Water Service Company Chico District	Yes	Sacramento River	12.6%	75	101,204
Del Oro Water Company	Yes	Sacramento River	23.9%	76	9,615
El Dorado Irrigation District	Yes	Sacramento River	16.0%	79	128,500
Carmichael Water District	Yes	Sacramento River	2.0%	80	38,354
Elk Grove Water Service	Yes	Sacramento River	10.5%	82	34,550
Sacramento County Water Agency	Yes	Sacramento River	-15.2%	82	162,681
Nevada Irrigation District	Yes	Sacramento River	4.9%	84	44,761
Fair Oaks Water District	Yes	Sacramento River	24.8%	85	36,226
Golden State Water Company Cordova	Yes	Sacramento River	-0.7%	86	49,009
Folsom City of	Yes	Sacramento River	-7.2%	87	60,347
Rio Vista, city of	Yes	Sacramento River	21.9%	88	8,324
Linda County Water District	Yes	Sacramento River	17.6%	88	18,808
Yuba City City of	Yes	Sacramento River	15.1%	90	65,372
Vacaville City of	Yes	Sacramento River	3.7%	90	86,893
Lincoln City of	Yes	Sacramento River	-2.3%	90	45,206
Redding City of	Yes	Sacramento River	11.4%	92	85,703
West Sacramento City of	Yes	Sacramento River	4.2%	94	48,744
Orange Vale Water Company	Yes	Sacramento River	2.9%	95	15,200
Georgetown Divide Public Utilities District	Yes	Sacramento River	13.3%	95	9,499
Sacramento Suburban Water District	Yes	Sacramento River	-6.6%	98	174,304
Paradise Irrigation District	Yes	Sacramento River	26.0%	98	25,785
Rio Linda - Elverta Community Water District	Yes	Sacramento River	6.6%	98	10,936
Placer County Water Agency	No	Sacramento River	-16.1%	103	94,318
Bella Vista Water District	Yes	Sacramento River	49.5%	108	16,500
Shasta Lake City of	Yes	Sacramento River	-3.6%	118	10,293

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions	Hydro Region	Percent Reduction 2013-2014	Estimated 2015 R-GPCD	Population
Fruitridge Vista Water Company	Yes	Sacramento River	13.1%	119	15,000
Red Bluff City of	Yes	Sacramento River	7.6%	125	14,076
Coastside County Water District	Yes	San Francisco Bay	-32.8%	37	16,668
North Coast County Water District	Yes	San Francisco Bay	6.6%	37	39,000
San Bruno City of	Yes	San Francisco Bay	13.8%	41	43,798
Westborough Water District	Yes	San Francisco Bay	23.5%	42	14,050
Golden State Water Company Bay Point	Yes	San Francisco Bay	6.7%	44	23,568
Milpitas City of	Yes	San Francisco Bay	10.3%	45	70,817
San Francisco Public Utilities Commission	Yes	San Francisco Bay	6.9%	45	846,601
Dublin San Ramon Services District	Yes	San Francisco Bay	5.4%	45	77,644
Martinez City of	Yes	San Francisco Bay	34.1%	46	30,191
California Water Service Company South San Francisco	Yes	San Francisco Bay	-8.4%	46	60,664
East Palo Alto, City of	No	San Francisco Bay	-6.8%	46	26,181
Mountain View City of	Yes	San Francisco Bay	0.3%	50	75,077
Redwood City City of	Yes	San Francisco Bay	-4.7%	51	87,696
Valley of the Moon Water District	Yes	San Francisco Bay	12.1%	51	23,478
Sunnyvale City of	Yes	San Francisco Bay	17.2%	52	147,055
Hayward City of	Yes	San Francisco Bay	2.3%	52	151,037
Great Oaks Water Company Incorporated	Yes	San Francisco Bay	3.8%	53	97,958
Daly City City of	Yes	San Francisco Bay	14.4%	54	105,576
California Water Service Company Mid Peninsula	Yes	San Francisco Bay	-4.4%	54	135,918
Napa City of	Yes	San Francisco Bay	1.3%	55	85,679
Millbrae City of	Yes	San Francisco Bay	-14.1%	56	21,532
North Marin Water District	Yes	San Francisco Bay	13.9%	56	61,299
Estero Municipal Improvement District	Yes	San Francisco Bay	9.8%	56	37,000
Sonoma City of	Yes	San Francisco Bay	50.8%	56	11,426
East Bay Municipal Utilities District	Yes	San Francisco Bay	3.4%	57	1,390,000
San Jose Water Company	Yes	San Francisco Bay	-2.9%	58	990,000
California Water Service Company Livermore	Yes	San Francisco Bay	12.5%	58	57,381
Alameda County Water District	Yes	San Francisco Bay	5.1%	59	340,000
Pleasanton City of	Yes	San Francisco Bay	-3.7%	65	73,067
Marin Municipal Water District	Yes	San Francisco Bay	17.8%	65	188,200

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions	Hydro Region	Percent Reduction 2013-2014	Estimated 2015 R-GPCD	Population
Mid-Peninsula Water District	No	San Francisco Bay	2.2%	65	26,030
San Jose City of	Yes	San Francisco Bay	-7.7%	67	116,697
Livermore City of Division of Water Resources	Yes	San Francisco Bay	0.5%	67	27,033
Vallejo City of	Yes	San Francisco Bay	0.3%	67	124,000
Palo Alto City of	Yes	San Francisco Bay	8.9%	68	64,403
American Canyon, City of	Yes	San Francisco Bay	10.9%	68	20,080
Menlo Park City of	Yes	San Francisco Bay	-0.3%	69	16,066
Contra Costa Water District	Yes	San Francisco Bay	2.7%	69	197,536
California Water Service Company Los Altos/Suburban	Yes	San Francisco Bay	7.9%	72	68,142
Burlingame City of	Yes	San Francisco Bay	1.2%	74	30,282
Suisun-Solano Water Authority	Yes	San Francisco Bay	3.9%	78	28,549
Petaluma City of	Yes	San Francisco Bay	1.0%	79	61,032
California Water Service Company Bear Gulch	Yes	San Francisco Bay	-21.0%	88	58,710
Tracy City of	Yes	San Joaquin River	0.9%	39	85,146
Stockton City of	No	San Joaquin River	12.7%	52	177,808
California Water Service Company Stockton	Yes	San Joaquin River	-5.9%	54	169,856
Manteca City of	Yes	San Joaquin River	26.8%	56	74,208
Amador Water Agency	Yes	San Joaquin River	20.8%	57	18,738
Lathrop, City of	Yes	San Joaquin River	21.9%	59	19,831
Diablo Water District	Yes	San Joaquin River	21.4%	64	35,646
Ceres City of	Yes	San Joaquin River	11.3%	65	46,714
City of Newman Water Department	Yes	San Joaquin River	30.8%	68	10,668
Brentwood City of	Yes	San Joaquin River	-8.3%	70	54,741
Livingston City of	Yes	San Joaquin River	-5.5%	72	14,894
Tuolumne Utilities District	Yes	San Joaquin River	18.5%	73	28,997
Turlock City of	Yes	San Joaquin River	12.4%	75	71,181
Lodi City of Public Works Department	Yes	San Joaquin River	10.6%	76	63,651
Antioch City of	Yes	San Joaquin River	-0.7%	77	106,455
Groveland Community Services District	Yes	San Joaquin River	-0.6%	77	3,400
Calaveras County Water District	Yes	San Joaquin River	21.2%	77	31,750
Oakdale City of	Yes	San Joaquin River	20.5%	77	21,442
Riverbank City of	Yes	San Joaquin River	-4.2%	78	23,298

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions	Hydro Region	Percent Reduction 2013-2014	Estimated 2015 R-GPCD	Population
Patterson City of	Yes	San Joaquin River	21.0%	79	20,922
Madera City of	Yes	San Joaquin River	2.7%	79	58,243
Merced City of	Yes	San Joaquin River	13.9%	93	83,400
Modesto, City of	Yes	San Joaquin River	21.1%	95	217,269
Winton Water & Sanitary District	Yes	san joaquin river	11.5%	98	8,500
Discovery Bay Community Services District	No	San Joaquin River	31.9%	105	13,000
Los Banos, City of	Yes	San Joaquin River	-4.8%	110	37,168
Vernon City of	Yes	South Coast	17.3%	38	122
City of Big Bear Lake, Dept of Water & Power	Yes	South Coast	21.9%	40	25,542
California Water Service Company East Los Angeles	Yes	South Coast	4.4%	40	160,656
Park Water Company	Yes	South Coast	16.0%	42	125,784
Golden State Water Company Bell-Bell Gardens	Yes	South Coast	7.4%	44	69,409
Compton City of	Yes	South Coast	11.8%	50	81,963
La Palma City of	Yes	South Coast	12.9%	51	15,544
Golden State Water Company Florence Graham	Yes	South Coast	2.5%	52	63,957
San Gabriel Valley Water Company	Yes	South Coast	0.8%	52	271,817
Inglewood City of	Yes	South Coast	12.4%	54	92,386
Otay Water District	Yes	South Coast	27.4%	54	213,000
San Diego City of	Yes	South Coast	-4.0%	55	1,292,496
La Habra City of Public Works	Yes	South Coast	-9.1%	56	63,118
Lakewood City of	Yes	South Coast	19.2%	56	80,048
Santa Ana City of	Yes	South Coast	13.7%	56	332,005
Golden State Water Company Southwest	Yes	South Coast	4.8%	56	280,629
Huntington Park City of	Yes	South Coast	4.2%	56	64,219
Golden State Water Company S San Gabriel	Yes	South Coast	4.5%	58	29,413
Golden State Water Company Artesia	Yes	South Coast	6.9%	58	53,405
Sweetwater Authority	Yes	South Coast	17.2%	58	189,970
Golden State Water Company Norwalk	Yes	South Coast	3.7%	59	44,488
Fountain Valley City of	Yes	South Coast	31.9%	60	59,227
California-American Water Company San Diego District	Yes	South Coast	7.3%	60	95,358
Escondido City of	Yes	South Coast	31.9%	60	134,053
Montebello Land and Water Company	Yes	South Coast	6.3%	61	32,219

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions	Hydro Region	Percent Reduction 2013-2014	Estimated 2015 R-GPCD	Population
Oxnard City of	Yes	South Coast	6.1%	62	203,645
Fallbrook Public Utility District	Yes	South Coast	49.0%	62	34,894
Port Hueneume City of	Yes	South Coast	16.6%	62	21,555
Lakeside Water District	Yes	South Coast	30.4%	63	33,657
California Water Service Company Dominguez	Yes	South Coast	-5.2%	63	142,202
Santa Fe Springs City of	Yes	South Coast	10.1%	63	18,199
Helix Water District	Yes	South Coast	3.7%	63	270,375
Pomona City of	Yes	South Coast	17.9%	64	151,713
Golden State Water Company Culver City	Yes	South Coast	3.7%	65	36,872
Paramount City of	Yes	South Coast	-0.1%	65	55,051
Eastern Municipal Water District	Yes	South Coast	23.9%	65	539,410
San Fernando City of	Yes	South Coast	31.8%	65	23,728
Golden State Water Company S Arcadia	Yes	South Coast	5.4%	66	29,723
Azusa City of	Yes	South Coast	17.8%	67	110,000
Hawthorne City of	Yes	South Coast	1.2%	67	44,227
Golden State Water Company West Orange	Yes	South Coast	2.5%	67	114,665
Lincoln Avenue Water Company	Yes	South Coast	4.2%	67	16,126
Vista Irrigation District	Yes	South Coast	27.3%	67	124,746
Crescenta Valley Water District	Yes	South Coast	22.2%	67	31,612
Padre Dam Municipal Water District	Yes	South Coast	34.8%	67	88,020
Oceanside City of	Yes	South Coast	3.8%	68	171,183
Westminster City of	Yes	South Coast	3.7%	69	93,322
Irvine Ranch Water District	No	South Coast	8.1%	69	383,305
Long Beach City of	Yes	South Coast	3.4%	69	472,656
Orchard Dale Water District	Yes	South Coast	22.3%	69	19,894
Huntington Beach City of	Yes	South Coast	3.6%	69	196,041
Golden State Water Company Ojai	Yes	South Coast	17.8%	69	9,504
Los Angeles Department of Water and Power	Yes	South Coast	1.1%	70	3,935,257
Brea City of	Yes	South Coast	22.2%	70	42,397
Big Bear City Community Services District	Yes	South Coast	-10.0%	70	10,000
Western Municipal Water District of Riverside	Yes	South Coast	5.4%	71	96,139
South Pasadena City of	Yes	South Coast	28.5%	71	25,899

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions	Hydro Region	Percent Reduction 2013-2014	Estimated 2015 R-GPCD	Population
San Buenaventura City of	Yes	South Coast	25.1%	71	113,478
Corona City of	Yes	South Coast	23.6%	71	185,660
Mesa Water District	Yes	South Coast	24.4%	71	108,000
Torrance City of	Yes	South Coast	3.2%	72	104,981
Anaheim City of	Yes	South Coast	13.8%	72	358,549
Buena Park City of	Yes	South Coast	20.8%	73	82,364
Vallejos Water District	Yes	South Coast	36.5%	73	94,090
Rincon Del Diablo Municipal Water District	Yes	South Coast	55.9%	74	29,955
Bellflower-Somerset Mutual Water Company	Yes	South Coast	7.5%	74	46,300
Colton, City of	Yes	South Coast	3.2%	75	47,429
San Gabriel County Water District	Yes	South Coast	14.8%	75	45,000
Perris, City of	Yes	South Coast	-7.0%	75	9,000
Valencia Water Company	Yes	South Coast	10.9%	75	118,224
Lake Hemet Municipal Water District	Yes	South Coast	27.9%	75	52,914
Santa Monica City of	Yes	South Coast	16.1%	75	92,185
Downey City of	Yes	South Coast	15.3%	75	111,931
Lomita City of		South Coast	10.3%	76	20,463
South Gate City of	Yes	South Coast	-23.8%	76	95,115
Golden State Water Company Placentia	Yes	South Coast	5.8%	76	50,416
California Water Service Company Hermosa/Redondo	Yes	South Coast	2.5%	76	95,688
Santa Margarita Water District	Yes	South Coast	32.2%	76	156,907
Santa Paula City of	Yes	South Coast	6.2%	76	30,009
Suburban Water Systems San Jose Hills	Yes	South Coast	1.9%	76	178,500
Chino Hills City of	Yes	South Coast	38.6%	76	74,738
South Coast Water District	Yes	South Coast	9.3%	76	34,816
Ontario City of	Yes	South Coast	1.7%	77	166,866
Sunny Slope Water Company	No	South Coast	21.6%	77	30,611
El Segundo City of	Yes	South Coast	19.7%	77	16,654
Riverside City of	Yes	South Coast	1.3%	78	298,510
Monte Vista Water District	Yes	South Coast	20.2%	78	53,457
San Diego Water District	Yes	South Coast	15.3%	78	36,959
Moulton Niguel Water District	Yes	South Coast	7.4%	78	172,068

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions	Hydro Region	Percent Reduction 2013-2014	Estimated 2015 R-GPCD	Population
La Verne City of	Yes	South Coast	1.6%	79	32,228
Jurupa Community Service District	Yes	South Coast	3.6%	79	118,731
Pico Rivera City of	Yes	South Coast	17.5%	80	39,002
Monterey Park City of	No	South Coast	12.1%	80	62,183
Poway City of	Yes	South Coast	0.9%	81	48,261
Alhambra City of	Yes	South Coast	17.6%	82	85,068
San Gabriel Valley Fontana Water Company	Yes	South Coast	-0.7%	82	209,035
San Bernardino County Service Area 70	Yes	South Coast	28.0%	82	10,174
Orange City of	Yes	South Coast	12.1%	83	138,640
Glendale City of	Yes	South Coast	-1.5%	84	193,300
Laguna Beach County Water District	Yes	South Coast	0.8%	84	19,121
Pasadena City of	Yes	South Coast	24.0%	85	165,740
Ramona Municipal Water District	Yes	South Coast	0.7%	85	33,600
El Toro Water District	Yes	South Coast	4.4%	85	48,628
Golden State Water Company San Dimas	Yes	South Coast	0.3%	85	59,017
Newhall County Water District	Yes	South Coast	8.2%	87	44,316
San Bernardino City of	Yes	South Coast	-1.6%	87	187,690
Newport Beach City of	Yes	South Coast	22.1%	87	65,551
Suburban Water Systems Whittier/La Mirada	Yes	South Coast	0.7%	87	115,000
Burbank City of	Yes	South Coast	4.0%	87	105,543
Garden Grove City of	Yes	South Coast	22.2%	88	177,020
Nonwalk City of	Yes	South Coast	3.6%	88	18,361
San Juan Capistrano City of	Yes	South Coast	-4.5%	89	39,047
Hemet City of	No	South Coast	8.1%	91	23,537
Monrovia City of	Yes	South Coast	26.9%	91	39,147
Ventura County Waterworks District No. 8	Yes	South Coast	2.5%	91	90,687
Elsinore Valley Municipal Water District	Yes	South Coast	20.4%	92	133,360
Golden State Water Company Simi Valley	Yes	South Coast	6.8%	92	41,129
Pico Water District	Yes	South Coast	14.6%	93	24,100
East Valley Water District	Yes	South Coast	3.0%	94	97,318
Walnut Valley Water District	Yes	South Coast	-3.5%	94	113,236
Rubio Canyon Land and Water Association	Yes	South Coast	9.1%	96	9,600

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions	Hydro Region	Percent Reduction 2013-2014	Estimated 2015 R-GPCD	Population
San Jacinto City of	Yes	South Coast	25.0%	98	15,200
Cerritos City of	Yes	South Coast	21.0%	98	49,041
Rancho California Water District	Yes	South Coast	22.5%	98	140,390
Lee Lake Water District	No	South Coast	1.5%	98	13,168
Rubidoux Community Service District	Yes	South Coast	18.0%	99	29,900
Loma Linda City of *	Yes	South Coast	1.5%	100	23,261
Fillmore City of	No	South Coast	12.8%	100	15,222
Riverside Highland Water Company	Yes	South Coast	10.7%	100	14,500
Tustin City of	Yes	South Coast	-2.5%	101	67,700
Cucamonga Valley Water District	Yes	South Coast	-8.3%	101	199,225
Olivenhain Municipal Water District	Yes	South Coast	35.8%	101	78,686
California-American Water Company Los Angeles District	Yes	South Coast	4.7%	101	102,889
Castaic Lake Water Agency Santa Clarita Water Division	Yes	South Coast	10.5%	102	119,650
San Clemente City of	Yes	South Coast	5.4%	102	50,960
Golden State Water Company Claremont	Yes	South Coast	7.3%	103	35,994
Thousand Oaks City of	Yes	South Coast	2.1%	103	51,609
Yucaipa Valley Water District	Yes	South Coast	20.5%	105	44,394
Ventura County Waterworks District No 1	Yes	South Coast	41.2%	106	38,703
West Valley Water District	Yes	South Coast	-11.6%	108	72,881
Casitas Municipal Water District	Yes	South Coast	37.4%	108	9,603
Trabuco Canyon Water District	Yes	South Coast	-8.6%	108	12,700
Carlsbad Municipal Water District	Yes	South Coast	18.8%	108	84,838
Covina City of	Yes	South Coast	19.9%	109	33,300
California-American Water Ventura District	Yes	South Coast	7.8%	115	62,144
Triunfo Sanitation District / Oak Park Water Service	Yes	South Coast	7.6%	121	12,200
Sierra Madre City of	Yes	South Coast	16.3%	124	10,971
Beaumont-Cherry Valley Water District	Yes	South Coast	-7.4%	125	42,353
Glendora City of	Yes	South Coast	-13.1%	130	48,200
Rialto City of	Yes	South Coast	-34.6%	130	48,623
Arcadia City of	Yes	South Coast	23.3%	133	57,639
Las Virgenes Municipal Water District	Yes	South Coast	6.7%	138	75,384
Redlands City of	Yes	South Coast	0.2%	138	77,852

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory		Hydro Region	Percent Reduction		Estimated	Population
	Restrictions	Yes		2013-2014	2015 R-GPCD		
Valley Center Municipal Water District	Yes	Yes	South Coast	4.5%	142	25,378	
Yorba Linda Water District	Yes	Yes	South Coast	-6.3%	143	72,399	
Beverly Hills City of	Yes	Yes	South Coast	6.5%	151	42,157	
California Water Service Company Palos Verdes	Yes	Yes	South Coast	-0.2%	152	69,872	
Camrosa Water District	No	No	South Coast	36.7%	154	26,931	
Los Angeles County Public Works Waterworks District 29	Yes	Yes	South Coast	-6.2%	165	31,040	
Rainbow Municipal Water District	Yes	Yes	South Coast	37.8%	169	19,611	
East Orange County Water District	Yes	Yes	South Coast	3.8%	170	3,247	
Norco City of	Yes	Yes	South Coast	26.1%	177	27,160	
California Water Service Company Westlake	Yes	Yes	South Coast	-1.8%	184	19,463	
Valley Water Company	Yes	Yes	South Coast	32.8%	191	9,900	
Camarillo City of	Yes	Yes	South Coast	9.2%	225	46,639	
Santa Fe Irrigation District	Yes	Yes	South Coast	-3.2%	231	19,386	
Serrano Water District	Yes	Yes	South Coast	36.4%	237	6,641	
Golden State Water Company Cowan Heights	Yes	Yes	South Coast	-4.9%	281	5,390	
Golden State Water Company Barstow	Yes	Yes	South Lahontan	11.4%	52	34,289	
Crestline Village Water District	Yes	Yes	South Lahontan	2.2%	65	7,434	
Adelanto city of			South Lahontan	12.2%	65	32,543	
Phelan Pinon Hills Community Services District	No	No	South Lahontan	12.7%	67	25,160	
Lake Arrowhead Community Services District	Yes	Yes	South Lahontan	-13.3%	68	12,424	
Valley County Water District	Yes	Yes	South Lahontan	22.4%	69	69,784	
Hesperia Water District City of	Yes	Yes	South Lahontan	3.6%	70	91,627	
Rosamond Community Service District	Yes	Yes	South Lahontan	16.3%	72	17,700	
Palmdale Water District	Yes	Yes	South Lahontan	9.0%	75	109,395	
Victorville Water District	Yes	Yes	South Lahontan	26.0%	77	116,217	
Los Angeles County Public Works Waterworks District 40	Yes	Yes	South Lahontan	9.7%	83	205,666	
San Bernardino County Service Area 64	Yes	Yes	South Lahontan	28.1%	89	12,514	
Indian Wells Valley Water District	Yes	Yes	South Lahontan	17.4%	92	31,120	
Apple Valley Ranchos Water Company	Yes	Yes	South Lahontan	13.4%	100	62,602	
Quartz Hill Water District	Yes	Yes	South Lahontan	21.0%	103	17,500	
California Water Service Company Antelope Valley	Yes	Yes	South Lahontan	-5.1%	116	3,393	
Mammoth Community Water District	Yes	Yes	South Lahontan	14.2%	159	8,253	

JANUARY 2015 Water Conservation Report by Supplier (by hydro region, then R-GPCD)

Supplier Name	Mandatory Restrictions		Hydro Region	Percent Reduction		Estimated 2015 R-GPCD	Population
	Yes	No		2013-2014	2015		
Reedley City of	Yes		Tulare Lake	14.3%	47	24,194	
Tehachapi, City of	Yes		Tulare Lake	3.8%	57	8,923	
Wasco City of	Yes		Tulare Lake	27.4%	63	21,170	
California Water Service Company Bakersfield	Yes		Tulare Lake	16.5%	63	277,174	
Delano City of	Yes		Tulare Lake	4.0%	67	48,957	
Kerman, City of	Yes		Tulare Lake	31.1%	71	13,551	
California Water Service Company Visalia	Yes		Tulare Lake	7.6%	74	137,140	
California Water Service Company Kern River Valley	Yes		Tulare Lake	26.7%	74	5,604	
Porterville City of	Yes		Tulare Lake	13.8%	78	61,946	
California Water Service Company Selma	Yes		Tulare Lake	3.7%	78	24,556	
Arvin Community Services District	Yes		Tulare Lake	19.5%	81	19,000	
Lamont Public Utility District	Yes		Tulare Lake	-0.2%	81	18,290	
Lemoore City of	Yes		Tulare Lake	15.1%	84	25,281	
Tulare, City of	Yes		Tulare Lake	-3.9%	89	59,535	
Clovis City of	Yes		Tulare Lake	2.7%	89	106,076	
Bakman Water Company	Yes		Tulare Lake	28.7%	94	13,960	
Exeter City of	Yes		Tulare Lake	-5.7%	94	10,334	
Shafter City of	Yes		Tulare Lake	29.5%	99	18,488	
Bakersfield City of	Yes		Tulare Lake	21.6%	104	141,030	
East Niles Community Service District	Yes		Tulare Lake	21.3%	105	26,000	
West Kern Water District	Yes		Tulare Lake	14.0%	106	18,048	
Corcoran City of	Yes		Tulare Lake	19.4%	111	24,154	
Kingsburg, City of	Yes		Tulare Lake	27.6%	114	11,504	
Pinedale County Water District	Yes		Tulare Lake	10.2%	130	8,495	
Vaughn Water Company	Yes		Tulare Lake	14.4%	133	30,305	

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Comment Letter No. 28: Leadership Council for Justice and Accountability and SWAPE

- Comment 28.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 28.2** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 28.3** Refer to Response 22.12, above. The Draft EIR incorporates the reduction measures from the CAP that would be required for future development instead of mitigation measures. The General Plan includes policies that would reduce agricultural emissions such as Policy OS 2.5, which pertains to continued agricultural water conservation by lining canals, recovering tail water at the end of irrigated fields, and appropriate scheduling of water deliveries. Additionally, new Policy AQ 20.13 also requires the increased efficiency of water use for agricultural activities. Furthermore, CAP reduction measure R1-A1 requires methane capture at large dairies and measure R3-A1 includes soil management practices to reduce nitrogen dioxide emissions.
- Comment 28.4** The mitigation measures in the Draft EIR do not rely on technological improvements. The Draft EIR mitigation measures require new discretionary projects to comply with the implementation measures in the CAP and garnish at least 100 points from the CAP's Screening Tables. The Screening Tables include specific actions that development projects must perform, such as residential energy efficiency (enhanced insulation, cool roofs, minimizing leaks, etc.); indoor space efficiencies (heating cooling efficiencies, duct insulation, daylighting, etc.); miscellaneous residential building efficiencies (building orientation, EPA Energy Star for homes, etc.); new home renewable energy (photovoltaic panels, wind turbines, etc.); water efficiency; and transportation efficiency, among numerous others. All of these are improvements that are achievable today and do not require future technological improvements.
- Comment 28.5** The Draft EIR includes 20 individual mitigation measures to reduce air emissions (Mitigation Measures 4.7-A-N1, 4.7-A-N2, 4.5.1A, 4.5.1B, 4.5.1C, 4.6.B-N1, 4.6.B-N2, 4.6.B-N3, 4.7.A-N1, 4.7.A-N2, 4.6.B-N4, 4.6.B-N5, 4.5.1A, 4.5.1B, 4.5.1C, 4.6.D-N1, 4.6.D-N2, 4.6.E-N-1, 4.6.E-N-2, and 4.6.E-N-3). The General Plan Update also includes numerous policies to minimize air emissions. Additionally, future development projects would be required to comply with the CEQA process and necessary mitigation measures would be identified that are associated with project specific impacts. The timing and verification mechanisms of the mitigation measures will also be identified in the Mitigation Monitoring and Reporting Program, which is included as part of the Final EIR.

Comment 28.6 This comment is duly noted. In regards to the data used for the Regional Housing Needs Assessment, the County is currently updating the Housing Element as a separate General Plan Amendment due to the timing requirements for the Housing Element. The 5th Cycle Housing Element is currently being processed by the County Planning Department as GPA No. 1120. In regards to GPA No. 960 and its use of the 4th Cycle Housing Element, due to the countywide scope of GPA No. 960 and Draft EIR No. 521, much of the data presented within Draft EIR No. 521 cannot all be said to represent a single point in time (i.e., April 13, 2009). In such cases, Draft EIR No. 521 uses the data set that is best supported by substantial evidence and provides a discussion of how it is or is not expected to differ from existing physical conditions. Information and analyses regarding farmland and agricultural resources were each determined to be the best-supported and best available information. Further, each section of the Draft EIR document explicitly states the baseline data used for the analysis in order to ensure the transparency of the data used. The data incorporated into the document represents the best available at the time of the Draft EIR analysis and as such was incorporated to the document.

The analysis employed within the *Population and Housing* section of Draft EIR No. 521 is based on GPA No. 1097, the most recently adopted General Plan Housing Element (4th Cycle). The reason GPA No. 960 uses the planning period of 2006 to 2014 for the 4th Cycle is that this period more closely coincides with the baseline date adopted for GPA No. 960 (April 2009). The use of the 4th Cycle Housing Element, as it represents the document baseline more accurately, and is adequate for the analysis of future population and housing needs.

Comment 28.7 The Draft EIR provides an in-depth discussion pertaining to water supply and drought-related issues from pages 4.19-57 to 4.19-101. The General Plan and Draft EIR provide numerous policies and mitigation measures that directly address water conservation and drought-related alternative supply considerations, including Policy OS 1.1 (Balance water requirements of Urban, Agricultural, and environmental uses to ensure sufficient supply for these uses), Policy OS 2.2 (Encourage the installation of water efficient infrastructure such as gray water wells), Policy OS 2.5 (Encourage agricultural water conservation measures), Mitigation Measure 4.17.1D (require new developments to prove compliance with applicable conservation measures have been met), as well as many others. In addition, the State Water Resources Control Board has purview over enforcing the recently enacted mandatory water conservation measures pursuant to the Governor's Executive Order B-29-15.⁸ As discussed in the Section 4.19.3 of Draft EIR 521 (*Existing Environmental Setting – State and Regional Water Supply*), water supplies are provided to County residents and businesses through various water retailers including municipal water districts and CPUC-regulated water utilities. The State of California has also enacted the Sustainable Groundwater Management Act, enforced by the State Water Resources Control Board, which requires certain groundwater basins to prepare Groundwater Management Plans.⁹ Finally, groundwater is also managed in Riverside County by various

⁸ http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/emergency_regulation.shtml

⁹ <http://groundwater.ca.gov/>

watermasters, adjudications and settlement agreements, which are described in the Draft EIR (Page 4.19-103) and overseen by a collaborative effort of County and watershed stakeholders led by the Santa Ana Watershed Project Authority in Western Riverside County and the Colorado River Basin stakeholders for eastern Riverside County.^{10, 11}

Due to the large scope of GPA No. 960, daily average estimated water usage is not an important environmental indicator for the purposes of Draft EIR No. 521. Instead, the County has chosen to focus the effects of GPA No. 960 by preparing a spatial analyses of potential water use areas. Refer to Chapter 4.19 “Section B. Project Summary and Focus” for more information.

- Comment 28.8** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general contact information. Responses to specific comments are provided above; no further response is required.
- Comment 28.9** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 28.10** This comment indicates that the commenter will submit comments regarding air quality and GHG emissions and incorporates other comments submitted by and on behalf of other parties. However, the comment does not provide a specific comment or address the adequacy of the Draft EIR. Responses to specific comments are provided in the responses below. No further response is required.
- Comment 28.11** This comment contains general statements that express concerns regarding the adequacy of the Draft EIR, accurate baseline data, indirect impacts, and internal consistency standards. The comment does not provide a specific comment regarding the adequacy of the Draft EIR. No further response is required.
- Comment 28.12** This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below which address the in-depth explanation of concerns listed in the letter.
- Comment 28.13** In regards to the baseline data used to analyze mobile home communities within the Eastern Coachella Valley, due to the countywide scope of GPA No. 960 and Draft EIR No. 521, much of the data presented within Draft EIR No. 521 cannot all be said to represent a single point in time (i.e., April 13, 2009). In such cases, Draft EIR No. 521 uses the data set that is best supported by substantial evidence and provides a discussion of how it is or is not expected to

¹⁰ <http://www.sawpa.org/owow/the-plan/>

¹¹ <http://www.usbr.gov/lc/region/programs/crbstudy/MovingForward/index.html>

differ from existing physical conditions. Information and analyses regarding farmland and agricultural resources were each determined to be the best-supported and best available information. Further, each section of the Draft EIR document explicitly states the baseline data used for the analysis in order to ensure the transparency of the data used. The data incorporated into the document represents the best available at the time of the Draft EIR analysis and as such was incorporated to the document.

In regards to mobile homes within the Eastern Coachella Valley, as noted in Table 1 (Land Use Designations Summary) of the Eastern Coachella Valley Area Plan (ECVAP), residential uses are allowed in excess of 1 dwelling unit per 10 acres on land designated as Agriculture as long as it is specified by policy or overlay. Policy ECVAP 6.1 indicates that farmworker housing is allowed on agricultural land as long as safety considerations are met.

According to the Table 4.2-G (Land Uses Under Existing General Plan and Proposed Project in the Environmental Impact Report), a net loss of 850 acres (0.04%) of agriculture land will occur with the implementation of the proposed General Plan update. The net effect of these land use changes is outlined by location in Draft EIR No. 521 in Table 4.5-F (Project Effects on Lands in Agricultural Use), which shows that no major agricultural land use changes would occur in the ECVAP. Therefore, farmworkers living in farmworker housing located on agricultural land in the ECVAP would not experience displacement due to the implementation of the proposed General Plan Amendment. In the event of possible displacement as a result of a potential project, the required project-level environmental analysis would necessitate the applicant to fully analyze any potential displacement of residential structures. As such, the findings of Draft EIR No. 521 are not changed and no further response is required.

Comment 28.14

In regards to onsite wastewater treatment systems in the ECVAP, the Eastern Coachella Valley is served by the Coachella Valley Water District in most areas; however, there are areas that are not served by the water district. These unserved areas are required to use onsite wastewater treatment systems (OWTSs), and private wells within the ECVAP are not subject to regulatory oversight. However, OWTSs are required to undergo permitting before installation through the Riverside County Department of Environmental Health. Although regular testing is not mandatory, it is recommended by the Riverside County Department of Environmental Health and the California Department of Water Resources. The Department of Water Resources explicitly states that private well water quality is the responsibility of the well owner, and that regular testing should be conducted by the well owner. In the Coachella Valley, well testing is offered to residents by the Coachella Valley Water District. In the event that poor water quality is present in the area, the Water District offers a number of home treatment systems for residents. While OWTS regulation is important, it is under the purview of the County Environmental Health Department and is beyond the scope of GPA No. 960 and Draft EIR No. 521.

The depletion of groundwater supplies has been addressed in Draft EIR No. 521 (see Impact 4.19.B). The County of Riverside has employed several regulatory policies, programs, and

mitigation measures to address groundwater supplies; however, the adoption of GPA No. 960 would still result in a significant and unavoidable impact to these resources. It is important to note that the potential for increased contaminants due to overdraft is beyond the scope of GPA No. 960 and is under the purview of the County Department of Environmental Health.

While the concerns regarding OWTs usage and overdraft are understood, ultimately the impacts associated with individual wells and water quality are under the purview of the County Department of Environmental Health. However, any impacts that could occur as a result of new construction would be addressed on a project-specific EIR level.

Comment 28.15 Refer to Response 28.6, above. The *Housing Element*, as mandated by State law, must be evaluated every five years to determine its effectiveness in achieving County and state housing goals and objectives, and the County is required to adopt the *Housing Element* that best reflects the results of this evaluation. The General Plan Update cycle is a six year long process, and as such the General Plan and the Housing Element are not subject to the same circulation timeline. Data used for Section 4.3, *Population and Housing*, is based on GPA No. 1097, the most recently adopted General Plan *Housing Element* (4th Cycle). The reason GPA No. 960 uses the planning period of 2006-2014 for the 4th cycle is that this period more closely coincides with the baseline date adopted for GPA No. 960 (April 2009). The use of the 4th Cycle *Housing Element*, as it represents the document baseline more accurately, is adequate for analysis of future population and housing needs.

California Government Code Section 65302.10(b) mandates that each city or county review and update the land use element of its general plan based on information pursuant to Section 56430 on or before the due date for the adoption of its housing element. The 5th Cycle Housing Element is currently being processed by the County Planning Department as GPA No. 1120, and includes an analysis of Legacy Communities pursuant to the California Government Code. Refer to Response 28.6, above.

Comment 28.16 This comment is duly noted. In regards to the *Housing Element*, refer to Responses 28.6 and 28.15, above. No further response is warranted.

Comment 28.17 This comment asserts that the Draft EIR has failed to consider the SCAG 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy. Section 4.18, *Transportation and Circulation*, of Draft EIR No. 521 contains a comprehensive discussion of the SCAG 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy particularly as it relates to facilities, strategies and funding for projects within or serving Riverside County (See Pages 4.18-26 and 4.18-27). The Riverside County Transportation Analysis Model (RIVTAM), used to analyze the traffic impacts of GPA No. 960 for Draft EIR No. 521, has been developed in cooperation with the Southern California Association of Governments (SCAG) and uses the SCAG 2008 RTP Model structure, equations, coefficients and algorithms as the base and runs through the SCAG model module sequence. The RIVTAM updates and refinements, developed in full collaboration with SCAG modeling staff, ensure that the traffic

analysis fully considered the most recent data available at the time with respect to the SCAG 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy.

In addition, GPA No. 960 includes the following policy specifically citing SCAG’s Regional Transportation Plan:

“C 7.3 *Incorporate the Regional Transportation Plan of the Southern California Association of Governments (SCAG) and, the Riverside County Congestion Management Program into the Circulation Element, and, encourage with the active participation of Caltrans, work to expedite the design and implementation of state highway capital improvement projects. (AI 49, 50, 51)”*

Comment 28.18 This comment provides anecdotal statements related to potential VMT and housing pressure impacts. These statements do not necessitate the need for additional studies or analysis. Table 4.3-F (Theoretical Buildout Projects (Land Use-Based Capacities)) shows that buildout accommodated by the proposed General Plan would result in a total of 89,282 dwelling units and 113,589 jobs within the ECVAP (*Population and Housing*, 4.3-13). Compared to the Existing 2003 General Plan, this represents a 2% increase in dwelling units and 1.5% decrease in jobs. For existing conditions, values from the official “2010 Riverside County Projections” (RCP-10) were used, except jobs data was taken from 2008 (the most recent year available from the California Department of Finance). RCP-10 was used instead of the prior projections from 2007 (RCP-07) because it was determined that due to the economic slow-down since 2007, the RCP-07 projections over-estimated expected growth. Use of such inflated data would have caused an under-reporting of changes, and hence potential impacts, associated with the project. In this case, the use of RCP-10 represents a more conservative, “worst-case” scenario that is appropriate for a programmatic EIR.

Comment 28.19 This comment is duly noted. In regards to the *Housing Element*, refer to Responses 28.6 and 28.15, above.

Comment 28.20 See Responses 28.6 and 28.15, above.

Comment 28.21 See Responses 28.6 and 28.15, above.

Comment 28.22 Pursuant to CEQA Guidelines Section 15131(c), GPA No. 960 and Draft EIR No. 521 consider social and economic factors when analyzing the feasibility of mitigating significant environmental impacts. The Draft EIR addressed each impact noted in this comment, including potential impacts to potable water supply (Draft EIR No. 521, page 4.19-293), which includes an analysis of water supply for Eastern Coachella Valley. This comment is unclear as to any specific inadequacy within the Draft EIR.

As part of the preparation of GPA No. 960, the Riverside County Center for Demographics Research (RCCDR) thoroughly examined all factors listed in Appendix E of the existing General Plan. The RCCDR evaluated the existing social and economic factors in light of the

most recent data available, including official Riverside County growth projections (RCP-07 and RCP-08), current SCAG data (2008 Regional Transportation Plan, etc.), current General Plans of cities within Riverside County, published data (U.S. Census, ULI Handbooks, etc.) and statistics issued by the California Department of Finance. The resultant statistical data was used to create proposed General Plan Appendix E-1, “General Plan Socioeconomic Build-out Assumptions and Methodology,” as part of GPA No. 960. As Appendix E-1 represents the most current and appropriate growth and demographic data, it was used for the statistical analyses performed for Draft EIR No. 521. The basic components of Appendix E-1 were used to develop associated socioeconomic calculations for build out of both the existing General Plan and a “project scenario” for how the General Plan would build out if amended pursuant to GPA No. 960. For full details on the methodology used for the generation of these projections and assumptions, see General Plan Appendix E-1.

Comment 28.23 See Response 28.22, above.

Comment 28.24 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

Comment 28.25 The County appreciates and values your comments during the General Plan Update and EIR process. This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below which address the in-depth explanation of concerns listed in the letter.

Comment 28.26 Draft EIR Table 4.6-D provides typical construction emission estimates for hypothetical scenarios for three types of residential developments. These emissions are provided for informational purposes as construction emissions tend to be site specific and depend on the type of construction and development proposed, as well as the location (including air basin), time of year, duration, amount of earthwork, and various other parameters. It should be noted that the Draft EIR is a programmatic document that analyzes the land use and growth projections in the General Plan Update. CEQA Guidelines section 15146(a) states: “(a)n EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.” As the General Plan Update does not include specific development projects including construction of specific sites and parameters and are not known at this time, a quantitative emissions analysis is not required.

The Draft EIR includes Existing Mitigation Measures 4.5.1A, 4.5.1B, 4.5-1C, as well as NEW Mitigation Measures 4.6B-N1, 4.6B-N2, and 4.6B-N3 to reduce construction emissions. These measures include fugitive dust control as well as reduction measures for equipment

exhaust. These mitigation measures are extensive and require compliance with the latest control methods including use of EPA rated engines of Tier 3 or better. However, in the absence of data to prove otherwise, the Draft EIR assumed that future development accommodated by the proposed project would result in varying amounts of construction on a daily and annual basis through build out that would be cumulatively significant, even if individually consistent with applicable construction thresholds.

As noted above, the General Plan Update does not identify specific land use development projects. Future development projects would be required comply with the CEQA process and necessary mitigation measures would be identified that are associated with project specific impacts. Any additional analysis related to construction emissions would be speculative and would not aid in meaningful public review or informed decision making. Also refer to the Comment Letters 20, 21, 22, and 33, which pertain to air quality impacts related to GPA No. 960.

Although this comment notes concerns impacts to air quality from the Salton Sea, it serves as an introduction to comments addressed in more detail in the following sections of the letter. For information regarding the Salton Sea, refer to Response 28.29, below.

Comment 28.27 Refer to Response 28.26, above. As the Draft EIR is a programmatic document, future development projects would be required comply with the CEQA process identify project specific emissions and necessary mitigation measures associated with project specific impacts. Furthermore, although quantitative estimates are possible, as described in the comment, such estimates would be based on such vague and generalized parameters that it would not provide a realistic or useful prediction of construction emissions that would occur in the County and would be speculative. CEQA advises against speculation (State CEQA Statutes sections 21082.2(c), 21159(a), and State CEQA Guidelines section 15064(f)(5)) and states that “argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.” Also, State CEQA Guidelines section 15145(f)(5) states: “[i]f, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” Furthermore, State CEQA Guidelines section 15146(a) states: “(a)n EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.” As the General Plan Update does not include specific development projects and specific construction sites and parameters and are not known at this time, a quantitative construction emissions analysis is not required. The argument that somehow meaningful public review of potential physical environmental impacts by analyzing the entirety of the potential construction emissions that would occur based upon “evaluating predicted acreage of all foreseeable development and applying an *assumed* per acre and per square foot emission rate of criteria

pollutants” and then assigning a prediction of the timing of such emissions goes far beyond the requirements under CEQA. As stated time and again by the courts, CEQA does not require a crystal ball inquiry.

Comment 28.28 Refer to Response 28.5 and 28.27, above. Future development projects would be required to comply with the CEQA process and necessary mitigation measures would be identified that are associated with project specific impacts. Thus, any applicable mitigation measures will be identified and enforced at the project level. The timing and verification mechanisms of the mitigation measures will also be identified in the Mitigation Monitoring and Reporting Program, which is included as part of the Final EIR. The policies, regulatory programs, and mitigation measures identified in Draft EIR No. 521 have been constructed at a program level that is appropriate for the General Plan. Creating binding and unbending policies, regulatory programs, and mitigation measures would not provide the needed flexibility for future individual projects. Accordingly, Draft EIR No. 521 provides adequate measures appropriate for its program level analysis.

Comment 28.29 Although the projected exposure of the Salton Sea bottom due to dropping water levels has the potential to become a new dust source, it should be noted that air quality and fugitive dust in this portion of the County is managed by the South Coast Air Quality Management District (SCAQMD). The SCAQMD has an adopted *Coachella Valley PM₁₀ State Implementation Plan* that identifies control strategies and measure commitments to reduce fugitive dust emissions and attain ambient air quality standards. The California Irrigation Management Information System (CIMIS) operates a series of meteorological stations throughout agricultural areas of California, including the Coachella and Imperial Valleys. Several stations are located around the Salton Sea. Additionally, the California Air Resources Board (CARB) maintains monitoring stations that measure pollutant concentrations (including PM₁₀) throughout the state. There are a total of seven stations that monitor PM₁₀ in the Salton Sea Air Basin, and two of those stations are located in Riverside County. Therefore, additional air monitoring stations are not necessary.

Potential air quality impacts from a reduction in water levels at the Salton Sea is not a recent issue. As noted above, the Coachella Valley and the SCAQMD have a demonstrated history of adopting and implementing PM₁₀ dust controls (e.g., *1990 Coachella Valley State Implementation Plan*, *1994 Best Available Control Measures State Implementation Plan*, SCAQMD Rules 403 and 403.1, local dust control ordinances, clean streets management program) to ensure healthful air. Additionally, sand fences are being used as one control element for the *Coachella Valley PM₁₀ State Implementation Plan*. Fugitive dust problems at the Salton Sea were also analyzed in a 2002 white paper by the Salton Sea Science Office Workshop.¹² The white paper notes that in general, lakebed sediments that would be exposed by a lowering of water levels in the Salton Sea are likely to have texture conditions similar to adjacent shoreline areas.

¹² Salton Sea Science Office Workshop, *The Potential for Fugitive Dust Problems at the Salton Sea if Water Levels are Lowered Significantly from Current Conditions*, September 19, 2002.

Section 4.6.6 of the Draft EIR analyzed the General Plan Update's consistency with various applicable air quality attainment plans including the Coachella Valley PM₁₀ Plan. The analysis in the Draft EIR determined that the project's rate of growth was consistent with the air quality attainment plans (including the Coachella Valley PM₁₀ Plan.) and SCAG's projected growth numbers. Although the General Plan Update's growth assumptions are consistent with the applicable attainment plans, impacts were found to be significant and unavoidable due to the exceedance of regulatory thresholds for criteria pollutants.

The Salton Sea is also managed by the Salton Sea Authority and the Imperial Irrigation District. Potential impacts to the Salton Sea have been addressed in the Imperial Irrigation District QSA EIR, as well as by the Salton Sea Authority.

Draft EIR No. 521 includes numerous policies and mitigation measures that would reduce fugitive dust emissions. For example, Mitigation Measures 4.5.1A, 4.5.1B and 4.5.1C would minimize fugitive dust during construction. The Draft EIR also includes New Mitigation Measure 4.6.B-N1, which requires the watering of soil stockpiles and the prevention of visible dust plumes.

Comment 28.30 As the CAP is included as part of the General Plan Update, approval of the CAP and General Plan Update would occur at the same time. Additionally, the CAP includes an implementation program that defines a process with how the CAP measures would be funded and achieved. The CAP also includes Screening Tables that have performance standards and thresholds to determine the level of significance for future development projects. New development projects would be required to follow the measures in the CAP Screening Tables in order to receive project approval. Further enforcement would occur through the ongoing CAP monitoring process. Monitoring of the CAP reduction measures is part of the CAP implementation process. Chapter 7 of the CAP outlines the implementation process, which includes staffing, financing, prioritizing, public participation, project review, monitoring and inventorying, and planning beyond 2020. As such, implementation of the CAP is an involved process that goes beyond the actual document. The system for monitoring implementation of the CAP will be determined as the previous steps are completed (staffing, financing, prioritizing, etc.).

Comment 28.31 As noted in Response 28.30, above, the CAP is included as part of the General Plan Update and an analysis of the CAP and associated measures is included in the Draft EIR. The CAP is not undergoing a separate CEQA review. The California Attorney General's Office recommends that a CAP should be prepared at the same time as a general plan update and EIR to be consistent with CEQA's mandate that a lead agency must conduct environmental review at the earliest stages in the planning process and that it not defer mitigation. In addition, the Attorney General strongly urges agencies to incorporate any CAPs into their general plans to ensure that their provisions are applied to every relevant project.¹³ The proposed General

¹³ California Attorney General's Office, *Climate Change, the California Environmental Quality Act, and General Plan Updates: Straightforward Answers to Some Frequently Asked Questions California Attorney General's Office*, 2009.

Plan Update, CAP, and Draft EIR have been prepared in accordance with the recommendations of the California Attorney General's Office.

Comment 28.32 The comment incorrectly states that the Draft EIR and CAP do not establish threshold for individual projects. The thresholds for individual projects are provided in Appendix F of the CAP. The development review process procedures for evaluating GHG impacts and determining significance for CEQA purposes would involve (1) applying an emissions level that is determined to be less than significant for small projects, and (2) utilizing Screening Tables to mitigate project GHG emissions that exceed the threshold level. Projects will have the option of preparing a project-specific technical analysis to quantify and mitigate GHG emissions. A threshold level above 3,000 MTCO_{2e} per year will be used to identify projects that require the use of Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions.

Comment 28.33 Refer to Response 28.30 regarding the implementation process for the CAP. It should be noted that the CAP requires ongoing monitoring of the CAP reduction measures. Additionally, the CAP requires staffing and financing to be assigned for CAP implementation.

Draft EIR Mitigation Measures 4.7-A-N1 and 4.7.A-N2 require compliance with the Implementation Measures of the CAP or provide comparable custom measures backed by a project GHG study. The mitigation measures require the implementation of the CAP measures for projects to garnish at least 100 points. This process is enforced on the project level. Although the CAP Implementation Measures may be worded to sound voluntary, they would be required for projects that are using them to achieve the 100 point threshold. If an applicant is unable to achieve the 100 point threshold, they would be required to undergo a separate project-level environmental review process and would be mandated to provide enforceable mitigation measures to reduce any impact to the greatest extent possible.

Additionally, the County has reviewed the attachment provided with the Comment Letter. The attached material functioned to support claims made within the letter. As such, the material did not identify any specific concern with the adequacy of Draft EIR No. 521 or any environmental issues. Therefore, the abovementioned referenced material does not warrant any further response as part of the Final EIR. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). The County thanks you for your participation in the General Plan Update and EIR public review period. No further response is necessary.

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PROPERTY OWNERS ASSOCIATION OF RIVERSIDE COUNTY

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March 25, 2015

County of Riverside
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Attn: Kristi Lovelady
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RECEIVED
MAR 25 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Re: GPA No. 960 General Plan Update Project / Draft EIR No. 521
Comments

Dear Ms. Lovelady:

The comments provided in this letter are intended to help correct current deficiencies we believe exist in the recirculated GPA No. 960 General Plan Update Project and Draft EIR No. 521.

We include comments covering land use planning, transportation, air quality, public services, mandatory findings of significance, and thresholds of significance.

29.1

The Property Owners Association of Riverside County is a nonprofit, public policy research, lobbying, and educational organization. We serve as an advocate for Riverside County property owners to ensure that the interests and private property rights of landowners are protected in the formation and implementation of public policies.

The proposed GPA No. 960 General Plan Update Project (GPA 960) would cause traffic congestion in Riverside County to get up to three and a half times worse with each new development as a result of changes being proposed to the county's roadway improvement requirements.

29.2

GPA 960's proposed LOS downgrade, proposed dropping of planning for 3½ of the four CETAP freeway corridors, and failure to uphold the integrated decisions on transportation corridors, land use, and environmentally sensitive areas made in the 2003 Riverside County Integrated Project (RCIP) are the antitheses of the Riverside County Vision.

The economic and social consequences for Riverside County would be enormous.

29.3

I. INADEQUACIES OF GPA NO. 960 Project / Draft EIR No. 521

A. LAND USE PLANNING

GPA 960’s proposed LOS downgrade, proposed dropping of planning for 3½ of the four CETAP freeway corridors, and failure to uphold the integrated decisions on transportation corridors, land use, and environmentally sensitive areas made in the 2003 Riverside County Integrated Project (RCIP) are the antitheses of the Riverside County Vision. (*2003 Riverside County General Plan, Chapter 2: Vision Statement*).

29.4

B. TRANSPORTATION

1. Riverside County General Plan Changes Will Increase Traffic Congestion

The Riverside County General Plan serves as a blueprint for the growth of Riverside County. The California Supreme Court has stated that the general plan is the “constitution for all future development.” The 20-year General Plan creates policies to address present and future challenges in order to produce a better future for the county.

29.5

2. Downgrading the County’s Traffic Congestion Relief Standard

According to the June 1999 Public Opinion Survey of Riverside County conducted for the Riverside County Integrated Project, traffic congestion is the second most serious problem that the County faces. Yet proposed changes to the County of Riverside General Plan through GPA No. 960 would make traffic congestion significantly worse countywide by design.

The 2003 Riverside County General Plan set a threshold below which traffic congestion would not be allowed to worsen – the County’s traffic congestion relief standard, which is the Level of Service (LOS). The LOS is a measure of the level of congestion on roadways. The LOS is graded A through F, analogous to the letters on a school report card. LOS C represents stable operation and acceptable delays. LOS D represents approaching unstable operation and tolerable delays: drivers may have to wait through more than one red signal. LOS E represents unstable operation and significant delays: drivers may wait through several signal cycles. LOS F represents breakdown operation, excessive delays, and jammed conditions.

29.6

The existing General Plan Policy C 2.1 states, “Maintain the following countywide target Levels of Service: LOS “C” along all County maintained roads and conventional state highways. As an exception, LOS “D” may be allowed in Community Development areas, only at intersections of any combination of Secondary Highways, Major Highways, Arterials, Urban Arterials, Expressways, conventional state highways or freeway ramp intersections. LOS “E” may be allowed in designated community centers to the extent that it would support transit-oriented development and walkable communities” (*2003 Riverside County General Plan, Chapter 4, Circulation Element*).

Yet County staff is proposing to downgrade the County's existing Level of Service (LOS) standard. The downgraded standard would allow traffic to become more congested before calling for needed roadway improvements to be built.

The LOS would drop from C to D along County maintained roads designated in the County General Plan Circulation Element, within any of the following Area Plans: Eastvale, Jurupa, Temescal Canyon, Lake Mathews/Woodcrest, Elsinore, Mead Valley, Highgrove, Reche Canyon/Badlands, Lakeview/Nuevo, Sun City/Menifee Valley, Harvest Valley/Winchester, Southwest Area, The Pass, San Jacinto Valley, and Western Coachella Valley (*GPA No. 960*, Policy C.2.1).

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LOS E may be allowed by the Board of Supervisors within designated areas where transit-oriented development and walkable communities are proposed (*GPA No. 960*, Policy C.2.1).

Also, "the Board of Supervisors may, on occasion by virtue of their discretionary powers, approve a project that fails to meet these LOS targets in order to balance congestion management considerations in relation to benefits, environmental impacts and costs, provided an Environmental Impact Report, or equivalent, has been completed to fully evaluate the impacts of such approval." (*GPA No. 960*, Policy C.2.1).

29.8

The downgraded LOS standard would significantly increase traffic congestion, as projects such as The Villages of Lakeview are approved. The Villages of Lakeview Specific Plan was approved by the Board of Supervisors on February 23, 2010. The Villages of Lakeview master-planned community was planned as a walkable community, consisting of seven villages, which would have allowed for 11,350 dwelling units, producing over 85,000 vehicle trips per day (*The Villages of Lakeview Specific Plan No. 324*).

The project was challenged in Court and the Court issued a judgment on July 11, 2012. In that judgment, the Court directed the Board of Supervisors to set aside the approvals, which the Board of Supervisors did on August 28, 2012. Regarding the Villages of Lakeview project, Riverside County Superior Court Judge Sharon Waters writes, "The Court finds that the EIR failed to conduct adequate environmental review of the Project's impacts on regional traffic. The record establishes that the Project will result in over 85,000 vehicle trips per day, and will add 17,000 new car trips to the 1-215 each day. Many of the residents will be driving to Moreno Valley and Riverside via the 1-215, and those commuting to Orange and Los Angeles Counties will contribute to the existing problems at the 1-15/SR91 interchange.

29.9

"The EIR failed to analyze the impacts on any of these freeways, and instead restricted its analysis based upon the Riverside County Traffic Impact Analysis Preparation Guide (TIA) and a supplemental analysis. In accordance with the TIA, County studied the area within a five-mile radius of the Project site and conducted a supplemental analysis including 17 additional intersections and 10 additional street segments. An EIR must include a description of the environment in the vicinity of the Project from both a local and regional perspective. (*Bozung vs. Local Agency Formation Comm.* (1975) 13 Cal. 3d 263, 283; *Guidelines* §15125.) By failing to analyze the Project impacts on the surrounding freeways, County failed to proceed as required by

CEQA.” (*Friends of the Northern San Jacinto Valley et al. v. County of Riverside et al.* (RIC10007572), July 11, 2012).

The applicant and the County Planning Department are working on revising The Villages of Lakeview planning documents to address the concerns expressed by the Court.

As objective traffic “standards” become subjective “discretionary” actions, the County government is moving increasingly from the “rule of law” to the “rule of men.” Objective standards treat all projects – large or small – objectively, equitably, and fairly, which is why objective standards are preferable to subjective discretionary decisions that are subject to vagaries.

The LOS downgrade from C to D would increase people’s waiting times at signalized intersections by 64 percent on all County-maintained roads and state highways – 10 minutes of waiting at lights now would become 16 minutes under the proposed standard. (*Highway Capacity Manual 2000*).

The LOS downgrade from C to E would increase people’s waiting times at signalized intersections by 145 percent – 10 minutes of waiting at lights now would become 25 minutes.

Should the Board of Supervisors choose to allow LOS F, that would increase people’s waiting times at signalized intersections by 245 percent – 10 minutes of waiting at lights now would become 35 minutes.

In June 2009, *The Press-Enterprise* wrote, “But population growth and homebuilding will inevitably resume, and the county needs to follow through with its plan to handle the traffic. Riverside County’s recent history – one of developing first and struggling to improve roads later – underscores that point.” (*The Press-Enterprise*, June 16, 2009, “Our Views: Parkway myopia”).

The City of Temecula sued the County of Riverside in 2003, accusing the County of not building enough roads to keep pace with bome construction just outside the city limits. The City said that the County’s General Plan did not address increased traffic resulting from housing built in unincorporated areas bordering the city. The City and County reached a settlement agreement on April 13, 2005 in which funding for road improvements must be secured before city or county building permits in housing developments are issued, either by inclusion in a special taxing district or by the developer paying a share of the costs to improve roads. “Existing residents should not have to bear the consequences of new residents,” said Riverside County Supervisor Jeff Stone (*Los Angeles Times*, April 14, 2005, “Temecula Suit Over Traffic Needs Is Settled” and *Los Angeles Times*, October 17, 2005, “Inland Voters Use Recall as a Way to Slow Growth”).

The City of Riverside and four environmental groups sued the County of Riverside in 2010, challenging the County’s approval of one of the region’s largest housing developments – The Villages of Lakeview. In three separate lawsuits, the groups contend that the County Board of

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Supervisors violated the California Environmental Quality Act and the County's General Plan in approving the 2,786-acre master-planned community. The City of Riverside is concerned about the traffic coming into and through Riverside as residents commute to work. The Villages of Lakeview was designed to take advantage of a "major transportation corridor" – the Mid County Parkway – outlined in the County General Plan, says the City's lawsuit. "But that transportation corridor was cut in half, now ending at the City of Riverside's doorstep." The Riverside County Transportation Commission Board abandoned planning for the western half of the Mid County Parkway on July 8, 2009, and cut the parkway in half (*The Press-Enterprise*, April 22, 2010, "Three lawsuits target Riverside County for approving large housing project").

Regarding the Villages of Lakeview project, Riverside County Superior Court Judge Sharon Waters writes, "The General Plan Circulation Element establishes definite standards regarding traffic congestion, not mere guidelines or flexible goals. The County cannot establish specific traffic requirements and at the same time approve a project that will cause unacceptable congestion without taking affirmative steps to handle that increased congestion. No such affirmative steps or mitigation measures have been developed. This is particularly unacceptable given the improper/inadequate analysis concerning traffic impacts from the Project discussed previously," in *Friends of the Northern San Jacinto Valley et al. v. County of Riverside et al.* (RIC10007572), July 11, 2012. Also, the County's justification for an Extraordinary Amendment to the General Plan to approve the Project was inadequate.

The Riverside County Vision's "quality of life" is meaningless when in actuality, downgrading the LOS on county roadways in the General Plan would lead to more traffic congestion, and would lower the quality of life. (*RCIP, Vision Statement*).

County staff defends the downgraded standard by saying that it is more consistent with urban land uses. Yet, staff appears to be ignoring the experience of neighboring Orange County in addressing traffic congestion in an urbanizing area. The Orange County General Plan states, "Intersection capacities usually control overall roadway capacities; therefore, the County uses LOS 'C' for General Plan analysis purposes. Although LOS 'D' is more consistent with urban land uses, it has been found that using it uniformly tends to overload intersections (usually resulting in LOS 'E' or LOS 'F' at the intersections themselves). Therefore, the practice of the County when planning the arterial system is to use LOS 'C' for link capacities, with the intent of maintaining LOS 'D' through intersections." (*County of Orange General Plan 2005, Appendix IV-2, p. 31*).

Based on Orange County's experience, Riverside County's proposed LOS downgrade would, in reality, make local traffic congestion 2½ to more than 3½ times worse. Riverside County's existing LOS C standard allows an average 20.1 to 35-second delay at intersections. Under the proposed downgrade, intersection delays would increase to 55.1 to 80 seconds for LOS E, and to 80.1 seconds and up for LOS F (*Highway Capacity Manual 2000*).

Staff also appears to be ignoring the urban/rural and the peak-hour/non-peak hour distinctions of the neighboring San Bernardino County General Plan, which states:

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Policy V/CI 1.1 The County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on Major Arterials below LOS C during non-peak hours or below LOS D during peak-hours in the Valley Region.

M/CI 1.1 The County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS C during non-peak hours or below LOS D during peak-hours in the Mountain Region.

D/CI 1.1 The County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on Major Arterials below LOS C in the Desert Region (*County of San Bernardino 2007 General Plan, Section IV – Circulation and Infrastructure Element*, pp. III-48, III-49, and III-52).

Riverside County’s proposed LOS downgrade would lower the County’s congestion relief standard to a level below that of neighboring counties, making Riverside County a less desirable place to live and work than neighboring counties. Emergency response times would necessarily get worse. Travel times and trucking costs would increase. The downgraded standard would impair efforts to attract businesses and new jobs to Riverside County, which would cause more county residents to have to commute to neighboring counties for work, worsening commute times. Congestion costs the Inland Empire economy \$1.2 billion each year. (*Orange County Register*, April 24, 2013, “Eastbound 91 among nation’s worst drives, survey says” and Texas A&M Transportation Institute, *TTI’s 2012 Urban Mobility Report*, December 2012).

The General Plan must require adequate roadway improvements while it requires transit improvements, if the Plan is to be truly balanced. The Plan blames population growth for traffic congestion, when in reality it is social engineering by planners attempting to “get people out of their cars” and force people into transit through the creation of congestion that is largely to blame for traffic congestion (*GPA No. 960*, p. C-28).

If the General Plan is to be effective at planning for future growth, it must ensure the provision of adequate public infrastructure. Adequate infrastructure is provided by meeting objective standards. County residents are asking the County to relieve traffic congestion by providing adequate infrastructure for future growth.

In addition, “Increased congestion means stop-and-go traffic and longer travel and idling time for cars, buses and trucks. Congestion increases transportation costs and vehicle emissions, and frays nerves,” according to the *2003 Riverside County General Plan, Chapter 9: Air Quality Element*. The proposed LOS downgrade is inconsistent with the Air Quality Element, and is the antitheses of the Riverside County Vision. (*2003 Riverside County General Plan, Chapter 2: Vision Statement*).

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a. Suggested Solutions

1) In order to ensure that county residents are not burdened by traffic congestion and lowered air quality, we suggest that the Riverside County Board of Supervisors keep the existing 2003 General Plan Policy C.2.1 and the existing LOS segment definitions.

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2) Also, the County would reduce future traffic congestion by using LOS C for General Plan analysis purposes, and ought to add a new General Plan policy incorporating Orange County's analysis methodology presented in the *County of Orange General Plan 2005, Appendix IV-2*, p. 31, discussed above.

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3. Dropping Planning for CETAP Transportation Corridors

Freeway traffic volumes will increase by 50 percent by 2030. Even when adding all planned arterial and freeway improvements, 98 percent of all freeway segments in Riverside County will operate at LOS F by 2030, according to the *Western Riverside County Freeway Strategic Plan (Riverside County Transportation Commission, Western Riverside County Freeway Strategic Plan, Phase II – Detailed Evaluation and Impact Fee Nexus Determination, Executive Summary, December 2007)*.

29.19

Riverside County spent \$35 million in planning costs for the Riverside County Integrated Project (RCIP) to integrate four new transportation (CETAP) freeway Corridors with the General Plan and the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) in 2003. Yet, staff now is proposing to drop planning for 3½ of the four Corridors in the General Plan, and failing to uphold integrated planning (*GPA No. 960*, pp. C-22, C-23, C-24, and C-26).

4. MSHCP Integration

As implemented in 2003: "RCIP will cover traffic congestion by addressing future traffic and circulation issues through the Community & Environmental Transportation Acceptability Process (CETAP)...This element of RCIP will identify the locations for new transportation facilities that will help benefit commuters and serve Riverside County's growing economy. Most importantly, selection of these corridors will be integrated with decisions on land use and environmentally sensitive areas as identified in the General Plan and MSHCP elements of RCIP." (*Urban Land*, September 2005, "The New Suburban Archetype" and *RCIP.org*, Riverside County Integrated Project, About Us).

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"The Riverside County Transportation Commission (RCTC) is conducting studies of where to locate these facilities. RCTC is responsible for much of the planning and funding of major transportation projects in the county. Four primary linkages, or "corridors" are being studied: Winchester to Temecula, Hemet to the Corona/Lake Elsinore area, Moreno Valley to San Bernardino County, and Riverside County to Orange County (a possible new facility to help relieve Route 91 traffic). The first two corridors are entirely within Riverside County and are proceeding ahead of the other two corridors, which link with adjacent counties...Ultimately, they

would become freeway-type facilities, with interchanges at major streets.” (Riverside County Transportation Commission, April 14, 2003, “Frequently Asked Questions for CETAP”).

The four CETAP Corridors are listed as Covered Activities/Allowable Uses by the MSHCP. “Two CETAP transportation Corridors are proposed to be located within the MSHCP Plan Area: a north-south CETAP transportation Corridor from Winchester to Temecula and an east-west transportation Corridor from Hemet to Corona/Lake Elsinore. Two additional “out-of-county” Corridors are also contemplated, but their connections outside of the MSHCP Plan Area have not been confirmed or analyzed in the MSHCP...The estimated width of right-of-way for the CETAP Corridors ranges between approximately 500 and 1,000 feet.” (*Final MSHCP*, pp. 7-38 to 7-55).

“The route location decisions for the CETAP corridors will support and guide land use planning in western Riverside County. Due to the rapid pace of development in Riverside County, opportunities are being lost to set aside land for regional transportation facilities. The timely preservation of right-of-way helps ensure that needed transportation infrastructure will be available in the future to support the economy of Riverside County and provide and/or improve access to jobs; existing, planned, and future homesites; serve existing and future schools; shopping; and other daily activities. Similarly, the timely preservation of the requisite Habitats as mitigation for transportation will ensure that ESA conditions are met before adequate conservation and linkage options are precluded. The decision of where to locate the transportation corridors also informs government agencies, landowners, and residents so that timely land use policy decisions can be made and appropriate development standards can be implemented.” “The provisions of the MSHCP will provide mitigation for future impacts of planned urban, rural, and regional infrastructure development on the species identified in the MSHCP.” (*Western Riverside County Multiple Species Habitat Conservation Plan Final Mitigation Fee Nexus Report*, July 1, 2003, p. 2-17 to p. 2-18).

Local Permittees are required to acquire 56,000 acres of mitigation Habitat as part of the 500,000-acre MSHCP Reserve conservation area.

The MSHCP Fees used to fund Habitat acquisition are:

Residential development less than 8 dwelling units per acre	\$1,938/unit
Residential development between 8.1 and 14 dwelling units per acre	\$1,241/unit
Residential development greater than 14.1 dwelling units per acre	\$1,008/unit
Commercial development	\$6,597/acre
Industrial development	\$6,597/acre

As staff proposes to drop planning for 3½ of the four CETAP corridors in the General Plan, tantamount to dropping the projects, the MSHCP Fees would no longer be roughly proportional to the transportation impacts contemplated in the MSHCP’s *Final Mitigation Fee Nexus Report*. For example, development is paying to mitigate for 500- to 1,000-foot rights-of-way for four Corridors, yet the remaining eastern Mid County Parkway project provides only a 300-foot right-of-way. Development is paying MSHCP Fees to mitigate for four CETAP Corridors but would

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be obtaining only one-half of a Corridor. (*Mid County Parkway Recirculated Draft EIR/Supplemental Draft EIS and Revised Draft Section 4(f) Evaluation*, p. 3.1-26)

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The Riverside County Vision states, “The integration of planning and importance of the transportation corridors, multi-purpose open space system, and development commitments have had an impact on governmental decision making at many levels.” Staff’s proposed dropping of planning for CETAP Corridors in the General Plan fails to uphold the integrated decisions on transportation corridors, land use, and environmentally sensitive areas made in the 2003 RCIP, and shifts the entire RCIP out of balance. Staff’s proposed dropping of planning is the antithesis of the Riverside County Vision. (*2003 Riverside County General Plan, Chapter 2: Vision Statement*).

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5. North-South Intracounty CETAP Corridor

The direct involvement of the U.S. Fish and Wildlife Service (FWS) in the County’s planning process led to the loss of the north-south intracounty CETAP corridor. The alternative selected as the “locally preferred alternative” for the Winchester to Temecula Corridor was added by the FWS, without review by the CETAP Advisory Committee. The alternative failed to provide a new north-south corridor for the County. Instead, it consisted of widening I-215 south of Newport Road, with no connection between I-215 and SR-79. Federal environmental agencies directed the inclusion and exclusion of CETAP corridor alternatives to satisfy their agency missions, instead of meeting the mobility needs of Riverside County. County and RCTC staff acquiesced to the federal agencies. (RAND Corporation, *Balancing Environment and Development: Costs, Revenues, and Benefits of the Western Riverside County Multiple Species Habitat Conservation Plan*, 2008).

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Separately, a north-south freeway route from Interstate 10 to San Diego County was explored by Supervisors from San Diego and Riverside Counties, outside of Riverside County’s CETAP transportation planning process. County planning staff failed to protect right-of-way for a north-south corridor alternative east of Washington Street.

6. East-West Intracounty CETAP Corridor

Traffic in the study area of the proposed East-West Intracounty CETAP Corridor project is expected to increase as much as 200 to 500 percent by 2030. (*Cajalco Ramona Corridor Statement of Purpose and Need*, January 9, 2004).

29.23

“The purpose of the proposed action is to provide a transportation facility that will effectively and efficiently accommodate regional east-west movement of people and goods between and through San Jacinto, Perris, and Corona. The Cajalco Ramona Corridor will serve as a major east-west connection within western Riverside County, as well as provide for regional movement to eastern Riverside County, Los Angeles County, and Orange County. The Cajalco Ramona Corridor will provide additional capacity on a parallel route to SR-91 and SR-60.

“The proposed action would adopt an alignment for the Cajalco Ramona Corridor and construct a major, limited access transportation facility to meet current and projected travel demand for 2030 from I-15 on the west to SR-79 on the east.

“The corridor is centrally located between the existing east-west corridors of SR-60/SR-91 to the north and SR-74 to the south and provides a continuous route that connects I-15 on the west to SR-79 on the east. The features of the corridor, including continuous connections between major communities for 32 miles and linkages with both I-15, I-215, and SR-79, will result in a facility that will efficiently serve future regional traffic demand, reduce traffic congestion on parallel roadways, and reduce overall travel time in the vicinity of the study area.” (Ibid.).

With the East-West Corridor project, travel times from SR-79 to I-15 will be only 30 minutes, instead of 90 minutes without it. (RCTC, “Mid-County Parkway Draft Environmental Studies are Ready for Review,” October 10, 2008 and *Draft Mid County Parkway EIR/EIS*, Chapter 1, October 2008).

According to RCTC’s 2003 CETAP description, “Right now, RCTC and their partner agencies are working to identify the best locations for the facilities so that the right-of-way can be preserved for their eventual construction. This is a critical step to make sure that a complete facility can be built and that a portion won’t be blocked because of a development project or an environmental issue. Most likely, the facilities will be built in phases. But each step must be planned out in advance so that each facility is well-coordinated with the types of land use around it.” Community impacts and right-of-way costs increase over time. (RCTC, “Frequently Asked Questions for CETAP,” April 14, 2003).

The Tier 1 CETAP study efforts were jointly undertaken by RCTC and the County of Riverside. “The purpose of the Tier 1 efforts was to select a preferred alternative and preserve needed right-of-way. A Draft Tier 1 EIS/EIR was prepared for the east-west (Hemet to Corona/Lake Elsinore, or HCLE) Corridor and circulated for public review in July 2002. (*Cajalco Ramona Corridor Statement of Purpose and Need*, January 9, 2004).

“The analyses indicated the alternative with the greatest transportation benefit was located along Ramona Expressway, Cajalco Road, and El Sobrante Road, with a connection to I-15. This alternative demonstrated it best met traffic needs by providing the greatest benefits in terms of increases in speed, reductions in travel time, and congestion relief. [This alternative] demonstrated more than twice the traffic benefit as measured in travel hours saved per year compared with the other HCLE alternatives.

“As a result of the information contained in the Draft Tier 1 EIS/EIR regarding transportation benefits, and the community input received on the HCLE alternatives, the RCTC Board accepted a staff recommendation in June 2003 to proceed with the accelerated preparation of a project level environmental document for an east-west alternative that included the Ramona Expressway/Cajalco Road alignment located south of Lake Mathews. This action by RCTC terminated the Tier 1 study efforts and began a focused, project-level study effort for the Cajalco



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Ramona Corridor.” (*Cajalco Ramona Corridor Statement of Purpose and Need*, January 9, 2004).

Studies show that the Cajalco Road/Ramona Expressway alignment provides more than twice the economic benefit to the county in terms of “vehicle-hour of time saved” or causes less than one-third the potential impacts to structures compared to any other alternative alignment. (*Draft Environmental Impact Statement/Environmental Impact Report*, Hemet to Corona/Lake Elsinore Corridor Vol. 1, pp. 4.3-2 and 4.14-5).

County staff now proposes to abandon RCTC’s East-West Corridor alternative that was selected in 2003 after spending \$35 million on planning. Staff proposes to change the County General Plan to state, “RCTC removed from consideration all alignments within the westerly portion of the Hemet to Corona/Lake Elsinore corridor connecting Interstate 215 to Interstate 15 and this portion of the corridor is not being actively studied as of 2011. Nonetheless, the westerly portion of the Hemet to Corona/Lake Elsinore Corridor is still anticipated to be needed in the future and has been retained by RCTC in its Regional Transportation Plan for the area generally bounded by Lake Mathews and the City of Riverside to the north and State Highway 74 to the south so that future east/west transportation improvements connecting Interstate 215 and Interstate 15 are not precluded.” (*GPA No. 960*, p. C-23). Staff would fail to preserve needed right-of-way.

Reinitiating the CETAP analysis in the future would spend additional money re-studying the inadequate, previously-rejected alternatives. A future CETAP process would see where development has occurred and then try to put in a corridor to serve it after the fact, in contradiction to CETAP’s planning principles clarified in 2003.

Cajalco Road

In the Riverside County General Plan Circulation Element, Cajalco Road presently is planned as a four- to six-lane highway. Traffic modeling for the Cajalco Ramona Corridor includes the planned Cajalco Road.

It is not feasible to convert existing Cajalco Road to a facility that meets Caltrans standards due to roadway deficiencies (such as curves, steep grades, and direct driveway access) and the terrain. The Cajalco Road roadway geometric sections do not meet current Caltrans or Riverside County standards for major roadways. Similarly, curve radii for the realigned Cajalco Road, as designated in the existing Riverside County General Plan Circulation Element, are also below standard. There are limitations related to design and capacity that restrict the ability of the existing Cajalco Road to meet future travel demand (*Draft Mid County Parkway EIR/EIS*, Chapter 1, October 2008).

“Even with all of the proposed roadway improvements identified in the RTP, there will still be inadequate west-east roadway capacity to meet future demand. The need for the [Mid County Parkway] MCP project as described above exists even with implementation of the improvements reflected in the traffic model. By limiting access and designing a transportation facility that is consistent with current State highway standards, the MCP project would provide an alternative

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route and relieve regional congestion, thus resulting in an improvement in safety and a reduction in accidents.” A straightened/widened Cajalco Road still cannot function as major roadway or meet future travel demand (*Draft Mid County Parkway EIR/EIS*, Chapter 1, October 2008).

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7. Riverside County – Orange County CETAP Corridor

The Riverside Freeway (SR-91 freeway) currently is carrying more than 300,000 vehicles per day, which is projected to increase to more than 425,000 vehicles per day by 2030. The freeway is Riverside County’s most congested transportation corridor and is one of the most heavily congested freeways in Southern California, operating at Level of Service F – the most congested. Drivers on the eastbound 91 Freeway suffer through the fifth-worst commute in the nation, according to an annual Traffic Scorecard compiled by the traffic-data firm Inrix.

The accident rate for the SR-91 between I-15 and SR-71 is approximately 30 percent higher than the average for comparable facilities, yet emergency response services are nearly disabled during periods of heavy freeway congestion.

The heavy concentration of jobs in Orange County and the lower cost housing in Riverside County perpetuates the high demand for travel in the SR-91 corridor. A shift in jobs to Riverside County, though a high priority from the Riverside County perspective, is not likely to occur at a scale that would significantly relieve traffic congestion on SR-91. SR-91 is a critical corridor for the movement of people and goods between Riverside County and the surrounding region, and is vital to the economic health of the County.

The Riverside County - Orange County Major Investment Study (MIS) examined a variety of alternatives to produce a long-range, balanced transportation plan to improve travel between Riverside County and Orange County. The \$3.3-million, 18-month study was jointly funded and conducted by a partnership of RCTC, Orange County Transportation Authority (OCTA), and Transportation Corridor Agencies (OCTA, “A Better 91” and OCTA, “Riverside County - Orange County Major Investment Study”).

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The MIS study determined that a total of 22 lanes would be needed to serve projected 2030 traffic volumes in the Riverside County – Orange County Corridor. A total of 14 lanes are currently provided by: ten existing lanes, two planned lanes for the Toll Road, and two planned lanes through Measure A. A total of 8 additional lanes are needed to serve projected 2030 traffic volumes. These additional lanes would be provided by corridors identified in RCTC’s MIS Locally Preferred Strategy – four lanes by the Corridor A freeway in the Santa Ana Canyon and four lanes by the Corridor B tunnel from SR-133 in Irvine to I-15 at Cajalco Road, which were approved by the RCTC Board on December 14, 2005.

In 2005, Congress authorized \$15.8 million to “study and construct highway alternatives between Orange and Riverside Counties, directed by the [Riverside Orange Corridor Authority] ROCA working with local government agencies, local transportation authorities, and guided by the current MIS.” Officials spent \$6 million as of January 2009.

As required by state law (AB 1010), OCTA in consultation with RCTC annually issues the SR-91 Implementation Plan, which establishes a multi-phase program of projects. The 2012 SR-91 Implementation Plan includes an elevated 4-lane facility (MIS Corridor A) from SR-241 to 1-15 and a 4-lane facility (MIS Corridor B) – also called the Irvine-Corona Expressway, which includes a 12-mile tunnel through the Santa Ana Mountains underneath the Cleveland National Forest from SR-133 to 1-15 near Cajalco Road.

At a Corona City Council study session in March 2009, Mike Kerr, president of Bluestone Communities noted, “RCTC made the determination that it would not be economically viable for them to acquire additional land to preserve the toll road corridor and they declined the offer. As a result, they are now proceeding on the assumption that RCTC does not want them to reserve rights for a toll road.” Councilmember Montanez commented that all the studies need to be fully analyzed because Congressman Calvert is still working on the assumption that the toll road will be built. (Corona City Council, Minutes, March 25, 2009).

The intracounty East-West Corridor’s western end in Corona is designed to connect with RCTC’s approved MIS Locally Preferred Strategy Corridor B tunnel to accommodate intercounty travel demand by 2030 and to reduce traffic congestion on SR-91. Failure to protect the right-of-way to connect the East-West Corridor to the Irvine-Corona Expressway would eliminate half of the lanes needed to reduce traffic congestion on the Riverside Freeway by 2030.

The importance of this intercounty linkage is stated by the existing Riverside County General Plan Circulation Element Policy C7.6: “Support the development of a new internal East-West CETAP Corridor in conjunction with a new Orange County CETAP connection. Such corridor(s) would be constructed simultaneously to avoid further congestion on the I-15 Freeway. Or, in the alternative, the East-West Corridor, would be constructed simultaneously with major capacity enhancements on the State Route 91, between Pierce St and the Orange County line, and the capacity improvement of the 15 (north) to westbound 91 overpass.” County staff now proposes to delete this language from the General Plan. (*GPA No. 960*, p. C-26).

The \$8.855 billion Irvine-Corona Expressway tunnel would serve 105,000 vehicles per day. In contrast, RCTC’s \$248.3 million Perris Valley Line Metrolink commuter rail project from Riverside to Perris is projected to serve 4,350 riders per day. The tunnel cost per equivalent vehicle is only 48 percent more than the rail project (RCTC, Perris Valley Line, Project Description).

Metrolink commuter rail service between Riverside and Orange Counties currently carries approximately 4,644 passengers per weekday. Projected transit demand in the Riverside County – Orange County Corridor for 2030 is 10,000 equivalent vehicles per day. Transit projects would remove only 10,000 of the 125,000 vehicles being added to the Riverside Freeway by 2030. Transit does not relieve traffic congestion. Freeways must be built to relieve congestion, and rights-of-way to build those freeways must be protected. (Metrolink Fact Sheet, 2Q 2014 and *Draft Alternatives Evaluation and Refinement Report: Appendix D – Travel Demand Analysis, Riverside County - Orange County MIS*).



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County staff, by failing to plan the Riverside County-Orange County CETAP Corridor, is: failing to implement RCTC's MIS Locally Preferred Strategy to improve travel between Riverside County and Orange County; violating the SR-91 Implementation Plan by failing to protect right-of-way for the Irvine-Corona Expressway; conflicting with the Riverside County Vision for integrated planning; and creating internal inconsistencies among the Air Quality, Safety, Multipurpose Open Space, and Circulation Elements of the Riverside County General Plan.

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8. Riverside County – San Bernardino County CETAP Corridor

Traffic volumes on SR-60/I-215 in Box Springs are projected to increase 60 percent in 20 years to about 300,000 vehicles per day, requiring 3 to 6 additional lanes in each direction by 2030 to achieve LOS E (Riverside County Transportation Commission, *Western Riverside County Freeway Strategic Plan, Phase II – Detailed Evaluation and Impact Fee Nexus Determination, Executive Summary*, December 2007).

The Moreno Valley to San Bernardino County Corridor is located in the vicinity of I-215 and Ironwood Avenue in Riverside County and extends to California Street in San Bernardino County. This facility will be tunneled under Box Springs Mountain. The Corridor will proceed east from Box Springs Mountain generally along Center Street and span Reche Canyon Road before entering San Bernardino County.

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Possible extensions and improvements to Pigeon Pass Road and Reche Canyon Road into San Bernardino County are also considered components of the CETAP concept for the Moreno Valley to San Bernardino corridor by RCTC.

The Moreno Valley to San Bernardino Corridor is not being actively pursued as of 2011.

9. Suggested Solutions

a) The East-West Corridor, approved by RCTC in June 2003, ought to be kept in the General Plan as the east-west intracounty CETAP Corridor, and reinstated at RCTC. "Planners should continue working with concerned citizens to minimize the road's effects on people and wildlife. But a truncated parkway is not the answer. And commissioners should not place the interests of one group above critical regionwide needs. The commission has spent \$35 million developing plans for the parkway, to whittle commuting times and ease congestion. The commission needs to green-light the full parkway, not invite traffic tangles by way of political expedience," writes *The Press-Enterprise* (*The Press-Enterprise*, June 16, 2009, "Our Views: Parkway myopia").

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b) The existing County General Plan Circulation Element Policy C7.6 ought to be kept in the General Plan to support the importance of the Riverside County – Orange County intercounty linkage.

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c) The Riverside County to Orange County CETAP Corridor ought to be added to General Plan Circulation Element within the discussion of the CETAP Corridors and to the Circulation Element Map, Figure C-1. Planning for this corridor ought to be resumed.

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d) Planning for the Moreno Valley to San Bernardino County CETAP Corridor ought to be resumed. 29.31

e) Planning and right-of-way acquisition for the four CETAP corridors ought to be reflected in the Southern California Association of Governments' Regional Transportation Plan. 29.32

These suggested changes to GPA No. 960 would fulfill the Riverside County Vision, which states, "transportation corridors serve as unifying connectors between communities, provide high capacity linkages between jobs, residences and recreational opportunities, and offer multiple modes of travel." Furthermore, the "integration of planning and importance of the transportation corridors, multi-purpose open space system, and development commitments have had an impact on governmental decision making at many levels." (2003 Riverside County General Plan, Chapter 2: Vision Statement). 29.33

History has demonstrated that growth occurs whether sufficient transportation facilities exist or not. For example, I-15 was built as a four-lane freeway because it was thought that a six-lane freeway would induce growth, yet growth still occurred, served by an inadequately-sized I-15. Planning for and accommodating the growth with an adequate transportation system is the best approach. We support adding the I-10 Bypass to The Pass Area Plan. 29.34

The East-West Corridor/Orange County Corridor is the only major continuous transportation corridor that can connect SR-133 in Irvine to SR-79/I-10, and serve as an alternate to SR-91. These projects could be privately planned, designed, constructed, and financed. 29.35

The four CETAP transportation corridors are vital to Riverside County's economy, jobs, and quality of life. Traffic congestion would greatly impair the quality of life in Riverside County, a key location factor for attracting high-paying jobs. The Inland Empire lacks the amenities, educational attainment in the workforce, and master planned integration of business and housing, found in neighboring counties. Additional traffic congestion would hurt the competitiveness of Riverside County to draw higher-paying jobs, would reduce businesses' accessibility to markets and to existing facilities, and would continue Riverside County's current growth pattern and trends of decreasing median income and increasing poverty. 29.36

Without sufficient intracounty freeway infrastructure to reduce intracounty congestion and attract businesses, employers will locate outside Riverside County, which will hurt the economy and the jobs/housing balance, and will further aggravate the large intercounty commute for employment, and the resultant congestion. 29.37

C. AIR QUALITY IMPACTS

1. The Plan Harms Human Health

"Increased congestion means stop-and-go traffic and longer travel and idling time for cars, buses and trucks. Congestion increases transportation costs and vehicle emissions, and frays nerves," according to the 2003 Riverside County General Plan, Chapter 9: Air Quality Element. 29.38

The proposed LOS downgrade increases traffic congestion, stop-and-go traffic, and longer travel and idling time for cars, buses and trucks, which increases vehicle emissions and is inconsistent with the Air Quality Element of the General Plan.

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2. The Plan Must Provide Air Quality Data and Analysis

The EIR is deficient in failing to adequately address the potential air quality impacts created by GPA 960.

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The EIR must provide air quality data and analysis for GPA 960, and for the No Project alternative in which the existing LOS standard would improve air quality compared to the project.

The Plan must analyze the Plan/project's impacts to sensitive receptors over the lifetime of the Plan. If the project will result in impacts to the sensitive receptors, those impacts must be identified and mitigated.

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An EIR omits relevant information and is deficient when it fails to correlate identified adverse air impacts to resultant health effects (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Ca.4th 1184, 1219 – 1220).

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The GPA 960 project cannot be approved based upon “no data.”

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The Plan must conform with the Natural Ambient Air Quality Standards before it is approved.

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D. PUBLIC SERVICES

The proposed LOS downgrade increases traffic congestion, stop-and-go traffic, and longer travel and idling time for vehicles.

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Emergency response times would necessarily get worse for emergency vehicles, which is inconsistent with the Safety of the General Plan.

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The EIR is deficient in failing to adequately address the potential public service impacts created by GPA 960.

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The EIR must analyze the increase in response times for police protection, fire protection, and emergency responders, and the impacts of the increased response times on acceptable service levels.

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E. MANDATORY FINDINGS OF SIGNIFICANCE

1. Inadequate Analysis of Mandatory findings of Significance

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“A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: ...

- (4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.” (CEQA Guidelines, 15065(a)).

Once a determination of substantial adverse effects on human beings is made, the EIR must include the following:

- (1) the identification of effects to be analyzed in-depth in the EIR or the functional equivalent thereof,
- (2) the requirement to make detailed findings of the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment,
- (3) when found to be feasible, the making of changes in the project to substantially lessen or avoid the significant effects on the environment, and
- (4) where necessary, the requirement to adopt a statement of overriding considerations.

The Plan will have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly. The Plan fails to adequately analyze the impacts on humans for air quality, for public services, and for regional traffic. These impacts must be fully analyzed and mitigated. The EIR lacks the requisite in-depth analysis.

In light of the Plan’s impacts given above, the EIR is defective in failing to “analyze in-depth” the full and complete impact on the health of humans. Further, the EIR fails to include detailed findings on the feasibility of alternatives or mitigation measures to avoid these adverse health effects. Also, the EIR fails to mention potential changes to the project to substantially lessen or avoid these effects on humans.

F. THRESHOLDS OF SIGNIFICANCE

1. Inadequate Thresholds of Significance

CEQA Guidelines Section 15064.7(a) Thresholds of Significance states, (a) “A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.”

The thresholds of significance in fail to provide any “identifiable quantitative, qualitative or performance level of a particular environmental effect.”

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Furthermore *GPA No. 960*, Policy C.2.1 states: “the Board of Supervisors may, on occasion by virtue of their discretionary powers, approve a project that fails to meet these LOS targets in order to balance congestion management considerations in relation to benefits, environmental impacts and costs, provided an Environmental Impact Report, or equivalent, has been completed to fully evaluate the impacts of such approval.”

This policy change would fail to provide any “identifiable quantitative, qualitative or performance level of a particular environmental effect” on transportation by new development projects for the foreseeable future. A subjective, arbitrary LOS standard or Vehicle Miles Traveled (VMT) standard to be decided by the Board of Supervisors after CEQA analysis for a development project would have been performed fails to provide adequate standards for CEQA analysis.

29.52

The LOS would drop from C to D along County maintained roads designated in the County General Plan Circulation Element, within any of the following Area Plans: Eastvale, Jurupa, Temescal Canyon, Lake Mathews/Woodcrest, Elsinore, Mead Valley, Highgrove, Reche Canyon/Badlands, Lakeview/Nuevo, Sun City/Meniffee Valley, Harvest Valley/Winchester, Southwest Area, The Pass, San Jacinto Valley, and Western Coachella Valley. LOS E may be allowed by the Board of Supervisors within designated areas where transit-oriented development and walkable communities are proposed (*GPA No. 960*, Policy C.2.1).

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The EIR fails to define levels of significance for these impacts by failing to provide objective standards.

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The EIR fails to provide any LOS or VMT standards to determine at what level a threshold exists and at what point non-compliance means the effect will be determined to be significant. The thresholds of significance need to be presented as thresholds, and need to be supported with concrete, substantial evidence for the EIR to be considered adequate.

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II. CONCLUSION

Thank you for the opportunity to submit comments. In order to remedy the deficiencies we have identified in the documents, we request that *GPA No. 960* and Draft EIR No. 521 be redrafted so that they are adequate for meaningful public review and comment.

29.56

Sincerely,

Bruce Colbert, AICP
Executive Director

cc: Craig M. Collins, Esq., Blum Collins

Comment Letter No. 29: Property Owners Association of Riverside County

- Comment 29.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 29.2** This comment is duly noted. The comment asserts that the proposed downgrade to the LOS target, removal of several CETAP freeway corridors, and failure to uphold prior decisions on transportation corridors, land use, and environmentally sensitive areas are contrary to the Riverside County Vision as presented in the 2003 Riverside County General Plan. Refer to the Responses below as well as Response 19.4 for additional information relating to the CETAP freeway corridors.
- The County appreciates and values your comments during the General Plan Update and EIR process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.3** This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.4** This comments argues that proposed changes to the LOS policy in GPA No. 960 fail to uphold the Riverside County Vision as presented in 2003 Riverside County General Plan. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.5** This comment provides general background information. Responses to specific comments are provided below; no further response is required. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.6** This comment presents public opinion survey results, a general discussion of LOS, and restates the County's current LOS policy. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's

environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 29.7 This comment states that the LOS will drop from C to D along the County maintained roadways designated in the General Plan Circulation Element within several Area Plans, as proposed by the new policy. While it is true that the target level of service will become LOS D throughout each of these Area Plans, except where, per policy, LOS E might be allowed, most of these areas are already designated to achieve a target LOS of D per the current policy which allows LOS D in Community Development Areas. Also, changing the LOS target does not mean that the actual LOS will change, as many locations will continue to operate at LOS A, B and C as they do presently. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted.

Comment 29.8 This comment restates a portion of the LOS policy as written in GPA No. 960. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 29.9 The County appreciates and values your comments during the General Plan Update and EIR process. The adoption of GPA No. 960 does not in any way approve the Villages of Lakeview Specific Plan. This comment provides general background information. Responses to specific comments are provided below; no further response is required.

Comment 29.10 This comment endorses objective traffic standards over subjective discretionary actions and cites several example of how changing LOS target will increase delay. The comment declares that the changes in the LOS targets will increase wait times at signalized intersections by 64 to 145 percent. Should the Board of Supervisors choose to allow LOS F, the comment argues that wait times could increase by as much as 245 percent.

While the proposed changes in the LOS targets will increase the average delay per vehicle at signalized intersections, there has been no evaluation of individual intersections and such an examination is not appropriate with this macro-level General Plan analysis. The additional LOS flexibility afforded by the policy change would not impact the “environment” as defined by the State CEQA Guidelines §21060.5. As such, this comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 29.11 The County appreciates and values your comments during the General Plan Update and EIR process. The adoption of GPA No. 960 does not in any way approve the Villages of Lakeview

Specific Plan. This comment provides general background information. Responses to specific comments are provided below; no further response is required.

Comment 29.12 The comment states that downgrading the LOS on County roadways would lead to more traffic congestion and would lower quality of life. It also cites the Orange County General Plan and asserts that congestion levels will increase by two and a half to three and a half times with the new policy.

While the figures relating to average vehicle delay as cited from the Highway Capacity Manual are correct, the interpretation that this translates into congestion levels that are two and a half to three and a half times worse seems to assume that every intersection will operate at maximum delay. This is not a reasonable assumption. Many locations will continue to operate at LOS A, B and C, as they do presently. While intersections may experience additional delay, this is part of the Countywide and regional strategy to make the automobile a less attractive option as compared to alternative transportations modes such as public transit, bicycling or walking. There also seems to be an assumption that the shift from LOS “C” to LOS “D” will automatically result in the maximum amount of additional delay at intersections. The difference in delay when analyzing interrupted flow or intersections can cause average delay per vehicle to increase by as much as 20 seconds. However, the resulting average delay per vehicle can also be as little as 1 second per vehicle. The comment also fails to recognize that LOS D is already the target LOS for much of the urbanized areas of unincorporated Riverside County under existing policies.

Comment 29.13 The comment suggests that certain aspects of the San Bernardino County LOS policy have been ignored, and that the proposed downgrade in LOS target will lower Riverside County’s congestion relief standard below that of neighboring counties.

The language contained in the San Bernardino County General Plan Policies applies the LOS C criteria only during non-peak hours, with exception of the Desert Region. For the Valley and Mountain Regions, San Bernardino County applies a target LOS D for peak-hours, consistent with the target LOS proposed in GPA No. 960. In addition, the General Plan traffic analysis is based on forecasts of Average Daily Traffic. As such, there is no distinction between non-peak and peak-hour traffic. Since project-level traffic analysis is based upon peak-hour conditions, the San Bernardino County policy is consistent with that proposed in GPA No. 960, with the exception of the portion of the policy dealing with the Desert Region.

The San Bernardino County General Plan also allows LOS E for their designated Congestion Management Program roadways, and allows LOS F on certain listed facilities as follows:

“The CMP’s level of service (LOS) standard requires all CMP segments to operate at LOS E or better, with the exception of those facilities identified in the list below. The following roadway segments have been designated LOS F in the 2001 CMP, updated in December of 2001:

A. FREEWAYS

- I-10 Westbound, Milliken Avenue to Central Avenue
- I-10 Westbound, Waterman Avenue to EB SR-30
- I-10 Eastbound, Central Avenue to Milliken Avenue
- I-10 Eastbound, NB SR-15 to SB SR-15
- I-10 Eastbound, SB Waterman Avenue to California Street
- SR-60 Westbound, Milliken Avenue to Central Avenue
- SR-60 Eastbound, Central Avenue to Milliken Avenue
- I-215 Northbound, Inland Center Drive to SR-30 / Highland Avenue

B. VALLEY EAST / WEST ARTERIAL SEGMENTS

- Footbill Boulevard between Mountain Avenue and Archibald Avenue

C. VALLEY NORTH / SOUTH ARTERIAL SEGMENTS

- Citrus Avenue between Slover Avenue and Valley Boulevard
- Cedar Avenue between Slover Avenue and Valley Boulevard
- Mountain View Avenue between Barton Road and Redlands Boulevard
- Mountain Avenue between Mission Boulevard and Holt Avenue

D. VICTOR VALLEY ARTERIAL SEGMENTS

- Bear Valley Road between Amargosa Road and Mariposa Road
- Bear Valley Road between Hesperia Road and Peach Avenue
- SR-18 between I-15 (North) and Stoddard Wells Road”

(County of San Bernardino 2007 General Plan, Section III – Circulation and Infrastructure Element, pp. III-4 and III-5).

Our review indicates that all neighboring counties, with the exception of Imperial County and the Desert Region of San Bernardino County, currently have a target LOS of D.

The County’s LOS policy with respect to LOS C currently is proposed as follows:

“LOS C shall apply to all development proposals in any area of the Riverside County not located within the boundaries of an Area Plan, as well those areas located within the following Area Plans: REMAP, Eastern Coachella Valley, Desert Center, and Palo Verde Valley.”

Therefore, those adjacent areas in San Bernardino County and Imperial County which are currently governed by an LOS C policy will find that the contiguous areas in Riverside have the same target LOS.

- Comment 29.14** This comment asserts that the change in LOS policy would lower the County's congestion relief standard compared to neighboring counties and thus make Riverside County less desirable. The LOS policy as currently proposed is compatible with all of Riverside County's neighboring counties, including San Bernardino County, Orange County, San Diego County, and Imperial County. The assertion that the LOS policy would result in increased trucking costs, loss of jobs, and increased commuters is speculative and unsupported. As such, no further response is required.
- Comment 29.15** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.16** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information asserting that the LOS downgrade is inconsistent with the Air Quality Element. The County affirms that the proposed LOS downgrade is not inconsistent with the Air Quality Element of GPA No. 960, as significant countywide congestion increases are not anticipated as a result of this policy. In fact, the expectant average delay per vehicle would only increase by as much as 20 seconds and could actually be as little as 1 second per vehicle. Refer to Response 29.12, above. Responses to specific comments are provided below; no further response is required.
- Comment 29.17** This comment suggests that the 2003 General Plan Policy C 2.1 be retained as well as the existing LOS segment definitions. The comment is noted and will be included as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.18** This comment is duly noted. This comment recommends using LOS C for analysis purposes and adopting the County of Orange's general analysis methodology. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.19** The comment indicates that traffic volumes are forecast to increase significantly by 2030 and that substantial cost and effort went into the development of the RCIP, yet three and a half of the four transportations corridors identified through that effort are now being dropped.

The 2003 General Plan Circulation Element, as adopted, provided for the development of 4 CETAP corridors: 1) Moreno Valley to San Bernardino Corridor; 2) Cajalco/Ramona Corridor; 3) Highway 79 Re-alignment Corridor, and 4) Orange County Corridor. References to the Orange County Corridor has been removed from Circulation Plan – Figure C-1, but is still discussed in the policy portion of the Circulation Element. The remaining three original corridors are retained in the current proposal. However, the Cajalco/Ramona Corridor has been reduced in scope. The corridor designation has been removed between the I-215 and I-15, but the underlying General Plan roadway designations have for the most part been retained.

The CETAP corridor modifications reflected in GPA No. 960 are the result of ongoing planning efforts the Riverside County Transportation Commission (RCTC), the agency responsible for following through with the planning and implementation of those corridors.

At the time that the RCIP was being developed there was widespread optimism that these corridors would find the support needed from various jurisdictions and agencies to be able to bring them to fruition. The RCTC has vigorously pursued more detailed planning and environmental studies on these corridors. The following status is provided for each of these efforts:

- The Moreno Valley to San Bernardino Corridor alignment shown on Figure C-1 is considered part of RCTC's CETAP concept for this corridor. There are no active planning studies at this time, but possible extensions and improvements to Pigeon Pass Road and Reche Canyon Road into San Bernardino County have been discussed and are also considered components of the CETAP concept for the Moreno Valley to San Bernardino Corridor. Together with our partner agencies in San Bernardino County, RCTC and Riverside County will participate in evaluating these facilities as funding becomes available.
- The Cajalco/Ramona Corridor was refocused by RCTC in 2009 to actively study and design alignments connecting Interstate 215 easterly to State Highway 79. The refocused alignment is also called the “Mid County Parkway.” Figure C-1 has been updated to reflect the alignments under study for the Mid County Parkway. As part of the refocusing action, RCTC removed from consideration all alignments within the westerly portion of the Hemet to Corona/Lake Elsinore corridor connecting Interstate 215 to Interstate 15 and this portion of the corridor is not currently being actively studied. Nonetheless, the westerly portion of the Hemet to Corona/Lake Elsinore Corridor is still anticipated to be needed in the future and has been retained by RCTC in its Regional Transportation Plan for the area generally bounded by Lake Mathews and the City of Riverside to the north and State Highway 74 to the south so that future east/west transportation improvements connecting Interstate 215 and Interstate 15 are not precluded.

- The Highway 79 Re-alignment Corridor is part of RCTC's transportation plan and represents a significant facility for the expansion of north/south travel in the Hemet/San Jacinto area. This project will realign State Route 79 between Domenigoni Parkway and Gilman Springs Road. A preliminary alignment and study area that reflects the alternatives under review by RCTC as of 2011 has been identified on Figure C-1 to promote the preservation of right-of-way for this facility. RCTC has completed environmental studies on a variety of alternatives for the Project. Preliminary engineering and environmental studies were done on several different alignments/alternatives and a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) was prepared for public review and circulated for public and agency review and comment between February 8, 2013 and March 25, 2013. The Draft EIR/EIS describes the four proposed build alternatives and two design options to realign SR-79 to the western area of the San Jacinto Valley. In addition, two public hearings were conducted during the 45-day public review period. Public and agency comments received were compiled and evaluated by the project team.

Since then, RCTC and Caltrans have worked to consider and address the comments received during the public review period. In addition, close coordination has continued with the local agencies (cities of Hemet and San Jacinto, the community of Winchester, and Riverside County), Native American tribes, and State and federal resource/regulatory agencies. This has resulted in a number of project refinements to reduce environmental impacts and improve the proposed project. Additional studies were conducted on the project refinements to evaluate and assess environmental impacts, including traffic, air quality, land use, noise, as well as Section 4(f) effects. Section 4(f) refers to the original section within the U.S. Department of Transportation Act of 1966 which established the requirement for consideration of park and recreational lands, wildlife, and waterfowl refuges, and historic sites in transportation project development. The results of these studies will be included in a Recirculated Draft EIR/Supplemental EIS that will be available for public and agency review and comment during summer 2015.

- RCTC has completed a joint Major Investment Study (MIS) with the Orange County Transportation Authority (OCTA) for a Riverside County to Orange County corridor. This corridor has been identified as a mitigation measure for traffic impacts identified in Draft EIR No. 521. The MIS identified a Locally Preferred Strategy (LPS) that was adopted by the RCTC and the OCTA. The Executive Summary of the Final Report for the MIS LPS listed the following components which are also depicted on Exhibit 7 of the MIS (Appendix O):
 - “Establish Riverside Freeway (State Route 91) from the Costa Mesa Freeway (State Route 55) to Corona Freeway (Interstate 15) as a priority for improving transportation between Riverside and Orange counties. Emphasize Riverside

Freeway (State Route 91) improvements between the Foothill/Eastern Transportation Corridor (State Route 241) and the Corona Freeway (Interstate 15) first, followed by improvements between Costa Mesa Freeway (State Route 55) and the Foothill/Eastern Transportation Corridor (State Route 241).”

- “Continue to work with the Foothill/Eastern Transportation Corridor Agency to develop a mutually acceptable plan to improve the connection between the Foothill/Eastern Transportation Corridor (State Route 241) and Riverside Freeway (State Route 91) corridors and accelerate capacity improvements on Eastern Toll Road (State Route 133), Foothill/Eastern Transportation Corridor (State Route 241), and Eastern Toll Road (State Route 261) to optimize utilization of the toll roads to improve transportation between Riverside and Orange counties.”
- “Continue to evaluate costs and impacts to Corridor A in the Riverside Freeway (State Route 91) right of way through a future preliminary engineering process in cooperation with other agencies.”
- “Continue to study the technical feasibility of the Corridor B concept including cooperation with ... other interested agencies.”
- “Continue work with the Cal-Nevada Super Speed Train Commission on Anaheim to Ontario Maglev alignments in the Santa Ana Canyon or alternate corridors as appropriate.”
- Eliminate Strategic Alternative 1B (Corridor A with the Costa Mesa Freeway [State Route 55] widening) from further analysis due to high number of residential right of way impacts adjacent to the Costa Mesa Freeway (State Route 55).”
- Eliminate from further analysis the Ortega Highway (State Route 74) widening and realignment concept due to high cost and environmental impacts, and direct staff to focus on Ortega Highway (State Route 74) operational improvements.”

The following policies from GPA No. 960 continue to support the CETAP planning process:

- C 7.1 Work with incorporated cities to mitigate the cumulative impacts of incorporated and unincorporated development on the Countywide transportation system. (AI 2, 49, 50, 53)

- C 7.2 Work with property owners to reserve right-of-way for potential CETAP corridors through site design, dedication, and land acquisition, as appropriate. (AI 3, 10, 52, 54)
- C 7.3 Incorporate the Regional Transportation Plan *of the Southern California Association of Governments (SCAG) and*, the Riverside County Congestion Management Program, ~~and the Riverside County Short and Long-Range Transit Plans~~ into the Circulation Element, and, *encourage* with the active participation of Caltrans, *work to expedite* the design *and implementation* of state highway capital improvement projects. (AI 49, 50, 51)
- C 7.4 Coordinate with transportation planning, programming and implementation agencies such as Caltrans, Riverside County Transportation Commission, Western Riverside Council of Governments, Coachella Valley Association of Governments, and the cities of Riverside County on various studies relating to freeway, high occupancy vehicle/high occupancy toll lanes, and transportation corridor planning, construction, and improvement in order to facilitate the planning and Implementation of an integrated circulation system. (AI 50)
- C 7.5 Partner with government agencies and authorities to provide for improvements and alternative transportation corridors to Orange County. (AI 50)
- C 7.6 Support ~~the development of a new internal East-West CETAP Corridor in conjunction with a new Orange County CETAP connection. Such corridor(s) would be constructed simultaneously to avoid further congestion on the I-15 Freeway. Or, in the alternative, the East-West Corridor would be constructed simultaneously with~~ major capacity enhancements on ~~the~~ State Route 91, between ~~Pierce St~~ the counties of ~~Riverside~~ and ~~the~~ Orange. ~~y line, and the capacity improvement of the 15 (north) to westbound 91 overpass.~~
- C 7.7 Support the analysis of the feasibility of ~~a~~ *developing* Pigeon Pass Road and Reche Canyon Road as four-lane facilities to link the Moreno Valley area and San Bernardino County. ~~extension as part of the Moreno Valley to San Bernardino County CETAP Corridor.~~
- C 7.8 Collaborate with all incorporated cities and all adjacent counties to implement and integrate right-of-way requirements and improvement standards for General Plan roads that cross jurisdictional boundaries. Detailed procedures have been developed and include the following:

- For development under the County jurisdiction but within the sphere of influence (SOI) of a city having roadway standards different from the County, city and County staff will cooperate and agree on a reasonable choice of design standards for the particular circumstances involved, and negotiate logical transitions from city to County standards.
- In general, for such development under County jurisdiction but within the SOI of an incorporated jurisdiction, city standards should apply if the staffs concur that annexation to the City will logically occur in the short to intermediate range future. Where annexation seems doubtful into the long term future, County standards should apply.
- Transition areas at meeting points of roadways designed to differing city and County standards or differing functional classifications should be individually designed to facilitate satisfactory operational and safety performance. Further, the County should update the road standards to reflect the intent of this policy and standards agreed upon by the County and other local agencies. (AI 4, 50)

C 7.9 Review development applications in cooperation with RCTC and as appropriate, to identify the precise location of CETAP corridors and act to preserve such areas from any permanent encroachments, pending dedication or acquisition. *Coordinate with RCTC to evaluate and update the CETAP corridors periodically as conditions warrant.* (AI 50)

Per recent correspondence with the RCTC, CETAP Corridor B (the tunnel concept linking the Counties of Riverside and Orange) is included in the SCAG 2012 RTP/SCS. However, it is an unconstrained project, meaning that it has no identified funding source. Further, a Strategic Plan is needed to determine alignments, scope and constructability of such development. As such, there is insufficient data available at the present time to plot a specific location.

Comment 29.20 The comment argues that the removal of the CETAP corridors is inconsistent with the MSHCP, and that if they are removed from GPA No. 960 the acreage needed to mitigate for the corridors should be removed from the MSHCP and mitigation fees reduced accordingly.

The 2003 Circulation Plan – Figure C-1 contains a general note regarding the Orange County Corridor in the area of the Cajalco Road/I-15 interchange. While this corridor had no precise alignment shown in the adopted plan, several alignment alternatives were under study at the time beginning in the area of the Cajalco Road/I-15 interchange and proceeding westerly to

join with State Route 241 in Orange County. Based upon the MIS and Locally Preferred Strategy adopted by both RCTC and OCTA (See Response 29.19, above), the RCTC may yet find a viable alternative for this corridor. MSHCP coverage for such corridor improvements will be critical.

Also, even though the RCTC is not actively pursuing a CETAP Corridor for the Cajalco/Ramona Corridor westerly of I-215, the GPA No. 960 continues to designate Cajalco Road as an Expressway between I-215 and El Sobrante Road, and designates El Sobrante Road from Cajalco Road westerly as an Urban Arterial. Thus, there has been no reduction in the MSHCP coverage needed for this facility in its ultimate configuration.

Comment 29.21 This comment is duly noted. This comment provides background information relative the Riverside County Vision Statement from the 2003 General Plan. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 29.22 The comment states that a north-south CETAP corridor is needed for intra-county travel and that the alternative, as approved by USFWS, does not satisfy this need. The north-south corridor included in the 2003 General Plan and retained in the current proposal includes the re-alignment of State Route 79 through the Hemet-San Jacinto Valley as a freeway level facility. The remainder of State Route 79 from I-10 in Beaumont to I-15 in Temecula is designated as an Expressway.

While the upgrade of Washington Street/Anza Road to State Route 79 South was discussed as part of the CETAP/RCIP planning effort, it was never considered for adoption as part of the 2003 General Plan. The Washington Street/Anza Road alignment is designated in the both the 2003 General Plan and the current proposal as either an Arterial or Major Highway. Draft EIR No. 521's analysis of GPA No. 960 reflects these designations.

This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 29.23 The comment states that an east-west CETAP corridor is needed for intra-county travel and states that while there are no planning studies at present for westerly portion of the Mid-County Parkway, this segment is still included in the RCTC Regional Transportation Plan and thus should not be removed from GPA No. 960.

While the RCTC is not actively pursuing a CETAP Corridor for the Cajalco/ Ramona Corridor westerly of I-215, the Riverside County General Plan continues to designate Cajalco Road as an Expressway between I-215 and El Sobrante Road, and designates El Sobrante

Road from Cajalco Road westerly as an Urban Arterial. (See Responses 29.19 and 29.20, above).

This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 29.24 The comment is duly noted. The comment states that Cajalco Road cannot be upgraded to meet Caltrans standards.

Cajalco Road as designated in GPA No. 960 is not on the current Cajalco Road alignment. In the area around Lake Mathews, the existing Cajalco Road alignment is shown on Figure C-1 of the GPA No. 960 in grey as a local road to distinguish it from the General Plan alignment which is located further south on a new alignment. Preliminary engineering studies have shown that a facility can be designed in this location to meet the appropriate standards in this roadway.

Comment 29.25 The comment is duly noted. The comment provides background information and argues the need for the Riverside County-Orange County Corridor. (See Response 29.19, above). This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 29.26 This comment is duly noted. The comment argues that transit service alone is insufficient to satisfy the travel demand between Riverside County and Orange County, and that the Riverside County-Orange County Corridor is needed in to further relieve traffic congestion. Please refer to Response 19.4 and Comment Letter No. 17.5 through 17.7 for additional information regarding the Irvine-Corona expressway.

Comment 29.27 This comment is duly noted. This comment provides background information relative to the Riverside County-San Bernardino County Corridor. (See Response 29.19, above.) This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 29.28 This comment is duly noted. The comment recommends that the RCTC should reinstate the East-West Corridor and that it should be retained in GPA No. 960. (See Responses 29.19, 29.20 and 29.23, above). This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted.

- Comment 29.29** The comment is duly noted and the County appreciates the citation to opinions from the Press Enterprise. The comment recommends that the existing Circulation Element Policy C 7.6 be retained. The policy revision, as proposed, supports the RCTC's current strategy. (See Responses 29.19, 29.20, 29.23, 29.24 and 29.25, above). This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted.
- Comment 29.30** The comment is duly noted. The comment suggests that the Riverside County-Orange County Corridor should be added to the Circulation Plan Figure C-1. (See Responses 29.19, 29.20, 29.23, 29.24, 29.25 and 29.29, above). This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted.
- Comment 29.31** This comment is duly noted. The comment suggests resuming planning for the Moreno Valley to San Bernardino Corridor. (See Responses 29.19 and 29.27, above). This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted.
- Comment 29.32** This comment is duly noted. This comment suggests that planning and right of way acquisition for the CETAP corridors should be reflected in the SCAG RTP. (See Response 29.19, above). This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.33** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides a summary of the comments provided in the letter. Responses to specific comments are provided above, and no further response is required.
- Comment 29.34** This comment is duly noted. This comment supports the I-10 Bypass as described in the Pass Area Plan. The I-10 Bypass is included in the Circulation Element as proposed. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.35** This comment is duly noted. This comment provides further support for the East-West Corridor/Orange County Corridor and notes that these projects could be privately planned, designed, constructed and financed. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

- Comment 29.36** The comment is duly noted. This comment further argues the need for all four of the original CETAP corridors. Please refer to Responses 19.4, 29.19, 29.20, 29.22, 29.23 and Comment Letter No. 17.5 through 17.7 for additional information regarding the Irvine-Corona expressway. This comment provides only anecdotal references to potential impacts and does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted.
- Comment 29.37** The comment is duly noted. This comment stresses the need for adequate intra-county freeway infrastructure. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.38** The comment is duly noted. This comment provides background information regarding the effects of traffic congestion on air quality and human health. Refer to the responses below which address the Draft EIR’s analysis of air quality impacts to human health. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted.
- Comment 29.39** The Draft EIR analyzed air emissions impacts associated with exposing sensitive receptors to substantial pollutant concentrations. This analysis includes a discussion of localized impacts that would occur from various sources including intersection congestion. It should be noted that CEQA does not require analysis of air quality impacts based on LOS information. The analysis of carbon monoxide (CO) emissions with respect to localized hot spots is the typical reasoning for the inclusion of this level of analysis. However, the air quality monitoring by South Coast Air Quality Management District (SCAQMD) have not seen CO emissions exceed the state or regulatory standards in over a decade. Additionally, the County is not aware of any project, General Plan or otherwise, that has resulted in a localized CO hotspot in over a decade within the GPA No. 960 area. Therefore, the analysis was not warranted or included as part of the EIR.
- Comment 29.40** The Draft EIR analyzed air emissions impacts associated with exposing sensitive receptors to substantial pollutant concentrations under Impact Statement 4.6.D. The Draft EIR determined that the future development of numerous projects would incrementally contribute to air emissions affecting sensitive receptors. Thus, it is possible that the project would result in cumulatively significant impacts to sensitive receptors, even if individual projects were each less than significant. Without project-specific information, it is not possible to conclude that air pollutant emissions resulting from construction activities would be adequately reduced to the point that sensitive receptors are not exposed to substantial concentrations of air pollutants, and thus a significant and unavoidable impact may result.

- Comment 29.41** During the recirculation of the Draft EIR Document, an extensive discussion of the potential health effects resulting from the criteria pollutants that are anticipated to exceed the LST thresholds was added to the document and thoroughly describes these impacts on pages 4.6-74 through 4.6-78. Because of the various types and locations of individual projects to be developed under GPA No. 960, the large geographical scope of the Project, the identification of specific health impacts to any one sensitive receptor would be speculative at this time. As discussed in Response 28.27, speculative impacts are not required to be analyzed under CEQA. Therefore, the Draft EIR analyzes the potential impacts to sensitive receptors to the reasonable extent considering the speculative nature of this impact.
- Comment 29.42** GPA No. 960 has provided extensive data and analysis to meet the standards under CEQA of providing the decision makers with substantial evidence in order to evaluate the potential physical environmental impacts caused by the Project. Also refer to Responses 29.39 through 29.41, above, regarding the adequacy of potential air quality impacts analyzed in the Draft EIR.
- Comment 29.43** While the goal of GPA No. 960 and Draft EIR No. 521 is to reduce impacts to the furthest extent possible, compliance with the National Ambient Air Quality Standards is not necessary for project approval. The thresholds set by the air districts are meant for individual projects so that when cumulatively combined, the total projects would not negatively impact the air quality within the respective districts. While used at the planning level, these thresholds are highly conservative and the majority of planning level documents exceed these project level thresholds. It should be noted that the Draft EIR conservatively uses the SCAQMD project level thresholds for the programmatic analysis of the General Plan Update in absence of programmatic thresholds. Regardless, the lead agency must weigh the benefits of a project against any potential impacts and make their approval based on what is best for the community as a whole. Therefore, not meeting a less than significant impact level does not preclude a project from being approved. Furthermore, the County has included all feasible mitigation for the Project, as defined by §15126.4 of the CEQA Guidelines.
- Comment 29.44** The comment is duly noted. This comment suggests that the proposed changes to the LOS policy will increase traffic congestion and adversely affect traffic operations. Refer to responses 29.12 and 29.16 above for a detailed discussion related to the impacts associated with the LOS change within the County. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 29.45** The comment is duly noted. This comment suggests that emergency response times will be worsened as a result of GPA No. 960's proposed LOS downgrades.

The California Vehicle Code Section 21806 states as follows:

“Upon the immediate approach of an authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting red light that is visible, under normal atmospheric conditions, from a distance of 1,000 feet to the front of the vehicle, the surrounding traffic shall, except as otherwise directed by a traffic officer, do the following:

(a) (1) Except as required under paragraph (2), the driver of every other vehicle shall yield the right-of-way and shall immediately drive to the right-hand edge or curb of the highway, clear of any intersection, and thereupon shall stop and remain stopped until the authorized emergency vehicle has passed. (2) A person driving a vehicle in an exclusive or preferential use lane shall exit that lane immediately upon determining that the exit can be accomplished with reasonable safety.

(b) The operator of every street car shall immediately stop the street car, clear of any intersection, and remain stopped until the authorized emergency vehicle has passed.

(c) All pedestrians upon the highway shall proceed to the nearest curb or place of safety and remain there until the authorized emergency vehicle has passed.”

As such, all vehicles and pedestrians are required to yield to emergency vehicles responding to an emergency call with red lights and sirens. In addition, many traffic signals are now equipped with systems to recognize emergency vehicles and adjust signal time to grant emergency vehicles priority intersection passage. Thus, even though the proposed LOS policy change may result in an increase in the allowed average vehicle delay at signalized intersections, it should not adversely affect emergency response times as emergency vehicles are not required to wait in the queue when responding to emergency calls.

In addition, the construction of the new roads and connecting road segments proposed under GPA No. 960 would actually improve access to and from some of the more remote portions of the County, which would further facilitate evacuations and emergency responses. Also, the Land Use policies proposed under GPA No. 960 would ensure that new development contribute funds to be used to provide necessary fire and emergency response services and that such facilities are constructed in a timely manner to ensure adequate protection of the people and property of Riverside County.

Comment 29.46 Appendix EIR-4, *Traffic Study*, contains the technical data used to determine GPA 960’s impacts to public services. Buildout accommodated by GPA No. 960 would not have significant impacts to public services. Current and proposed policies require provisions for adequate emergency access, and Project compliance with existing laws, rules, regulations, policies, and design standards would be sufficient to ensure that this impact is less than significant. Additionally, Policy C 3.24, below, is proposed by GPA No. 960 to prevent traffic impacts to emergency response vehicles.

Policy C 3.24: Provide a street network with quick and efficient routes for emergency vehicles, meeting necessary street widths, turn-around radius, *secondary access*, and other factors as determined by the Transportation Department in consultation with the Fire Department and other emergency service providers.

- Comment 29.47** The commenter notes a number of concerns related to the impact of the LOS changes within the County, and potential impacts to public services (specifically emergency services). Potential impacts to these services are analyzed throughout the EIR, including analysis of Parks (Section 4.16), Public Facilities (Section 4.17), Traffic and Circulation (Section 4.16), and Water Resources (4.19). Furthermore, Appendix EIR-4, *Traffic Study*, contains the technical data used to determine GPA No. 960's impacts to transportation services. The County used the data provided in the Traffic Study to determine that there would be less than significant impacts in emergency response times with respect to the LOS downgrade. Impact 4.18.H identifies that compliance with existing laws, rules, regulations, policies, and design standards would be sufficient to ensure that GPA No. 960 would have less than significant impacts on emergency vehicle access. Additionally, updated Policy C 3.24, above, will ensure that impacts to emergency vehicle access as a result of GPA No. 960 are less than significant.
- Comment 29.48** This comment is duly noted. The commenter summarizes portions of the CEQA Guidelines, however no support or explanation is included in the comment noting what section the commenter feels there may be a deficiency. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as a summary to the comments addressed in more detail in the previous sections of the letter. Refer to the responses above which address the in-depth explanation of concerns listed in the letter.
- Comment 29.49** This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as a summary to the comments addressed in more detail in the previous sections of the letter. Refer to the responses above which address the in-depth explanation of concerns listed in the letter.
- Comment 29.50** This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it does not provide support for the listed concerns within the section and it serves as a summary to the comments addressed in more detail in the previous sections of the letter. Refer to the responses above which address the in-depth explanation of concerns listed in the letter.
- Comment 29.51** The County appreciates and values your comments during the General Plan Update and Draft EIR process. The commenter asserts that the EIR does not provide adequate thresholds of significance. Pursuant to the CEQA Guidelines, §15064.7(a), each threshold of significance is "...an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be

determined to be less than significant.” The thresholds within the EIR have fully met these requirements. While the commenter notes concerns about the thresholds of significance, no specific sections are noted. Responses to specific comments are provided below; no further response is required.

Comment 29.52 This comment is duly noted. This comment asserts that the new LOS policy fails to provide any “identifiable quantitative, qualitative or performance level of a particular environmental effect.” This comment is seemingly a reaction to the following new language added to Policy C 2.1:

“Notwithstanding the forgoing minimum LOS targets, the Board of Supervisors may, on occasion by virtue of their discretionary powers, approve a project that fails to meet these LOS targets in order to balance congestion management considerations in relation to benefits, environmental impacts and costs, provided an Environmental Impact Report, or equivalent, has been completed to fully evaluate the impacts of such approval. Any such approval must incorporate all feasible mitigation measures, make specific findings to support the decision, and adopt a statement of overriding considerations. (AI 3)”

This language was added to the County’s LOS policy to state what is, in fact, already in effect. The Riverside County Board of Supervisors as well as the governing boards and/or councils of all other local jurisdictions within the State of California, do have the flexibility and authority to approve a project that cannot satisfy the minimum LOS target. The policy language goes on to state under what conditions the Board might consider such an approval. This portion of the policy in no way negates the LOS targets also presented in the policy, but acknowledges the need, on occasion, to balance competing interests for the public good. (See also Responses 25.7 and 108.2).

Comment 29.53 The comment is duly noted. This comment restates a portion of the proposed LOS policy, but fails to note that much of the area targeted for LOS “D” under the new policy language is already targeted for LOS “D” under the current policy language. Refer to responses 29.12 and 29.16 above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted.

Comment 29.54 The comment is duly noted. This comment asserts that Draft EIR No. 521 fails to define levels of significance for traffic impacts by failing to provide objective standards. On the contrary, the Draft EIR and the policies contained in GPA No. 960 contain very specific criteria for determining significance. The traffic impacts of the GPA No. 960 have analyzed in light of these policies. Section 4.18.4 provides the following discussion of transportation and circulation impacts:

“A proposed project would result in a significant impact to the circulation system if it would:

- A. Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.
- B. Conflict with an applicable congestion management program, including, but not limited to level of service targets and travel demand measures, or other targets established by the county congestion management agency for designated roads and highways.
- C. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- D. Alter waterborne, rail or air traffic.
- E. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).”

Draft EIR No. 521 Tables 4.18-K through 4.18-T all present detailed, quantitative analysis of the impacts associated with the transportation and circulation impacts associated with GPA No. 960. In addition, Appendix EIR-4, *Traffic Study*, provides even more detail on this subject.

Comment 29.55 The comment is duly noted. This comment asserts that the Draft EIR fails to provide any LOS or VMT standards to identify thresholds of significance. This is incorrect. LOS targets are clearly identified in Circulation Policy C 2.1, as follows:

“The following minimum target levels of service have been designated for the review of development proposals in the unincorporated areas of Riverside County with respect to transportation impacts on roadways designated in the Riverside County Circulation Plan (Figure C-1) which are currently County maintained, or are intended to be accepted into the County maintained roadway system:

LOS C shall apply to all development proposals in any area of the Riverside County not located within the boundaries of an Area Plan, as well those areas located within the following Area Plans: REMAP, Eastern Coachella Valley, Desert Center, and Palo Verde Valley.

LOS D shall apply to all development proposals located within any of the following Area Plans: Eastvale, Jurupa, Temescal Canyon, Lake Mathews/Woodcrest, Elsinore, Mead Valley, Highgrove, Reche Canyon/Badlands, Lakeview/Nuevo, Sun City/Menifee Valley, Harvest Valley/Winchester, Southwest Area, The Pass, San Jacinto Valley, and Western Coachella Valley.

LOS E may be allowed by the Board of Supervisors within designated areas where transit-oriented development and walkable communities are proposed.

Notwithstanding the forgoing minimum LOS targets, the Board of Supervisors may, on occasion by virtue of their discretionary powers, approve a project that fails to meet these LOS targets in order to balance congestion management considerations in relation to benefits, environmental impacts and costs, provided an Environmental

Impact Report, or equivalent, has been completed to fully evaluate the impacts of such approval. Any such approval must incorporate all feasible mitigation measures, make specific findings to support the decision, and adopt a statement of overriding considerations. (AI 3)”

While the policy makes provisions for exceptions, the areas targeted for LOS “C” or “D” were evaluated based upon this criteria alone and assumed no exceptions.

With respect to VMT, the Governor’s Office of Planning and Research (OPR) is in the process of developing guidelines to evaluate traffic impacts under CEQA utilizing VMT as the preferred analysis methodology. Draft guidelines have been circulated for comment, but are not yet at a state of completion to provide definitive guidance.¹⁴ In fact, the intent of OPR is to remove LOS completely from the State CEQA Guidelines as a potential significant physical environmental impact. Regardless, the Draft EIR does present data evaluating the Project’s VMT, as shown in Table 4.18-K. The proposed Project shows an overall reduction in VMT as well as a per capita reduction when compared to the current General Plan.

While not written from the standpoint of the VMT, the LOS policy changes presented in GPA No. 960/Draft EIR No. 521 are supportive of the new analysis methods for transportation impacts and are intended to be compliant with the new VMT standards required by OPR upon their release. As the OPR VMT guidelines have not undergone final approval, there is nothing in the current General Plan LOS Policies, as proposed, that would pose a significant conflict with the draft OPR guidelines currently available at this time.

Comment 29.56 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. However, the County disagrees entirely with the statement that GPA No. 960 and Draft EIR No. 521 do not provide sufficient analysis and details under CEQA. This comment provides general information. Responses to specific comments are provided above; no further response is required.

¹⁴ Senate Bill No. 743 (SB 743) was adopted in September 2013 to make changes to the California Environmental Quality Act for projects located in transit-oriented development. Under SB 743, the OPR must develop updates to the CEQA Guidelines addressing the use of Vehicle Miles Traveled (VMT) opposed to Level of Service (LOS) in CEQA Analysis. For more information on SB 743, please visit the following link:http://www.opr.ca.gov/s_sb743.php

Lovelady, Kristi

From: Bruce Colbert <colbert20@verizon.net>
Sent: Thursday, April 02, 2015 4:52 PM
To: Lovelady, Kristi
Cc: Craig M. Collins Esq.; Perez, Juan
Subject: Re: GPA No. 960 / Draft EIR No. 521 Comments Addendum
Attachments: Comments April 2, 2015 Addendum.pdf; ATT00002.htm

Dear Ms. Lovelady,

Attached is an Addendum to our comments dated March 25, 2015, regarding recirculated GPA No. 960 / Draft EIR No. 521.

We include recommendations of changes in the language of the GPA No. 960 Circulation Element.

Sincerely,

Bruce Colbert

Bruce Colbert, AICP
Executive Director
Property Owners Association of Riverside County
335 E. Country Club Blvd.
Big Bear City, CA 92314
Tel: (949) 689-4480
Email: colbert20@verizon.net



30.1



**PROPERTY
OWNERS
ASSOCIATION
OF
RIVERSIDE
COUNTY**

Executive Director
Bruce A. Colbert

Board of Directors
Craig M. Collins, Esq.
Damian Gerard Curran
Ray Haynes
Dennis Hollingsworth
Jonathan Motte
Jacques S. Yeager

335 E. Country Club Blvd.
Big Bear City, CA 92314
Tel: (949) 689-4480
Email: colbert20@verizon.net

April 2, 2015

County of Riverside
TLMA Planning Department
Attn: Kristi Lovelady
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: GPA No. 960 General Plan Update Project / Draft EIR No. 521
Comments Addendum

Dear Ms. Lovelady:

The comments provided in this letter are intended to help correct current deficiencies we believe exist in the recirculated GPA No. 960 General Plan Update Project and Draft EIR No. 521. These comments are an addendum to our comment letter dated March 25, 2015.

We include recommendations of changes in the language of the GPA No. 960 Circulation Element.

The language uses the existing 2003 Riverside County General Plan as a base, incorporates much of the text proposed by County GPA No. 960, and illustrates all additions in red italics and all deletions in red strikeout.

30.2

I. County of Riverside General Plan Amendment No. 960, pp. C-22 - C-24

CETAP Corridors

As part of their advisory role to the County of Riverside, the Community Environmental Transportation Acceptability Process (CETAP) committee made recommendations relating to transportation issues for the County of Riverside to consider during the General Plan development and review process. CETAP incorporated three levels of effort: identification of transportation corridors, development of the General Plan Circulation Element, and exploration of options for transit system development in Riverside County. ~~Four~~ ~~Three~~ corridors are being examined in western Riverside County for the preservation of right-of-way for future multi-modal transportation facilities. These include ~~the Beaumont/Banning to Temecula (north to south) transportation corridor (including the State Route 79 Realignment)~~, the Moreno Valley to San Bernardino corridor (north to south), ~~the SR-79 Realignment, and~~ the Hemet to Corona/Lake Elsinore *corridor* (east-west) , *the Riverside County to Orange County corridor (east to west), and the Winchester to Temecula corridor (north to south)* (Figure C-1).

30.3

The Circulation Plan shows preliminary CETAP alignments for each corridor. These facilities are intended to address the mobility needs for both people and goods, with the potential for incorporating the needs for highways, transit, and utilities. The expectation is that each of these alignments will be further evaluated, based on environmental impact studies being performed by Riverside County Transportation Commission (RCTC) and the Federal Highway Administration. These are intended to be major transportation facilities to support mobility and economic development in western Riverside County.

The General Plan Circulation Element seeks to preserve the right-of-way for these facilities so that they can be constructed at some point in the future. The required right-of-way will be approximately 300 feet in width, with lesser or greater amounts possibly required in some areas, based on topography. Figure ~~C-5~~ ~~C-4~~ depicts a conceptual representation of a typical CETAP corridor section. Precise right-of-way widths will be determined by the County of Riverside *and RCTC*. The Circulation Element Map in Figure C-1 shows potential alignments.

30.4

The Hemet to Corona/Lake Elsinore corridor in the Lake Mathews area is shown following an alignment ~~northerly of the lake~~, as studied in the Draft EIR/EIS for this corridor. ~~However, the current focus of this corridor appears to be an alignment~~ southerly of the lake. The final alignment is yet to be determined.

The Riverside County to Orange County corridor components are shown on Figure C-1. RCTC completed a joint Major Investment Study (MIS) with the Orange County Transportation Authority (OCTA) for a Riverside County to Orange County corridor. The MIS identified a Locally Preferred Strategy (LPS) that was adopted by the RCTC and the OCTA. The LPS listed the following components, which are shown on Figure C-1: Corridor A in the Riverside Freeway (State Route 91) right-of-way, and the Corridor B tunnel concept.

30.5

The Moreno Valley to San Bernardino corridor alignment is shown on Figure C-1. Possible extensions and improvements to Pigeon Pass Road and Reche Canyon Road into San Bernardino County are also considered components of the CETAP concept for the Moreno Valley to San Bernardino corridor by RCTC.

The Winchester to Temecula corridor shown on Figure C-1 will primarily expand the existing Interstate 15 and Interstate 215 freeways with additional lanes. Also an extension of Date Street will connect the Interstate 15 freeway and Winchester Road within the City of Temecula, and will provide additional traffic capacity that will aid in relieving congestion on the southerly portion of Winchester Road.

Although RCTC does not include the SR-79 Realignment as a CETAP corridor, this facility is part of RCTC's transportation plans and represents a significant facility for the expansion of north/south travel in the Hemet/San Jacinto area. This project will realign State Route 79 between Domenigoni Parkway and Gilman Springs Road. A preliminary alignment and study area that reflects the alternatives under review by RCTC as of 2011 has been identified on Figure C-1 to promote the preservation of right-of-way for this facility.

The map—Figure C-1 also indicates locations of potential interchanges associated with the CETAP corridors and the SR-79 Realignment. These facilities may be constructed in phases based upon transportation demand, available funding, and Caltrans and RCTC policy.

In addition to the corridors and study areas depicted on Figure C-1, the RCTC is ~~initiating~~ ~~completed~~ a joint Major Investment Study (MIS) with the Orange County Transportation Authority (OCTA) for a Riverside County to Orange County corridor. This corridor ~~has been identified~~ as a mitigation measure for traffic impacts identified in the ~~Draft~~ EIR for this General Plan. ~~Upon completion of the MIS, the County intends to amend the General Plan to reflect the outcome of the study, if feasible.~~

The MIS identified a Locally Preferred Strategy (LPS) that was adopted by the RCTC and the OCTA. The ~~Execute~~ Executive Summary of the Final Report for the MIS LPS listed the following components which are also depicted on Exhibit 7 of the MIS (Appendix O):

- “Establish Riverside Freeway (State Route 91) from the Costa Mesa Freeway (State Route 55) to Corona Freeway (Interstate 15) as a priority for improving transportation between Riverside and Orange counties. Emphasize Riverside Freeway (State Route 91) improvements between the Foothill/Eastern Transportation Corridor (State Route 241) and the Corona Freeway (Interstate 15) first, followed by improvements between Costa Mesa Freeway (State Route 55) and the Foothill/Eastern Transportation Corridor (State Route 241).”*
- “Continue to work with the Foothill/Eastern Transportation Corridor Agency to develop a mutually acceptable plan to improve the connection between the Foothill/Eastern Transportation Corridor (State Route 241) and Riverside Freeway (State Route 91) corridors and accelerate capacity improvements on Eastern Toll Road (State Route 133),*

30.5
CONT.

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Foothill/Eastern Transportation Corridor (State Route 241), and Eastern Toll Road (State Route 261) to optimize utilization of the toll roads to improve transportation between Riverside and Orange counties.”

- *“Continue to evaluate costs and impacts to Corridor A in the Riverside Freeway (State Route 91) right of way through a future preliminary engineering process in cooperation with other agencies.”*
- *“Continue to study the technical feasibility of the Corridor B concept including cooperation with ... other interested agencies.”*
- *“Continue work with the Cal-Nevada Super Speed Train Commission on Anaheim to Ontario Maglev alignments in the Santa Ana Canyon or alternate corridors as appropriate.”*
- *“Eliminate Strategic Alternative 1B (Corridor A with the Costa Mesa Freeway [State Route 55] widening) from further analysis due to high number of residential right of way impacts adjacent to the Costa Mesa Freeway (State Route 55).”*
- *“Eliminate from further analysis the Ortega Highway (State Route 74) widening and realignment concept due to high cost and environmental impacts, and direct staff to focus on Ortega Highway (State Route 74) operational improvements.”*

30.7
CONT.

II. County of Riverside General Plan Amendment No. 960, p. C-26

C 7.6 Support the development of a new internal East-West CETAP Corridor ~~in conjunction with a connecting alignment to a new Orange County CETAP Corridoreconnection.~~ Such corridor(s) would be constructed simultaneously to avoid further congestion on the I-15 Freeway. Or, in the alternative, the East-West Corridor would be constructed simultaneously with major ~~capacity enhancements on the State Route 91, between Pierce St the counties of Riverside and the Orange. y line, and the~~ capacity improvement of the 15 (north) to westbound 91 overpass.

- Encourage the simultaneous construction of the East-West Corridor and the new Orange County Corridor by facilitating the private planning, design, construction, and financing of these Corridors as a single user-paid project. Or, in the alternative, the East-West Corridor between I-15 and I-215 would be combined with the new Orange County Corridor as a single private user-paid project, and the East-West corridor between I-215 and SR-79 would be planned, constructed, and financed as a separate public or user-paid project. Planning that has been performed for the East-West Corridor between I-15 and SR-79 would be applied to these specific projects as warranted.*

Ownership of the privately constructed and financed facility(s) would be transferred to the State of California prior to opening the facility(s) to traffic. Caltrans would

30.8

then lease the facility(s) back to the private partner(s) for management and operations. Maintenance and operational costs for the facility(s) would be the responsibility of the private partner(s).

The facility(s) would not have “non-compete” agreements related to existing or planned alternate transportation facilities, in accordance with state statutes.

Facilitating the private planning, design, construction, and financing of these Corridors as user-paid projects would significantly reduce design, construction, and financing cost considerations for these projects, and would speed the implementation of these vital transportation projects.

An example of a privately planned, designed, constructed, and financed transportation corridor project is the 91 Express Lanes in Orange County. An example of combining an Orange County Corridor with a segment of an east-west corridor is the extension of the 91 Express Lanes from the Riverside-Orange County Line to I-15. An example of a transportation corridor that is part-freeway and part-tollway is SR-133 in Orange County.

30.8
CONT.

III. Conclusion

Thank you for the opportunity to submit comments. In order to remedy the deficiencies we have identified in the documents, we request that GPA No. 960 and Draft EIR No. 521 be redrafted so that they are adequate for meaningful public review and comment.

30.9

Sincerely,

Bruce Colbert, AICP
Executive Director

cc: Craig M. Collins, Esq., Blum Collins
Juan C. Perez, County of Riverside

Comment Letter No. 30: Property Owner's Association of Riverside County Addendum

Note: Also refer to Comment Letter No. 29, which also addresses the development of CETAP corridors.

- Comment 30.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 30.2** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 30.3** This comment is duly noted. The comment provides suggested edits to the GPA No. 960 language regarding the CETAP corridors and requests that the number of corridors being examined for right-of-way preservation be revised to read four corridors instead of three, and that the Riverside County to Orange County corridor be added to the discussion. The current discussion of this corridor as included in the GPA No. 960 is correct. As such, the suggested changes will not be made at this time. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). See Responses 14.13, 29.19 and 29.20.
- Comment 30.4** This comment is duly noted. The comment provides edits to the GPA No. 960 language regarding the renumbering of Figure C-4 to Figure C-5. The figures within the Circulation Element are numbered to reflect the editing process taken by the County throughout GPA No. 960. This includes the removal of Figure C-3. As such, the figure numbering is correct. This comment is duly noted. The comment also provides suggested edits to the GPA No. 960 language regarding the Hemet to Corona/Lake Elsinore Corridor. The current discussion of this corridor as included in the GPA No. 960 is correct as it identifies the northerly alignment as shown in the Lake Mathews Area Plan and the southerly corridor alignment currently being studied. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). See Responses 14.13, 29.19 and 29.20.
- Comment 30.5** This comment is duly noted. The comment provides suggested edits to the GPA No. 960 language regarding the Riverside County to Orange County Corridor. The current discussion of this corridor as included in the GPA No. 960 is correct, as Riverside County is no longer proposing Policy C 7.6 to develop an Orange County CETAP corridor, and instead has shifted its focus to providing major capacity enhancements to State Route 91. However, Policy C 7.5

is still proposed to support government-to-government partnerships to provide improvements and alternative transportation corridors to Orange County.

This comment also suggests additional text edits with respect to the Moreno Valley to San Bernardino corridor, the Winchester to Temecula corridor, and the SR 79 Realignment. All of these facilities are discussed in the GPA No. 960 documents and reflect the current status as provided by the RCTC. As such, the suggested revisions will not be added at this time. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 30.6 This comment is duly noted. The comment provides suggested edits to the GPA No. 960 language regarding editing an “in” to an “on” in reference to Figure C-1. There is no need to make the requested change, as the edit does not impact the analysis of Draft EIR No. 521. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 30.7 This comment is duly noted. This comment restates a portion of the General Plan text, but makes no apparent editing recommendations. As such, this comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 30.8 This comment is duly noted. The comment provides suggested edits to the GPA No. 960 language regarding Circulation Policy C 7.6. The suggested policy revision recommends restoring some of the prior policy language supporting an internal east-west corridor and a new connection to Orange County. The revision also seeks to encourage the private planning, design, construction and financing of these corridors. While the author’s suggestion is valid, there has been no public vetting of this concept, and it would be premature for the County to adopt such a policy contrary to the course currently being pursued by the RCTC. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 30.9 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. However, the County disagrees that the comments raise substantive deficiencies or that redrafting is required. The Draft EIR provides substantive information and details for meaningful public review and fosters

informed decision making. This comment provides general information. Responses to specific comments are provided above; no further response is required.

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RAGLM

Residents Association of Greater Lake Mathews

3410 La Sierra Avenue ~ Riverside, California 92503 ~ (951) 286-4572

Monday, April 6, 2015

Kristi Lovelady, Principal Planner
4080 Lemon St., 12th Floor
Riverside, CA 92501



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

RE: Riverside County General Plan Updates

Please make our comments and concerns below part of public record.

Clustering. If an area is designated a certain density, then that is what should be built regardless of any open space requirements. Clustering will increase density in an area and threaten the way of life to all those around these developments.

Map overlays are another way for a current zoning to change. If an area is zoned low density residential, there should be no option to simply change that. What is the point of having a General Plan if it can be changed at any time?

Commercial development in rural areas is not something that should be allowed. Residents who bought in a residential area should not then in the future be forced to live next to a liquor store or feed shop etc. which brings increased noise and traffic, drastically decreasing the recreational use of their own property.

Trails have been redesigned to go down private roads and in some cases down private property (Harris St., Lake Mathews) to name one. The design of trails down private roads and property places an unjust burden on the private property owners.

All of these things (clustering, map overlays, commercial in all zones, trails on private roadways) are unfair to the current neighboring residents who purchased their homes and chose to live in an area based on projected future growth. If you buy a home in a rural community based on what you were told and what the General Plan states your area will be used as, you should not be unfairly forced to have a high density city built around you.

Sincerely,

Nathan Westphal
President - Residents Association of Greater Lake Mathews

31.1

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Comment Letter No. 31: Residents Association of Greater Lake Mathews (RAGLM)

Comment 31.1 The County appreciates and values your comments during the General Plan Update and EIR process. By their nature, General Plans and Zoning designations are subject to change based upon changing demographics and population growth. This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Executive Order S-3-05

California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S-3-05, the following GHG emission reduction targets:

- By 2020, California shall reduce GHG emissions to 1990 levels.
- By 2050, California shall reduce GHG emissions to 80% below 1990 levels.

Good afternoon Ms Lovelady, April 6, 2015

RE: Recirculated Draft Environmental Impact Report and Climate Action Plan for General Plan Amendment No. 960.

32.1

The Sierra Club is very concerned that we are not going to meet the above target dates for Greenhouse Gas (GHG) emissions and the Climate Action Plan submitted to the public for review will also not make it possible. Too much is placed on new technologies for cars and trucks in helping Riverside County meet these targets.

We are also concerned that while you mention SB 375 as something that will help us meet these targets, the County does not honor or implement the words that are contained in the legislation

<http://www.arb.ca.gov/cc/sb375/sb375.htm>). You would not consider leapfrog developments like the Villages of Lakeview if you were truly implementing SB 375. This legislation also has as one of its goals that of preserving agricultural lands. Again the proposed 8,000 unit Villages of Lakeview project shows that the County is not implementing SB 375 as does the loss of thousands of acres of farmland to approved projects since the legislation was passed.

The impacts from greenhouse gas emissions that will result from this plan will be significant. If Riverside County approves this Climate Action Plan (CAP) without significant changes, then it is approving unnecessary impacts to our wonderful biological resources and our limited water resources. We can no longer just blame surrounding counties for the GHG and Air Quality impacts we live with on a daily basis. Reducing our GHG emissions could also have the added benefit of reducing some of the health impacts listed in the links below my name caused by poor Air Quality. Please keep the Sierra Club informed of all meetings and documents related to this Climate Action Plan by using the address below my name.

Thank you,

George Hague

32.1
CONT.

Sierra Club
Moreno Valley Group
Conservation Chair

26711 Ironwood Ave
Moreno Valley, CA 92555

RESOURCES—AIR POLLUTION, DIESEL, HEALTH ISSUES

AIR POLLUTION: CBS correspondent calls Riverside nation's worst; Dan Bernstein; The Press Enterprise, July 21, 2013 <http://blog.pe.com/2013/07/21/air-pollution-cbs-correspondent-calls-riverside-nations-worst/>

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<http://www.psr.org/chapters/boston/health-and-environment/air-pollution-and-primary.html>

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Air pollution a leading cause of cancer - U.N. agency; by Kate Kelland and Stephanie Nebehay

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Air Pollution takes a double toll on babies' brains/Geoffrey Mohan; Los Angeles Times; March 25, 2015; <http://www.latimes.com/science/sciencenow/la-sci-sn-air-pollution-baby-brains-20150324-story.html>

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(v. 1.3) Clean Air Task Force; 54 p. (8 pages of technical references)

http://www.catf.us/resources/whitepapers/files/Diesel_in_America_Technical_Paper.pdf

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<http://www.reconnectingamerica.org/news-center/half-mile-circles/2013/are-we-there-yet-the-air-pollution-threat/>

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Asthma disproportionately affects low-income populations; Press Release | The California Endowment Newsroom; <http://tcenews.calendow.org/releases/Asthma-low-income-communities>

Asthma found in children near rail yard; Inland News Today; March 26, 2013

<http://www.inlandnewstoday.com/story.php?s=28090>

INCREDIBLE!

Asthma More Prevalent in Children Near Rail Yard/David Danelski; The Press-Enterprise; April 22, 2013; <http://www.pe.com/local->

[news/topics/topics-health-care-headlines/20130422-health-asthma-more-prevalent-in-children-near-rail-yard.ece](http://www.earthlink.net/news/topics/topics-health-care-headlines/20130422-health-asthma-more-prevalent-in-children-near-rail-yard.ece)

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Map/Enter Zip Code to see pollution levels

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Particulate Matter Air Pollution and Cardiovascular Disease: An Update to the Scientific Statement From the American Heart Association

<http://circ.ahajournals.org/content/121/21/2331.full.pdf>

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American Heart Association Council on Epidemiology and Prevention, Council on the Kidney in

Cardiovascular Disease, and Council on Nutrition, Physical Activity and Metabolism

Abstract—In 2004, the first American Heart Association scientific statement on “Air Pollution and Cardiovascular Disease” concluded that exposure to particulate matter (PM) air pollution contributes to cardiovascular morbidity and mortality. In the interim, numerous studies have expanded our understanding of this association and further elucidated the physiological and molecular mechanisms involved. The main objective of this updated American Heart Association scientific statement is to provide a comprehensive review of the new evidence linking PM exposure with cardiovascular disease, with a specific focus on highlighting the clinical implications for researchers and healthcare providers. The writing group also sought to provide expert consensus opinions on many aspects of the current state of science and updated suggestions for areas of future research. On the basis of the findings of this review, several new conclusions

were reached, including the following: Exposure to PM ≤ 2.5 μm in diameter (PM_{2.5}) over a few hours to weeks can trigger cardiovascular disease–related mortality and nonfatal events; longer-term exposure (eg, a few years) increases the risk for cardiovascular mortality to an even greater extent than exposures over a

few days and reduces life expectancy within more highly exposed segments of the population by several months to a few years; reductions in PM levels are associated with decreases in cardiovascular mortality within a time frame as short as a few years; and many credible pathological mechanisms have been elucidated that lend biological plausibility to these findings. It is the opinion of the writing group that the overall evidence is consistent with a causal relationship between PM_{2.5} exposure and cardiovascular morbidity and mortality. This body of evidence has grown and been strengthened substantially since the

first American Heart Association scientific statement was published. Finally, PM_{2.5} exposure is deemed a modifiable factor that contributes to cardiovascular morbidity and mortality. (*Circulation*. 2010;121:2331-2378.) **Key Words:** AHA Scientific Statements _ atherosclerosis _ epidemiology _ prevention

_ air pollution _ public policy

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Comment Letter No. 32: Sierra Club, Moreno Valley Group

Comment 32.1 Refer to Response 28.4. The comment only appears to include anecdotal and unsupported arguments. The reductions for cars and trucks are currently being implemented through State law and CARB Scoping Plan early action measures. For example, the Pavley fuel standards (AB 1493) and the Low Carbon Fuel Standard (pursuant to Executive Order S-01-07) are currently being implemented. The GHG emissions reduction programs described in Chapter 4 of the CAP include performance standards that require specific reduction levels are met and CAP Appendix E provides the references and assumptions for the reductions that were applied to each measure. The CAP reduction measures would also be implemented through the Screening Tables and would continue to reduce GHG emissions from new development.

The Draft EIR does not review or request approval for the Villages at Lakeview project. The Villages at Lakeview is a separate project from GPA No. 960 and, as such, requires its own environmental analysis and documentation. Additionally, the Lakeview/Nuevo Area Plan does not include the Villages at Lakeview project. The land use policies decisions are also unrelated to the Villages at Lakeview and were not developed to facilitate any specific project.

Additionally, the County has reviewed the attachments provided with the Comment Letter. The material in the attachments generally relate to claims made within the letter. As such, the attachments do not identify any specific concern with the adequacy of Draft EIR No. 521 or any environmental issues. Therefore, the attachments do not warrant any further response as part of the Final EIR. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). The County thanks you for your participation in the General Plan Update and Environmental Impact Report public review period. No further response is necessary.

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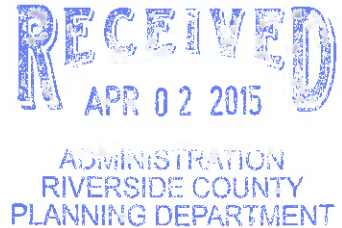
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March 30, 2015

Via Federal Express

Kristi Lovelady
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501



Re: Letter regarding Riverside County General Plan Update Recirculated
Draft Environmental Impact Report

Dear Ms. Lovelady:

On behalf of San Geronio Chapter of the Sierra Club, enclosed please find
1 hard copy of Letter regarding Riverside County General Plan Update Recirculated
Draft Environmental Impact Report (Public Review Draft: February 2015) WITHOUT
exhibits.

Also enclosed please find a compact disc (CD) containing a pdf of the
enclosed letter WITH exhibits.

33.1

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Juanito H. Maravilla, Secretary

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March 30, 2015

Via Federal Express

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Re: Riverside County General Plan Update -- Recirculated Draft
Environmental Impact Report (Public Review Draft: February 2015)

Dear Ms. Lovelady:

We have been retained by the San Geronio Chapter of the Sierra Club to review and comment on the recirculated draft environmental impact report (“RDEIR”) for the Riverside County General Plan Update (“Project” or “Plan”).¹ Our review of the RDEIR reveals serious violations of the California Environmental Quality Act (“CEQA”) (Public Resources Code section 21000 *et seq.*) and CEQA Guidelines (California Code of Regulations, title I4 section I5000 *et seq.*).

The RDEIR’s failure to provide an adequate description of the Project – one that accounts for the land uses and types of development actually permitted by the proposed Plan – fatally undermines its analysis of environmental impacts as well as its discussion of potential mitigation measures. The RDEIR also fundamentally fails to identify or analyze mitigation for environmental impacts. The countless vague, voluntary, and unenforceable policies cited as mitigation measures in the RDEIR fail to comply with CEQA, which requires enforceable, concrete commitments to mitigation. As a result, the RDEIR fails to describe measures that could avoid or substantially lessen the proposed Plan’s numerous significant impacts.

¹ In addition to our comments on the RDEIR, some comments relate to the General Plan Update itself.

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The pervasive flaws in the RDEIR, identified below and in the attached List of Area Plan Issues (*see* Exhibit A) demand that the EIR be substantially modified and recirculated for review and comment by the public and public agencies.

I. Introduction

The County's General Plan update process is a critically important planning exercise because so much is at stake. The climate change crisis alone mandates a dramatic refocus on the County's business-as-usual approach. While the Plan and the RDEIR discuss climate change, the Plan appears to have been drafted without any real commitment to tackling this ecological and social crisis. For example, the proposed Plan provides the County with the opportunity to direct growth to the cities and selected unincorporated communities that have infrastructure and services to accommodate future development. Directing growth to urban areas has numerous benefits in that it reduces energy consumption, reduces road and infrastructure costs, reduces vehicle miles traveled, air pollution and greenhouse gas ("GHG") emissions, preserves the County's farmland, open space, and plant and wildlife habitat, and protects water quality and quantity.

Unfortunately, the proposed Plan fails to provide any such direction, instead offering a blueprint for continued sprawl and haphazard development patterns. In many instances, the proposed Plan weakens the protections afforded by the existing General Plan. Indeed, as evidenced by the numerous admitted significant unavoidable impacts, the Plan will create long term environmental damage, affecting residents and future generations throughout the region.

II. The Proposed Plan Takes the County's Land Use in the Wrong Direction.

The County touts its proposed Plan as a model that concentrates future growth and reduces sprawl, while respecting the County's diverse environmental resources and its rural, agricultural, and open space areas. Proposed Plan at LU-17. The Plan asserts that new growth patterns will no longer reflect a pattern of random sprawl. Proposed Plan at LU-20. Yet, our review of the proposed Plan finds that it veers wildly from these sustainable visions.

Rather than clearly guide development toward the existing incorporated cities within the County, the proposed Plan seeks to facilitate development in unincorporated County areas. *See, e.g.*, RDEIR at 4.13-75: "The Proposed project's update to the General Plan includes [land use changes] that would allow for the conversion of rural, semi-rural, agricultural and vacant lands into suburban or urban uses in areas throughout

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the county.” While the proposed Plan notes that decentralized development patterns cause impacts on environmental resources and increase the costs of providing community infrastructure and services, the County nonetheless makes no concerted attempt to direct the growth to existing cities. This approach to land use development is the polar opposite of established smart growth principles and is certainly not sustainable.

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One particularly egregious example of the proposed Plan’s promotion of decentralized growth is the “Incidental Rural Commercial Policies.” With the adoption of the Incidental Rural Commercial Policies, the County will be affirmatively promoting the development of intensive commercial uses in rural locations. This new policy directly conflicts with the existing General Plan, which acknowledges the significant challenges that rural communities face in maintaining their rural character. To this end, the existing General Plan includes policies calling for the preservation of rural communities such as: (1) “the extensive heritage of rural living continues to be accommodated in areas committed to that lifestyle and its sustainability is reinforced by the strong open space and urban development commitments provide for elsewhere in the RCIP,” and (2) “concentrate growth near or within existing urban and suburban areas to maintain the rural and open space character of Riverside County to the greatest extent possible.” General Plan at V-13 and LU-18, 19. By implementing a new policy that actually *encourages* commercial development in these rural locations, the new Plan would make a mockery of the existing General Plan policies calling for the preservation of the unique character of the County’s rural areas.

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A second policy component proposed by the Plan, the “Rural Village Overlays,” would also encourage decentralized development, posing a further threat to the County’s rural areas. This Plan component is particularly disturbing since, as the RDEIR explains, the County actively *sought out* rural areas for their potential to urbanize. RDEIR at 3.0-12. As a case in point, the proposed Plan contemplates massive changes in the Lake Mathews community. It would be an understatement to say that Lake Mathews is a special place. As the Lake Mathews/Woodcrest Area Plan states,

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Winding up the grade out of Temescal Canyon on Cajalco Road or coming out of Riverside on Mockingbird Canyon Road are great ways to first experience the Lake Mathews/Woodcrest area. All of a sudden, a whole new world opens up -- one that has been left behind in most of Southern California. Citrus groves and lazy local roads give the landscape that casual and comfortable feeling of people being close to the land.

Located in the expansive City of Riverside sphere of influence, this is and seeks to remain a rural enclave, sort of floating above the surrounding patterns of urbanization. Lake Mathews/Woodcrest Area Plan at 4.

It comes as a shock that this idyllic, rural community is one of the locations the County proposes for intensive land use development. The Plan would more than double the acreage of medium density residential land uses (from 1,092 ac to 2,657 ac) and substantially increase commercial retail (from 56 ac to 149 ac). Perhaps most alarming, the Plan would increase light industrial uses from a mere 5 acres to 140 acres. *See* existing and proposed Table 2, Lake Mathews/Woodcrest Area Plan at 18-21. With these proposed changes, the County will destroy the identity and character of this rural community, transforming Lake Mathews into an industrial corridor between March Air Force Base and Corona and making La Sierra and Cajalco the future "downtown" of Lake Mathews.

The influx of decentralized development proposed by the new Plan demonstrates a disturbing failure to promote sustainable land uses and a lack of commitment toward the protection of environmental resources. Given that the Riverside area is currently considered the Country's fourth worst metropolitan area for sprawling land use development, the County is remiss in not using this general plan update as an opportunity to send the region in a more sustainable direction. *See* Measuring Sprawl 2014, Smart Growth America, April 2014, at 6, attached as Exhibit T.

III. The RDEIR Fails to Comply With CEQA.

A. General Comments.

The following are our general comments on the legal inadequacies of the RDEIR. More specific comments on individual sections of the document follow.

1. The RDEIR Improperly Attempts to Avoid Analysis and Mitigation of the General Plan's Impacts by Concluding that They Are Significant and Unavoidable.

Where all available and feasible mitigation measures have been identified but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable. *See* Cal. Code Regs., tit. 14 ("CEQA Guidelines"), § 15126.2. If supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project in spite of its significant and unavoidable impacts. *Id.* at §§ 15091, 15093. However, the lead agency

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cannot simply conclude that an impact is significant and unavoidable and move on. A conclusion of residual significance does not excuse the agency from (1) performing a thorough evaluation of the impact and its severity before and after mitigation, and (2) proposing *all* feasible mitigation to “substantially lessen the significant environmental effect.” CEQA Guidelines § 15091(a)(1); *see also id.* § 15126.2(b) (requiring an EIR to discuss “any significant impacts, *including those which can be mitigated but not reduced to a level of insignificance*” (emphasis added). “A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely.” 1 Kostka & Zischke, *Practice Under the California Environmental Quality Act* § 14.6 (2d ed. 2008).

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The RDEIR finds numerous areas of significant and unavoidable impacts, including agricultural resources, air quality, greenhouse gases, noise, transportation and water resources. RDEIR at 1.0-27 – 1.0-58. As detailed below, in numerous instances, the RDEIR fails to thoroughly assess impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts.

2. Changes to the Land Use Designations and Densities and Intensities Proposed in the General Plan Are Feasible Mitigation Ignored in the RDEIR.

For many of the General Plan’s significant and unavoidable impacts, the RDEIR concludes that no feasible mitigation is available. Nevertheless, nowhere in the RDEIR does the document consider changes to land use designations or densities and intensities as potential mitigation. CEQA requires the EIR to consider such mitigation.

The County cannot approve projects with significant environmental impacts if any feasible mitigation measure or alternative is available that will substantially lessen the severity of any impact. Pub. Res. Code § 21002; CEQA Guidelines § 15126(a). The County is legally required to mitigate or avoid the significant impacts of the projects it approves whenever it is feasible to do so. Pub. Res. Code § 21002.1(b). “In the case of the adoption of a plan, policy, regulation, or other public project [such as the General Plan], mitigation measures can be incorporated into the plan, policy, regulation, or project design.” CEQA Guidelines § 15126.4(a)(2). Mitigation is defined by CEQA to include “[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation.” CEQA Guidelines § 15370(b). Nothing in the statute, CEQA Guidelines, or case law limits the County to proposing new “policies” as mitigation, as opposed to proposing changes in where development is planned, what kind is planned, and how dense or intense that development is planned to be, i.e., changes to the land use diagram and land use designations.

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There is no indication that the RDEIR considered modifications to land use designations or densities and intensities to mitigate the impacts of the General Plan. Yet those changes are the easiest, most effective, and most obvious ways to lessen or avoid many of the General Plan's impacts. For example, the Plan will result in the conversion of a substantial amount of land in agricultural production. Because much of the Plan's proposed development is removed from incorporated cities and other urban areas, it will result in increased travel, which, in turn, will result in increased criteria air pollutants. Exploring alternative land use scenarios would go a long way toward reducing numerous Plan impacts, such as transportation, air quality, noise, biological resources, agriculture, and wildfire hazards.

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3. Merely Hortatory General Plan Policies Are Inadequate as Mitigation for CEQA Purposes.

Mitigation measures proposed in an EIR must be “fully enforceable” through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). Many of the General Plan's policies and programs relied on to mitigate impacts are vague, optional, directory, or otherwise unenforceable. A few examples—out of numerous instances—include the following:

- Policy LU 3.1b: “assist in and promote the development of infill and underutilized parcels...” General Plan at LU-20. (This policy is optional and unenforceable; the word “require” should replace “assist in and promote”).
- Policy LU 3.1e: “re-plan existing urban cores and specific plans for higher density, compact development as appropriate...” *Id.* at LU-20 (This policy is vague, unenforceable and voluntary as it provides no guidance as to how existing urban cores would be re-planned to increase density and compact development, and does not require the agency to take action).
- Policy LU 8.12: “Improve the relationship and ratio between jobs and housing so that residents have an opportunity to live and work within the county.” *Id.* at LU-32. (This policy is vague and unenforceable and provides no clarifying information as to how the County intends to promote jobs/ housing balance).
- LU 9.4: “Allow development clustering and/or density transfers in order to preserve open space, natural resources, cultural resources, and

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biologically-sensitive resources.” Id. at LU-32. (This policy is optional and unenforceable; the word “require” should replace “allow”).

- LU 11.3: “Accommodate the development of community centers and concentrations of development to reduce reliance on the automobile and help improve air quality.” *Id. at LU-34. (This policy is optional and unenforceable; the word “require” should replace “accommodate”).*
- Policy C1.7: “Encourage and support the development of projects that facilitate and enhance the use of alternative modes of transportation...” *Id. at C-6. (This policy is optional and unenforceable; the word “require” should replace “encourage and support”).*
- Policy OS 2.3: “Seek opportunities to coordinate water-efficiency policies and programs with water service providers.” *Id. at OS-10. (This policy is vague and optional and should have been written to identify the specific mechanisms the County would use to ensure water efficiency programs).*
- Policy OS 4.9: “Discourage development within watercourses and areas within 100 feet of the outside boundary of the riparian vegetation...” *Id. at OS-13. (This policy optional and unenforceable; the word “require” should replace “discourage”).*

A general plan’s goals and policies are frequently somewhat vague and aspirational. However, the County may rely on such policies to mitigate environmental impacts under CEQA only if they are proposed to be implemented through specific implementation programs that represent a firm, enforceable commitment. *See Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 358 (citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 377). CEQA requires that mitigation measures actually be implemented—not merely adopted and then disregarded. *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87; *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.

Here, the proposed Plan’s vague and noncommittal policies and programs (and policies for which no implementation programs are identified) allow the County to decide to take no action and thus fail to mitigate impacts. Because the RDEIR cannot ensure that the referenced policies will in fact be implemented to mitigate the proposed Plan’s impacts, they cannot serve as CEQA mitigation. *See Anderson First*, 130 Cal.App.4th at 1186-87.

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B. The RDEIR’s Description of the Project Violates CEQA.

In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. “An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a “truncated project concept” violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law. *San Joaquin Raptor*, 27 Cal.App.4th at 729-30.

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Furthermore, “[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” *Id.* at 730 (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. Here, the RDEIR for the proposed Plan does not come close to meeting these clearly established legal standards.

1. The RDEIR’s Use of a Midrange Projection to Represent Build-Out of the Project Is Misleading and Unlawful.

The RDEIR purports to analyze the impacts of the proposed Plan assuming a “midrange” projection for population, dwelling units and floor-area ratios (which affect employment calculations), suggesting that it would be most representative of a reasonably foreseeable future build-out. RDEIR at 4.1-2. This midrange scenario assumes that development will somehow occur at significantly less intensity than actually allowed under the proposed Plan. Such an approach is unlawful and is misleading because it underestimates the environmental impacts that would occur with implementation of the proposed Plan.

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(a) CEQA Requires that the EIR Analyze the Potential Impacts of the Development as Permitted Under the General Plan.

Courts have consistently held that an EIR must examine a project’s *potential* to impact the environment, even if the development may not ultimately materialize. *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 279, 282. Because general plans serve as the crucial “first step” toward approving future development projects, a general plan EIR must evaluate the amount of development actually allowed by the plan. *City of*

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Carmel-By-the-Sea v. Bd. of Supervisors of Monterey County (1986) 183 Cal.App.3d 229; 244; *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409. Thus, an agency may not avoid analysis of such development merely because historic or projected land use trends indicate that the development might not occur.

In *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, (“*County of Merced*”) the Court of Appeal confirmed an agency’s obligation to analyze the impacts from the whole of the project, and “not some smaller portion of it.” *Id.* at 654. The project at issue was a new Conditional Use Permit (“CUP”) for an existing aggregate mine and processing operation. The new CUP authorized a maximum production level of 550,000 tons per year, which was an increase over existing levels. However, historic mine production rates indicated that actual production could be less than the theoretical maximum. Based on historic rates and projected future rates, the EIR “estimated average production of about 260,000 tons per year.” *Id.* at 655. The court held that the EIR’s identification of the estimated average in the project description, rather than the maximum level of production authorized by the CUP, violated CEQA. The court stated: “By giving such conflicting signals to decisionmakers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.” *Id.* at 655-56.

The Court of Appeal in *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, reached a similar conclusion in a slightly different context. The county argued that an EIR can avoid providing a full analysis of water supply for future phases of a proposed development project because the EIR included a mitigation measure that would prevent development of those future phases until a water supply had been identified. Rejecting this argument, the court held that a lead agency must assume that a project will be developed *as planned* and must evaluate the impacts of the *planned* project, not a potential, more limited project. *Id.* at 205-06.

Here, the RDEIR attempts to justify its failure to describe and analyze the entirety of the proposed Plan by stating that midrange projections would be most representative of a reasonably foreseeable future build-out. *Id.* The County has taken the “reasonably foreseeable” language from the definition of project under the CEQA Guidelines, but has misinterpreted its meaning. Under CEQA, a project means “*the whole of an action*, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” CEQA Guidelines § 15378(a). “Reasonably foreseeable” describes the likelihood of indirect impacts; it does not suggest that an EIR need only evaluate the “reasonably foreseeable” aspects of a project. Here, the whole of the action is the level of development permitted under the General Plan.

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(b) By Improperly Describing the Project as Midrange Projections, the RDEIR Underestimates the Extent of the General Plan's Impacts.

As explained above, the Project that must be described and analyzed in the RDEIR is the Plan's full build-out, not a midrange scenario. This distinction is not merely academic. Importantly, the Plan's full build-out allows for substantially more development than is assumed under the midrange projection. To use the RDEIR's explanation for its calculation of dwelling units as an example, the County multiplied the number of gross acres by the land use designations' respective dwelling-unit-per-acre (du/ac) factor. "For example, 400 acres of Medium Density Residential, with a density range of 2.0 to 5.0 du/acre, has a midpoint of 3.5 du/acre. Thus, for planning projection purposes, a total of 1,400 dwelling units would be associated with these 400 acres (400 ac x 3.5 du/ac = 1,400 du)." *Id.* at 4.1-4. Had the County assumed full build-out rather than a midrange scenario, the dwelling unit count would have been 2,000, not 1,400 (400 ac x 5.0 du/ac = 2,000 du). The County also assumed a midpoint scenario for its calculation of commercial and industrial land uses. *Id.* at 4.1-6.

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The magnitude of this error is enormous. The proposed Plan designates roughly 56,000 acres throughout the County's unincorporated lands as Medium Density Residential. RDEIR at 4.2-39. Using the County's midpoint scenario, this equates to 196,000 dwelling units in the County (56,000 ac x 3.5 du/ac = 196,000). Had the County assumed full build-out, as CEQA requires, the dwelling unit count would have been 280,000 (56,000 ac x 5.0 du/ac = 280,000), an additional 84,000 dwelling units.

Underestimating the amount of potential development results in a serious underestimation of the Plan's impacts in virtually every category. The development of an additional 84,000 dwelling units would result in a substantially greater loss of biological, cultural, and other resources.² It would greatly increase traffic, air pollution, GHG emissions and noise, and would result in a far greater consumption of water and energy resources. The list goes on and on.

² Effectively conceding the requirement to describe and analyze the entirety of the Project, the RDEIR does in fact analyze full build out for the Project's impact on agricultural resources.

Accordingly, the RDEIR is fundamentally misleading to the public and decisionmakers, in violation of CEQA. “[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project’s benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives.” *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454. Because the RDEIR fails to describe the Project properly, it fails to serve its purpose as an informational document. *See County of Merced*, 149 Cal.App.3d at 674. If the County desires to limit its analysis to a predicted amount of growth, it must also limit the allowable development to that lower level by placing restrictions on growth in the proposed Plan itself.

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2. The RDEIR’s Project Description Does Not Show the Big Picture.

As discussed above, the proposed Plan will promote decentralized development throughout the County’s unincorporated lands. Yet, neither the RDEIR nor the proposed Plan presents the “big picture” of how the County will change upon the Plan’s implementation. Instead, the public must cobble together 19 Area Plans and their myriad tables of data to discern how this Plan would change their communities. Remarkably, the RDEIR does not even bother to identify the Plan’s distribution of future land uses throughout the County. While the RDEIR includes a table identifying the distribution of *existing* land uses within unincorporated County lands and incorporated cities (Table 4.2-C at 4.2-4), it does not include a corresponding table showing how these land uses would change upon implementation of the proposed Plan.³ Nor does the RDEIR include information identifying housing units that have been approved, but not built.⁴ Absent this information, there is no way for the public or decisionmakers to fully grasp how the Plan will change land use patterns on unincorporated County land. Moreover, this information is required in order to determine whether the RDEIR accurately evaluates the environmental impacts that would accompany the Plan.

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³ We requested this information on two separate occasions -- in a May 16, 2014 e-mail from Laurel Impett to Kristi Lovelady, and in May 28, 2014 e-mail from Laurel Impett to Phayvanh Nanthavongdouangsy. The County refused to provide this information and informed us that we should submit this request with our comments on the EIR. This, then, constitutes our third request for this information. Please provide this information in the revised DEIR or the FEIR.

⁴ The revised EIR must identify this information for the unincorporated areas and for the cities, to the extent this latter data is available.

C. The RDEIR’s Analyses of and Mitigation for the General Plan’s Environmental Impacts Are Legally Inadequate.

The RDEIR’s analysis of environmental impacts is strikingly deficient. In violation of CEQA, the RDEIR provides no indication as to how environmental impacts were determined and fails to describe their nature and extent. Its analyses read more like a set of general discussions of these types of impacts in a generic county anywhere in California, rather than analyses of how *this* General Plan will affect *this* County.

The “programmatic” nature of this RDEIR is no excuse for its lack of detailed analysis. Indeed, the RDEIR grossly misconstrues the requirements of a “program” EIR by repeatedly asserting that because the exact nature and location of the Plan’s build-out are unknown, it is impossible to analyze the Plan’s impacts. (*See e.g.*, RDEIR at I.0-31, 40; 4.6-45; and 4.6-53). This approach is flawed, at the outset, because CEQA requires that a program EIR provide in-depth analysis of a project, looking at effects “as specifically and comprehensively as possible.” CEQA Guidelines § 15168(a), (c)(5). Indeed, because it looks at the big picture, a program EIR must provide “more exhaustive consideration” of effects and alternatives than can be accommodated by an EIR for an individual action, and must consider “cumulative impacts that might be slighted by a case-by-case analysis.” CEQA Guidelines § 15168(b)(1)-(2).

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Further, it is only at this early stage that the County can design wide-ranging measures to mitigate County-wide environmental impacts. *See* CEQA Guidelines § 15168(b)(4) (programmatic EIR “[a]llows the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility. . . .”). A “program” or “first tier” EIR is expressly not a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 199. It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses.

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Thus, it is particularly important that the RDEIR for the proposed Plan analyze the impacts of the complete level of development it is authorizing *now*, rather than deferring that analysis to a later point when individual specific projects are proposed. A general plan, as the “constitution for all future development,” dictates the location and type of future development in the County. An EIR for a general plan must take into account all of “the future development permitted by the [general plan].” *City of Redlands*, 96 Cal.App.4th at 409 (citation omitted); *see also City of Carmel-by-the-Sea*, 183 Cal.App.3d at 245. There is no excuse for the County’s failure to provide the required analysis.

1. The RDEIR’s Analysis of and Mitigation for the General Plan’s Climate Change Impacts Is Inadequate.

The DEIR analyzed the significance of the Plan’s GHG emissions by comparing the Plan’s total 2020 emissions with a GHG emission reduction goal for that year set forth in AB 32. DEIR at 4.7-44 – 46. It also compared the Plan’s passenger vehicle emissions in the year 2035 with a GHG emission reduction goal for those vehicles set forth in SB 375. *Id.* The DEIR also quantified the Plan’s GHG emissions for the year 2060, the date of the Plan’s full implementation/build-out. DEIR at 4.7-45, 4.7-39. Critically, however, the DEIR failed to compare the Plan’s 2060 emissions against any relevant, long-term GHG reduction goal, claiming that “to date, targets have not been established to reduce emissions at the year 2060.” DEIR at 4.7-39.

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In its prior letter, Sierra Club pointed out the problems with the DEIR’s approach. For example, the DEIR’s failure to analyze the Plan’s consistency with the long-term GHG reduction target established by Governor Schwarzenegger’s Executive Order S-3-05 was legal error.

Sierra Club appreciates that the County modified the EIR in response to the Club’s prior comments so that the document now includes some analysis of the Plan’s long-term climate impacts. In particular, the RDEIR now appropriately acknowledges that the state and region must continue to reduce GHG emissions beyond 2020 and 2035, and must reduce such emissions to at least 80% below 1990 levels by 2050. RDEIR at 4.7-46 – 48. Nevertheless, the RDEIR’s analysis of climate impacts remains legally inadequate, as explained below.

(a) The RDEIR’s Calculation of GHG Emissions in 2060 Appears Incorrect.

While the RDEIR attempts to analyze the Plan’s GHG emissions vis-à-vis the 2050 reduction goal, Table 4.7-1, on page 4.7-47, seems to contain an error. The second and third columns (for BAU 2060 and Reduced 2060), contain the same emission numbers. Presumably the RDEIR is supposed to show that the Reduced 2060 emissions would be lower. With this apparent error, it is not possible for the public to understand the extent to which the Plan will help achieve the state’s 2050 reduction goal.

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(b) The RDEIR's Use of a "Business As Usual" Approach to Determine Significance of GHG Impacts Is Inappropriate.

The RDEIR's climate analysis is also faulty in that it uses an approach to measuring climate change impacts that has been soundly rejected as inappropriate by the California Supreme Court, Attorney General and others. Specifically, the RDEIR does not measure the significance of the Plan's GHG emissions by comparing them to existing conditions, as CEQA generally requires. *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439. Rather, it compares the Plan's emissions to the emissions that would be emitted under a hypothetical future, "business as usual" ("BAU") scenario in which the Plan would not include any mitigation measures or design features that reduced GHG emissions.

This method of analysis is contrary to CEQA's requirements. In evaluating project impacts, courts have repeatedly held that agencies, as a general rule, should analyze a project's impacts by comparing them to actual existing conditions; they may not assume not hypothetical conditions that may artificially minimize the project's apparent impacts and thus allow the agency to avoid analysis and mitigation. *See, e.g., Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 691 ("hypothetical office park was a legally incorrect baseline [against which to measure significance] which resulted in a misleading report of the project's impacts."); *Env't Planning & Information Council*, 131 Cal.App.3d 352 (EIR for area plan invalid because impacts were compared to existing general plan rather than to existing environment).

The California Supreme Court recently reaffirmed this principle in *Neighbors for Smart Rail*, 57 Cal.4th at 457, which held that, "while an agency preparing an EIR does have discretion to omit an analysis of the project's significant impacts on existing environmental conditions and substitute a baseline consisting of environmental conditions projected to exist in the future, the agency must justify its decision by showing an existing conditions analysis would be misleading or without informational value." Here, the County has not even attempted to show how it would be misleading or without informational value to compare the Plan's GHG emissions against existing emissions in order to determine the significance of those emissions. Nor would such a comparison be misleading. To stabilize our climate, we must drastically reduce GHG emissions from current levels; thus, comparing future Plan emissions to existing emissions provides the most informative and accurate assessment of whether the Plan helps the state achieve the GHG emission reductions necessary to stabilize our climate. Accordingly, the RDEIR's failure to analyze the significance of the Plan's GHG emissions by comparing them to actual, existing conditions, and its use of a hypothetical, future baseline instead, violates CEQA. *Id.* ("We hold [] that agencies normally must do what Guidelines section

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15125(a) expressly requires—compare the project’s impacts to existing environmental conditions . . . to determine their significance.”).

The Attorney General has also criticized the use of a BAU approach to measure GHG impacts. As the Attorney General opined, evaluating GHG impacts based on purported reductions from “business as usual” “will not withstand legal scrutiny and may result in significant lost opportunities for . . . local governments to require mitigation of greenhouse gas (GHG) emissions.” Letter from Attorney General to San Joaquin Valley Air Pollution Control District re: Final Draft Staff Report on Greenhouse Gas Emissions Under CEQA (Nov. 4, 2009), attached as Exhibit C. Likewise, the California Resources Agency recently updated the CEQA Guidelines by adopting recommendations on how agencies may analyze the significance of a project’s GHG emissions. One of the factors for determining the significance of Project GHG impacts in the Guidelines is whether the project “may increase or reduce greenhouse gas emissions compared to the *existing environmental setting*.” CEQA Guideline § 15064.4(b)(1) (emphasis added). As set forth in the Final Statement of Reasons for Regulatory Action on the Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97:

This section’s reference to the ‘existing environmental setting’ reflects existing law requiring that impacts be compared to the environment as it currently exists. This clarification is necessary to avoid a comparison of the project against a ‘business as usual’ scenario as defined by ARB in the Scoping Plan. Such an approach would confuse ‘business as usual’ projections used in ARB’s Scoping Plan with CEQA’s separate requirement of analyzing project effects in comparison to the environmental baseline.

Final Statement of Reasons at 24-25, attached as Exhibit D and available at http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf. As the Statement of Reasons articulates, comparison against a theoretical “business as usual” approach may be relevant as part of an EIR’s analysis of the “no project” alternative, but is inappropriate when analyzing the significance of a project’s GHG emissions. *Id.* at 25 (citing CEQA Guidelines § 15126.6(e)(2) (no project alternative should describe what would reasonably be expected to occur in the future in the absence of the project)).

Here, it is misleading to measure the significance of Plan impacts by comparing the Plan to a hypothetical “what if” scenario rather than to existing conditions. For example, the RDEIR sets out a hypothetical BAU scenario in which the Plan is carried out but other statewide regulations and laws regarding GHG emission reductions have not



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gone into effect. RDEIR at 4.7-40. Then, the RDEIR calculates the Plan's "reduced" emissions by giving the Plan credit for reducing emissions based on the Plan's compliance with preexisting requirements of state law, as well as County-specific policies. RDEIR at 4.7-42. The RDEIR then compares the BAU scenario to the Plan's impacts and, unsurprisingly, finds that the Plan will have fewer emissions than the artificially inflated BAU scenario. RDEIR at 4.7-44.

Because the Plan would have to comply with existing GHG-related laws and regulations anyway (including CEQA's requirement for mitigation), it is misleading for the RDEIR to state that the Plan will cause a 25% reduction in GHG emissions (RDEIR at 4.7-42). In fact, most of these alleged reductions will be caused by preexisting state requirements and would occur with or without the Plan. Likewise, it is misleading and inappropriate to compare the Plan emissions against an artificially inflated baseline of alleged BAU conditions. Courts have recognized that comparing project impacts to such an artificially inflated baseline results in "illusory comparisons that can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts, a result at direct odds with CEQA's intent." *Communities for a Better Env't v. South Coast Air Quality Management Dist.* (2010) 48 Cal 4th 310, 322 ("*CBD v. SCAQMD*"). In fact, the Riverside County Superior Court previously rejected the County's attempt to use a BAU approach when approving a large development project in the San Jacinto Valley. In rejecting the County's comparison of the project's GHG emissions to a hypothetical, BAU scenario, the court ruled that:

the hypothetical project proposed for the EIR does not accurately reflect business as usual because it uses an unrealistic scenario which ignores local planning and zoning laws, strips all vegetation from the project, and contemplates development on mountainous portions of the project site. In addition, *the hypothetical scenario fails to account for the fact that project approval under CEQA contemplates a process whereby the adverse environmental effects of a project of this nature are identified and analyzed; alternatives are considered; and potential impacts are eliminated or mitigated.* The hypothetical project, which ignores not only local planning and zoning laws as well as potential adverse impacts, is not one that could ever be expected to actually occur in the County let alone on the project site. It does not appear the EIR used a "business as usual" approach but instead adopted a "worst-case" scenario as it began its evaluation of the GHG emissions.

Friends of the Northern San Jacinto Valley v. County of Riverside, Statement of Decision, p. 3, attached as Exhibit E. So too here, the RDEIR's unrealistic BAU scenario

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fails to account for the fact that state law—including CEQA—already requires agencies to reduce GHG emissions. Just as in the *Friends of the Northern San Jacinto Valley* case, the RDEIR here uses a misleading hypothetical analysis that distorts the analysis of the Plan’s impacts; such an approach does not withstand legal scrutiny.

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The RDEIR must be revised to compare Plan emissions to County emissions as they currently exist and to base the significance determination on this factor. CEQA Guidelines § 15126.2(a).⁵ An accurate comparison with existing conditions is particularly important with regard to climate change because existing conditions are such that we have already exceeded the capacity of the atmosphere to absorb additional GHG emissions without risking catastrophic and irreversible consequences. Therefore, even seemingly small additions of GHG emissions into the atmosphere must be considered cumulatively considerable. *See Communities for Better Env’t v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120 (“the greater the existing environmental problems are, the lower the threshold for treating a project’s contribution to cumulative impacts as significant.”); *Center for Biological Diversity v. National Highway Traffic Safety Administration* (9th Cir. 2007) 508 F.3d 508, 550 (“we cannot afford to ignore even modest contributions to global warming.”). Here, the RDEIR reveals that the Plan will cause an approximately 50% increase in GHG emissions above existing, baseline conditions by the year 2060. RDEIR at 4.7-47. This is a significant impact under any rational measure. The County may not hide the significance of the Plan’s GHG impacts by measuring the Plan’s emission increases against an inappropriate BAU threshold.

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(c) Even If the County Could Use a “Business As Usual” Approach, the RDEIR Misapplies the Approach.

Even if BAU were a legitimate means for determining significance, which it is not, there is no evidence supporting the RDEIR’s assumption that new development that is 25% below BAU will help achieve California’s 2020 emission reduction objectives, much less its longer-term reduction goals. *See* RDEIR at 4.7-41. First, the AB 32 Scoping Plan determined that California’s overall emissions must be cut by “approximately 30 percent from business-as-usual emission levels projected for 2020” to meet AB 32 requirements. Exhibit B at ES-1. Thus, a 25% reduction from BAU is not enough to meet this standard. Furthermore, even if the Plan were 30% below BAU, this would still not be enough. The RDEIR’s significance determination mistakenly presumes, without any support, that emission reduction expectations are the same for

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⁵ Or the EIR may compare emissions to 1990 emissions levels, which form the basis for the state’s various GHG reduction goals.

existing and new sources of emissions to meet AB 32 targets. But the Scoping Plan does not support this approach. Contrary to the RDEIR’s assumptions, as opportunities for reducing emissions from the built environment are more limited and present greater challenges, expectations for minimizing emissions from new development—through energy efficiency, renewables, increased density, mixed use and siting close to transit—should be greater than that of existing development, where emission reduction opportunities may be more constrained.

As the California Air Pollution Control Officers Association’s (“CAPCOA”) CEQA & Climate Change White Paper recognizes, “greater reductions can be achieved at lower cost from new projects than can be achieved from existing sources.” CAPCOA, CEQA & Climate Change at 33, attached as Exhibit F.⁶ Similarly, as one of its reasons for finding that a proposed 29% below BAU threshold of significance “will not withstand legal scrutiny,” the Attorney General noted that “it seems that new development must be more GHG efficient than this average, given that past and current sources of emissions, which are substantially less efficient than this average, will continue to exist and emit.” Exhibit C. Accordingly, there is no scientific or factual basis supporting the RDEIR’s assertion that new development that is merely 25% below BAU (or even 30% below BAU) will not interfere with California’s near-term emission reduction objectives. *See* Pub. Res. Code § 21082.2(c) (“[a]rgument, speculation, unsubstantiated opinion or narrative, [and] evidence which is clearly inaccurate or erroneous” does not constitute substantial evidence); *see also Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17 (“[C]onclusory statements do not fit the CEQA bill.”). By simply assuming that AB 32’s emission reduction targets will be achieved because Plan emissions are purportedly 25% below “business as usual,” the EIR’s significance criteria does not reflect “careful judgment . . . based to the extent possible on scientific and factual data.” CEQA Guidelines § 15064(b).

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(d) The RDEIR Fails to Analyze the Plan’s Consistency with Applicable Plans for the Reduction of GHG Emissions.

CEQA requires that agencies analyze the consistency of their projects with applicable plans for the reduction of GHG emissions. Guidelines §§ 15064.4(b)(3),

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⁶ As explained on its website, CAPCOA “is a non-profit association of the air pollution control officers from all 35 local air quality agencies throughout California. CAPCOA was formed in 1976 to promote clean air and to provide a forum for sharing of knowledge, experience, and information among the air quality regulatory agencies around the State.”

15125(d). Here, the EIR does not appear to analyze the Plan's consistency with at least two relevant GHG reduction plans. First, we can find no indication that the RDEIR evaluated the proposed Plan's consistency with SCAG's recently adopted 2012-2035 regional transportation plan/sustainable communities strategy ("RTP/SCS"). For example, does the proposed General Plan rely on the same land use patterns and transportation assumptions as those assumed for the RTP/SCS? The EIR must provide a detailed evaluation of the proposed Plan's consistency/inconsistency with this Plan, which SCAG was required by state law to adopt in order to reduce GHG emissions related to passenger vehicles. If the Plan is not consistent with the RTP/SCS, this is evidence that the Plan has significant GHG related impacts, and further underscores the need to adopt all feasible mitigation.

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Second, the EIR does not appear to analyze the Plan's consistency with the Western Riverside Council of Governments' ("WRCOG") Subregional Climate Action Plan. This plan sets subregional GHG emissions reduction targets at 15% below 2010 levels by 2020, and 49% below 2010 levels by 2035. See Exhibit W at ES-1, available at http://content.mindmixer.com/Live/Projects/WRCOG/files/148765/WRCOG%20Subregional%20CAP_Final%20Draft_May%202014.pdf?635397493994830000. But the Plan EIR fails to analyze consistency with these goals or with other policies of the WRCOG plan. Notably, the Plan acknowledges the RTP/SCS and WRCOG Climate Action Plan and calls for coordinating County GHG emission reduction efforts with those outlined in the RTP/SCS and by WRCOG. RDEIR at 4.6-33, 39. However, it unlawfully fails to analyze consistency with these plans.

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Last, the EIR does not analyze the consistency of the County's proposed policies with other state goals and mandates to reduce GHG emissions, including the state's goal of having all new residential buildings be zero net energy by 2020, and commercial buildings by 2030.⁷ Although the proposed Climate Action Plan would allocate some "points" to buildings that have on-site alternative energy, and that go above and beyond Title 24 requirements, these measures are not enough to achieve consistency with having zero net energy buildings by 2020.

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⁷ See <http://sefaira.com/resources/how-californias-net-zero-energy-mandate-will-shift-the-us-construction-industry/>; <http://www.californiaznehomes.com/#!/about/cdtl> ; <http://www.californiaznehomes.com/#!/faq/cirw> (describing how zero net energy homes are feasible).

(e) The RDEIR Must Clarify its Mitigation for the Plan’s Climate Impacts and Include Additional Mitigation Measures.

(i) The RDEIR Should Clarify Various GHG Mitigation Measures.

The RDEIR relies in part on Policy AQ 21.1 to reduce the Plan’s GHG impacts. RDEIR at 4.6-33. This measure requires new development projects to incorporate a combination of GHG reduction measures that are worth various “points,” and each development must achieve 100 points in order to do its fair share in reducing GHG emissions to a less than significant level. Sierra Club supports the concept of requiring new development to implement certain climate-related mitigation measures while allowing developers some flexibility in how to mitigate these impacts. Sierra Club also supports the requirement that all mitigation measures be incorporated into a project’s Conditions of Approval. *See* Policy AQ 21.2. However, Sierra Club has the following concerns related to mitigation measures proposed as part of Policy AQ 21.1.

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The CAP allows developers to use on-site photovoltaic panels as mitigation to obtain the necessary points to reduce the climate-related impacts of their projects. Riverside County Climate Action Plan (“CAP”), CEQA Thresholds and Screening Tables, p. 8 (see “E2.A.1 Photovoltaic”). Sierra Club supports the use of on-site photovoltaic panels but believes this measure must be clarified. In particular, the measure assigns a certain number of points if the “total power provided” by the solar panels provides a certain percentage “of the power needs of the project.” *Id.* The measure should clarify how the County will measure the solar panels’ capacity. Will the developer get 10 points if the solar panels’ *nameplate* capacity equals 40 percent of the power needs of the project? Or only if the panel’s actual, expected output (given the project’s location, average amount of sunlight, etc.) equals 40 percent of the power needs of the project? The former interpretation would not fully mitigate the project’s energy and GHG impacts because solar panels never produce their full nameplate capacity due to cloudy weather, nighttime darkness, overheating and other factors.

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<http://www.sunlightelectric.com/pvmodules.php>. Accordingly, the measure should be modified to clarify that a project must install sufficient photovoltaic panels to provide actual, expected output equal to a certain percentage of the project’s needs. The same comment also applies to on-site wind energy, as well as off-site solar and wind energy. *See* CAP, CEQA Thresholds and Screening Tables, p. 9 (E2.A.2 Wind Turbines, E2.A.3 Off-site renewable energy projects).

In addition, to obtain the points for use of on-site photovoltaic panels, the developer must submit evidence that the panels will be regularly maintained, and replaced as needed, for the life of the project.

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Implementation Measure T7.A.1 (Electric Vehicle Recharging) should also be clarified. It states that developers may obtain 8 points by installing electric vehicle charging stations in the garages of residential units. The measure should be clarified to state that the developer must install charging stations in *all* residential units in order to obtain the points, and that the charging stations should provide 240 volt power or greater. Alternatively, the CAP could provide 3 or 4 points for installing 120 volt charging stations, and 8 points for installing 240 volt charging stations.

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Additionally, Implementation Measure L1.A.1 (Wood burning) provides 10 points if a project contains no wood burning stoves. However, the South Coast Air District has already adopted Rule 445, which prohibits new wood burning devices in new development. CAP, CEQA Thresholds and Screening Tables, p. 12. Therefore, the County is proposing to allow developers to obtain 10 points (10% of the points necessary to mitigate significant climate impacts) simply by complying with existing law. This is contrary to the other mitigation measures, which provide *no* points if a project merely complies with existing law. *See, e.g.*, Implementation Measures SW2.A.1 (Recycling of Construction/Demolition Debris), ES.A.1 (Insulation), E5.A.2 (Windows), E5.A.3 (Doors). The County should not allow developers to mitigate their climate impacts simply by complying with existing law in this manner.

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In addition, there is no substantial evidence that prohibiting wood burning devices provides enough GHG reductions to warrant giving developers 10 points—the same number of points as installing solar or wind power that provides 40% of the power needs of a project. *See* Implementation Measures E2.A.1 and E2.A.2. Many residents would likely not use their wood burning devices much, if at all. And although burning wood does release carbon dioxide, in the long term it can be climate neutral because wood (i.e., trees) grows back, potentially absorbing the same amount of carbon that was released by the wood burning.

<http://www.theguardian.com/science/2005/oct/15/thisweekssciencequestions.uknews>. Thus, reducing wood burning does not provide the same amount of climate mitigation as reducing fossil fuel use.

Last, there is no evidence to support the notion that simply providing outdoor electrical outlets that residents or employees could use for electrically-powered yard tools (e.g., lawn mowers), provides the same amount of GHG reduction (8 points) as using alternative power to provide 30 percent of a project's needs. *See* Implementation

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Measures L2.A.1 Landscape Equipment. Allowing so many points for worthwhile, but minor, measures such as this will undermine the County’s efforts to effect real change.

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(ii) The General Plan and RDEIR Should Describe How Alternative Energy Projects Will Be Sited.

Another new Plan policy, which is described as mitigation for the Plan’s climate impacts, sets a goal of facilitating development of renewable energy facilities “in appropriate locations.” Policy AQ 26.1. Sierra Club supports renewable energy in Riverside County; however, it is critical that renewable energy projects—and particularly large, utility-scale projects—be sited appropriately. To that end, the Plan is vague, and should provide more detail regarding what constitutes “appropriate locations.” Without any information about which locations the County deems most appropriate for alternative energy development, the RDEIR cannot accurately analyze the impacts of the Plan, including the impacts of mitigation measures that will promote construction of renewable energy facilities. *See Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986 (EIR must discuss environmental effects of mitigation measures).

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The General Plan update presents an opportunity for the County to both support development of renewable energy and to facilitate that development in the most benign locations. Recent studies establish that California has ample solar resources in the built environment to power the State, and that commercial rooftop solar is competitive with large utility scale solar.⁸ *See Efficient Use of Land to Meet Sustainable Energy Needs*, Rebecca R. Hernandez et. al., *Nature Climate Change*, March 16, 2015, attached as Exhibit Y. Streamlined permitting for distributed solar generation is critical to its deployment. Development of distributed renewable generation will avoid over-reliance on long distance transmission and provide more sustained local employment over time, as opposed to the boom and bust cycle of large-scale solar development in remote desert locations. The RDEIR can minimize impacts of the latter by adopting measure to facilitate distributed generation in the County.

For large-scale wind energy projects, the most appropriate locations for new generation are located in the existing wind resource area in the desert (e.g., San Gorgonio Pass). To the extent the County encourages more wind power development, this site should be re-powered and built out rather than allowing new wind development in new, non-industrialized areas. The power at San Gorgonio Pass could be easily doubled in this manner. Although increasing wind power in this location would have some impacts on

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⁸ <http://www.greentechmedia.com/articles/read/solar-pv-system-prices-continue-to-fall-during-a-record-breaking-2014>

avian mortality, prioritizing wind development in this location would have multiple benefits, including efficient use of land. This high wind area uses far less acreage per megawatt of energy generated than do lower wind resource areas.

Although wind energy development has benefits from GHG reductions, it also has impacts, which the County must mitigate in the Plan RDEIR. In particular, wind turbines cause avian and bat mortality. For wind projects located on County land or otherwise permitted by the County, the County should require adequate pre-and post-construction monitoring for birds and bats, and should avoid siting wind turbines on ridgelines and other areas where mortality is higher. The County should also set up a program in concert with the Bureau of Land Management to require adaptive management at wind projects, including operational measures such as curtailment during sensitive times (e.g., migration season) or relocation of lethal turbines, to address impacts on aerial species based on post construction mortality monitoring. In addition, new wind projects should not be developed in areas that are reserved mitigation land for other alternative energy projects' impacts. For example, the Ivanpah solar facility had a huge impact on desert tortoise, and as partial mitigation, tortoise habitat on private land in the Chuckwalla Bench was acquired to be set aside as protected land. The County should prohibit new wind (and solar) development in or adjacent to areas that have been set aside as mitigation land.⁹

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The County must also describe appropriate siting and construction criteria for utility scale solar energy facilities and adopt programmatic mitigation for the impacts of promoting this energy resource. Even more importantly, it should adopt policies to promote and require distributed solar generation, which has far fewer environmental impacts than utility scale solar. Because the biological and land use resources are different in the eastern and western parts of the County, the siting criteria for utility scale projects should be different for these areas as well. For instance, the agriculture in the eastern County is very irrigation dependent; it also is given to salinity issues which are not as prevalent elsewhere. Attached as Exhibit H is a white paper called Renewable Siting Criteria for California Desert Conservation Area that was issued by Sierra Club and other organizations. This paper provides criteria that the County should adopt in order to guide future solar energy development on lands over which the County has some approval authority in the County's eastern, desert regions. The criteria include

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⁹ Much of the land in the Chuckwalla Bench and other desert areas is under federal ownership; however, the County should implement these recommended policies to guide any energy development on land over which it has permitting and/or jurisdictional authority.

prioritizing development on lands that are already disturbed (e.g., low value agricultural land, land previously used for mining or heavy off-road vehicle use), on brownfields, on lands located adjacent to urban areas, and in areas that will minimize the need to build new roads, substations and other appurtenant facilities. The County should also adopt approval criteria that help ensure that projects will have the lowest impacts feasible. For example, the County should adopt a policy to require dry cooling for concentrating solar facilities. Recent studies have shown that dry cooling can reduce water consumption by 90% or more and that the higher initial costs of dry cooling are offset over a 20-year timeframe owing to cost savings in water use and consumption. *See* <http://www.rebeccarhernandez.com/environmental-impacts-of-utility-scale-solar/> (section 2.2).

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In the western portions of the County, agricultural land is generally more valuable and more viable in the long term. This land also supports habitat for numerous species and provides critical buffers for protected areas such as the San Jacinto Wildlife Area. Accordingly, the County’s criteria for siting large-scale solar projects in the western portions of the County should strongly discourage development on agricultural lands. However, similar to the criteria for the eastern portion of the County, the criteria for the western portion should prioritize development on disturbed land—such as land previously used for mining—as well on brownfields, on land located adjacent to urban areas, and in areas that will minimize the need to build new roads, substations and other appurtenant facilities.

In addition to analyzing the impacts of promoting utility-scale wind and solar development, the County must adopt programmatic mitigation to address the potentially significant impacts of these energy projects. Utility scale solar development has profound impacts on aesthetics, agricultural land, cultural resources, wildlife and habitat resources, water (and often in a sole source aquifer), air quality (during construction), and other areas. *See* Overview of Potential Environmental, Cultural, and Socioeconomic Impacts and Mitigation Measures for Utility-Scale Solar Development, Argonne National Laboratory, available at http://www.evs.anl.gov/downloads/Solar_Environmental_Impact_Summary.pdf. Although mitigation should be developed later for individual projects on a case-by-case basis, it is crucial to develop programmatic mitigation now in order to guide future development and provide region-wide criteria and mitigation measures. CEQA Guidelines §§ 15126.4(a)(1)(B) (an EIR generally may not defer evaluation of mitigation until a later date), 15168(b)(4) (“program wide mitigation” must occur “at an early time when the agency has greater flexibility to deal with basic problems or cumulative

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impacts”); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94-95 (agencies may only defer mitigation in narrow circumstances).

For example, for impacts to farmland, the County should adopt agricultural protection policies and a requirement for conservation easements that will mitigate impacts on agricultural land at specified ratios. For impacts to cultural resources, the County should adopt policies to locate facilities on previously disturbed lands and lands determined by archeological inventories to be devoid of historic properties. It should also restrict or prohibit surface disturbance within the viewshed of traditional cultural properties, sacred sites, or historic trails when their historic eligibility is tied to their visual setting. Chapter 3 of the report Potential Environmental, Cultural, and Socioeconomic Impacts and Mitigation Measures for Utility-Scale Solar Development contains additional mitigation measures that the County should consider adopting at the programmatic stage. *See* http://www.evs.anl.gov/downloads/Solar_Environmental_Impact_Summary.pdf.

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(iii) The RDEIR Must Include Additional Mitigation Measures for Climate Impacts.

Because the RDEIR acknowledges that the Plan will have significant GHG impacts, it must include all feasible mitigation measures. One way to determine which measures are feasible and should be adopted is to look at other jurisdictions’ climate action plans. For example, the WRCOG plan lists numerous climate policies and improvements that cities within Riverside County are already implementing. Riverside County should include these same policies and mandates in its Plan. Among others, the WRCOG plan lists the following measures, which the County must include in its Plan unless it finds, based on substantial evidence, that it would be infeasible to do so:

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- Implement a 50% increase in bicycle lane mileage from baseline levels. WRCOG plan at 3-25. The City of Riverside has already adopted this goal, and the County should set a similar mandate, with a specific deadline. Likewise, it should accelerate construction of bike facilities and paths so as to install 75% of all planned bicycle facility miles by 2020 or 2025. *Id.* at 3-40.
- 100% of traffic and street lights converted to high-efficiency bulbs by 2020. The cities of Banning, Jurupa Valley and Riverside have already adopted this policy, and the County should, too. *See* WRCOG plan at 3-23.

- Amend zoning to require provision of bike parking for all multi-family or mixed-use projects consisting of a mix of residential, retail, and office space. Numerous cities have already adopted this policy, and the County should too. *See* WRCOG plan at 3-26.
- Allocate the equivalent of ½ of a full-time staff person to promote transportation demand management strategies to existing businesses. *See* WRCOG plan at 3-28.
- Work with Riverside Transit Agency to increase fixed-route service miles by 10 - 20% by 2020. *See* WRCOG plan at 3-29.
- Achieve a 25% increase in community-wide household and employment density over baseline conditions by a certain year. *See* WRCOG plan at 3-33.
- Achieve a 25% jobs/housing ratio improvement over baseline conditions. *See* WRCOG plan at 3-34.
- Amend zoning to reduce parking requirements for new non-residential development by 25% over baseline conditions. *See* WRCOG plan at 3-37.

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2. The RDEIR's Analysis of Energy-Related Impacts Is Insufficient.

The RDEIR's analysis of the Plan's energy impacts contains numerous errors. First, it supports its determination that the Plan will not result in the wasteful and inefficient use of energy in part by comparing the Plan's energy impacts to the impacts of prior plans, rather than to existing conditions. *E.g.*, RDEIR at 4.10-39 ("Future development accommodated by the proposed project, GPA No. 960, would be less intense than that currently planned in the existing General Plan. Thus, on a relative basis, the project would not increase demand for electricity over current plans."). This analysis is irrelevant under CEQA, which is concerned with whether a plan will cause impacts on the existing environment, not whether it may cause different impacts as compared to other plans. *Env't Planning & Information Council*, 131 Cal. App.3d at 352. Similarly, the RDEIR states that impacts are insignificant because future power needs are already planned for. RDEIR at 4.10-40. However, it never states whether the environmental impacts of these future power needs have already been analyzed in some other document. If not, it is critical that the RDEIR analyze the impacts here. If so, the RDEIR must

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incorporate the other analysis by reference, summarize the impacts and discuss any new impacts that were not previously analyzed.

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The RDEIR also attempts to minimize the Plan’s significant energy demand and impacts by stating that “compared to that of Riverside County as a whole, the project would contribute an insignificant incremental amount to the long-term need for additional new or upgraded facilities.” RDEIR at 4.10-40. But courts have rejected similar attempts to minimize a project’s impacts by comparing them to the impacts of the state or a larger geographic region. *Friends of Oroville v. City of Oroville* (2013) 218 Cal.App.4th 1352, 1359. As the *Friends of Oroville* court held, such a “relative comparison is meaningless . . .” *Id.* What the RDEIR must do is simply determine whether the Plan will cause the wasteful use of energy, regardless of whether its use of energy may seem small in comparison with existing use of energy in the County as a whole.

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Next, the RDEIR fails to support with substantial evidence its conclusion that the Plan’s huge increase in energy use will have insignificant impacts. RDEIR at 4.10-40, 43, 46, 48. First, there is no evidence to support the RDEIR’s conclusion that the Plan “would not trigger the need for new or altered [electric production or transmission] facilities nor result in substantial environmental impacts due to the construction of such facilities.” RDEIR at 4.10-43. In fact, the RDEIR is internally contradictory on this point. Elsewhere, it admits that new facilities will be needed, but attempts to minimize the impacts of constructing the facilities by stating that they are already planned for (RDEIR at 4.10-40) or that transmission lines can be sited within existing rights-of-way (RDEIR at 4.10-41). Given that the RDEIR admits in some places that new facilities will be needed, and describes how electric and natural gas consumption is expected to more than double over the coming decades (RDEIR at 4.10-26 - 39), it is absurd to conclude that the Plan will not trigger the need for new facilities.

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The RDEIR’s justification that new facilities are already planned is irrelevant. RDEIR at 4.10-38. As described above, the RDEIR must analyze the Plan’s energy impacts compared to existing conditions, not other plans.¹⁰ Its other assumptions are

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¹⁰ Hidden amongst the other, irrelevant analyses, the RDEIR does compare energy use under the Plan to existing energy use and concludes that the Plan’s energy demands “would be insignificant compared to existing baseline levels.” RDEIR at 4.10-43. The document offers no substantial evidence to support this conclusion. On the contrary, as described above, the RDEIR concludes that electricity and natural gas consumption will more than double over the life of the Plan. RDEIR at 4.10-26—39. Doubling energy use is hardly insignificant.

faulty and unsupported as well. For example, while some future, low-voltage transmission lines for specific developments may be sited in rights-of-way, there is no evidence demonstrating that transmission lines for all of the new solar and wind energy projects that the Plan encourages can be sited in existing rights-of-way. In fact, the RDEIR’s energy resources analysis completely fails to analyze the impacts of new alternative electric (e.g., solar and wind) production and transmission facilities. These facilities are already having a profound impact on the County’s wildlife and landscape and will continue to do so, especially in light of County and state policies encouraging construction of such facilities. The RDEIR is legally deficient for failing to analyze the impacts of these facilities under its first threshold of significance. RDEIR at 4.10-37 (analyzing whether the Plan will “result in substantial adverse physical impacts associated with the provision of new or physically altered utilities . . .”).

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Nor does the RDEIR appear to acknowledge that California’s renewable portfolio standards and increasing regulation of GHGs are causing a huge growth in solar and wind development in areas such as Riverside County. Thus, even if the County did not require lots of new energy to power the development contemplated in the Plan—and there is no evidence that this is true—the County would still require lots of new *clean* energy from sources such as wind and solar in order to meet state mandates. As described in the section of this letter regarding the Plan’s climate impacts, the provision of these new energy facilities will clearly “result in substantial adverse physical impacts . . .” that must be analyzed and mitigated. RDEIR at 4.10-39. The RDEIR’s failure to analyze these impacts is legal error.

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The RDEIR’s energy analysis also does not appear to analyze the energy requirements to provide water to the growing region. Moving water around the state utilizes a large portion of the state’s energy output, and this will only become a more difficult problem with climate change. The RDEIR’s energy analysis should consider the energy needs related to providing more water to the region, and it is not clear that the document has done this already.

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Finally, the RDEIR’s determination that the Plan will have insignificant energy-related impacts is suspect for an additional reason. One of the thresholds of significance is whether the Plan will result in inefficient, wasteful or unnecessary consumption of energy. By definition, if there are feasible ways of reducing the Plan’s consumption of energy, then the Plan will result in the inefficient or unnecessary consumption of energy. Here, the Plan does not require all feasible means of reducing energy usage. For example, the CAP contains a “screening table” that lists dozens of measures to reduce GHG emissions (and thus energy). These include providing on-site renewable power, using water more efficiently, enhanced building efficiency standards, promoting mixed-

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use development, providing bike paths and sidewalks, installing electric vehicle infrastructure, and more. Each of these measures provides a certain point value, depending on the measures' alleged GHG reduction potential.

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However, the CAP and these screening tables only require developers to garner 100 "points" in order to meet their obligation to reduce GHG impacts to a level below significance. In other words, even if it was feasible for a developer to implement more than 100 points' worth of GHG-reduction measures (and, consequently, energy-reduction measures), the developer would not have to do so. This methodology leaves potentially feasible energy-reduction measures on the table, so to speak. It results in the wasteful and inefficient use of energy because it does not require implementation of *all* feasible measures to reduce energy usage. Accordingly, the EIR is incorrect that the Plan will not result in the inefficient and wasteful use of energy.

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Because the RDEIR concludes that the Plan will not result in the inefficient use of energy or cause substantial energy-related impacts, it does not propose or adopt any mitigation to reduce the Plan's energy impacts.¹¹ However, because the Plan actually will have significant energy-related impacts, the RDEIR must include mitigation for these impacts. Such mitigation should include, among other measures, a prohibition on sprawling, leapfrog development, which requires more driving and resultant energy use than denser development near city centers. For example, the County should adopt a policy similar to one that Imperial County has adopted, which states:

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"Leapfrogging" or "checkerboard" patterns of development have intensified recently and result in significant impacts to the efficient and economic production of adjacent agricultural land. It is a policy of the County that leapfrogging will not be allowed in the future. All new non-agricultural development will be confined to areas identified in this plan for such purposes or in Cities' adopted Spheres of Influence, *where new development must adjoin existing urban uses. Non-agricultural residential, commercial, or industrial uses will only be permitted if they adjoin at least one side of an existing urban use, and only if they do not significantly*

¹¹ The draft General Plan's Land Use Element has a few policies intended to mitigate some impacts of wind development, but apparently has no policies to mitigate impacts of solar development. See General Plan Land Use Element at LU-40 – 42. The policies for wind development are inadequate and should be bolstered as described in the climate mitigation section of this comment letter.

impact the ability to economically and conveniently farm adjacent agricultural land.

Imperial County General Plan, Agricultural Element, pp. 39-40, available at <http://www.icpds.com/CMS/Media/Agricultural-Element.pdf> (emphasis added).

Likewise, San Diego County's General Plan contains policies that prohibit most leapfrog, sprawl development. Among other things, San Diego's policy specifies that any new development that is not adjacent to existing communities must be "designed to meet the LEED-Neighborhood Development Certification or an equivalent." San Diego County General Plan, Land Use Element, p. 3-20, available at <http://www.sdcounty.ca.gov/dplu/gpupdate/docs/LUE.pdf>. Recommended mitigation listed in this comment letter for GHG emissions would also reduce energy impacts and should be required for that reason as well.

Riverside County should adopt similar policies to prohibit leapfrog development. For example, it should incorporate the LEED-Neighborhood Development Certification standard into its CAP requirements for new development. Although the County's draft CAP contains a requirement that new development obtain a certain number of "points" due to energy saving/climate-friendly attributes, it does not require neighborhood-level policies like those in the LEED-Neighborhood Development standards. Neighborhood-level policies are crucial because, even if a project does not use much energy and its buildings are efficient, those efficiencies are lost if the project is located far from other services and residents are forced to drive long distances to work and for services. In addition, the LEED standard requires that neighborhoods be sited in a manner that protects other resources. For example, it mandates that projects be in smart locations, protect imperiled species, ecological communities, wetlands, and agriculture, and avoid floodplains. LEED 2009 for Neighborhood Development, p. vii, attached as Exhibit P. Given that the Plan has significant impacts on agricultural resources (DEIR at 4.5-37), biological resources (DEIR at 4.8-95)¹² and other resources, requiring new development to meet LEED-Neighborhood Development standards would mitigate a range of relevant Plan impacts. As demonstrated by the fact that other jurisdictions have adopted this requirement, this mitigation measure is also feasible. The RDEIR Fails to Adequately Analyze and Mitigate the General Plan's Air Quality Impacts.

¹² The RDEIR concludes that adopted mitigation reduces impacts to a level that is insignificant. RDEIR at 4.8-97. However, as described in comments on the DEIR by the Center for Biological Diversity, this finding is clearly in error.

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The County should also adopt other measures, described in the GHG section of this comment letter, which would reduce the wasteful use of energy. For instance, the County should adopt building efficiency standards that are more stringent than Title 24. As demonstrated by the fact that the proposed Climate Action Plan gives “points” for developments that achieve efficiency greater than required by Title 24, it is feasible for buildings to meet more stringent standards. The County should also adopt an ordinance requiring solar or other alternative, on-site energy for all homes and businesses with roofs of a certain size and that have reasonable exposure to the sun. The cities of Lancaster and Sebastopol have already done this, showing that it is feasible.
<http://www.greentechmedia.com/articles/read/Lancaster-CA-Becomes-First-US-City-to-Require-Solar>; <http://www.pressdemocrat.com/news/2224191-181/sebastopol-council-votes-to-require>.

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3. The RDEIR’s Analysis of Air Quality Impacts Is Deficient.

The South Coast Air Basin suffers from some of the nation’s worst air quality.¹³ It is designated as an extreme nonattainment area for ozone at the state and federal level. RDEIR at 4.6-11. It is also designated nonattainment for PM₁₀ and PM_{2.5}. *Id.* Air quality in the Salton Sea Air Basin and the Mojave Air Basin is no better. Both air basins are nonattainment for ozone and PM₁₀. *Id.* at 4.6-12 and 13. Riverside County also experiences elevated theoretical inhalation cancer risks, largely due to diesel engines. *Id.* at 4.6-13. By its own admission, implementation of the proposed Plan would cause a substantial increase in air pollution. The RDEIR, however, fails to adequately analyze these significant impacts.

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(a) The RDEIR’s Analysis of the Project’s Conflict with the Applicable Air Quality Plans Is Deficient.

The RDEIR relies on the Plan’s increased air emissions to conclude that the Plan has the potential to hinder the region’s compliance with the South Coast Air Quality Management District’s (“SCAQMD”) and the Mohave Desert Air Quality Management District’s (“MDAQMD”) air quality plans. RDEIR at 4.6-48. While we do not disagree with this conclusion, the RDEIR fails to provide sufficient information to verify the accuracy of the impact analysis. A legally adequate EIR “must contain sufficient detail to help ensure the integrity of the process of decision making by precluding stubborn problems or serious criticism from being swept under the rug.” *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733; CEQA Guidelines § 15151.

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¹³ See Press Enterprise articles on air quality, attached as Exhibit I and list of studies documenting the effects of air pollution on health, attached as Exhibit J.

The RDEIR contains tables identifying the increase in air pollutant emissions that would accompany implementation of the Plan. RDEIR at 4.6-44 – 4.6-47. Yet, the document never discloses the assumptions that were used to identify these emissions. Instead, the RDEIR states that the specific modeling assumptions are included in an appendix. This is a wholly unacceptable way of presenting decisionmakers and the public with essential information, and it renders the EIR legally inadequate. Whatever is required to be in the text of the EIR must be in the EIR itself, not buried in some appendix. *See Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 722-23; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 727. In order to fulfill its purpose as an informational document, the EIR must provide information that is accessible to the lay person. Forcing the reader to dig through numbers in a technical appendix does not meet achieve this core objective.

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For example, the RDEIR does not identify the sources (stationary, mobile and area) used to calculate the Plan's increase in emissions. There are several airports within the County, including Palm Springs International Airport¹⁴ and March Joint Air Reserve Base. *See* Circulation Element, Figure C-6 and C-56. The Ontario International Airport¹⁵ is just over the border from Riverside County. As the proposed Plan acknowledges, air cargo is the fastest growing method of transporting goods in and out of southern California. *Id.* The March Joint Air Reserve Base is currently a joint use status land use. The Air Reserve Base will gradually reduce the military use of this facility and begin to increase the amount of goods and cargo that can be accommodated at this site. *Id.* In addition, the Plan mentions that the Base has the potential to become a passenger airport. *Id.* Although this increase in use is certainly contemplated by buildout of the proposed Plan, we can find no indication that aircraft-related emissions from these airports were included in the emission calculations for the proposed Plan. Even a search of EIR Appendix 5 (Air Quality Data) includes no reference whatsoever to aircraft or aircraft emissions.

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¹⁴ A surging tourism economy coupled with increased air service into the Coachella Valley have pushed the passenger count at Palm Springs Airport past the 1.9 million mark in 2014. *See* <http://www.desertsun.com/story/news/2015/01/21/psp-travel-increases/22123263/>; accessed March 27, 2015.

¹⁵ Nearly 3.8 million passengers per year used Ontario Airport from January through November 2014. *See* <http://www.scpr.org/blogs/economy/2014/12/31/17740/lax-ontario-john-wayne-airports-see-passenger-numb/>; accessed March 27, 2015.

In another example, while the RDEIR asserts that it relied on data including average daily trips, vehicle-miles traveled (“VMT”) and average trip lengths to calculate the Plan’s mobile source emissions (RDEIR at 4.6-43), the RDEIR text fails to actually identify the assumed number of trips, VMT or average trip length. Nor does the RDEIR include any of the transportation and land use assumptions that were supposedly used to calculate the VMT or trip generation statistics. Instead, it includes statements such as:

It can be assumed that various sizes and types of project [sic] would be developed, however. And, because of the increased density seen for the land uses and desired proximity of residential land uses to both transit and commercial centers, it can be assumed that both construction and operation of commercial and potentially industrial sources would be developed relatively close to sensitive receptors such as residences or schools. RDEIR at 4.6-45.

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Vague and generic statements such as these do not come close to providing the factual basis needed for an impact analysis. A transparent analysis would disclose all of the relevant statistics used to calculate air pollutant emissions, including all air pollution sources. These statistics would then be compared with the assumptions used to calculate the emissions projections assumed in each of the applicable air quality plans. For example, how does the Plan’s increase in VMT compare to the VMT projections in the applicable air quality plans? Is per capita VMT under the Plan greater or less than the per capita VMT figure used in each of the air quality plans? What would be the trip generation from the Plan’s land uses and how does this figure compare to trip generation identified in the applicable air quality plans? How do each of the proposed Plan’s alternatives compare with regard to number of trips, VMT and trip length? We request that answers to these questions be included in the revised RDEIR or in the Final EIR.

The problems with this impact analysis extend far beyond the RDEIR’s failure to disclose the analytical assumptions. The RDEIR also fails to disclose the severity of these impacts. Air quality plans are prepared to demonstrate how the applicable air districts would meet required federal and state criteria emissions’ planning milestones, including attainment of ambient air quality standards. This RDEIR must disclose whether implementation of the proposed Plan would push compliance with the air quality standards back by one year, five years, or ten years. What would be the health implications of such delays for the region’s residents? Simply concluding that the Plan may conflict with the air quality plans does not allow decisionmakers to evaluate whether implementation of the proposed Project is worth a potentially extensive delay in

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achieving attainment of health-based air quality standards. Because the RDEIR provides no insight on this question, it is legally deficient. The revised EIR must explain the actual and specific implications associated with the region's failure to attain the state and federal standards for each of the relevant pollutants.

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Yet another problem with the RDEIR's analysis is that it concludes that the Plan would result in a net change in NOx emissions of -3,800 pounds per day. RDEIR 4.6-44. The EIR comes to this startling conclusion based on "the substantial decrease in anticipated emissions from vehicles mandated by increased efficiency requirements in current federal and California law that have been implemented and will continue to affect the motor vehicle fleet between the existing year and 2040." *Id.* at 4.6-44. While we do not disagree that NOx reductions will occur as a result of these state and federal laws, this reduction cannot and should not be attributable to the Project.

As a result of the Plan, VMT will increase by 352 percent. EIR Appendices Part I, pdf pages I401, 1402. The number of vehicular trips will increase by 246 percent. *Id.* The average trip length will even increase by 30 percent. *Id.* NOx is a byproduct of internal combustion engine exhaust, and along with reactive organic gases ("ROG") form ozone. RDEIR at 4.6-7. Despite the massive increase in vehicular travel that will accompany the Plan, the RDEIR concludes a similarly substantial reduction in NOx emissions. This makes no sense as tailpipe emissions cannot be negative. Project-related increases in VMT will be associated with an increase in tailpipe (exhaust) emissions, no matter how small (unless all cars in 2035 are electric, in which case tailpipe emissions would be zero). While, the RDEIR certainly can disclose regionwide NOx emissions in 2040, it must also disclose the increase in NOx emissions that would result solely from the Project. Once accurately calculated, the Project's NOx emissions will almost certainly exceed the SCAQMD and MDAQMD thresholds of significance. The EIR must once again be revised to include an accurate estimate of NOx emissions. An EIR should analyze the criteria pollutant and GHG emissions that would be generated by the Project over the planning period. *This analysis must disclose the Project's total amount of emissions, with and without emission reductions achieved from state and federal regulations.* In any event, the revised EIR or the Final EIR must identify the total amount of emissions that will result from the Plan, including all mobile, stationary and area sources. If these emissions are determined to be significant, the EIR must identify mitigation measures capable of minimizing these emissions.

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(b) The RDEIR Fails to Adequately Analyze or Mitigate the Plan’s Potential to Expose Sensitive Receptors to a Substantial Concentration of Pollutants from Mobile Sources.

Although the RDEIR states that trucks, buses, and some smaller vehicles using freeways, major highways and railroads emit toxic air contaminants (TACs), diesel particulate matter (“DPM”) and particulate matter (at 4.6-7, 10, 48, and 67), it provides no analysis of whether the Plan would expose sensitive receptors to a substantial concentration of these pollutants.¹⁶ Instead, the document provides numerous excuses as to why it would be impossible to study the Plan’s health impacts. Each of these excuses is unavailing.

First, it asserts such an analysis of health impacts is not possible because the exact location, timing, and level of future development are unforeseeable. *Id.* at 4.6-66. It further explains that “the expected future development would occur across the entirety of Riverside County over roughly 50 years’ time, making exact sizes and locations similarly unknowable at this time.” *Id.* at 4.6-67. The RDEIR preparers cannot evade their obligation to analyze the Plan’s environmental impacts on the grounds that they are extensive. Following this convoluted reasoning, the greater the environmental harm contemplated by an agency, the lesser the obligation of conducting environmental review. The California Supreme Court has clearly rejected such an approach. As explained by the Court in *Laurel Heights Improvement Assn. of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 399 (“*Laurel Heights I*”), “[w]e find no authority that exempts an agency from complying with the law, environmental or otherwise, merely because the agency’s task may be difficult.”

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Second, the RDEIR implies such an analysis is not required because the document admits that the impacts would be significant and unavoidable. *See, e.g., Id.* at 4.6-67. Here too, the RDEIR preparers are mistaken: an agency’s rote acknowledgement that impacts are “significant” does not cure its EIR’s failure to analyze the issue. An agency may not, as the County attempts to do here, “travel the legally impermissible easy road to CEQA compliance . . . [by] simply labeling the effect ‘significant’ without accompanying analysis” *Berkeley Keep Jets Over the Bay Comm.* (2001) 91 Cal.App.4th 1344,

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¹⁶ Such an analysis is particularly important for those projects that have been approved, but not yet built such as the 16-mile six-lane Mid County Parkway and the six-lane Cajalco Road. These are just two examples of major projects proposed within the County that will expose sensitive receptors to an increase in TAC emissions.

1371. Rather, “a more detailed analysis of how adverse the impact will be is required.” *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1123. Whether or not the Plan’s health impacts are “significant,” the public and decision-makers have the right to know whether the Plan’s addition of air pollution will merely cause a nuisance, or lead to catastrophic health consequences. The RDEIR’s dismissive treatment of the Plan’s potential to adversely impact public health is unlawful.

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Third, the RDEIR asserts that regional modeling cannot accurately capture the project-level effects of pollutant concentrations because emissions from projects are typically small and localized. *Id.* at 4.6-74. The fact that project-level emissions may be relatively minor – an assertion that is unsupported by any evidence – is irrelevant. The purpose of this RDEIR is not to analyze project-level impacts; it must analyze the impacts from *this Plan*. As the RDEIR itself acknowledges, the Plan would result in a substantial increase in criteria air pollutants. *See* RDEIR at Table 4.6-G at 4.6-46. The Plan would also result in toxic air contaminant emissions, but the RDEIR makes no attempt whatsoever to quantify these emissions.

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Moreover, if we take the EIR at its word—that project-level emissions tend to be relatively minor—there is no likelihood that the cumulative health effects from all of these project will ever be studied. CEQA requires that environmental impacts be specifically identified and mitigated at the earliest possible date, in order to “inform the public and responsible officials of the environmental consequences of their decisions before they are made.” CEQA Guidelines § 15168(a), (c)(5) *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal .3d 553, 564. Accordingly, the purpose of this EIR is to examine the environmental impacts from *this Plan*.

The RDEIR’s fourth excuse for not examining the health impacts from the Plan is that there is no need for such an analysis because project level emissions typically are a low percentage of total emissions within an air basin emissions. This “drop-in-the-bucket” approach to impact analysis has been explicitly rejected by the courts. In *Kings County Farm Bureau*, the court invalidated an EIR that concluded that increased ozone impacts from the project would be insignificant because it would emit relatively minor amounts of precursor pollutants compared with the large volume already emitted by other sources in the county. 221 Cal.App.3d at 717-18. The *Kings County Farm Bureau* court aptly stated, “The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin.” *Id.* at 718. Likewise,

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here, the RDEIR may not minimize the Project's health impacts of the Plan suggesting that air pollution in the region is already poor. Indeed, existing adverse conditions weigh in favor of a finding of significance. *Kings County Farm Bureau*, 221 Cal.App.3d at 718. The EIR is therefore legally inadequate.

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Finally, after all of these excuses, the RDEIR presents a qualitative discussion that purports to correlate each air pollutant emissions level resulting from GPA No. 960 with potential health impacts. *Id.* at 4.6-74. Unfortunately, this analysis is entirely useless. The document simply provides a generic summary of the type of health impacts that can potentially result from exposure to criteria air pollutants and states that exposure to these pollutants has the potential to harm public health. *See Id.* at 4.6-74, 75. The RDEIR's "qualitative discussion" does not even mention toxic air contaminants, and, again, fails to analyze the impacts of *this Plan*. CEQA requires more.

Certainly the RDEIR preparers could have analyzed whether the Plan would expose sensitive receptors to mobile source emissions. Other agencies have conducted such health risk studies. *See, e.g.,* Marin County General Plan EIR Air Quality Analysis at 4.3-21, attached as Exhibit K. Using the Marin County analysis as an example, the RDEIR preparers could first identify the freeways and highways within the County that have the potential to cause a significant health risk for sensitive land uses. Second, a screening analysis of future diesel particulate matter ("DPM") exposure and associated health effects could be conducted. Such an analysis could involve estimating DPM emissions for the County's major highways and freeways using a model such as EMFAC. Modeled concentrations could then be calculated for various distances from the edge of the highways and freeways. Maximum individual cancer risks could be computed using the applicable air districts' recommended cancer risk factors. Modeled cancer risks could then be compared to the thresholds established by the air districts. Third, the RDEIR preparers could determine the locations where the proposed Plan proposes the development of new housing and evaluate whether the Plan would put new sensitive receptors closer to sources of toxic air contaminants, primarily DPM from traffic or railroads.

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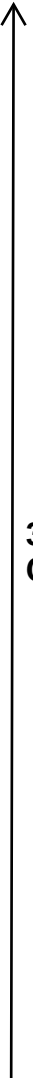
As part of its General Plan update process, the Humboldt County Board of Supervisors asked the public health agency to consider the health impacts of three future growth alternatives ranging from restricting development to existing urban areas to allowing continued sprawl. *See* Humboldt County General Plan Update Health Impact Assessment, attached as Exhibit U. The public health officer consulted with a non-profit organization to conduct a health impact assessment ("HIA") on the three general plan alternatives, with participation from the planning agency and a community group (Human

Impact Partners, 2008). The analysis, based upon 35 community- prioritized indicators, found that the compact development alternative would improve health outcomes related to almost all the indicators, while the sprawl alternative would harm health. The HIA process led to a strong partnership between the planning and health agencies and an increase in participation in the General Plan process on the part of community members. The planning agency used the HIA extensively in forming the policies in the Circulation element and to support infill policies in the Housing Element.

SCAG also conducted a health risk analysis for its 2012 Regional Transportation Plan/Sustainable Communities Strategy. See SCAG 2012-2035 DEIR Air Quality Analysis attached as Exhibit L. In addition to this health risk analysis, SCAG’s evaluation included a compilation of studies demonstrating the health effects of mobile source emissions, and identified existing locations within the SCAG region that have high instances of cancer risk. Inasmuch as SCAG was able to conduct this health risk assessment for the entire region, we see no plausible reason why such an analysis cannot be conducted for Riverside County.

It is important to acknowledge that the County must examine the health effects from all sources of air pollution that are expected to be developed upon implementation of the proposed Plan. Airport activity including cargo and passenger operations at March Air Base, Palm Springs and Ontario Airports is projected to increase significantly during the proposed Plan’s timeframe. Recent studies demonstrate that serious health effects from aircraft activity extend much further than previously assumed. See USC News, “New Concerns Raised About Air Pollution at LAX,” May 30, 2014, attached as Exhibit M. This article explains that airports may be as important to air quality as a region’s freeway system. The revised EIR must account for air pollution from existing and proposed airport expansion projects and include those emissions in its analysis of transportation-related health risks.

Finally, it is important to acknowledge that the RDEIR’s proposed mitigation measure to reduce the Plan’s impacts on sensitive land uses from freeways and major highways is inadequate. Mitigation Measure 4.6.D-N2.e calls for proposed sensitive land uses to be sited at least 500 feet from existing freeways and major urban roadways with 100,000 vehicles per day or more, and from major rural roadways with 50,000 vehicles per day or more. DEIR at 4.6-69, 70. Although buffer zones can be effective in reducing impacts from incompatible land uses, the most prudent approach is to avoid developing sensitive land uses near high-volume highways/railroads/ warehouse distributions centers in the first place.



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In any event, there is no evidence that a 500-foot buffer would be sufficient to protect public health. According to the California Air Resources Board (“CARB”), increased asthma hospitalizations are associated with those living within 650 feet of heavy traffic and heavy truck volumes. CARB handbook at 8. Children, in particular, suffer from reduced lung function with traffic density, especially trucks, within 1,000 feet. *Id.* There is an increased likelihood of medical visits in children living within 550 feet of heavy traffic. *Id.* Based on scientific evidence, agencies such as the Los Angeles County Department of Public Health recommend that new schools, housing or other sensitive land uses built within 1,500 feet of a freeway should adhere to current best-practice mitigation measures to reduce exposure to air pollution which may include:

- the use of air filtration to enhance heating, ventilation and air conditioning (HVAC) systems, and the
- orientation of site buildings and placement of outdoor facilities designed for moderate physical
- activity as far from the emission source as possible. *See* County of Los Angeles Public Health, “Air Quality Recommendations for Local Jurisdictions”, attached as Exhibit N.

These, and other measures, were included in a recent settlement over air quality impacts in connection with the 1.1 million square-foot Mira Loma Commerce Center in Jurupa Valley. *See* Press-Enterprise Article, attached as Exhibit O. The settlement requires the city and/or developer to provide air-filtration systems to nearby homes, monitor air quality, install solar panels and charging stations for e-vehicles, and to ban heavy trucks on a major road near Mira Loma Village. *Id.* These are feasible mitigation measures which should be included in the revised EIR.

4. The RDEIR’s Analysis of and Mitigation for the General Plan’s Agricultural Impacts Are Inadequate.

The Legislature has repeatedly stated that the preservation of state farmland is an important policy goal and that public agencies should use CEQA to carry out this goal. *Masonite Corp. v. Cnty. of Mendocino* (2013) 218 Cal.App.4th 230, 240 -241 (“our Legislature has repeatedly stated the preservation of agricultural land is an important public policy”). In particular, “[a]gricultural lands near urban areas that are maintained in productive agricultural use are a significant part of California’s agricultural heritage.... Conserving these lands is necessary due to increasing development pressures and the effects of urbanization on farmland close to cities.” Pub. Resources Code, § 10201(c).

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“The Legislature has also declared that CEQA is intended to effectuate this public policy.” *Masonite Corp.*, 218 Cal.App.4th at 241.

Riverside County’s agricultural industry plays a vital role in the local economy and consistently ranks among the most profitable in California. RDEIR at 4.5-1. Despite the importance of this critical resource, the RDEIR does not adequately describe the Plan’s impacts to agriculture and wholly dismisses the potential for measures to avoid or mitigate for its loss. Accordingly, the RDEIR fails to meet the basic requirements of CEQA.

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(a) The RDEIR Fails to Adequately Describe the Current Distribution and Designation of Agricultural Land.

Every analysis of a project’s environmental effects must begin with the description of the environmental conditions before the project – the baseline. *See Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 122. In considering impacts to agricultural lands, the crucial issues are how much agricultural land is under threat of development, and where the threatened land is located. Yet, the RDEIR’s description of the current state of agricultural land in the County lacks crucial information. The RDEIR contains a map (Figure 4.5-1) showing the County’s agricultural resources. However, this information is virtually useless without a description or depiction of how these lands relate to existing and proposed land use designations. To be adequate, the RDEIR must contain maps showing the County’s agricultural resources overlaid by the County’s existing and proposed land uses.

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Equally troubling, the RDEIR’s inventory of agricultural lands does not appear to include small farms, *i.e.*, farms of less than 40 acres, in its farmland resources inventory. Almost 79,000 acres of farmland within the County’s unincorporated areas fall within lands categorized as “Urban and Built-up.” RDEIR at 4.5-4. The RDEIR explains that agricultural lands within the Urban and Built-up category must exceed 40 acres in order to be mapped as farmland. RDEIR at 4.5-5. Because the RDEIR does not appear to measure or describe farms smaller than 40 acres that fall within Urban and Built-Up areas, it significantly underestimates the amount of land that is in agricultural use in the County.¹⁷ According to recent USDA data, many farms in the County are small: out of 2,949 farms in Riverside County, 1,581 are 9 acres or less and another 955 are between

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¹⁷ The RDEIR also states that it used photo-interpretation of GIS data to determine effects of the Plan on agricultural uses. RDEIR at 4.5-25. However, it is not clear if the County used this procedure to assess impacts on small farms throughout the County, or only in the specific areas noted in Table 4.5-E.

10 and 49 acres. See USDA Agricultural Census, 2012, attached as Exhibit X. As a consequence, the EIR also unlawfully ignores the Project’s impact on these small farms. The RDEIR must be revised to provide a clear, complete picture of current and proposed uses for agricultural lands within the County.

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(b) The RDEIR Fails to Provide Sufficient Information for Accurate Analysis and Decisionmaking.

The RDEIR’s agricultural impact analysis lacks sufficient information to enable the public and decisionmakers to make an informed judgment regarding the potentially significant impacts of the Project. In particular, the section relies on conclusory statements and unstated assumptions, an approach that CEQA specifically prohibits. See *Berkeley Keep Jets*, 91 Cal.App.4th at 1371 (striking down an EIR “for failing to support its many conclusory statements by scientific or objective data”); *County of Merced*, 149 Cal.App.4th at 659 (“[D]ecision makers and general public should not be forced to . . . ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis.”).

The section addressing the conversion of Prime Farmland, Unique Farmland and Farmland of Statewide Importance is particularly uninformative. The unincorporated portion of Riverside County has almost 337,000 of designated Farmland totals (105,390 acres of Prime, 36,660 acres of Statewide Importance, 32,360 acres of Unique Farmland, and 162,410 acres of Farmland of Local Importance). RDEIR at 4.5-27. Remarkably, the RDEIR asserts that the Plan would result in the direct conversion of only 32 acres of Prime Farmland and Farmland of Statewide Importance, and concludes that this impact is less than significant. RDEIR at 4.5-27, 29. The RDEIR fails to provide any information as to how its authors arrived at this minuscule amount of lost Farmland. This number of lost acreage is particularly surprising in light of the RDEIR’s statement elsewhere that “Between 2000 and 2006, Riverside County loss roughly 30% of its existing agricultural lands to conversions made in the face of increasing development pressure.” RDEIR at 1.0-19. It is also surprising in light of the EIR’s statement that “[t]otal build out of the updated General Plan would increase the amount of residential developed land within unincorporated Riverside County by just over 62,000 acres.” RDEIR at 4.13-78. How is it that the County has lost so much agricultural land to development in the recent past and so much new development could occur under the Plan, yet this development would cause the loss of virtually no farmland? The EIR never explains.

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For example, if the RDEIR assumes that land converted from agricultural to rural residential zoning will not result in the loss of farmland because farming is still allowed in rural residential zoning designations, it must explain this. Of course, any such

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rezoning or redesignation would result in loss of farmland because even if farming is allowed in rural residential zones, those zones are typically developed, at least partially, leading to some loss of farmland due to the construction of homes, driveways and appurtenant structures.

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Notwithstanding the RDEIR's conclusion that the Plan's direct impacts to Prime Farmland, Unique Farmland and Farmland of Statewide Importance will be less than significant, the RDEIR does an about-face and concludes that the growth facilitated by the Plan will cause *indirect*, significant impacts to these resources. *Id.* at 4.5-35. However, the RDEIR's section discussing indirect impacts to Farmlands from the Plan's growth fails to provide any analysis. Instead, the document claims that it is not possible to conduct an analysis because "future development accommodated by the project in locations is not foreseeable at this time." RDEIR at 4.5-29. The RDEIR is mistaken. It is this EIR's precise purpose to analyze the loss of Farmland resulting from the growth caused by the Plan. An agency's rote acknowledgement that impacts are "significant" does not cure its EIR's failure to analyze the impact. As the court stated in *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, "this acknowledgment is inadequate. 'An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences . . .'" (1997) 60 Cal.App.4th 1109,1123 (quoting *Santiago County Water Dist. v. County of Orange* (1981), 118 Cal.App.3d 818, 831); *see also Mira Monte Homeowners Assn. v. County of Ventura* (1985) 165 Cal.App.3d 357, 365 (an EIR is meant to protect "the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of a[] contemplated action.").

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Thus, the RDEIR may not "travel the legally impermissible easy road to CEQA compliance . . . [by] simply labeling the effect 'significant' without accompanying analysis . . ." *Berkeley Keep Jets*, 91 Cal.App.4th at 1371. Rather, "a more detailed analysis of how adverse the impact will be is required." *Galante Vineyards*, 60 Cal.App.4th at 1123. If the loss of state-designated farmlands is "significant" as a result of the Plan, the public and decisionmakers have a right to know the severity and extent of this loss. Notably, until the RDEIR identifies the acreage of lost farmland, it is not possible to identify appropriate mitigation. Even if it were not possible to identify the location where farmland would be lost, the EIR must provide some analysis of the types of areas where it would be lost. For example, would most indirect impacts to farmland occur in areas with rural residential LUDs, or high density residential LUDs? Currently, the public has no way to understand what exactly is causing the pressures on farmland that the EIR acknowledges may lead to indirect, significant impacts on them.

(c) **The RDEIR Fails to Provide Sufficient Mitigation for the General Plan’s Agricultural Impacts.**

An EIR’s central purpose is to identify a project’s significant environmental effects and then evaluate ways of avoiding or minimizing them. Pub. Res. Code §§ 21002.1(a), 21061. The lead agency also must adopt any feasible mitigation measure that can substantially lessen the project’s significant environmental impacts. Pub. Resources Code § 21002; CEQA Guidelines § 15002(a)(3). In doing so, the lead agency must “ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” *Federation of Hillside & Canyon Assns.*, 83 Cal.App.4th at 1261 (italics omitted). Furthermore, mitigation is especially crucial when an agency prepares a program EIR. An advantage of a Program EIR is that it allows the lead agency to consider broad policy alternatives and ‘program wide mitigation measures’ at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” CEQA Guidelines § 15168(b)(4)).

The RDEIR violates this mandate. After admitting that the Plan will result in a significant impact on agricultural lands, it fails to identify *any* mitigation measures. Instead, the RDEIR looks to the County’s past failure to mitigate agricultural impacts to claim that mitigation for current impacts is simply not possible:

In EIR No. 441, prepared for the 2003 RCIP General Plan, it was found under “Impact 4.2.2” (Final EIR, page 4.2-32) that implementation of the General Plan would “result in the significant conversion of active agricultural land and agricultural soils to non-agricultural uses.” Although the existing General Plan includes policies intended to identify and implement programs that would limit the conversion of agricultural land to non-agricultural uses, EIR No. 441 finds that these policies do not set specific requirements that would limit the conversion of agricultural lands to non-agricultural uses. Further, EIR No. 441 finds the policies do not identify the amount, extent or location of agricultural land to be conserved and that it is impossible to assess if policies would effectively reduce potentially significant impacts associated with the conversion of agricultural land to non-agricultural uses.

As a result, future development accommodated by the land use and policy changes proposed by the project is similarly found to have the potential for significant and unavoidable indirect impacts to agricultural uses through

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introducing new urban uses within 300 feet of agriculturally zoned property and contributing to the demand for additional development and infrastructure that would further fuel conversion of agricultural lands to nonagricultural uses. Pursuant to EIR No. 441, no additional project-specific mitigation measures are feasible. Thus, impacts due to conflict with existing agricultural zoning or uses, including those leading to the conversion of designated Farmlands, as well as encroachment impacts, would be significant and unavoidable. RDEIR at 4.5-35.

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Recognizing the County's failure to adopt feasible mitigation for the prior Plan's impact to agricultural resources, we fully expected that this RDEIR would correct this critical mistake with the current proposal. Yet, rather than amend the Plan's policies to establish specific requirements limiting the conversion of agricultural lands, the RDEIR preparers throw their hands up in defeat and adopt the same ill-conceived approach.

Between 2000 and 2006, Riverside County lost roughly 30% of its existing agricultural lands to conversions made in the face of increasing development pressure. RDEIR at 1.0-19. The County now has an opportunity to put a stop to this staggering rate of farmland conversion. Rather than use this Plan update as an opportunity, though, the County continues to ignore the problem. Contrary to the RDEIR's assertions, numerous mitigation measures are feasible. The simplest measure of all, of course, is to revise the Plan's proposed policies that will cause this massive conversion.

The vast majority of the proposed Plan's policies purporting to protect agricultural resources are vague and unenforceable. Policies such as OS 7.1, OS 7.3, LU 20.1, LU 20.4, for example, call for "encouraging" or "discouraging" certain actions. RDEIR at 4.5-34. As discussed above, General plan policies must be fully enforceable to be effective mitigation under CEQA. Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(3).

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Policy OS 7.2, which suggests the County will employ land conservation programs, appears promising, but is impermissibly vague and unenforceable. The Policy states that the County will seek funding for farmland conservation and proposes to establish a Farmland Protection and Stewardship Committee to develop an agricultural preservation strategy. To be effective, this Policy should commit to a timeline for both the formation of the Committee and its development of the agricultural preservation strategy. The Policy should also require that the strategy include an evaluation of the feasibility of specific measures such as the following:

- Amending the County’s agricultural preserve program to reduce the acreage of land required to establish an agricultural preserve since the County currently requires 100 contiguous acres. In addition the program should be revised to allow for smaller amounts of agricultural preserve lands if they are adjacent to designated wildlife habitat areas, such as the San Jacinto Wildlife Area.
- Expanding minimum parcel size on Important Farmland in the agricultural regions;
- Restricting subdivision of Important Farmland;
- Reducing the area of Important Farmland designated for nonagricultural uses;

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Policy OS 7.2 should also commit to the study and implementation of an agricultural conservation easement (“ACE”) program. ACE’s have recently been upheld as a feasible and effective method of protecting off-site agricultural lands. In *Masonite Corp. v. Cnty. of Mendocino* (2013) 218 Cal.App.4th 230, a proposed project planned to convert 45 acres of prime farmland, which the agency properly recognized was a significant impact. The agency refused to mitigate for this impact by requiring the project proponent to purchase off-site agricultural easements or by paying an in-lieu fee for the agency to acquire the same. The agency claimed that such easements did not actually mitigate the project’s impacts because they did not replace the lost farmland or lessen the amount of acreage that was converted.

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The court emphatically disagreed, stating that an ACE “may appropriately mitigate for the direct loss of farmland when a project converts agricultural land to a nonagricultural use, even though an ACE does not replace the onsite resources. Our conclusion is reinforced by the CEQA Guidelines, case law on offsite mitigation for loss of biological resources, case law on ACEs, prevailing practice, and the public policy of this state.” *Id.* at 238. As the court noted, “[t]here is no good reason to distinguish the use of offsite ACEs to mitigate the loss of agricultural lands from the offsite preservation of habitats for endangered species, an accepted means of mitigating impacts on biological resources.” *Id.* at 238-39.

Here, because the RDEIR admits the Plan will have significant impacts on agricultural lands, it must take the next step and design appropriate mitigation. In California, agricultural easements are crucial: they can help maintain a critical mass of agricultural land and stave off some of the financial pressures to convert that land.

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Because courts and other agencies have recognized the feasibility of this type of mitigation, the County must impose it as a condition on this Project if it goes forward.

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Finally, it will be important that the agricultural preservation strategy developed by the Farmland Protection and Stewardship Committee include a comprehensive study of the varying roles that agricultural lands play throughout the County. For example, agricultural preservation in the western portion of the County, especially in highly sensitive locations such as the San Jacinto Wildlife Area, is highly valued because agricultural uses also protect crucial open space and important biological resources. In other locations, such as east County, it may make sense to allow some comparatively non-intensive uses (such as photovoltaic solar farms) to be developed on agricultural lands in order to preserve and protect sensitive habitats. This is the precise type of land use planning exercise that must be undertaken to ensure that valuable Farmland is not lost, biological resources are protected, and only appropriate development is allowed. We again encourage the County to expeditiously appoint the Farmland Protection and Stewardship Committee so that they can explore these critically important issues.

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5. The RDEIR Fails to Adequately Evaluate the Environmental Implications from Planned Changes to the San Jacinto River.

The San Jacinto River flows westward from Lake Hemet in the San Jacinto Mountains, through Canyon Lake, and then to Lake Elsinore. Lakeview/Nuevo Area Plan (“LNAP”) at 7. The River, a semi-natural (partially channelized with earthen berms) watercourse, is normally dry; it poses flood threats to developments within the floodplain only during storms of long duration. LNAP at 7 and RDEIR at 4.11-7.

The River is characterized by expansive overflow areas, including the Mystic Lake area. RDEIR at 4.11-6. These overflow areas are either vacant or in agricultural use, providing an important corridor for species migration and habitat preservation. *Id.*; LNAP at 5; Harvest Valley/Winchester Area Plan at 5. The River is also a major riparian corridor containing many native endemic species, which thrive on the habitat this river provides. Mead Valley Area Plan at 47. According to the Sierra Club, the River’s floodplain provides habitat for sensitive plant species, including the San Jacinto Valley Crownscale, an endangered plant that relies on the gentle spreading of the River’s flood waters and the floodplain’s Alkali Playa soils.¹⁸

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¹⁸ http://www.fws.gov/carlsbad/SpeciesStatusList/5YR/20120817_5YR_ATCONO.pdf, accessed March 17, 2015.

The River is considered to have “a profound influence over the Planning Area’s land use patterns.” LNAP at 7. Recognizing the tremendous importance of the River and its adjacent lands, members of the public specifically requested that changes affecting the River be addressed in the context of one study area and not split amongst Area Plans. RDEIR at 2.0-8. We fully support this request. The River, its floodplains and riparian habitat constitute one hydrological system. By splitting the study of the River and its land uses among several Area Plans, it is not possible to ensure the integrity of the River’s hydrology as a whole. Sound urban planning principles dictate that the County conduct a single, comprehensive study analyzing how changes to the River and nearby land uses will affect the flood zone, the floodplain, and sensitive habitats.

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Unfortunately, the RDEIR fails to provide *any* analysis of impacts to the River and its environs, let alone a comprehensive analysis. To gain even a limited sense of the importance of this hydrological system and the County’s ultimate plans for its modification and subsequent development, the reader must wade through various sections of the EIR, the proposed Plan, and numerous Area Plans.

For example, the Lakeview/Nuevo Area Plan (“LNAP”) confirms that the County contemplates widespread changes to the San Jacinto River. A channelization project, sponsored by property owners, is intended to significantly reduce the River’s flood threat and allow for the development of the broad valley through which the River flows. *Id.* at 7, 22.

The proposed Plan further discloses that the County intends to amend the River’s flood zone from 500-years to 100-years. Whereas the prior Plan mapped a 500-year flood hazard zones, the proposed Plan identifies only a 100-year flood hazard zone. *See* General Plan, S-28 and Figure S-9. Although neither the proposed Plan nor the RDEIR acknowledges the purpose of this change in flood zone designation, it is clear that the change would open up considerably more land for development. *See* LNAP Policy 5.1 at LNAP at 24: Requiring new developments to remain outside 100-year flood plain.

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Neither the proposed Plan nor the RDEIR discloses the nature or extent of the land use changes that will be facilitated by the channelization project and the change in the flood zone designation. The LNAP includes a cursory discussion of land uses near the River, but this information raises more questions than it answers. Tellingly, the document merely states that habitat lands that would serve as a corridor for wildlife movement, and that will be directly affected by the channelization project, have yet to be defined and that, “depending upon where these wildlife lands are identified, the underlying land use designations may change.” LNAP at 22.

Perhaps most alarming, the County proposes to process these future land use changes via a technical amendment. *Id.* Inasmuch as technical amendments are not discretionary actions, these future land use changes would likely occur outside the public's view and forego any environmental review. Thus, rather than actually plan for this location -- taking the river, its hydrology and adjacent sensitive resources into account --, the County proposes to defer this important land use planning exercise until *after* the Plan is approved and in a manner that is all but certain to avoid public review and participation.

The County's refusal to grapple with this issue is particularly troubling as this type of land use planning and its associated environmental investigation is the very purpose of a general plan. Clearly the County had intended to conduct an in-depth analysis, as the Notice of Preparation for the Plan EIR states that the San Jacinto River area will be examined to determine if the Plan's policies continue to appropriately address potential intensification of the area in light of growth pressures and floodplain management plans. RDEIR, Volume 2: Technical Appendices, Part 1, page 13 ("If deemed appropriate, plans will be developed or modified to ensure that any future development of the area is accommodated in a coordinated manner in appropriate locations with suitable consideration given to environmental resources, flood hazards and other constraints affecting the region.")

While the County clearly "deems appropriate" some level of development within the River's valley, it recognizes that it cannot *approve* such land uses until the necessary environmental investigation is undertaken. The fact that the County intends to defer this critical land use and environmental planning exercise until after the Plan is approved makes a mockery of the General Plan process. Certainly the County could describe its grand vision for the River and its environs *now* and conduct proper environmental review. The public deserves this information, and CEQA requires it.

6. The RDEIR Fails to Adequately Analyze or Mitigate the Risks Resulting from the Introduction of Development into the County's Wildlands.

As the past several years have demonstrated, wildfires dramatically alter the environment in California, pose a tremendous risk of injury and death, and cause billions of dollars of damage to buildings and infrastructure. Within California, ten of the 20 largest wildland fires on record have occurred in the last decade alone. RDEIR at 4.13-28. Since 2000, the total annual average acres burned is nearly twice that burned in the pre-2000 period. *Id.* And the threat of wildfire is only increasing: warmer temperatures

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associated with climate change will increase the frequency of large wildfires by drying out vegetation and increasing the winds that throw embers.

Wildland fires are, of course, a serious and growing hazard in Riverside County. Many factors contribute to this hazard including extended droughts, insect predation which increase dead and dying vegetation, and many days of low humidity. RDEIR at 4.13-2, 3, 28. Because of dry vegetation and recurring Santa Ana winds, the fire danger for the County is considered extremely high during 25% of each year, throughout the months of August, September and October. *Id.* Additionally, CalFire and the US Forest Service are now referring to wildfire risk as a year-round issue.

The environmental destruction wrought by wildfires is exacerbated by development in the Wildland-Urban Interface (“WUI”), which unwisely places people and structures directly in the line of fire. More and more people are living in the WUI, which poses the most danger for wildfire conditions because of the complex mix of fuels (vegetation), topography (hills), accessibility (roads) and structures (homes). In some parts of the County, fire danger is worsened significantly by steep, rugged topography, which allows wildland fire to spread quickly and makes it more difficult to fight. RDEIR at 4.13-3. This mixture creates the perfect situation for a serious threat to the safety of both the public and firefighters as well as the County’s natural lands. RDEIR at 4.13-2.

Because of this extreme risk, one would expect that the RDEIR would thoroughly describe the history of wildfires in the County, examine the potential for the proposed Plan to exacerbate these hazardous conditions and, identify comprehensive measures to reduce this risk. Indeed, in 2012 the Legislature emphasized the importance of analyzing the risks of wildfire to development and modified CEQA to require more stringent analysis of this issue. Pub. Res. Code § 21083.01. Unfortunately, the RDEIR does not undertake these necessary tasks or take the Legislature’s direction seriously.

(a) The RDEIR Fails to Adequately Describe the Existing Wildfire Conditions in the County.

CEQA requires an EIR to include a description of the physical conditions in the vicinity of the project from both a local and a regional perspective. “Knowledge of the regional setting is critical to the assessment of environmental impacts.” CEQA Guidelines at 15125(a) and (c). Here, the RDEIR omits the critical information required to understand the severity and extent of the wildfire risk that would occur upon implementation of the proposed Plan.



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At a minimum, the RDEIR should have addressed the following questions pertaining to the County's recent wildfire history:

- What exactly is the County's rank in CalFire's list of "Wildfire Activity Statistics"?
- How many major wildland fires have occurred in the County within the last decade? How many civilian deaths, civilian injuries and firefighter deaths have occurred? How many structures were lost? How many acres of land were consumed? What was the financial cost of these fires?
- Was there adequate fire response for these wildland fire events? Were additional fire fighters recruited from across or outside the State? What was County's standard response time for wildland events? Was there sufficient water to fight the wildland fires?
- How many people in the County currently have homes and businesses in the County's wildland areas?
- Which locations within the wildland areas are considered to have inadequate access and evacuation options? Inadequate access (e.g. long roads with a single access point, roads over steep grades, improper road surfaces, and/or narrow roads) significantly contributes to the inability to effectively evacuate residents during a disaster and provide necessary emergency access for fire, ambulance, or law enforcement personnel.
- What percentage of the County's lands (i.e., conifer forests) that historically experienced frequent but low-intensity surface fires, are now predisposed to high-intensity, high-severity crown fires (because of the greater infrequency of fires due to greater fire suppression efforts)? Does the County have a controlled burn program? What is the status of funding for this program?

These are just a few of the questions that require answers so that the EIR preparers are able to evaluate the severity of the risk associated with the intensification of land uses within the County's wildlands. We request responses to these answers be included in the revised EIR or the FEIR.

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(b) The RDEIR Fails to Conduct an Adequate Impact Analysis.

The RDEIR’s analysis of wildfire risk (Impact 4.13.H) never discloses the amount of changed land uses that would be introduced into the County’s wildlands. However, another section of the EIR provides this information, and it is alarming. Buildout of the proposed Plan would result in the introduction of approximately 16,230 acres of “wildland” uses (20-acre-plus lots), roughly 8,100 homes. RDEIR at 4.13-78. It would also result in roughly 35,000 additional acres of “rural” lands (i.e., homes on 5- to 20-acre lots) throughout Riverside County and another 10,200 acres of “interface” lands on lots of one to five acres in size. The “interface” total represents *a twenty-fold increase in the amount of people and property that would be at risk for WUI fires. Id.* Total build out of the updated General Plan would increase the amount of residential developed land within unincorporated Riverside County by just over 62,000 acres. *Id.* at Table 4.13-M at page 4.13-77.

Despite this massive increase in the number of people and the amount of property that would be put at risk for WUI fires, the RDEIR never discloses the actual hazard to people and property resulting from this encroachments into wildlands. The RDEIR fails, for example, to evaluate how specific wildland locations proposed for development would fare under wildfire conditions. Locational constraints such as topography, fuel loads, and access to water obviously vary tremendously in the County’s wildlands. The RDEIR makes no attempt to identify those locations that should be restricted from development and those that could accommodate development based on these constraints. Other jurisdictions employ modeling tools that evaluate constraints to development. For example, San Diego County employs Fire Behavior Modeling which evaluates a worst-case scenario wildland fire based on site topography, fuel loads, atmospheric conditions and fire intensity. *See e.g., San Diego County Guidelines for Determining Significance Wildland Fire and Fire Protection at 9, attached as Exhibit Q.* Had this RDEIR employed such a tool, it would have been able to identify the wildland locations at the most risk of wildland fire and compared them to development levels contemplated by the proposed Plan.

Another important consideration in evaluating the risks associated with wildland development is the adequacy of emergency access and emergency response. Here too, the RDEIR misses the mark entirely. Rather than evaluate the status of emergency access and response throughout the wildlands proposed for development, it simply concludes that any impacts from the proposed Plan would be *beneficial*. RDEIR at 4.13-89 (emphasis added). The RDEIR arrives at this absurd conclusion because it compares development levels contemplated by the proposed Plan to those allowed under the

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existing General Plan. *Id.* Comparing the proposed Plan’s impacts to those that would occur under the existing General Plan is considered a “plan-to-plan” analysis, an approach CEQA prohibits. *CBD v. SCAQMD*, 158 Cal.App.4th at 1353. By conducting this plan-to-plan analysis, the RDEIR gives the public and decisionmakers the mistaken impression that the emergency access and emergency response would be adequate. *Id.* At 4.13-90,91. In fact, this is not the case. Allowing more than 62,000 acres of residential development in the County’s wildlands is all but certain to adversely affect emergency access and response. The revised EIR must provide an analysis of this impact.

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Notwithstanding this deficient impact analysis, the RDEIR asserts that compliance with existing regulations and General Plan policies would be sufficient to ensure that impacts relating to wildfire hazards and emergency response are less than significant. *Id.* at 4.13-91, 92. The RDEIR lacks any evidentiary support for this assertion. Indeed, a review of the regulations and policies identified in the RDEIR reveals that although certain measures may help to minimize the potential for wildland fires, they in no way eliminate the risk to public safety. For example, Ordinance No. 695 requires the abatement of “hazardous vegetation” and provides the County the *ability* to require development applicants to pay established fire protection mitigation fees that are to be used by the Riverside County Fire Department to construct new fire protection facilities. *Id.* at 4.13-50 (emphasis added). Even if the removal of hazardous vegetation and the construction of new fire protection facilities would somehow protect new development from conflagration—which has not been sufficiently demonstrated in the EIR—nothing can guarantee the safety of the County’s residents.

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Likewise, the proposed General Plan policies calling for such actions as meeting building safety codes (Policy S 5.1 b and c), the provision of defensible space (Policy S 5.1f), and mapping Fire Hazard Zones (Policy S 5-17) (RDEIR at 4.13-66 – 69), provide no evidence that they will be sufficient to protect County residents and property from wildfire hazards. The RDEIR identifies certain potentially strong Plan policies such as Policy S 5.4, calling for “limiting or prohibiting development in areas lacking water and access roads” but because they are voluntary they are entirely unenforceable. The policies should be modified to make them clear and enforceable. For example, Policy S 5.6 should be modified as follows (additions underlined; deletions indicated with ~~strikeout~~): “All proposed developments must d~~Demonstrate that the proposed development can provide fire services that meet~~ compliance with the minimum travel times identified in Riverside County Fire Department Fire Protection and EMS Strategic Master Plan.” *See* RDEIR at 4.13-68.

The EIR must be revised to include mitigation measures, alternatives, and/or revised General Plan policies that are sufficient to reduce impacts relating to wildland fire hazard to less than significant levels. For example, the Added Community Centers Alternative would significantly reduce the risks related to wildfire and other hazards, yet the County erroneously dismisses this superior alternative as having more significant impacts than the proposed Plan.

In addition to the issues identified above regarding emergency access and response capability, the EIR must also analyze emergency evacuation standards and provide policies that ensure that evacuation will not be compromised in the event of fires. Certainly the County could consider mechanisms such as land use restrictions. In fact, the RDEIR states that fire hazards are addressed through various mechanisms including land use restrictions. RDEIR at 4.13-1. Such restrictions, especially in locations with inadequate emergency access, are necessary to protect residents and property but we can find no evidence that the County has even considered such an approach to mitigating wildfire impacts.

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In sum, the wildfire risks associated with development in the County's wildlands warrant comprehensive scrutiny. The RDEIR's superficial treatment of this issue is a fatal flaw requiring recirculation.

7. The RDEIR's Transportation Impacts Mitigation Is Faulty.

The RDEIR analyzes the Plan's transportation impacts and proposes mitigation to lessen some of the significant transportation-related impacts of the Plan. However, it fails to adopt mitigation for all potentially significant impacts, stating that some

roadways listed fall outside the jurisdiction of Riverside County (i.e. State of California and cities). These roadways similarly have impacts which require mitigation measures. However since these roadways are not within the jurisdiction of Riverside County, the impacts may potentially remain significant unless improved by others to standards that are higher than those modeled.

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RDEIR at 4.18-91. The RDEIR may not identify potentially significant impacts and then abdicate all responsibility for imposing mitigation merely because other agencies may have jurisdiction over some of the potential mitigation measures. It is the County's General Plan that will cause impacts to other jurisdictions' roadways, so it is the County's responsibility to find ways to mitigate these impacts, even if it requires the cooperation of the other jurisdictions. Lead agencies may adopt mitigation that relies on

other agencies' cooperation, but may only rely on this mitigation to reduce impacts if there is substantial evidence that the other agency will actually carry out the mitigation. For example, in *Neighbors for Smart Rail v. Exposition Metro Line* (2013) 57 Cal.4th 439, 465-66, a regional transportation agency adopted mitigation to address parking impacts caused by the expansion of transit facilities. While the agency did not have jurisdiction to institute restrictions on street parking, it nonetheless adopted mitigation under which it was "required to monitor parking in the potentially affected neighborhoods, to pay for a residential permit parking program where station spillover has resulted in a street parking shortage, and to assist in developing other measures where a residential permit program is inappropriate." *Id.* (emphasis in original). At the least, the County here must find that other agencies "can and should" adopt mitigation, and must adopt measures to support other agencies' efforts to carry out this mitigation. *See* Pub. Res. Code § 21081(a)(2); CEQA Guidelines § 15091(a)(2).

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Additionally, the County can and must mitigate traffic impacts by taking actions over which it *does* have jurisdiction. For example, the County certainly has the authority to plan for higher-density, more compact, mixed land use patterns that reduce dependency on automobiles. More compact developments designed to be walkable and accessible to regional transit can greatly reduce vehicle miles traveled ("VMT"). The County could also increase its investment in public transit or require developers to mitigate transportation impacts by funding transit capital and operations instead of intersection or roadway improvements. Studies demonstrate that integrated smart growth programs that result in community design similar to what developed prior to 1950 can reduce vehicle ownership and travel by 20-40%, and significantly increase walking, cycling and public transit; the results are even more impressive if such programs are integrated with other policy changes such as increased investments in public transportation. *See* Land Use Impacts on Transportation, Victoria Transport Policy Institute, January 15, 2015, attached as Exhibit V. The RDEIR clearly acknowledges that land uses that are spread throughout a community increase the number and length of motor vehicle trips. RDEIR at 4.16-13. Inasmuch as the Plan will increase VMT by a staggering 352%, the County must consider opportunities to promote compact development and increase its commitment to alternative modes of transportation.

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The County could also institute policies to manage travel demand, institute parking pricing in certain areas to discourage driving, create financial and bureaucratic incentives for transit-oriented developments, and more. The County's failure to even consider other types of mitigation for the Plan's impacts on other jurisdictions' roads is a fatal flaw.

8. The RDEIR Fails to Address the Ecological Disaster at the Salton Sea.

The General Plan refers to the Salton Sea as a “thriving water, recreation, and environmental resource.” GPA Volume 1, pdf page 58. Unfortunately, nothing could be further from the truth. The deterioration of the Salton Sea is already wreaking havoc on the environment and greater threats are in store. This crisis should be front and center in the proposed General Plan Update and the RDEIR, but it appears to be ignored altogether.

There are numerous reasons that the lake levels are dropping, including wastewater treatment and recycling and changes in agricultural irrigation practices.¹⁹²⁰ The diminishing water levels are causing severe environmental impacts. As the water recedes it exposes more ground to the air. Dust storms swirl, contaminating the air of areas such as Imperial Valley and Coachella Valley, which already experience some of the highest asthma rates in the state. *Id.* High salinity and fertilizer runoff regularly cause algae blooms which starve the lake of oxygen. This in turn results in numerous problems, including, for example, fish die-offs and its stench. One particularly egregious event occurred in 2012. Winds stirred decaying matter at the bottom of the lake and blew a rotten egg smell 150 miles across Southern California. *Id.* While the RDEIR includes a cursory discussion of air pollution levels in the Salton Sea Air Basin (at 4.6-6, 12), it ignores altogether the air quality threats that will continue to occur as a result of the proposed General Plan.

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Further declines in the lake level will result in a significant habitat loss for fish, wildlife and more than 400 species of birds—many that migrate to this Pacific Flyway stop. *Id.* The RDEIR acknowledges the contribution that the Salton Sea makes to biodiversity through its marshes, mudflats and other wetland habitats (at 4.8-13), yet it never mentions the lake’s current condition, the expectation of its continued decline, or the County’s land use practices that may be contributing to this problem. This results in an unlawful failure to accurately describe existing conditions (Guidelines § 15125), and a failure to provide analysis of how the General Plan will impact this resource. To the

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¹⁹ See Water Official Hear Predictions of Looming Crisis at Salton Sea, Los Angeles Times, March 18, 2015, available at <http://www.latimes.com/local/lanow/la-me-ln-salton-sea-20150318-story.html>; accessed March 27, 2015..

²⁰ See Salton Sea Struggles to Survive, Orange County Register, March 5, 2015 available at <http://www.ocregister.com/articles/sea-645924-lake-water.html>; accessed March 27, 2015.

extent the General Plan allows continued development near the Sea, yet fails to take action to prevent the Sea's decline and potential environmental, it fails to adequately analyze the Plan's impacts, as required by CEQA.

We can find no plausible explanation for the County to not address this crisis in the draft General Plan. Certainly the County could play an important role in promoting environmentally sustainable wastewater treatment and recycling practices. It could also revise its agricultural irrigation goals, policies and programs to reduce this ongoing threat to the Salton Sea. The County could also work together with the state and neighboring counties to develop a plan for restoration. This General Plan Update is the appropriate forum for undertaking these critical actions.

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D. The RDEIR's Analysis of Alternatives to the Proposed Plan Is Inadequate.

As discussed above, this General Plan will determine the shape of growth in Riverside County for decades to come. Determining which policies become a part of the Plan is likely to be one of the most important decisions the County Board of Supervisors will make. It is thus crucially important that the decisionmakers and the public have all of the available information before them.

This RDEIR, of course, is the main source of that information. And at the "core of an EIR" lies the analysis of alternatives. *Citizens of Goleta Valley v. Bd. of Supervisors*, (1990) 52 Cal.3d 553, 564. "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials." *Laurel Heights I*, 47 Cal.3d at 404. An EIR therefore must analyze a reasonable range of alternatives to the proposed project. *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. A reasonable alternative is one that would feasibly attain most of the project's basic objectives while avoiding or substantially lessening the project's significant impacts. See Pub. Resources Code § 21100(b)(4); CEQA Guidelines § 15126.6(a).

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The RDEIR does not comply with CEQA's standards for alternatives. First, it improperly characterizes an alternative in which future growth is directed toward cities as

a “no-project” alternative.²¹ This alternative assumes that no new development would be approved within the unincorporated areas of the County and that the incorporated cities would continue to grow pursuant to their individual general plans. RDEIR at 6.0-08, 10.

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More troubling, the RDEIR appears to have crafted this city-centered alternative in a manner that would ensure its rejection. Because the alternative “posits no growth and no development” whatsoever, the County concludes that this “straw-man” option does not achieve the Project objectives *Id.* at 6.0-23, 24. Yet, the RDEIR could have included a more workable city-centered alternative in which future growth is directed to areas inside, or *immediately adjacent to*, the boundaries of the County’s incorporated cities. The County’s failure to analyze such an option violated CEQA.

Policies in the County’s proposed (and existing) Plan indicate that such a city-centered alternative would have been feasible. For example:

- LU 2.1.e: “Concentrate growth near or within existing urban and suburban areas to maintain the rural and open space character of Riverside County to the greatest extent possible.” RDEIR at 4.6-20;
- AQ 8.8: “Promote land use patterns which reduce the number and length of motor vehicle trips.” *Id.* at 4.6-25;
- AQ 20.9: “Reduce urban sprawl in order to minimize energy costs associated with infrastructure construction and transmission to distant locations, and to maximize protection of open space.” *Id.* at 4.6-32;
- AQ 23.1.a: “Reduce vehicle miles traveled (VMT) through increased densities in urban centers and emphasis on mixed use to provide localized residential, commercial and employment opportunities in closer proximity to each other.” *Id.* at 4.6-35;
- AQ 23.1. b: “Prevent urban sprawl in order to minimize energy costs associated with infrastructure construction and transmission to distant locations and to maximize protection of open space, particularly forests, which provide carbon sequestration potential.” *Id.*

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²¹ The RDEIR includes a second “no-project” alternative that assumes the proposed Plan is not adopted and that the existing General Plan remains the guiding document dictating future growth within unincorporated Riverside County. RDEIR at 1.0-15.

Importantly, a city-centered alternative would address many of the environmental impacts of the proposed Plan. For example, it would reduce the Plan's substantial increase in VMT. If housing is concentrated in denser areas, people will drive less because they will be closer to jobs and services and because good transit systems are easier to develop and maintain under such circumstances. The RDEIR itself recognizes this logic when it states:

land uses that are spread throughout a community increase the number and length of motor vehicle trips and associated air pollutant emissions. This is due to the relatively few opportunities to walk, ride bicycles and use public transportation between such uses as homes and work or shopping. Compact communities often mix residential uses with or near commercial, business and employment uses, thereby reducing dependence on motor vehicles and reducing necessary vehicle trips. Smaller, higher density uses also produce less air emissions from natural gas on a per-unit basis.
RDEIR at 4.6-13 and 14.

The city-centered alternative thus would reduce criteria, air toxic and GHG emissions. It would also protect the County's agricultural resources, result in more efficient infrastructure and public services, ease the demand on the region's water supplies and greatly reduce the risk of wildland fire.

Given the RDEIR's recognition of these impacts, it is baffling that the County did not include a workable alternative that focused future growth within or adjacent to incorporated cities. There is likely more than enough room in these urban areas to accommodate the growth projected by the County. Because the County failed to evaluate such an option, it violated CEQA. CEQA Guidelines § 15126.6(b); *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 884-85 (agency failed to demonstrate that a suggested alternative was infeasible).

Additionally, the RDEIR rejects a "community centers" alternative on confusing and apparently unsupported grounds. This alternative would create a more concentrated pattern of development and would reduce the overall size of the development footprint within unincorporated Riverside County by a million acres, while increasing overall residential density. RDEIR at 1.0-20—21. The RDEIR acknowledges that the alternative would reduce some impacts due to its more efficient use of land. However, it states that the alternative would only substantially lessen only one of the Plan's significant impacts, related to farmland, while having similar or worse impacts on air

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quality, growth inducement, greenhouse gas emissions and traffic. *Id.*; RDEIR at 6.0-5, 64. These counterintuitive conclusions are not supported by the record.

The EIR acknowledges that:

increasing the density/intensity of an urban core can actually result in decreased traffic, noise and air pollution in some locations (particularly outlying areas) because compact development can create shorter commutes for shoppers, workers and others. Also, increased densities, and in particular, mixed use developments, can foster more walkable communities in which pedestrian and bicycle travel supplants vehicle trips for short distances, further reducing traffic and its attendant impacts

The EIR’s conclusion that, despite the obvious benefits of denser development, the community centers alternative would result in greater impacts to, for example, GHG emissions, is based on the fact that this alternative is not actually equivalent to the Plan. Instead of providing the same number of new units, residents and jobs as the Plan, this alternative “would yield an increase of nearly 7,000 dwelling units and over 90,000 jobs, plus a population increase of roughly 12,600 people as compared to build out under the General Plan as amended per the project.” RDEIR at 6.0-64. Thus, the EIR does not compare apples to apples. Instead, while creates an alternative that *should* have obvious and significant environmental benefits, it sets the option up to fail. Thus, the County concludes that as a result of the “density and intensity increases within the added Community Centers . . . , this alternative would have increased population-driven impacts due to the roughly 12,600 additional people and 90,000-plus jobs added” RDEIR at 6.0-65. It is only because of the differing baseline assumptions that the EIR finds the alternative’s impacts to air quality, noise, water, and other resources would be greater than the Plan’s impacts. *Id.*

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In addition, the EIR is inconsistent in describing the alternative’s impacts in relation to the Plan’s impacts. It states in one place that the only impact significantly reduced by the alternative would be to farmland. RDEIR at 1.0-20—21. However, elsewhere it describes how, “[c]ompared to the project [] this alternative would result in a substantial reduction in the extent of biological impacts due to the million-plus acre reduction in the overall size of the development footprint.” RDEIR at 6.0-66. Similarly, it describes how “this alternative would also provide a substantial reduction in cumulative wildfire risks and, hence, demands on fire protection services.” *Id.* Thus, the first statement—that the only impact significantly reduced by the alternative would relate to farmland—appears to be incorrect.

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Many of the EIR's other conclusions are confusing or unsupported by any evidence. For example, the EIR states that the alternative would cause VMT to increase by more than 50 % (RDEIR at 6.0-66), despite the fact that the alternative would create more transit-friendly urban cores and only calls for a 1 % increase in population and 16 % increase in jobs (as compared to the Plan) (RDEIR at 6.0-71). The RDEIR must explain these seemingly bizarre conclusions.

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Likewise, the EIR is simply contradictory in places. It states that the alternative would increase VMT by more than 50 %, yet it also describes how the alternative's denser developments would "further the VMT reduction goals established by SCAG," thereby furthering the GHG reduction goals of AB 32. RDEIR at 6.0-67. These inconsistent statements highlight the County's error in creating an alternative that calls for a substantially different number of people, homes and jobs than the Plan. The EIR cannot accurately compare the alternative with the Plan because of these differences. At the least, the EIR should use different metrics to compare GHG emissions and VMT. For example, it should use a per capita measure of GHG emissions or energy usage, which would capture the benefits of the alternative instead of incorrectly portraying the alternative as less environmentally friendly than the Plan. *See* RDEIR at 6.0-68 (acknowledging that EIR would result in more efficient use of energy).

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In reality, the community centers alternative presents an environmentally superior alternative to the Plan. The RDEIR concludes otherwise only by erroneously failing to compare apples to apples and by presenting a skewed and contradictory analysis. Planning for more dense development that would spare a million acres of rural County land from being developed would clearly have fewer impacts on energy, agriculture, biological resources, GHG emissions, and many other areas. The EIR is legally defective for failing to present an adequate analysis of alternatives that properly compares the alternative to the Plan and that fails to support its analysis with substantial evidence. *See* Guidelines § 15126.6(d).

IV. The General Plan Update and the Court Order in *Friends of the Northern San Jacinto Valley v. County of Riverside*.

A. The Riverside County Superior Court Previously Ordered the County to Set Aside Approvals Related to the Villages of Lakeview Project.

On March 23, 2010, the County approved a large development project called Villages of Lakeview. Sierra Club, Friends of the Northern San Jacinto Valley, the Center for Biological Diversity and the City of Riverside sued the County, challenging the County's approval on the grounds that the County failed to conduct adequate

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environment review of the project and that the project violated the County's General Plan. The Riverside County Superior Court ruled in favor of petitioners on nearly all claims. *See* Statement of Decision, attached as Exhibit E. Specifically, the court found that the County's environmental review failed to comply with CEQA in the following respects:

- The EIR failed to adequately evaluate GHG impacts because it compared the project's GHG emissions to an unreasonable, hypothetical situation rather than to existing conditions, as required by CEQA. It also failed to adequately evaluate possible mitigation of GHG impacts. *Id.* at I-4.
- The Final EIR added substantial new information revealing that the project would cause a hundred million more miles of driving than previously disclosed, which would cause a huge increase in air pollution. The County unlawfully failed to recirculate the document after making this new disclosure. *Id.* at 4-5.
- The EIR did not adequately analyze the project's impacts on air quality and related health impacts. Specifically, the EIR made only general references to respiratory and pulmonary conditions and cancer health risks rather than providing adequate information and analysis as to the specific impacts on the general population versus sensitive receptors, or as to the degree of impacts and the specific effects on the public's health. *Id.* at 5-6.
- The EIR failed to conduct an adequate review of the project's impacts on regional traffic, and it ignored impacts of project-related traffic on nearby freeways. *Id.* at 6-7.
- The EIR did not adequately address concerns raised with respect to the project's inconsistency with a Habitat Conservation Plan. *Id.* at 9-11.
- The EIR failed to adequately address the project's growth-inducing impacts. *Id.* at 11.

On July 11, 2012, the court issued a peremptory writ of mandate ordering the County to set aside all approvals related to the project and stating that the County "shall refrain from approving these same *or new approvals relating to or implementing the Villages of Lakeview Project ("Project") until such time as the County fully complies with CEQA and State Planning and Zoning Law.*" Peremptory Writ of Mandate, attached as Exhibit R (emphasis added).

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B. The Proposed General Plan Update Constitutes an Approval Relating to or Implementing the Villages of Lakeview Project.

The Draft Lakeview/Nuevo Area Plan encompasses the site of the previously proposed Villages of Lakeview project. When this draft Area Plan was first shown to the public along with the DEIR, it contained a Lakeview Mountains Policy Area that precisely overlapped with the previously-proposed Villages of Lakeview project, as demonstrated in Sierra Club’s DEIR comment letter. As described in that prior comment letter, the policy area was intended specifically to promote the Villages of Lakeview project and as such, would constitute a “new approval[] relating to or implementing the Villages of Lakeview Project.” Accordingly, the County needed to comply with the Riverside County Superior Court’s Order before it may approve a General Plan Update that includes the Lakeview Mountains Policy Area or any other action that relates to or implements the Villages of Lakeview Project.

33.88

When it revised the DEIR, the County also revised the Area Plan by deleting the Lakeview Mountains Policy Area. *See* RDEIR at 3.0-I6. Sierra Club agrees that this deletion is necessary and proper. As Sierra Club explained in its DEIR letter, the County’s General Plan EIR does not provide the necessary CEQA review to allow the County to approve any policy area, area plan or other entitlement that relates to or implements the Villages of Lakeview Project; specifically, it does not correct the many legal deficiencies identified by the court in the Villages of Lakeview litigation. Please confirm that the County believes the General Plan Update and related EIR do not constitute an approval relating to or implementing the Villages of Lakeview Project.

C. The County Should Modify a Proposed Change to the General Plan’s Certainty System.

The General Plan’s Administrative Chapter describes a certainty system that allows amendment of certain Foundation Elements only during comprehensive General Plan updates or in extraordinary circumstances. It then lists certain findings that the Board must make in order to justify extraordinary amendments. Specifically, the Board must make two mandatory findings and one or more other findings. *See* General Plan at A-13, 14.

33.89

The General Plan update adds a new, optional finding: “i. All land use conversions from the Rural Community to Community Development Foundation Component within the City Sphere of Influence Area should be consistent with the policies outlined in the Land Use Element of Chapter 3.” While Sierra Club does not object to this addition, it should not be added as simply one of the optional findings. The other optional findings

(b – h) require a showing of necessity for the extraordinary amendment, whereas this one does not require any showing of necessity; it simply requires conformity with Land Use policies. If the County wishes to add this requirement, it should add it separately for all extraordinary amendments, and should not allow projects to use this finding *instead of* any of the findings in b – h. Doing so would significantly weaken the intent of the certainty system and need to justify extraordinary amendments.

33.89
CONT.

V. The RDEIR Must Be Revised and Recirculated.

CEQA requires recirculation of an EIR when significant new information is added to the document after notice and opportunity for public review was provided. Pub. Resources Code § 21092.1; CEQA Guidelines § 15088.5. *Laurel Heights Improvements Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130 .

33.90

As this letter explains, the RDEIR must be redrafted in ways that require extensive new information and analysis. This analysis will likely result in the identification of new, substantial environmental impacts or substantial increases in the severity of significant environmental impacts. Consequently, the County must again revise and recirculate the EIR for public review and comment.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Rachel B. Hooper
Laurel L. Impett, AICP, Urban Planner
Erin Chalmers

cc: George Hague

List of
Exhibits

Exhibit A List of Area Plan Issues

Exhibit B California Air Resources Board, Climate Change Scoping Plan (2008)

- Exhibit C Letter from Attorney General to San Joaquin Valley Air Pollution Control District re: Final Draft Staff Report on Greenhouse Gas Emissions Under CEQA (Nov. 4, 2009)
- Exhibit D Final Statement of Reasons for Regulatory Action on the Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97
- Exhibit E *Friends of the Northern San Jacinto Valley v. County of Riverside*, Statement of Decision
- Exhibit F CAPCOA, CEQA & Climate Change, January 2008
- Exhibit G Submitted with this firm's letter on the DEIR
- Exhibit H Renewable Siting Criteria for California Desert Conservation Area
- Exhibit I Press-Enterprise Articles, Air Quality in Riverside County
- Exhibit J List of studies documenting the effects of air pollution on health
- Exhibit K Marin Countywide General Plan Update EIR, Air Quality Analysis, November 2007
- Exhibit L SCAG 2012-2035 RTP/SCS Health Analysis, December 2011
- Exhibit M USC News, "New Concerns Raised About Air Pollution at LAX," May 30, 2014
- Exhibit N County of Los Angeles Public Health, Air Quality Recommendations for Local Jurisdictions
- Exhibit O Press-Enterprise Article, Jurupa Valley
- Exhibit P LEED 2009 for Neighborhood Development
- Exhibit Q San Diego County Guidelines for Determining Significance Wildland Fire and Fire Protection
- Exhibit R Peremptory Writ of Mandate, *Friends of the Northern San Joaquin Valley, et al. v. County of Riverside, et al.*
- Exhibit S Submitted with this firm's letter on the DEIR
- Exhibit T Measuring Sprawl 2014, Smart Growth America, April 2014

Kristi Lovelady
March 30, 2015
Page 65

- Exhibit U Humboldt County General Plan Update Health Impact Assessment, March 2008
- Exhibit V Land Use Impacts on Transportation, Victoria Transport Policy Institute, January 15, 2015
- Exhibit W WRCOG Subregional Climate Action Plan, Final Draft, May 2014
- Exhibit X USDA Agricultural Census, 2012
- Exhibit Y Efficient Use of Land to Meet Sustainable Energy Needs, Rebecca R. Hernandez et. al., Nature Climate Change, March 16, 2015

664444.5

Comment Letter No. 33: San Gorgonio Chapter of the Sierra Club (Via Shute, Mihaly & Weinberger)

Note: Refer to Attachment A, Comment Letter Attachments, to view the full materials provided and referenced by the commenter.

- Comment 33.1** The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 33.2** The County appreciates and values your comments during the General Plan Update and EIR process. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below which address the concerns listed in the letter.
- Comment 33.3** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted.
- Comment 33.4** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. The comment focuses on opinions regarding the General Plan and how future growth in the County should continue. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 33.5** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 33.6** This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below which address the in-depth explanation of concerns listed in the letter. However, the County disagrees that the Draft EIR failed to analyze all environmental impacts and incorporate feasible mitigation suitable for this level of review. CEQA does not require a lead agency to analyze every

imaginable mitigation measure. Instead, the lead agency shall focus on mitigation measures that are feasible, practical, and effective.

Comment 33.7 This comment is duly noted. The Draft EIR considers all feasible alternatives and mitigation as required by CEQA. As required pursuant to Section 15126.6 of the State CEQA Guidelines, the EIR must describe a reasonable range of alternatives to a project or to the location of a project which could feasibly attain its basic objectives but would avoid or substantially lessen any of the significant effects of the project. Draft EIR No. 521 evaluated a total of six alternatives which included various land use scenarios (refer to Chapter 6, *Alternatives*), in which the County considered modifications to land use designations, densities, and intensities of alternative build out scenarios. Build out of the General Plan, as it would occur if updated pursuant to GPA No. 960, would have significant, unavoidable adverse impacts to agriculture, air quality, noise, transportation and traffic, water supplies, and growth inducement, in addition to a variety of other cumulatively considerable effects. As indicated in Table 6.0-A of Chapter 6, the Reduced Rural Villages Alternative was found to address the widest span of project impacts with the fewest new significant environmental impacts within unincorporated Riverside County. All of the other alternatives were determined to have substantial new and/or greater impacts than the proposed Project, as well as areas of lessened impacts.

Through the alternatives analysis provided in Draft EIR No. 521, the County determined that two alternatives would be environmentally superior to the proposed Project in terms of providing a scenario for guiding ultimate build out of the Riverside County General Plan. The No Build/No Growth Alternative met only a single Project objective. Refer also to Response 25.7, 33.76, 33.81, 33.82, 33.83, 33.84, 33.85, and 33.86. The Reduced Rural Villages Alternative would result in significant adverse environmental impacts; however, this alternative addressed the widest range of Project impacts with the fewest new significant impacts. It would not, however, meet more than two of the stated Project objectives. As a result of the alternatives analysis, it was determined that the proposed Project (GPA No. 960) remained the preferred Project as it would achieve all of the stated Project objectives while minimizing, to the extent feasible, the significant, unavoidable environmental impacts. Therefore, the Draft EIR considered an adequate number of alternatives, each with a different land use scenario of land use designations and intensities; however, as explained above, none of these alternatives were determined to provide a scenario superior to the proposed Project.

All sections of Draft EIR No. 521 were considered the requirements outlined by Section 15126.4 of the State CEQA Guidelines, which outline the requirements for mitigation to be incorporated into the Draft EIR. Due to the programmatic nature of the documents, mitigation adopted for the Draft EIR contains a similar scope and specificity to the policies developed within GPA No. 960, as required under CEQA.

Therefore, the Draft EIR evaluated an adequate range of alternatives and mitigation required for the Project pursuant to the CEQA guidelines.

- Comment 33.8** The policies identified in GPA No. 960 are intended to guide future development within the County. Such policies shall be implemented by the County, and future development shall demonstrate compliance with all policies applicable to the improvements or actions proposed. Details for implementing policies in GPA No. 960 are contained in the Implementation Program in the form of action items (See Appendix K). The policies identified are intended to reduce, minimize, and/or avoid potential effects of development as build out of the General Plan continues to occur in future years; however, not all policies are applicable to all development scenarios. Additionally, adherence to such policies and programs would be evaluated for appropriateness for future public and private development, as considered by the County, in addition to regulations imposed for new development by other affected agencies. As such, the policies identified in the General Plan are considered adequate for mitigation purposes under CEQA; however, a number of environmental impacts would remain significant and unavoidable even with their implementation.
- Comment 33.9** As stated in Section 4.1.2, Assumptions and Methodology for Projections, of the Draft EIR, “During preparation of the initial (2003) RCIP General Plan, a number of statistical analyses were performed to determine the most appropriate build out results for the purposes of environmental analysis. Through such analysis, it was determined that the midrange projections would be most representative of a reasonably foreseeable future build out. Mid-range projections are utilized because the installation of required infrastructure (e.g., roads and utilities), as well as the presence of environmental constraints (e.g., fault hazard zones, floodways, steep high fire hazard areas, etc.), generally preclude maximum development of vacant lands. Midrange projections are a realistic approximation of the population, dwelling unit, and employment growth that results from implementation of the General Plan that also reflect a conservative approach that does not underestimate impacts.” The General Plan is intended to serve as a guideline for future development within the unincorporated County over the next several decades, and certain assumptions were required to be made in preparation of the growth patterns anticipated with implementation of the Plan. As described in the excerpt from Draft EIR No. 521 above, utilization of a midrange population projection is considered appropriate for future conditions analyzed in Draft EIR No. 521. The commenter is merely adding their opinion regarding the adequacy of the project description. No further response is necessary.
- Comment 33.10** This comment is duly noted. Refer to Response 33.9, above. Although the comment notes specific concerns in regards to the adequacy of the EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer also to the responses below which address the in-depth explanation of concerns listed in the letter.
- Comment 33.11** This comment is duly noted. Refer to Response 33.9, above. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Most of the comment merely recites various CEQA cases, with limited support for their relevance to the EIR under consideration. As described in response 33.9 above, the General Plan is intended

to serve as a guideline for future development within the unincorporated County over the next several decades. Due to the extended timeline associated with a General Plan, as opposed to a Specific Plan or other project specific document, certain assumptions were required to accurately analyze the growth patterns anticipated as a result of the implementation of the SPA No. 960. A mid-range growth projection, as utilized in Draft EIR No. 521, was determined to be the most appropriate build out assumption as a result of the statistical analyses performed during the preparation of the original (2003) RCIP General Plan.

As described in General Plan Appendix E-1 (Socioeconomic Build-Out Assumptions and Methodology), “a key assumption in understanding the magnitude of [land use] projections is that the projections reflect a theoretical build-out of all unincorporated areas, rather than what is likely to appear on the ground over the next 50 years.” The midrange land use data utilized in Draft EIR No. 521 is a demonstration of planned County capacity, not necessarily the precise location and specific buildout conditions that would exist at that future date. However, since the location in which a given population settles is, in part, affected by this available land use capacity, the data nevertheless provides an important perspective on the land use changes and potential capacity expected in Riverside County over the long-term. For these reasons, the midpoint assumptions were determined to be the most appropriate for use in estimating future theoretical build out while also accounting for the variables that impact development as it undergoes the site-specific environmental and entitlement processes. The projections used in GPA No. 960, and subsequent analysis within Draft EIR No. 521, are intended to best represent final buildout for long-range planning purposes, as a 100 percent of the County is speculative and would overestimate impacts associated with GPA No. 960.

Comment 33.12 This comment is duly noted. GPA No. 960 utilizes a mid-range growth projection as it was determined to be the most appropriate statistical model for analyzing the future growth of the County during the preparation of the original (2003) RCIP General Plan. Using a full-buildout statistical model would be erroneous, as future development accommodated by the General Plan would be dependent on a number of outside factors that ultimately would preclude 100 percent development of the County. The analysis of the General Plan buildout, includes a number of variables in order to account for the constraints that may be encountered at the project level that would reduce the development allowed on a parcel. These assumptions are fully explained within Appendix E-1 of GPA No. 960. These population projection assumptions have been further refined since the 2003 General Plan Update for analyze population growth more accurately within the County. A full-buildout statistical model for the future growth of the County would produce an an artificially inflated and speculative analysis that would greatly reduce the accuracy of the analysis within Draft EIR No. 521. As such, a mid-range buildout scenario is most appropriate for Draft EIR No. 521’s analysis of GPA No. 960. For further discussion regarding the assumptions used within the buildout analysis, refer to Responses 33.9 and 33.11, above.

Comment 33.13 The General Plan and Draft EIR provide guidance as to how future development within the County would occur under the General Plan and the potential effects of such development on

the existing environment. As stated by the commenter, GPA No. 960 provides all of the changes proposed to the Area Plans and significant data discussing the changes under the General Plan. The Area Plans are intended to provide a more detailed understanding of how development within the affected Area Plans would occur, as existing and proposed conditions are varied for each, and to enhance the discussion of overall future growth within the County.

Figure 4.2.4 (Current General Plan Land Use Foundations) shows the existing land use distribution within the County. The proposed distribution of land uses with the Draft EIR, consistent with that proposed with the General Plan (GPA No. 960), is shown in Figure 4.2.7 (Proposed General Plan Countywide Land Use.)

Table 4.2-G (Land Uses Under Existing General Plan and Proposed Project) shows a breakdown of the existing, proposed, and overall net change in acreage within each General Plan land use category that would occur with implementation of GPA No. 960. Table 4.2-H (Proposed Land Use Changes Associated with GPA No. 960) provides a breakdown of land uses and existing land uses within overlays and how such land use designations would be altered by GPA No. 960 (and the associated theoretical build out of dwelling units). The identification of housing units approved but not built in the Draft EIR is not necessitated and is more relevant for discussion within the General Plan, as appropriate.

Additionally, the Draft EIR analysis is based on the planned future growth of the County as identified and provided in the proposed General Plan (GPA No. 960). The planned distribution of future land uses within the County is identified in the General Plan and provides the conditions upon which the Draft EIR analysis is based, thereby influencing the potential environmental effects that will result with future build out.

Comment 33.14

The Draft EIR considers the environmental issue areas that would potentially be impacted by build out of the General Plan, based on Appendix G of the CEQA Guidelines. The programmatic Draft EIR, prepared in accordance with CEQA requirements, analyzes the potential effects of future build out of land uses under the proposed General Plan. Such an analysis considers the potential impacts of the land uses as anticipated, and mitigation is provided to reduce such impacts to the extent feasible. Build out of the General Plan is analyzed in the Draft EIR consistent with that proposed in the revised Plan. Although actual land uses may vary as future development occurs on individual lands, the Draft EIR provides analysis for the land uses authorized by the General Plan and does not defer such analysis to the future when individual projects are proposed; however, as site-specific development occurs and potentially differs from that anticipated with the proposed General Plan, such projects would be evaluated further under existing relevant plans and policies in place at the time of the proposed development, in accordance with CEQA and County requirements. As such, the analysis provided in the Draft EIR is considered adequate and relevant to that which would occur under the revised General Plan.

Comment 33.15 This comment is duly noted. Refer to Response 33.14, above. The Draft EIR provides substantial analysis and incorporates all feasible mitigation as it relates to the approval of GPA No. 960 in order to provide meaningful public review and allow informed decision making. The analysis provides the most accurate and realistic assessment of the potential physical environmental impacts for the Project.

Comment 33.16 Refer to Response 22.2. As noted in the Draft EIR and CAP, the County uses 2008 as a baseline as this is the latest date that actual data was available at the time the analysis was prepared. BAU refers to continued operations and development of Riverside County according to 2008 policies, without the inclusion of proposed reduction or sustainability initiatives as part of the CAP. However, the CAP reduction target is still 15 percent below 2008 baseline emissions, regardless of any projected levels. Additionally, comparison to BAU projections is not a method identified by the CAP for project review. The CAP Screening Tables provide guidance for the analysis of new development projects.

As noted in the comment, Chapter 7 of the CAP outlines the implementation process, which includes staffing, financing, prioritizing, public participation, project review, monitoring and inventorying, and planning beyond 2020. As such, implementation of the CAP is an involved process that goes beyond the actual document.

As noted in the CAP, 2020 is only a milestone in GHG reduction planning. The County of Riverside will commence planning for the post-2020 period starting in 2017, at the approximate midway point between plan implementation and the reduction target and after development of key ordinances and implementation of cost-effective measures. At that point, Riverside County will have implemented the first two phases of the CAP and will have a better understanding of the effectiveness and efficiency of different reduction strategies and approaches. The new plan will include a specific target for GHG reductions for future horizon years. The targets will be consistent with broader state and federal reduction targets and with the scientific understanding of the needed reductions by 2050. The County of Riverside will adopt the new plan by January 1, 2020.

Comment 33.17 As noted in the comment, there is a typographical error in Draft EIR No. 521 Table 4.7-I, on Page 4.7-47. It should be noted that although the subtotals for the reduced 2060 emissions were the same as the BAU emissions, the overall total provided the correct value. Table 4.7-I of the Draft EIR will be revised as follows:

Page 4.7-47:

Source Category	Net Total Emissions (Metric tons of CO ₂ e) ¹		
	2008	BAU 2060	Reduced 2060
Transportation	2,850,520	10,338,870	10,338,870 -5,443,323
Energy	1,577,670	6,084,370	6,084,370 -2,958,328
Area Sources	269,180	721,400	721,400 -318,463
Water and Wastewater	152,470	382,870	382,870 -238,612
Solid Waste	132,670	703,890	703,890 -353,115
Agriculture	2,030,430	1,522,820	1,522,820 -1,507,220
Totals	7,012,940	19,754,220	10,819,060
AB 32 Target²	5,960,998	5,960,998	5,960,998
2050 Target³	1,192,200	1,192,200	1,192,200

Comment 33.18 Refer to Responses 22.2, 22.3, 33.16, and 33.20. The comment mischaracterizes the analysis and incorrectly states that the Draft EIR and CAP use a hypothetical future condition as a baseline. Draft EIR No. 521 and the CAP use 2008 as the baseline. CEQA Guidelines 15064.4(b)(1) requires a lead agency to consider the extent to which a project may increase or reduce GHG emissions compared to the existing environmental setting. The reduction target for the CAP is 15 percent below existing 2008 baseline levels. The basis for calculating baseline conditions does not include future hypothetical conditions. It should be noted that the GHG emissions reduction of 25 percent below the BAU scenario referenced in Policy AQ 18.2 and Mitigation Measure 4.7.A-N1 relates to the reduction required for new development and equates to the 15 percent below 2008 baseline levels. As described above, the CAP and Draft EIR do not use a BAU approach to measure GHG impacts and, contrary to the comment, does not create illusory comparisons or “misleading hypothetical analysis.” BAU emissions are provided for informational purposes, but the reduction target is relative to 2008 (baseline) levels.

The comment discusses various cases in support of the premise that BAU is not acceptable. However, the commenter brushes by the key differences in the cited cases, such as the fact that the court under *Friends of the Northern San Jacinto Valley* found the project used an unattainable and unlikely worst case scenario as the real reason the BAU analysis failed, as opposed to the appropriate use of BAU as a valid way to study and evaluate GHG emissions. In fact, the court affirmed the use of BAU for studying GHG emissions under *Citizens for Responsible Equitable Environmental Development (CREED) v City of Chula Vista* (2011) 197 Cal.App.4th 327.

Comment 33.19 Refer to Responses 22.2, 22.3, 33.16, and 33.18. The CAP and Draft EIR do not use a BAU approach to measure GHG impacts. The Draft EIR and CAP use 2008 as the baseline and the CAP reduction target is still 15 percent below 2008 baseline emissions, regardless of any projected levels.

Comment 33.20 Refer to Response 22.2 and 33.18, above, regarding BAU and baseline. The DEIR and CAP use 2008 as the baseline. The comment misinterprets the emissions inventories and reduction targets in the CAP and the Draft EIR. BAU refers to the continued operations and development of Riverside County according to 2008 policies, without the inclusion of proposed reduction or sustainability initiatives as part of the CAP. However, comparison to BAU projections is not a method identified by the CAP or Draft EIR for the significance determination or for future project review. It should be noted that 25 percent below BAU only relates to the reductions for new development proposed as a discretionary project and equates to 15 percent reduction target below 2008 levels. The 25 percent reduction from 2020 BAU levels is provided for informational purposes to isolate the reductions just needed for future development projects. Further reductions would be achieved with implementation of various initiatives by the state and other agencies including reductions from building retrofits and other implementation measures in the CAP (not associated with new development) that are not reflected in the 25 percent reduction from 2020 BAU levels. Also refer to Response to Comment 22.4, above. Comparison to BAU projections is not a method identified by the CAP for project review. The CAP Screening Tables provide guidance for the analysis of development projects. The Screening Tables provide a menu of reduction options. If a project can obtain 100 points from the Screening Tables, the mitigated project would implement the necessary reduction measures to meet the goals of the CAP.

As described above, neither the CAP nor the Draft EIR utilize the 2020 BAU scenario as the baseline against which to assess the significance of GHG emissions. The CAP and Draft EIR use a reduction target of 15 percent below the 2008 baseline to evaluate GHG impacts associated with the General Plan Update. This target is also used in the CAP Screening Tables to determine the significance of emissions from future development projects.

The emissions reductions identified in the CAP and the Screening Tables include specific measures that clearly indicate the improvement that should be made in order to receive credit for the reduction. The reduction quantifications are substantiated in the appendices of the CAP. For example, several of the reductions from the Transportation Measures are based on the CARB AB 32 Scoping Plan or the CAPCOA document, *Quantifying Greenhouse Gas Mitigation Measures* (August 2010). The comment incorrectly states that there is no factual basis supporting the estimated emissions reductions from new development. However, these conclusions are based on the emissions inventories and the reduction calculations provided within the CAP and appendices. CAP Appendix D provides the GHG inventory calculations and sources, while Appendix E provides the calculation details for the reduction measures and the associated assumptions. Therefore, the conclusions in the CAP and Draft EIR are not conclusory statements.

Comment 33.21 Draft EIR No. 521 Section 4.7.5(C) provides an analysis of project consistency with Post 2020 Emissions Reduction Targets, which includes an analysis of consistency with SB 375/SCAG's RTP/SCS. As described in the Draft EIR, the proposed General Plan (as updated pursuant to GPA No. 960) would comply with the policies, programs, and reduction measures set forth

in AB 32 and SB 375. Specifically, the GHG analysis for 2035 was provided to demonstrate consistency with SB 375 and SCAG's RTP/SCS. Following SB 375, CARB set targets for the SCAG region to reduce emissions from passenger vehicles by 8 percent per capita by the year 2020 and 13 percent per capita by the year 2035. These percentages were calculated to be equivalent to 3.07 MT CO₂e per capita in 2020 and 2.90 MT CO₂e per capita in 2035. The Draft EIR determined that with the Implementation Measures of the CAP, plus proposed new Mitigation Measures 4.7.A-N1 and 4.7.A-N2, per-capita emissions would be reduced to 2.46 MTCO₂e per person in 2020, which achieves and is, in fact, below the SB 375 target. For 2035, it would be 2.85 MTCO₂e per person, which is also below the 2035 target. Thus, the data presented in the Draft EIR demonstrate that the proposed CAP Implementation Measures and other revisions to the General Plan included as part of the project would be sufficient to ensure that new development is consistent with SB 375 and the SCAG RTP/SCS. Additionally, it should be noted that New Policy AQ 28.2 requires the County to implement programs to reduce GHG emissions in coordination with various SCAG planning efforts, including their Regional Blueprint Plan and RTP/SCS, which address SB 375 and would ensure consistency with SCAG's RTP/SCS. Therefore, the Draft EIR provides an analysis of the proposed Project's consistency with the applicable plans per State CEQA Guidelines Section 15064.4(b)(3) and 15125(d).

- Comment 33.22** It should be noted that the County of Riverside is a member agency of the Western Riverside Council of Governments (WRCOG). However, the WRCOG Subregional Climate Action Plan analyzed GHG emissions and reduction measures associated with 12 member agencies and did not include the County of Riverside since the County was preparing its own CAP at the same time. The WRCOG Subregional CAP is relevant for the 12 member agencies that participated in that document. However, as the WRCOG Subregional CAP only focused on the participating member agency areas, it does not overlap with the County's CAP. Therefore, the commenter is incorrect and the WRCOG Subregional CAP is not an applicable plan that would require a consistency analysis for the proposed project.
- Comment 33.23** The California Public Utilities Commissions (CPUC) and the California Energy Commission (CEC) have adopted the goal to achieve zero net energy building standards by 2020 for homes and 2030 for commercial buildings (i.e., the requirement for zero net energy homes will begin in 2020). The CPUC and CEC have intended for these goals to be reached by 2020 and 2030 through subsequent incremental updates to Title 24 of the California Code of Regulations. Therefore, these goals do not represent an applicable plan for the purposes of reducing GHG emissions (such as a CAP). Additionally, Chapter 7 of the CAP outlines the implementation process, which includes planning beyond 2020. As such, implementation of the CAP is an involved process that goes beyond the actual document and would be updated to per applicable regulatory changes.
- Comment 33.24** This comment describes the CAP Screening Tables and serves as an introduction to the comments addressed in more detail in the following sections of the letter. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment

specifically related to the Draft EIR’s environmental analysis. Refer to the responses below which address the in-depth explanation of concerns listed in the letter.

Comment 33.25 This comment requests revisions and additional detail in the CAP Screening Tables. Implementation Measure E2.A.1 requires projects to provide solar that offsets a certain percentage of the actual power consumption of the project. It does not discuss or allow the nameplate capacity of the solar panels.

The measures within the Screening Tables for the implementation of renewable energy have been revised to clarify that the actual expected output must achieve the reduction in order to be awarded the associated points. The following subscript shall be added to define the term “total power” in Screening Table measures E2.A.1, E2.A.2, E6.A.1, and E6.A.2:

(CAP) CEQA Thresholds and Screening Tables, Pages 8-9 and 15-16:

“The term total power refers to the actual, expected output from the facility implemented and not the potential capacity of facility.”

The implementation of solar panels with respect to residential property and commercial property by the developers can be required through the implementation of the Screening Tables or County policies for new development. Once that property is sold, it is up to the private owner to continue maintenance or replace the facilities as necessary. This is beyond the control of the developers and therefore has not been included as part of the reduction measure. Implementation of CAP policies for education and community participation will be instrumental in providing the knowledge private owners need in order to foster the ongoing maintenance and replacement of these facilities as necessary.

Comment 33.26 The implementation measures and point assignments were determined based on the average level of implementation for various measures. For example, the point allocations assume that charging stations may not be included in all residential units and that some charging stations may provide 120 volts while others may provide 240 volts. As requested by the SCAQMD, the Screening Tables were tested with various project sizes and types and the point allocations matched the actual emissions reductions within an acceptable standard deviation of 0.5. Additionally, it should be noted that the SCAQMD was consulted regarding the Screening Table and testing method and they were satisfied with this process.

Comment 33.27 The development of the CAP and Screening Tables has been an ongoing process since 2008 (prior to the establishment of SCAQMD Rule 445). As such, points associated with not installing wood burning devices have been removed from the Screening Tables. The requested correction has been made and can be seen reflected below and in the Errata section of the CAP document.

Table 1: Screening Table for GHG Implementation Measures for Residential Development

Implementation Measure IM L1: SCAQMD No New Wood Burning Stoves		
As part of Rule 445 and the Healthy Hearths™ initiative, the South Coast Air Quality Management District adopted a rule for no permanently installed indoor or outdoor wood burning devices in new development.	40 points	
Project contains no wood burning stoves or fireplaces <i>(required)</i>		

Comment 33.28 The installation of outdoor electrical outlets reduces the need for gasoline powered landscape equipment. The assigned point values for renewable energy (Implementation Measures E2.A.1 and E2.A.2) have been revised in the Screening Tables to more accurately represent their effect and the installation of outdoor electrical outlets no longer have the same point value as alternate power sources/renewable energy.

Comment 33.29 The comment notes that renewable energy facilities should be sited appropriately. As noted in the comment, this is the intent of General Plan Policy AQ 26.1. The comment also requests that the GPA No. 960 provide more detail regarding appropriate locations so that the Draft EIR can analyze specific locations for renewable energy facilities. An appropriate location would be determined based on many variables including, but not limited to, the size of the renewable energy facility, impacts to onsite biological resources, the distance and extent of development of required distribution facilities, and available land—all of which would be part of the environmental review of the project designed to implement the facility or facilities. Since the size and types of alternative energy projects are unknown, the potential appropriate locations as well as any potential impacts would be speculative. Further, the Draft EIR does not specifically include the implementation of alternative energy projects and therefore the environmental analysis of such speculative projects is beyond the scope of the Draft EIR's environmental analysis.

As described in Response 22.8, the Draft EIR is a programmatic document that analyzes the land use and growth projections in the General Plan Update and does not identify specific land use development projects. Additionally, the *Stevens v. City of Glendale* case does not apply to this instance because the Draft EIR does not have mitigation measures regarding the siting or placement of specific renewable energy facilities.

It should also be noted that GPA No. 960 and the CAP support rooftop solar and other forms of distributed generation. For example, Policy OS 11.1 supports alternative energy sources; New Policy AQ 20.18 supports the installation of solar panels and other energy efficient improvements to residential and commercial uses; New Policy AQ 20.21 would provide homeowner education programs for adding solar energy capabilities; New Policy AQ 20.28 supports solar array installations and other renewable sources; and New Policy AQ 26.1 encourages solar panels. Further, New Policy AQ 28.1 includes provisions for adding solar energy capabilities to existing structures and New Policy AQ 29.2 also allows for renewable energy. The General Plan Update and CAP encourage the use of distributed generation and such installations would contribute to a project's point total on the Screening Tables.

- Comment 33.30** The comment suggests locations for new wind energy projects. While GPA No. 960, the CAP, and Draft EIR No. 521 encourage the development of wind energy and other alternative energy facilities, these documents do not identify specific wind energy projects. As noted above, the Draft EIR is a programmatic document that analyzes the land use and growth projections in the General Plan Update and does not identify specific land use development projects. Future specific development projects would require a project-level environmental analysis and, if necessary, any applicable mitigation measures would be identified.
- Comment 33.31** Refer to Responses 33.29, 33.30, and 33.32. As noted above, GPA No. 960 includes numerous policies that support alternative energy generation (including distributed solar generation). Additionally, if necessary, mitigation measures would be identified during the environmental analysis for specific development proposals. Providing full-scale analysis and mitigation for all potential areas of solar or wind generation within the County would produce speculative analysis and is beyond what is required for this level of review for the Project under CEQA. While CEQA requires the “whole of the action” to be analyzed, along with the resulting direct and reasonably foreseeable indirect impacts, it does not require uncertain future activities that are not reasonably foreseeable consequences to be included in the project description or to be analyzed in the EIR, which would only serve to further cloud the analysis.
- Comment 33.32** The General Plan Update and the Draft EIR do not identify specific development projects such as solar facilities. An analysis and mitigation for such development would be based on such vague and generalized parameters that it would not provide a realistic or useful prediction of emissions from utility scale solar projects that would occur in the County and would be speculative. CEQA advises against speculation (State CEQA Statutes Sections 21082.2[c], 21159[a], and State CEQA Guidelines Section 15064[f][5]) and states that “argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.” Also, State CEQA Guidelines Section 15145[f][5]) states: “[i]f, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” Furthermore, State CEQA Guidelines Section 15146(a) states: “(a)n EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.” As the General Plan Update does not include specific development projects including construction of solar facilities and specific sites and parameters and are not known at this time, a quantitative emissions analysis is not required.
- Comment 33.33** Draft EIR No. 521 Mitigation Measures 4.7-A-N1 and 4.7.A-N2 require that future projects accommodated by GPA No. 960 demonstrate compliance with the Implementation Measures of the CAP or provide comparable custom measures backed by a project GHG study. The mitigation measures require the implementation of the CAP measures for projects to obtain

at least 100 points. This process is enforced on an individual project level. The development of the CAP, developed in conjunction with the General Plan Update, contains extensive mitigation that reduces the impacts as noted within the Draft EIR. The CAP includes GHG emissions reduction programs and policies that would achieve the reduction target necessary in order to meet the goals of AB 32. The General Plan Update and CAP include numerous policies and programs that would reduce emissions. These policies and reduction measures were developed in consideration of the projected growth throughout the horizon year.

Several of the measures provided in the comment are included in the CAP and the General Plan Update. For example, CAP measure R2-T6 would provide a comprehensive system of facilities for non-motorized transportation and includes the creation of bicycle lanes, bicycle parking, bicycle stations, and other attended bicycle support facilities at intermodal hubs. Mobility Goal M 5, and land use policies LU 1.10 (Efficient Land Use Patterns) and LU 4.8 (Quality New Development) require the County to address bicycle and pedestrian facilities. Additionally, one goal of the CAP is to achieve a 60 percent increase in facilities for bicycle and pedestrian transportation post 2020.

CAP measure R2-E9 requires retrofitting street lights with new induction street lights that are estimated to last five times longer and consume 50 percent less energy than traditional lamps. Policies AQ 3.1-3.4, 4.5, and 10.1-10.3 promote the reduction of mobile source emissions through employer and employee education and implementation of transportation demand measures that would reduce vehicle miles traveled. General Plan Update policies C-11.2, C-11.4 through C.11-7 address fixed route transit service.

Employment density and improvements to the jobs/housing ratio are also addressed through various policies in the General Plan that target reductions in vehicle miles traveled. Policies AQ 7.1-7.3, 8.2, 8.4, 8.6-8.9, 9.1, 9.2, 11.3, and 11.4 promote the reduction in vehicle miles traveled through the location of new employment centers, residential land uses, and transit centers in close proximity. Further reductions are encouraged through public event incentives such as reduced transit pass costs. Policies AQ 13.1-13.3, 14.1, 14.2, and 14.4 encourage the County of Riverside to reduce vehicle miles traveled through enhancement of transportation fleet mixes, planning for new transportation/land use balance and enhancing and preserving existing transit corridors.

CAP measure R2-T4 would implement General Plan Policies AQ 3.3 and AQ 10.3 by encouraging proposed development projects to incorporate a comprehensive parking program for public and private parking lots to facilitate carpooling and alternate transportation. This measure includes restricting the number of parking spaces within the development by sharing parking among different land uses.

As described above, the General Plan Update, Draft EIR, and CAP include numerous policies and mitigation measures that are the same or similar to those identified in the comment.

- Comment 33.34** This comment is duly noted. As described in Section 4.1, the projections developed for the current existing General Plan, as well as those for the changes proposed by GPA No. 960, form the basis for the impact analysis contained within Draft EIR No. 521. Section 4.10 of the Draft EIR provides an analysis of energy-related impacts resulting from the implementation of GPA No. 960, pursuant to State CEQA Guidelines, Appendix F. While a direct comparison of the current and proposed General Plan is included in Draft EIR No. 521, specifically in Tables 4.10-E through 4.10-H, a thorough analysis of the existing energy demands and GPA No. 960’s impacts to these demands is provided in the *Energy Resources* chapter of the Draft EIR. The impact analysis does not include any comparison of the existing and proposed General Plan differences. Instead, the analysis within the *Energy Resources* chapter is based upon the land uses proposed for future build out within the unincorporated County and evaluates resulting impacts relative to energy resources for such uses. The Draft EIR considers the information relative to energy use provided in relevant plans applicable to anticipated development within the County, as well as regionally, as appropriate. As such, the analysis does not use the comparisons between the current and proposed General Plan documents to quantify impacts to energy resources and the analysis provided on energy-related impacts in Draft EIR No. 521 is sufficient.
- Comment 33.35** This comment is duly noted. Refer to Response 33.34, above. The Draft EIR makes reference to energy use as compared to that anticipated for the County as a whole; however, the planned land uses as identified in the General Plan are specifically analyzed within the Draft EIR with regard to potential energy use, and are not minimized as compared to impacts of a larger geographical region.
- Comment 33.36** This comment is duly noted. As described on pages 4.10-42 through 4.2-43 of the Draft EIR: “Future development consistent with the proposed project, GPA No. 960, would be less intense than that currently planned in the existing General Plan. Thus, on a relative basis, the Project would not increase demand for natural gas over current plans and would not trigger new additional environmental impacts. Site-specific land use changes proposed in GPA No. 960, however, do have the potential to introduce new development or intensify existing development on previously vacant or less-developed lands. Analysis of energy demands associated with these changes indicate project demands would be insignificant compared to existing baseline levels and are in line with expected growth rates. For these reasons, the proposed project would not have a significant impact on existing natural gas supplies, production or transmission facilities. The project ***would not trigger the need for new or altered facilities nor result in substantial environmental impacts due to the construction of such facilities.*** Moreover, compliance with existing regulatory programs and General Plan policies, as well as new ones proposed as part of GPA No. 960, would further reduce already insignificant impacts associated with project-related ***natural gas*** demand and service.” (Emphasis added.)

As identified above, GPA No. 960 would not have significant environmental impacts due to the construction of new or altered *natural gas* facilities. Furthermore, the Project would not result in an increased demand for electricity, since future development accommodated by GPA No. 960 would be less intensive than that currently planned in the existing General Plan.

The new facilities necessary to accommodate the minor additional demands on electricity supplies and associated distribution infrastructure would be installed, in whole or in part, at the expense of the future development project proponents as a Condition of Approval for their projects. This would serve to avoid adverse impacts to the electricity distribution system. These impacts would be analyzed on an individual-project level and would be analyzed by the utility providers, and are therefore outside of the purview of GPA No. 960. For these reasons, Draft EIR No. 521's analysis on the Project's impacts to electricity and natural gas demands are valid.

Comment 33.37 Appendix EIR-6, *Greenhouse Gas Technical Report*, provides technical evidence supporting Draft EIR No. 521's conclusion that GPA No. 960's impacts to energy demands would be insignificant compared to baseline levels. As referenced on page 4.10-2, Section B: Data Sources, "Data on electricity annual usage in unincorporated Riverside County for 2008 (the most recent year of complete data available) was collected from Southern California Edison (SCE) and the Imperial Irrigation District (IID), the two main power suppliers in Riverside County, as part of the Greenhouse Gas Technical Report for Riverside County, dated May 2011, prepared by Atkins for the project (see Appendix EIR-6). The study also provided natural gas consumption data for Riverside County from the Southern California Gas Company (SCGC). Any other countywide data on electricity or natural gas consumption used in this section came from the GHG Technical Report or directly from filings with the California Energy Commission (CEC), as noted." As supported by the technical report incorporated in Appendix EIR-6, less than significant impacts to energy demands would occur as a result of GPA No. 960.

Renewable energy resources, including solar and wind production, were analyzed as a part of the existing environmental setting for GPA No. 960 and Draft EIR No. 521 (see Table 4.10-A (Summary of Electrical Production Facilities in Riverside County)). As described on page 4.10-6, no large-scale solar projects were proposed at the time of the NOP (April 2009). However, several large-scale solar projects have been proposed on federal Bureau of Land Management land that will add additional electricity to the Western Grid, rather than to Riverside County directly. Due to the speculative nature of future renewable energy projects within Riverside County, environmental impacts relating to solar and wind production and transmission lines would need to be analyzed on an individual project level. The comment makes unsupported statements and references to case law, without providing sufficient data or analysis to support its conclusions. Attempting to evaluate potential future solar or wind generation projects, along with their associated electricity distribution systems, would be an exercise in futility and would not provide either meaningful public review or informed decision making. See Response 33.32.

- Comment 33.38** Refer to Response 22.8, 33.32, and 33.37. The development of future alternative energy projects would be subject to project specific environmental review, which would identify any impacts and necessary mitigation measures.
- Comment 33.39** Section 4.7 addresses water consumption and wastewater generation, two major sources of indirect energy use. A full discussion of implementation measures relating to this energy use, including their relationship to existing and proposed energy conservation efforts of both the State of California and the County of Riverside, is provided in Section 4.7. More specifically, as revealed in Table 4.7-C (2008 Net GHG Emissions for Unincorporated Riverside County), indirect (outside of the County) electricity use for the importation of water accounts for only 2% of the net GHG emissions for unincorporated Riverside County. Thus, the County has adequately incorporated imported water in its energy analysis.
- Comment 33.40** As described in the comment, the CAP Screening Tables include various measures that can be implemented to reduce a project’s energy consumption. This comment provides a general summary of some of the energy efficiency measures in the Screening Tables and does not include a specific comment regarding Draft EIR No. 521.
- Comment 33.41** The purpose of the Screening Tables in the CAP are to ensure that future development projects achieve at least a minimum amount of GHG emissions reductions in order for the County to achieve the reduction target of 15 percent below 2008 levels. Neither GPA No. 960, Draft EIR No. 521, the CAP, nor the Screening Tables limit a project from exceeding the minimum required reductions. And while the County encourages applicants to maximize the amount of mitigation to further reduce GHG emissions, subjecting applicants to additional mitigation beyond what is reasonable when the impact is already determined to be less than significant is not warranted and violates the requirement that there is an essential nexus and rough proportionality between the mitigation measure and the impact. Similar to the SCAQMD’s thresholds, where in order to be less than significant a project must not exceed criteria pollutant thresholds, the Screening Tables set a standard for what is minimally required. Additionally, there are still various other reasons and incentives that a project would want to exceed what is required in the Screening Tables, such as achieving LEED or Build it Green Certification, achieving zero net energy, or simply having an energy efficient development. Therefore, use of the Screening Tables would not serve as a disincentive to achieve additional energy reduction measures.
- Comment 33.42** The comment states that GPA No. 960 does not include any mitigation to reduce energy impacts and suggests that the General Plan Update include policies from other county general plans. The General Plan Update includes numerous policies that would minimize energy use. For example, Policy OS 16.2 requires energy efficient materials and systems for County buildings; Policy OS 16.4 requires proper maintenance of County physical facilities to achieve optimum energy conservation; Policy AQ 5.2 requires incentives and/or regulations to enact energy conservation requirements; Policy AQ 5.3 requires updates to the County’s Policy Manual for Energy Conservation; Policy AQ 5.4 encourages the incorporation of energy-

efficient design elements; and Policy LU 4.1 requires energy efficiency through street configuration, building orientation and landscaping to capitalize on shading and facilitate solar energy, as provided for in Title 24, Part 6 and/or Part 11, of the California Administrative Code of Regulations (CCR). Additionally, Policy AQ 4.4 requires residential building construction to comply with energy use guidelines detailed in Part 6 (California Energy Code) and/or Part 11 (California Green Building Standards Code) of Title 24 of the California Administrative Code of Regulations.

Additionally, New Policy AQ 20.10 would reduce energy consumption of the new developments (residential, commercial and industrial) through efficient site design that takes into consideration solar orientation and shading as well as passive solar design. Also, New Policy AQ 20.11 would increase energy efficiency of the new developments through efficient use of utilities (water, electricity, natural gas) and infrastructure design as well as through use of energy-efficient mechanical systems and equipment. New Policy AQ 20.12 would support programs to assist the energy-efficient retrofitting of older affordable housing units, particularly residential units built prior to 1978 when Title 24 energy requirements went into effect.

Regarding “leapfrogging” or “checkerboard” patterns of development, the General Plan Update includes New Policy AQ 20.9 which seeks to reduce urban sprawl in order to minimize energy costs associated with infrastructure construction and transmission to distant locations, and to maximize protection of open space. The incorporation of these policies would reduce vehicle miles traveled, improve energy efficiency, reduce energy consumption, and increase renewable energy generation.

The CAP provides extensive mitigation to reduce the potential GHG impacts noted within the Draft EIR. The CAP includes GHG emissions reduction programs and policies that would improve energy efficiency. Future development projects would be required to go through the CEQA process and necessary mitigation measures would be identified that are associated with project-specific impacts.

Comment 33.43 Refer to Response 33.42, above, regarding leapfrog and sprawl development. GPA No. 960 includes New Policy AQ 20.9, which focuses on reducing urban sprawl. Additionally, as described above, the GPA No. 960 includes numerous policies to reduce travel distances, energy consumption, and vehicle miles traveled. Project level environmental review would be required for specific development projects and necessary mitigation measures would be identified that are associated with project-specific impacts. The comment arguing that since neighboring counties have adopted LEED-Neighborhood Development standards, Riverside County must adopt those or similar standards is an unsupported opinion.

Comment 33.44 It should be noted that the standards within Title 24 of the California Code of Regulations are regularly updated to improve the required energy efficiency standards. Therefore, projects that comply with Title 24 in the future would exceed present-day standards. Also, refer to

Response 33.41 regarding meeting more stringent standards, and Response 33.42, which addresses the General Plan Update policies that require active and passive solar measures.

- Comment 33.45** It should be noted that air quality is improving due to the implementation of the SCAQMD's Air Quality Management Plans. PM₁₀ in the Riverside County portion of the South Coast Air Basin was redesignated as a maintenance area in 2013. Refer to Responses 29.39, 29.40, and 29.41, regarding the health risk impact analysis in Draft EIR No. 521. The Draft EIR analyzed air emission impacts associated with exposing sensitive receptors to substantial pollutant concentrations under Impact Statement 4.6.D. A discussion of the potential health effects for the criteria pollutants that are anticipated to exceed the LST thresholds is provided in the Draft EIR on pages 4.6-74 through 4.6-78.
- Comment 33.46** The emissions modeling in Draft EIR No. 521 is based on program-level data such as land use projections and region-wide vehicle miles traveled estimates. GPA No. 960 is ultimately a program-level document, and as such is meant to develop and provide general guidance for future development. As such, the Draft EIR includes program-level detail based on County and region wide data. The General Plan Update does not identify specific land use development projects. Future specific development projects would require a project-level environmental analysis and any applicable mitigation measures would be identified, as necessary.
- Comment 33.47** The County directs the commenter to State CEQA Guidelines section 15147, which states that technical information should be summarized in the body of the EIR and that highly technical analysis and data should be avoided from being placed in the body of an EIR, and instead should be added to the EIR appendix. See also Kostka & Zischke, *Practice Under the California Environmental Quality Act* § 11.22 (2nd ed. 2015). The air quality analysis within Draft EIR No. 521 is based upon the project components detailed in the Project Description (Section 3.0). Additionally, the methodology and assumptions for the analysis are outlined in Draft EIR No. 521 Section 4.6.5. The modeled traffic assumptions were based upon the data within the traffic analysis. The details on the specific assumptions incorporated into the air quality modeling are provided in Appendix EIR-5 (Air Quality Data Section A – Modeling Assumptions). These assumptions also detail the average daily trips, vehicle miles traveled, and average trip length. This data is clearly labeled and organized to allow for easy interpretation.
- Comment 33.48** The commenter mentions specifically addressing impacts from increased air traffic from the March Joint Air Reserve Base. As a military base, the use of the site is controlled by the Federal Government and the County of Riverside has no jurisdiction to control emissions or operations at the site. As a civilian airport, the operations are still under Federal jurisdiction and therefore the County has limited if any authority to control or regulate these operations. It is important to note that the Riverside County Airport Land Use Commission has completed a draft Environmental Impact Report for the March Air Reserve Base/ Inland Port Airport Land Use Compatibility Plan which addresses impacts related to the Air Base (SCH

No. 2013071042). Please refer to this document which specifically addresses the environmental issues relating to airport operational emissions of the March Joint Air Reserve Base. Additionally, the Ontario International Airport is not located in the County of Riverside. As the County does not have jurisdiction over these sources, the emissions from these sources are not included in the County inventory.

Comment 33.49 This comment asserts that Draft EIR No. 521 fails to include any of the transportation and land use assumptions used to calculate the VMT of trip generation statistics. On the contrary, the Riverside County Transportation Analysis Model (RIVTAM), used to analyze the traffic impacts of GPA No. 960 for Draft EIR No. 521, has been developed in cooperation with the Southern California Association of Governments (SCAG) and uses the SCAG 2008 RTP Model structure, equations, coefficients and algorithms as the base and then runs scenarios through the SCAG model module sequence. The RIVTAM updates and refinements, developed in fully collaboration with SCAG modeling staff, ensure that the traffic analysis fully considered the most recent data available at the time with respect to the SCAG 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy.

The land use assumptions used for RIVTAM were based upon the land uses proposed by GPA No. 960 which were converted to socioeconomic data sets organized by traffic analysis zones for model input. The model development and validation are detailed in Appendix EIR-4, *Traffic Study*, Section D – RIVTAM Model Validation Report. The VMT figures presented in both the *Transportation and Circulation*, and *Air Quality* sections of Draft EIR No. 521 were derived as direct output from RIVTAM.

Also, refer to Response 33.47, above. Average daily trips, vehicle miles traveled, and average trip length are provided in Appendix EIR-5 Air Quality Data Section A – Modeling Assumptions.

Comment 33.50 Refer to Response 33.47, above, regarding the analytical assumptions that were used in the analysis. The assumptions are provided in the Draft EIR. Additionally, page 4.6-74 of the Draft EIR describes the effect of the Project emissions in both the South Coast Air Basin and the Mojave Desert Air Basin since long-term exposure to increased concentrations of criteria pollutants may pose higher rates of adverse health effects. As described in the Draft EIR, on a basin-wide level (acceptable for this type of cumulative analysis since criteria pollutants would disperse throughout each basin), the Project-related emissions would represent a small percentage of the pollutants in the basin and have a proportional effect on attainment.

Draft EIR No. 521 Section 4.6.6(A) describes the consistency of the General Plan Update with the Air Quality Management Plan (AQMP). As described in the Draft EIR, while the existing General Plan policies and new policies included in GPA No. 960 may reduce conflicts and obstruction of any AQMP, the combined emissions from all proposed General Plan development would exceed the SCAQMD and MDAQMD significance thresholds for criteria pollutants. Exceeding these thresholds has the potential to hinder the region's compliance

with each AQMP, which would potentially delay attainment of the air quality standards. It should be noted that emissions from development anticipated in GPA No. 960 are compared to the SCAQMD's single project-level thresholds because the SCAQMD does not provide program-level thresholds. The Project's contribution to basin-wide emissions (as depicted on Draft EIR 4.6-74) is more applicable for depicting how the Project would affect attainment of criteria pollutants. As discussed in the Draft EIR, emissions associated with GPA No. 960 would represent a small percentage of the pollutants in the basin and have a proportional effect on attainment.

Comment 33.51 The comment states a simplistic and unsupported assumption that if vehicle miles traveled is increasing, then so must NO_x. As described in the Draft EIR, although vehicle miles traveled increases, NO_x emissions would decrease due to mandated vehicle emissions improvements. As time increases, so does the efficiency of the vehicles sold and inversely greater numbers of older, less efficient cars are removed from the equation. The Draft EIR does not simply state that tailpipe emissions are negative, and it does not assume that all cars in 2035 are electric. NO_x emissions that are depicted as a negative number compare the existing baseline emissions with the Project's emissions at build out. Draft EIR Tables 4.6-E and 4.6-F still depict the overall total emissions from GPA No. 960. The net emissions that reflect a decrease in NO_x emissions (buildout versus existing conditions) are included to provide a comparison of the project to the baseline conditions pursuant to State CEQA Guidelines Section 15125(a).

Furthermore, it should be noted that Draft EIR Tables 4.6-E and 4.6-F also depict the total amount of emissions for the plan for all criteria pollutants and all sources including mobile and area sources (the primary sources that would be generated by the land use development anticipated in the General Plan. The Draft EIR identifies that the existing General Plan policies and mitigation along with new General Plan policies and mitigation measures would reduce emissions from operational activities. The Draft EIR identified New Mitigation Measures 4.7.A-N1, 4.7.A-N2, 4.7.B-N4, and 4.7.B-N5 to reduce operational emissions. These measures require new development to reduce their individual project emissions and to reduce operational pollutant emissions by using architectural coatings that are low in reactive organic gases, using high efficiency appliances, and by prohibiting wood-burning hearths or stoves. These mitigation measures as well as the General Plan policies would minimize operational emissions.

Comment 33.52 Refer to Responses 29.39, 29.40, and 29.41, regarding the health impact analysis in Draft EIR No. 521. The comment incorrectly states that health impacts are not analyzed in the Draft EIR. The Draft EIR analyzed air emissions impacts associated with exposing sensitive receptors to substantial pollutant concentrations under Impact Statement 4.6.D. For the criteria pollutants that are anticipated to exceed the LST thresholds a discussion of the potential health effects is provided in the Draft EIR on pages 4.6-74 through 4.6-78. The Draft EIR identifies the proposed impacts to sensitive receptors based on the overall buildout of the GPA. However, because the exact location and timing of new development in relationship to existing sensitive uses and future sensitive uses is not known, the potential

impacts to these sensitive receptors are speculative. As discussed in Response 33.32, speculative impacts are not required to be analyzed under CEQA. Therefore, the Draft EIR analyzes the potential impacts to sensitive receptors to the extent reasonable considering the speculative nature of this impact. The comment's reference to *Laurel Heights I* as reasoning that the County is not completing any and every potential analysis and study due to the task being too difficult is unfounded and unreasonable. An EIR's evaluation of the potential environmental effects is not required to be exhaustive, but is required to evaluate such impacts only to the extent that it is reasonable to do so. State CEQA Guidelines section 15151; *San Joaquin Raptor Rescue Ctr. V County of Merced* (2007) 149 Cal.App.4th 645, 680 (it is not necessary that the analysis be so exhaustively detailed as to include every conceivable study or permutation of the data); *Association of Irrigated Residents v County of Madera* (2003) 107 Cal.App.4th 1383, 1396 (CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impact of a project).

- Comment 33.53** Refer to Response 33.52, above. The comment incorrectly states that health impacts are not analyzed in the Draft EIR. An analysis of health impacts is provided in an appropriate level of detail for a programmatic level analysis. A more detailed analysis is not provided in the Draft EIR to avoid speculation, which can be misleading. Instead, impacts in this regard are potentially significant and future development projects that require environmental review would conduct site-specific health impact analyses based on individual parameters of the site. It should be noted that the majority of air quality related health impacts are localized and are dependent on a receptor's proximity to a toxic air contaminant source (e.g., freeways, warehouse/distribution facility, rail yards, etc.) and an analysis at this level would be speculative in nature. The comment inaccurately – and without analysis or substance aside from opinion - compares the analysis to the *Berkeley Keep Jets Over the Bay Committee* case by arguing that the Draft EIR attempted to avoid analysis by simply calling the effect significant. The Draft EIR has *extensive* analysis to support its conclusion and to allow for informed decision making under CEQA.
- Comment 33.54** Refer to Responses 33.52 and 33.53, above. The comment incorrectly states that health impacts are not analyzed in the Draft EIR. An analysis of health impacts is provided in an appropriate level of detail for a programmatic analysis. Additionally, it should be noted that the Draft EIR does not state that impacts would be relatively minor. The statement regarding project-level effects are small and localized related to how the impact is determined. On a localized level, there are different effects compared to a regional level due to the way pollutants disperse in the atmosphere.
- Comment 33.55** This comment addresses the analysis on page 4.6-74 of Draft EIR No. 521, which describes the health impacts from criteria pollutants on a basin-wide level. The purpose of this analysis is to determine the effect of the project emissions in both the South Coast Air Basin and the Mojave Desert Air Basin since long-term exposure to increased concentrations of criteria pollutants may pose higher rates of adverse health effects. As described in the Draft EIR, on a basin-wide level (acceptable for this type of cumulative analysis since criteria pollutants

would disperse throughout each basin), the Project-related emissions would represent a small percentage of the pollutants in the basin and have a proportional effect on health effects and attainment. It should be noted that the Draft EIR does not rely on this information to state that health impacts are less than significant. Also, refer to Response 33.52, above, regarding the analysis of localized health effects from Project related criteria pollutants.

Comment 33.56 Refer to Responses 29.39, 29.40, and 29.41, regarding the analysis of health impacts from exposure to Toxic Air Contaminants (TAC) in Draft EIR No. 521. The Draft EIR analyzed air emissions impacts associated with exposing sensitive receptors to substantial pollutant concentrations under Impact Statement 4.6.D.

The primary sources of TACs within Riverside County are diesel-fueled trucks and other vehicles traveling freeways and major roadways. In order to determine a total health risk for the County with respect to the proposed implementation of development under the General Plan Amendment, the County would need to model all higher volume roadway in addition to all permitted and unpermitted sources within the County. Because of the size of the County, this would require modeling software not commonly available or used within the industry for determining health risk. Additionally, while the general location of land uses is known, neither the exact location, nor the timing of implementation is known at this time. Both of these variables could have a large effect on the level of risk for the identified receptors. Distance as well as location with respect to wind direction can result in higher or lower risk values. Timing is the most critical variable. As CARB has implemented a requirement to reduce diesel particulate matter (DPM) emissions within the State by 85 percent by 2020, vehicle fleets are becoming cleaner every year. This is due to the retirement of older, higher polluting vehicles and the introduction of newer, cleaner vehicles. By analyzing health risk for the project being implemented in under GPA No. 960 too early, the potential risk to sensitive receptors would be overstated, and conversely if the analysis assumes a later implementation date than actually occurs. Because of these variables, analyzing for the potential health risk would be speculative at this time.

Additionally, the SCAG 2012-2035 RTP/SCS Draft EIR health risk analysis was conducted for the SCAG region (including Riverside County). The SCAG analysis notes that exhaust from heavy-duty trucks is anticipated to decrease in all areas of the region as compared to today, thus DPM associated with freeways will also decrease as compared to today. Additionally, SCAG conducted modeling to determine buffer zones and determined that their conclusions were consistent with the buffer zones recommend in CARB's *Air Quality and Land Use Handbook*. The SCAG RTP/SCS EIR also includes mitigation that utilizes CARB's 500 foot buffer and requires site specific project level health risk assessments for projects in proximity to TAC sources. The Draft EIR includes New Mitigation Measures 4.6.D-N1 and 4.6.D-N2 to be implemented to minimize impacts from exposure to TAC's. These mitigation measures require compliance with CARB, SCAQMD, and MDAQMD guidelines and requirements regarding TAC exposure, which would require site specific studies to be conducted for projects in proximity to TAC sources. Therefore, the SCAG analysis is

ultimately similar to what was conducted in the Draft EIR and both analyses rely on the same buffer zones and require site specific analyses for future developments in proximity to TAC sources. Also, refer to Response 33.48, above, regarding airport emissions.

Comment 33.57 Refer to Response 33.56, above, regarding the buffer distances in Mitigation Measure 4.6.D-N2. Additionally, it should be noted that the purpose of establishing buffer zones is to avoid developing sensitive land uses near high-volume highways/railroads/warehouse distribution centers. As described above, the buffer zones identified in the mitigation are from the CARB *Air Quality and Land Use Handbook* and as well as SCAQMD guidance. Project specific mitigation measures, such as those requested in the comment, would be identified (if necessary) in project level analyses to ensure that they are proportional to a project specific impact.

Comment 33.58 The County acknowledges and agrees with the importance of agricultural resources within the County of Riverside. Draft EIR No. 521 provides an analysis of build out of the General Plan which provides guidance as to the location and type of future growth that will occur within the County. GPA No. 960 identifies specific goals and policies aimed at guiding such growth and acknowledging the importance of the County's agricultural resources. The Draft EIR provides an analysis of potential impacts with regard to such resources, based on land use patterns anticipated in the General Plan. Compliance with existing Riverside County ordinances and General Plan policies would help to reduce potential impacts; however, as stated in the Draft EIR, impacts to agricultural uses would remain significant and unavoidable.

As noted in the Draft EIR, "Future development accommodated by the land use and policy changes proposed by the project also has the potential for significant and unavoidable indirect impacts to agricultural uses through introducing new urban uses within 300 feet of agriculturally-zoned property and contributing to demand for additional development and infrastructure that would further spur conversion of agricultural lands to non-agricultural uses. It also has the potential to conflict with existing zoning, agricultural uses and lands subject to a Williamson Act contract or within a Riverside County agricultural preserve. Pursuant to EIR No. 441 prepared for the 2003 RCIP General Plan, no additional Project-specific mitigation measures have been identified for General Plan implementation. Thus, indirect impacts leading to the conversion of designated Farmlands and conflicts between urban and agricultural land uses remain significant and unavoidable."

Responses to more specific comments are provided below.

Comment 33.59 As noted in Section 4.5.2.C, the County of Riverside updated Figure OS-2, "Agricultural Resources," pursuant to new FMMP data made available by the California Department of Conservation to ensure that GPA No. 960 reflects the current level of information regarding important farmlands. This proposed figure (equivalent to Figure 4.5.1 of the Draft EIR) encompasses the new mapping information and changes issued by the State of California FMMP.

The programmatic Draft EIR identifies the location of agricultural lands in Figure 4.5.1 (Agricultural Resources Map); the existing General Plan land uses and foundations are shown in Figures 4.2.3 (Generalized Existing Uses of Land in Riverside County), and 4.2.4 (Current General Plan Land Use), respectively, and the proposed General Plan land use foundations are shown in Figure 4.2.7 (Proposed General Plan Countywide Land Uses). An overlay of agricultural lands, particularly at this scale, onto existing and proposed land uses would not provide useful information. Further, Tables 4.5-E to 4.5-G identify the total loss of agricultural lands resulting with build out of the General Plan. For these reasons, GPA No. 960 will not incorporate a comprehensive map showing the County's agricultural resources overlaid by the County's existing and proposed land uses.

Comment 33.60 Section 4.5.2 of the Draft EIR provides a description and inventory of the existing environmental setting with regards to agricultural and forestry resources. The Draft EIR identifies Urban and Built-Up Lands as “lands occupied by structures with a building density of at least one unit per 1.5 acres or approximately six structures per 10-acre parcel. Agricultural lands surrounded by urban areas must exceed 40 acres minimum in size in order to be mapped as farmlands.” This threshold is not established by the County, but rather by the California Department of Conservation and is used in classifying Farmland under the Farmland Mapping and Monitoring Program (FMMP) for producing maps and statistical data on California's agricultural resources. As the FMMP dictates that agricultural lands surrounded by urban areas and are less than 40 acres cannot be mapped as farmlands, and as such, these lands are not incorporated into the Draft EIR agricultural analysis.

While the commenter does note that impacts may occur on agricultural lands that are under the FMMP minimum mapping size, ordinances within the Riverside County municipal code, as well as the policies within the General Plan afford the same protections to small agricultural operations as well as large operations. Furthermore, potential impacts to small farming operations would be analyzed and addressed in project specific environmental analysis in order to ensure these resources are protected on a case-by-case basis.

Comment 33.61 Draft EIR No. 521 clearly discloses the means in which data was collected for each topic of the Environmental Impact Report. Specifically, Section H, “Baseline Data Sources” of the *Agricultural and Forestry Resources* section of the Draft EIR fully discloses the sources utilized by the County in order to analyze GPA No. 960's potential impacts to agricultural and forestry resources. The California Department of Conservation runs the Farmland Mapping and Monitoring Program (FMMP) to produce maps and statistical figures on California's agricultural resources. As described in the subtext below Table 4.5-G (Effects on State-Designated Farmlands), the Riverside County GIS Department, GIS Analysis of Project Data (2010) was used in addition to the California Department of Conservation's FMMP “Important Farmlands Maps 2008” to arrive at the conclusion that 32 acres of Prime Farmland and Farmland of Statewide Importance would converted to non-agricultural land uses as a result of GPA No. 960. As substantiated through the FMMP, the County stands by its data regarding the conversion of Prime Farmland and Farmland of Statewide Importance to non-

agricultural uses. The comment merely opines that the GPA No. 960 must impact more than 32 acres, without any substance to support such a claim.

Comment 33.62 GPA No. 960 was designed to provide an update to the existing (2003) General Plan's policies, maps, and implementing directions. State CEQA Guidelines section 15152(f)(3) provides that "significant environmental effects have been 'adequately addressed' if the lead agency determines that: a) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or, b) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project." Future impacts and mitigation, including those for agricultural resources, would be assessed pursuant to the performance standards outlined in Draft EIR No. 521, as well as EIR No. 441, with project-specific analysis and mitigation developed at the later individual project stage. However, potential encroachment issues are both analyzed and address through the analysis of Impact 4.5.B and the implementation of the policies and ordinances noted within the Draft EIR. These policies include Riverside County Ordinance No. 625 (Right to Farm Ordinance), Policy OS 7.3 (Preservation of agricultural lands), Policy LU 20.5 (encourage participation in Williamson Act Contracts) as well as many other programs in order to reduce this impact.

Future development pursuant to the land use and policy changes proposed by GPA No. 960 has the potential to conflict with existing agricultural zoning or uses, including those leading to the conversion of designated Farmlands. GPA No. 960 also has the potential to cause encroachment impacts. Although existing and proposed policies would reduce potential indirect impacts to agricultural resources, these policies would not reduce impacts to a less than significant level. As supplemented by both Draft EIR No. 521 and EIR No. 421, build out accommodated by the General Plan will cause significant and unavoidable indirect impacts to designated farmlands.

Comment 33.63 This comment is duly noted. Refer to Response 33.60. Draft EIR No. 521 acknowledges that impacts to agricultural lands would occur as the result of implementation of the proposed General Plan land use designations and identifies policies and programs that have the potential to reduce such impacts. For example, Ordinance No. 509 establishes agricultural preserves and Ordinance No. 625 establishes a number of right to farm measures. Policy OS 7.1 encourages collaboration between the County of Riverside and the appropriate federal and state agencies in updating and maintaining accurate agricultural resources maps in order to better protect those resources and ultimately reduce the potential impacts that would occur due to farmland conversion. Policies OS 7.3 and LU 20.4 encourage the conservation of productive agricultural lands. For a full description of the relevant policies and ordinances in place to protect agricultural resources, refer to Agriculture and Forestry Resources, page 4.5-30. The approach of including mitigation measures within the policies of a General Plan is supported by both ruling of *Twain Harte Homeowners Association v. Tuolumne County* (1982) 138 Cal.App.3d 664, the court determined that General Plan policies can address

environmental issues and satisfy the requirements of CEQA. The General Plan has considered the importance of agricultural resources within the County and proposes a plan for future growth that is respectful of such lands; however, in order to accommodate future population growth on available lands within the County, conversion and/or disturbance of property currently utilized for agriculture is anticipated to result. Consistent with the findings of EIR No. 441, the Draft EIR finds that no feasible mitigation beyond the policies and ordinances described in Draft EIR No. 521 is available to reduce such impacts to a less than significant level. As such, the policies identified in the General Plan are considered adequate for mitigation purposes under CEQA; however, impacts relating to the conversion of farmland would remain significant and unavoidable even with their implementation.

Comment 33.64 This comment is duly noted. The policies identified in the General Plan are considered adequate for mitigation purposes under CEQA, although impacts relating to the protection of agricultural resources would remain significant and unavoidable with their implementation. The policies are fully enforceable and would be subject to the applicable Action Items in order to ensure timely and appropriate implementation. The Action Items relating to the policies identified by the commenter can be found within the Implementation Program (Appendix K-1). Appendix K-1 details the relevant administrative activities/programs, the General Plan policies the Action Item supports, who has the primary and supporting responsibility overseeing the Action Item, and the implementation timeframe and current status of the Action Item. Refer also to Response 33.8, and 33.63 above, for more information detailing why policies and programs are appropriate mitigation for GPA No. 960.

Comment 33.65 The commenter argues that General Plan Policy OS 7.2 commits to the study and implementation of an agricultural conservation easement (ACE) program. OS 7.2 does commit the County to "...employ a variety of agricultural land conservation programs to improve the viability of farms and ranches and thereby ensure the long-term conservation of viable agricultural operations within Riverside County." Due to the recent ruling in 2013 of *Masonite Corp. v. City of Mendocino*, this may include the incorporation of an Agricultural Conservation Easement at a future date under the supervision of the "Farmland Protection and Stewardship Committee" as outlined in OS 7.2. The County has incorporated a number of other policies to ensure the protection of agricultural resources, however it is the intent of the General Plan further long-term programs through the implementation of OS 7.2. The policies included in GPA No. 960, in conjunction with existing ordinances protecting agricultural lands, do not preclude the development of an ACE program on a project-level basis.

Comment 33.66 See Response 33.63, above.

Comment 33.67 This comment is duly noted. The County will consider these suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a))

requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 33.68 Consideration of the San Jacinto River at the Area Plan level allows for a more detailed evaluation of existing conditions and potential effects of future build out of the General Plan, as opposed to that on a County-wide level. The San Jacinto River is indeed considered an important resource within the County and is addressed overall as a hydrological system, including the flood zone, floodplain, and sensitive habitat that it supports, in both GPA No. 960 and Draft EIR No. 521.

As noted in the Lakeview/Nuevo Area Plan, future channelization of the San Jacinto River may occur. Such effects of future channelization of portions of the San Jacinto River would therefore be required to undergo project-specific technical studies in conformance with federal, State, and local requirements to ensure that potential impacts and upstream/downstream effects are thoroughly understood with regard to hydrology and flooding, as well as effects on wildlife, habitat, and other valuable environmental resources. However, as specific details (and timing) of such improvements remain unknown at this time, the effects of and/or appropriate and effective measures to reduce potential impacts to the San Jacinto River cannot be identified as a part of Draft EIR No. 521. Additionally, the Draft EIR indicates that “If deemed appropriate, plans will be developed or modified to ensure that any future development of the area is accommodated in a coordinated manner in appropriate locations with suitable consideration given to environmental resources, flood hazards and other constraints affecting the region,” and that “If deemed appropriate, policies and land use plans would be developed to accommodate appropriate intensification in a coordinated manner.” As such, a land use plan for the San Jacinto River’s valley has not yet been formulated, and therefore, the environmental effects of which cannot be evaluated. The General Plan, Area Plans, and Draft EIR do consider future development and the potential effects of such future development along the River; however, for the reasons above, intensification of land uses within the River valley cannot yet be analyzed without determining the anticipated growth patterns. As such, the Draft EIR is not intended to, and does not, defer this critical land use and environmental planning exercise to determine the level of future development and the resulting environmental effects.

Comment 33.69 The General Plan and Draft EIR address (and map) the San Jacinto River. As shown in these documents, reference to the 500-year flood hazard zone has generally been removed from analysis (i.e. Page S-35, High-Risk Facilities, and Figure S-9 (100-Year Flood Hazard Zones), of the General Plan). Future development would be allowed to occur within the 500-year flood zone, consistent with that allowed by FEMA, and as permitted by other relevant federal, State, and local regulations pertaining to development within the floodplain. Certain land uses were previously allowed to occur within the limits of the 500-year floodplain, and removal of such references to the 500-year floodplain within the proposed General Plan does not substantially change this condition.

The County compiles flood hazard maps using the Riverside County Special Flood Hazard Area database. This database of flood zones is maintained by the Riverside County Flood Control and Water Conservation District (RCFWCD), as stipulated in Riverside County Ordinance 4.58-14 Section 5. The flood area identified using the Riverside County Special Flood Hazard Area database includes FEMA 100-year flood areas, select Army Corps of Engineers inundation boundaries, as well as a number of boundaries for County inundation zones, as enumerated in Ordinance 4.58-14 Section 5. This database is updated by RCFWCD quarterly, and incorporates new flood zones as necessary. The flood zone is used for site specific development approvals, and is illustrated in the relevant maps within GPA No. 960 and Draft EIR No. 521 maps. This flood hazard zone is supported by numerous policies in order to ensure the safety of development within the County. Draft EIR No. 521 adequately analyzed the land use changes resulting from the removal of the 500-year floodplain. Future development projects occurring within the 500-year floodplain would be analyzed on an individual project level and are therefore outside of the purview of Draft EIR No. 521.

Comment 33.70 See Responses 33.68 and 33.69, above. Future development projects are speculative in nature and fluctuate depending on the state of the economy and other factors beyond the County’s control. However, future development projects would be required to undergo the appropriate CEQA environmental review and uphold the applicable policies and regulations identified in GPA No. 960 and therefore would not occur outside of the public’s view. As such, Draft EIR No. 521 has provided an appropriate analysis of future land use impacts along the San Jacinto River.

Comment 33.71 A general discussion of wildfire within the County and the potential risks that it poses is provided in Section 4.13.1(C) and (D), Introduction. An extensive discussion of specific risks regarding site conditions and vegetation, relative legislation and standards, wildland conditions within the County, areas of elevated risk, protection measures, etc. is presented in Section 4.13.2(C), Wildland Fires, of Draft EIR No. 521. Further, identification of applicable federal, State, and local policies and regulations pertaining to the prevention of wildland fire risk is included in Section 4.13.3(C), Wildland Fire Hazards.

The Draft EIR recognizes that future development occurring under the General Plan will result in development within wildland areas in order to accommodate anticipated population growth. Consistent with the requirements of CEQA, the Draft EIR identifies potential impacts relating to potential wildfire hazard impacts as the result of build out of the General Plan, which would result in increased exposure of people or structures to the risk of loss or damage from wildfire to accommodate growth. Impact 4.13.H is identified, and a discussion is provided to indicate that Project conformance to federal, State, and local regulations would reduce such impacts to a level of less than significant. As such, the Draft EIR examines the potential for increase such conditions and provides measures to reduce such risks.

Comment 33.72 Refer to Response 33.71, above. Section 4.13, *Hazardous Materials and Safety*, of the Draft EIR provides an evaluation of the potential risks of wildfire under current conditions and with

intensification of uses under the build out of the General Plan. These statements will be taken into consideration by the County; however, the analysis in the Draft EIR adequately identifies the existing conditions relative to wildfire risk and analyzes potential impacts anticipated with build out of the General Plan as proposed. Site-specific evaluation will also be required as future development is proposed, particularly with those lands located within or adjacent to areas with known high risk of wildfire.

Comment 33.73 The discussion pertaining to the amount of changed land uses that would be introduced to the County's wildlands is provided in Section C1, Effects of Fire on the Built Environment (page 4.13-75), as background information. As stated in the Draft EIR, when compared to the existing General Plan, "the overall net effect of the Project is to reduce the amount of dwelling units and industrial development, as well as the associated population, expected to occur within Riverside County over the next 50 years. Nevertheless, GPA No. 960 would accommodate future development in previously undeveloped areas, including some with high or very-high fire hazards. This would increase both the number of people and amount of property potentially exposed to fire hazards. Additionally, there is the potential for an increase in the occurrence of fires, particularly in urban-wildland interface areas, due to increasing human encroachment."

Compliance with existing regulations and General Plan policies would be sufficient to ensure that this impact is reduced to a less than significant level. The Draft EIR identifies the specific location and total acreage of those lands that will become subject to increased risk of wildfire to accommodate future growth within the County. Figure 4.13.7 (Wildland Fire Hazard Severity Zones) shows the specific location of those lands subject to the risk of wildland fires. As a programmatic document, the General Plan and Draft EIR are intended to guide future development to those areas most appropriate for development to occur. Site-specific evaluations as to physical conditions (i.e. topography, fuel loads, access to water) of a particular property will occur with future development; however, the risk of wildfire relative to these lands as build out of the General Plan occurs is documented and analyzed in the Draft EIR.

Comment 33.74 The Draft EIR clearly discloses the fact that an additional 62,000 acres of residential development will be subject to an increased risk of wildland fire with implementation of the General Plan; however, such increased exposure of this development is necessary to accommodate anticipated future population growth. Further, the adequacy of emergency access and emergency response will be determined as site-specific development occurs with build out of the General Plan, as conditions relative to these potential constraints will certainly change over time; refer also to Section 4.17.2, Fire Protection Services, of the Draft EIR. As stated above, impacts relative to wildland fire will be reduced to a less than significant level with conformance to applicable laws and regulations.

Comment 33.75 The County disagrees with the commenter's unsubstantiated opinion that the analysis related to fire hazards is deficient or lacks evidentiary support for its conclusions and findings. GPA No. 960 plans for anticipated future growth and identifies those areas where specific land use

types are appropriate (i.e. outside of floodplains, steep slopes, etc.) to minimize risks to public safety. As stated above, in order to accommodate future growth, some increased risk of public exposure to wildfire conditions will occur with build out of the General Plan. Conformance with applicable regulations and policies is intended to enhance the safety of the County's residents and minimize the potential for the occurrence of wildfire and its resulting damage to the extent feasible; however, total assurance that a wildfire event will not occur cannot be achieved in any circumstance on lands identified as having characteristics that support an increased risk of wildfire. Further evaluation of specific site conditions and appropriate measures to reduce the risk of wildfire would occur at the time when development is proposed. As stated above, the adequacy of emergency access and emergency response will be determined as site-specific development occurs with build out of the General Plan, as conditions relative to these potential constraints will vary over time; refer also to Section 4.17.2, Fire Protection Services, of the Draft EIR.

Comment 33.76 See Response 33.75, above. While the Added Community Centers Alternative would likely reduce the risk of wildfire due to the reduction of proposed OS-RUR land use designations, this Alternative only addresses four of the five objectives for the project, and does so while increasing traffic congestion and greenhouse gas emissions, as well as increasing several other environmental impacts (see Alternatives Analysis, page 6.0-73). Refer to Responses 33.83, 33.84, and 33.86, below, for a more detailed discussion of why the Added Community Centers Alternative was not determined to be superior to GPA No. 960 as presented.

Comment 33.77 This comment states that Draft EIR No. 521 fails to mitigate all potentially significant impacts as it relates to roadways outside of the jurisdiction of Riverside County. This stems from the fact that there are roadways under the jurisdiction of others that have been identified in the Draft EIR as needing to be upgraded in order to operate at the target levels of service called for in the respective circulation policies.

The County concurs with the author's assessment that these other agencies "can and should" adopt appropriate mitigation and that the County should support these efforts. It is proposed that the following language, italicized and highlighted in green font, be added to Draft EIR No. 521. The document will now read as follows:

Page 4.18-91:

"Table 4.18-U contains all of the roadways that are subject to Riverside County's jurisdiction which were also listed in the several comparison Tables 4.18-M through 4.18-P. All of the other roadways listed fall outside the jurisdiction of Riverside County (i.e. State of California and cities). These roadways similarly have impacts which require mitigation measures. However since these roadways are not within the jurisdiction of Riverside County, the impacts may potentially remain significant unless improved by others to standards that are higher than those modeled. *The County therefore finds and recommends that the affected agencies can and should adopt the mitigation recommendations for their respective agencies.*"

In addition, the Board of Supervisors of the County of Riverside and the Councils of the Cities of Western Riverside County have enacted the Transportation Uniform Mitigation Fee (TUMF) to fund the mitigation of cumulative regional transportation impacts resulting from future development. The mitigation fees collected through the TUMF program are utilized to complete transportation system capital improvements necessary to meet the increased travel demand and to sustain current traffic levels of service. The TUMF program was developed with the specific intent to mitigate regional traffic impacts which go beyond jurisdictional boundaries.

Comment 33.78 This comment is duly noted. The comment argues that GPA No. 960 must consider opportunities to promote compact development and increase its commitment to alternative modes of transportation. Throughout the entirety of the Circulation Element, the County emphasizes that this is a multimodal plan which promotes and relies on various alternatives to the automobile (i.e. transit, pedestrian systems, and bicycle facilities) so that Riverside County citizens and visitors can access the region by a number of transportation options. There are numerous land use and transportation policies that recognize and encourage transit oriented design and more compact development patterns. There are several policies within the General Plan aimed at encouraging transit and other alternative travel modes. For example, Circulation Element Policy C 1.2 addresses the need to provide a multi-modal transportation network that includes all modes of travel ranging from automobiles to pedestrians. Policy C 1.3 specifically addresses transit users by supporting the development of local and regional transit facilities. Policy C 1.7 addresses land use patterns that will reduce vehicular travel such as pedestrian-oriented development and mixed-use community centers. There are also specific policies related to pedestrian travel. Policy C 4.1 relates to the provision of pedestrian facilities within developments. For a full discussion on the policies in place to reduce VMTs, refer to Transportation and Circulation, Impact 4.18-A.

Comment 33.79 This comment is duly noted. Draft EIR No. 521 provides a thorough analysis of the Salton Sea Air Basin (SSAB) in the Air Quality section of the Draft EIR document. The Draft EIR is intended to be a program-level document, and as such it evaluates the Project's over-arching impacts on the environment, including air quality. However, as noted on page 4.6-5 of Draft EIR No. 521, air quality regulations are administered by the SCAQMD, and as such regulation of the air basin is beyond the purview of the GPA No. 960 and Draft EIR No. 521.

Furthermore, separate from the General Plan, the County has commenced the eligible Renewable Energy Development (eRED) Planning Program, which will not only facilitate renewable energy development in Riverside County, but would also further restoration plans for the Salton Sea through the addition of appropriate conservation policies and plans in the General Plan. The County is also a key partner in the Salton Sea Authority (SSA), which was formed along with other State and federal agencies, and the Republic of Mexico to develop programs that will further the beneficial use of the Salton Sea. The SSA is also responsible for overseeing the comprehensive restoration of the Salton Sea. Although outside of the scope of GPA No. 960, the County's involvement in eRED and the SSA will help to further the

ecological restoration of the Salton Sea. For more information on these programs, visit the Riverside County Planning Department website and <http://saltonsea.ca.gov/>.

Comment 33.80 See Response 33.79, above.

Comment 33.81 As stated in the Draft EIR, the No Project alternative may take two directions. In the first, the No Project alternative assumes the “continuation of the existing plan” and is considered under the No Project/Status Quo alternative in Draft EIR No. 521. The second includes a “No Build” scenario, wherein the existing environmental setting is maintained. This second No Project scenario is covered by the No Build/No Growth alternative in the Draft EIR.

The No Project/Status Quo alternative assumes that no new development would be approved within the unincorporated County and that the incorporated cities would continue to grow pursuant to their individual general plans. The alternative would not direct future growth to cities as part of the no growth alternative; rather, it is assumed that this would be the resultant development pattern to accommodate growth if no new development was allowed to occur within the County. Per CEQA, a no-project alternative is one that “would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with the available infrastructure and community services” (State CEQA Guidelines, Section 15126.6(e)). As such, the Draft EIR complies with CEQA’s standards for alternatives.

Comment 33.82 The No Build/No Growth alternative has not been proposed to ensure its rejection. As no development would occur within the unincorporated County, this alternative would not meet the established objectives for future build out of the County under the General Plan as proposed. The alternatives were designed using CCR Section 15126.6(c) outlines for selecting a range of adequate alternatives. The process the County undertook for selecting the range of alternatives is summarized in Table 6.0-A (Screening Tables or Alternatives Considered). Under the no project scenario identified in the State CEQA Guidelines, this is considered to be a valid alternative and one that does not violate CEQA. Further, as identified above, the Draft EIR also considers a second No Project alternative to evaluate a different development scenario under this condition, consistent with the No Project alternative as defined by CEQA. Therefore, evaluation of a required “No Project” alternative within Draft EIR No. 521 is considered to be adequate with regard to the proposed Project. Also, refer to response 33.83 below.

The County is compiling a database of comments on Land Use Designations which will be presented to the Planning Commission and Board of Supervisors during the public hearing process.

Comment 33.83 The Draft EIR provides an in-depth analysis of six alternatives. As stated in the Draft EIR, the Added Community Centers alternative evaluated “addresses the effects of growth and development pressure by proposing to transfer development intensity planned for lands identified for future open space conservation into a series of additional community centers

along transportation corridors. The overall number of residential units projected for unincorporated Riverside County would remain the same, but their locations, and possibly their densities, would change.” This alternative explores the relocation and concentration of certain land uses and densities to areas within the County where development may be more appropriate, and can be supported by an effective transportation system, thereby allowing for a greater allowance of undeveloped, open space lands. The Added Community Centers alternative was rejected as it would result in substantial individual and/or cumulative impacts in a number of areas, including traffic congestion and greenhouse gas emissions, all the while only meeting four out of the five project objectives (see page 6.0-73). As such, Draft EIR No. 521 provides suitable reasons to reject this alternative. However, as part of the Draft EIR, this alternative will be considered by the County during Project deliberations. Refer also to Response 33.81, above, regarding the Project alternatives considered.

The range of project alternatives selected for analysis was chosen to reflect the project objectives and the potential to reduce the project’s significant impacts. Alternatives were not considered if they failed to meet most of the project objectives, were determined infeasible, or were unable to avoid significant environmental impacts. For a detailed discussion on the criteria utilized in selecting and analyzing each alternative, refer to Alternatives Analysis, Section 6.2 “Selection of Alternatives.” See Response 33.82, above.

Comment 33.84 As seen in Draft EIR No. 521 page 1.0-21, the Added Community Center Alternative “only substantially lessens or avoids significant impacts for one of the seven (agriculture)” significant effects associated with the proposed project. Biological Resources are not identified as having the potential to be significantly impacted by GPA No. 960. In fact, as part of the proposed GPA No. 960, any potentially significant adverse impacts to biological resources resulting from future development accommodated by the Plan would be mitigated to below the level of significance (Draft EIR No. 521 page 4.8-97). Section 6.0 explains that the Added Community Center Alternative would substantially lessen impacts to Biological Resources, but it is important to remember that this is compared to their already less than significant values as a part of GPA No. 960 (Draft EIR No. 521 page 6.0-66). Similarly, the Added Community Centers Alternative would decrease already less than significant impacts to wildfire and fire protection as determined by Draft EIR No. 521 (Draft EIR No. 521 page 4.13-93). Draft EIR No. 521 found that compliance with existing regulations and General Plan policies would ensure that impacts related to wildland fire risks as a result of future development accommodated by GPA No. 960 would have less than significant impacts.

As such, although the Added Community Centers Alternative would decrease these two less than significant impacts, this alternative is not deemed the preferred alternative as it does not meet all five objectives of the Project and increases growth and localized urban impacts beyond that of the proposed plan or existing General Plan. No further response is required.

Comment 33.85 This comment is duly noted. As stated on pages 6.0-66 and 6.0-67, the increased VMT would occur predominantly within the community centers, according to the modeling completed for

the alternative. Specifics related to the VMT analysis are provided on 6.0-66 and 6.0-67 of the general plan. Also, refer to Table 6.0-H, *Added Community Centers Alternative - Environmental Effects Summary*, for the individual impacts associated with the Added Community Centers Alternative. The County disagrees with the statement that the EIR’s conclusions are confusing or unsupported by evidence.

Comment 33.86 The comment takes several statements in the Draft EIR out of context and confuses VMT in different areas. The Added Community Centers Alternative would concentrate development and increase development density and intensity rather than increasing the overall build out of unincorporated areas. Under this alternative the overall size of the development footprint within unincorporated Riverside County would decrease, but the overall residential density would nearly double. As a result, VMT on a per capita level would decrease, but overall VMT would increase due to the increased development. The analysis is neither skewed nor contradictory.

Comment 33.87 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general background information. Responses to specific comments are provided below.

Comment 33.88 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 33.89 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 33.90 The County appreciates and values your comments during the General Plan Update and EIR process. This comment pertains to the General Plan Draft EIR, and the comments made in this letter are duly noted. The County will take into consideration the comments made and determine if any revisions to the Draft EIR, additional technical analyses or significant impacts, and/or, a recirculation of the Draft EIR are necessary pursuant to State CEQA Guidelines Section 15088.5(a) which states that “a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.” Additionally, it is important to note that the February 2015 public review period for Draft EIR No. 521 was, in fact, a recirculation. It is the belief of the County no such conditions warranting a

recirculation exist given the dual public review periods including the May/June 2014 Draft EIR public review period and the February 2015 recirculated Draft EIR public review period.

Additionally, the County has reviewed the attached Exhibits A through Y. Exhibit A pertains to the General Plan, but does not warrant any further response as part of the Final EIR. The attached material contained in Exhibits B through Y relate to additional claims made within the letter. As such, the material did not identify any specific concern with the adequacy of Draft EIR No. 521 or any environmental issues. Therefore, the abovementioned referenced material does not warrant any further response as part of the Final EIR. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Santa Margarita Group
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www.sierraclubsmg.org



Below are the comments submitted for the GPA 960/Draft EIR by the Santa Margarita group of the San Gorgonio Chapter of the Sierra Club. Contact: Pam Nelson, chair (pamela05n@yahoo.com)

34.1

Fragmentation of conserved wildlife areas is of great concern. Connectivity for both humans and wildlife between communities is important. Corridors and crossings are not laid-out well or even in existence. Road infrastructure is a barrier to both humans and wildlife. There needs to be remedies implemented to correct the disconnection by roadways for both humans and wildlife and policies to prevent this in the circulation plans.

Two general comments:

34.2

Chapter 4 speaks of a Highway 79 corridor in a few spots. Should it be better defined, such as Highway 79 North corridor since there is a Highway 79 South?

p. C-37 I've never seen the Pacific Crest Trail (PCT) referred to as the Pacific Crest National Scenic Trail. It is part of the National Scenic Trail system that includes the Appalachian and others, but that's not part of the PCT's name.

Wildlife crossings/connection

"Design roadways to accommodate wildlife crossings whenever feasible and necessary".

Identify all potential wildlife crossings and incorporate in these in all future designs of roadways. Modifications to existing roadways, particularly in wildlife corridors and MSHCP cells, must be made to accommodate wildlife.

The Plan does not adequately define the phrase, "whenever feasible and necessary". Without a clear definition these terms are subject to various interpretations.

34.3

P. V-16 need to recognize the existing fragmentation of human and wildlife communities. Address the crossings and corridors needed on the old as well as new infrastructure

p. LU-20 mention of open space as a community separator, but need to go further and connect these open spaces for humans and wildlife with crossings and corridors

p. LU-36 doesn't address human and wildlife habitat fragmentation

Wildlife/human corridors and crossings should be addressed as **systems** where culverts and bridges are the considered as implementations to remedy the disconnections.

34.3
CONT.

Air quality/alternative energy

Allow fuel modification only to the outside of buffering vegetation (riparian vegetation and vegetation on slopes that buffer the watercourse from erosion and storm water pollution).

Soil disruption is a major contributor to air pollution. Off-road vehicle speeds and use and agricultural methods are important contributors to examine. Therefore, for agricultural remediation, mowing, not disking or other soil disrupting methods and professional livestock grazing programs shall be used for fuel modification.

The other major air pollution contributor, particularly in the desert regions, is recreational off-road vehicle use. Law enforcement and driver education must be accelerated to avoid the dangerous results of 2.5 and 10ppm particles polluting the air. Illegal vehicle use and the resulting damage to the soil ecology must be recognized so as to avoid further degradation to air quality.

34.4

Encourage site-planning and building design that maximizes solar energy use/potential in future development applications.

Mandate small solar and wind generation for new development. Focus power production within the populated areas and encourage distribution centers within these areas. Offer incentives for existing and proposed commercial and residential sites to convert to solar and small wind energy generation.

For instance, solar and small wind permits should be significantly reduced or eliminated to encourage these installations.

Encourage economic biomass conversion under sensible environmental controls. Divert green, human, animal and other feasible fuel source wastes to energy production. This includes food wastes generated throughout communities.

Noise/Hazardous waste

Hazardous wastes and disaster management: The San Onofre Nuclear Power Plant is a major hazard for Riverside and San Diego counties. Participation in the oversight of the decommissioning process of this plant should be included as an activity of the county staff.

34.5

A lack of "instantaneous" measurement in this section, instead of Leqs only, is noted. Instantaneous methods are a good tool when trying to enforce continual, but erratic noise complaints. These must be included.

Santa Ana Mountain Range

Cooperate with federal and state agencies to achieve the sustainable conservation of forest land as a means of providing open space and protecting natural resources and habitat lands included within the MSHCPs. The Santa Ana Mountain Range is the back-bone of SW Riverside County. It provides recreation, habitat, natural heritage, quality of life in the adjacent basins and wildlife connectivity. A special joint program with the Cleveland National Forest and the county to sustain the wildlife connectivity and health of this range must be developed.

34.6

Comment Letter No. 34: Sierra Club, Santa Margarita Group

- Comment 34.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment serves as an introduction. Responses to specific comments are provided below; no further response is required.
- Comment 34.2** The Western Riverside County Multiple Species Habitat Conservation Plan (WRC-MSHCP) and Coachella Valley Multiple Species Habitat Conservation Plan (CV-MSHCP) are in place to ensure connectivity for wildlife within Riverside County. It should be noted that both plans recognize and provide specific conservation measures to protect wildlife movement corridors. This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 34.3** As described in Response 34.2, impacts to wildlife movement would be mitigated through linkages established through the WRC-MSHCP and CV-MSHCP. As part of the WRC-MSHCP, a system of corridors and linkages has been established to accommodate wildlife movement within the open areas of western Riverside County. These are described more fully within the WRC-MSHCP, Section 3.2.3: Cores and Linkages within the MSHCP Conservation Area. Additionally, the Clarifications and Corrections to the MSHCP (May 2004) and the plan's USFWS Biological Opinion (June 2004) incorporate two additional Special Linkages into the WRC-MSHCP. In the Coachella Valley, the CV-MSHCP establishes conservation areas and articulates objectives and measures for the preservation of core habitat and the biological corridors and linkages needed to maintain essential ecological processes within the plan area. Several Federal, State and County Regulations as well as policies within GPA No. 960 support and/or protect wildlife corridors within Riverside County. Refer to pages 4.4-89 through 4.8-92, for a detailed description of the regulations and policies in place to protect wildlife corridors.
- This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 34.4** Section 4.6, *Air Quality*, assesses the potential impacts on air quality resulting from implementation of future development accommodated by GPA No. 960. The air quality analysis in the Draft EIR provides a meaningful evaluation of the potential air quality impacts related to GPA 960. It is unclear as to the actual issue pertaining to the use of off-road vehicles

and agricultural methods leading to soil disruption as it pertains to fuel modification activities in New Policy OS 18.4(c). However, the General Plan and Draft EIR include various policies related to fugitive dust. For example, Mitigation Measures 4.5.1A, 4.5.1B and 4.5.1C would minimize fugitive dust during construction. The Draft EIR also includes New Mitigation Measure 4.6.B-N1, which requires the watering of soil stockpiles and the prevention of visible dust plumes. Additionally, the majority of the County is under the jurisdiction of the SCAQMD. Activities within SCAQMD jurisdiction are subject to their rules and regulations. SCAQMD Rule 403 includes methods for controlling fugitive dust and prohibits visible dust from emanating beyond a site's boundaries. Furthermore, General Plan Policy AQ 17.1 requires the reduction of particulate matter from agriculture, construction, demolition, debris hauling, street cleaning, utility maintenance, railroad rights-of-way, and off-road vehicles to the extent possible.

This comment also addresses two new policies relating to alternative energy. It should be noted that the General Plan Update and CAP supports rooftop solar and power production within populated areas. For example, Policy OS 11.1 supports alternative energy sources, New Policy AQ 20.18 supports the installation of solar panels and other energy efficient improvements to residential and commercial uses, New Policy AQ 20.21 would provide homeowner education programs for adding solar energy capabilities, New Policy AQ 20.28 supports solar array installations and other renewable sources, and New Policy AQ 26.1 encourages solar panels. Further, New Policy AQ 28.1 includes provisions for adding solar energy capabilities to existing structures and New Policy AQ 29.2 also allow for renewable energy. The General Plan Update and CAP encourage the use of alternative energy generation and such installations would contribute to a project's point total on the Screening Tables.

New Policy AQ 26.1(g) states that the County shall implement programs and requirements to identify lands suitable for wind power generation or geothermal production and encourage their development. New Policy AC 26.2 states that the applicable Implementation Measures of the Climate Action Plan shall be the objectives for reducing greenhouse gasses by the increased use of alternative energy sources and also states that the County shall establish programs to address the use of alternative energy.

This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 34.5

This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. Furthermore, the San Onofre Nuclear Generating Station (SONGS) is located within San Diego County, not Riverside County, and as such was not addressed as a part of GPA No.

960. As SONGS is located outside of the County’s jurisdiction, its decommissioning is beyond the purview of the County and the County General Plan. As such, the potential hazardous waste impacts are not considered in GPA No. 960.

Information used to analyze noise impacts of GPA No. 960 is based on a noise study prepared by LSA entitled “Noise Measurement and Analyses Services for Riverside County General Plan Amendment No. 960” (Appendix EIR-7). As described in the noise study, equivalent continuous sound level (L_{eq}) is a predominant rating scale for human noise levels. Additionally, it should be noted that instantaneous noise that happens on a continual basis would be captured in the L_{eq} standards since these instantaneous peaks would increase L_{eq} levels. Additionally, the L_{eq} standards were established to account for such instantaneous noise events. As such, the County stands by its decision to use this rating scale as opposed to “instantaneous” methods. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 34.6

Wildlife connectivity allotted by the Santa Ana Mountains is addressed within the WRC-MSHCP. The Plan is a joint effort between the Regional Conservation Authority and several other partner agencies including the California Department of Fish and Game, Riverside County Habitat Conservation Agency, U.S. Fish and Wildlife Service, and many more. Refer to www.wrc-rca.org/partner_agencies.asp for a full list of the countywide and regional agencies that work together to protect important wildlife corridors. This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Riverside County Planning Dept 4/1/15

Kristi Lovelady;

APN 381-200-021
17930-32-34 GRAND AVE
LAKE WILSON, CA - 92530

IN REGARDS TO ANY CHANGES TO LAND USE OF MY PARCEL 381-200-021, I AM OPPOSED TO ANY CHANGES.

RECEIVED
APR 02 2015

ADMINISTRATIVE
RIVERSIDE COUNTY
PLANNING DEPARTMENT

With all due respect and in consideration of the issue, should it be necessary I will seek legal representation for the purpose of maintaining current zoning, and land use designations.

These designations were a driving factor in my decision to purchase this parcel. I intend to use the commercial designation.

I have voiced my opposition in prior conversations with you.

Respectfully

Albert Dyer
Albert Dyer

phone 602-373-0017

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Comment Letter No. 35: Avelar, Albert

Comment 35.1 This comment pertains to a General Plan Land Use Designation. The County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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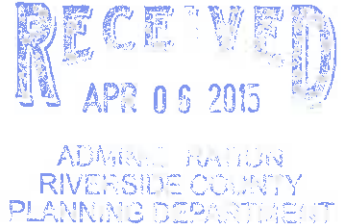
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Oceanside Watsonville

June 30th, 2014

Kristi Lovelady, Principal Planner
4080 Lemon St., 12th Floor
Riverside, CA 92501
klovelad@rctlma.org



Via Electronic Mail

Re: Comments on Riverside County's Draft Environmental Impact Report No. 521 regarding Riverside County Draft General Plan Amendment No. 960

Dear Ms. Lovelady:

California Rural Legal Assistance, Inc. (CRLA) submits the following comments on the Riverside County Draft Environmental Impact Report No. 521(DEIR) on behalf of Francisco Baeza, a resident of a substandard and unpermitted mobilehome park in the unincorporated community of Thermal. CRLA is a non-profit law firm that represents farmworkers and other low-income residents of rural California communities in a variety of matters, including enforcement of State Housing Element Law, monitoring General Plans, and other land use and planning issues that have an impact on the availability of adequate infrastructure and a habitable, affordable, equitable housing supply in rural communities. The



36.1

DEIR fails to comply with the mandates of the California Environmental Quality Act (CEQA) in at least its statement of objectives, its description of existing environmental conditions, its determination of thresholds of significance, and its analysis of significant impacts and mitigation measures. The DEIR also is inadequate in that it fails to account for statutory deficiencies in the General Plan Update (GPU) or for aspects of the 4th Cycle Housing Element.

36.1
CONT.

The DEIR fails to account for statutory deficiencies in the General Plan Update (GPU).

The GPU contains numerous statutory deficiencies that render the DEIR invalid. These include a failure to evaluate infrastructure needs of disadvantaged unincorporated communities; a failure to consider the current Regional Housing Needs Allocation (RHNA), to adopt a timely 5th Cycle Housing Element, and to maintain consistency among the elements of the General Plan; and a failure to comply with the relevant Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS).

36.2

Failure to Evaluate Infrastructure Needs for Disadvantaged Unincorporated Communities

Government Code § 65302.10(b) requires the County to include in its Land Use Element an identification of each unincorporated legacy community within the County; an analysis of the water, wastewater, stormwater drainage, and structural fire protection needs of deficiencies in each such community; and an analysis of financing alternatives

36.3

that could render the extension of services to such communities financially feasible. See Gov. Code § 65302.10(b). The GPU does not include these required analyses, hence, the DEIR fails to consider environmental impacts that might flow from these analyses.

36.3
CONT.

Failure to Consider the Current Regional Housing Needs Allocation (RHNA), Adopt a Timely 5th Cycle Housing Element, and Maintain Consistency Among the Elements of the General Plan.

The DEIR analyzes the 4th Cycle Housing Element, the planning period for which expired on June 30, 2014. The Southern California Association of Governments (SCAG) Regional Housing Needs Allocation (RHNA) for the 5th Cycle Housing Element has been available since November 26, 2012, when it was approved by the California Department of Housing and Community Development (HCD); it provides for the addition of 32,994 households to the unincorporated County between 1/1/2014 and 10/1/2021. See SCAG 5th Cycle Regional Housing Needs Assessment Final Allocation Plan, available at <http://rtpscs.scag.ca.gov/Documents/rhna/5thCyclePFinalRHNAplan.pdf>. The 4th Cycle Housing Element, analyzed in the DEIR, does not account for this updated RHNA; the County is out of compliance with State Housing Element Law because it has not engaged in a public participation process, submitted for HCD review or lawfully adopted a 5th Cycle Housing Element in compliance with law. California law requires internal consistency among the elements of a General Plan, therefore, the General Plan is by definition internally inconsistent because it does not have a timely Housing Element and each of its other elements fail to account for the 5th Cycle RHNA and fail to achieve consistency with a statutorily adequate 5th Cycle Housing Element.

36.4

See Gov. Code §§ 65300.5, 65583(c)(7).

The GPU includes a lapsed Housing Element based on a RHNA that is lapsed, thus the GPU is internally inconsistent. A DEIR based on an unlawfully out-of-date General Plan can have no real meaning and cannot account for any predictable environmental impact based on a new draft General Plan, which has not been prepared. The DEIR should be revised to incorporate the 5th Cycle RHNA, a statutorily adequate 5th Cycle Housing Element, and any and all changes to other elements of the General Plan that are required in order to achieve consistency with the 5th Cycle Housing Element.

36.4
CONT.

Failure to Consider Significant Impacts Related to Action 1.2t of the 4th Cycle Housing Element

Action 1.2t of the 4th Cycle Housing Element, ostensibly under consideration in the DEIR, requires the County to designate 595 acres of land as highest density residential (HHDR) by June of 2014. See GPU at H-172, Table H-72. No other Elements of the GPU reflect this designation, rendering the GPU internally inconsistent in violation of state law. See Gov. Code §§ 65300.5, 65583(c)(7). As noted above, a DEIR analyzing an unlawfully internally inconsistent General Plan is a practical nullity.

36.5

The DEIR also fails to analyze either the environmental impacts of designating 595 acres as HHDR, as required by Action 1.2t, or of failing to designate 595 acres as HHDR – impacts which could include displacement of numerous low-income households and other environmental impacts associated with a lack of habitable affordable housing for the County's lowest-income residents. In failing to consider these

impacts, the DEIR violates Pub. Res. Code § 21100(b) and 14 Cal. Code Regs. §§ 15126(a), 15126.2(a), and 15143.

↑
36.5
CONT.

Failure to Comply with the 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

SCAG adopted The 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) on April 4, 2012. It includes as required by Gov. Code § 65080(b)(2) significant information, modeling, and planning policies designed to reduce the emissions of greenhouse gases (GHGs) in the SCAG region. The DEIR must address the question of whether the GPU complies with the RTP/SCS. See 14 Cal. Code Regs. § 15064.4(b)(3). The DEIR’s analysis completely fails to discuss the adopted RTP/SCS and therefore fails to satisfy the requirements of § 15064.4(b)(3).

36.6

The DEIR fails to consider critical new information and changed circumstances since the baseline date of April 13, 2009.

CEQA Guidelines provide that the baseline for existing environmental conditions is usually set at the time of the Notice of Preparation, which in the case of the DEIR was April 13, 2009. See 14 Cal. Code Regs. § 15125. However, a lead agency has discretion to use a later baseline date, up to and including the time at which the project will go into operation, particularly where the use of a different baseline date would “promote[] public participation and more informed decisionmaking by providing a more accurate picture of a proposed project’s likely impacts.” *Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 C4th 439, 453.

36.7

Due to critical changes since April 13, 2009, Riverside County should exercise its discretion to use a later baseline date in the interest of “promot[ing] public participation and more informed decisionmaking by providing a more accurate picture of [the GPU’s] likely impacts.” Id. Since April 13, 2009, the state has suffered one of the worst droughts on record, heightening the threat of groundwater depletion leading to consequences such as shallow private drinking water wells running dry and/or intrusion of the Salton Sea into the Coachella Valley Groundwater Basin. The Riverside County Redevelopment Agency has been dissolved by state law; that dissolution, along with a severe economic crisis, has severely impacted funding for affordable housing and infrastructure, especially for the County’s lowest-income residents. Significant new information has come to light regarding the status of water supplies and water-related needs in the Coachella Valley through the process of the 2014 Update to the Coachella Valley Integrated Regional Water Management Plan (2014 IRWMP Update). The 4th Cycle Housing Element and RHNA have lapsed, as discussed above; the County has failed to adopt a timely 5th Cycle Housing Element; and the SCAG 2012-2035 RTP/SCS has been adopted.

In this context, the use of a 2009 baseline obfuscates environmental impacts and will result in less well-informed decision-making. The emergence of critical new findings regarding the water-related needs of disadvantaged communities in the Eastern Coachella Valley in the 2014 IRWMP Update, coupled with the potential threat to affordable housing and infrastructure development in the Eastern Coachella Valley due to the dissolution of the Redevelopment Agency and the recession, means that a 2009 baseline will deprive decision-makers of key information regarding the environmental

**36.7
CONT.**

conditions impacting low-income farmworker communities in the Eastern Coachella Valley. These communities are 95%-98% Latino, compared to a County-wide average of 46.5% Latino; thus, to the extent that the failure to adopt a later baseline has a disproportionate and adverse impact on the Eastern Coachella Valley, the DEIR subjects the County to liability under civil rights and fair housing laws including, but not limited to, Title VI of the Civil Rights Act; the Fair Housing Act; California Government Code § 11135; and California Government Code §§ 12955 et seq.

36.7
CONT.

The Water Resources chapter of the DIER violates the CEQA Guidelines by omitting key information regarding the safety of drinking water resources and wastewater treatment in the Eastern Coachella Valley.

The CEQA Guidelines require that the EIR describe the GPU's environmental setting with sufficient detail to facilitate meaningful consideration of environmental impacts:

Knowledge of regional setting is critical to the assessment of environmental impacts The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

Cal. Code Regs. § 15125(c). The DEIR fails to satisfy this standard in that it overlooks critical information regarding the prevalence of unsafe drinking water and unsafe wastewater treatment in mobilehome parks in the Eastern Coachella Valley that are not served by existing municipal water or sewer lines.

The Eastern Coachella Valley is home to approximately 200 unpermitted mobilehome parks, most of which rely on shallow private drinking water wells and on

36.8

septic systems, also known as on-site wastewater treatment systems (OWTSs). See, e.g., maps of permitted and unpermitted mobilehome parks in the Coachella Valley compiled by Ryan Sinclair, Ph.D., available at TrailerParkPointMerge_LayerT1.kmz ; <https://www.google.com/maps/ms?msid=213821680968999594725.0004e38c36fc5fe05f26b&msa=0&ll=33.575154,-116.134415&spn=0.292908,0.346756>. Many wells and OWTSs were installed without any permitting, inspection, or other regulatory oversight. Most of the drinking water systems and OWTSs are not subject to regular inspection or other oversight by any regulatory authority, such that inadequate maintenance and/or overuse may result in prolonged exposure to unsafe conditions such as drinking water that exceeds Maximum Contaminant Levels (MCLs), overflows of raw sewage into residents' yards, or backing up of raw sewage inside their homes. Failing septic systems also create a threat to groundwater quality. It is particularly important to note that groundwater in the Coachella Valley has high levels of naturally occurring arsenic and hexavalent chromium and that the only drinking water available to many residents of the Eastern Coachella Valley is untreated groundwater. See, e.g., 2014 Coachella Valley Integrated Regional Water Management Plan at 2-47, 3-16, 3-17. Most of the residents exposed to these conditions work in the region's agricultural industry; they are overwhelmingly Latino (approximately 97% of the population of the Eastern Coachella Valley) and very low-income or extremely low-income, with no feasible means of privately financing the infrastructural upgrades necessary to improve these environmental conditions.

The Water Resources chapter of the DEIR fails to describe any of these aspects of the existing environmental setting for the GPU. Section 4.19.I (Areas Not Served By

36.8
CONT.

Existing Water Purveyors) states that residents of existing water districts who are not served by existing water lines are "take[n] into account" in the preceding discussions of individual water agencies; however, there is no such discussion in the section on the Coachella Valley Water District (4.19.G.1), such as the number of such consumers, existing drinking water quality issues (e.g., consumption of water with arsenic levels that exceed the MCL), risks to shallow wells due to diminishing groundwater supplies, or risks of Salton Sea intrusion into the Indio Sub-basin of the Coachella Valley Groundwater Basin.

36.8
CONT.

The Water Resources chapter of the DEIR fails to give any details regarding OWTS usage and adequacy in Riverside County, such as the number of households and individuals that rely on OWTS for wastewater treatment, their geographic distribution, development patterns giving rise to heavy concentrations of OWTS in some areas of the County, or the number and severity of OWTS-related violations or failures. All of this information is required to satisfy the requirements of Cal. Code Regs. § 15125(c).

The DEIR violates CEQA by failing to explain the County's determination that certain environmental impacts are not significant.

Each chapter of the DEIR recites by rote the significance criteria set forth in Appendix G to the 2012 CEQA Guidelines and fails to address whether the County considered any additional thresholds of significance or why the County decided not to include any additional or more specific thresholds of significance. CEQA requires that the DEIR "contain a statement briefly indicating the reasons for determining that various

36.9

effects on the environment of a project are not significant and consequently have not been discussed in detail in the environmental impact report.” Pub. Res. Code § 21100(c); see also 14 Cal. Code Regs. § 15128. This failure constitutes an abuse of the County’s discretion. See Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal. App.4th 1099, 1109. It is inappropriate for the lead agency to rely exclusively on the Appendix G Checklist when a particular project will have environmental impacts not contemplated by the Appendix G Checklist. Id. The Water Resources chapter, e.g., fails to consider the following potentially significant impacts:

- Whether the project would result in an increase in the number of people without access to safe, adequate, and properly maintained wastewater treatment (e.g., by failing to provide for adequate, habitable, affordable housing in extremely low-income rural areas such as the Eastern Coachella Valley, thus forcing residents to live in substandard conditions without adequate wastewater infrastructure; this concern is particularly salient because the GPU does not include re-designation of 595 acres of land as highest density residential, as promised by the County in its 4th Cycle Housing Element in order to provide for development of affordable housing for households in the lowest income tiers).
- Whether the project would result in an increase in the number of people whose primary source of drinking water regularly exceeds one or more MCL (see above).
- Whether the project would increase the risk of intrusion by the Salton Sea into the Indio Sub-basin of the Coachella Valley Groundwater Basin, a



**36.9
CONT.**

foreseeable impact of groundwater depletion in the Coachella Valley. See, e.g., 2014 Coachella Valley Integrated Regional Water Management Plan at 2-9, 2-10, 2-46, 3-4, 3-18, 3-35.

- Whether the project would result in loss of access to drinking water for residents relying on shallow wells due to groundwater depletion, particularly considering the extreme drought gripping California in 2013-2014.

The identification of such impacts as significant then triggers the requirement to identify mitigation measures such as the extension of municipal water and sewer lines (to mitigate impacts related to increases in number of people without access to safe drinking water and wastewater treatment) and the protection of groundwater levels (to mitigate impacts related to Salton Sea intrusion and drying-up of private drinking water wells).

The DEIR fails to assess existing conditions with respect to housing and population in the Eastern Coachella Valley, rendering the analysis of housing-impacts inadequate.

The Eastern Coachella Valley is home to approximately 200 mobilehome parks, many of which are unpermitted and lack adequate infrastructure for safe drinking water, safe wastewater treatment, and safe electrical service. Residents of these areas are 95%-98% Latino and extremely low income, with per capita incomes in the Eastern Coachella Valley falling below \$10,000. See American Fact Finder, available at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml###>. Most of these

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mobilehome parks are located on land that bears a Land Use Designation (LUD) of Agriculture, as allowed by Health & Safety Code § 17021.6(b), and give rise to densities of ten or more dwelling units per acre. This is a lawful land use, and should be so. However, the DEIR makes no mention of the environmental conditions that have an impact on residents of these mobilehome parks, nor does it address means of protecting those families and mitigating environmental impacts on them. Furthermore, the DEIR relies on an assumption that land with an Agriculture LUD will be built out at a density of 0.5 dwelling units per acre. See Appendix E-1, Table E-1. Failing to include this information in describing the existing environmental setting and projected impacts of the GPU, the Housing and Population chapter of the DEIR fails to satisfy the requirements of Cal. Code Regs. § 15125(c).

The Eastern Coachella Valley Area Plan (ECVAP) fails to discuss these mobilehome park communities, to indicate their locations on any map, or to explain the potential impact on these communities of the new LUDs proposed in Figure 3 to the ECVAP, whether that impact is lawful, and how it will be mitigated. In the absence of this information, it is impossible for the DEIR to give meaningful consideration to question of whether the new LUDs in the ECVAP might result in significant impacts with respect to maintaining decent, safe and sanitary housing and infrastructure in these communities, minimizing adverse cumulative impact and preventing displacement of existing housing and/or people. See Pub. Res. Code § 21100(b); 14 Cal. Code Regs. §§ 15126(a), 15126.2(a), and 15143. This absence of information is exacerbated by the lapsed RHNA, lapsed Housing Element, lack of a draft update to the Housing Element,

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lack of consideration of the RTP/SCS, and absence of a Land Use Element that appropriately addresses disadvantaged communities.

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The DEIR fails to evaluate environmental impacts associated with a worsening jobs-housing imbalance in the Eastern Coachella Valley.

The DEIR predicts that the GPU will result in an increase in population in the Eastern Coachella Valley but a decrease in the number of jobs, resulting in a jobs-to-dwelling-units ratio of 0.786. See Table 4.3-F: Theoretical Build Out Projections (Land Use-Based Capacities). The DEIR gives no indication of having considered whether this unfavorable jobs-to-dwelling-units ratio will result in economic displacement of residents due to inadequate employment opportunities. The DEIR also gives no consideration to the question of jobs-housing fit, that is, whether the local workforce will be able to afford the local housing. A poor jobs-housing fit, like a poor jobs-housing balance, is likely to cause significant economic displacement that must be analyzed within the DEIR. The DEIR thus fails to satisfy the requirements of Pub. Res. Code § 21100(b); 14 Cal. Code Regs. §§ 15126(a), 15126.2(a), and 15143.

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The DEIR does not provide a clear statement of objectives as required by Guidelines 15124(b).

CEQA Guidelines state that the purpose of the objectives section is to “help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying

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purpose of the project." 14 Cal. Code Regs. § 15124(b). The DEIR list 5 objectives that summarize the process of updating a general plan and would not aid decision makers in preparing findings. This list of objectives does not satisfy the requirements of § 15124(b).

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* * *

We appreciate the opportunity to comment on Riverside County's Draft Environmental Impact Report No. 521 for the Riverside County Draft General Plan Amendment No. 960 and look forward to your responses to our comments.

36.13

Sincerely ,



Laura Massie, California Rural Legal Assistance, Inc.

cc: Francisco Baeza
Ilene Jacobs, California Rural Legal Assistance, Inc.
Daniel Torres, California Rural Legal Assistance, Inc.
Frank Kopcinski, California Rural Legal Assistance, Inc.



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April 6, 2015

Kristi Lovelady, Principal Planner
4080 Lemon St., 12th Floor
Riverside, CA 92501
klovelad@rctlma.org

Via Electronic Mail

Re: Comments on Riverside County's Revised Draft Environmental Impact Report No. 521 regarding Riverside County Draft General Plan Amendment No. 960

Dear Ms. Lovelady:

On June 30th, 2014 California Rural Legal Assistance, Inc. (CRLA) submitted comments on the Riverside County Draft Environmental Impact Report No. 521 (DEIR) on behalf of Francisco Baeza, a farmworker and resident of a substandard and unpermitted mobilehome park in the unincorporated community of Thermal. At this time we would like to submit comments on the revised DEIR No. 521, re-incorporating and attaching our previous comments with this submission.

Specifically, we feel that the revised DEIR does not adequately address the social and economic condition of farmworkers in the Eastern Coachella Valley in violation of 14 CCR 15131(c) and California common law. In order to comply with these laws the County must consider the economic and social condition of farmworkers in the Eastern Coachella Valley in its determination of whether

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changes in the DEIR are feasible to reduce significant effects on the environment identified in the DEIR. Furthermore, we feel that we are timely submitting these supplemental comments per Cal. Pub. Resources Code § 21177 and California common law. (See Galante Vineyards v. Monterey Peninsula Water Management District 60 Cal. App. 4th 1109; Central Delta Water Agency v. State Water Resources 124 Cal. App. 4th 245; Poway v. City of San Diego 155 Cal. App. 3d 1037; Bakersfield Citizens v. City of Bakersfield 124 cal. App. 4th 1184).

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I) Applicable Law

An environmental impact report must take into account economic and social factors when deciding whether changes in a project are feasible to reduce or avoid significant effects on the environment. 14 CCR 15131(c) specifically provides that:

Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.

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Additionally, an EIR must consider the economic and social factors of overcrowding and structural deterioration when analyzing significant environmental effects. (Bokersfield Citizens for Local Control v. City of Bokersfield 124 Cal. App. 4th 1184, 1205-1213; El Dorado Union High School District v. City of Plocerville et al. 144 Cal. App. 3d 123).

II) **The County must take the Socio-Economic Condition of Farmworkers in the Eastern Coachella Valley into account when Analyzing the Significant Environmental Impacts Identified in the DEIR**

The socio-economic status of farmworkers in the ECV is linked to significant environmental impacts that the DEIR identifies. The revised DEIR does not recognize this connection or how the implementation of the DEIR will likely result in structural decay and overcrowding within these farmworker communities. Failure to do so in the final EIR would be a violation of 14 CCR 15131(c) and California common law.

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A) **General Application of Law**

- a. **Per 14 CCR 15131(c) and California Common Law Riverside County is Required to Take into Account the Socio-Economic Condition of Farmworkers in the Eastern Coachella Valley when Analyzing the Significant Impacts the DEIR Identifies**

i. **14 CCR 15131(c) Analysis**

Based on a plain meaning interpretation of 14 CCR 15131(c) the County must take into account social and economic conditions in its DEIR, such as the socio-economic status of farmworkers in the Eastern Coachella Valley. 14 CCR 15131(c) states that "**economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment**

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identified in the EIR.” Therefore, because 14 CCR 15131(c) plainly requires Riverside County to consider social and economic factors when analyzing the feasibility of mitigating significant environmental effects it must do so.

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ii. California Common Law Analysis

An EIR must consider the economic and social factors of overcrowding and structural deterioration when analyzing significant environmental effects. (Bokersfield Citizens for Local Control v. City of Bokersfield 124 Cal. App. 4th 1184, 1205-1213; El Dorado Union High School District v. City of Placerville et al. 144 Cal. App. 3d 123). The situation of farmworker residents in the ECV is analogous to the plaintiffs’ situation in both El Dorado and Bakersfield Citizens. Therefore, the DEIR must take into account the socio-economic condition of farmworkers in the ECV when analyzing the significant environmental effects it identifies.

In El Dorado a developer prepared a draft environmental impact report for a proposed residential development project in the City of Placerville. El Dorado Union High School District v. City of Placerville et al. 144 Cal. App. 3d 123 at 126. The draft EIR determined that increased school enrollment would result from the project. Id. at 127. It stated that several hundred new students would be added to the school district as a result of the population increase the project would bring. However, the draft did not take the social factor of overcrowding into account. The local school district argued that overcrowding in schools would likely result from the project, which would in turn create a foreseeable change in the physical environment that the draft EIR did not address: the need for a new school. The court held that the draft EIR needed to take the social factor of overcrowding into account. Id. at 132. (See also Bokersfield Citizens for Local Control v. City of Bokersfield 124 Cal. App. 4th 1184, holding where the court found the local city council’s certification of an environmental impact report improper because

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it did not analyze how the development of two shopping centers could have produced the foreseeable effect of structural decay).

Mr. Baeza's situation is factually analogous to the plaintiffs' circumstance in El Dorado Union High School District v. City of Placerville et al. Like the draft EIR in El Dorado Riverside County's GPA DEIR recognizes that a population increase will result from its project. DEIR 521 estimates that the Eastern Coachella Area Plan will add more additional people than any area plan; 8,090.¹ Due to this fact and other reasons analyzed below it is foreseeable that residents of the Eastern Coachella Valley like Mr. Baeza may face overcrowding as a result of the implementation of the GPA. Thus, like in El Dorado overcrowding is a social factor here tied to the DEIR. Moreover, as it was the case in El Dorado, here it is also foreseeable that the social factor of overcrowding may result in a conceivable change in the physical environment that Riverside County does not address: the possible need for new affordable housing in neighboring areas should the DEIR displace farmworkers from the ECV.

Mr. Baeza's situation is also factually analogous to the plaintiffs' circumstance in Bokersfield Citizens for Local Control v. City of Bokersfield. In that case the EIR did not analyze how the development of new shopping centers would eliminate existing businesses and thus produce structural deterioration in the form of the abandoned buildings the failed businesses would leave behind. A similar circumstance exists here where the DEIR lacks an analysis of how the GPA may likely create structural corrosion. If the DEIR is implemented as the final EIR one likely result is that farmworkers will be, as they currently often are, forced to leave their homes in areas where development projects convert former farmland into non-agricultural uses. The combined effect of these forces manifests itself in structural decay in the form of deteriorating mobilehomes and municipal infrastructure.

Similarly, other effects such as environmental pollution in the form of reduced air quality,

¹ DEIR Volume 1 Part 1 states that the Eastern Coachella Area Plan will result in a population increase in the Eastern Coachella Valley of 8,090 new residents. This is the most population growth seen in any area plan and is beyond that already planned for in the General Plan. (DEIR Volume 1, Part 1, pg. 223, Section 4.3 -17)

decreased water quality and/or availability of water could occur without further County consideration of the societal and physical conditions resulting from development of the project area. Ultimately, the lack of affordable housing opportunities, and decreased environmental conditions, such as reduced water and air quality, would all combine to displace farmworker communities and lead to physical decay.

Thus, because the situation of farmworker residents in the ECV is analogous to the plaintiffs' situation in both El Dorado and Bakersfield Citizens the DEIR must take into account the socio-economic condition of farmworkers in the ECV when analyzing the impact of the significant environmental effects the DEIR identifies.

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B) Specific Application to Significant Impacts the DEIR Identifies

- a. **There is a Relationship between the Socio-Economic Condition of Farmworkers in the ECV and the Significant Impacts the DEIR Identifies. Overlooking this Relationship in the Final EIR will likely Result in Structural Decay and Overcrowding**

1) Significant Impact of Water Quality Degradation²

There is a nexus between the socio-economic condition of farmworkers in the ECV and threats to ground water quality. The County knows that many of the farmworkers in the ECV live in unpermitted mobilehome parks that lack proper water and wastewater systems due to a scarcity of affordable housing in the area.³ As a result, these unpermitted mobilehome parks often release sewer water and

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² DEIR No. 521 identifies numerous unavoidable significant environmental effects listed in Table 5.0-A

³For an analysis of the poor water quality within disadvantaged communities in the ECV see "Coachella Valley Regional Water

grey water directly onto the ground, which in turn contaminate groundwater. The socio-economic condition of farmworkers in the ECV and water quality degradation are therefore linked.

However, the DEIR does not recognize this relationship and overlooking it will likely result in structural decay. The analysis of impact 4.19.C (substantial degradation of water quality, DEIR Volume 1 Part 2 pgs. 523- 528) does not address this nexus. Furthermore, the DEIR states that the implementation of policies and regulations set forth in section 4.19.C would mitigate this environmental impact to a degree less than significant. However substandard and deteriorating farmworker housing infrastructure and the concomitant degradation of water quality stemming from these conditions have not benefited from the purported implementation of the policies and regulations mentioned. Furthermore the DEIR fails to note that as a result of inadequate or poorly maintained water systems, including onsite water treatment systems, threats to groundwater quality and the risk of Salton Sea intrusion will likely result.⁴

Therefore, if the final EIR omits an analysis of these poorly maintained water systems, structural decay is likely to result as the existing systems will fall into disrepair.

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2) The Conversion of Designated Farmlands and the Encroachment upon or Conflict with Existing Agricultural Uses

The conversion of designated farmlands and the encroachment upon existing agricultural uses may both likely result in structural decay and overcrowding within farmworker communities in the Eastern Coachella Valley. If agricultural use declines farmworkers will lose jobs and may be forced to

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Management Group's 2014 Integrated Regional Water Management Plan" pg. 111; also 3.1.8 Disadvantaged Communities Section http://www.cvrwmg.org/docs/2014_02_25_CVRWVG-2014CoachellaValleyIRWMPPlanChapters_090247.pdf

See also opinion survey on pg. 34 in "Appendix VII-A: Disadvantaged Communities Tapestry Mapping" of the Coachella Valley Regional Water Management Group's 2014 Integrated Regional Water Management Plan. http://www.cvrwmg.org/docs/2014_02_25_CVRWVG-2014DACOutreachProgramAppendices_100251.pdf

⁴ See Coachella Valley Integrated Regional Water Management Plan at 2-9, 2-10, 2-46, 3-4, 3-18, 3-35.

vacate their homes. Many farmworkers live in mobilehome parks in the remote areas of the Eastern Coachella Valley. If these mobilehomes are abandoned the ensuing structural deterioration will harm the local environment. The physical structure of the mobilehomes will deteriorate along with the mobilehome parks' infrastructure; including, but not limited to, water pipelines.⁵ Ultimately farmworkers will also have to look for new housing as a result of these significant environmental effects as they will need to search for new employment in local cities. Given the shortage of affordable housing within the area farmworkers would likely exceed maximum occupancy restrictions in order to make the housing cost proportionately more affordable. The end result of these forces is overcrowded housing.⁶

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3) Cumulatively Significant Project Air Quality Emissions, the Substantial Depletion of Groundwater Supplies or Substantial Interference with Groundwater Recharge, and Insufficient Water Supply

Increased air quality emissions, the substantial depletion in ground water supplies, and an insufficient water supply are all significant environmental effects that the County should consider in conjunction with the economic and social factors of structural decay and overcrowding that are likely to occur in farmworker communities in the Eastern Coachella Valley as a result of the implementation of the GPA. If confronted with heavy pollution and a scarcity of water to use for bathing, cooking, and drinking farmworkers may be forced to leave their homes.⁷ The structures left behind as a result could

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⁵ For a portrait of how deteriorating infrastructure in farmworker housing creates environmental hazards see "Confronting east valley environmental hazards" Marcel Honoré, The Desert Sun, March 10th, 2011

⁶ For a discussion on overcrowding conditions farmworkers already live in and how water scarcity leads to farmworker job loss see "No Water No Work: Impact of California's drought on farmworkers" Gail Wadsworth (2014)

<http://www.cirsinc.org/publications/current-publications>

⁷ For a summary of how water scarcity is detrimental to farmworkers and mobilehome park communities see "Growing List of NorCal Communities Running Out of Water in Just 60 Days" CBS, San Francisco September 27th, 2014

<http://sanfrancisco.cbslocal.com/2014/09/27/growing-list-of-norcal-communities-counties-running-out-of-water-in-just-60-days/>

See also: "With Dry Taps and Toilets, California Drought Turns Desperate" Jennifer Medina, NY Times, October 2, 2014

create blight and harm the environment by contaminating the soil. Additionally, if forced to move to more expensive nearby areas (such as Coachella, Indio, or Palm Springs) farmworkers would inevitably be propelled into overcrowded conditions, as single farmworker families would likely be unable to afford housing without living in single family apartments with other families.

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4) The Substantial Alteration of Existing Drainage Patterns Resulting in Substantial Erosion or Siltation, the Creation of Runoff Exceeding Stormwater Drainage System Capacities or Substantial Water Pollution, and Significant Adverse Effects due to the Need for New or Expanded Stormwater Drainage Facilities

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Substantially altering existing drainage patterns resulting in substantial erosion or siltation may consequentially fallow farmland, thus reducing the need for farm labor and inevitably displacing farmworkers from the Eastern Coachella Valley. Runoff exceeding stormwater drainage system capacities, the occurrence of substantial water pollution, and significant adverse effects due to the need for new or expanded stormwater drainage facilities could all displace farmworkers by rendering their living conditions uninhabitable.

5) The Encroachment into Isolated or Remote Areas

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Additionally, the encroachment of projects into isolated or remote areas may also displace farmworkers, make them experience overcrowding, and cause the environment to suffer the detriments

<http://www.nytimes.com/2014/10/03/us/california-drought-tulare-county.html? r=0>

See also: "California drought victims drink in Grandmother's Kindness" Martinez, Sidner, Tamura, CNN, October 11, 2014

<http://www.cnn.com/2014/10/11/us/california-drought-homes-without-running-water/>

of structural decay. If new projects or gentrification encroach upon the isolated rural areas of North Shore, Thermal, and Oasis to such an extent that farmworkers can no longer afford to live in such areas they will be squeezed into congested living conditions. The same phenomena could occur when lost farmland results in lost job opportunities for farmworkers.⁸

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III) Conclusion

We applaud the County's effort in its ambitious and monumental undertaking of its drafting of the Draft Environmental Impact Report No. 521 regarding Riverside County Draft General Plan Amendment No. 960. Nevertheless, the DEIR does not adequately address the social and economic conditions of farmworkers in violation of 14 CCR 15131(c) and California common law. The County must consider these factors when addressing whether are not the above mentioned significant environmental effects can be mitigated.

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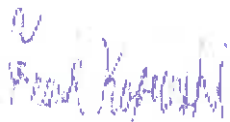
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We appreciate the opportunity to comment on Riverside County Revised Draft Environmental Impact Report No. 521 for the Riverside General Plan Amendment No. 960 and look forward to your responses to our comments.

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Respectfully submitted,



Frank Kopicinski, CRLA, Inc.

CC: Francisco Baeza
Ilene Jacobs, CRLA, Inc.
Al Hernandez, CRLA, Inc.
Blaz Gutierrez, CRLA, Inc.

⁸ For a discussion of how lost farmland leads to displacement see: "California Drought Leaves Farmworkers Hung Out to Dry" Julie Wong, August 8th, 2014
http://inthesetimes.com/working/entry/17060/california_drought_hangs_farmworkers_out_to_dry

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Comment Letter No. 36: Baeza, Francisco (California Rural Legal Assistance)

Comment 36.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment is duly noted. Although this comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below which address the in-depth explanation of concerns listed in the letter.

Comment 36.2 The County appreciates and values your comments during the General Plan Update and EIR process. This comment is duly noted. Although this comment notes specific concerns related to GPA No. 960, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below which address the in-depth explanation of concerns listed in the letter.

Comment 36.3 This comment is duly noted. However, the requirement to incorporate an analysis of legacy communities into General Plan documents, pursuant to Government Code §65301.10(b), were not incorporated into law until 2011. This date is beyond the baseline date of the Draft EIR (April 2009), and as such is not incorporated into the analysis of the document. However, the 5th Cycle Housing Element is currently being processed by the County Planning Department as GPA No. 1120. No further comment is warranted.

Comment 36.4 This comment is duly noted. As stated in Response 36.3 above, the County is currently completing the 5th Cycle Housing Element, and associated analysis, as a separate General Plan Amendment (GPA No. 1120).

In regards to GPA No. 960 and its use of the 4th Cycle Housing Element, due to the countywide scope of GPA No. 960 and Draft EIR No. 521, much of the data presented within Draft EIR No. 521 cannot all be said to represent a single point in time (i.e., April 13, 2009). In such cases, Draft EIR No. 521 uses the data set that is best supported by substantial evidence and provides a discussion of how it is or is not expected to differ from existing physical conditions. Information and analyses regarding farmland and agricultural resources were each determined to be the best-supported and best available information. Further, each section of the Draft EIR document explicitly states the baseline data used for the analysis in order to ensure the transparency of the data used. The data incorporated into the document represents the best available at the time of the Draft EIR analysis and as such was incorporated to the document.

In regards to the Housing Element data used for Section 4.3 of the Draft EIR, *Population and Housing*, the analysis is based on General Plan Amendment No. 1097, the most recently adopted General Plan Housing Element (4th Cycle). The reason GPA No. 960 uses the planning period of 2006-2014 for the 4th cycle is that this period more closely coincides with the baseline date adopted for GPA No. 960 (April 2009). The use of the 4th Cycle Housing

Element, as it represents the document baseline more accurately, is adequate for the analysis of future population and housing needs.

Comment 36.5 This comment is duly noted. Due to the delay in the adoption of the 4th cycle Housing Element, the designation of 595 acres of additional HHDR land, as noted in Action 1.2T of the Housing Element, was not completed. In the Draft 5th Cycle Housing Element that was submitted for review by HUD, the County states on page H-97:

“As previously mentioned, the County had included Program 1.2t in the 2008–2014 Housing Element to redesignate a minimum of 595 acres of land to HHDR to meet its lower-income housing need. The County also needed to rezone the sites to a zone permitting multifamily development by right. Because the County was unable to complete the General Plan land use designation to HHDR, it must now accommodate both the 4th round shortfall and 5th round RHNA.

In an effort to accommodate the need from the 2008–2014 planning period and the 2014–2021 planning period, the County is planning to amend its General Plan Land Use map and rezone a total of 925 acres to the HHDR designation (Action 1.2k).

The County has started the process to amend the General Plan Land Use as will have all amendments and rezones completed by fall 2014. All sites will permit multifamily by right and will comply with state law shortfall requirements.”

While this goal was not attained through the implementation of GPA No. 960, it is currently under the consideration of the 5th Cycle Housing Element Update (GPA No. 1022), and will be analyzed in the 5th Cycle Housing Element EIR.

Comment 36.6 This comment asserts that the Draft EIR has failed consider or rely on the SCAG 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy. This is not true. The Transportation and Circulation Section 4.18 of the Draft EIR pages 4.18-26 and 4.18-27 contain a comprehensive discussion of the SCAG 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy, particularly as it relates to facilities, strategies and funding for projects within or serving Riverside County.

The Riverside County Transportation Analysis Model (RIVTAM), used to analyze the traffic impacts of GPA No. 960 for Draft EIR No. 521, has been developed in cooperation with the Southern California Association of Governments (SCAG) and uses the SCAG 2008 RTP Model structure, equations, coefficients and algorithms as the base and runs these through the SCAG model module sequence. The RIVTAM updates and refinements, developed in full collaboration with SCAG modeling staff, ensure that the traffic analysis considered the most recent data available at the time with respect to the SCAG 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy.

In addition, GPA No. 960 includes the following policy specifically citing SCAG's Regional Transportation Plan:

- C 7.3 Incorporate the Regional Transportation Plan *of the Southern California Association of Governments (SCAG) and* the Riverside County Congestion Management Program, ~~and the Riverside County Short and Long-Range Transit Plans~~ into the Circulation Element, and, *encourage* with the active participation of Caltrans, *work to expedite* the design *and implementation* of state highway capital improvement projects. (AI 49, 50, 51)

Therefore, the commenter's statement that the Draft EIR violates the required GHG evaluation is incorrect.

Comment 36.7 In regards to baseline data, due to the countywide scope of GPA No. 960 and Draft EIR No. 521, much of the data presented within Draft EIR No. 521 cannot all be said to represent a single point in time (i.e., April 13, 2009). In such cases, Draft EIR No. 521 uses the data set that is best supported by substantial evidence and provides a discussion of how it is or is not expected to differ from existing physical conditions. Information and analyses regarding farmland and agricultural resources were each determined to be the best-supported and best available information. Further, each section of the Draft EIR document explicitly states the baseline data used for the analysis in order to ensure the transparency of the data used. The data incorporated into the document represents the best available at the time of the Draft EIR analysis and as such was incorporated to the document. Pursuant to CEQA, the Draft EIR provides extensive analysis of the impacts associated with GPA No. 960, and will facilitate meaningful review of the Project and informed decision making (CEQA Guidelines §15002(a)).

Comment 36.8 In regards to onsite water treatment systems in the Eastern Coachella Valley Area Plan (ECVAP), the ECVAP is served by the Coachella Valley Water District in most areas; however, there are areas that are not served by the water district. OWTSs are required to undergo permitting before installation through the Riverside County Department of Environmental Health. Although regular testing is not mandatory, it is recommended by the Riverside County Department of Environmental Health and the California Department of Water Resources. The Department of Water Resources explicitly states that private well water quality is the responsibility of the well owner, and that regular testing should be conducted by the well owner. In the Coachella Valley, testing is offered to residents by the Coachella Valley Water District (CVWD). In the event that poor water quality is present in the area, CVWD offers a number of home treatment systems for residents. While OWTS regulation is crucial, it is not under the purview of the County Planning Department and is beyond the scope of GPA No. 960 and Draft EIR No. 521.

While the concerns regarding OWTs usage and adequacy are understood, ultimately the impacts associated with individual wells and water quality would be minimal, and any impacts that could occur as a result of new construction facilitated by GPA No. 960 would be addressed on a project-specific EIR level. No further response is warranted.

Comment 36.9 The commenter asserts that the Draft EIR does not address a number of potential impacts to water resources. As required by CEQA Public Resources Code Section 2100(c), Draft EIR No. 521 contains statements that briefly indicate “the reasons for determining that various effects on the environment of a project are not significant and consequently have not been discussed in detail in the environmental impact report.” This is especially true for Draft EIR No. 521 Chapter 4.19, *Water Resources*. As described previously, the ECVAP is serviced by CVWD. CVWD operates a total six wastewater reclamation plants, and while individual wastewater treatment access is essential, it is not under the purview of the County Planning Department and is beyond the scope of GPA No. 960 and Draft EIR No. 521. Future development accommodated by GPA No. 960 would be required to implement a legally adequate wastewater treatment plan on an individual project level.

In regards to access to adequate wastewater treatment facilities, as noted Section 4.19 of the Draft EIR, there are a number of regulatory programs to ensure the development of adequate wastewater treatment facilities prior to the approval and construction of new developments. These regulatory programs include the Clean Water Act, Porter Cologne Act, as well as a number of County ordinances (including Ordinance No. 592 which specifically addresses regulation and construction of sewer systems within the County).

In regards to exposure of residents to substandard drinking water, there are a number of regulatory programs at the federal, state, and local level to ensure water quality. These regulatory programs include the Clean Water Act, the National Pollution Discharge Elimination System, and the Federal Safe Drinking Water Act. The County also collects revenue for programs to enforce MS4 compliance, such as the Whitewater River Watershed Benefit Assessment Area.

In regards to impacts to the Indio Sub-basin as a result of intrusion from the Salton Sea, the County is actively working to study and improve the water quality of the Salton Sea. As a part of the ECVAP, the Salton Sea is an important biological resource to Riverside County, as is protecting the Coachella Valley Groundwater Basin from the Sea’s potential intrusion. After receiving a grant from the California Energy Commission, the County commenced the eligible Renewable Energy Development (eRED) Planning Program, which will not only facilitate renewable energy development in Riverside County, but would also further restoration plans for the Salton Sea through the addition of appropriate conservation policies and plans in the General Plan. The County is also a key partner in the Salton Sea Authority (SSA), which was formed along with other State and federal agencies, and the Republic of Mexico to develop programs that will further the beneficial use of the Salton Sea. The SSA is also responsible for overseeing the comprehensive restoration of the Salton Sea. Although outside of the scope of

GPA No. 960, the County's involvement in eRED and the SSA will help to further the ecological restoration of the Salton Sea. For more information on these programs, visit the Riverside County Planning Department website and <http://saltonsea.ca.gov/>. Groundwater is CVWD's principle source of water supply within the ECVAP, and is managed by the CVWD and the Desert Water Agency.

As explained on page 4.19-223, the 2010 Coachella Valley Water Management Plan Update "identifies water conservation and water supply elements sufficient to meet not only the projected water demands, but to provide a level of contingency should individual water conservation and supply projects not be implemented as currently envisioned or if growth is higher than anticipated." As a programmatic document, assessing individual groundwater wells is beyond the scope of GPA No. 960 and Draft EIR No. 521, and is better assessed by the applicable water agency's Water Management Plan, in this case CVWD.

As the abovementioned discussion confirms, GPA No. 960 and Draft EIR No. 521 adequately satisfy CEQA Public Resources Code Section 21100(c) and does not constitute an abuse of discretion on the part of the County.

Comment 36.10 In regards to mobile homes within the ECVAP, as noted in Table 1 (Land Use Designations), residential uses are allowed in excess of 1 dwelling unit per 10 acres on land designated as Agriculture as long as it is specified by policy or overlay. Policy ECVAP 6.1 indicates that farmworker housing is allowed on agricultural land as long as applicable safety considerations are met.

According to the Table 4.2-G (Land Uses under Existing General Plan and Proposed Project), a net loss of 850 acres (0.04%) of agriculture land will occur with implementation of the proposed General Plan Update. The net changes that make up these land use changes are outlined by location in Table 4.5-F (Project Effects on Lands in Agricultural Use), which shows that no major agricultural land use changes would occur in the ECVAP. Therefore, farmworkers living in farmworker housing located on agricultural land in the ECVAP would not experience displacement due to the implementation of the proposed General Plan Amendment. In the event of possible displacement as a result of a potential future project, the required project-level environmental analysis would necessitate the applicant to fully analyze any potential displacement of residential structures. As such, the findings of Draft EIR No. 521 and GPA No. 960 are not changed.

Comment 36.11 This comment is duly noted. The General Plan is a countywide planning document that proposes policies for the entire County. Through its implementation, GPA No. 960 would not directly or indirectly cause the displacement of housing and would not induce substantial population growth. In order to evaluate potential impacts to housing and population, the County undertook extensive demographic analysis to ensure any potential impacts were evaluated. Table 4.3-F (Theoretical Build Out Projects (Land Use-Based Capacities)) (Population and Housing, 4.3-13) shows that build out accommodated by the proposed

General Plan would result in a countywide total of 520,897 dwelling units and 561,789 jobs. Compared to the Existing 2008 General Plan, this represents an overall 2% decrease in dwelling units and 5.6% decrease in jobs. On a local level, no individual Area Plan is anticipated to see a substantial population increase as a result of the Project's changes. This includes the anticipated population increase in the ECVAP, which would see a population increase only 2% more than already planned. This would not represent a substantial population increase for the Area Plan. Thus, overall population growth and its associated environmental effects would be similar to that already projected and analyzed for the existing General Plan. As detailed above, GPA No. 960 and DEIR No. 521 both extensively consider impacts to the displacement of housing, population growth and the jobs-housing balance. The Commenter's statement that Project could result in impacts to the abovementioned topic areas is speculative in nature, and as such goes beyond the requirements for Environmental Impact Reports, as outlined in the CEQA Guidelines §15064(d)(3).

Comment 36.12

As described in Draft EIR No. 521, Section 3.0, *Project Description*, the Riverside County General Plan is intended to be a blueprint for the County's future. The primary goal of GPA No. 960 is to comprehensively review and update the County General Plan so that it continues to provide a clear, relevant, and consistent set of directions for implementing the County Vision, General Plan Elements, and individual Area Plans. GPA No. 960 was undertaken to achieve five clearly defined objectives, described in detail in Section 3.0, *Project Description*. To assess if GPA No. 960 sufficiently addressed the five objectives outlined in Section 3.0, the following criteria were utilized:

- Further Progress: GPA No. 960 would successfully meet this objective if it ensures the General Plan remains suitable as a plan for the coordination of future growth within Riverside County (for example, provides additional policies and plans, such as new Rural Village Overlays, where warranted to appropriately handle emerging growth patterns).
- Update Land Use: GPA No. 960 would successfully meet this objective if it provides updates to land use designations and Foundational components where necessary to ensure that the General Plan remains suitable as a plan for the coordination of future growth within Riverside County (for example, change mapped land use designations [LUDs] and Foundations where warranted to appropriately handle emerging growth patterns).
- Update Technical Data: GPA No. 960 would successfully meet this objective if it provides updates to the General Plan's technical information (e.g., resource mapping, regulations, demographics and statistics, etc.) where necessary to ensure that the General Plan continues to accurately reflect the current environment, regulatory, socioeconomic and development status of Riverside County (for example, updating General Plan maps to reflect newly released mineral data from the State of California

and adding a forest resources map to better coordinate with new CEQA policies addressing forest resources).

- Address New Needs: GPA No. 960 would successfully meet this objective if it provides updates to the General Plan that enable it to appropriately plan, coordinate, and implement new policies and programs necessitated by regulatory changes or by previously unanticipated needs (for example, adding greenhouse gas and climate change policies to the General Plan Air Quality Element in response to California State directives aimed at reducing carbon emissions).
- Further County Vision: GPA No. 960 would successfully meet this objective if the changes it proposes serve to enhance and extend the continued progress of the General Plan in achieving the long-range goals established in the Riverside County Vision (for example, the addition of the “Healthy Communities” Element to the General Plan to encourage healthy living enabled by appropriate patterns of development).

These five examples explain how the criteria were expressly implemented in in the General Plan Update and help to further demonstrate how GPA No. 960 and Draft EIR No. 521 satisfy CEQA Guidelines Section 15124(b). Further, the commenter misrepresents the nature of the statement of objectives. The main purpose under CEQA for the statement of objectives is to develop a reasonable range of project alternatives, and not exclusively to aid decision makers in the preparation of findings.

- Comment 36.13** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.
- Comment 36.14** The County appreciates and values your comments during the General Plan Update and EIR process. This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below which address the in-depth explanation of concerns listed in the letter.
- Comment 36.15** The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 36.16** The County appreciates and values your comments during the General Plan Update and EIR process. This comment is duly noted. Although the comment notes specific concerns in

regards to the adequacy of the Draft EIR, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below which address the in-depth explanation of concerns listed in the letter.

Comment 36.17 Pursuant to CEQA Guidelines Section 15131(c), GPA No. 960 and Draft EIR No. 521 consider social and economic factors when analyzing the feasibility of mitigating significant environmental impacts. As part of the preparation of GPA No. 960, the Riverside County Center for Demographics Research (RCCDR) undertook examination of all factors listed in Appendix E of the existing General Plan. They evaluated the existing factors in light of the most recent data available, including official Riverside County growth projections (RCP-07 and RCP-08), current SCAG data (2008 Regional Transportation Plan, etc.), current General Plans of cities within Riverside County, published data (U.S. Census, ULI Handbooks, etc.) and statistics issued by the California Department of Finance. The resultant statistical data was used to create proposed General Plan Appendix E-1 as part of GPA No. 960. As Appendix E-1 represents the most current and appropriate growth and demographic data, it was used for the statistical analyses performed for Draft EIR No. 521. For full details on the methodology used for the generation of these projections and assumptions, see General Plan Appendix E-1. The basic components of Appendix E-1 were used to develop associated socioeconomic calculations for build out of both the existing General Plan and a “Project scenario” for how the General Plan would build out if amended pursuant to GPA No. 960. As the abovementioned reasons confirm, Draft EIR No. 521 adequately addresses the requirements of State CEQA Guidelines section 15131(c). Furthermore, 15131(c) is a requirement of a lead agency to consider economic, social, and housing factors, as well as technological and environmental factors as related to mitigation measures and alternatives to offset or reduce significant adverse physical environmental impact. It does not represent a requirement that the County is required to evaluate the socioeconomic status of farmworkers in the EVC.

Comment 36.18 See Response 36.17, above. Future development consistent with GPA No. 960 would incrementally increase rural, suburban and urban uses in localized areas throughout unincorporated Riverside County resulting in a comparable increase in population, including students requiring educational services. However, compared to the existing General Plan, the overall net effect of the Project is to reduce the amount of dwelling units and the associated population expected to occur within Riverside County over the next 50 years. In terms of actual changes to existing student populations and service levels, localized development increases would incrementally generate additional students creating demand for additional school facilities, services and personnel in specific areas, particularly within the Palm Springs School District, Palo Verde Unified School District and Perris Union High School District. Outside of these three districts, none of the Project-related population increases would trigger the need for new or improved facilities. The additional students generated over the next 50 years could readily be accommodated at existing facilities and the districts would not have a significant impact. As for the remaining three districts, however, compliance with existing

laws (Senate Bill 50, in particular) and the policies of the Riverside County General Plan would be sufficient to ensure that this impact is less than significant.

Ultimately, as a program-level document, the effects of GPA No. 960 on individual structural physical decay are unknown, and are not considered a part of the scope of GPA No. 960 or Draft EIR No. 521. In the event of possible structural deterioration resulting from a potential individual project, the required project-level environmental analysis would necessitate the applicant to fully analyze any potential for the physical decay of structures. The commenter is incorrect that GPA No. 960 is similar to the project-specific factors decided in the El Dorado or Bakersfield Citizens cases. Both of those cases focused on a particularly set of facts where the courts could draw direct correlations of the project's indirect impacts that resulted in adverse physical environmental impacts. The comment here only proffers unsubstantiated potential impacts that may or may not occur. Any attempt to ascertain and evaluate such impacts would be highly speculative and would not to meaningful public review or informed decision making

Comment 36.19 In regards to onsite water treatment systems in the ECVAP, the ECVAP is served by CVWD in most areas; however, there are areas that are not served by the water district. These unserved areas are required to use onsite water wells and septic systems, and private wells within the ECVAP are not subject to regulatory oversight. However, wells and water treatment systems are required to undergo permitting before installation through the Riverside County Department of Environmental Health. Although regular testing is not mandatory, it is recommended by the Riverside County Department of Environmental Health and the California Department of Water Resources. The Department of Water Resources expressly states that private well water quality is the responsibility of the well owner, and that regular testing should be conducted by the well owner. In the Coachella Valley, testing is offered by CVWD for residents. In the event that poor water quality is present in the area, a number of home treatment systems are available for residents. While regulation of these wells is crucial, it is not under the purview of the County Planning Department and is beyond the scope of GPA No. 960 and Draft EIR No. 521.

While the concerns raised by the commenter are understood, ultimately the impacts associated with individual wells and water quality would be minimal, and any impacts that could occur as a result of new construction would be addressed in a project-specific EIR. Also, refer to responses 36.8 and 36.9.

Comment 36.20 Agriculture is a significant constituent of the ECVAP. The RCIP Vision specifically seeks to protect agricultural lands not only because of their economic value, but also because of their cultural and scenic values. The ECVAP includes policies to protect agricultural lands, which read as follows:

“ECVAP 5.1 Retain and protect agricultural lands through adherence to the policies contained in the Agriculture section of the General Plan Land Use Element.”

“ECVAP 5.2 Refer to the General Plan Certainty System in the General Plan ~~Administrative~~ *Administration* Element. An exception is provided allowing limited changes from the Agriculture designation to be processed and approved.”

Relating to the protection of agricultural lands within the ECVAP is Policy ECVAP 6.1, which is in place to protect safe, healthy, and affordable farmworker housing within the Area Plan.

“ECVAP 6.1 Allow farmworker housing that meets basic safety standards in agriculturally designated areas per the land use designations section of the General Plan Land Use Element, and the Five-Year Action Plan and Special Housing Need sections of the Housing Element. Provided that adequate provisions for public services and compatibility with adjacent uses is achieved, farm worker housing projects of both 1-12 dwelling units and greater than 12 units are permitted in the Agriculture designation in the Eastern Coachella Valley Area Plan. “

The abovementioned policies will ensure that build out accommodated by GPA No. 960 will not result in housing overcrowding within the ECVAP. Additionally, the need for increased affordable housing opportunities within the ECVAP will be assessed on an individual project-level basis. The Commenter’s statement that Project could result in impacts to the abovementioned topic areas is speculative in nature, and as such goes beyond the requirements for Environmental Impact Reports, as outlined in the CEQA Guidelines §15064(d)(3).

Comment 36.21

The asserts that In regards to increased air quality emissions, as described in the Climate Action Plan (CAP) and on page 4.7-38 of Draft EIR No. 521, the CAP proposes a reduction target fifteen percent below current (2008 baseline) GHG emissions. As such, GPA No. 960 does not anticipate increased air quality emissions, and therefore would not contribute to structural decay or farmworker housing overcrowding within the Eastern Coachella Valley.

In regards to depletion of groundwater supplies, as described in Draft EIR No. 521, Section 4.19 Water Resources, the implementation of GPA No. 960 could result in a substantial depletion of groundwater supplies. However, several regulatory policies and programs exist to address and reduce impacts to groundwater supplies. Additionally, compliance with existing General Plan policies and mitigation measures would minimize impacts to groundwater supplies. Most notably, the County of Riverside will be required to implement a groundwater management plan reflective of the Sustainable Groundwater Management Act and its three bills (AB 1739; AB 1168; SB 1319) by 2020 in order to protect groundwater resources. See

page 4.19-265 for a discussion of the Sustainable Groundwater Management Act. Refer also to Response 36.8 and 36.9.

In regards to insufficient water supply, buildout accommodated by GPA No. 960 has the potential to result in demand for water supplies where such are insufficient or unavailable to serve the project from existing entitlements and resources. Unavailability or unpredictability of imported water supplies, overdraft of groundwater basins, increasing demand due to growth in Riverside County, as well as environmental factors, such as climate change effects and drought, all play roles in limiting the availability of water within Riverside County. In some remote locations, particularly in the far eastern desert beyond the Coachella Valley, lack of groundwater and/or lack of delivery infrastructure also are limiting factors. For all of these reasons, the impact of water supply insufficiency is deemed significant and unavoidable at this time. However, these adverse impacts to water supply would be avoided, reduced, or minimized through compliance with existing federal, State, and County regulations, existing General Plan Policies, and Mitigation Measures in place to protect and advocate groundwater recharge (See pages 4.19-300 through 4.19-302). As such, the adoption of GPA No. 960 is not anticipated to result in structural decay or overcrowding in farmworker housing.

In regards to overcrowding and structural decay, the Project includes revisions to the existing General Plan that would affect the future development capacity of Riverside County. In general, future development pressure could result in the redevelopment of existing uses, particularly in rural areas (e.g., agricultural lands and large-lot rural residential) and on under-utilized urban and suburban parcels. However, none of the areas proposed for land use changes under GPA No. 960 contain substantial numbers of existing homes whose loss would displace substantial numbers of residents. Thus, the Project's potential impacts to farmworkers within the ECVAP would be less than significant. Moreover, compliance with existing General Plan policies (i.e., ECVAP 6.1) would further reduce this already insignificant impact.

Comment 36.22 The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. The comment merely states that substantially altering drainage may impact farmland and, therefore, there would be an impact on farmworkers. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 36.23 The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted.

(State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 36.24 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides a summary of the comments provided in the letter and serves as a conclusion to the letter. No further response is required.

Comment 36.25 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment does not identify any specific concern with the adequacy of the Draft EIR or any other environmental issue. Responses to specific comments are provided above; no further response is required.

Lovelady, Kristi

From: Greg Ballmer <gballmer@gmail.com>
Sent: Sunday, April 05, 2015 12:21 PM
To: Lovelady, Kristi; george Hague
Subject: Riverside County's REDIR



5 April, 2015

Dear Ms Lovelady,

Please accept and add to the public record the following comments regarding Riverside County's Recirculated Draft Environmental Impact Report (RDEIR) for its General Plan Update. 37.1

Having read the comments on the RDEIR submitted by the San Gorgonio Chapter of Sierra Club, as contained in the letter from the law firm of Shute, Mihaly, and Weinberger (SMW), I can concur and endorse all the criticisms contained therein (attached). 37.2

Many of the comments/criticisms by San Gorgonio Sierra Club/SMW point out shortcomings in the pattern and practices of Riverside County, which can be summed up as Buisness-As-Usual (BAU) in approving changes in land usage. While Riverside County's BAU policy has its origins in the 20th Century, current 21st Century conditions are much changed, both locally and globally, and render that policy outmoded and unsustainable. While the old BAU policy seemed to assume unlimited availability of land, water, air quality, and economic resources, that is clearly not the case now. Riverside County should recognize those limits in adopting a new paradigm for land usage. 37.3

Such a new paradigm, recognizing resource limits, and seeking to ration their consumption with respect to maintaining sustainable communities, both built and natural (as in California's Natural Communities Conservation Plans), should be embodied in Riverside County's revised General Plan. If one single criticism could embody the whole, it might be that the County needs an overriding policy to stem the tide of urban sprawl, which is at the root of increasing problems of regional traffic, air quality, water availability, loss and fragmentation of rural and natural communities and agriculture, and efforts to stem the production of greenhouse gases. 37.4

I agree with comments by San Gorgonio Sierra Club/SMW that Riverside County should redraft its General Plan and base its components on an overriding policy of maintaining and sustaining existing communities, while discouraging urban sprawl. The San Gorgonio Sierra Club/SMW comments include useful examples of how other jurisdictions have adopted policies to limit new urban landscapes to areas contiguous with existing cities, where urban services can be most efficiently extended, and consumption of limited natural resources can be most conveniently managed. Riverside County has progressively adopted a Multi Species Habitat Conservation Plan, which has potential to limit extinctions of its native species; now is the time to adopt policies to protect the future health and economic vitality of all of its rural and urban communities. 37.5

Sincerely,

Greg Ballmer
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March 30, 2015

Via Federal Express

Kristi Lovelady
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
klovelad@rctlma.org

Re: Riverside County General Plan Update -- Recirculated Draft
Environmental Impact Report (Public Review Draft: February 2015)

Dear Ms. Lovelady:

We have been retained by the San Geronio Chapter of the Sierra Club to review and comment on the recirculated draft environmental impact report (“RDEIR”) for the Riverside County General Plan Update (“Project” or “Plan”).¹ Our review of the RDEIR reveals serious violations of the California Environmental Quality Act (“CEQA”) (Public Resources Code section 21000 *et seq.*) and CEQA Guidelines (California Code of Regulations, title 14 section 15000 *et seq.*).

The RDEIR’s failure to provide an adequate description of the Project – one that accounts for the land uses and types of development actually permitted by the proposed Plan – fatally undermines its analysis of environmental impacts as well as its discussion of potential mitigation measures. The RDEIR also fundamentally fails to identify or analyze mitigation for environmental impacts. The countless vague, voluntary, and unenforceable policies cited as mitigation measures in the RDEIR fail to comply with CEQA, which requires enforceable, concrete commitments to mitigation. As a result, the RDEIR fails to describe measures that could avoid or substantially lessen the proposed Plan’s numerous significant impacts.

¹ In addition to our comments on the RDEIR, some comments relate to the General Plan Update itself.

The pervasive flaws in the RDEIR, identified below and in the attached List of Area Plan Issues (*see* Exhibit A) demand that the EIR be substantially modified and recirculated for review and comment by the public and public agencies.

I. Introduction

The County's General Plan update process is a critically important planning exercise because so much is at stake. The climate change crisis alone mandates a dramatic refocus on the County's business-as-usual approach. While the Plan and the RDEIR discuss climate change, the Plan appears to have been drafted without any real commitment to tackling this ecological and social crisis. For example, the proposed Plan provides the County with the opportunity to direct growth to the cities and selected unincorporated communities that have infrastructure and services to accommodate future development. Directing growth to urban areas has numerous benefits in that it reduces energy consumption, reduces road and infrastructure costs, reduces vehicle miles traveled, air pollution and greenhouse gas ("GHG") emissions, preserves the County's farmland, open space, and plant and wildlife habitat, and protects water quality and quantity.

Unfortunately, the proposed Plan fails to provide any such direction, instead offering a blueprint for continued sprawl and haphazard development patterns. In many instances, the proposed Plan weakens the protections afforded by the existing General Plan. Indeed, as evidenced by the numerous admitted significant unavoidable impacts, the Plan will create long term environmental damage, affecting residents and future generations throughout the region.

II. The Proposed Plan Takes the County's Land Use in the Wrong Direction.

The County touts its proposed Plan as a model that concentrates future growth and reduces sprawl, while respecting the County's diverse environmental resources and its rural, agricultural, and open space areas. Proposed Plan at LU-17. The Plan asserts that new growth patterns will no longer reflect a pattern of random sprawl. Proposed Plan at LU-20. Yet, our review of the proposed Plan finds that it veers wildly from these sustainable visions.

Rather than clearly guide development toward the existing incorporated cities within the County, the proposed Plan seeks to facilitate development in unincorporated County areas. *See, e.g.*, RDEIR at 4.13-75: "The Proposed project's update to the General Plan includes [land use changes] that would allow for the conversion of rural, semi-rural, agricultural and vacant lands into suburban or urban uses in areas throughout

the county.” While the proposed Plan notes that decentralized development patterns cause impacts on environmental resources and increase the costs of providing community infrastructure and services, the County nonetheless makes no concerted attempt to direct the growth to existing cities. This approach to land use development is the polar opposite of established smart growth principles and is certainly not sustainable.

One particularly egregious example of the proposed Plan’s promotion of decentralized growth is the “Incidental Rural Commercial Policies.” With the adoption of the Incidental Rural Commercial Policies, the County will be affirmatively promoting the development of intensive commercial uses in rural locations. This new policy directly conflicts with the existing General Plan, which acknowledges the significant challenges that rural communities face in maintaining their rural character. To this end, the existing General Plan includes policies calling for the preservation of rural communities such as: (1) “the extensive heritage of rural living continues to be accommodated in areas committed to that lifestyle and its sustainability is reinforced by the strong open space and urban development commitments provide for elsewhere in the RCIP,” and (2) “concentrate growth near or within existing urban and suburban areas to maintain the rural and open space character of Riverside County to the greatest extent possible.” General Plan at V-13 and LU-18, 19. By implementing a new policy that actually *encourages* commercial development in these rural locations, the new Plan would make a mockery of the existing General Plan policies calling for the preservation of the unique character of the County’s rural areas.

A second policy component proposed by the Plan, the “Rural Village Overlays,” would also encourage decentralized development, posing a further threat to the County’s rural areas. This Plan component is particularly disturbing since, as the RDEIR explains, the County actively *sought out* rural areas for their potential to urbanize. RDEIR at 3.0-12. As a case in point, the proposed Plan contemplates massive changes in the Lake Mathews community. It would be an understatement to say that Lake Mathews is a special place. As the Lake Mathews/Woodcrest Area Plan states,

Winding up the grade out of Temescal Canyon on Cajalco Road or coming out of Riverside on Mockingbird Canyon Road are great ways to first experience the Lake Mathews/Woodcrest area. All of a sudden, a whole new world opens up -- one that has been left behind in most of Southern California. Citrus groves and lazy local roads give the landscape that casual and comfortable feeling of people being close to the land.

Located in the expansive City of Riverside sphere of influence, this is and seeks to remain a rural enclave, sort of floating above the surrounding patterns of urbanization. Lake Mathews/Woodcrest Area Plan at 4.

It comes as a shock that this idyllic, rural community is one of the locations the County proposes for intensive land use development. The Plan would more than double the acreage of medium density residential land uses (from 1,092 ac to 2,657 ac) and substantially increase commercial retail (from 56 ac to 149 ac). Perhaps most alarming, the Plan would increase light industrial uses from a mere 5 acres to 140 acres. *See* existing and proposed Table 2, Lake Mathews/Woodcrest Area Plan at 18-21. With these proposed changes, the County will destroy the identity and character of this rural community, transforming Lake Mathews into an industrial corridor between March Air Force Base and Corona and making La Sierra and Cajalco the future "downtown" of Lake Mathews.

The influx of decentralized development proposed by the new Plan demonstrates a disturbing failure to promote sustainable land uses and a lack of commitment toward the protection of environmental resources. Given that the Riverside area is currently considered the Country's fourth worst metropolitan area for sprawling land use development, the County is remiss in not using this general plan update as an opportunity to send the region in a more sustainable direction. *See* Measuring Sprawl 2014, Smart Growth America, April 2014, at 6, attached as Exhibit T.

III. The RDEIR Fails to Comply With CEQA.

A. General Comments.

The following are our general comments on the legal inadequacies of the RDEIR. More specific comments on individual sections of the document follow.

1. The RDEIR Improperly Attempts to Avoid Analysis and Mitigation of the General Plan's Impacts by Concluding that They Are Significant and Unavoidable.

Where all available and feasible mitigation measures have been identified but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable. *See* Cal. Code Regs., tit. 14 ("CEQA Guidelines"), § 15126.2. If supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project in spite of its significant and unavoidable impacts. *Id.* at §§ 15091, 15093. However, the lead agency

cannot simply conclude that an impact is significant and unavoidable and move on. A conclusion of residual significance does not excuse the agency from (1) performing a thorough evaluation of the impact and its severity before and after mitigation, and (2) proposing *all* feasible mitigation to “substantially lessen the significant environmental effect.” CEQA Guidelines § 15091(a)(1); *see also id.* § 15126.2(b) (requiring an EIR to discuss “any significant impacts, *including those which can be mitigated but not reduced to a level of insignificance*” (emphasis added). “A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely.” 1 Kostka & Zischke, *Practice Under the California Environmental Quality Act* § 14.6 (2d ed. 2008).

The RDEIR finds numerous areas of significant and unavoidable impacts, including agricultural resources, air quality, greenhouse gases, noise, transportation and water resources. RDEIR at 1.0-27 – 1.0-58. As detailed below, in numerous instances, the RDEIR fails to thoroughly assess impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts.

2. Changes to the Land Use Designations and Densities and Intensities Proposed in the General Plan Are Feasible Mitigation Ignored in the RDEIR.

For many of the General Plan’s significant and unavoidable impacts, the RDEIR concludes that no feasible mitigation is available. Nevertheless, nowhere in the RDEIR does the document consider changes to land use designations or densities and intensities as potential mitigation. CEQA requires the EIR to consider such mitigation.

The County cannot approve projects with significant environmental impacts if any feasible mitigation measure or alternative is available that will substantially lessen the severity of any impact. Pub. Res. Code § 21002; CEQA Guidelines § 15126(a). The County is legally required to mitigate or avoid the significant impacts of the projects it approves whenever it is feasible to do so. Pub. Res. Code § 21002.1(b). “In the case of the adoption of a plan, policy, regulation, or other public project [such as the General Plan], mitigation measures can be incorporated into the plan, policy, regulation, or project design.” CEQA Guidelines § 15126.4(a)(2). Mitigation is defined by CEQA to include “[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation.” CEQA Guidelines § 15370(b). Nothing in the statute, CEQA Guidelines, or case law limits the County to proposing new “policies” as mitigation, as opposed to proposing changes in where development is planned, what kind is planned, and how dense or intense that development is planned to be, i.e., changes to the land use diagram and land use designations.

There is no indication that the RDEIR considered modifications to land use designations or densities and intensities to mitigate the impacts of the General Plan. Yet those changes are the easiest, most effective, and most obvious ways to lessen or avoid many of the General Plan's impacts. For example, the Plan will result in the conversion of a substantial amount of land in agricultural production. Because much of the Plan's proposed development is removed from incorporated cities and other urban areas, it will result in increased travel, which, in turn, will result in increased criteria air pollutants. Exploring alternative land use scenarios would go a long way toward reducing numerous Plan impacts, such as transportation, air quality, noise, biological resources, agriculture, and wildfire hazards.

3. Merely Hortatory General Plan Policies Are Inadequate as Mitigation for CEQA Purposes.

Mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). Many of the General Plan's policies and programs relied on to mitigate impacts are vague, optional, directory, or otherwise unenforceable. A few examples—out of numerous instances—include the following:

- Policy LU 3.1b: "*assist in and promote the development of infill and underutilized parcels...*" General Plan at LU-20. (This policy is optional and unenforceable; the word "require" should replace "assist in and promote").
- Policy LU 3.1e: "*re-plan existing urban cores and specific plans for higher density, compact development as appropriate...*" *Id.* at LU-20 (This policy is vague, unenforceable and voluntary as it provides no guidance as to how existing urban cores would be re-planned to increase density and compact development, and does not require the agency to take action).
- Policy LU 8.12: "*Improve the relationship and ratio between jobs and housing so that residents have an opportunity to live and work within the county.*" *Id.* at LU-32. (This policy is vague and unenforceable and provides no clarifying information as to how the County intends to promote jobs/ housing balance).
- LU 9.4: "*Allow development clustering and/or density transfers in order to preserve open space, natural resources, cultural resources, and*

biologically-sensitive resources.” Id. at LU-32. (This policy is optional and unenforceable; the word “require” should replace “allow”).

- LU 11.3: “Accommodate the development of community centers and concentrations of development to reduce reliance on the automobile and help improve air quality.” *Id. at LU-34. (This policy is optional and unenforceable; the word “require” should replace “accommodate”).*
- Policy CI.7: “Encourage and support the development of projects that facilitate and enhance the use of alternative modes of transportation...” *Id. at C-6. (This policy is optional and unenforceable; the word “require” should replace “encourage and support”).*
- Policy OS 2.3: “Seek opportunities to coordinate water-efficiency policies and programs with water service providers.” *Id. at OS-10. (This policy is vague and optional and should have been written to identify the specific mechanisms the County would use to ensure water efficiency programs).*
- Policy OS 4.9: “Discourage development within watercourses and areas within 100 feet of the outside boundary of the riparian vegetation...” *Id. at OS-13. (This policy optional and unenforceable; the word “require” should replace “discourage”).*

A general plan’s goals and policies are frequently somewhat vague and aspirational. However, the County may rely on such policies to mitigate environmental impacts under CEQA only if they are proposed to be implemented through specific implementation programs that represent a firm, enforceable commitment. *See Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 358 (citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 377). CEQA requires that mitigation measures actually be implemented—not merely adopted and then disregarded. *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87; *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.

Here, the proposed Plan’s vague and noncommittal policies and programs (and policies for which no implementation programs are identified) allow the County to decide to take no action and thus fail to mitigate impacts. Because the RDEIR cannot ensure that the referenced policies will in fact be implemented to mitigate the proposed Plan’s impacts, they cannot serve as CEQA mitigation. *See Anderson First*, 130 Cal.App.4th at 1186-87.

B. The RDEIR's Description of the Project Violates CEQA.

In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law. *San Joaquin Raptor*, 27 Cal.App.4th at 729-30.

Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Id.* at 730 (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. Here, the RDEIR for the proposed Plan does not come close to meeting these clearly established legal standards.

1. The RDEIR's Use of a Midrange Projection to Represent Build-Out of the Project Is Misleading and Unlawful.

The RDEIR purports to analyze the impacts of the proposed Plan assuming a "midrange" projection for population, dwelling units and floor-area ratios (which affect employment calculations), suggesting that it would be most representative of a reasonably foreseeable future build-out. RDEIR at 4.1-2. This midrange scenario assumes that development will somehow occur at significantly less intensity than actually allowed under the proposed Plan. Such an approach is unlawful and is misleading because it underestimates the environmental impacts that would occur with implementation of the proposed Plan.

(a) CEQA Requires that the EIR Analyze the Potential Impacts of the Development as Permitted Under the General Plan.

Courts have consistently held that an EIR must examine a project's *potential* to impact the environment, even if the development may not ultimately materialize. *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 279, 282. Because general plans serve as the crucial "first step" toward approving future development projects, a general plan EIR must evaluate the amount of development actually allowed by the plan. *City of*

Carmel-By-the-Sea v. Bd. of Supervisors of Monterey County (1986) 183 Cal.App.3d 229, 244; *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409. Thus, an agency may not avoid analysis of such development merely because historic or projected land use trends indicate that the development might not occur.

In *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, (“*County of Merced*”) the Court of Appeal confirmed an agency’s obligation to analyze the impacts from the whole of the project, and “not some smaller portion of it.” *Id.* at 654. The project at issue was a new Conditional Use Permit (“CUP”) for an existing aggregate mine and processing operation. The new CUP authorized a maximum production level of 550,000 tons per year, which was an increase over existing levels. However, historic mine production rates indicated that actual production could be less than the theoretical maximum. Based on historic rates and projected future rates, the EIR “estimated average production of about 260,000 tons per year.” *Id.* at 655. The court held that the EIR’s identification of the estimated average in the project description, rather than the maximum level of production authorized by the CUP, violated CEQA. The court stated: “By giving such conflicting signals to decisionmakers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.” *Id.* at 655-56.

The Court of Appeal in *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, reached a similar conclusion in a slightly different context. The county argued that an EIR can avoid providing a full analysis of water supply for future phases of a proposed development project because the EIR included a mitigation measure that would prevent development of those future phases until a water supply had been identified. Rejecting this argument, the court held that a lead agency must assume that a project will be developed *as planned* and must evaluate the impacts of the *planned* project, not a potential, more limited project. *Id.* at 205-06.

Here, the RDEIR attempts to justify its failure to describe and analyze the entirety of the proposed Plan by stating that midrange projections would be most representative of a reasonably foreseeable future build-out. *Id.* The County has taken the “reasonably foreseeable” language from the definition of project under the CEQA Guidelines, but has misinterpreted its meaning. Under CEQA, a project means “*the whole of an action*, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” CEQA Guidelines § 15378(a). “Reasonably foreseeable” describes the likelihood of indirect impacts; it does not suggest that an EIR need only evaluate the “reasonably foreseeable” aspects of a project. Here, the whole of the action is the level of development permitted under the General Plan.

(b) By Improperly Describing the Project as Midrange Projections, the RDEIR Underestimates the Extent of the General Plan's Impacts.

As explained above, the Project that must be described and analyzed in the RDEIR is the Plan's full build-out, not a midrange scenario. This distinction is not merely academic. Importantly, the Plan's full build-out allows for substantially more development than is assumed under the midrange projection. To use the RDEIR's explanation for its calculation of dwelling units as an example, the County multiplied the number of gross acres by the land use designations' respective dwelling-unit-per-acre (du/ac) factor. "For example, 400 acres of Medium Density Residential, with a density range of 2.0 to 5.0 du/acre, has a midpoint of 3.5 du/acre. Thus, for planning projection purposes, a total of 1,400 dwelling units would be associated with these 400 acres (400 ac x 3.5 du/ac = 1,400 du)." *Id.* at 4.1-4. Had the County assumed full build-out rather than a midrange scenario, the dwelling unit count would have been 2,000, not 1,400 (400 ac x 5.0 du/ac = 2,000 du). The County also assumed a midpoint scenario for its calculation of commercial and industrial land uses. *Id.* at 4.1-6.

The magnitude of this error is enormous. The proposed Plan designates roughly 56,000 acres throughout the County's unincorporated lands as Medium Density Residential. RDEIR at 4.2-39. Using the County's midpoint scenario, this equates to 196,000 dwelling units in the County (56,000 ac x 3.5 du/ac = 196,000). Had the County assumed full build-out, as CEQA requires, the dwelling unit count would have been 280,000 (56,000 ac x 5.0 du/ac = 280,000), an additional 84,000 dwelling units.

Underestimating the amount of potential development results in a serious underestimation of the Plan's impacts in virtually every category. The development of an additional 84,000 dwelling units would result in a substantially greater loss of biological, cultural, and other resources.² It would greatly increase traffic, air pollution, GHG emissions and noise, and would result in a far greater consumption of water and energy resources. The list goes on and on.

² Effectively conceding the requirement to describe and analyze the entirety of the Project, the RDEIR does in fact analyze full build out for the Project's impact on agricultural resources.

Accordingly, the RDEIR is fundamentally misleading to the public and decisionmakers, in violation of CEQA. “[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project’s benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives.” *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454. Because the RDEIR fails to describe the Project properly, it fails to serve its purpose as an informational document. *See County of Merced*, 149 Cal.App.3d at 674. If the County desires to limit its analysis to a predicted amount of growth, it must also limit the allowable development to that lower level by placing restrictions on growth in the proposed Plan itself.

2. The RDEIR’s Project Description Does Not Show the Big Picture.

As discussed above, the proposed Plan will promote decentralized development throughout the County’s unincorporated lands. Yet, neither the RDEIR nor the proposed Plan presents the “big picture” of how the County will change upon the Plan’s implementation. Instead, the public must cobble together 19 Area Plans and their myriad tables of data to discern how this Plan would change their communities. Remarkably, the RDEIR does not even bother to identify the Plan’s distribution of future land uses throughout the County. While the RDEIR includes a table identifying the distribution of *existing* land uses within unincorporated County lands and incorporated cities (Table 4.2-C at 4.2-4), it does not include a corresponding table showing how these land uses would change upon implementation of the proposed Plan.³ Nor does the RDEIR include information identifying housing units that have been approved, but not built.⁴ Absent this information, there is no way for the public or decisionmakers to fully grasp how the Plan will change land use patterns on unincorporated County land. Moreover, this information is required in order to determine whether the RDEIR accurately evaluates the environmental impacts that would accompany the Plan.

³ We requested this information on two separate occasions -- in a May 16, 2014 e-mail from Laurel Impett to Kristi Lovelady, and in May 28, 2014 e-mail from Laurel Impett to Phayvanh Nanthavongdouangsy. The County refused to provide this information and informed us that we should submit this request with our comments on the EIR. This, then, constitutes our third request for this information. Please provide this information in the revised DEIR or the FEIR.

⁴ The revised EIR must identify this information for the unincorporated areas and for the cities, to the extent this latter data is available.

C. The RDEIR's Analyses of and Mitigation for the General Plan's Environmental Impacts Are Legally Inadequate.

The RDEIR's analysis of environmental impacts is strikingly deficient. In violation of CEQA, the RDEIR provides no indication as to how environmental impacts were determined and fails to describe their nature and extent. Its analyses read more like a set of general discussions of these types of impacts in a generic county anywhere in California, rather than analyses of how *this* General Plan will affect *this* County.

The "programmatic" nature of this RDEIR is no excuse for its lack of detailed analysis. Indeed, the RDEIR grossly misconstrues the requirements of a "program" EIR by repeatedly asserting that because the exact nature and location of the Plan's build-out are unknown, it is impossible to analyze the Plan's impacts. (*See e.g.*, RDEIR at 1.0-31, 40; 4.6-45; and 4.6-53). This approach is flawed, at the outset, because CEQA requires that a program EIR provide in-depth analysis of a project, looking at effects "as specifically and comprehensively as possible." CEQA Guidelines § 15168(a), (c)(5). Indeed, because it looks at the big picture, a program EIR must provide "more exhaustive consideration" of effects and alternatives than can be accommodated by an EIR for an individual action, and must consider "cumulative impacts that might be slighted by a case-by-case analysis." CEQA Guidelines § 15168(b)(1)-(2).

Further, it is only at this early stage that the County can design wide-ranging measures to mitigate County-wide environmental impacts. *See* CEQA Guidelines § 15168(b)(4) (programmatic EIR "[a]llows the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility. . ."). A "program" or "first tier" EIR is expressly not a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 199. It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses.

Thus, it is particularly important that the RDEIR for the proposed Plan analyze the impacts of the complete level of development it is authorizing *now*, rather than deferring that analysis to a later point when individual specific projects are proposed. A general plan, as the "constitution for all future development," dictates the location and type of future development in the County. An EIR for a general plan must take into account all of "the future development permitted by the [general plan]." *City of Redlands*, 96 Cal.App.4th at 409 (citation omitted); *see also City of Carmel-by-the-Sea*, 183 Cal.App.3d at 245. There is no excuse for the County's failure to provide the required analysis.

1. The RDEIR's Analysis of and Mitigation for the General Plan's Climate Change Impacts Is Inadequate.

The DEIR analyzed the significance of the Plan's GHG emissions by comparing the Plan's total 2020 emissions with a GHG emission reduction goal for that year set forth in AB 32. DEIR at 4.7-44 – 46. It also compared the Plan's passenger vehicle emissions in the year 2035 with a GHG emission reduction goal for those vehicles set forth in SB 375. *Id.* The DEIR also quantified the Plan's GHG emissions for the year 2060, the date of the Plan's full implementation/build-out. DEIR at 4.7-45, 4.7-39. Critically, however, the DEIR failed to compare the Plan's 2060 emissions against any relevant, long-term GHG reduction goal, claiming that "to date, targets have not been established to reduce emissions at the year 2060." DEIR at 4.7-39.

In its prior letter, Sierra Club pointed out the problems with the DEIR's approach. For example, the DEIR's failure to analyze the Plan's consistency with the long-term GHG reduction target established by Governor Schwarzenegger's Executive Order S-3-05 was legal error.

Sierra Club appreciates that the County modified the EIR in response to the Club's prior comments so that the document now includes some analysis of the Plan's long-term climate impacts. In particular, the RDEIR now appropriately acknowledges that the state and region must continue to reduce GHG emissions beyond 2020 and 2035, and must reduce such emissions to at least 80% below 1990 levels by 2050. RDEIR at 4.7-46 – 48. Nevertheless, the RDEIR's analysis of climate impacts remains legally inadequate, as explained below.

(a) The RDEIR's Calculation of GHG Emissions in 2060 Appears Incorrect.

While the RDEIR attempts to analyze the Plan's GHG emissions vis-à-vis the 2050 reduction goal, Table 4.7-I, on page 4.7-47, seems to contain an error. The second and third columns (for BAU 2060 and Reduced 2060), contain the same emission numbers. Presumably the RDEIR is supposed to show that the Reduced 2060 emissions would be lower. With this apparent error, it is not possible for the public to understand the extent to which the Plan will help achieve the state's 2050 reduction goal.

(b) The RDEIR's Use of a "Business As Usual" Approach to Determine Significance of GHG Impacts Is Inappropriate.

The RDEIR's climate analysis is also faulty in that it uses an approach to measuring climate change impacts that has been soundly rejected as inappropriate by the California Supreme Court, Attorney General and others. Specifically, the RDEIR does not measure the significance of the Plan's GHG emissions by comparing them to existing conditions, as CEQA generally requires. *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439. Rather, it compares the Plan's emissions to the emissions that would be emitted under a hypothetical future, "business as usual" ("BAU") scenario in which the Plan would not include any mitigation measures or design features that reduced GHG emissions.

This method of analysis is contrary to CEQA's requirements. In evaluating project impacts, courts have repeatedly held that agencies, as a general rule, should analyze a project's impacts by comparing them to actual existing conditions; they may not assume not hypothetical conditions that may artificially minimize the project's apparent impacts and thus allow the agency to avoid analysis and mitigation. *See, e.g., Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 691 ("hypothetical office park was a legally incorrect baseline [against which to measure significance] which resulted in a misleading report of the project's impacts."); *Env't Planning & Information Council*, 131 Cal.App.3d 352 (EIR for area plan invalid because impacts were compared to existing general plan rather than to existing environment).

The California Supreme Court recently reaffirmed this principle in *Neighbors for Smart Rail*, 57 Cal.4th at 457, which held that, "while an agency preparing an EIR does have discretion to omit an analysis of the project's significant impacts on existing environmental conditions and substitute a baseline consisting of environmental conditions projected to exist in the future, the agency must justify its decision by showing an existing conditions analysis would be misleading or without informational value." Here, the County has not even attempted to show how it would be misleading or without informational value to compare the Plan's GHG emissions against existing emissions in order to determine the significance of those emissions. Nor would such a comparison be misleading. To stabilize our climate, we must drastically reduce GHG emissions from current levels; thus, comparing future Plan emissions to existing emissions provides the most informative and accurate assessment of whether the Plan helps the state achieve the GHG emission reductions necessary to stabilize our climate. Accordingly, the RDEIR's failure to analyze the significance of the Plan's GHG emissions by comparing them to actual, existing conditions, and its use of a hypothetical, future baseline instead, violates CEQA. *Id.* ("We hold [] that agencies normally must do what Guidelines section

15125(a) expressly requires—compare the project’s impacts to existing environmental conditions . . . to determine their significance.”).

The Attorney General has also criticized the use of a BAU approach to measure GHG impacts. As the Attorney General opined, evaluating GHG impacts based on purported reductions from “business as usual” “will not withstand legal scrutiny and may result in significant lost opportunities for . . . local governments to require mitigation of greenhouse gas (GHG) emissions.” Letter from Attorney General to San Joaquin Valley Air Pollution Control District re: Final Draft Staff Report on Greenhouse Gas Emissions Under CEQA (Nov. 4, 2009), attached as Exhibit C. Likewise, the California Resources Agency recently updated the CEQA Guidelines by adopting recommendations on how agencies may analyze the significance of a project’s GHG emissions. One of the factors for determining the significance of Project GHG impacts in the Guidelines is whether the project “may increase or reduce greenhouse gas emissions compared to the *existing environmental setting*.” CEQA Guideline § 15064.4(b)(1) (emphasis added). As set forth in the Final Statement of Reasons for Regulatory Action on the Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97:

This section’s reference to the ‘existing environmental setting’ reflects existing law requiring that impacts be compared to the environment as it currently exists. This clarification is necessary to avoid a comparison of the project against a ‘business as usual’ scenario as defined by ARB in the Scoping Plan. Such an approach would confuse ‘business as usual’ projections used in ARB’s Scoping Plan with CEQA’s separate requirement of analyzing project effects in comparison to the environmental baseline.

Final Statement of Reasons at 24-25, attached as Exhibit D and available at http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf. As the Statement of Reasons articulates, comparison against a theoretical “business as usual” approach may be relevant as part of an EIR’s analysis of the “no project” alternative, but is inappropriate when analyzing the significance of a project’s GHG emissions. *Id.* at 25 (citing CEQA Guidelines § 15126.6(e)(2) (no project alternative should describe what would reasonably be expected to occur in the future in the absence of the project)).

Here, it is misleading to measure the significance of Plan impacts by comparing the Plan to a hypothetical “what if” scenario rather than to existing conditions. For example, the RDEIR sets out a hypothetical BAU scenario in which the Plan is carried out but other statewide regulations and laws regarding GHG emission reductions have not

gone into effect. RDEIR at 4.7-40. Then, the RDEIR calculates the Plan's "reduced" emissions by giving the Plan credit for reducing emissions based on the Plan's compliance with preexisting requirements of state law, as well as County-specific policies. RDEIR at 4.7-42. The RDEIR then compares the BAU scenario to the Plan's impacts and, unsurprisingly, finds that the Plan will have fewer emissions than the artificially inflated BAU scenario. RDEIR at 4.7-44.

Because the Plan would have to comply with existing GHG-related laws and regulations anyway (including CEQA's requirement for mitigation), it is misleading for the RDEIR to state that the Plan will cause a 25% reduction in GHG emissions (RDEIR at 4.7-42). In fact, most of these alleged reductions will be caused by preexisting state requirements and would occur with or without the Plan. Likewise, it is misleading and inappropriate to compare the Plan emissions against an artificially inflated baseline of alleged BAU conditions. Courts have recognized that comparing project impacts to such an artificially inflated baseline results in "illusory comparisons that can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts, a result at direct odds with CEQA's intent." *Communities for a Better Env't v. South Coast Air Quality Management Dist.* (2010) 48 Cal 4th 310, 322 ("*CBD v. SCAQMD*"). In fact, the Riverside County Superior Court previously rejected the County's attempt to use a BAU approach when approving a large development project in the San Jacinto Valley. In rejecting the County's comparison of the project's GHG emissions to a hypothetical, BAU scenario, the court ruled that:

the hypothetical project proposed for the EIR does not accurately reflect business as usual because it uses an unrealistic scenario which ignores local planning and zoning laws, strips all vegetation from the project, and contemplates development on mountainous portions of the project site. In addition, *the hypothetical scenario fails to account for the fact that project approval under CEQA contemplates a process whereby the adverse environmental effects of a project of this nature are identified and analyzed; alternatives are considered; and potential impacts are eliminated or mitigated.* The hypothetical project, which ignores not only local planning and zoning laws as well as potential adverse impacts, is not one that could ever be expected to actually occur in the County let alone on the project site. It does not appear the EIR used a "business as usual" approach but instead adopted a "worst-case" scenario as it began its evaluation of the GHG emissions.

Friends of the Northern San Jacinto Valley v. County of Riverside, Statement of Decision, p. 3, attached as Exhibit E. So too here, the RDEIR's unrealistic BAU scenario

fails to account for the fact that state law—including CEQA—already requires agencies to reduce GHG emissions. Just as in the *Friends of the Northern San Jacinto Valley* case, the RDEIR here uses a misleading hypothetical analysis that distorts the analysis of the Plan’s impacts; such an approach does not withstand legal scrutiny.

The RDEIR must be revised to compare Plan emissions to County emissions as they currently exist and to base the significance determination on this factor. CEQA Guidelines § 15126.2(a).⁵ An accurate comparison with existing conditions is particularly important with regard to climate change because existing conditions are such that we have already exceeded the capacity of the atmosphere to absorb additional GHG emissions without risking catastrophic and irreversible consequences. Therefore, even seemingly small additions of GHG emissions into the atmosphere must be considered cumulatively considerable. *See Communities for Better Env’t v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120 (“the greater the existing environmental problems are, the lower the threshold for treating a project’s contribution to cumulative impacts as significant.”); *Center for Biological Diversity v. National Highway Traffic Safety Administration* (9th Cir. 2007) 508 F.3d 508, 550 (“we cannot afford to ignore even modest contributions to global warming.”). Here, the RDEIR reveals that the Plan will cause an approximately 50% increase in GHG emissions above existing, baseline conditions by the year 2060. RDEIR at 4.7-47. This is a significant impact under any rational measure. The County may not hide the significance of the Plan’s GHG impacts by measuring the Plan’s emission increases against an inappropriate BAU threshold.

(c) Even If the County Could Use a “Business As Usual” Approach, the RDEIR Misapplies the Approach.

Even if BAU were a legitimate means for determining significance, which it is not, there is no evidence supporting the RDEIR’s assumption that new development that is 25% below BAU will help achieve California’s 2020 emission reduction objectives, much less its longer-term reduction goals. *See* RDEIR at 4.7-41. First, the AB 32 Scoping Plan determined that California’s overall emissions must be cut by “approximately 30 percent from business-as-usual emission levels projected for 2020” to meet AB 32 requirements. Exhibit B at ES-1. Thus, a 25% reduction from BAU is not enough to meet this standard. Furthermore, even if the Plan were 30% below BAU, this would still not be enough. The RDEIR’s significance determination mistakenly presumes, without any support, that emission reduction expectations are the same for

⁵ Or the EIR may compare emissions to 1990 emissions levels, which form the basis for the state’s various GHG reduction goals.

existing and new sources of emissions to meet AB 32 targets. But the Scoping Plan does not support this approach. Contrary to the RDEIR's assumptions, as opportunities for reducing emissions from the built environment are more limited and present greater challenges, expectations for minimizing emissions from new development—through energy efficiency, renewables, increased density, mixed use and siting close to transit—should be greater than that of existing development, where emission reduction opportunities may be more constrained.

As the California Air Pollution Control Officers Association's ("CAPCOA") CEQA & Climate Change White Paper recognizes, "greater reductions can be achieved at lower cost from new projects than can be achieved from existing sources." CAPCOA, CEQA & Climate Change at 33, attached as Exhibit F.⁶ Similarly, as one of its reasons for finding that a proposed 29% below BAU threshold of significance "will not withstand legal scrutiny," the Attorney General noted that "it seems that new development must be more GHG efficient than this average, given that past and current sources of emissions, which are substantially less efficient than this average, will continue to exist and emit." Exhibit C. Accordingly, there is no scientific or factual basis supporting the RDEIR's assertion that new development that is merely 25% below BAU (or even 30% below BAU) will not interfere with California's near-term emission reduction objectives. *See* Pub. Res. Code § 21082.2(c) ("[a]rgument, speculation, unsubstantiated opinion or narrative, [and] evidence which is clearly inaccurate or erroneous" does not constitute substantial evidence); *see also Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17 ("[C]onclusory statements do not fit the CEQA bill."). By simply assuming that AB 32's emission reduction targets will be achieved because Plan emissions are purportedly 25% below "business as usual," the EIR's significance criteria does not reflect "careful judgment . . . based to the extent possible on scientific and factual data." CEQA Guidelines § 15064(b).

(d) The RDEIR Fails to Analyze the Plan's Consistency with Applicable Plans for the Reduction of GHG Emissions.

CEQA requires that agencies analyze the consistency of their projects with applicable plans for the reduction of GHG emissions. Guidelines §§ 15064.4(b)(3),

⁶ As explained on its website, CAPCOA "is a non-profit association of the air pollution control officers from all 35 local air quality agencies throughout California. CAPCOA was formed in 1976 to promote clean air and to provide a forum for sharing of knowledge, experience, and information among the air quality regulatory agencies around the State."

15125(d). Here, the EIR does not appear to analyze the Plan's consistency with at least two relevant GHG reduction plans. First, we can find no indication that the RDEIR evaluated the proposed Plan's consistency with SCAG's recently adopted 2012-2035 regional transportation plan/sustainable communities strategy ("RTP/SCS"). For example, does the proposed General Plan rely on the same land use patterns and transportation assumptions as those assumed for the RTP/SCS? The EIR must provide a detailed evaluation of the proposed Plan's consistency/inconsistency with this Plan, which SCAG was required by state law to adopt in order to reduce GHG emissions related to passenger vehicles. If the Plan is not consistent with the RTP/SCS, this is evidence that the Plan has significant GHG related impacts, and further underscores the need to adopt all feasible mitigation.

Second, the EIR does not appear to analyze the Plan's consistency with the Western Riverside Council of Governments' ("WRCOG") Subregional Climate Action Plan. This plan sets subregional GHG emissions reduction targets at 15% below 2010 levels by 2020, and 49% below 2010 levels by 2035. *See* Exhibit W at ES-1, available at http://content.mindmixer.com/Live/Projects/WRCOG/files/148765/WRCOG%20Subregional%20CAP_Final%20Draft_May%202014.pdf?635397493994830000. But the Plan EIR fails to analyze consistency with these goals or with other policies of the WRCOG plan. Notably, the Plan acknowledges the RTP/SCS and WRCOG Climate Action Plan and calls for coordinating County GHG emission reduction efforts with those outlined in the RTP/SCS and by WRCOG. RDEIR at 4.6-33, 39. However, it unlawfully fails to analyze consistency with these plans.

Last, the EIR does not analyze the consistency of the County's proposed policies with other state goals and mandates to reduce GHG emissions, including the state's goal of having all new residential buildings be zero net energy by 2020, and commercial buildings by 2030.⁷ Although the proposed Climate Action Plan would allocate some "points" to buildings that have on-site alternative energy, and that go above and beyond Title 24 requirements, these measures are not enough to achieve consistency with having zero net energy buildings by 2020.

⁷ See <http://sefaira.com/resources/how-californias-net-zero-energy-mandate-will-shift-the-us-construction-industry/>; <http://www.californiaznehomes.com/#!about/cdtl> ; <http://www.californiaznehomes.com/#!faq/cirw> (describing how zero net energy homes are feasible).

- (e) **The RDEIR Must Clarify its Mitigation for the Plan's Climate Impacts and Include Additional Mitigation Measures.**
 - (i) **The RDEIR Should Clarify Various GHG Mitigation Measures.**

The RDEIR relies in part on Policy AQ 21.1 to reduce the Plan's GHG impacts. RDEIR at 4.6-33. This measure requires new development projects to incorporate a combination of GHG reduction measures that are worth various "points," and each development must achieve 100 points in order to do its fair share in reducing GHG emissions to a less than significant level. Sierra Club supports the concept of requiring new development to implement certain climate-related mitigation measures while allowing developers some flexibility in how to mitigate these impacts. Sierra Club also supports the requirement that all mitigation measures be incorporated into a project's Conditions of Approval. *See* Policy AQ 21.2. However, Sierra Club has the following concerns related to mitigation measures proposed as part of Policy AQ 21.1.

The CAP allows developers to use on-site photovoltaic panels as mitigation to obtain the necessary points to reduce the climate-related impacts of their projects. Riverside County Climate Action Plan ("CAP"), CEQA Thresholds and Screening Tables, p. 8 (see "E2.A.1 Photovoltaic"). Sierra Club supports the use of on-site photovoltaic panels but believes this measure must be clarified. In particular, the measure assigns a certain number of points if the "total power provided" by the solar panels provides a certain percentage "of the power needs of the project." *Id.* The measure should clarify how the County will measure the solar panels' capacity. Will the developer get 10 points if the solar panels' *nameplate* capacity equals 40 percent of the power needs of the project? Or only if the panel's actual, expected output (given the project's location, average amount of sunlight, etc.) equals 40 percent of the power needs of the project? The former interpretation would not fully mitigate the project's energy and GHG impacts because solar panels never produce their full nameplate capacity due to cloudy weather, nighttime darkness, overheating and other factors. <http://www.sunlightelectric.com/pvmodules.php>. Accordingly, the measure should be modified to clarify that a project must install sufficient photovoltaic panels to provide actual, expected output equal to a certain percentage of the project's needs. The same comment also applies to on-site wind energy, as well as off-site solar and wind energy. *See* CAP, CEQA Thresholds and Screening Tables, p. 9 (E2.A.2 Wind Turbines, E2.A.3 Off-site renewable energy projects).

In addition, to obtain the points for use of on-site photovoltaic panels, the developer must submit evidence that the panels will be regularly maintained, and replaced as needed, for the life of the project.

Implementation Measure T7.A.1 (Electric Vehicle Recharging) should also be clarified. It states that developers may obtain 8 points by installing electric vehicle charging stations in the garages of residential units. The measure should be clarified to state that the developer must install charging stations in *all* residential units in order to obtain the points, and that the charging stations should provide 240 volt power or greater. Alternatively, the CAP could provide 3 or 4 points for installing 120 volt charging stations, and 8 points for installing 240 volt charging stations.

Additionally, Implementation Measure L1.A.1 (Wood burning) provides 10 points if a project contains no wood burning stoves. However, the South Coast Air District has already adopted Rule 445, which prohibits new wood burning devices in new development. CAP, CEQA Thresholds and Screening Tables, p. 12. Therefore, the County is proposing to allow developers to obtain 10 points (10% of the points necessary to mitigate significant climate impacts) simply by complying with existing law. This is contrary to the other mitigation measures, which provide *no* points if a project merely complies with existing law. *See, e.g.*, Implementation Measures SW2.A.1 (Recycling of Construction/Demolition Debris), ES.A.1 (Insulation), E5.A.2 (Windows), E5.A.3 (Doors). The County should not allow developers to mitigate their climate impacts simply by complying with existing law in this manner.

In addition, there is no substantial evidence that prohibiting wood burning devices provides enough GHG reductions to warrant giving developers 10 points—the same number of points as installing solar or wind power that provides 40% of the power needs of a project. *See* Implementation Measures E2.A.1 and E2.A.2. Many residents would likely not use their wood burning devices much, if at all. And although burning wood does release carbon dioxide, in the long term it can be climate neutral because wood (i.e., trees) grows back, potentially absorbing the same amount of carbon that was released by the wood burning.

<http://www.theguardian.com/science/2005/oct/15/thisweekssciencequestions.uknews>. Thus, reducing wood burning does not provide the same amount of climate mitigation as reducing fossil fuel use.

Last, there is no evidence to support the notion that simply providing outdoor electrical outlets that residents or employees could use for electrically-powered yard tools (e.g., lawn mowers), provides the same amount of GHG reduction (8 points) as using alternative power to provide 30 percent of a project's needs. *See* Implementation

Measures L2.A.1 Landscape Equipment. Allowing so many points for worthwhile, but minor, measures such as this will undermine the County's efforts to effect real change.

(ii) The General Plan and RDEIR Should Describe How Alternative Energy Projects Will Be Sited.

Another new Plan policy, which is described as mitigation for the Plan's climate impacts, sets a goal of facilitating development of renewable energy facilities "in appropriate locations." Policy AQ 26.1. Sierra Club supports renewable energy in Riverside County; however, it is critical that renewable energy projects—and particularly large, utility-scale projects—be sited appropriately. To that end, the Plan is vague, and should provide more detail regarding what constitutes "appropriate locations." Without any information about which locations the County deems most appropriate for alternative energy development, the RDEIR cannot accurately analyze the impacts of the Plan, including the impacts of mitigation measures that will promote construction of renewable energy facilities. *See Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986 (EIR must discuss environmental effects of mitigation measures).

The General Plan update presents an opportunity for the County to both support development of renewable energy and to facilitate that development in the most benign locations. Recent studies establish that California has ample solar resources in the built environment to power the State, and that commercial rooftop solar is competitive with large utility scale solar.⁸ *See Efficient Use of Land to Meet Sustainable Energy Needs*, Rebecca R. Hernandez et. al., *Nature Climate Change*, March 16, 2015, attached as Exhibit Y. Streamlined permitting for distributed solar generation is critical to its deployment. Development of distributed renewable generation will avoid over-reliance on long distance transmission and provide more sustained local employment over time, as opposed to the boom and bust cycle of large-scale solar development in remote desert locations. The RDEIR can minimize impacts of the latter by adopting measure to facilitate distributed generation in the County.

For large-scale wind energy projects, the most appropriate locations for new generation are located in the existing wind resource area in the desert (e.g., San Gorgonio Pass). To the extent the County encourages more wind power development, this site should be re-powered and built out rather than allowing new wind development in new, non-industrialized areas. The power at San Gorgonio Pass could be easily doubled in this manner. Although increasing wind power in this location would have some impacts on

⁸ <http://www.greentechmedia.com/articles/read/solar-pv-system-prices-continue-to-fall-during-a-record-breaking-2014>

avian mortality, prioritizing wind development in this location would have multiple benefits, including efficient use of land. This high wind area uses far less acreage per megawatt of energy generated than do lower wind resource areas.

Although wind energy development has benefits from GHG reductions, it also has impacts, which the County must mitigate in the Plan RDEIR. In particular, wind turbines cause avian and bat mortality. For wind projects located on County land or otherwise permitted by the County, the County should require adequate pre-and post-construction monitoring for birds and bats, and should avoid siting wind turbines on ridgelines and other areas where mortality is higher. The County should also set up a program in concert with the Bureau of Land Management to require adaptive management at wind projects, including operational measures such as curtailment during sensitive times (e.g., migration season) or relocation of lethal turbines, to address impacts on aerial species based on post construction mortality monitoring. In addition, new wind projects should not be developed in areas that are reserved mitigation land for other alternative energy projects' impacts. For example, the Ivanpah solar facility had a huge impact on desert tortoise, and as partial mitigation, tortoise habitat on private land in the Chuckwalla Bench was acquired to be set aside as protected land. The County should prohibit new wind (and solar) development in or adjacent to areas that have been set aside as mitigation land.⁹

The County must also describe appropriate siting and construction criteria for utility scale solar energy facilities and adopt programmatic mitigation for the impacts of promoting this energy resource. Even more importantly, it should adopt policies to promote and require distributed solar generation, which has far fewer environmental impacts than utility scale solar. Because the biological and land use resources are different in the eastern and western parts of the County, the siting criteria for utility scale projects should be different for these areas as well. For instance, the agriculture in the eastern County is very irrigation dependent; it also is given to salinity issues which are not as prevalent elsewhere. Attached as Exhibit H is a white paper called Renewable Siting Criteria for California Desert Conservation Area that was issued by Sierra Club and other organizations. This paper provides criteria that the County should adopt in order to guide future solar energy development on lands over which the County has some approval authority in the County's eastern, desert regions. The criteria include

⁹ Much of the land in the Chuckwalla Bench and other desert areas is under federal ownership; however, the County should implement these recommended policies to guide any energy development on land over which it has permitting and/or jurisdictional authority.

prioritizing development on lands that are already disturbed (e.g., low value agricultural land, land previously used for mining or heavy off-road vehicle use), on brownfields, on lands located adjacent to urban areas, and in areas that will minimize the need to build new roads, substations and other appurtenant facilities. The County should also adopt approval criteria that help ensure that projects will have the lowest impacts feasible. For example, the County should adopt a policy to require dry cooling for concentrating solar facilities. Recent studies have shown that dry cooling can reduce water consumption by 90% or more and that the higher initial costs of dry cooling are offset over a 20-year timeframe owing to cost savings in water use and consumption. *See* <http://www.rebeccarhernandez.com/environmental-impacts-of-utility-scale-solar/> (section 2.2).

In the western portions of the County, agricultural land is generally more valuable and more viable in the long term. This land also supports habitat for numerous species and provides critical buffers for protected areas such as the San Jacinto Wildlife Area. Accordingly, the County's criteria for siting large-scale solar projects in the western portions of the County should strongly discourage development on agricultural lands. However, similar to the criteria for the eastern portion of the County, the criteria for the western portion should prioritize development on disturbed land—such as land previously used for mining—as well on brownfields, on land located adjacent to urban areas, and in areas that will minimize the need to build new roads, substations and other appurtenant facilities.

In addition to analyzing the impacts of promoting utility-scale wind and solar development, the County must adopt programmatic mitigation to address the potentially significant impacts of these energy projects. Utility scale solar development has profound impacts on aesthetics, agricultural land, cultural resources, wildlife and habitat resources, water (and often in a sole source aquifer), air quality (during construction), and other areas. *See* Overview of Potential Environmental, Cultural, and Socioeconomic Impacts and Mitigation Measures for Utility-Scale Solar Development, Argonne National Laboratory, available at http://www.evs.anl.gov/downloads/Solar_Environmental_Impact_Summary.pdf.

Although mitigation should be developed later for individual projects on a case-by-case basis, it is crucial to develop programmatic mitigation now in order to guide future development and provide region-wide criteria and mitigation measures. CEQA Guidelines §§ 15126.4(a)(1)(B) (an EIR generally may not defer evaluation of mitigation until a later date), 15168(b)(4) (“program wide mitigation” must occur “at an early time when the agency has greater flexibility to deal with basic problems or cumulative

impacts”); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94-95 (agencies may only defer mitigation in narrow circumstances).

For example, for impacts to farmland, the County should adopt agricultural protection policies and a requirement for conservation easements that will mitigate impacts on agricultural land at specified ratios. For impacts to cultural resources, the County should adopt policies to locate facilities on previously disturbed lands and lands determined by archeological inventories to be devoid of historic properties. It should also restrict or prohibit surface disturbance within the viewshed of traditional cultural properties, sacred sites, or historic trails when their historic eligibility is tied to their visual setting. Chapter 3 of the report Potential Environmental, Cultural, and Socioeconomic Impacts and Mitigation Measures for Utility-Scale Solar Development contains additional mitigation measures that the County should consider adopting at the programmatic stage. *See* [http://www.evs.anl.gov/downloads/Solar Environmental Impact Summary.pdf](http://www.evs.anl.gov/downloads/Solar_Environmental_Impact_Summary.pdf).

(iii) The RDEIR Must Include Additional Mitigation Measures for Climate Impacts.

Because the RDEIR acknowledges that the Plan will have significant GHG impacts, it must include all feasible mitigation measures. One way to determine which measures are feasible and should be adopted is to look at other jurisdictions’ climate action plans. For example, the WRCOG plan lists numerous climate policies and improvements that cities within Riverside County are already implementing. Riverside County should include these same policies and mandates in its Plan. Among others, the WRCOG plan lists the following measures, which the County must include in its Plan unless it finds, based on substantial evidence, that it would be infeasible to do so:

- Implement a 50% increase in bicycle lane mileage from baseline levels. WRCOG plan at 3-25. The City of Riverside has already adopted this goal, and the County should set a similar mandate, with a specific deadline. Likewise, it should accelerate construction of bike facilities and paths so as to install 75% of all planned bicycle facility miles by 2020 or 2025. *Id.* at 3-40.
- 100% of traffic and street lights converted to high-efficiency bulbs by 2020. The cities of Banning, Jurupa Valley and Riverside have already adopted this policy, and the County should, too. *See* WRCOG plan at 3-23.

- Amend zoning to require provision of bike parking for all multi-family or mixed-use projects consisting of a mix of residential, retail, and office space. Numerous cities have already adopted this policy, and the County should too. *See* WRCOG plan at 3-26.
- Allocate the equivalent of ½ of a full-time staff person to promote transportation demand management strategies to existing businesses. *See* WRCOG plan at 3-28.
- Work with Riverside Transit Agency to increase fixed-route service miles by 10 - 20% by 2020. *See* WRCOG plan at 3-29.
- Achieve a 25% increase in community-wide household and employment density over baseline conditions by a certain year. *See* WRCOG plan at 3-33.
- Achieve a 25% jobs/housing ratio improvement over baseline conditions. *See* WRCOG plan at 3-34.
- Amend zoning to reduce parking requirements for new non-residential development by 25% over baseline conditions. *See* WRCOG plan at 3-37.

2. The RDEIR's Analysis of Energy-Related Impacts Is Insufficient.

The RDEIR's analysis of the Plan's energy impacts contains numerous errors. First, it supports its determination that the Plan will not result in the wasteful and inefficient use of energy in part by comparing the Plan's energy impacts to the impacts of prior plans, rather than to existing conditions. *E.g.*, RDEIR at 4.10-39 ("Future development accommodated by the proposed project, GPA No. 960, would be less intense than that currently planned in the existing General Plan. Thus, on a relative basis, the project would not increase demand for electricity over current plans."). This analysis is irrelevant under CEQA, which is concerned with whether a plan will cause impacts on the existing environment, not whether it may cause different impacts as compared to other plans. *Env't Planning & Information Council*, 131 Cal. App.3d at 352. Similarly, the RDEIR states that impacts are insignificant because future power needs are already planned for. RDEIR at 4.10-40. However, it never states whether the environmental impacts of these future power needs have already been analyzed in some other document. If not, it is critical that the RDEIR analyze the impacts here. If so, the RDEIR must

incorporate the other analysis by reference, summarize the impacts and discuss any new impacts that were not previously analyzed.

The RDEIR also attempts to minimize the Plan's significant energy demand and impacts by stating that "compared to that of Riverside County as a whole, the project would contribute an insignificant incremental amount to the long-term need for additional new or upgraded facilities." RDEIR at 4.10-40. But courts have rejected similar attempts to minimize a project's impacts by comparing them to the impacts of the state or a larger geographic region. *Friends of Oroville v. City of Oroville* (2013) 218 Cal.App.4th 1352, 1359. As the *Friends of Oroville* court held, such a "relative comparison is meaningless" *Id.* What the RDEIR must do is simply determine whether the Plan will cause the wasteful use of energy, regardless of whether its use of energy may seem small in comparison with existing use of energy in the County as a whole.

Next, the RDEIR fails to support with substantial evidence its conclusion that the Plan's huge increase in energy use will have insignificant impacts. RDEIR at 4.10-40, 43, 46, 48. First, there is no evidence to support the RDEIR's conclusion that the Plan "would not trigger the need for new or altered [electric production or transmission] facilities nor result in substantial environmental impacts due to the construction of such facilities." RDEIR at 4.10-43. In fact, the RDEIR is internally contradictory on this point. Elsewhere, it admits that new facilities will be needed, but attempts to minimize the impacts of constructing the facilities by stating that they are already planned for (RDEIR at 4.10-40) or that transmission lines can be sited within existing rights-of-way (RDEIR at 4.10-41). Given that the RDEIR admits in some places that new facilities will be needed, and describes how electric and natural gas consumption is expected to more than double over the coming decades (RDEIR at 4.10-26 - 39), it is absurd to conclude that the Plan will not trigger the need for new facilities.

The RDEIR's justification that new facilities are already planned is irrelevant. RDEIR at 4.10-38. As described above, the RDEIR must analyze the Plan's energy impacts compared to existing conditions, not other plans.¹⁰ Its other assumptions are

¹⁰ Hidden amongst the other, irrelevant analyses, the RDEIR does compare energy use under the Plan to existing energy use and concludes that the Plan's energy demands "would be insignificant compared to existing baseline levels." RDEIR at 4.10-43. The document offers no substantial evidence to support this conclusion. On the contrary, as described above, the RDEIR concludes that electricity and natural gas consumption will more than double over the life of the Plan. RDEIR at 4.10-26—39. Doubling energy use is hardly insignificant.

faulty and unsupported as well. For example, while some future, low-voltage transmission lines for specific developments may be sited in rights-of-way, there is no evidence demonstrating that transmission lines for all of the new solar and wind energy projects that the Plan encourages can be sited in existing rights-of-way. In fact, the RDEIR's energy resources analysis completely fails to analyze the impacts of new alternative electric (e.g., solar and wind) production and transmission facilities. These facilities are already having a profound impact on the County's wildlife and landscape and will continue to do so, especially in light of County and state policies encouraging construction of such facilities. The RDEIR is legally deficient for failing to analyze the impacts of these facilities under its first threshold of significance. RDEIR at 4.10-37 (analyzing whether the Plan will "result in substantial adverse physical impacts associated with the provision of new or physically altered utilities . . .").

Nor does the RDEIR appear to acknowledge that California's renewable portfolio standards and increasing regulation of GHGs are causing a huge growth in solar and wind development in areas such as Riverside County. Thus, even if the County did not require lots of new energy to power the development contemplated in the Plan—and there is no evidence that this is true—the County would still require lots of new *clean* energy from sources such as wind and solar in order to meet state mandates. As described in the section of this letter regarding the Plan's climate impacts, the provision of these new energy facilities will clearly "result in substantial adverse physical impacts . . ." that must be analyzed and mitigated. RDEIR at 4.10-39. The RDEIR's failure to analyze these impacts is legal error.

The RDEIR's energy analysis also does not appear to analyze the energy requirements to provide water to the growing region. Moving water around the state utilizes a large portion of the state's energy output, and this will only become a more difficult problem with climate change. The RDEIR's energy analysis should consider the energy needs related to providing more water to the region, and it is not clear that the document has done this already.

Finally, the RDEIR's determination that the Plan will have insignificant energy-related impacts is suspect for an additional reason. One of the thresholds of significance is whether the Plan will result in inefficient, wasteful or unnecessary consumption of energy. By definition, if there are feasible ways of reducing the Plan's consumption of energy, then the Plan will result in the inefficient or unnecessary consumption of energy. Here, the Plan does not require all feasible means of reducing energy usage. For example, the CAP contains a "screening table" that lists dozens of measures to reduce GHG emissions (and thus energy). These include providing on-site renewable power, using water more efficiently, enhanced building efficiency standards, promoting mixed-

use development, providing bike paths and sidewalks, installing electric vehicle infrastructure, and more. Each of these measures provides a certain point value, depending on the measures' alleged GHG reduction potential.

However, the CAP and these screening tables only require developers to garner 100 "points" in order to meet their obligation to reduce GHG impacts to a level below significance. In other words, even if it was feasible for a developer to implement more than 100 points' worth of GHG-reduction measures (and, consequently, energy-reduction measures), the developer would not have to do so. This methodology leaves potentially feasible energy-reduction measures on the table, so to speak. It results in the wasteful and inefficient use of energy because it does not require implementation of *all* feasible measures to reduce energy usage. Accordingly, the EIR is incorrect that the Plan will not result in the inefficient and wasteful use of energy.

Because the RDEIR concludes that the Plan will not result in the inefficient use of energy or cause substantial energy-related impacts, it does not propose or adopt any mitigation to reduce the Plan's energy impacts.¹¹ However, because the Plan actually will have significant energy-related impacts, the RDEIR must include mitigation for these impacts. Such mitigation should include, among other measures, a prohibition on sprawling, leapfrog development, which requires more driving and resultant energy use than denser development near city centers. For example, the County should adopt a policy similar to one that Imperial County has adopted, which states:

"Leapfrogging" or "checkerboard" patterns of development have intensified recently and result in significant impacts to the efficient and economic production of adjacent agricultural land. It is a policy of the County that leapfrogging will not be allowed in the future. All new non-agricultural development will be confined to areas identified in this plan for such purposes or in Cities' adopted Spheres of Influence, *where new development must adjoin existing urban uses. Non-agricultural residential, commercial, or industrial uses will only be permitted if they adjoin at least one side of an existing urban use, and only if they do not significantly*

¹¹ The draft General Plan's Land Use Element has a few policies intended to mitigate some impacts of wind development, but apparently has no policies to mitigate impacts of solar development. *See* General Plan Land Use Element at LU-40 – 42. The policies for wind development are inadequate and should be bolstered as described in the climate mitigation section of this comment letter.

impact the ability to economically and conveniently farm adjacent agricultural land.

Imperial County General Plan, Agricultural Element, pp. 39-40, available at <http://www.icpds.com/CMS/Media/Agricultural-Element.pdf> (emphasis added).

Likewise, San Diego County's General Plan contains policies that prohibit most leapfrog, sprawl development. Among other things, San Diego's policy specifies that any new development that is not adjacent to existing communities must be "designed to meet the LEED-Neighborhood Development Certification or an equivalent." San Diego County General Plan, Land Use Element, p. 3-20, available at <http://www.sdcountry.ca.gov/dplu/gpupdate/docs/LUE.pdf>. Recommended mitigation listed in this comment letter for GHG emissions would also reduce energy impacts and should be required for that reason as well.

Riverside County should adopt similar policies to prohibit leapfrog development. For example, it should incorporate the LEED-Neighborhood Development Certification standard into its CAP requirements for new development. Although the County's draft CAP contains a requirement that new development obtain a certain number of "points" due to energy saving/climate-friendly attributes, it does not require neighborhood-level policies like those in the LEED-Neighborhood Development standards. Neighborhood-level policies are crucial because, even if a project does not use much energy and its buildings are efficient, those efficiencies are lost if the project is located far from other services and residents are forced to drive long distances to work and for services. In addition, the LEED standard requires that neighborhoods be sited in a manner that protects other resources. For example, it mandates that projects be in smart locations, protect imperiled species, ecological communities, wetlands, and agriculture, and avoid floodplains. LEED 2009 for Neighborhood Development, p. vii, attached as Exhibit P. Given that the Plan has significant impacts on agricultural resources (DEIR at 4.5-37), biological resources (DEIR at 4.8-95)¹² and other resources, requiring new development to meet LEED-Neighborhood Development standards would mitigate a range of relevant Plan impacts. As demonstrated by the fact that other jurisdictions have adopted this requirement, this mitigation measure is also feasible. The RDEIR Fails to Adequately Analyze and Mitigate the General Plan's Air Quality Impacts.

¹² The RDEIR concludes that adopted mitigation reduces impacts to a level that is insignificant. RDEIR at 4.8-97. However, as described in comments on the DEIR by the Center for Biological Diversity, this finding is clearly in error.

The County should also adopt other measures, described in the GHG section of this comment letter, which would reduce the wasteful use of energy. For instance, the County should adopt building efficiency standards that are more stringent than Title 24. As demonstrated by the fact that the proposed Climate Action Plan gives “points” for developments that achieve efficiency greater than required by Title 24, it is feasible for buildings to meet more stringent standards. The County should also adopt an ordinance requiring solar or other alternative, on-site energy for all homes and businesses with roofs of a certain size and that have reasonable exposure to the sun. The cities of Lancaster and Sebastopol have already done this, showing that it is feasible.

<http://www.greentechmedia.com/articles/read/Lancaster-CA-Becomes-First-US-City-to-Require-Solar>; <http://www.pressdemocrat.com/news/2224191-181/sebastopol-council-votes-to-require>.

3. The RDEIR’s Analysis of Air Quality Impacts Is Deficient.

The South Coast Air Basin suffers from some of the nation’s worst air quality.¹³ It is designated as an extreme nonattainment area for ozone at the state and federal level. RDEIR at 4.6-11. It is also designated nonattainment for PM₁₀ and PM_{2.5}. *Id.* Air quality in the Salton Sea Air Basin and the Mojave Air Basin is no better. Both air basins are nonattainment for ozone and PM₁₀. *Id.* at 4.6-12 and 13. Riverside County also experiences elevated theoretical inhalation cancer risks, largely due to diesel engines. *Id.* at 4.6-13. By its own admission, implementation of the proposed Plan would cause a substantial increase in air pollution. The RDEIR, however, fails to adequately analyze these significant impacts.

(a) The RDEIR’s Analysis of the Project’s Conflict with the Applicable Air Quality Plans Is Deficient.

The RDEIR relies on the Plan’s increased air emissions to conclude that the Plan has the potential to hinder the region’s compliance with the South Coast Air Quality Management District’s (“SCAQMD”) and the Mohave Desert Air Quality Management District’s (“MDAQMD”) air quality plans. RDEIR at 4.6-48. While we do not disagree with this conclusion, the RDEIR fails to provide sufficient information to verify the accuracy of the impact analysis. A legally adequate EIR “must contain sufficient detail to help ensure the integrity of the process of decision making by precluding stubborn problems or serious criticism from being swept under the rug.” *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733; CEQA Guidelines § 15151.

¹³ See Press Enterprise articles on air quality, attached as Exhibit I and list of studies documenting the effects of air pollution on health, attached as Exhibit J.

The RDEIR contains tables identifying the increase in air pollutant emissions that would accompany implementation of the Plan. RDEIR at 4.6-44 – 4.6-47. Yet, the document never discloses the assumptions that were used to identify these emissions. Instead, the RDEIR states that the specific modeling assumptions are included in an appendix. This is a wholly unacceptable way of presenting decisionmakers and the public with essential information, and it renders the EIR legally inadequate. Whatever is required to be in the text of the EIR must be in the EIR itself, not buried in some appendix. *See Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 722-23; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 727. In order to fulfill its purpose as an informational document, the EIR must provide information that is accessible to the lay person. Forcing the reader to dig through numbers in a technical appendix does not meet achieve this core objective.

For example, the RDEIR does not identify the sources (stationary, mobile and area) used to calculate the Plan's increase in emissions. There are several airports within the County, including Palm Springs International Airport¹⁴ and March Joint Air Reserve Base. *See* Circulation Element, Figure C-6 and C-56. The Ontario International Airport¹⁵ is just over the border from Riverside County. As the proposed Plan acknowledges, air cargo is the fastest growing method of transporting goods in and out of southern California. *Id.* The March Joint Air Reserve Base is currently a joint use status land use. The Air Reserve Base will gradually reduce the military use of this facility and begin to increase the amount of goods and cargo that can be accommodated at this site. *Id.* In addition, the Plan mentions that the Base has the potential to become a passenger airport. *Id.* Although this increase in use is certainly contemplated by buildout of the proposed Plan, we can find no indication that aircraft-related emissions from these airports were included in the emission calculations for the proposed Plan. Even a search of EIR Appendix 5 (Air Quality Data) includes no reference whatsoever to aircraft or aircraft emissions.

¹⁴ A surging tourism economy coupled with increased air service into the Coachella Valley have pushed the passenger count at Palm Springs Airport past the 1.9 million mark in 2014. *See* <http://www.desertsun.com/story/news/2015/01/21/psp-travel-increases/22123263/>; accessed March 27, 2015.

¹⁵ Nearly 3.8 million passengers per year used Ontario Airport from January through November 2014. *See* <http://www.scpr.org/blogs/economy/2014/12/31/17740/lax-ontario-john-wayne-airports-see-passenger-numb/>; accessed March 27, 2015.

In another example, while the RDEIR asserts that it relied on data including average daily trips, vehicle-miles traveled (“VMT”) and average trip lengths to calculate the Plan’s mobile source emissions (RDEIR at 4.6-43), the RDEIR text fails to actually identify the assumed number of trips, VMT or average trip length. Nor does the RDEIR include any of the transportation and land use assumptions that were supposedly used to calculate the VMT or trip generation statistics. Instead, it includes statements such as:

It can be assumed that various sizes and types of project [sic] would be developed, however. And, because of the increased density seen for the land uses and desired proximity of residential land uses to both transit and commercial centers, it can be assumed that both construction and operation of commercial and potentially industrial sources would be developed relatively close to sensitive receptors such as residences or schools. RDEIR at 4.6-45.

Vague and generic statements such as these do not come close to providing the factual basis needed for an impact analysis. A transparent analysis would disclose all of the relevant statistics used to calculate air pollutant emissions, including all air pollution sources. These statistics would then be compared with the assumptions used to calculate the emissions projections assumed in each of the applicable air quality plans. For example, how does the Plan’s increase in VMT compare to the VMT projections in the applicable air quality plans? Is per capita VMT under the Plan greater or less than the per capita VMT figure used in each of the air quality plans? What would be the trip generation from the Plan’s land uses and how does this figure compare to trip generation identified in the applicable air quality plans? How do each of the proposed Plan’s alternatives compare with regard to number of trips, VMT and trip length? We request that answers to these questions be included in the revised RDEIR or in the Final EIR.

The problems with this impact analysis extend far beyond the RDEIR’s failure to disclose the analytical assumptions. The RDEIR also fails to disclose the severity of these impacts. Air quality plans are prepared to demonstrate how the applicable air districts would meet required federal and state criteria emissions’ planning milestones, including attainment of ambient air quality standards. This RDEIR must disclose whether implementation of the proposed Plan would push compliance with the air quality standards back by one year, five years, or ten years. What would be the health implications of such delays for the region’s residents? Simply concluding that the Plan may conflict with the air quality plans does not allow decisionmakers to evaluate whether implementation of the proposed Project is worth a potentially extensive delay in

achieving attainment of health-based air quality standards. Because the RDEIR provides no insight on this question, it is legally deficient. The revised EIR must explain the actual and specific implications associated with the region's failure to attain the state and federal standards for each of the relevant pollutants.

Yet another problem with the RDEIR's analysis is that it concludes that the Plan would result in a net change in NO_x emissions of -3,800 pounds per day. RDEIR 4.6-44. The EIR comes to this startling conclusion based on "the substantial decrease in anticipated emissions from vehicles mandated by increased efficiency requirements in current federal and California law that have been implemented and will continue to affect the motor vehicle fleet between the existing year and 2040." *Id.* at 4.6-44. While we do not disagree that NO_x reductions will occur as a result of these state and federal laws, this reduction cannot and should not be attributable to the Project.

As a result of the Plan, VMT will increase by 352 percent. EIR Appendices Part I, pdf pages 1401, 1402. The number of vehicular trips will increase by 246 percent. *Id.* The average trip length will even increase by 30 percent. *Id.* NO_x is a byproduct of internal combustion engine exhaust, and along with reactive organic gases ("ROG") form ozone. RDEIR at 4.6-7. Despite the massive increase in vehicular travel that will accompany the Plan, the RDEIR concludes a similarly substantial reduction in NO_x emissions. This makes no sense as tailpipe emissions cannot be negative. Project-related increases in VMT will be associated with an increase in tailpipe (exhaust) emissions, no matter how small (unless all cars in 2035 are electric, in which case tailpipe emissions would be zero). While, the RDEIR certainly can disclose regionwide NO_x emissions in 2040, it must also disclose the increase in NO_x emissions that would result solely from the Project. Once accurately calculated, the Project's NO_x emissions will almost certainly exceed the SCAQMD and MDAQMD thresholds of significance. The EIR must once again be revised to include an accurate estimate of NO_x emissions. An EIR should analyze the criteria pollutant and GHG emissions that would be generated by the Project over the planning period. *This analysis must disclose the Project's total amount of emissions, with and without emission reductions achieved from state and federal regulations.* In any event, the revised EIR or the Final EIR must identify the total amount of emissions that will result from the Plan, including all mobile, stationary and area sources. If these emissions are determined to be significant, the EIR must identify mitigation measures capable of minimizing these emissions.

(b) The RDEIR Fails to Adequately Analyze or Mitigate the Plan's Potential to Expose Sensitive Receptors to a Substantial Concentration of Pollutants from Mobile Sources.

Although the RDEIR states that trucks, buses, and some smaller vehicles using freeways, major highways and railroads emit toxic air contaminants (TACs), diesel particulate matter ("DPM") and particulate matter (at 4.6-7, 10, 48, and 67), it provides no analysis of whether the Plan would expose sensitive receptors to a substantial concentration of these pollutants.¹⁶ Instead, the document provides numerous excuses as to why it would be impossible to study the Plan's health impacts. Each of these excuses is unavailing.

First, it asserts such an analysis of health impacts is not possible because the exact location, timing, and level of future development are unforeseeable. *Id.* at 4.6-66. It further explains that "the expected future development would occur across the entirety of Riverside County over roughly 50 years' time, making exact sizes and locations similarly unknowable at this time." *Id.* at 4.6-67. The RDEIR preparers cannot evade their obligation to analyze the Plan's environmental impacts on the grounds that they are extensive. Following this convoluted reasoning, the greater the environmental harm contemplated by an agency, the lesser the obligation of conducting environmental review. The California Supreme Court has clearly rejected such an approach. As explained by the Court in *Laurel Heights Improvement Assn. of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 399 ("*Laurel Heights I*"), "[w]e find no authority that exempts an agency from complying with the law, environmental or otherwise, merely because the agency's task may be difficult."

Second, the RDEIR implies such an analysis is not required because the document admits that the impacts would be significant and unavoidable. *See, e.g., Id.* at 4.6-67. Here too, the RDEIR preparers are mistaken: an agency's rote acknowledgement that impacts are "significant" does not cure its EIR's failure to analyze the issue. An agency may not, as the County attempts to do here, "travel the legally impermissible easy road to CEQA compliance . . . [by] simply labeling the effect 'significant' without accompanying analysis" *Berkeley Keep Jets Over the Bay Comm.* (2001) 91 Cal.App.4th 1344,

¹⁶ Such an analysis is particularly important for those projects that have been approved, but not yet built such as the 16-mile six-lane Mid County Parkway and the six-lane Cajalco Road. These are just two examples of major projects proposed within the County that will expose sensitive receptors to an increase in TAC emissions.

1371. Rather, “a more detailed analysis of how adverse the impact will be is required.” *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1123. Whether or not the Plan’s health impacts are “significant,” the public and decision-makers have the right to know whether the Plan’s addition of air pollution will merely cause a nuisance, or lead to catastrophic health consequences. The RDEIR’s dismissive treatment of the Plan’s potential to adversely impact public health is unlawful.

Third, the RDEIR asserts that regional modeling cannot accurately capture the project-level effects of pollutant concentrations because emissions from projects are typically small and localized. *Id.* at 4.6-74. The fact that project-level emissions may be relatively minor – an assertion that is unsupported by any evidence – is irrelevant. The purpose of this RDEIR is not to analyze project-level impacts; it must analyze the impacts from *this Plan*. As the RDEIR itself acknowledges, the Plan would result in a substantial increase in criteria air pollutants. *See* RDEIR at Table 4.6-G at 4.6-46. The Plan would also result in toxic air contaminant emissions, but the RDEIR makes no attempt whatsoever to quantify these emissions.

Moreover, if we take the EIR at its word—that project-level emissions tend to be relatively minor—there is no likelihood that the cumulative health effects from all of these project will ever be studied. CEQA requires that environmental impacts be specifically identified and mitigated at the earliest possible date, in order to “inform the public and responsible officials of the environmental consequences of their decisions before they are made.” CEQA Guidelines § 15168(a), (c)(5) *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal .3d 553, 564. Accordingly, the purpose of this EIR is to examine the environmental impacts from *this Plan*.

The RDEIR’s fourth excuse for not examining the health impacts from the Plan is that there is no need for such an analysis because project level emissions typically are a low percentage of total emissions within an air basin emissions. This “drop-in-the-bucket” approach to impact analysis has been explicitly rejected by the courts. In *Kings County Farm Bureau*, the court invalidated an EIR that concluded that increased ozone impacts from the project would be insignificant because it would emit relatively minor amounts of precursor pollutants compared with the large volume already emitted by other sources in the county. 221 Cal.App.3d at 717-18. The *Kings County Farm Bureau* court aptly stated, “The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin.” *Id.* at 718. Likewise,

here, the RDEIR may not minimize the Project's health impacts of the Plan suggesting that air pollution in the region is already poor. Indeed, existing adverse conditions weigh in favor of a finding of significance. *Kings County Farm Bureau*, 221 Cal.App.3d at 718. The EIR is therefore legally inadequate.

Finally, after all of these excuses, the RDEIR presents a qualitative discussion that purports to correlate each air pollutant emissions level resulting from GPA No. 960 with potential health impacts. *Id.* at 4.6-74. Unfortunately, this analysis is entirely useless. The document simply provides a generic summary of the type of health impacts that can potentially result from exposure to criteria air pollutants and states that exposure to these pollutants has the potential to harm public health. *See Id.* at 4.6-74, 75. The RDEIR's "qualitative discussion" does not even mention toxic air contaminants, and, again, fails to analyze the impacts of *this Plan*. CEQA requires more.

Certainly the RDEIR preparers could have analyzed whether the Plan would expose sensitive receptors to mobile source emissions. Other agencies have conducted such health risk studies. *See, e.g.*, Marin County General Plan EIR Air Quality Analysis at 4.3-21, attached as Exhibit K. Using the Marin County analysis as an example, the RDEIR preparers could first identify the freeways and highways within the County that have the potential to cause a significant health risk for sensitive land uses. Second, a screening analysis of future diesel particulate matter ("DPM") exposure and associated health effects could be conducted. Such an analysis could involve estimating DPM emissions for the County's major highways and freeways using a model such as EMFAC. Modeled concentrations could then be calculated for various distances from the edge of the highways and freeways. Maximum individual cancer risks could be computed using the applicable air districts' recommended cancer risk factors. Modeled cancer risks could then be compared to the thresholds established by the air districts. Third, the RDEIR preparers could determine the locations where the proposed Plan proposes the development of new housing and evaluate whether the Plan would put new sensitive receptors closer to sources of toxic air contaminants, primarily DPM from traffic or railroads.

As part of its General Plan update process, the Humboldt County Board of Supervisors asked the public health agency to consider the health impacts of three future growth alternatives ranging from restricting development to existing urban areas to allowing continued sprawl. *See* Humboldt County General Plan Update Health Impact Assessment, attached as Exhibit U. The public health officer consulted with a non-profit organization to conduct a health impact assessment ("HIA") on the three general plan alternatives, with participation from the planning agency and a community group (Human

Impact Partners, 2008). The analysis, based upon 35 community- prioritized indicators, found that the compact development alternative would improve health outcomes related to almost all the indicators, while the sprawl alternative would harm health. The HIA process led to a strong partnership between the planning and health agencies and an increase in participation in the General Plan process on the part of community members. The planning agency used the HIA extensively in forming the policies in the Circulation element and to support infill policies in the Housing Element.

SCAG also conducted a health risk analysis for its 2012 Regional Transportation Plan/Sustainable Communities Strategy. *See SCAG 2012-2035 DEIR Air Quality Analysis attached as Exhibit L.* In addition to this health risk analysis, SCAG's evaluation included a compilation of studies demonstrating the health effects of mobile source emissions, and identified existing locations within the SCAG region that have high instances of cancer risk. Inasmuch as SCAG was able to conduct this health risk assessment for the entire region, we see no plausible reason why such an analysis cannot be conducted for Riverside County.

It is important to acknowledge that the County must examine the health effects from all sources of air pollution that are expected to be developed upon implementation of the proposed Plan. Airport activity including cargo and passenger operations at March Air Base, Palm Springs and Ontario Airports is projected to increase significantly during the proposed Plan's timeframe. Recent studies demonstrate that serious health effects from aircraft activity extend much further than previously assumed. *See USC News, "New Concerns Raised About Air Pollution at LAX," May 30, 2014, attached as Exhibit M.* This article explains that airports may be as important to air quality as a region's freeway system. The revised EIR must account for air pollution from existing and proposed airport expansion projects and include those emissions in its analysis of transportation-related health risks.

Finally, it is important to acknowledge that the RDEIR's proposed mitigation measure to reduce the Plan's impacts on sensitive land uses from freeways and major highways is inadequate. Mitigation Measure 4.6.D-N2.e calls for proposed sensitive land uses to be sited at least 500 feet from existing freeways and major urban roadways with 100,000 vehicles per day or more, and from major rural roadways with 50,000 vehicles per day or more. DEIR at 4.6-69, 70. Although buffer zones can be effective in reducing impacts from incompatible land uses, the most prudent approach is to avoid developing sensitive land uses near high-volume highways/railroads/ warehouse distributions centers in the first place.

In any event, there is no evidence that a 500-foot buffer would be sufficient to protect public health. According to the California Air Resources Board (“CARB”), increased asthma hospitalizations are associated with those living within 650 feet of heavy traffic and heavy truck volumes. CARB handbook at 8. Children, in particular, suffer from reduced lung function with traffic density, especially trucks, within 1,000 feet. *Id.* There is an increased likelihood of medical visits in children living within 550 feet of heavy traffic. *Id.* Based on scientific evidence, agencies such as the Los Angeles County Department of Public Health recommend that new schools, housing or other sensitive land uses built within 1,500 feet of a freeway should adhere to current best-practice mitigation measures to reduce exposure to air pollution which may include:

- the use of air filtration to enhance heating, ventilation and air conditioning (HVAC) systems, and the
- orientation of site buildings and placement of outdoor facilities designed for moderate physical
- activity as far from the emission source as possible. *See* County of Los Angeles Public Health, “Air Quality Recommendations for Local Jurisdictions”, attached as Exhibit N.

These, and other measures, were included in a recent settlement over air quality impacts in connection with the 1.1 million square-foot Mira Loma Commerce Center in Jurupa Valley. *See* Press-Enterprise Article, attached as Exhibit O. The settlement requires the city and/or developer to provide air-filtration systems to nearby homes, monitor air quality, install solar panels and charging stations for e-vehicles, and to ban heavy trucks on a major road near Mira Loma Village. *Id.* These are feasible mitigation measures which should be included in the revised EIR.

4. The RDEIR’s Analysis of and Mitigation for the General Plan’s Agricultural Impacts Are Inadequate.

The Legislature has repeatedly stated that the preservation of state farmland is an important policy goal and that public agencies should use CEQA to carry out this goal. *Masonite Corp. v. Cnty. of Mendocino* (2013) 218 Cal.App.4th 230, 240 -241 (“our Legislature has repeatedly stated the preservation of agricultural land is an important public policy”). In particular, “[a]gricultural lands near urban areas that are maintained in productive agricultural use are a significant part of California’s agricultural heritage.... Conserving these lands is necessary due to increasing development pressures and the effects of urbanization on farmland close to cities.” Pub. Resources Code, § 10201(c).

“The Legislature has also declared that CEQA is intended to effectuate this public policy.” *Masonite Corp.*, 218 Cal.App.4th at 241.

Riverside County’s agricultural industry plays a vital role in the local economy and consistently ranks among the most profitable in California. RDEIR at 4.5-1. Despite the importance of this critical resource, the RDEIR does not adequately describe the Plan’s impacts to agriculture and wholly dismisses the potential for measures to avoid or mitigate for its loss. Accordingly, the RDEIR fails to meet the basic requirements of CEQA.

(a) The RDEIR Fails to Adequately Describe the Current Distribution and Designation of Agricultural Land.

Every analysis of a project’s environmental effects must begin with the description of the environmental conditions before the project – the baseline. *See Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 122. In considering impacts to agricultural lands, the crucial issues are how much agricultural land is under threat of development, and where the threatened land is located. Yet, the RDEIR’s description of the current state of agricultural land in the County lacks crucial information. The RDEIR contains a map (Figure 4.5-1) showing the County’s agricultural resources. However, this information is virtually useless without a description or depiction of how these lands relate to existing and proposed land use designations. To be adequate, the RDEIR must contain maps showing the County’s agricultural resources overlaid by the County’s existing and proposed land uses.

Equally troubling, the RDEIR’s inventory of agricultural lands does not appear to include small farms, *i.e.*, farms of less than 40 acres, in its farmland resources inventory. Almost 79,000 acres of farmland within the County’s unincorporated areas fall within lands categorized as “Urban and Built-up.” RDEIR at 4.5-4. The RDEIR explains that agricultural lands within the Urban and Built-up category must exceed 40 acres in order to be mapped as farmland. RDEIR at 4.5-5. Because the RDEIR does not appear to measure or describe farms smaller than 40 acres that fall within Urban and Built-Up areas, it significantly underestimates the amount of land that is in agricultural use in the County.¹⁷ According to recent USDA data, many farms in the County are small: out of 2,949 farms in Riverside County, 1,581 are 9 acres or less and another 955 are between

¹⁷ The RDEIR also states that it used photo-interpretation of GIS data to determine effects of the Plan on agricultural uses. RDEIR at 4.5-25. However, it is not clear if the County used this procedure to assess impacts on small farms throughout the County, or only in the specific areas noted in Table 4.5-E.

10 and 49 acres. *See* USDA Agricultural Census, 2012, attached as Exhibit X. As a consequence, the EIR also unlawfully ignores the Project's impact on these small farms. The RDEIR must be revised to provide a clear, complete picture of current and proposed uses for agricultural lands within the County.

(b) The RDEIR Fails to Provide Sufficient Information for Accurate Analysis and Decisionmaking.

The RDEIR's agricultural impact analysis lacks sufficient information to enable the public and decisionmakers to make an informed judgment regarding the potentially significant impacts of the Project. In particular, the section relies on conclusory statements and unstated assumptions, an approach that CEQA specifically prohibits. *See Berkeley Keep Jets*, 91 Cal.App.4th at 1371 (striking down an EIR "for failing to support its many conclusory statements by scientific or objective data"); *County of Merced*, 149 Cal.App.4th at 659 ("[D]ecision makers and general public should not be forced to . . . ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis.").

The section addressing the conversion of Prime Farmland, Unique Farmland and Farmland of Statewide Importance is particularly uninformative. The unincorporated portion of Riverside County has almost 337,000 of designated Farmland totals (105,390 acres of Prime, 36,660 acres of Statewide Importance, 32,360 acres of Unique Farmland, and 162,410 acres of Farmland of Local Importance). RDEIR at 4.5-27. Remarkably, the RDEIR asserts that the Plan would result in the direct conversion of only 32 acres of Prime Farmland and Farmland of Statewide Importance, and concludes that this impact is less than significant. RDEIR at 4.5-27, 29. The RDEIR fails to provide any information as to how its authors arrived at this minuscule amount of lost Farmland. This number of lost acreage is particularly surprising in light of the RDEIR's statement elsewhere that "Between 2000 and 2006, Riverside County loss roughly 30% of its existing agricultural lands to conversions made in the face of increasing development pressure." RDEIR at 1.0-19. It is also surprising in light of the EIR's statement that "[t]otal build out of the updated General Plan would increase the amount of residential developed land within unincorporated Riverside County by just over 62,000 acres." RDEIR at 4.13-78. How is it that the County has lost so much agricultural land to development in the recent past and so much new development could occur under the Plan, yet this development would cause the loss of virtually no farmland? The EIR never explains.

For example, if the RDEIR assumes that land converted from agricultural to rural residential zoning will not result in the loss of farmland because farming is still allowed in rural residential zoning designations, it must explain this. Of course, any such

rezoning or redesignation would result in loss of farmland because even if farming is allowed in rural residential zones, those zones are typically developed, at least partially, leading to some loss of farmland due to the construction of homes, driveways and appurtenant structures.

Notwithstanding the RDEIR's conclusion that the Plan's direct impacts to Prime Farmland, Unique Farmland and Farmland of Statewide Importance will be less than significant, the RDEIR does an about-face and concludes that the growth facilitated by the Plan will cause *indirect*, significant impacts to these resources. *Id.* at 4.5-35. However, the RDEIR's section discussing indirect impacts to Farmlands from the Plan's growth fails to provide any analysis. Instead, the document claims that it is not possible to conduct an analysis because "future development accommodated by the project in locations is not foreseeable at this time." RDEIR at 4.5-29. The RDEIR is mistaken. It is this EIR's precise purpose to analyze the loss of Farmland resulting from the growth caused by the Plan. An agency's rote acknowledgement that impacts are "significant" does not cure its EIR's failure to analyze the impact. As the court stated in *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, "this acknowledgment is inadequate. 'An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences . . .'" (1997) 60 Cal.App.4th 1109,1123 (quoting *Santiago County Water Dist. v. County of Orange* (1981), 118 Cal.App.3d 818, 831); *see also Mira Monte Homeowners Assn. v. County of Ventura* (1985) 165 Cal.App.3d 357, 365 (an EIR is meant to protect "the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of a[] contemplated action.").

Thus, the RDEIR may not "travel the legally impermissible easy road to CEQA compliance . . . [by] simply labeling the effect 'significant' without accompanying analysis" *Berkeley Keep Jets*, 91 Cal.App.4th at 1371. Rather, "a more detailed analysis of how adverse the impact will be is required." *Galante Vineyards*, 60 Cal.App.4th at 1123. If the loss of state-designated farmlands is "significant" as a result of the Plan, the public and decisionmakers have a right to know the severity and extent of this loss. Notably, until the RDEIR identifies the acreage of lost farmland, it is not possible to identify appropriate mitigation. Even if it were not possible to identify the location where farmland would be lost, the EIR must provide some analysis of the types of areas where it would be lost. For example, would most indirect impacts to farmland occur in areas with rural residential LUDs, or high density residential LUDs? Currently, the public has no way to understand what exactly is causing the pressures on farmland that the EIR acknowledges may lead to indirect, significant impacts on them.

(c) The RDEIR Fails to Provide Sufficient Mitigation for the General Plan's Agricultural Impacts.

An EIR's central purpose is to identify a project's significant environmental effects and then evaluate ways of avoiding or minimizing them. Pub. Res. Code §§ 21002.1(a), 21061. The lead agency also must adopt any feasible mitigation measure that can substantially lessen the project's significant environmental impacts. Pub. Resources Code § 21002; CEQA Guidelines § 15002(a)(3). In doing so, the lead agency must "ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." *Federation of Hillside & Canyon Assns.*, 83 Cal.App.4th at 1261 (italics omitted). Furthermore, mitigation is especially crucial when an agency prepares a program EIR. An advantage of a Program EIR is that it allows the lead agency to consider broad policy alternatives and 'program wide mitigation measures' at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." CEQA Guidelines § 15168(b)(4)).

The RDEIR violates this mandate. After admitting that the Plan will result in a significant impact on agricultural lands, it fails to identify *any* mitigation measures. Instead, the RDEIR looks to the County's past failure to mitigate agricultural impacts to claim that mitigation for current impacts is simply not possible:

In EIR No. 441, prepared for the 2003 RCIP General Plan, it was found under "Impact 4.2.2" (Final EIR, page 4.2-32) that implementation of the General Plan would "result in the significant conversion of active agricultural land and agricultural soils to non-agricultural uses." Although the existing General Plan includes policies intended to identify and implement programs that would limit the conversion of agricultural land to non-agricultural uses, EIR No. 441 finds that these policies do not set specific requirements that would limit the conversion of agricultural lands to non-agricultural uses. Further, EIR No. 441 finds the policies do not identify the amount, extent or location of agricultural land to be conserved and that it is impossible to assess if policies would effectively reduce potentially significant impacts associated with the conversion of agricultural land to non-agricultural uses.

As a result, future development accommodated by the land use and policy changes proposed by the project is similarly found to have the potential for significant and unavoidable indirect impacts to agricultural uses through

introducing new urban uses within 300 feet of agriculturally zoned property and contributing to the demand for additional development and infrastructure that would further fuel conversion of agricultural lands to nonagricultural uses. Pursuant to EIR No. 441, no additional project-specific mitigation measures are feasible. Thus, impacts due to conflict with existing agricultural zoning or uses, including those leading to the conversion of designated Farmlands, as well as encroachment impacts, would be significant and unavoidable. RDEIR at 4.5-35.

Recognizing the County's failure to adopt feasible mitigation for the prior Plan's impact to agricultural resources, we fully expected that this RDEIR would correct this critical mistake with the current proposal. Yet, rather than amend the Plan's policies to establish specific requirements limiting the conversion of agricultural lands, the RDEIR preparers throw their hands up in defeat and adopt the same ill-conceived approach.

Between 2000 and 2006, Riverside County lost roughly 30% of its existing agricultural lands to conversions made in the face of increasing development pressure. RDEIR at 1.0-19. The County now has an opportunity to put a stop to this staggering rate of farmland conversion. Rather than use this Plan update as an opportunity, though, the County continues to ignore the problem. Contrary to the RDEIR's assertions, numerous mitigation measures are feasible. The simplest measure of all, of course, is to revise the Plan's proposed policies that will cause this massive conversion.

The vast majority of the proposed Plan's policies purporting to protect agricultural resources are vague and unenforceable. Policies such as OS 7.1, OS 7.3, LU 20.1, LU 20.4, for example, call for "encouraging" or "discouraging" certain actions. RDEIR at 4.5-34. As discussed above, General plan policies must be fully enforceable to be effective mitigation under CEQA. Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(3).

Policy OS 7.2, which suggests the County will employ land conservation programs, appears promising, but is impermissibly vague and unenforceable. The Policy states that the County will seek funding for farmland conservation and proposes to establish a Farmland Protection and Stewardship Committee to develop an agricultural preservation strategy. To be effective, this Policy should commit to a timeline for both the formation of the Committee and its development of the agricultural preservation strategy. The Policy should also require that the strategy include an evaluation of the feasibility of specific measures such as the following:

- Amending the County’s agricultural preserve program to reduce the acreage of land required to establish an agricultural preserve since the County currently requires 100 contiguous acres. In addition the program should be revised to allow for smaller amounts of agricultural preserve lands if they are adjacent to designated wildlife habitat areas, such as the San Jacinto Wildlife Area.
- Expanding minimum parcel size on Important Farmland in the agricultural regions;
- Restricting subdivision of Important Farmland;
- Reducing the area of Important Farmland designated for nonagricultural uses;

Policy OS 7.2 should also commit to the study and implementation of an agricultural conservation easement (“ACE”) program. ACE’s have recently been upheld as a feasible and effective method of protecting off-site agricultural lands. In *Masonite Corp. v. Cnty. of Mendocino* (2013) 218 Cal.App.4th 230, a proposed project planned to convert 45 acres of prime farmland, which the agency properly recognized was a significant impact. The agency refused to mitigate for this impact by requiring the project proponent to purchase off-site agricultural easements or by paying an in-lieu fee for the agency to acquire the same. The agency claimed that such easements did not actually mitigate the project’s impacts because they did not replace the lost farmland or lessen the amount of acreage that was converted.

The court emphatically disagreed, stating that an ACE “may appropriately mitigate for the direct loss of farmland when a project converts agricultural land to a nonagricultural use, even though an ACE does not replace the onsite resources. Our conclusion is reinforced by the CEQA Guidelines, case law on offsite mitigation for loss of biological resources, case law on ACEs, prevailing practice, and the public policy of this state.” *Id.* at 238. As the court noted, “[t]here is no good reason to distinguish the use of offsite ACEs to mitigate the loss of agricultural lands from the offsite preservation of habitats for endangered species, an accepted means of mitigating impacts on biological resources.” *Id.* at 238-39.

Here, because the RDEIR admits the Plan will have significant impacts on agricultural lands, it must take the next step and design appropriate mitigation. In California, agricultural easements are crucial: they can help maintain a critical mass of agricultural land and stave off some of the financial pressures to convert that land.

Because courts and other agencies have recognized the feasibility of this type of mitigation, the County must impose it as a condition on this Project if it goes forward.

Finally, it will be important that the agricultural preservation strategy developed by the Farmland Protection and Stewardship Committee include a comprehensive study of the varying roles that agricultural lands play throughout the County. For example, agricultural preservation in the western portion of the County, especially in highly sensitive locations such as the San Jacinto Wildlife Area, is highly valued because agricultural uses also protect crucial open space and important biological resources. In other locations, such as east County, it may make sense to allow some comparatively non-intensive uses (such as photovoltaic solar farms) to be developed on agricultural lands in order to preserve and protect sensitive habitats. This is the precise type of land use planning exercise that must be undertaken to ensure that valuable Farmland is not lost, biological resources are protected, and only appropriate development is allowed. We again encourage the County to expeditiously appoint the Farmland Protection and Stewardship Committee so that they can explore these critically important issues.

5. The RDEIR Fails to Adequately Evaluate the Environmental Implications from Planned Changes to the San Jacinto River.

The San Jacinto River flows westward from Lake Hemet in the San Jacinto Mountains, through Canyon Lake, and then to Lake Elsinore. Lakeview/Nuevo Area Plan (“LNAP”) at 7. The River, a semi-natural (partially channelized with earthen berms) watercourse, is normally dry; it poses flood threats to developments within the floodplain only during storms of long duration. LNAP at 7 and RDEIR at 4.11-7.

The River is characterized by expansive overflow areas, including the Mystic Lake area. RDEIR at 4.11-6. These overflow areas are either vacant or in agricultural use, providing an important corridor for species migration and habitat preservation. *Id.*; LNAP at 5; Harvest Valley/Winchester Area Plan at 5. The River is also a major riparian corridor containing many native endemic species, which thrive on the habitat this river provides. Mead Valley Area Plan at 47. According to the Sierra Club, the River’s floodplain provides habitat for sensitive plant species, including the San Jacinto Valley Crownscale, an endangered plant that relies on the gentle spreading of the River’s flood waters and the floodplain’s Alkali Playa soils.¹⁸

¹⁸ http://www.fws.gov/carlsbad/SpeciesStatusList/5YR/20120817_5YR_ATCONO.pdf, accessed March 17, 2015.

The River is considered to have “a profound influence over the Planning Area’s land use patterns.” LNAP at 7. Recognizing the tremendous importance of the River and its adjacent lands, members of the public specifically requested that changes affecting the River be addressed in the context of one study area and not split amongst Area Plans. RDEIR at 2.0-8. We fully support this request. The River, its floodplains and riparian habitat constitute one hydrological system. By splitting the study of the River and its land uses among several Area Plans, it is not possible to ensure the integrity of the River’s hydrology as a whole. Sound urban planning principles dictate that the County conduct a single, comprehensive study analyzing how changes to the River and nearby land uses will affect the flood zone, the floodplain, and sensitive habitats.

Unfortunately, the RDEIR fails to provide *any* analysis of impacts to the River and its environs, let alone a comprehensive analysis. To gain even a limited sense of the importance of this hydrological system and the County’s ultimate plans for its modification and subsequent development, the reader must wade through various sections of the EIR, the proposed Plan, and numerous Area Plans.

For example, the Lakeview/Nuevo Area Plan (“LNAP”) confirms that the County contemplates widespread changes to the San Jacinto River. A channelization project, sponsored by property owners, is intended to significantly reduce the River’s flood threat and allow for the development of the broad valley through which the River flows. *Id.* at 7, 22.

The proposed Plan further discloses that the County intends to amend the River’s flood zone from 500-years to 100-years. Whereas the prior Plan mapped a 500-year flood hazard zones, the proposed Plan identifies only a 100-year flood hazard zone. *See* General Plan, S-28 and Figure S-9. Although neither the proposed Plan nor the RDEIR acknowledges the purpose of this change in flood zone designation, it is clear that the change would open up considerably more land for development. *See* LNAP Policy 5.1 at LNAP at 24: Requiring new developments to remain outside I00-year flood plain.

Neither the proposed Plan nor the RDEIR discloses the nature or extent of the land use changes that will be facilitated by the channelization project and the change in the flood zone designation. The LNAP includes a cursory discussion of land uses near the River, but this information raises more questions than it answers. Tellingly, the document merely states that habitat lands that would serve as a corridor for wildlife movement, and that will be directly affected by the channelization project, have yet to be defined and that, “depending upon where these wildlife lands are identified, the underlying land use designations may change.” LNAP at 22.

Perhaps most alarming, the County proposes to process these future land use changes via a technical amendment. *Id.* Inasmuch as technical amendments are not discretionary actions, these future land use changes would likely occur outside the public's view and forego any environmental review. Thus, rather than actually plan for this location -- taking the river, its hydrology and adjacent sensitive resources into account --, the County proposes to defer this important land use planning exercise until *after* the Plan is approved and in a manner that is all but certain to avoid public review and participation.

The County's refusal to grapple with this issue is particularly troubling as this type of land use planning and its associated environmental investigation is the very purpose of a general plan. Clearly the County had intended to conduct an in-depth analysis, as the Notice of Preparation for the Plan EIR states that the San Jacinto River area will be examined to determine if the Plan's policies continue to appropriately address potential intensification of the area in light of growth pressures and floodplain management plans. RDEIR, Volume 2: Technical Appendices, Part 1, page 13 ("If deemed appropriate, plans will be developed or modified to ensure that any future development of the area is accommodated in a coordinated manner in appropriate locations with suitable consideration given to environmental resources, flood hazards and other constraints affecting the region.")

While the County clearly "deems appropriate" some level of development within the River's valley, it recognizes that it cannot *approve* such land uses until the necessary environmental investigation is undertaken. The fact that the County intends to defer this critical land use and environmental planning exercise until after the Plan is approved makes a mockery of the General Plan process. Certainly the County could describe its grand vision for the River and its environs *now* and conduct proper environmental review. The public deserves this information, and CEQA requires it.

6. The RDEIR Fails to Adequately Analyze or Mitigate the Risks Resulting from the Introduction of Development into the County's Wildlands.

As the past several years have demonstrated, wildfires dramatically alter the environment in California, pose a tremendous risk of injury and death, and cause billions of dollars of damage to buildings and infrastructure. Within California, ten of the 20 largest wildland fires on record have occurred in the last decade alone. RDEIR at 4.13-28. Since 2000, the total annual average acres burned is nearly twice that burned in the pre-2000 period. *Id.* And the threat of wildfire is only increasing: warmer temperatures

associated with climate change will increase the frequency of large wildfires by drying out vegetation and increasing the winds that throw embers.

Wildland fires are, of course, a serious and growing hazard in Riverside County. Many factors contribute to this hazard including extended droughts, insect predation which increase dead and dying vegetation, and many days of low humidity. RDEIR at 4.13-2, 3, 28. Because of dry vegetation and recurring Santa Ana winds, the fire danger for the County is considered extremely high during 25% of each year, throughout the months of August, September and October. *Id.* Additionally, CalFire and the US Forest Service are now referring to wildfire risk as a year-round issue.

The environmental destruction wrought by wildfires is exacerbated by development in the Wildland-Urban Interface (“WUI”), which unwisely places people and structures directly in the line of fire. More and more people are living in the WUI, which poses the most danger for wildfire conditions because of the complex mix of fuels (vegetation), topography (hills), accessibility (roads) and structures (homes). In some parts of the County, fire danger is worsened significantly by steep, rugged topography, which allows wildland fire to spread quickly and makes it more difficult to fight. RDEIR at 4.13-3. This mixture creates the perfect situation for a serious threat to the safety of both the public and firefighters as well as the County’s natural lands. RDEIR at 4.13-2.

Because of this extreme risk, one would expect that the RDEIR would thoroughly describe the history of wildfires in the County, examine the potential for the proposed Plan to exacerbate these hazardous conditions and, identify comprehensive measures to reduce this risk. Indeed, in 2012 the Legislature emphasized the importance of analyzing the risks of wildfire to development and modified CEQA to require more stringent analysis of this issue. Pub. Res. Code § 21083.01. Unfortunately, the RDEIR does not undertake these necessary tasks or take the Legislature’s direction seriously.

(a) The RDEIR Fails to Adequately Describe the Existing Wildfire Conditions in the County.

CEQA requires an EIR to include a description of the physical conditions in the vicinity of the project from both a local and a regional perspective. “Knowledge of the regional setting is critical to the assessment of environmental impacts.” CEQA Guidelines at 15125(a) and (c). Here, the RDEIR omits the critical information required to understand the severity and extent of the wildfire risk that would occur upon implementation of the proposed Plan.

At a minimum, the RDEIR should have addressed the following questions pertaining to the County's recent wildfire history:

- What exactly is the County's rank in CalFire's list of "Wildfire Activity Statistics"?
- How many major wildland fires have occurred in the County within the last decade? How many civilian deaths, civilian injuries and firefighter deaths have occurred? How many structures were lost? How many acres of land were consumed? What was the financial cost of these fires?
- Was there adequate fire response for these wildland fire events? Were additional fire fighters recruited from across or outside the State? What was County's standard response time for wildland events? Was there sufficient water to fight the wildland fires?
- How many people in the County currently have homes and businesses in the County's wildland areas?
- Which locations within the wildland areas are considered to have inadequate access and evacuation options? Inadequate access (e.g. long roads with a single access point, roads over steep grades, improper road surfaces, and/or narrow roads) significantly contributes to the inability to effectively evacuate residents during a disaster and provide necessary emergency access for fire, ambulance, or law enforcement personnel.
- What percentage of the County's lands (i.e., conifer forests) that historically experienced frequent but low-intensity surface fires, are now predisposed to high-intensity, high-severity crown fires (because of the greater infrequency of fires due to greater fire suppression efforts)? Does the County have a controlled burn program? What is the status of funding for this program?

These are just a few of the questions that require answers so that the EIR preparers are able to evaluate the severity of the risk associated with the intensification of land uses within the County's wildlands. We request responses to these answers be included in the revised EIR or the FEIR.

(b) The RDEIR Fails to Conduct an Adequate Impact Analysis.

The RDEIR's analysis of wildfire risk (Impact 4.13.H) never discloses the amount of changed land uses that would be introduced into the County's wildlands. However, another section of the EIR provides this information, and it is alarming. Buildout of the proposed Plan would result in the introduction of approximately 16,230 acres of "wildland" uses (20-acre-plus lots), roughly 8,100 homes. RDEIR at 4.13-78. It would also result in roughly 35,000 additional acres of "rural" lands (i.e., homes on 5- to 20-acre lots) throughout Riverside County and another 10,200 acres of "interface" lands on lots of one to five acres in size. The "interface" total represents *a twenty-fold increase in the amount of people and property that would be at risk for WUI fires*. *Id.* Total build out of the updated General Plan would increase the amount of residential developed land within unincorporated Riverside County by just over 62,000 acres. *Id.* at Table 4.13-M at page 4.13-77.

Despite this massive increase in the number of people and the amount of property that would be put at risk for WUI fires, the RDEIR never discloses the actual hazard to people and property resulting from this encroachments into wildlands. The RDEIR fails, for example, to evaluate how specific wildland locations proposed for development would fare under wildfire conditions. Locational constraints such as topography, fuel loads, and access to water obviously vary tremendously in the County's wildlands. The RDEIR makes no attempt to identify those locations that should be restricted from development and those that could accommodate development based on these constraints. Other jurisdictions employ modeling tools that evaluate constraints to development. For example, San Diego County employs Fire Behavior Modeling which evaluates a worst-case scenario wildland fire based on site topography, fuel loads, atmospheric conditions and fire intensity. *See e.g.*, San Diego County Guidelines for Determining Significance Wildland Fire and Fire Protection at 9, attached as Exhibit Q. Had this RDEIR employed such a tool, it would have been able to identify the wildland locations at the most risk of wildland fire and compared them to development levels contemplated by the proposed Plan.

Another important consideration in evaluating the risks associated with wildland development is the adequacy of emergency access and emergency response. Here too, the RDEIR misses the mark entirely. Rather than evaluate the status of emergency access and response throughout the wildlands proposed for development, it simply concludes that any impacts from the proposed Plan would be *beneficial*. RDEIR at 4.13-89 (emphasis added). The RDEIR arrives at this absurd conclusion because it compares development levels contemplated by the proposed Plan to those allowed under the

existing General Plan. *Id.* Comparing the proposed Plan’s impacts to those that would occur under the existing General Plan is considered a “plan-to-plan” analysis, an approach CEQA prohibits. *CBD v. SCAQMD*, 158 Cal.App.4th at 1353. By conducting this plan-to-plan analysis, the RDEIR gives the public and decisionmakers the mistaken impression that the emergency access and emergency response would be adequate. *Id.* At 4.13-90,91. In fact, this is not the case. Allowing more than 62,000 acres of residential development in the County’s wildlands is all but certain to adversely affect emergency access and response. The revised EIR must provide an analysis of this impact.

Notwithstanding this deficient impact analysis, the RDEIR asserts that compliance with existing regulations and General Plan policies would be sufficient to ensure that impacts relating to wildfire hazards and emergency response are less than significant. *Id.* at 4.13-91, 92. The RDEIR lacks any evidentiary support for this assertion. Indeed, a review of the regulations and policies identified in the RDEIR reveals that although certain measures may help to minimize the potential for wildland fires, they in no way eliminate the risk to public safety. For example, Ordinance No. 695 requires the abatement of “hazardous vegetation” and provides the County the *ability* to require development applicants to pay established fire protection mitigation fees that are to be used by the Riverside County Fire Department to construct new fire protection facilities. *Id.* at 4.13-50 (emphasis added). Even if the removal of hazardous vegetation and the construction of new fire protection facilities would somehow protect new development from conflagration—which has not been sufficiently demonstrated in the EIR—nothing can guarantee the safety of the County’s residents.

Likewise, the proposed General Plan policies calling for such actions as meeting building safety codes (Policy S 5.1 b and c), the provision of defensible space (Policy S 5.1f), and mapping Fire Hazard Zones (Policy S 5-17) (RDEIR at 4.13-66 – 69), provide no evidence that they will be sufficient to protect County residents and property from wildfire hazards. The RDEIR identifies certain potentially strong Plan policies such as Policy S 5.4, calling for “limiting or prohibiting development in areas lacking water and access roads” but because they are voluntary they are entirely unenforceable. The policies should be modified to make them clear and enforceable. For example, Policy S 5.6 should be modified as follows (additions underlined; deletions indicated with ~~strikeout~~): “All proposed developments must d~~Demonstrate that the proposed development can provide fire services that meet compliance with~~ the minimum travel times identified in Riverside County Fire Department Fire Protection and EMS Strategic Master Plan.” *See* RDEIR at 4.13-68.

The EIR must be revised to include mitigation measures, alternatives, and/or revised General Plan policies that are sufficient to reduce impacts relating to wildland fire hazard to less than significant levels. For example, the Added Community Centers Alternative would significantly reduce the risks related to wildfire and other hazards, yet the County erroneously dismisses this superior alternative as having more significant impacts than the proposed Plan.

In addition to the issues identified above regarding emergency access and response capability, the EIR must also analyze emergency evacuation standards and provide policies that ensure that evacuation will not be compromised in the event of fires. Certainly the County could consider mechanisms such as land use restrictions. In fact, the RDEIR states that fire hazards are addressed through various mechanisms including land use restrictions. RDEIR at 4.13-1. Such restrictions, especially in locations with inadequate emergency access, are necessary to protect residents and property but we can find no evidence that the County has even considered such an approach to mitigating wildfire impacts.

In sum, the wildfire risks associated with development in the County's wildlands warrant comprehensive scrutiny. The RDEIR's superficial treatment of this issue is a fatal flaw requiring recirculation.

7. The RDEIR's Transportation Impacts Mitigation Is Faulty.

The RDEIR analyzes the Plan's transportation impacts and proposes mitigation to lessen some of the significant transportation-related impacts of the Plan. However, it fails to adopt mitigation for all potentially significant impacts, stating that some

roadways listed fall outside the jurisdiction of Riverside County (i.e. State of California and cities). These roadways similarly have impacts which require mitigation measures. However since these roadways are not within the jurisdiction of Riverside County, the impacts may potentially remain significant unless improved by others to standards that are higher than those modeled.

RDEIR at 4.18-91. The RDEIR may not identify potentially significant impacts and then abdicate all responsibility for imposing mitigation merely because other agencies may have jurisdiction over some of the potential mitigation measures. It is the County's General Plan that will cause impacts to other jurisdictions' roadways, so it is the County's responsibility to find ways to mitigate these impacts, even if it requires the cooperation of the other jurisdictions. Lead agencies may adopt mitigation that relies on

other agencies' cooperation, but may only rely on this mitigation to reduce impacts if there is substantial evidence that the other agency will actually carry out the mitigation. For example, in *Neighbors for Smart Rail v. Exposition Metro Line* (2013) 57 Cal.4th 439, 465-66, a regional transportation agency adopted mitigation to address parking impacts caused by the expansion of transit facilities. While the agency did not have jurisdiction to institute restrictions on street parking, it nonetheless adopted mitigation under which it was "required to monitor parking in the potentially affected neighborhoods, to pay for a residential permit parking program where station spillover has resulted in a street parking shortage, and to assist in developing other measures where a residential permit program is inappropriate." *Id.* (emphasis in original). At the least, the County here must find that other agencies "can and should" adopt mitigation, and must adopt measures to support other agencies' efforts to carry out this mitigation. See Pub. Res. Code § 21081(a)(2); CEQA Guidelines § 15091(a)(2).

Additionally, the County can and must mitigate traffic impacts by taking actions over which it *does* have jurisdiction. For example, the County certainly has the authority to plan for higher-density, more compact, mixed land use patterns that reduce dependency on automobiles. More compact developments designed to be walkable and accessible to regional transit can greatly reduce vehicle miles traveled ("VMT"). The County could also increase its investment in public transit or require developers to mitigate transportation impacts by funding transit capital and operations instead of intersection or roadway improvements. Studies demonstrate that integrated smart growth programs that result in community design similar to what developed prior to 1950 can reduce vehicle ownership and travel by 20-40%, and significantly increase walking, cycling and public transit; the results are even more impressive if such programs are integrated with other policy changes such as increased investments in public transportation. See Land Use Impacts on Transportation, Victoria Transport Policy Institute, January 15, 2015, attached as Exhibit V. The RDEIR clearly acknowledges that land uses that are spread throughout a community increase the number and length of motor vehicle trips. RDEIR at 4.16-13. Inasmuch as the Plan will increase VMT by a staggering 352%, the County must consider opportunities to promote compact development and increase its commitment to alternative modes of transportation.

The County could also institute policies to manage travel demand, institute parking pricing in certain areas to discourage driving, create financial and bureaucratic incentives for transit-oriented developments, and more. The County's failure to even consider other types of mitigation for the Plan's impacts on other jurisdictions' roads is a fatal flaw.

8. The RDEIR Fails to Address the Ecological Disaster at the Salton Sea.

The General Plan refers to the Salton Sea as a “thriving water, recreation, and environmental resource.” GPA Volume 1, pdf page 58. Unfortunately, nothing could be further from the truth. The deterioration of the Salton Sea is already wreaking havoc on the environment and greater threats are in store. This crisis should be front and center in the proposed General Plan Update and the RDEIR, but it appears to be ignored altogether.

There are numerous reasons that the lake levels are dropping, including wastewater treatment and recycling and changes in agricultural irrigation practices.¹⁹²⁰ The diminishing water levels are causing severe environmental impacts. As the water recedes it exposes more ground to the air. Dust storms swirl, contaminating the air of areas such as Imperial Valley and Coachella Valley, which already experience some of the highest asthma rates in the state. *Id.* High salinity and fertilizer runoff regularly cause algae blooms which starve the lake of oxygen. This in turn results in numerous problems, including, for example, fish die-offs and its stench. One particularly egregious event occurred in 2012. Winds stirred decaying matter at the bottom of the lake and blew a rotten egg smell 150 miles across Southern California. *Id.* While the RDEIR includes a cursory discussion of air pollution levels in the Salton Sea Air Basin (at 4.6-6, 12), it ignores altogether the air quality threats that will continue to occur as a result of the proposed General Plan.

Further declines in the lake level will result in a significant habitat loss for fish, wildlife and more than 400 species of birds—many that migrate to this Pacific Flyway stop. *Id.* The RDEIR acknowledges the contribution that the Salton Sea makes to biodiversity through its marshes, mudflats and other wetland habitats (at 4.8-13), yet it never mentions the lake’s current condition, the expectation of its continued decline, or the County’s land use practices that may be contributing to this problem. This results in an unlawful failure to accurately describe existing conditions (Guidelines § 15125), and a failure to provide analysis of how the General Plan will impact this resource. To the

¹⁹ See Water Official Hear Predictions of Looming Crisis at Salton Sea, Los Angeles Times, March 18, 2015, available at <http://www.latimes.com/local/lanow/la-me-ln-salton-sea-20150318-story.html>; accessed March 27, 2015..

²⁰ See Salton Sea Struggles to Survive, Orange County Register, March 5, 2015 available at <http://www.ocregister.com/articles/sea-645924-lake-water.html>; accessed March 27, 2015.

extent the General Plan allows continued development near the Sea, yet fails to take action to prevent the Sea's decline and potential environmental, it fails to adequately analyze the Plan's impacts, as required by CEQA.

We can find no plausible explanation for the County to not address this crisis in the draft General Plan. Certainly the County could play an important role in promoting environmentally sustainable wastewater treatment and recycling practices. It could also revise its agricultural irrigation goals, policies and programs to reduce this ongoing threat to the Salton Sea. The County could also work together with the state and neighboring counties to develop a plan for restoration. This General Plan Update is the appropriate forum for undertaking these critical actions.

D. The RDEIR's Analysis of Alternatives to the Proposed Plan Is Inadequate.

As discussed above, this General Plan will determine the shape of growth in Riverside County for decades to come. Determining which policies become a part of the Plan is likely to be one of the most important decisions the County Board of Supervisors will make. It is thus crucially important that the decisionmakers and the public have all of the available information before them.

This RDEIR, of course, is the main source of that information. And at the "core of an EIR" lies the analysis of alternatives. *Citizens of Goleta Valley v. Bd. of Supervisors*, (1990) 52 Cal.3d 553, 564. "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials." *Laurel Heights I*, 47 Cal.3d at 404. An EIR therefore must analyze a reasonable range of alternatives to the proposed project. *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. A reasonable alternative is one that would feasibly attain most of the project's basic objectives while avoiding or substantially lessening the project's significant impacts. *See* Pub. Resources Code § 21100(b)(4); CEQA Guidelines § 15126.6(a).

The RDEIR does not comply with CEQA's standards for alternatives. First, it improperly characterizes an alternative in which future growth is directed toward cities as

a “no-project” alternative.²¹ This alternative assumes that no new development would be approved within the unincorporated areas of the County and that the incorporated cities would continue to grow pursuant to their individual general plans. RDEIR at 6.0-08, 10.

More troubling, the RDEIR appears to have crafted this city-centered alternative in a manner that would ensure its rejection. Because the alternative “posits no growth and no development” whatsoever, the County concludes that this “straw-man” option does not achieve the Project objectives *Id.* at 6.0-23, 24. Yet, the RDEIR could have included a more workable city-centered alternative in which future growth is directed to areas inside, or *immediately adjacent to*, the boundaries of the County’s incorporated cities. The County’s failure to analyze such an option violated CEQA.

Policies in the County’s proposed (and existing) Plan indicate that such a city-centered alternative would have been feasible. For example:

- LU 2.1.e: “*Concentrate growth near or within existing urban and suburban areas to maintain the rural and open space character of Riverside County to the greatest extent possible.*” RDEIR at 4.6-20;
- AQ 8.8: “*Promote land use patterns which reduce the number and length of motor vehicle trips.*” *Id.* at 4.6-25;
- AQ 20.9: “*Reduce urban sprawl in order to minimize energy costs associated with infrastructure construction and transmission to distant locations, and to maximize protection of open space.*” *Id.* at 4.6-32;
- AQ 23.1.a: “*Reduce vehicle miles traveled (VMT) through increased densities in urban centers and emphasis on mixed use to provide localized residential, commercial and employment opportunities in closer proximity to each other.*” *Id.* at 4.6-35;
- AQ 23.1. b: “*Prevent urban sprawl in order to minimize energy costs associated with infrastructure construction and transmission to distant locations and to maximize protection of open space, particularly forests, which provide carbon sequestration potential.*” *Id.*

²¹ The RDEIR includes a second “no-project” alternative that assumes the proposed Plan is not adopted and that the existing General Plan remains the guiding document dictating future growth within unincorporated Riverside County. RDEIR at 1.0-15.

Importantly, a city-centered alternative would address many of the environmental impacts of the proposed Plan. For example, it would reduce the Plan's substantial increase in VMT. If housing is concentrated in denser areas, people will drive less because they will be closer to jobs and services and because good transit systems are easier to develop and maintain under such circumstances. The RDEIR itself recognizes this logic when it states:

land uses that are spread throughout a community increase the number and length of motor vehicle trips and associated air pollutant emissions. This is due to the relatively few opportunities to walk, ride bicycles and use public transportation between such uses as homes and work or shopping. Compact communities often mix residential uses with or near commercial, business and employment uses, thereby reducing dependence on motor vehicles and reducing necessary vehicle trips. Smaller, higher density uses also produce less air emissions from natural gas on a per-unit basis.
RDEIR at 4.6-13 and 14.

The city-centered alternative thus would reduce criteria, air toxic and GHG emissions. It would also protect the County's agricultural resources, result in more efficient infrastructure and public services, ease the demand on the region's water supplies and greatly reduce the risk of wildland fire.

Given the RDEIR's recognition of these impacts, it is baffling that the County did not include a workable alternative that focused future growth within or adjacent to incorporated cities. There is likely more than enough room in these urban areas to accommodate the growth projected by the County. Because the County failed to evaluate such an option, it violated CEQA. CEQA Guidelines § 15126.6(b); *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 884-85 (agency failed to demonstrate that a suggested alternative was infeasible).

Additionally, the RDEIR rejects a "community centers" alternative on confusing and apparently unsupported grounds. This alternative would create a more concentrated pattern of development and would reduce the overall size of the development footprint within unincorporated Riverside County by a million acres, while increasing overall residential density. RDEIR at 1.0-20—21. The RDEIR acknowledges that the alternative would reduce some impacts due to its more efficient use of land. However, it states that the alternative would only substantially lessen only one of the Plan's significant impacts, related to farmland, while having similar or worse impacts on air

quality, growth inducement, greenhouse gas emissions and traffic. *Id.*; RDEIR at 6.0-5, 64. These counterintuitive conclusions are not supported by the record.

The EIR acknowledges that:

increasing the density/intensity of an urban core can actually result in decreased traffic, noise and air pollution in some locations (particularly outlying areas) because compact development can create shorter commutes for shoppers, workers and others. Also, increased densities, and in particular, mixed use developments, can foster more walkable communities in which pedestrian and bicycle travel supplants vehicle trips for short distances, further reducing traffic and its attendant impacts

The EIR's conclusion that, despite the obvious benefits of denser development, the community centers alternative would result in greater impacts to, for example, GHG emissions, is based on the fact that this alternative is not actually equivalent to the Plan. Instead of providing the same number of new units, residents and jobs as the Plan, this alternative "would yield an increase of nearly 7,000 dwelling units and over 90,000 jobs, plus a population increase of roughly 12,600 people as compared to build out under the General Plan as amended per the project." RDEIR at 6.0-64. Thus, the EIR does not compare apples to apples. Instead, while creating an alternative that *should* have obvious and significant environmental benefits, it sets the option up to fail. Thus, the County concludes that as a result of the "density and intensity increases within the added Community Centers . . . , this alternative would have increased population-driven impacts due to the roughly 12,600 additional people and 90,000-plus jobs added" RDEIR at 6.0-65. It is only because of the differing baseline assumptions that the EIR finds the alternative's impacts to air quality, noise, water, and other resources would be greater than the Plan's impacts. *Id.*

In addition, the EIR is inconsistent in describing the alternative's impacts in relation to the Plan's impacts. It states in one place that the only impact significantly reduced by the alternative would be to farmland. RDEIR at 1.0-20—21. However, elsewhere it describes how, "[c]ompared to the project [] this alternative would result in a substantial reduction in the extent of biological impacts due to the million-plus acre reduction in the overall size of the development footprint." RDEIR at 6.0-66. Similarly, it describes how "this alternative would also provide a substantial reduction in cumulative wildfire risks and, hence, demands on fire protection services." *Id.* Thus, the first statement—that the only impact significantly reduced by the alternative would relate to farmland—appears to be incorrect.

Many of the EIR's other conclusions are confusing or unsupported by any evidence. For example, the EIR states that the alternative would cause VMT to increase by more than 50 % (RDEIR at 6.0-66), despite the fact that the alternative would create more transit-friendly urban cores and only calls for a 1 % increase in population and 16 % increase in jobs (as compared to the Plan) (RDEIR at 6.0-71). The RDEIR must explain these seemingly bizarre conclusions.

Likewise, the EIR is simply contradictory in places. It states that the alternative would increase VMT by more than 50 %, yet it also describes how the alternative's denser developments would "further the VMT reduction goals established by SCAG," thereby furthering the GHG reduction goals of AB 32. RDEIR at 6.0-67. These inconsistent statements highlight the County's error in creating an alternative that calls for a substantially different number of people, homes and jobs than the Plan. The EIR cannot accurately compare the alternative with the Plan because of these differences. At the least, the EIR should use different metrics to compare GHG emissions and VMT. For example, it should use a per capita measure of GHG emissions or energy usage, which would capture the benefits of the alternative instead of incorrectly portraying the alternative as less environmentally friendly than the Plan. *See* RDEIR at 6.0-68 (acknowledging that EIR would result in more efficient use of energy).

In reality, the community centers alternative presents an environmentally superior alternative to the Plan. The RDEIR concludes otherwise only by erroneously failing to compare apples to apples and by presenting a skewed and contradictory analysis. Planning for more dense development that would spare a million acres of rural County land from being developed would clearly have fewer impacts on energy, agriculture, biological resources, GHG emissions, and many other areas. The EIR is legally defective for failing to present an adequate analysis of alternatives that properly compares the alternative to the Plan and that fails to support its analysis with substantial evidence. *See* Guidelines § 15126.6(d).

IV. The General Plan Update and the Court Order in *Friends of the Northern San Jacinto Valley v. County of Riverside*.

A. The Riverside County Superior Court Previously Ordered the County to Set Aside Approvals Related to the Villages of Lakeview Project.

On March 23, 2010, the County approved a large development project called Villages of Lakeview. Sierra Club, Friends of the Northern San Jacinto Valley, the Center for Biological Diversity and the City of Riverside sued the County, challenging the County's approval on the grounds that the County failed to conduct adequate

environment review of the project and that the project violated the County's General Plan. The Riverside County Superior Court ruled in favor of petitioners on nearly all claims. *See* Statement of Decision, attached as Exhibit E. Specifically, the court found that the County's environmental review failed to comply with CEQA in the following respects:

- The EIR failed to adequately evaluate GHG impacts because it compared the project's GHG emissions to an unreasonable, hypothetical situation rather than to existing conditions, as required by CEQA. It also failed to adequately evaluate possible mitigation of GHG impacts. *Id.* at 1-4.
- The Final EIR added substantial new information revealing that the project would cause a hundred million more miles of driving than previously disclosed, which would cause a huge increase in air pollution. The County unlawfully failed to recirculate the document after making this new disclosure. *Id.* at 4-5.
- The EIR did not adequately analyze the project's impacts on air quality and related health impacts. Specifically, the EIR made only general references to respiratory and pulmonary conditions and cancer health risks rather than providing adequate information and analysis as to the specific impacts on the general population versus sensitive receptors, or as to the degree of impacts and the specific effects on the public's health. *Id.* at 5-6.
- The EIR failed to conduct an adequate review of the project's impacts on regional traffic, and it ignored impacts of project-related traffic on nearby freeways. *Id.* at 6-7.
- The EIR did not adequately address concerns raised with respect to the project's inconsistency with a Habitat Conservation Plan. *Id.* at 9-11.
- The EIR failed to adequately address the project's growth-inducing impacts. *Id.* at 11.

On July 11, 2012, the court issued a peremptory writ of mandate ordering the County to set aside all approvals related to the project and stating that the County "shall refrain from approving these same *or new approvals relating to or implementing the Villages of Lakeview Project ("Project") until such time as the County fully complies with CEQA and State Planning and Zoning Law.*" Peremptory Writ of Mandate, attached as Exhibit R (emphasis added).

B. The Proposed General Plan Update Constitutes an Approval Relating to or Implementing the Villages of Lakeview Project.

The Draft Lakeview/Nuevo Area Plan encompasses the site of the previously proposed Villages of Lakeview project. When this draft Area Plan was first shown to the public along with the DEIR, it contained a Lakeview Mountains Policy Area that precisely overlapped with the previously-proposed Villages of Lakeview project, as demonstrated in Sierra Club's DEIR comment letter. As described in that prior comment letter, the policy area was intended specifically to promote the Villages of Lakeview project and as such, would constitute a "new approval[] relating to or implementing the Villages of Lakeview Project." Accordingly, the County needed to comply with the Riverside County Superior Court's Order before it may approve a General Plan Update that includes the Lakeview Mountains Policy Area or any other action that relates to or implements the Villages of Lakeview Project.

When it revised the DEIR, the County also revised the Area Plan by deleting the Lakeview Mountains Policy Area. *See* RDEIR at 3.0-16. Sierra Club agrees that this deletion is necessary and proper. As Sierra Club explained in its DEIR letter, the County's General Plan EIR does not provide the necessary CEQA review to allow the County to approve any policy area, area plan or other entitlement that relates to or implements the Villages of Lakeview Project; specifically, it does not correct the many legal deficiencies identified by the court in the Villages of Lakeview litigation. Please confirm that the County believes the General Plan Update and related EIR do not constitute an approval relating to or implementing the Villages of Lakeview Project.

C. The County Should Modify a Proposed Change to the General Plan's Certainty System.

The General Plan's Administrative Chapter describes a certainty system that allows amendment of certain Foundation Elements only during comprehensive General Plan updates or in extraordinary circumstances. It then lists certain findings that the Board must make in order to justify extraordinary amendments. Specifically, the Board must make two mandatory findings and one or more other findings. *See* General Plan at A-13, 14.

The General Plan update adds a new, optional finding: "i. All land use conversions from the Rural Community to Community Development Foundation Component within the City Sphere of Influence Area should be consistent with the policies outlined in the Land Use Element of Chapter 3." While Sierra Club does not object to this addition, it should not be added as simply one of the optional findings. The other optional findings

Kristi Lovelady
March 30, 2015
Page 63

(b – h) require a showing of necessity for the extraordinary amendment, whereas this one does not require any showing of necessity; it simply requires conformity with Land Use policies. If the County wishes to add this requirement, it should add it separately for all extraordinary amendments, and should not allow projects to use this finding *instead* of any of the findings in b – h. Doing so would significantly weaken the intent of the certainty system and need to justify extraordinary amendments.

V. The RDEIR Must Be Revised and Recirculated.

CEQA requires recirculation of an EIR when significant new information is added to the document after notice and opportunity for public review was provided. Pub. Resources Code § 21092.1; CEQA Guidelines § 15088.5. *Laurel Heights Improvements Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130 .

As this letter explains, the RDEIR must be redrafted in ways that require extensive new information and analysis. This analysis will likely result in the identification of new, substantial environmental impacts or substantial increases in the severity of significant environmental impacts. Consequently, the County must again revise and recirculate the EIR for public review and comment.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Rachel B. Hooper
Laurel L. Impett, AICP, Urban Planner
Erin Chalmers

cc: George Hague

List of
Exhibits

Exhibit A List of Area Plan Issues

Exhibit B California Air Resources Board, Climate Change Scoping Plan (2008)

- Exhibit C Letter from Attorney General to San Joaquin Valley Air Pollution Control District re: Final Draft Staff Report on Greenhouse Gas Emissions Under CEQA (Nov. 4, 2009)
- Exhibit D Final Statement of Reasons for Regulatory Action on the Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97
- Exhibit E *Friends of the Northern San Jacinto Valley v. County of Riverside*, Statement of Decision
- Exhibit F CAPCOA, CEQA & Climate Change, January 2008
- Exhibit G Submitted with this firm's letter on the DEIR
- Exhibit H Renewable Siting Criteria for California Desert Conservation Area
- Exhibit I Press-Enterprise Articles, Air Quality in Riverside County
- Exhibit J List of studies documenting the effects of air pollution on health
- Exhibit K Marin Countywide General Plan Update EIR, Air Quality Analysis, November 2007
- Exhibit L SCAG 2012-2035 RTP/SCS Health Analysis, December 2011
- Exhibit M USC News, "New Concerns Raised About Air Pollution at LAX," May 30, 2014
- Exhibit N County of Los Angeles Public Health, Air Quality Recommendations for Local Jurisdictions
- Exhibit O Press-Enterprise Article, Jurupa Valley
- Exhibit P LEED 2009 for Neighborhood Development
- Exhibit Q San Diego County Guidelines for Determining Significance Wildland Fire and Fire Protection
- Exhibit R Peremptory Writ of Mandate, *Friends of the Northern San Joaquin Valley, et al. v. County of Riverside, et al.*
- Exhibit S Submitted with this firm's letter on the DEIR
- Exhibit T Measuring Sprawl 2014, Smart Growth America, April 2014

Kristi Lovelady
March 30, 2015
Page 65

- Exhibit U Humboldt County General Plan Update Health Impact Assessment, March 2008
- Exhibit V Land Use Impacts on Transportation, Victoria Transport Policy Institute, January 15, 2015
- Exhibit W WRCOG Subregional Climate Action Plan, Final Draft, May 2014
- Exhibit X USDA Agricultural Census, 2012
- Exhibit Y Efficient Use of Land to Meet Sustainable Energy Needs, Rebecca R. Hernandez et. al., Nature Climate Change, March 16, 2015

664444.5

Comment Letter No. 37: Ballmer, Greg

- Comment 37.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 37.2** This comment is duly noted. The County will consider these suggestions during Project deliberations. Refer to Comment Letter 33 for specific responses to the attached letter from Shute, Mihaly, and Weinberger. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis.
- Comment 37.3** The commenter incorrectly states that the County proposed policies that reflect a Business as Usual Approach. These statements are unfounded, as the County has made extensive efforts to reduce consumption of local resources through the implementation of policies and mitigation measures. These policies and mitigation measures include reduction of impacts to resources including more stringent air quality and GHG emissions (Climate Action Plan), reduced water use (Ordinance 859: Water Efficient Landscape Ordinance, OS 1.1-1.4), centralization of development (LU 3.4, LU 5.3, LU 9.1-9.7) as well as many others. This comment is duly noted. The County will consider these suggestions during Project deliberations. For further discussion, refer to Comment Letter 33 for specific responses to the attached letter from Shute, Mihaly, and Weinberger. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis.
- Comment 37.4** Refer to comment 37.3 above. The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis.
- Comment 37.5** The County appreciates and values your comments during the General Plan Update and EIR process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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(Name and address)
March 24, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211



Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

38.1

I also have a concern about the statement, “Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.”, in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

38.2

Sincerely,

John Baranek

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Comment Letter No. 38: Baranek, John

Comment 38.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 38.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: PhylBrumfield@aol.com
Sent: Thursday, March 26, 2015 8:38 PM
To: Lovelady, Kristi
Subject: REINHARDT CANYON - GENERAL PLAN 960

Kristi:

As a resident of Four Seasons, please be advised that this email is to notify you that I am expressing my support for 5/10 acre lots in the Canyon. [39.1

Thank you for all that you are doing in supporting this amendment.

Phyllis Brumfield
615 Olazabal Drive
Hemet, CA 92545

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APR 02 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

[39.2

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Comment Letter No. 39: Brumfield, Phyllis

- Comment 39.1** The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 39.2** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. Responses to specific comments are provided above; no further response is required.

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Lovelady, Kristi

From: rbforcb@aol.com
Sent: Wednesday, March 25, 2015 4:37 PM
To: Lovelady, Kristi
Subject: I support the Amendment which calls for the 5/10 acre designation for Reinhardt Canyon. My wife also supports Amendment 960. Thank You Ross & Cathy Brunetto

40.1

Sent from Windows Mail

RECEIVED
MAR 26 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

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Comment Letter No. 40: Brunetto, Ross and Cathy

Comment 40.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Robert J. and Sharon A. Carow
615 Parnevik Dr.
Hemet, CA 92545



April 1, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

Dear Ms. Lovelady:

We support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

41.1

We also have concerns about the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots of at least one-half acre" in the San Jacinto Area Plans, Maze Stone on page 7. As far as we know, there are no approved subdivisions of one-half acre lots approved for Reinhardt Canyon.

41.2

Very Truly Yours,

Sharon A. Carow
Sharon A. Carow

Robert J. Carow
Robert J. Carow

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Comment Letter No. 41: Carow, Sharon A. and Robert J.

Comment 41.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 41.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Standard Portfolios LLC

RECEIVED
APR 06 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

VIA OVERNIGHT DELIVERY AND E-MAIL (klovelad@rctlma.org)

Kristi Lovelady, Principal Planner
County of Riverside Transportation and Land Management Agency
County Administrative Center
4080 Lemon Street, 12th Floor
Riverside, CA 92501

**Re: Standard Riverside's Comments on Draft General Plan Amendment No. 960
and Draft Environmental Impact Report No. 521**

Dear Ms. Lovelady:

Standard Riverside, LLC, (previously known as Standard Portfolios LLC) is the owner of approximately 317 acres generally located north east of Interstate 215 and west of Morton Road and known as the Gateway Center Specific Plan (Specific Plan No. 250). (APNs: 256-040-004-7, 256-040-009-2, 256-040-012-4, 256-040-013-5, 256-130-003-4, 256-140-015-6, 258-240-001-6, 258-240-002-7, 258-240-003-8, 258-240-004-9, 258-240-005-0, 258-240-006-1, 258-240-007-2 (the "Property").) Standard Portfolios is currently processing Specific Plan No. 250, Amendment No. 1.

42.1

Standard Riverside respectfully requests the following corrections to the recirculated General Plan Review Cycle Update documents, General Plan Amendment 960 ("Draft GPA 960") and Draft Environmental Impact Report 521 ("Draft EIR 521").

The Highgrove Area Plan indicates that the Moreno Valley to San Bernardino Community and Environmental Transportation Acceptability Process ("CETAP") corridor crosses the Property. (See, Highgrove Area Plan Figure 6, Circulation, p. 45.) However, the County has removed this CETAP corridor from the Property, and the San Bernardino Association of Governments has removed this corridor from further consideration. (See Exhibit A, attached.)

42.2

Additionally, Specific Plan No. 250 is listed in the Highgrove Area Plan Table 3 (Adopted Specific Plans in Highgrove Area Plan), but it is missing from Highgrove Area Plan Figure 4 (Overlays and Policy Areas). (Highgrove Area Plan, pp. 38, 23.)

We respectfully request corrections to the Draft GPA 960 and Draft EIR 521 to remove the CETAP corridor from the Property and to insert Specific Plan No. 250 in Figure 4 of the

42.3

Kristi Lovelady, Principal Planner
April 6, 2015
Page 2

Highgrove Area Plan. Please contact me if you have any questions, or if we may provide any additional information.

↑ 41.3
| CONT.

Sincerely,



Darren Chin
Civil Engineer/Project Manager

cc: Mr. Juan Perez, Riverside County Director of Transportation*
Mr. Steve Weiss, Riverside County Director of Planning*
Gregory Priamos, Esq., Riverside County Counsel*
Shellie Clack, Esq., Deputy County Counsel*

* (via email, w/Attachment)

EXHIBIT A

FIGURE 3

Paul Melocoton

RE: Moreno Valley to Redlands corridor

Hello Mr. Gardner, I sent the exhibit you attached to our planning department and they confirmed, from SANBAG's perspective, that the corridor to Redlands from Moreno Valley is no longer in consideration. The exhibit you have is outdated and is no longer valid.

I hope this response helps. Please don't hesitate to let me know if you have additional questions.

Thank you!

Paul Melocoton
SANBAG
(909) 884-8276

-----Original Message-----

From: Keith Gardner [<mailto:keithgardner@unsa.com>]
Sent: Wednesday, December 31, 2014 9:03 AM
To: Paul Melocoton
Subject: Moreno Valley to Redlands corridor

Mr. Melocoton,

Could you please send me whatever information that you may have on this project, and its status from SanBAG's perspective? I represent a property owner in Riverside County who is affected by the purple line designated as 'core facility'.

Keith Gardner
Keeler Const. Bldg.
(951) 533-2924

Comment Letter No. 42: Chin, Darren via Standard Portfolios, LLC

- Comment 42.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 42.2** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 42.3** This comment requests the removal of the Moreno Valley to San Bernardino County CETAP Corridor. As noted in the discussion of the CETAP Corridors on Page C-23 of GPA No. 960, the Moreno Valley to San Bernardino County CETAP Corridor is not actively being pursued at the present time. However, neither Riverside County Transportation Commission nor the San Bernardino Associated Governments have officially removed this Corridor from consideration. As such, the CETAP Corridor designation continues to be reflected in the County Circulation Plan, Figure C-1 (Circulation Plan). This corridor was not included in the buildout model network, and instead future roadway improvements in the area currently envision the four-lane widening of Pigeon Pass Road and Reche Canyon Road as stated in proposed revision to circulation Policy C 7.7.

“C 7.7 Support the analysis of the feasibility of ~~developing~~ Pigeon Pass Road and Reche Canyon Road as four-lane facilities to link the Moreno Valley area and San Bernardino County. ~~extension as part of the Moreno Valley to San Bernardino County CETAP Corridor.~~”

This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). (See Responses 14.13, 19.4, 29.19 and 30.5).

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Lovelady, Kristi

From: sid cohen <spc92585@gmail.com>
Sent: Wednesday, April 01, 2015 8:26 AM
To: Lovelady, Kristi
Subject: GPA960

My wife and myself thoroughly support the concept of the above named bill.
Thank you,
Dena & Sidney Cohen

43.1

RECEIVED
APR 02 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

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Comment Letter No. 43: Cohen, Dena and Sidney

Comment 43.1 This comment is duly noted. The County will consider these suggestions during Project deliberations. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: kcohen42@gmail.com
Sent: Tuesday, March 31, 2015 9:05 PM
To: Lovelady, Kristi
Subject: Reinhardt Canyon

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92211



Re: Pubic Review Comments for Draft EIR#521 and Draft GPA#960.

Dear Ms. Lovelady,

This letter represents my unequivocal support for the Land Use Change in the Draft EIR#521 and Draft GPA#960, which change the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR (5/10 acre sites). 44.1

Please also note, for the record, that I also have considerable concern about the statement shown on page seven of the San Jacinto Area Plan. That is, "Maze Stone: Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least on half acre." As far as I aware, there is no approved subdivision of one-half acre lots approved for Reinhardt Canyon. I would appreciate clarification regarding this statement. 44.2

Should you have any questions regarding this matter, please do not hesitate to contact me. As you are surely aware, over several years, there has been considerable effort on the part of speculator land developers to circumvent the concern for the health and safety of the large community of people affected by the Canyon development and in many instances have worked to obfuscate the facts with our public officials. We want to confirm our support once again for the Land Use Change that has been so vigorously supported by hundreds of our community members for that past several years, as well as by our Riverside County Board of Supervisors. 44.3

Thank you.

Sincerely,

Kenneth D. Cohen
kcohen42@gmail.com
951-663-9531

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Comment Letter No. 44: Cohen, Kenneth D.

Comment 44.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 44.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.”~~

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 44.3 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides a summary of the comments provided in the letter and serves as a conclusion to the letter. No further response is required.

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From:
Anthony & Clea Colston
590 Olazabal Dr.
Hemet, CA 92545



March 24, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 52I & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #52I which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

45.1

I also have a concern about the statement, "Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

45.2

Sincerely,

Anthony & Clea Colston

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Comment Letter No. 45: Colston, Anthony and Clea

Comment 45.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 45.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: jwcsupply@aol.com
Sent: Monday, April 06, 2015 4:46 PM
To: Lovelady, Kristi
Subject: Reinhardt Canyon/GPA 960

Dear Kristi,

My wife and I live in the Four Seasons Community in Hemet. We are asking that GPA 960 be approved to require 5 & 10 acre development in the Canyon.

The presentations to the County Planning Commission & Board of Supervisors have shown that 5 & 10 acre development makes sense from a safety issue and many other reasons, as well as common sense.

Thank you,

Jim & Betty Crase
388 Casper Drive
Hemet, CA 92545

46.1



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Comment Letter No. 46: Crase, Jim and Betty

Comment 46.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: gregory culton <drgregorymculton2014@gmail.com>
Sent: Wednesday, April 01, 2015 9:31 AM
To: Lovelady, Kristi
Subject: Draft EIR No.521 Comments

I would like to express my support for the amendment that calls for minimum 5/10 acre lots for any development in Reinhardt Canyon.

47.1

Thank-you,
Owner in Four Seasons

--
Gregory M. Culton D.M.D.
1210 E Plaza Blvd., Suite 405
National City, CA 91950
(619)477-2787
drgregorymculton2014@gmail.com



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Comment Letter No. 47: Culton, Gregory M.

Comment 47.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Margie Culton <pattyj@outlook.com>
Sent: Wednesday, April 01, 2015 9:23 AM
To: Lovelady, Kristi
Subject: Draft EIR No. 521 Comments

Dear Kristi Lovelady,

I would like to express my support for the **amendment that calls for a minimum 5/10 acre lots for any development in Reinhardt Canyon.**

48.1

Thank-you,

Home Owner in Four Seasons,
Margie Culton

RECEIVED
APR 02 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

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Comment Letter No. 48: Culton, Margie

Comment 48.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Bobbie Davis <misserdog@outlook.com>
Sent: Sunday, April 05, 2015 9:54 AM
To: Lovelady, Kristi
Subject: Reinhardt Canyon

Roberta Davis
8100 Bay Hill Ave.
Hemet, CA 92545



April 5, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites). 49.1

I also have a concern about the statement, “Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.” in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon. 49.2

Sincerely,

Roberta Davis

Comment Letter No. 49: Davis, Roberta

Comment 49.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 49.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: hifromdranda@gmail.com
Sent: Tuesday, March 31, 2015 8:50 PM
To: Lovelady, Kristi
Subject: Reinhardt Canyon GPA960 and EIR521, Support

Rudy and Dranda DeLeon

7825 Couples Way

Hemet, CA 92545

951-400-2478

March 31, 2015



Kristi Lovelady, Principal Planner

TLMA Planning Department

4080 Lemon Street, 12th, Floor

Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

50.1

I also have a concern about the statement, "Much of the undeveloped land here is

Included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

50.2

Sincerely,

Rudy and Dranda DeLeon

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Comment Letter No. 50: DeLeon, Rudy and Dranda

Comment 50.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 50.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Jackson | DeMarco | Tidus Peckenpaugh

A L A W C O R P O R A T I O N

April 2, 2015

Direct Dial: 949.851.7409
 Email: mstaples@jdtplaw.com
 Reply to: Irvine Office
 File No: 4063-28900

VIA OVERNIGHT DELIVERY AND E-MAIL (klovelad@rctlma.org)

Kristi Lovelady, Principal Planner
 County of Riverside Transportation and Land Management Agency
 County Administrative Center
 4080 Lemon Street, 12th Floor
 Riverside, CA 92501



**Re: Domenigoni-Bartons' Comments on Draft General Plan Amendment No. 960
 and Draft Environmental Impact Report No. 521**

Dear Ms. Lovelady:

We represent the Domenigoni-Barton entities. The Domenigoni-Bartons own property in unincorporated Riverside County ("County"), including land along Winchester Road from Keller Road on the south to Holland Road on the north ("Property"). The Property is located just west of the Diamond Valley Lake reservoir's ("DVL Reservoir") West Dam. The County has approved Specific Plan No. 310 for development of the Property.

On June 30, 2014, we submitted a comment letter on behalf of the Domenigoni-Bartons regarding the Draft 2008 General Plan Review Cycle Update documents, General Plan Amendment 960 ("Draft GPA 960") and Draft Environmental Impact Report 521 ("Draft EIR 521"). We appreciate the County's prompt action to correct the flood zone areas on the Property. (See Board of Supervisors January 27, 2015 Agenda Item No. 9-6.) However, the flood zone maps in the recirculated Draft GPA 960 and Draft EIR 521 do not yet reflect those corrections. It is our understanding the Flood Zone figures in Draft GPA 960 will be corrected for the Property to reflect the Board's action.

Also, the recirculated Draft GPA 960 and Draft EIR 521 do not address our comments requesting changes to the land use policies within the DVL Reservoir's dam inundation area.

Because the County's notice recirculating these documents says that the County will not be addressing comments submitted previously on the original draft GPA 960 and EIR 521, our previous comment letter and all attachments are attached as **Exhibit A** and incorporated by reference in this comment letter. As discussed below, we respectfully request corrections to the flood zone area mapping and changes to the proposed land use policies and mitigation measures within the DVL Reservoir's inundation area shown on the Property in the recirculated Draft GPA 960 Figures S-9, S-10, Harvest Valley/Winchester Area Plan Flood Hazards Figure 11 and Draft

51.1

Irvine Office
 2030 Main Street, Suite 1200
 Irvine, California 92614
 t 949.752.8585 f 949.752.0597

Westlake Village Office
 2815 Townsgate Road, Suite 200
 Westlake Village, California 91361
 t 805.230.0023 f 805.230.0087

www.jdtplaw.com

EIR 520 Figures 4.11.1 and 4.11.2. The Domenigoni-Bartons request that the County include these comments and their June 30, 2014 comment letter as part of the administrative record in this matter.

↑
**51.1
CONT.**

For the reasons discussed in our June 30, 2014 comment letter and in the Board of Supervisors' action on January 27, 2015, the Domenigoni-Bartons request that the County:

- correct the figures in Draft GPA 960 and Draft EIR 521 to remove the 100-Year Flood Zone ("Flood Zone") designation from the Property;
- revise Draft GPA 960 and Draft EIR 521 to include the determinations previously made by the State legislature, the County and Metropolitan Water District of Southern California ("Metropolitan") that no land use restrictions related to the inundation area of the DVL Reservoir apply to the Domenigoni-Barton Property due to the infinitesimal (1 in 100 million) risk of dam failure; and
- revise Draft GPA 960 and Draft EIR 521 to confirm that the Property is not subject to any of the Flood Zone and Dam Inundation Area General Plan policies and mitigation measures.

↑
51.2

The recirculated Draft EIR 521 and Draft GPA 960 identify the Property as being located within the areas subject to the General Plan's Flood Zone and Dam Inundation Area General Plan policies and mitigation measures. (See, Recirculated Draft GPA 960, Figures S-9 and S-10; Harvest Valley/Winchester Area Plan Flood Hazards, Figure 11; Recirculated Draft EIR 520, Figures 4.11.1 and 4.11.2.) The draft figures are incorrect and misleading, and could result in the misapplication of the Flood Zone and Dam Inundation Area policies and mitigation measures to any County approvals that may be required for the ongoing agricultural uses and future development of the Property.

↑

On January 27, 2015, the County adopted Resolution No. 2015-025 to revise the Special Flood Hazard Areas in the Public Flood Hazard Determination Interactive Map, pursuant to Ordinance No. 458, to update the Warm Springs Flood Hazard Area near DVL Reservoir. (**Exhibit B.**) This Resolution revised the Flood Zone to delete special flood hazard areas shown on the Property. The stated reasons for the revisions were as follows:

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51.3
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- Warm Springs Creek passes through Specific Plan 310 [the Property]. The Board of Supervisors adopted conditions of approval on December 14, 2004 that required the construction of a channel and storm drain system to protect the proposed development from flooding and mitigate its impacts on downstream properties. The conditions placed on SP310 require drainage improvements that exceed those required by Ordinance No. 458.
- The Awareness Map of Warm Springs Creek used topographic mapping from 1979 that does not include Diamond Valley Reservoir. The base assumptions for

the watershed delineations are incorrect. The resulting special flood hazard areas simply do not exist to the extent shown on the current maps. [Emphasis added.]

The recirculated Draft GPA 960 and Draft EIR 520 should be corrected to reflect these revisions by removing the Property from the Flood Zone. We understand that the County will correct the Flood Zone figures in GPA 960 and EIR 520 as shown on the attached **Exhibit C**.

Additionally, GPA 960 and EIR 520 should be corrected to exclude the Property from the General Plan’s dam inundation policies and mitigation measures because there is no discernible risk of flooding or dam failure warranting the imposition of land use restrictions. As discussed in our previous comment letter, Metropolitan’s environmental impact report on the DVL Reservoir concluded that the risk of dam failure, including the maximum predicted earthquake in the area, was less than 1 chance in 100,000,000. (See Attachment C to our prior comment letter; Metropolitan EIR, Response to Public Comments, p. 4-81.) “Because the risk of failure is so remote, and the safety consequences so minimal, the dam should have no impact on land use, or on the suitability of the land downstream for any projected use... The probability of dam failure ... is so low that, with respect to other contemporary civil projects, it can be assumed to be negligible or approaching zero.” (See Attachment C to our prior comment letter; Metropolitan EIR, Public Comments, pp. 4-81, 4-82.) (Emphasis added.) The State legislature agreed and in 1996 adopted special legislation allowing schools to be sited within the DVL Reservoir’s dam inundation area (see Education Code section 17253, subd. (b), attached as **Exhibit D**), which is otherwise generally prohibited by Education Code sections 17212, 17212.5 and California Code of Regulations, Title 5, section 14010, subd. (g). The County analyzed the dam inundation risk when it certified EIR 42I for the Domenigoni-Barton Specific Plan No. 310, and concluded that although the Property was within the DVL Reservoir’s inundation area, no dam inundation-related land use restrictions or mitigation measures were required. (Attachment E to our prior comment letter.) Similarly, the County’s certified Riverside County Integrated Project EIR No. 44I (SC# 2002051143) and adopted comprehensive general plan amendment No. 618 did not include the Property within the areas subject to the Flood Zone or Dam Inundation Area policies. (Attachment F to our prior comment letter; County RCIP EIR, § 4.9.1, Figures 4.9.1, 4.9.2; 2003 General Plan, Figures S-9, S-10.)

The Domenigoni-Bartons appreciate the opportunity to submit the above comments on the recirculated Draft GPA 960 and Draft EIR 52I and resubmit their previous comment letter. The Domenigoni-Bartons respectfully request that the County: (1) incorporate the corrections and clarifications discussed above and in the attached letter to comply with the requirements of CEQA; and (2) confirm that the Property will not be subject to Flood Zone and Dam Inundation Area General Plan policies and mitigation measures, based on the previous studies and approvals by the County and Metropolitan.

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51.3
CONT.

51.4

51.5
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Please contact me if you have any questions, or if we may provide any additional information.

↑ 51.5
CONT.

Sincerely,



Michele A. Staples

cc: Mr. Juan Perez, Riverside County Director of Transportation*
Mr. Steve Weiss, Riverside County Director of Planning*
Mr. Dusty Williams, General Manager-Chief Engineer, Riverside County Flood Control and Water Conservation District*
Mr. Stuart McKibbin, Chief of Regulatory Division, Riverside County Flood Control and Water Conservation District*
Gregory Priamos, Esq., Riverside County Counsel*
Shellie Clack, Esq., Deputy County Counsel*
* (via email, w/Attachments)

EXHIBIT A

Jackson|DeMarco|Tidus Peckenpaugh

A L A W C O R P O R A T I O N

June 30, 2014

Direct Dial: 949.851.7409
Email: mstaples@jdtplaw.com
Reply to: Irvine Office
File No: 4063-28900

VIA MESSENGER DELIVERY AND E-MAIL (klovelad@rctlma.org)

Kristi Lovelady, Principal Planner
County of Riverside Transportation and Land Management Agency
County Administrative Center
4080 Lemon Street, 12th Floor
Riverside, CA 92501

**Re: Domenigoni-Bartons' Comments on Draft General Plan Amendment No. 960
and Draft Environmental Impact Report No. 521**

Dear Ms. Lovelady:

We represent the Domenigoni-Barton entities. The Domenigoni-Bartons own property in unincorporated Riverside County ("County"), including land along Winchester Road from Keller Road on the south to Holland Road on the north ("Property"). The Property is located just west of the Diamond Valley Lake reservoir's ("DVL Reservoir") West Dam. The County has approved Specific Plan No. 310 for development of the Property.

The Domenigoni-Bartons respectfully submit the following comments on the draft 2008 General Plan Review Cycle Update documents, General Plan Amendment 960 ("GPA 960") and Environmental Impact Report 521 ("EIR 521"). The Domenigoni-Bartons request that the County include these comments as part of the administrative record in this matter. As discussed below, the Domenigoni-Bartons request that the County:

- correct the figures in GPA 960 and EIR 521 to reflect that the Property is not located within a 100-Year Flood Zone ("Flood Zone"), or else provide a meaningful opportunity for the affected public, including the Domenigoni-Bartons, to access, review and comment on the study that serves as the data source for the County's significant changes in the Flood Hazards mapping proposed in GPA 960;
- revise GPA 960 and EIR 521 to include the determinations previously made by the County, the State Legislature and Metropolitan Water District of Southern California ("Metropolitan") that no land use restrictions apply to the inundation area of the Diamond Valley Lake due to the extremely remote (1 in 100 million) risk of dam failure; and
- revise GPA 960 and EIR 521 to confirm that the Property is not subject to any of the Flood Zone and Dam Inundation Area General Plan policies and mitigation measures.

Irvine Office
2030 Main Street, Suite 1200
Irvine, California 92614
t 949.752.8585 f 949.752.0597

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361
t 805.230.0023 f 805.230.0087

www.jdtplaw.com

1. **The Domenigoni-Bartons' Property is Not Located Within the 100-Year Flood Zone and Is Not Properly Subjected to General Plan Policies or Mitigation Measures Relating to Flood Zones or Dam Inundation Areas.**

For the first time ever, the draft EIR 520 and GPA 960 identify the Property as being located within the areas subject to the General Plan's Flood Zone and Dam Inundation Area General Plan policies and mitigation measures. (See, GPA 960, Figures S-9 and S-10; Harvest Valley/Winchester Area Plan Flood Hazards, Figure 11; EIR 520, Figures 4.11.1 and 4.11.2.) (Attachment A.) The draft figures in GPA 960 and EIR 521 incorrectly depict the Property as being located within the 100-year Flood Zone and within the area subject to the dam inundation policies. The draft figures are incorrect and misleading, and could result in the misapplication of the Flood Zone and Dam Inundation Area policies and mitigation measures to any County approvals that may be required for the ongoing agricultural uses and future development of the Property. Therefore, the Domenigoni-Bartons request that the County correct all maps and provisions in GPA 960 and EIR 521 to confirm that the Property is not located within the 100-year Flood Zone and is not subject to the Flood Zone or Dam Inundation Area policies, based on the analyses and provisions of three prior environmental impact reports and current FEMA maps, discussed below.

51.7

A. **Application of GPA 960's Flood Zone Policies and Dam Inundation Area Policies to the Property Is Contrary to the Studies and Conclusions in Metropolitan's Eastside Reservoir Project EIR.**

In October 1991, the Metropolitan Water District of Southern California certified the Eastside Reservoir Project environmental impact report (SC#89081422) ("Metropolitan EIR"), which ultimately lead to the construction of the Reservoir. Metropolitan coordinated preparation of the Metropolitan EIR with the County and maintained communication with the County during the process. (Metropolitan EIR, pp. 12-8 – 12-9.) (Attachment B.) Because the DVL Reservoir was to be constructed as an off-stream reservoir in an area that was not previously subject to flooding, the Domenigoni-Bartons asked Metropolitan, as the lead agency and project proponent for the DVL Reservoir project, whether there may be any flooding or dam inundation impacts on the surrounding area, including the Property. (Metropolitan EIR, Public Comments, p. 3-163.) (Attachment C, Comment No. 57-5.) In response to their comments, Metropolitan confirmed that it had exhaustively studied the risk of dam failure and concluded that the risk of dam failure, including the maximum predicted earthquake in the area, was **less than 1 chance in 100,000,000.** (Metropolitan EIR, Response to Public Comments, p. 4-81.) (Attachment C.) "Because the risk of failure is so remote, and the safety consequences so minimal, the dam should have no impact on land use, or on the suitability of the land downstream for any projected use.... The probability of dam failure ... is so low that, with respect to other contemporary civil projects, **it can be assumed to be negligible or approaching zero.**" (Metropolitan EIR, Public Comments, pp. 4-81, 4-82.) (Emphasis added.) (Attachment C.) In light of this conclusion, no mitigation was required as part of the DVL Reservoir project.

51.8

With regard to flooding, the Metropolitan EIR concluded that the proposed DVL Reservoir **would substantially reduce the peak discharge of the floods downstream of the proposed west dam and thus the resultant flood hazards.** There is no need for any additional

flood control channel as the reservoir would much reduce floodflows typically planned for by local jurisdictions. Even in the current no-project conditions, the floodplains downstream of the Domenigoni Valley west dam are mapped by the Federal Emergency Management Agency (FEMA) as **Zone C (areas of minimal flooding)** due to the prevailing sheet-flow type of flooding.” (Metropolitan EIR, Response to Public Comment No. 16.4, p. 4-27.) (Emphasis added.) (Attachment D.) According to FEMA, Zone C refers to “[m]inimal risk areas outside the 1-percent and .2-percent-annual-chance floodplains. ... (Zone X (unshaded) is used on new and revised maps in place of Zone C.)” (<https://msc.fema.gov/webapp/wcs/stores/servlet/info?storeId=10001&catalogId=10001&langId=-1&content=floodZones&title=FEMA%2520Flood%2520Zone%2520Designations>.) The Metropolitan EIR continues to state, “the proposed Domenigoni Valley Reservoir would reduce the peak discharge for a 100-year, 24-hour storm from 3,330 cfs to 87 cfs for the floodplain immediately downstream of the Domenigoni Valley west dam.” (Metropolitan EIR, Public Comment Nos. 16.4, 76.21; Figure 3.3.1-1, pp. 4-27, 4-123.) (Attachment D.)

It is clear from the Metropolitan EIR that the Property was not and is not now located in the 100-year Flood Zone and that there is no discernible risk of flooding or dam failure warranting the imposition of the General Plan’s Flood Zone policies and Dam Inundation Zone policies to the Property.

B. *Application of GPA 960’s Dam Inundation Area Policies to the Property Is Contrary to the State Legislature’s Amendment to the Education Code.*

Because of the remote possibility of any dam failure at the DVL Reservoir, the Legislature enacted special legislation directing that the State Department of Education, in evaluating school sites, cannot require mitigation related to potential dam breach inundation of the DVL Reservoir project. (Educ. Code, § 17253, subd. (b).) Likewise, there is no justification for the County’s imposition of heightened dam inundation policies and mitigation measures on the Property.

C. *Application of GPA 960’s Flood Zone Policies and Dam Inundation Area Policies Is Contrary to the County’s Specific Plan 310 EIR.*

In December 2001, (after the DVL Reservoir’s construction was completed in 1999), the County certified EIR No. 421 for Specific Plan 310, and in December 2004, certified a Supplemental EIR for the Specific Plan (“County SP 310 EIR”). The County SP 310 EIR concludes that, although the Property is within the DVL Reservoir’s inundation area, no dam inundation-related land use restrictions or mitigation measures are required based on the Metropolitan EIR’s determination that there is no significant risk of dam inundation associated with the DVL Reservoir. (Property EIR, pp. III-18-III-25; Resolution No. 2001-380, p. 17.) (Attachment E.)

County EIR 421 also confirmed that the Property is not within the Flood Zone. (County EIR 421, p. III-18-III-19; County Board of Supervisors Resolution No. 2001-380, pp. 17.) (Attachment E.)

↑
51.8
CONT.

51.9

51.10

D. Application of GPA 960's Flood Zone Policies and Dam Inundation Area Policies Is Contrary to the County's 2003 General Plan and Riverside County Integrated Project EIR.

In October 2003, the County certified the Riverside County Integrated Project EIR No. 441 (SC# 2002051143) ("County RCIP EIR") and adopted comprehensive general plan amendment No. 618 ("2003 General Plan"). Consistent with the previous approvals and EIRs, **the County's 2003 General Plan and RCIP EIR do not include the Property within the areas subject to the General Plan's Flood Zone policies or Dam Inundation Area policies.** (County RCIP EIR, § 4.9.1, Figures 4.9.1, 4.9.2; 2003 General Plan, Figures S-9, S-10.) (Attachment F.) Similarly, the 2003 General Plan's Southwest Area Plan Figure 10 and Harvest Valley/Winchester Area Plan Figure 11 identifying flood hazards do not include the Property within the Flood Zone. (Attachment F.)

51.11

No changes in the physical environment or the DVL Reservoir have occurred since certification of the 2003 General Plan and RCIP EIR to warrant imposing the Flood Zone policies or Dam Inundation Area policies on the Property under GPA 960.

E. Application of GPA 960's Flood Zone Policies to the Property Is Contrary to the Current FEMA Maps.

According to the current FEMA maps, the Property is not located within a special flood hazard area. The FEMA maps show the Property within an area entitled, "NO SPECIAL FLOOD HAZARD AREAS." (FEMA Map Panel #06065C2090G, dated August 28, 2008, Attachment G.) Because the Property is not located within a special flood hazard area on the FEMA maps, the Property should not be located within the 100-year Flood Zone on the County maps.

51.12

Additionally, the 100-year Flood Zone depicted on GPA 960 Figure 11, entitled Harvest Valley/Winchester Area Plan Flood Hazards, is obviously incorrect in that it shows the Flood Zone emerging from the West Dam as though the dam did not exist. (Attachment A.) Figure 11 cites "Riverside County Flood Control (2013)" as the data source. (Attachment A.) If the County is relying on a study other than the FEMA maps, then GPA 960 and EIR 521 should provide a sufficient reference to enable interested parties to identify, obtain and review the study upon which the County is basing its proposed revisions to the flood hazard mapping. Additionally, the public comment period should be extended as necessary to provide a meaningful opportunity for the public to review and comment on any such study.

2. **Revisions Requested to EIR 521.**

According to EIR 521, much of the hazard and background information comes from Appendix H of the General Plan, "Natural Hazard Mapping, Analysis and Mitigation: A Technical Background Report in Support of the Safety Element of the New Riverside County 2000 General Plan." (EIR 521, p. 4.11-1.) It appears that this report was prepared for the County's RCIP EIR. However, as discussed above, the County's RCIP EIR did not include the Property within the Flood Zone or within the Dam Inundation Area subject to the County's policies. EIR 521 should be revised for consistency and accuracy.

51.13

As stated in EIR 52I, the “area downstream of a dam potentially at risk to flooding should the dam fail is called the ‘dam inundation zone.’” EIR 52I should be revised to disclose the analysis and conclusions reached in the Metropolitan EIR with respect to the DVL Reservoir. Specifically, EIR 52I should include Metropolitan’s in-depth analysis that concluded the probability of dam failure is **less than 1 chance in 100,000,000**, and that, compared with other contemporary civil projects, it is “**assumed to be negligible or approaching zero.**” (Metropolitan EIR, Public Comments, pp. 4-80, 4-81.) (Attachment C.) Based on that information, there is no reason to impose the County’s Dam Inundation Area policies to properties in the DLV Reservoir’s inundation area, including the Property.

51.14

EIR 52I also explains that the County participates in the National Flood Insurance Program and uses Flood Insurance Rate Maps as the basis for County flood risk management. However, as discussed above, the current FEMA maps confirm that the Property is not located within a special flood hazard area. EIR 52I should be corrected accordingly.

51.15

GPA 960 policies regarding the Flood Zone and Dam Inundation Areas include the following policies that, if applied to the Property, would wrongly impair the Domenigoni-Bartons’ ongoing agricultural use and future development of the Property:

- S 4.1 For new construction and proposals for substantial improvements to residential and nonresidential development within 100-year floodplains as mapped by FEMA or as determined by site specific hydrologic studies for areas not mapped by FEMA, the County of Riverside shall apply a minimum level of acceptable risk; and disapprove projects that cannot mitigate the hazard to the satisfaction of the Building Official or other responsible agency. (AI 25)
- S 4.2 The County of Riverside shall Enforce provisions of the Building Code in conjunction with the following guidelines: (AI 25)
 - a. All residential, commercial and industrial structures shall be flood-proofed from the mapped 100-year storm flow. This may require that the finished floor elevation be constructed at such a height as to meet this requirement. Non-residential (commercial or industrial) structures may be allowed with a “flood-proofed” finished floor below the Base Flood Elevation (i.e., 100-year flood surface) to the extent permitted by state, federal and local regulations. New critical facilities shall be constructed above grade to the satisfaction of the Building Official, based on federal, state, or other reliable hydrologic studies. To the extent that residential, commercial, or industrial structures cannot meet these standards, they shall not be approved....
 - c. Development using, storing, or otherwise involved with substantial quantities of onsite hazardous materials shall not be permitted within a 100-year floodplain or dam inundation zone, unless all standards for evaluation, anchoring, and flood-proofing have been satisfied; and hazardous materials are stored in watertight containers, not capable of floating, to the extent required by state and federal laws and regulations.
- S 4.13 Require that facilities storing substantial quantities of hazardous materials within inundation zones shall be adequately flood-proofed and hazardous materials containers shall be anchored and secured to prevent flotation and contamination. (AI 25)

51.16

- S 4.16 Utilize power of public land acquisition and other land use measures to create open space zoning of inundation zones in areas that are destined for redevelopment; when this is not feasible, low density land uses should be employed. (A1 25)
- S 4.18 Require that the design and upgrade of street storm drains be based on the depth of inundation, relative risk to public health and safety, the potential for hindrance of emergency access and regress from excessive flood depth, and the threat of contamination of the storm drain system with sewage effluent. In general, the 10-year flood flows shall be contained within the top of curbs and the 100-year flood flows within the street right-of-way.
- S 7.10 Discourage development of critical facilities that are proposed in dam failure inundation areas, and apply hazardous materials safety guidelines within such zones.

51.16
CONT.

3. Conclusion.

The Property should not be designated as being subject to the Flood Zone or Dam Inundation Area policies and mitigation measures, as previously confirmed in three prior environmental impact reports, in special legislation, and in the current FEMA maps. There has been no change in the physical environment or in the DVL Reservoir project, and no other information is provided to substantiate the significant changes proposed to the Flood Hazard mapping in GPA 960.

The Domenigoni-Bartons appreciate the opportunity to submit the foregoing comments on GPA 960 and EIR 521. The Domenigoni-Bartons respectfully request the County incorporate the corrections and clarifications discussed above to comply with the requirements of CEQA. The Domenigoni-Bartons further request confirmation that the Property will not be subject to Flood Zone and Dam Inundation Area General Plan policies and mitigation measures, based on the Domenigoni-Bartons' reliance on the previous studies and approvals by the County and Metropolitan discussed above, and based on the current FEMA map for the Property.

51.17

Please contact me if you have any questions, or if we may provide any additional information.

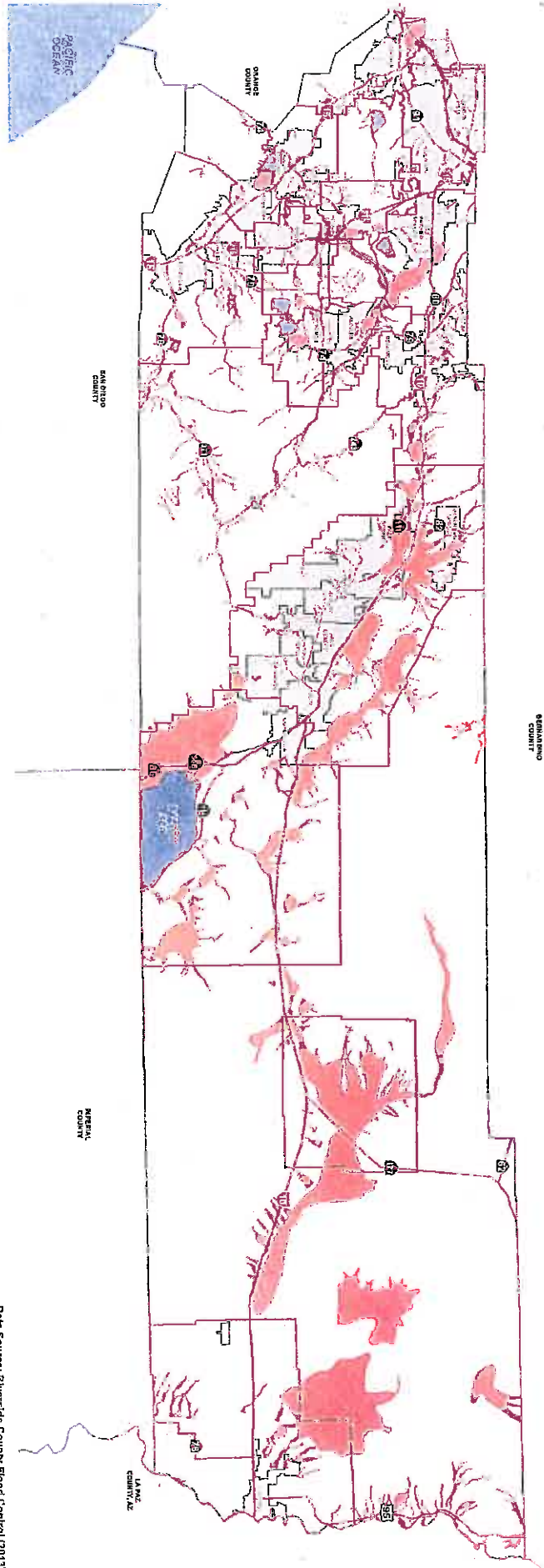
Sincerely,



Michele A. Staples

cc: Mr. Juan C. Perez, Riverside County Director of Planning, Director of Transportation*
Mr. George Johnson, Assistant County Executive Officer*
Pamela Walls, Esq., Riverside County Counsel*
Shellie Clack, Esq., Deputy County Counsel*
* (via email)

ATTACHMENT A



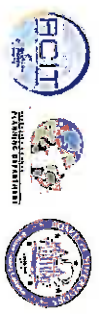
Data Source: Riverside County Flood Control (2013)

- Flood Prone Areas**
- 100 Year Flood Zone
 - Highways
 - Area Plan Boundary
 - City Boundary
 - Waterbodies

December 10, 2013

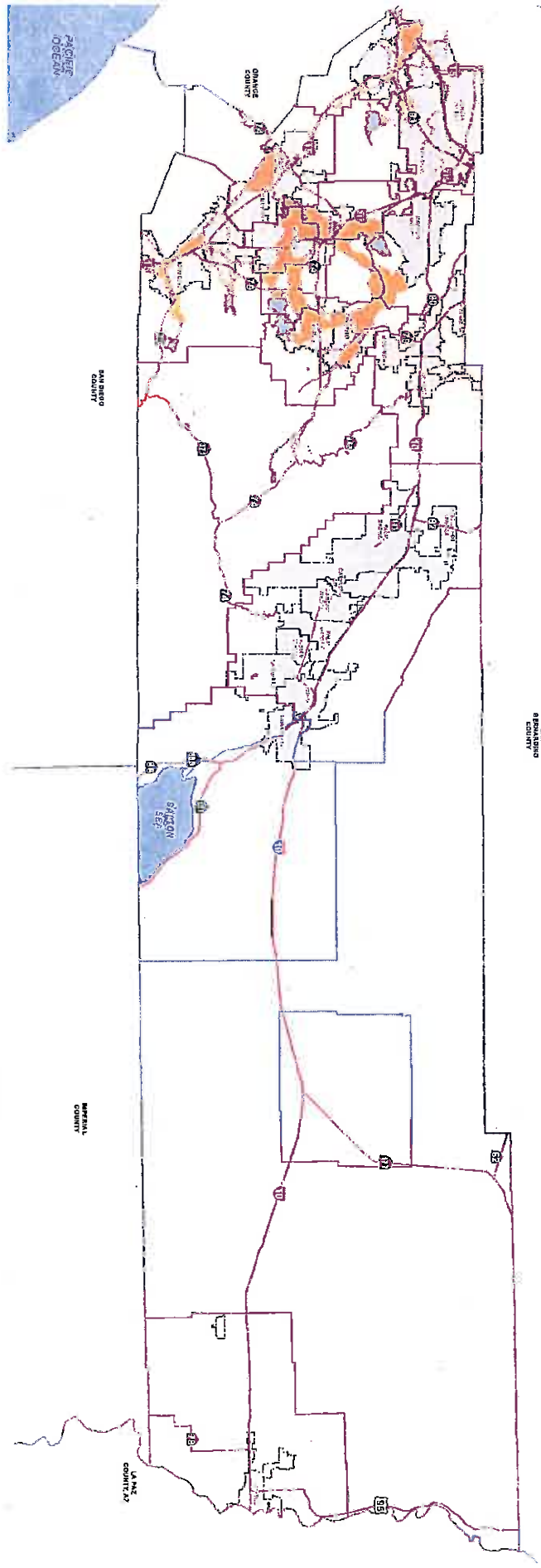
0 10 20 Miles

Disclaimer: Flood prone areas are based on available information. This map is not intended to be used as a basis for any action. The user assumes all responsibility for the use of this map. The user assumes all responsibility for the use of this map. The user assumes all responsibility for the use of this map. The user assumes all responsibility for the use of this map.



100-YEAR FLOOD HAZARD ZONES

Figure S-9



Data Source: State of California Office of Emergency Services (2009) and Riverside County (2008)

- Dam Hazard Zones**
- █ Dam Hazard Zones
 - Highways
 - Area Plan Boundary
 - City Boundary
 - █ Watersheds

December 16, 2013

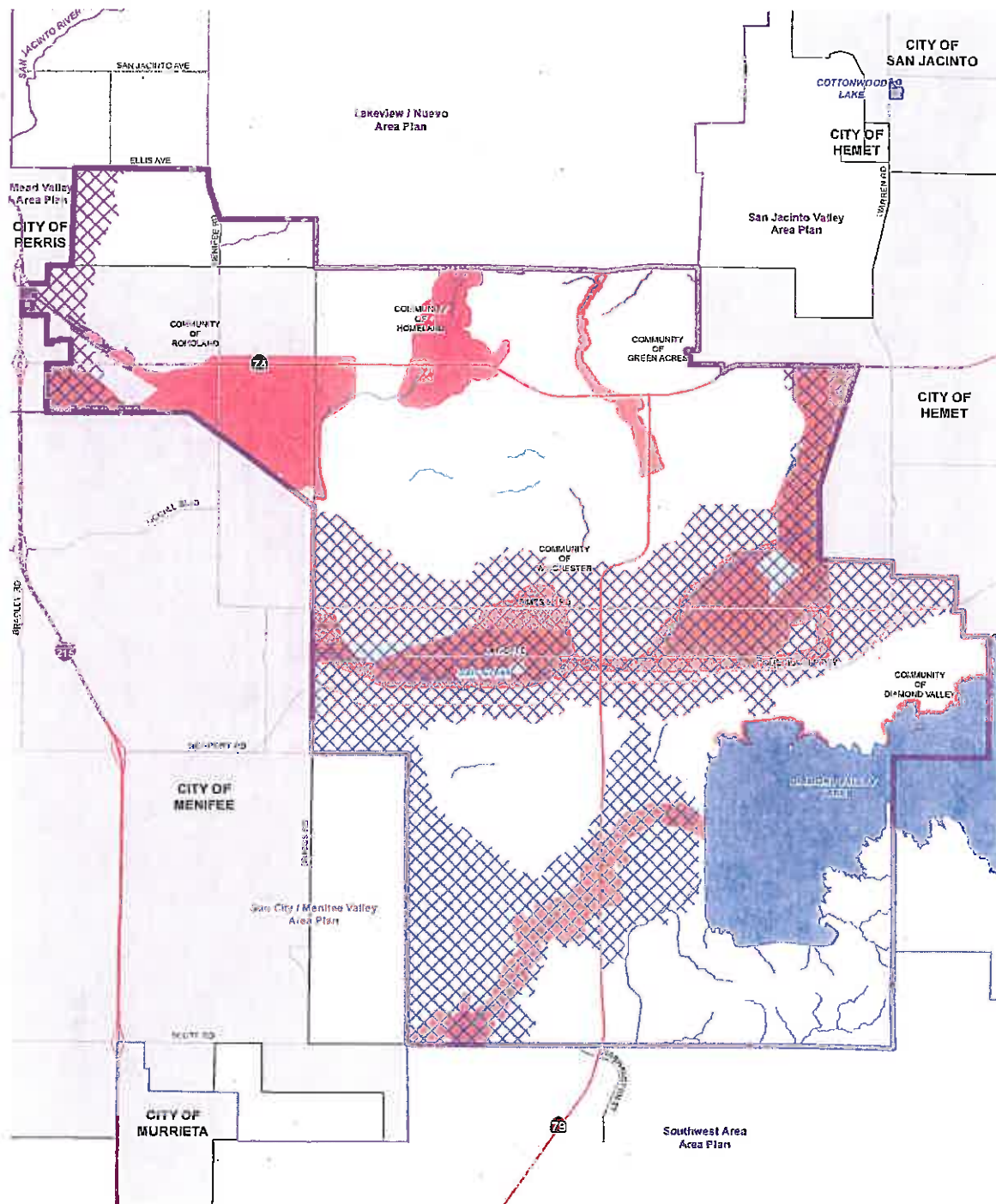
0 10 20 Miles

Disclaimer: FEMA and other data used in the creation of this map were obtained from public domain sources. The County of Riverside makes no warranty as to the accuracy of the data used in this map. The County is not liable for any damages, including consequential damages, arising from the use of this map. The County is not responsible for the information contained on this map. Any use of this product without the express written permission of the County of Riverside is strictly prohibited.



**DAM FAILURE
INUNDATION ZONES**

Figure S-10



Data Source: Riverside County Flood Control (2013)

Flood Prone Areas

- Drainages
- Highways
- Dam Inundation Areas
- 100 Year Flood Zone
- Area Plan Boundary
- City Boundary
- Waterbodies

Figure 11

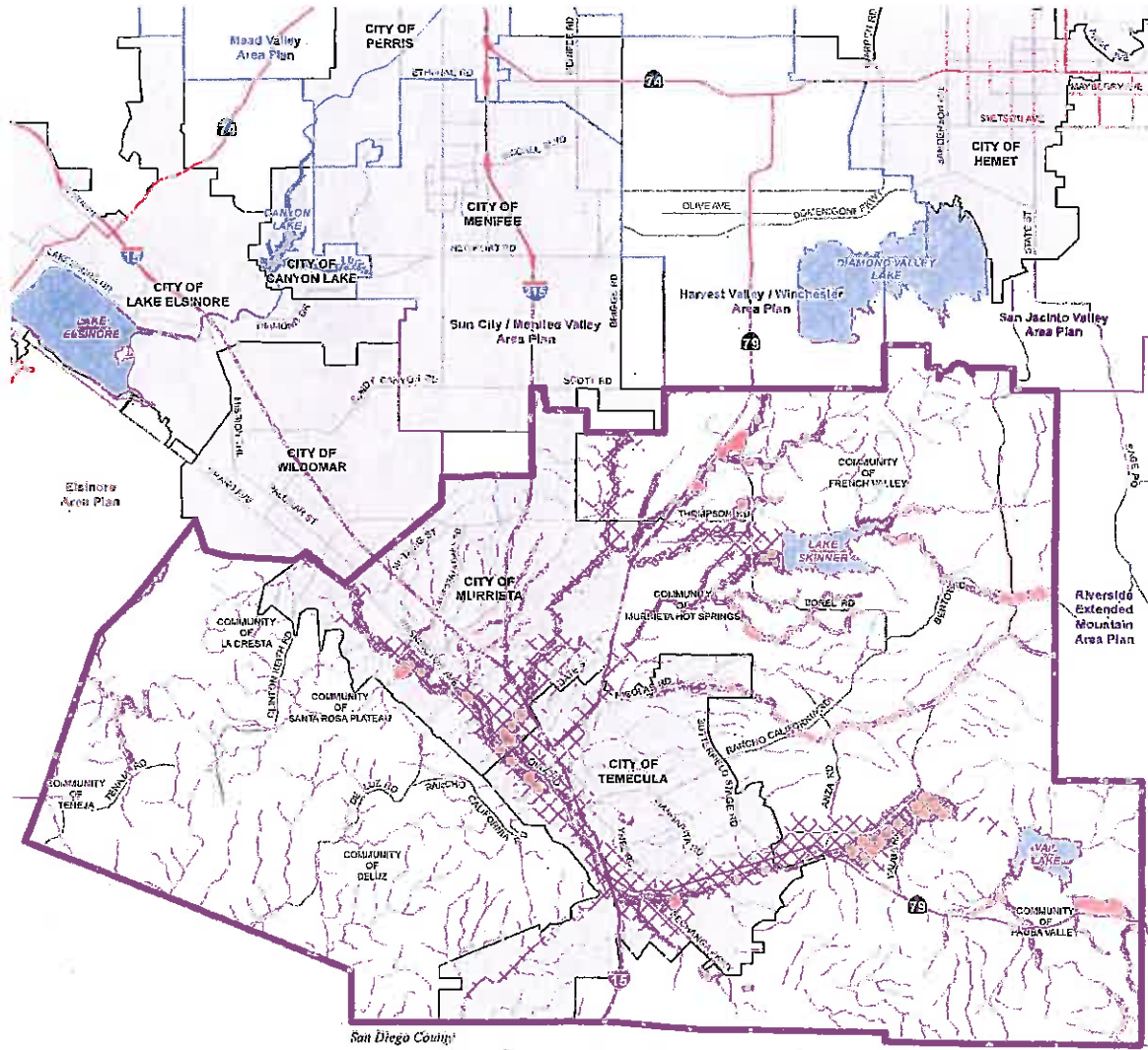
December 16, 2013

Miles
0 0.75 1.5

Disclaimer: Plans and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to drawing or engineering standards. The County of Riverside makes no warranty as to the accuracy of the information provided, and it does not legal responsibility for the information contained on this map. Any use of the product without the written consent of Riverside County is prohibited.



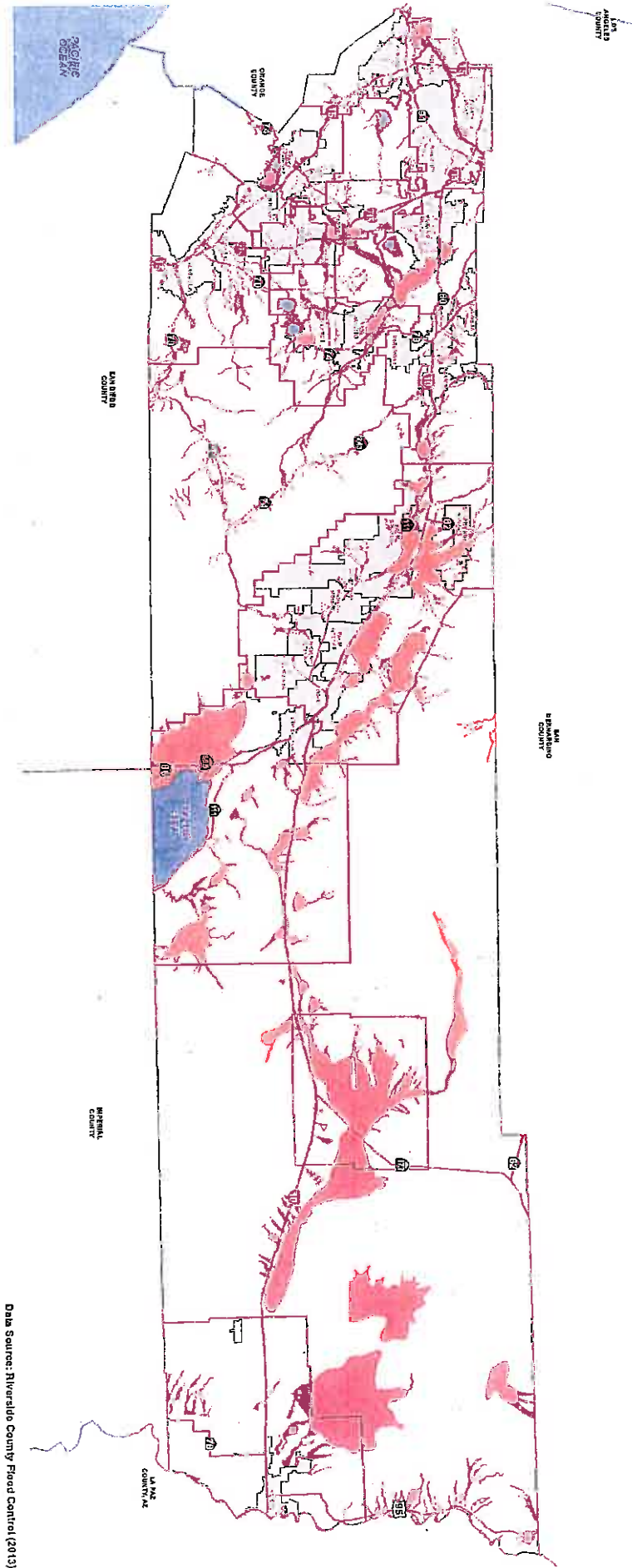
**HARVEST VALLEY/
WINCHESTER AREA PLAN
FLOOD HAZARDS**



Data Source: Riverside County Flood Control (2013)

- Flood Prone Areas**
- Drainages
 - Highways
 - Dam Inundation Areas
 - Area Plan Boundary
 - 100 Year Flood Zone
 - City Boundary
 - Waterbodies

Figure 10



Data Source: Riverside County Flood Control (2013)

- Flood Prone Areas**
- 100 Year Flood Zone
 - Highways
 - Area Plan Boundary
 - City Boundary
 - Waterbodies

Figure 4.11.1

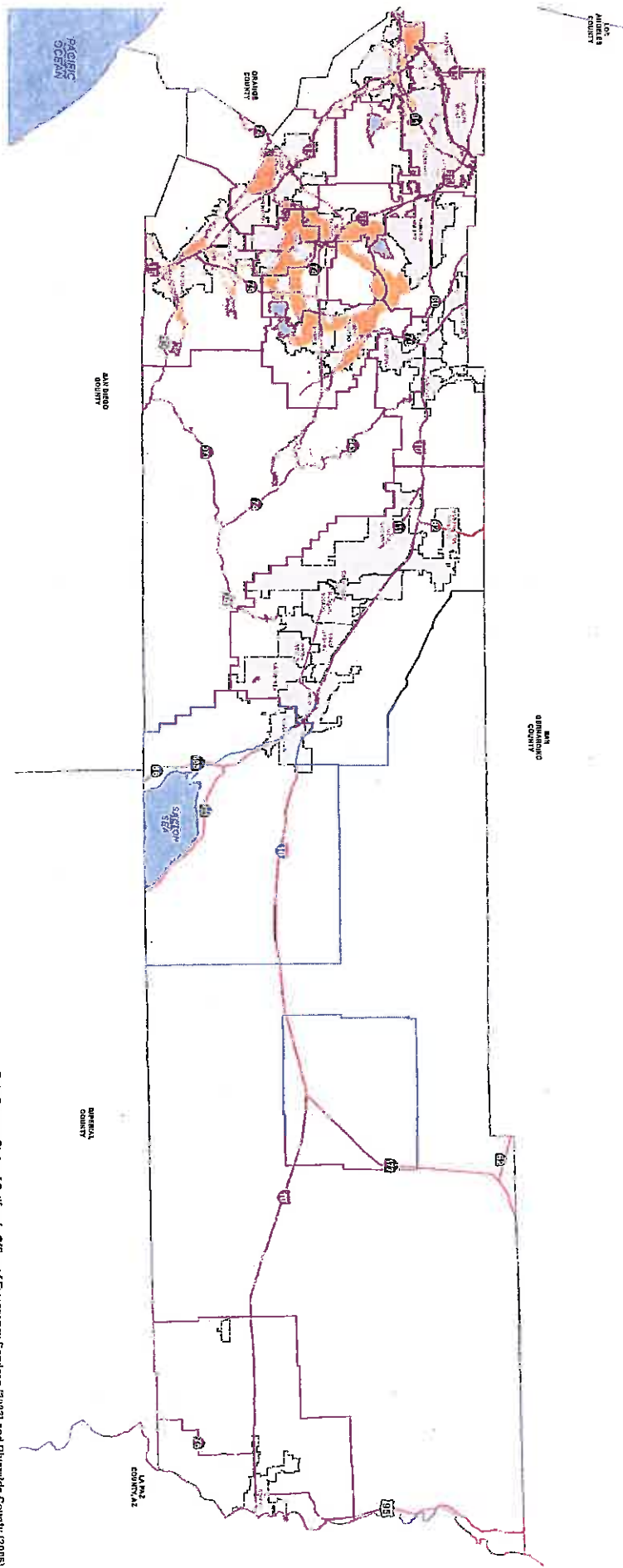
December 16, 2013

0 10 20 Miles

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100-YEAR FLOOD HAZARD ZONES



Data Source: State of California Office of Emergency Services (2005) and Riverside County (2008)

- Dam Hazard Zones**
- Dam Hazard Zones
 - Highways
 - Area Plan Boundary
 - City Boundary
 - Waterbodies

December 16, 2013

0 10 20 Miles

Disclaimer: This map and data are for informational purposes only. This map and data are not intended to be used for any other purpose. The user assumes all responsibility for any use of the information contained on this map. The user assumes all responsibility for any use of the information contained on this map. The user assumes all responsibility for any use of the information contained on this map.



**DAM FAILURE
INUNDATION ZONES**

Figure 4.11.2

ATTACHMENT B

CHAPTER 12

12.2 AGENCY AND SPECIAL INTEREST CONSULTATION AND COORDINATION

12.2.1 State and Federal Resource Agency Coordination

Metropolitan has coordinated extensively with environmental resource agencies, public bodies, and environmental groups during the Eastside Reservoir study to attempt to formulate a broadly accepted reservoir alternative, while attempting to avoid or minimize environmental effects. Several objectives were pursued in this regard:

- To the extent practicable, avoid environmental impacts and where not possible mitigate such impacts;
- To determine regional preservation needs in assessing mitigation needs of the project; and
- To attempt to integrate project mitigation needs with broader open space and ecological values of the region.

Metropolitan sought the input from various resource agencies (U.S. Fish and Wildlife Service, California Department of Fish and Game, Environmental Protection Agency, and Corps of Engineers) and environmental groups early in the planning process to help identify potentially acceptable mitigation measures associated with an Eastside Reservoir project. Emphasis was placed on mitigation sites with significant ecological value to the region as a whole.

Considerable effort was placed on developing an inventory of potentially acceptable mitigation sites during first year (Phase I) feasibility studies – at least one year before completion of the overall study process. This was done so that sufficient time would be available to formulate acceptable mitigation measures before completion of the Draft EIR.

As noted in the listing of agency and special interest coordination activities (Table 12.2.1-1), initial coordination efforts focused on briefings regarding the project and results of initial reconnaissance

studies. Later meetings addressed more specific topics dealing with the development of a habitat quality model for assessing impacts and mitigation needs, briefings on the results of feasibility studies, mitigation planning, and the development of mitigation and management agreements for the mitigation areas. Extensive briefings and consultation took place with resource agencies throughout the feasibility study.

12.2.2 City and County Coordination

Coordination efforts were undertaken to maintain communication and encourage input in the planning process from the city and county agencies within the study area. At city government level, the City Manager and senior staff positions were key points of contact. Of interest was how a potential reservoir site would fit into local community plans for open space, recreation, and other land uses. Communication was maintained with the Riverside County Board of Supervisors, where Supervisors were apprised of the projects' consistency and compatibility with regional plans for open space, mitigation and recreation areas, and consistency with county general planning designations. Major mitigation planning was undertaken during the planning phase resulting in the acquisition of large land areas for mitigation purposes, requiring extensive coordination with senior county staff and the Board of Supervisors. Significant meetings and other coordination activities are shown on Table 12.2.1-1.

12.2.3 Agency Listing

The following agencies were consulted during the preparation of this DEIR.

12.2.3.1 Federal

U.S. Department of Agriculture (USDA), Cleveland National Forest, Forest Archaeologist

USDA Forest Service, Cleveland National Forest, Dripping Springs Guard Station and Firehouse

USDA Forest Service, Pacific Southwest Forest and Range Experiment Station, Forest Fire Laboratory

Table 12.2.1-1

Agency and Special Interest Coordination During Reconnaissance
and Feasibility Studies

Date	Activity and Purpose	Agency or Group
PHASE I		
April 1987	Initial project briefing	U.S. Army Corps of Engineers (Los Angeles District)
May 1987	Meeting: Lake Perris enlargement	State Parks and Recreation (Lake Perris Office)
February 8, 1988	Initial project briefing	U.S. Fish and Wildlife Service (USFWS)
March 1988	Meeting: Regulatory issues and environmental documentation	U.S. Army Corps of Engineers (Los Angeles District)
June 9, 1988	Initial project briefing	Environmental Protection Agency (EPA), Region 9
July 10, 1988	Scoping Meeting	Regional Water Quality Control Board (Santa Ana Region)
August 22, 1988	Field trip to 5 reservoir sites	USFWS (Laguna Niguel), DFG (Region 5); and COB (Los Angeles District)
December 1988-Present	Participation in Riverside County Stephens' kangaroo rat Habitat Conservation Plan (SKR HCP)	Riverside County Planning Department and resource agencies
January 10, 1989	Project briefings	City of Perris (City Manager)
January 11, 1989	Initial project briefing	Sierra Club (San Geronio Chapter)
February 14, 1989	Luncheon speaker	Rotary Club (Hemet)
March 2, 1989	Initial project briefing	U.S. Forest Service (Palomar Ranger District)
March 22, 1989	Meeting: Mitigation planning	Riverside County Flood Control District
April 13, 1989	Project briefing	San Diego County Water Authority (Board of Directors)
April 27, 1989	Status briefing	City of Hemet (City Manager and Staff)
April 27, 1989	Status briefing	City of Banning (City Manager)
May 3, 1989	Project briefing	State Division of Safety of Dams (Sacramento)
May 6, 1989	Project briefing	Cottonwood County Council (Radec)
May 12, 1989	Status briefing	Metropolitan Member Agency Managers
May 24, 1989	Status briefing	Riverside County Board of Supervisors
July 14, 1989	Status briefing	Temecula Chamber of Commerce
June 23, 1989	Meeting: Mitigation planning	Riverside County Flood Control District
July 21, 1989	Meeting: SKR mitigation planning	Riverside County Habitat Conservation Agency
August 10, 1989	Initial project briefing	Bureau of Land Management (BLM), Palm Springs
August 25, 1989	Luncheon speaker	Hemet Lunch Bunch
September 12, 1989	Press tour	Hemet Valley Press Reporters
September 14, 1989	Meeting: Mitigation planning	USFWS (Laguna Niguel)
September 20, 1989	Status briefing	City of Hemet (City Manager and Staff)
September 26, 1989	Meeting: Basin adjudication	Santa Margarita Water Master
October 19, 1989	Meeting: Preservation of Santa Rosa plateau	DFG (Region 5)
October 26, 1989	Project tour	San Diego County Water Authority
November 2, 1989	Project briefing	Riverside County Board of Supervisors

ATTACHMENT C

DOMENIGONI - BARTON PROPERTIES
33011 Holland Road
Winchester, CA 92596
(714) 926-1763

August 12, 1991

Mr. Dennis Majors
PROJECT MANAGER
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
PLANNING DIVISION
1111 Sunset Boulevard, P.O. Box 54153
Los Angeles, CA 90054-0153

RE: EASTSIDE RESERVOIR PROJECT DRAFT E.I.R., STATE CLEARINGHOUSE #89081422

Dear Dennis:

We have the following comments to make on the draft E.I.R. which the Metropolitan Water District has published and presented for public comment: These comments are as follows:

1. The draft E.I.R. does not adequately address the existing efforts by the Domenigoni Family and others to plan for the development of their properties. Such plans have been the subject of discussion with County officials on a number of occasions. The impact of the Eastside Reservoir on those projects has not been considered and they should be considered. 1
2. The land use impacts described in Sections 5.1.10 and 5.3.10 do not address the impacts of the project on land uses outside of those directly affected by the reservoir and its related facilities. The reservoir project could significantly change future land uses in its vicinity, including land owned by the Domenigoni Family. We feel that the E.I.R. must identify the changes in land use that would be permitted on nearby lands not directly impacted (eg., through inundation) by the project. Would the presence of the reservoir restrict the kinds or extent of development on neighboring properties? 2
3. It seems to us that answering this question will require that the lead agency examine more carefully the question of Risk Analysis and flooding hazards, and in particular the potential for dam failure during the maximum credible earthquake for this area. Historically, failure of large dams impounding large volumes of water has caused significant loss of life and property, and include dam failure caused by inaccurate interpretation of local geologic conditions and improper engineering (for example: St. Francis Dam in California, 1928 and Teton Dam in Idaho, 1976). 3

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4. We feel that a project of this size requires a careful analysis of risk exposure if a major earthquake occurs when the reservoir is operational. Table 4.1.1-1 identifies four faults (the San Andreas South, San Andreas South-Central, San Jacinto, and Elsinore) with maximum credible earthquakes between 7.25 to 8 on the Richter scale. The E.I.R. provides no information on the maximum acceleration, duration, and intensity rating for groundshaking during these events. These faults are between 4 to 48 miles from the proposed project site, which is well within the 100 kilometer range of potential impacts from earthquakes. Neither seiche hazards (specifically from failure of adjacent slopes) nor liquefaction potential have been addressed.

At a time where there has been a remarkable increase in earthquake activity and attendant damage we feel that a project of this size requires the most careful analysis of risk exposure if a major earthquake occurs when the reservoir has been completed.

5. The E.I.R. states in Table 11.2.3-1 that the probability of a dam failure is low. Nonetheless, the E.I.R. should provide the relevant details of the logic tree methodology to assist us in evaluating the risk. Moreover, because the probability is greater than zero, the E.I.R. should address what would happen if the dam failed either by overtopping, internal erosion, or occurrence of the maximum credible earthquake for this area. A figure should be presented showing the areas that would be expected to be inundated following dam failure (as opposed to Figure 3.5.3-1 on p. 3-71 which identifies an area as "inundation" but is showing the expansion of Vail Lake, rather than inundation from a dam failure. The same figure should indicate inundation areas for different levels of dam volume at the time of the "worst case scenario" (a dam failure). Also, detailed information (including a figure) should be provided regarding maximum water depths during inundation. Also there is no reference provided for the source of the "annual probability of failure" (p.11-4) for dams worldwide or in the U.S..

Based on the inundation figures, the E.I.R. should address whether the project would impact land uses within the inundation zone. Government Code Section 8589.5 requires that "... inundation maps and emergency evacuation plans be completed for areas subject to inundation by dam failure." No discussion has been provided regarding the need for an early flood warning system, an emergency evacuation plan, nor which agency would be required to implement such an evacuation, roads to be used for evacuation, etc. Special populations, including: children, the elderly, and physically handicapped persons (including mobility impaired, deaf, blind, and mentally handicapped persons), and evacuation of non-English speaking persons should be included. Any critical facilities, including police, fire protection, or public assembly uses, which could be impacted by dam failure should be identified and appropriate mitigation measures developed. Specifically, can parts of our property that are currently being considered for residential development be developed as we anticipate if the reservoir is built as proposed? What is the downstream population at risk for a dam failure event? If the project has a significant

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- population at risk for a dam failure event? If the project has a significant impact upon potential land uses within the inundation zone, the E.I.R. should identify and mitigate this impact.
6. In addition to loss of life hazards, the potential for property damage, including costs and responsible agents should be included. Would property owners be held liable for dam failure damages to their property, or are there insurance programs which would cover property damage, or would they be required to assume all risk? Would the County be held accountable?
 7. The draft E.I.R. does not contain adequate analysis of the effect of these facilities on the road network. Specifically, impacts to Holland Road, Highway 79, Newport Road, and Scott Road should be identified and mitigated.

Currently, the Riverside County Transportation Department is conducting a comprehensive traffic and circulation study to the south of the project which should be referenced in the E.I.R..

Further traffic and engineering studies showing the probable effect of the proposed facility on the existing road network should be included in greater detail in the E.I.R., along with detailed mitigation measures.
 8. Section 5.1.2.2, indicates that operation of the Domenigoni Valley reservoir would impact water recharge to the wells west of the proposed dam. Numerous wells would be impacted in this area, not just the 6 as mentioned in the E.I.R.. The E.I.R. states that "The apparent mining operation from the wells would not be sustainable." If this means we would no longer be able to obtain irrigation water from these wells, then the project would significantly impact our agricultural operations. The E.I.R. should identify this impact and recommend appropriate mitigation measures.
 9. Land acquisition for the proposed project involves the acquisition of lands which are presently entitled to receive water from the Eastern Municipal Water District, a member of MWD. Once acquired, this right to receive water may be lost. The E.I.R. should include:
 - a. A clear description of the Metropolitan Water District's service area and that of the Eastern Municipal Water district; and
 - b. A clear statement of the intent of the Metropolitan Water District through the Eastern Municipal Water District to furnish water to lands outside the taking area by including them within the service areas of the two agencies.
 10. The draft E.I.R. does not adequately address the physical consequences of present provisions for draining the reservoir via Warm Creek. As far as can be determined from the existing proposal it is contemplated that drainage waters from the reservoir will be discharged into Warm Creek without provision for the

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- 10 | protection of lands abutting the Creek and without any attempt to acquire the
necessary right-of-way within the Creek from those who presently own it.
- 11 | 11. A map on p. 4-17 of the draft E.I.R. seems to indicate the results of an
investigation, part of which is alleged to have taken place in section 15,
Township 6 South, Range 2 West SB&M. This property is owned by the Domenigoni
Family. No permission was sought from the Domenigonis to enter into this
property for any purpose by the Metropolitan Water District and no permission
has been given by the Domenigoni family for any purpose. The information
available to the Domenigoni Family is that no persons representing the
Metropolitan Water District or any agent of it has ever been on that property
for any purpose connected with this E.I.R.. Based upon this, we suspect that
the E.I.R. is incorrect to the extent that it purports to show the status of
vegetation, the presence or absence of an endangered species, archeological
findings and any other matters which would necessarily be determined only by a
physical inspection of the land itself.
- 12 | 12. The draft E.I.R. is deficient in its analysis of the amount of water available
from underground aquifers. Its data bears no relation to the historic pump
yield in this location and further study is required before establishing the
amount of replenishment water needed to maintain the aquifers after the
construction of the dam.

Respectfully,

Francis Domenigoni

Francis Domenigoni

FD:sld

cc: Fred Domenigoni
Harry & Elsa Barton
Justin McCarthy, Esq., Redwine & Sherrill
Derrill Yaeger, Esq., Clayson, Mann, Arend & Yaeger
Roland Bainer, Esq., Clayson, Mann, Arend & Yaeger
Gregg Way, The Planning Center

ACCDROMI

4

PUBLIC COMMENTS

**Document 57 Francis Domenigoni
Domenigoni - Barton Properties**

- 57.1 Metropolitan has coordinated with the County of Riverside Planning Department about general plan amendments, specific plan applications, zone changes, and other planning applications which are indicators of proposed development. Discussions between the county and property owners without benefit of public disclosures is of a nature beyond the scope and mandates of CEQA due to the proprietary and speculative nature of the discussions.
- Also, recent contact with the county indicates the Domenigoni property within the proposed project area to be under Williamson Act contract with the State of California, which would give the impression that future development would be within the density specified in the current general plan.
- 57.2 Metropolitan studied the risk of reservoir failure in great detail during the feasibility study. A panel of world-renowned geologic and safety experts was consulted. Their analysis of the proposed project indicated that the probability of dam failure, including the maximum predicted earthquake in the project area, was less than 1 chance in 100,000,000 (Domenigoni Valley), considerably smaller than the acceptable level of risk for nuclear power plants. Because the risk of failure is so remote, and the safety consequences so minimal, the dam should have no impact on land use, or on the suitability of the land downstream for any projected use. Sections 5.1.10 and 5.3.10 specify the assumed land use impacts. Metropolitan does not foresee any change to the existing general plan and/or zoning ordinance as a result of the project. Future revisions to land use are dependent upon the county planning process.
- 57.3 The approach taken to risks associated with the reservoir sites under study reflects, to our knowledge, the most extensive technical risk assessment undertaken to date for reservoir projects in the planning stage. The expert panel assembled to evaluate risk of failure was chosen from a group of world-renowned geologic and safety experts with an average of 35 years of academic and field experience, including Dr. Clarence Allen, Geology (California Institute of Technology, retired), Dr. Michael Duncan, Geotechnical Engineering (Virginia Polytechnic Institute), Dr. Edward Idriss, Geotechnical and Seismic Engineering (University of California, Davis), Dr. R.V. Whitman, Statistical Risk Analysis (Massachusetts Institute of Technology), Dr. Allen Cornell, Statistical Risk Analysis (Stanford University), Robert Jansen, Geotechnical Engineering (prior director of the State of California Division of Safety of Dams), and Eugene Wagonner, Geology (retired president of Woodward-Clyde Consultants).
- 57.4 The parameters presented on Table 4.1.1-1 were developed for nearby faults on which earthquake activity would yield the most severe levels of seismic shaking of all faults within 100 miles of the dam sites. The controlling maximum ground shaking parameters appropriate for use in design/evaluation of the dams are summarized in the table shown below for the Domenigoni Valley, Potrero Creek, and Vail Lake sites:

Site	Dam	Maximum Earthquake M 8+ on San Andreas		Maximum Local Earthquake		
		Distance From Site (mi)	Peak ¹ Acceleration (g)	San Jacinto M 7-1/2 Distance (mi)	Elsinore M 7-1/4 Distance (mi)	Peak ¹ Acceleration (g)
Domenigoni	West Dam	25	0.30	8		0.45
	East Dam	22	0.30	4		0.55
	Saddle Dam	23	0.30	7		0.45
Potrero	Main Dam	12	0.45	2		0.65
Vail	Main Dam	33	0.20		5	0.50

¹Peak acceleration in rock to the nearest 0.05 g using seed and Idriss (1982).

The key parameters shown above are the peak ground acceleration, which is a measure of the intensity of shaking at the dam site, and the magnitude of the maximum earthquake, from which the duration of shaking can be evaluated (for example, M8 would correspond to about 60 seconds of strong shaking and M7-1/2 would correspond to about 30 seconds of strong shaking, or of more importance to the evaluation of the dams, M8+ would correspond to 26 significant seismic-induced stress cycles and M7-1/2 would correspond to 15 significant seismic induced stress cycles). The risk of failure due to seiching or seismic-induced slide into the reservoir was specifically addressed in the risk analysis described in Chapter 11 of the DEIR and by WCC (1990).

- 57.5 The probability of dam failure listed on Table 11.2.3-1 for the sites is so low that, with respect to other contemporary civil projects, it can be assumed to be negligible or approaching zero. It should be noted there is no future event with an absolute zero probability. The values on Table 11.2.3-1 may be considered as close to absolute zero probability as one can achieve. Also, the reference to dam failure on page 11-4 is from the technical publication, Whitman, R.V., 1984. Evaluating Calculated Risk in Geotechnical Engineering, in Journal of Geotechnical Engineering, v. 110, no. 2, pp. 145-189.

Discussion of technical assessment of risk at the proposed Domenigoni Valley Reservoir site is presented in Chapter 11 of the Final EIR. A detailed description of the risk assessment process and conclusions of the expert panel are contained in the *Interim Probabilistic Evaluation of Potential Dam Failure for the Proposed Domenigoni East and West Dams, Eastside Reservoir Project*, October 1990.

Extensive risk analysis was performed to evaluate the potential effects of seismic activity and other natural phenomena on the proposed dam alternatives. The analysis concluded that the annual probability of failure for the proposed Domenigoni Valley Reservoir was 1 in 100,000,000, considerably lower than the acceptable level of risk of nuclear power plants. This extremely low annual probability of failure is a consequence of multiple and

PUBLIC COMMENTS

redundant defense mechanisms in each dam system. A detailed discussion of the issue of dam safety and the probability of failure is contained in Chapter 11 of the DEIR and Final EIR.

Public Resources Code, Section 21061, states that the purpose of an EIR is to provide public agencies and the public with detailed information about the effect which a proposed project is *likely* to have on the environment, to list ways in which the significant effects of such a project might be minimized, and to include alternatives to such a project. Public Resources Code, Sections 21100 and 21151, provide that an EIR shall include a detailed statement setting forth, among other things, the significant environmental effects of a proposed project. Any significant effect on the environment is limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the environment. CEQA Guidelines, Section 15143, state that the EIR shall discuss significant effects with emphasis in proportion to their severity and probability of occurrence. CEQA Guidelines, Section 15145, provide that if, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

The risk of dam failure has been determined by Metropolitan to be a highly unlikely event for the reasons contained in the risk study, and, therefore, it is not discussed in further detail in the EIR. An inundation map would be prepared after design is complete for the State Department of Emergency Services in accordance with Section 8589.5 of the Emergency Services Act.

- 57.6 Metropolitan would be fully liable and carries General Liability Insurance coverage for these types of occurrences.
- 57.7 The construction of a reservoir at the Domenigoni Valley site will require relocation of Newport Road from Winchester Road (SH-79) to State Street in the City of Hemet. The relocation would involve right-of-way acquisition and replacement of necessary improvements and design capacity, including additional project-related traffic control improvements to a location north of the reservoir site. Metropolitan would also cooperate with other interests to accommodate additional right-of-way acquisition for ultimate improved roadway width and other contiguous improvements involving complementary or compatible land uses. Because existing conditions at Winchester Road/Newport Road do not warrant a traffic signal or additional turning lanes, these improvements are not planned with the construction of relocated Newport Road. The most probable alignment of the relocated roadway would be easterly from Highway 79 along the existing Olive Avenue alignment, crossing the San Diego Canal, then running roughly parallel to the existing and proposed Salt Creek Channel, and intersecting State Street approximately 1 to 1.5 miles north of the current Newport Road/State Street intersection.

Non-workforce traffic (discussed in Section 5.1.7.1 of the DEIR) was assumed to be 10 percent of the total workforce traffic volume. On State Highway 79, this equals

ATTACHMENT D

PUBLIC COMMENTS

- 16.3 Capital cost was one of the 39 evaluative measures that were considered in the decision model used to compare alternative reservoir sites. Capital cost represented 18.4 percent of the total score for each site, the highest weighted measure used in the evaluation.
- 16.4 Flood runoff in Domenigoni Valley is in the form of sheet flow and is very difficult to predict as to time and place. A definable drainage channel would not be formed as the flood runoff would normally become braided because of high sediment rates, the slope of the valley floor, and physical heterogeneity. The proposed Domenigoni Valley Reservoir would substantially reduce the peak discharge of the floods downstream of the proposed west dam and thus the resultant flood hazards. There is no need for any additional flood control channel as the reservoir would much reduce floodflows typically planned for by local jurisdictions. Even in the current no-project conditions, the floodplains downstream of the Domenigoni Valley west dam are mapped by the Federal Emergency Management Agency (FEMA) as Zone C (areas of minimal flooding) due to the prevailing sheet-flow type of flooding.
- 16.5 Groundwater cutoff downstream of reservoir dams will be mitigated. Several alternative measures can be used depending on the local conditions, ranging from controlled releases from the reservoir directed into the groundwater basin to arranging with the local water agency to make up groundwater losses. New lakes in the proposed recreation areas below the dams can also be utilized as groundwater percolation sites.
- 16.6 During the reservoir planning process, an extensive analysis of regional recreational demands were undertaken (Spectrum Economics 1988, 1991) to evaluate a wide variety of recreational needs in the vicinity of each reservoir alternative. These demand studies indicated a substantial unsatisfied recreational demand within the Southern California area and in western Riverside County, in particular. In addition to the demand studies, inventories of recreational needs were conducted, based on input obtained from the City of Hemet, the County of Riverside Parks Department, and the Valley-Wide Recreation and Parks District (Dangermond and Associates 1990). These inventories confirmed the local support for recreational activities predicted under the demand studies. Based on these studies, a preliminary recreational plan was formulated at each potential reservoir site. While refinements in these preliminary plans would be undertaken in the design phase, the preliminary plans presented in the DEIR are believed to provide an appropriate scale, type, and mix of recreational facilities at each reservoir site.

During the design phase of the project, Metropolitan would develop effective mechanisms to coordinate with Riverside County Parks and Open Space District, the City of Hemet, the Valley-Wide Recreation and Parks District, the community of Winchester, and other land use agencies and interests to refine recreational plans and to develop consistent measures for operation of recreational facilities.

Metropolitan currently maintains a policy of no body-contact activity at its domestic water supply reservoirs. Body-contact activities in reservoirs have been found to introduce harmful microorganisms into the water supply such as *Giardia*, viruses, and bacteria.

reservoir and its relationship to 100-year floodplains to the Riverside County Flood Control and Water Conservation District for a floodplain management review.

- 76.21 All three proposed reservoirs would reduce the peak discharges from their respective watersheds for floods ranging from the frequent floods of various recurrence intervals to probable maximum flood events.

For example, the proposed Domenigoni Valley Reservoir would reduce the peak discharge for a 100-year, 24-hour storm from 3,330 cfs to 87 cfs for the floodplain immediately downstream of the Domenigoni Valley west dam. The peak discharge of a similar 100-year, 24-hour storm would be reduced by the proposed Potrero Creek Reservoir from 8,740 cfs to 430 cfs, and by the proposed new Vail Lake Reservoir from 50,950 cfs to 30,440 cfs for the valley immediately downstream of their respective dams. However, the effects on the mapped floodplains are varied. The floodplains downstream of the Domenigoni Valley west dam are currently mapped as Zone C (areas of minimal flooding) due to the prevailing sheet-flow type of flooding. Therefore, a substantial reduction of peak discharge by the Domenigoni Valley Reservoir would not affect the zone designation. In the case of the proposed Potrero Creek Reservoir, the reduction on peak discharge is also substantial, but the effect on the floodflows along the San Jacinto River would be slight. The peak flow from Potrero Creek does not coincide with the peak flow from San Jacinto River at the confluence of the river and the creek, and the Potrero Creek watershed (30.54 square miles) is much smaller than the San Jacinto watershed (293 square miles). Furthermore, the floodplain downstream from the confluence of the San Jacinto River and Potrero Creek is the existing Lakeview ponding area where the flood stage would be much affected by the flood volume rather than the flood peak discharge. At the new Vail Lake Reservoir, the peak flow reduction would have major effects on the mapped floodplains along Temecula Creek. However, a Letter of Map Revision must be made to the Federal Emergency Management Agency through the community jurisdiction, not through Metropolitan. The responsibility to change flood zones, flood delineations, flood elevations, and planimetric features as a result of the improvement project undertaken by Metropolitan would be with the local community jurisdiction. If requested, Metropolitan would assist the community by providing the reservoir hydrologic and hydraulic data needed to effect such a map-change amendment.

- 76.22 Increases in groundwater levels are expected east of the east dam due to the barrier effect of the dam. Groundwater model simulation runs estimate that the increase in groundwater levels in this area would range between 5 and 15 feet (see DEIR Figure 5.1.2-2, page 5-8) and cover an area of approximately 2,800 acres. Based on the present interpretation of groundwater elevations and the anticipated rise due to construction of the east dam, the depth to groundwater is expected to range between a minimum of approximately 30 feet (just east of the east dam) to approximately 50 to 60 feet in the vicinity of State Street.

Leakage of reservoir water through the north rim will affect an area of approximately 4,500 acres. Groundwater elevations are expected to increase from approximately 5 to

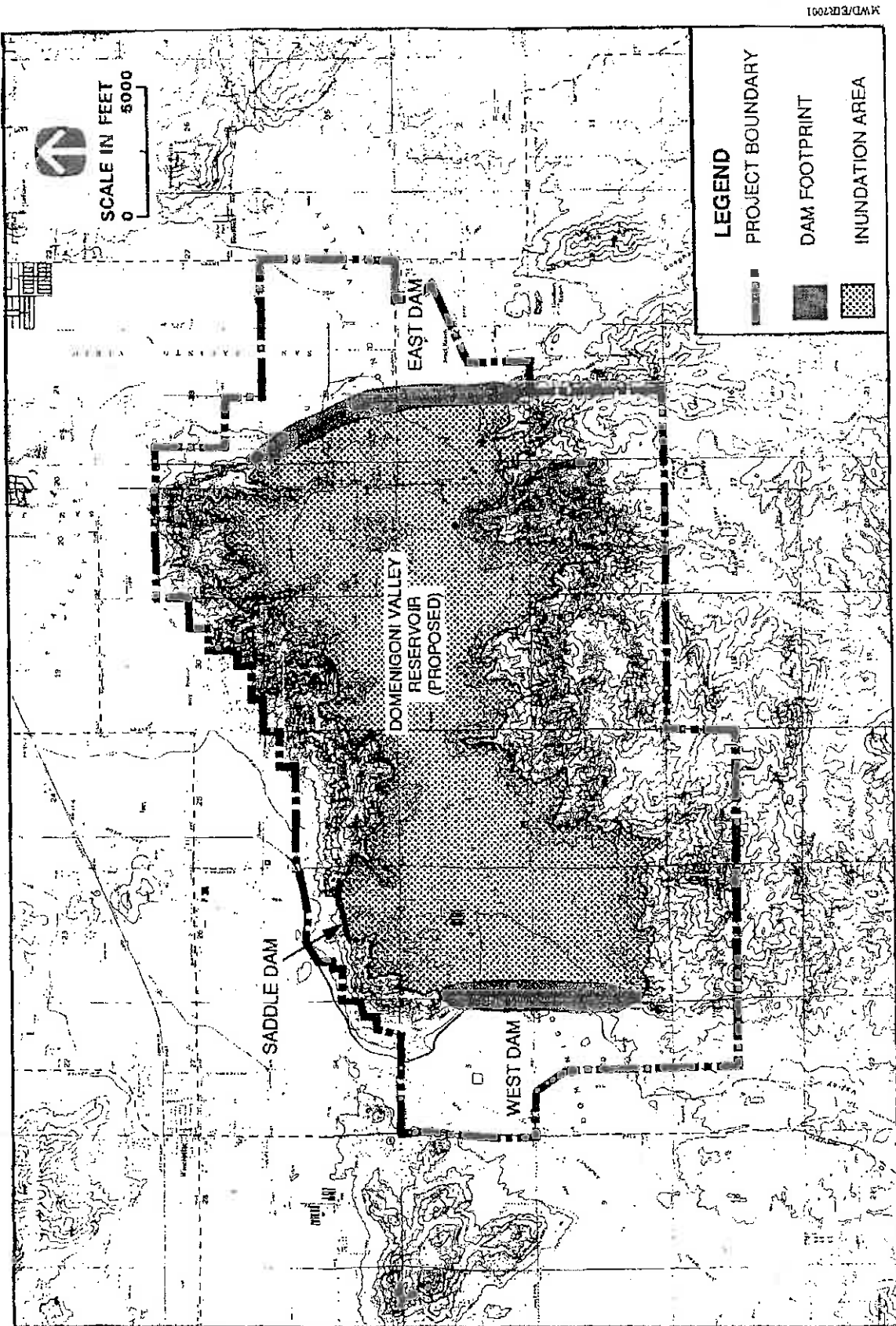


Figure 3.3.1-1 Domenigoni Valley Reservoir Site and Vicinity

ATTACHMENT E

phasing the development will reduce the amount of fugitive dust releases into the atmosphere at any given time. (Ref. [B-15] B-14)

Based on the above information, the project will temporarily worsen wind erosion and dust levels in the vicinity during the construction period. Until the project is completely built out, new residents may be exposed to dust from on-going construction activities. However, short-term wind erosion and dust generation are considered adverse but less than significant since fugitive dust can be effectively controlled. Also, the impacts will cease once construction activity ends.

Long-Term Impacts

As discussed above, the project site does not lie within an area subject to blowsand problems. Thus, there will be no significantly adverse long-term impacts due to the project. When worked (i.e., disced or tilled), agricultural fields generate a significant amount of dust and airborne particulates. Conversion of the project site into a residential/commercial area will eliminate the agricultural areas currently affected by wind erosion and significantly reduce the amount of airborne particulates locally. Thus, the project is expected to have an overall beneficial impact on blowsand conditions and dust levels in the region.

Mitigation Measures

Related mitigation measures are under air quality in Section III. F. of this EIR.

WEB-1. Short-term soil and wind erosion

impacts will be minimized by limiting areas of soil disturbance and watering exposed soils before and during grading operations.

WEB-2. Upon completion of grading/construction, exposed slopes shall be revegetated as soon as possible to establish vegetation that will minimize the effects of wind and water erosion.

WEB-3. Truck wheel washers will be installed by the [project applicant] *developer(s)* where construction vehicles exit unpaved surfaces onto paved areas if significant amounts of soil are being deposited on the paved road surfaces. All paved roadways within or adjacent to the construction site shall be maintained in a soil free condition.

Level of Impact After Mitigation

Incorporation and implementation of the above mitigation measures will reduce project impacts to blowsand and wind erosion to below the level of significance.

D. Flooding, Drainage and Dam Inundation

This discussion addresses three issues involving water flow: flooding, drainage and dam inundation areas.

Existing Conditions

Flooding

According to regional flood maps prepared by

the Federal Emergency Management Agency, and as shown in Figure III.D-1, none of the project site is located within a 100-year flood plain (Ref. B-4). The site is, however, within the dam inundation zone for the western face of the Diamond Valley Reservoir (Ref. B-7).

The 100-year flood is a standard engineering measure used to establish limits of flooding associated with a major storm event. As the name implies, the 100-year flood is the flooding associated with a storm with an intensity that statistically will occur once within a 100-year period. Such a storm has a one-percent chance of happening in any year during a 100-year time frame.

Drainage

The majority of the project site is located within the Warm Springs Valley basin of the 220-square-mile Murrieta Creek watershed. Approximately 50 acres of land at the northwest corner of the site, located outside the Warm Springs Valley fee area, lies within the Santa Ana River watershed (Ref. [B-45] B-23).

The project site includes portions of six drainage areas (identified as Drainage Areas A, B, C, D, E, and F on Figure C, Drainage Areas) which are further divided into a total of nineteen sub-areas impacting the project site. Combined, the nineteen subareas (shown on Figure D, Drainage Subareas) total 3,724 acres, of which 1,734 acres are on site and 1,990 acres are offsite. Each of the drainage areas is described in Table 1, Existing Drainage Areas, in terms of acreage both inside and outside the project boundaries.

Flood runoff in the Domenigoni Valley is primarily in the form of *sheet flow*, a wide and shallow run of water which results in flooded fields. Runoff is very intermittent both as to time and place, flowing only during and immediately after periods of heavy precipitation and runoff. The geomorphological conditions of the long and wide valley floor support the expectation that runoff from the surrounding hills as well as rainfall directly onto the soils of the floor will to a large extent infiltrate into the soil and percolate downward to the groundwater. The percentage of average annual runoff is less than 3% of the average annual precipitation and is approximately 0.48 cubic feet per second (cfs). (Ref. B-23).

A number of off-site drainage basins discharge to the project site from the north and east boundaries. The drainage direction through the project site is primarily southwesterly. The newly-constructed West Dam of the Diamond Valley Reservoir intercepts the runoff from the Domenigoni Valley watershed along the project's northeast boundary. Runoff in large storm events (100-year storms) from the northeast and central portions of the project site (Drainage Areas A, B, D, and E) flows west toward Leon Road, then south into Warm Springs Creek and eventually farther south into Murrieta Creek. Large storm event runoff from the southernmost portion of the project site (Drainage Areas F and G) flows south through French Valley, then west into Warm Springs Creek and eventually south into Murrieta Creek. In the northwest corner of the project site (Drainage Area C), the runoff in large storm events flows to the north west

across Menifee Valley, west into Canyon Lake and eventually into the Santa Ana River. During a 100-year storm event, 3,452 cfs leaves the site. The Riverside County Board of Supervisors and the Riverside County Flood Control and Water Conservation District have established the Master Drainage Plan for the Murrieta Creek Area. This plan establishes flood control improvements and a fee structure for assessing new development for its fair-share portion of the cost of those improvements. The improvements are intended to mitigate any adverse impact on flood control for both existing and future development. A majority of the project site, 1,681 acres, lies within the Warm Springs Valley sub watershed of this plan. (Ref. B-12)

Dam Inundation Zone

The project site lies approximately one mile southwest of the west face of MWD's newly constructed Diamond Valley Reservoir. The reservoir consists of two major earth and rock fill dams and one smaller saddle dam. The storage capacity of the reservoir is 800 million acre-feet at the normal maximum water surface elevation of 1,738 feet. The west dam is approximately 268 feet high and consists of 54 million cubic yards of fill. The top of both dams is at 1,761 feet, with a resulting freeboard of 13 feet (Ref. B-7).

The California Division of Safety of Dams (DSOD) has recommended that dams in heavily populated areas be made to handle a 25-year flood without the risk of increasing downstream flows to larger than what would naturally occur (Ref. B-7). The west dam-face

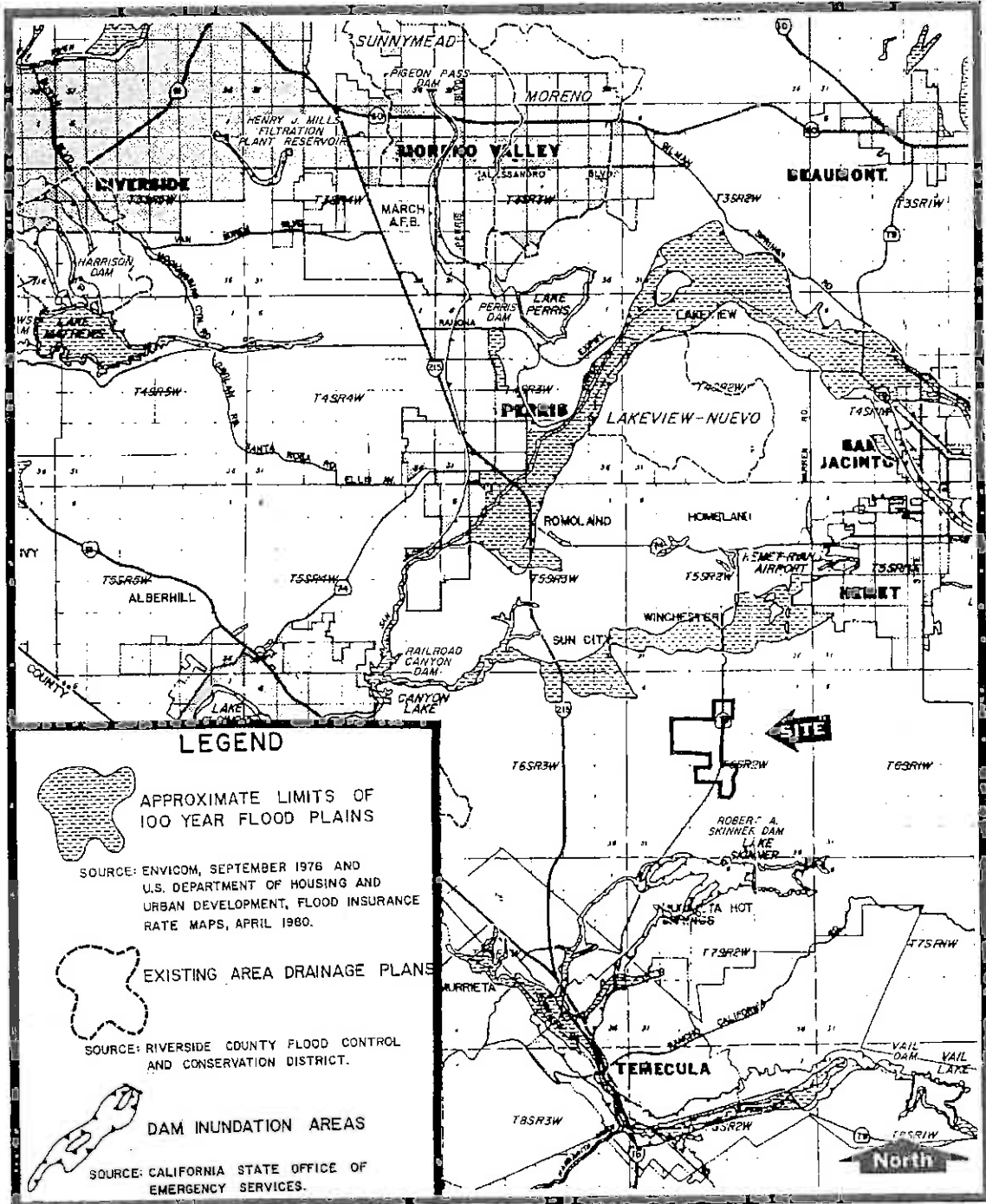
of the Diamond Valley Reservoir will have the capability of diverting flow from a 25-year flood. For a 100-year flood, 1,025 acre-feet of water in a 24-hour period or 710 acre-feet in a 6-hour period are expected. The storage capacity behind the upstream portion of the west dam is 1,000 acre-feet. An emergency outlet to the dam will permit rapid drawdown of the reservoir level in an emergency. The reservoir is not located within a 100-year floodplain. As per DSOD requirements, the reservoir can be lowered from the normal maximum level by 10% of its maximum depth, a volume of 129,600 acre-feet, in 10 days (Ref. B-7).

MWD is the lead agency for the Diamond Valley Reservoir Project (formerly known as the Eastside Reservoir Project.) Environmental impacts associated with inundation due to dam failure are evaluated in the EIR certified by MWD for the Eastside Reservoir Project, (Ref. B-7) [attached as an appendix to this Draft EIR.] Risks associated with Diamond Valley Reservoir dam breach and flood inundation are discussed in a report prepared by Woodward-Clyde Consultants for MWD in December 1991 (Ref. B-45). The sheer mass and composition of the dam faces preclude sudden, cataclysmic failure. It was concluded by Woodward-Clyde that "sites [around the dam faces] would be about 1,000 times more vulnerable to extreme structural damage, rendering them uninhabitable, than would the east dam of being breached." However, should a dam face fail, the outflow was described as comparable to 500-year flood levels (Ref. B-45). In the Woodward-Clyde report, it is concluded that "extensive risk

100-Year Flood Plains

Figure III.D-1

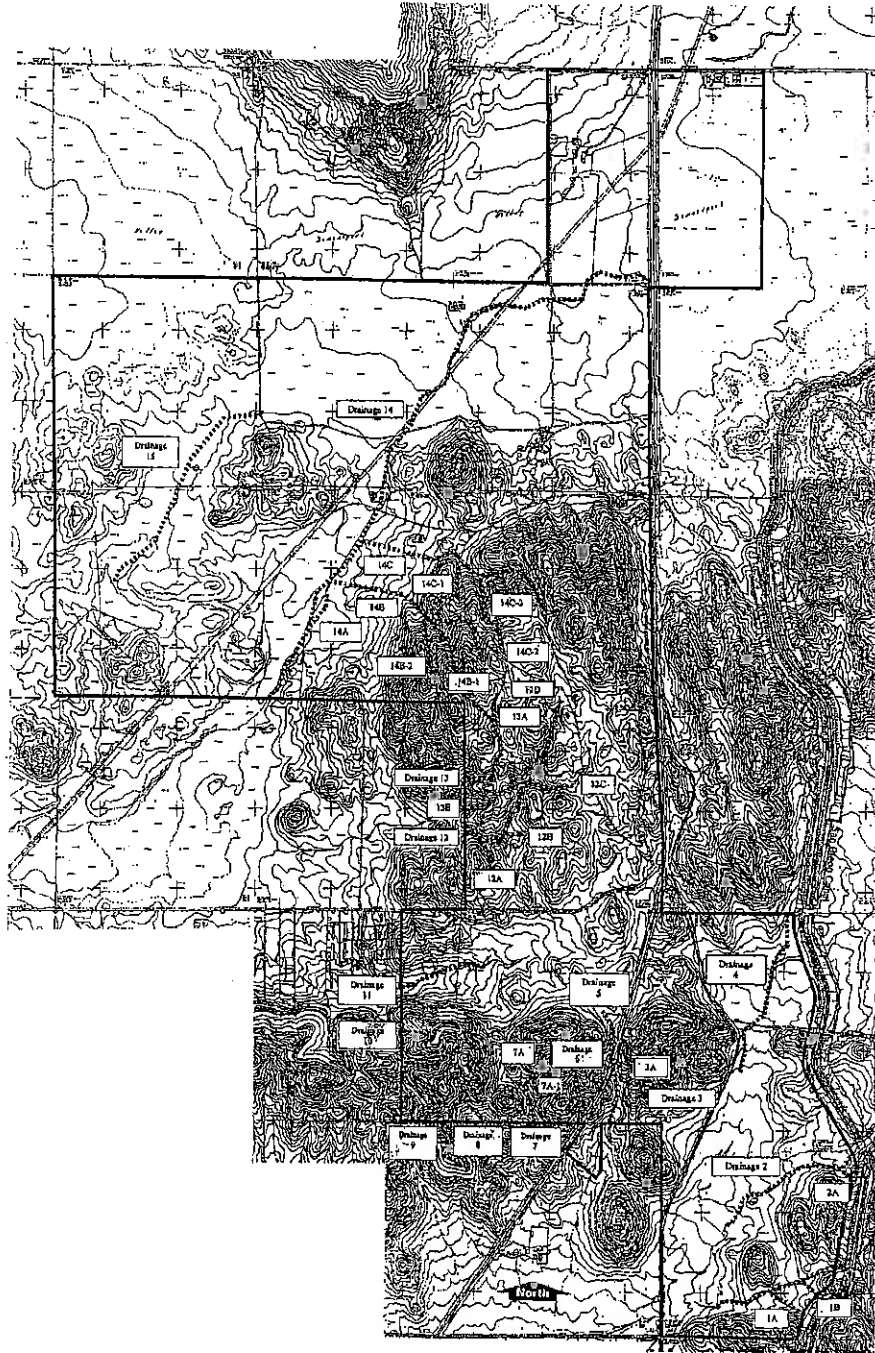
Map Source: RC-CGP



Existing Drainages

Figure III. D-2

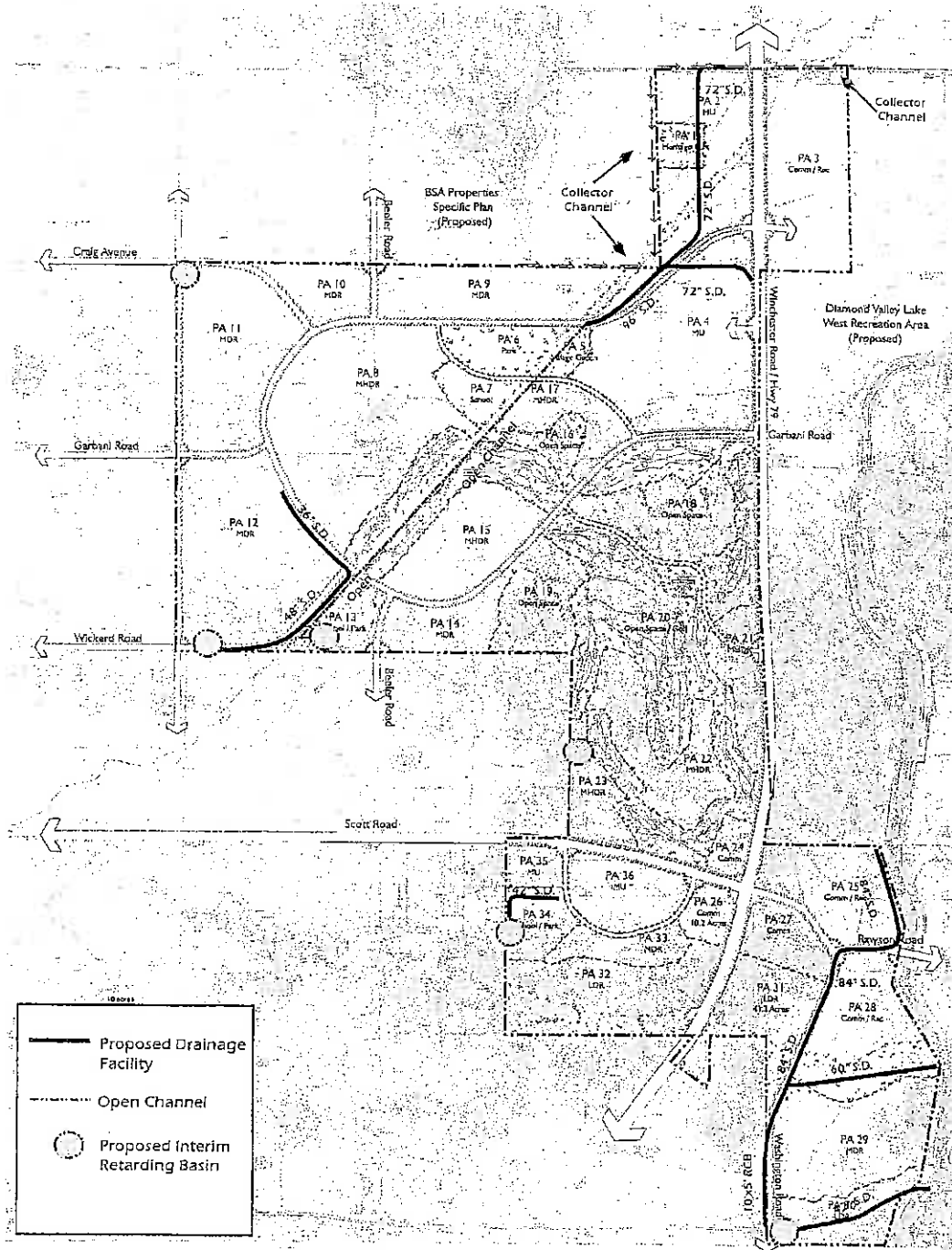
Source: Domenigoni-Barton Properties Jurisdictional Waters and Wetlands Delineation, Olsen Associates, Inc., 2000



Drainage Plan

Figure III. D-3

Map Source: Webb Associates



analysis [has shown] the risk of dam failure to be an annual probability of 1 in 100 million under seismic loading conditions exceeding the maximum credible earthquake conditions anticipated in the region." Because MWD deemed the probability of dam failure to be exceedingly low, inundation mapping was not discussed in the EIR for the project. MWD did state, however, that inundation mapping will be prepared for the State Department of Emergency Services in accordance with Section 8589.5 of the Emergency Services Act, prior to reservoir operation (Ref. B-45). At the time of this writing, MWD is preparing an inundation map for the Diamond Valley Reservoir.

General Plan Policies

The General Plan establishes several land use standards and programs aimed toward minimizing exposure of persons and properties to flood hazards (Ref. B-4). Standards include:

- Reviewing all development proposals to determine whether affected properties are exposed to regional or local flooding, or dam inundation, and requiring identified hazards to be adequately mitigated.
- Requiring new development within floodplains to be constructed on a pad above the 100-year flood elevation.
- Requiring payment of applicable fees for projects located within an adopted Area Drainage Plan.
- Limiting rivers, floodways, lakes, and reservoirs to open space and limited

recreational uses.

To implement these standards, the County has established the following programs:

- Relying upon the Riverside County Flood Control and Water Conservation District for review of development proposals in flood hazard areas, including dam inundation areas.
- Mapping of areas subject to flood-related hazards and dam inundation on the County Flood Hazards Maps.
- Continuing to adopt Area Drainage Plans as a means of equitably paying for drainage improvements.
- A Dam Inundation Evacuation Plan shall be maintained.

Threshold for Determining Significance

Significance Threshold Criteria. According to the CEQA Guidelines Sec. 15064 et seq., a project's flooding impacts may be considered a significant effect on the environment if it would:

- place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- place within a 100-year flood hazard area structures which would impede or redirect flood flows; or

- expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Impacts to drainage may be considered a significant effect on the environment if it would:

- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial sources of polluted runoff; or
- require or result in the construction of new stormwater drainage facilities or expansion of existing facilities the construction of which could cause significant environmental effects.

Project Environmental Impacts / Relationship to General Plan Policies

Flooding

The project site is not within a 100-year flood plain. No significant impacts are expected from storm-related flooding.

Drainage

Because the project site currently contains

virtually no development, rainfall onto the property percolates directly into the ground. The only existing impervious surfaces which prevent percolation are the paved roadways and the limited number of farm buildings and houses.

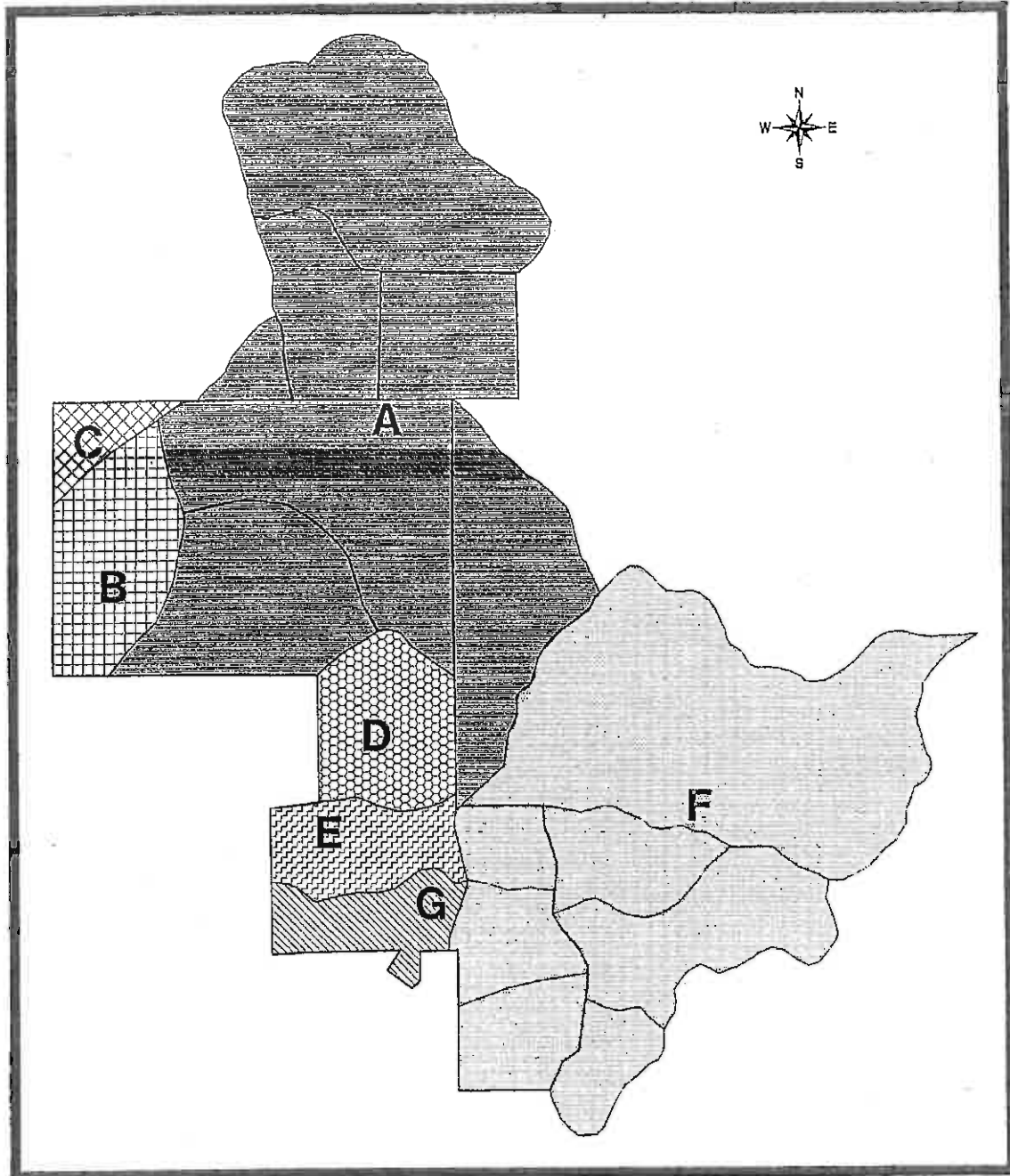
Site development will significantly increase the area of impervious surfaces across the entire property. The surfaces of roads, rooftops, and parking lots will prevent the absorption of rainfall into the ground. Storm runoff will be directed toward streets and other man-made drainage features, where it will collect in volumes substantially greater than current flow rates. Increases such as these are considered significant. Current surface runoff for the project site during a 100-year storm is estimated to be 3,452 cfs. Project development would increase this runoff to an estimated 4,234 cfs. [(See Table 3, Post Development Flood Conditions.)]

As part of the project, the developer(s) will be required to provide drainage improvements associated with this project. Figure II.D-4 illustrates the proposed major drainage features associated with this project. The drainage basin boundaries on-site were determined using existing topography and proposed roadway and grading layout. There are six major basins with drainage direction westerly or southwesterly toward Leon Road. The drainage plan is comprised of several large conduit systems traversing the site as well as a reach of 3,800 linear feet of grass-bottomed open channel along the San Diego Aqueduct Alignment. Also, there are seven proposed interim retarding basins on-site to reduce peak

Drainage Areas

Figure III.D-4

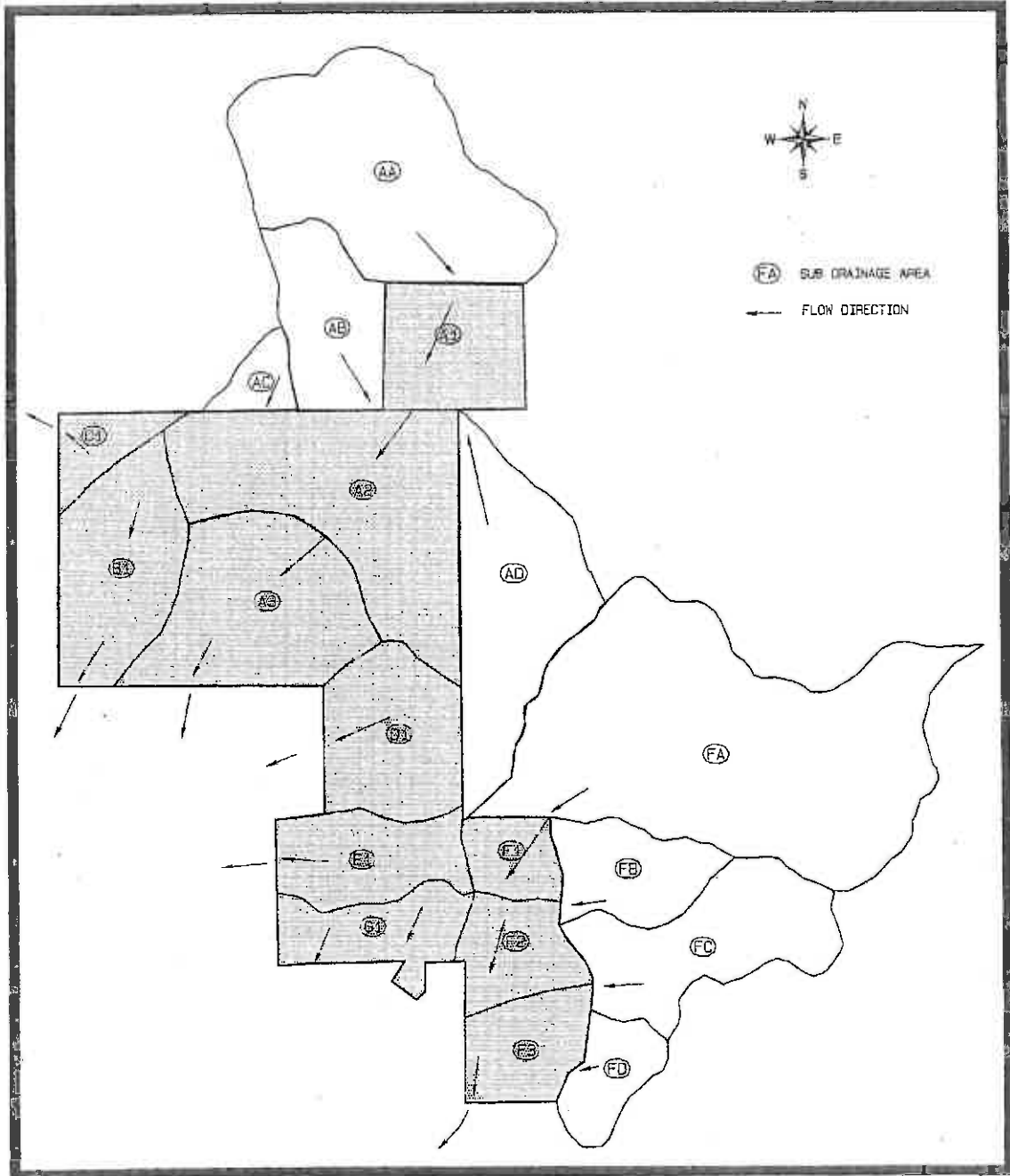
Map Source: Webb Associates



Drainage Subareas

Figure III.D-5

Map Source: Webb Associates



runoff during most storm events. These improvements, which are part of the project, will reduce drainage impacts to less than significant levels.

Construction of the West Dam of the Diamond Valley Reservoir cuts off natural drainage through Domenigoni Valley. In order to mitigate the adverse impacts to water rights holders downstream of the project site, MWD is required to make mitigation releases within reasonable and safe limits that would neither impair MWD's use of the Diamond Valley Lake nor expose it to public liability (Ref. B-[46] 45). Surface water impounded by the reservoir is released to the San Diego Aqueduct, travels underground through the project site in the San Diego Aqueduct, and then empties into Warm Springs Creek to the west of the project site (Ref. B-47).

Figure III.D-3. Drainage Plan
Figure III.D-3. Drainage Plan
Figure III.D-3. Drainage Plan
Figure III.D-3. Drainage Plan
MWD identified a potential reservoir outflow of 825 cfs during a probable maximum flood [(Ref. 30) (Ref. B-7)]. Additionally, as part of the Diamond Valley Reservoir Project and as per DSOD requirements, the reservoir can be lowered from the normal maximum level by 10% of its maximum depth, a volume of 129,600 acre-feet, in 10 days (Ref. B-7).

The applicant should coordinate with MWD to minimize redundant drainage improvements through the project site.

Dam Inundation

Since the reservoir has a freeboard of 13 feet

and the contributing watershed is very small, dam failure due to overtopping is extremely unlikely (Ref. B-7). The most likely failure mechanism is piping due to seismic shaking. Once the critical piping diameter is reached, complete dam failure would occur in 1-4 hours (Ref. B-7). Calculations have indicated that failure of the west dam would result in a peak outflow of between 1,100,000 cfs and 5,690,000 cfs (depending on method of calculation) (Ref. B-7). MWD is in the process of preparing an inundation area map for public review. However, prior inundation analysis indicates that the peak flood wave from a west dam failure would be expected to flow out through low-lying areas and eventually into Warm Springs Creek, Tusalota Creek, and Santa Gertrudes Creek Valleys. Flow would eventually reach the Temecula Valley area and enter the upper reaches of the Santa Margarita Creek watershed. Along this pathway, peak flow would eventually be attenuated to the magnitude of the 100-year base flood, for which standard 100-year flood predictions would apply (Ref. B-7).

As published in the Final EIR certified for the Diamond Valley Reservoir Project, MWD has determined that the probability of dam inundation is slight, there are no significant negative impacts associated with the inundation potential and that no mitigation measures are required in connection with potential dam inundation (Ref. B-7). Under California Education Code section 17253, no mitigation is required for schools constructed within the potential dam breach inundation area of the Diamond Valley Reservoir as long as the Department of Water Resources

continues to assert jurisdiction. MWD is in the process of preparing an inundation area map for the Diamond Valley Reservoir. In the response to comments on the Notice of Preparation issued for the proposed Highway 74/79 General Plan Amendment, the County states that the dam inundation issue will not have an effect on land uses (Ref. B-7). Thus, no other mitigation measures, beyond those already required by General Plan policies are recommended.

Mitigation Measures

The following measures have been included in the project to reduce drainage impacts:

F-1 The project's drainage improvements will be installed as shown in Figure III.D-1 of the Specific Plan as necessary to serve the project and are to be designed and constructed in accordance with the policies and standards of the Riverside County Water Conservation and Flood Control District (Flood Control District).

F-2 Drainage improvements as necessary to serve individual development projects will be designed at the time of project-level design, to the specifications of the Flood Control District.

F-3 Prior to any grading within "waters of the United States" subject to the jurisdiction of the Army Corps of Engineers, a section 404 permit will be obtained from the Corps and a section 401 certification or waiver will be obtained from the appropriate Regional Water Quality Control Board. Prior to any grading within streambeds subject to the jurisdiction of

the Department of Fish and Game, a section 1601/1603 permit will be obtained.

F-4 All oversized and off-site flood control improvements installed by the project developer(s) shall be reimbursed in conformance with applicable laws, rules and regulations.

F-5 Parking lots shall be designed to direct surface runoff toward landscaped areas, where runoff can be allowed to percolate into the ground.

F-6 Temporary culverts, ditches, dams, settling ponds, sandbagging, or similar measures shall be installed at construction areas to maintain existing drainage flows and to collect excess water and sediments flowing from construction sites.

F-7 All drainage and storm facilities shall be maintained by Riverside County Flood Control, County Transportation Department, or a community service financing mechanism, as required by the Flood Control District.

F-8 Prior to the approval and recording of final maps, a final drainage plan and final grading plan shall be prepared by the applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after development.

F-9 The applicant for any subdivision map permitting construction shall satisfy all applicable requirements of the National Pollution Discharge Elimination System Program, including implementation of best management practices applicable to the

subdivision and preparation of a storm water pollution prevention plan and implementation of best management practices applicable to the subdivision.

Level of Impact After Mitigation

Dam inundation and flooding impacts are not considered significant. Incorporation and implementation of the above mitigation measures will reduce project impacts to drainage to below the level of significance.

E. Noise

A noise impact analysis of existing conditions and the proposed development was performed by Giroux and Associates June 20, 2000. The complete study is provided in the Technical Appendix C to this EIR.

Environmental Setting

Noise is generally defined as undesirable sound. Noise can be described objectively by a unit of measurement known as the decibel (dB), which corresponds to the faintest sound detectable by the human ear. The decibel indicates the amplitude or loudness of a particular sound at a given point in time. An A-weighted decibel (dBA), factored for sound levels at maximum human sensitivity, is used to more closely simulate the responses of the human ear by de-emphasizing very high and very low frequencies.

As the decibel describes only a short-term noise occurrence and communities are usually interested in longer term ambient noise levels, additional descriptors have been developed.

Since community receptors are more sensitive to unwanted noise intrusion at night, State law requires that, for planning purposes, an artificial dB increment be added to quiet time noise levels in a 24-hour noise descriptor called the Community Noise Equivalent Level (CNEL). The CNEL is a logarithmic scale of average noise levels over a 24-hour period that adds a "penalty" factor to measurements taken between 7:00 p.m. and 7:00 a.m. The purpose of these measures is primarily to isolate noise sensitive land uses from high levels of noise exposure. Land uses that are most sensitive to noise include residential areas, schools, libraries, motels and hotels, places of worship, hospitals, and nursing homes. Table III.E-1 shows the noise level standards for a variety of land use categories.

Noise sources can be described as either point source or non-point source. The former refers to fixed location sources such as roadways, railroads, shopping centers, and manufacturing plants, while the latter includes automobiles, motorcycles, trucks, powerboats, trains, and aircraft.

An interior CNEL of 45 dBA is mandated by the State of California Noise Insulation Standards (CCR, Title 24, Section T25-28) for multiple family dwellings and hotel rooms. This standard also applies to single family home interiors in most California jurisdictions. Since normal noise attenuation within residential structures with closed windows is about 20 dB, an exterior noise exposure of 65 dBA CNEL is generally the noise land use compatibility guideline for new residential dwellings in California. Because commercial

1 below.

2 Cumulative

3 See Soils, Slopes and Erosion in Section B.2 above.

4 D. Flooding, Drainage, and Dam Inundation

5 1. Impacts:

6 Project Specific

7 The Project site is not within any 100-year flood plain. Flooding
8 risk is also reduced to the Diamond Valley Reservoir. Project
9 development will increase the amount of impervious surfaces in
10 the area thereby increasing stormwater runoff. The Project site is
11 within the inundation area of the Diamond Valley Reservoir.
12 Project development will result in the introduction of residents into
13 an inundation area. However, Metropolitan Water District of
14 Southern California has determined that the probability of dam
15 failure is extremely low and there are no significant negative
16 impacts associated with the dam inundation potential.

17 Cumulative

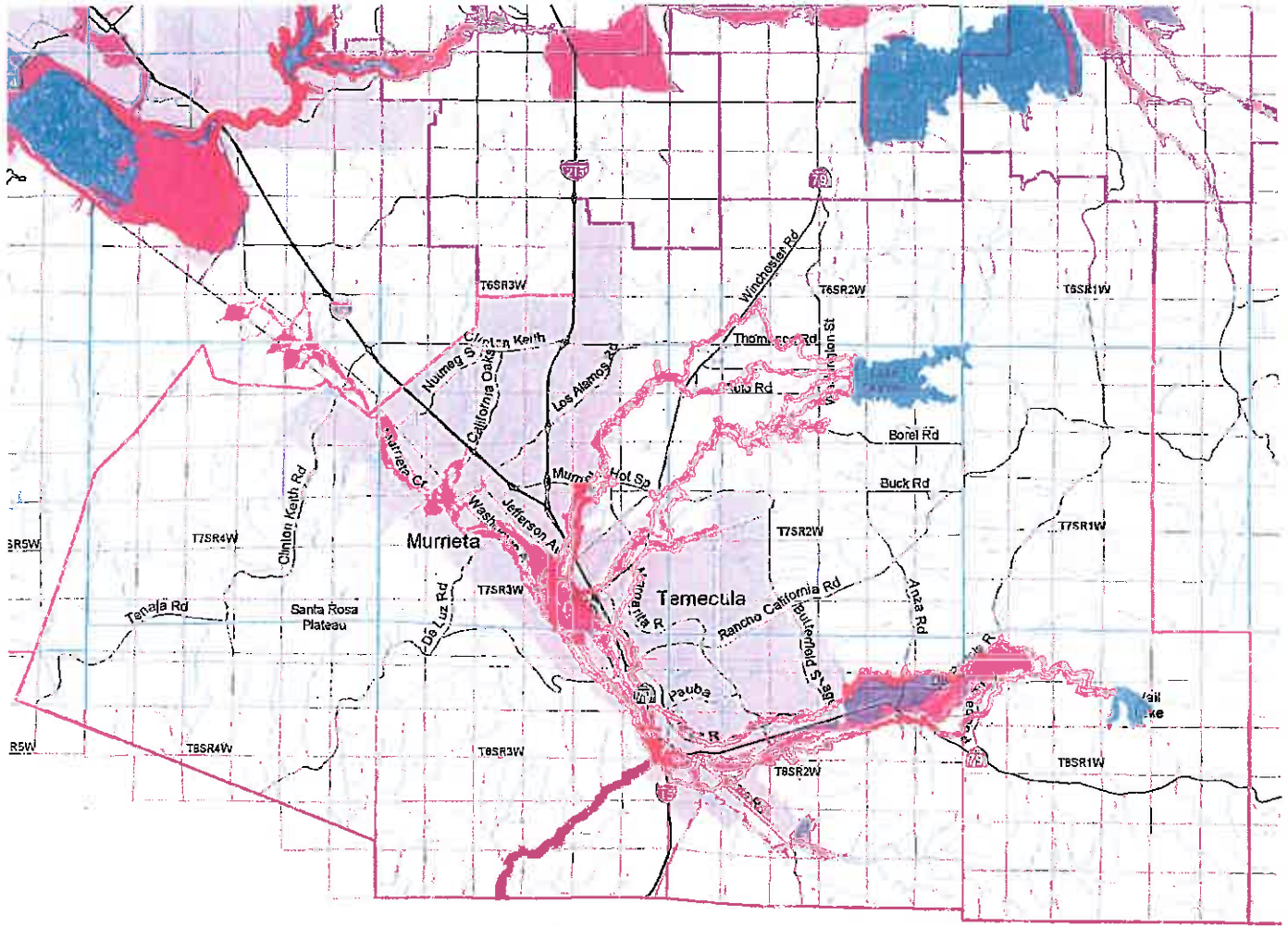
18 Incorporation of drainage facilities into the Project site will ensure
19 that the site does not impact flooding or drainage regionally.
20 Urbanization of the area will result in a large population living
21 within the potential inundation area of the Diamond Valley
22 Reservoir. However, Metropolitan Water District of Southern
23 California has determined that the probability of dam failure is
24 extremely low and there are no significant negative impacts
25 associated with the dam inundation potential.

26 2. Mitigation:

27 Project Specific

28 To mitigate potentially significant drainage impacts to a level of

ATTACHMENT F



Flood Prone Areas
 ■ 100 Year Flood Zone
 ■ 500 Year Flood Zone
 ~ Stream, River, Canal

Dam Hazard Zones
 ▲ High
 ▲ Moderate
 ▲ Low

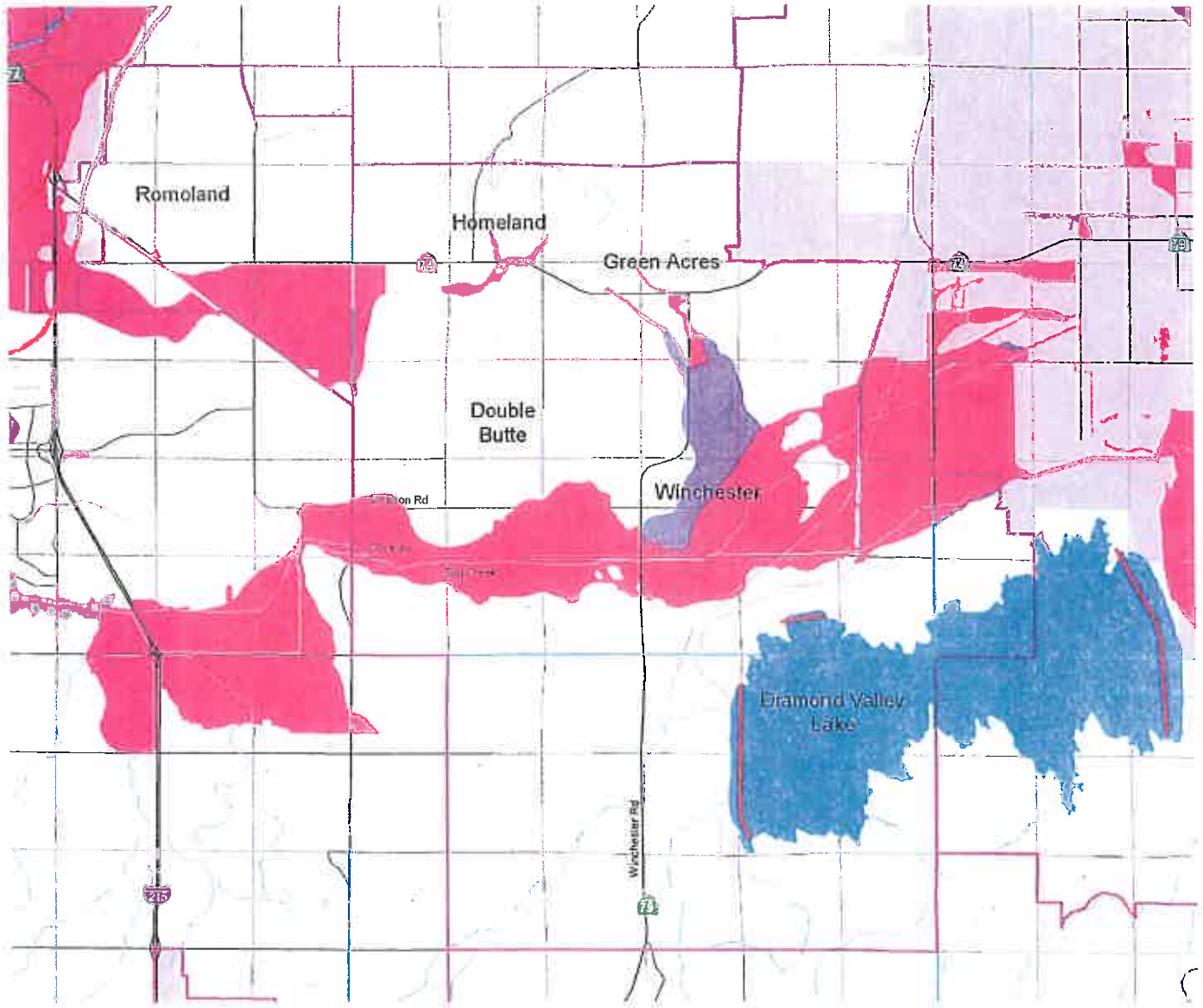
Source: Information on Earth Combinations International. The client does not have on this map as of 1/08. The County of Riverside as the RCIP consultants have no reason to believe that the map contains any inaccurate degree of information. The County of Riverside and the RCIP consultants assume no responsibility for any errors, omissions, or inaccuracies in the information contained within the map, regardless of the location, subject and date. Data and information represented on this map is to be updated and modified as conditions may change. The County of Riverside and the RCIP consultants shall not be responsible for any errors, omissions, or inaccuracies in the information represented on this map or for any damages, electronic or mechanical, including loss copying and recording, or any other damages resulting in writing by the County of Riverside.

Figure 10



**SOUTHWEST AREA PLAN
 FLOOD HAZARDS**



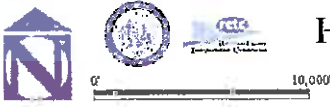


- Flood Prone Areas**
- 100 Year Flood Zone
 - 500 Year Flood Zone
 - Stream, River, Canal

- Dam Hazard Zones**
- High
 - Moderate
 - Low

Source: Information: Earth Consultants International. The oldest data shown on this map is pre-1970. The County of Riverside and the RCIP do not warrant or assume any liability, however, as to the accuracy or reliability of any data or information contained on this map, regardless of the source, nature and use. Data and information represented on this map is subject to change and modification without prior notification. The user of this information system and their advisors should be advised that the user of this information system is not to be held liable for any errors or omissions, except as expressly provided in writing by the County of Riverside.

Figure 11



**HARVEST VALLEY/WINCHESTER AREA PLAN
FLOOD HAZARDS**





Dam Hazard Zones

- High
- Medium
- Low

- Major Roads & Highways
- Area Plan Boundaries
- Coast



ES&S © 2013 by the City of Los Angeles

DAM FAILURE
INUNDATION ZONES



Dam Hazard Zones

- High
- Moderate
- Low

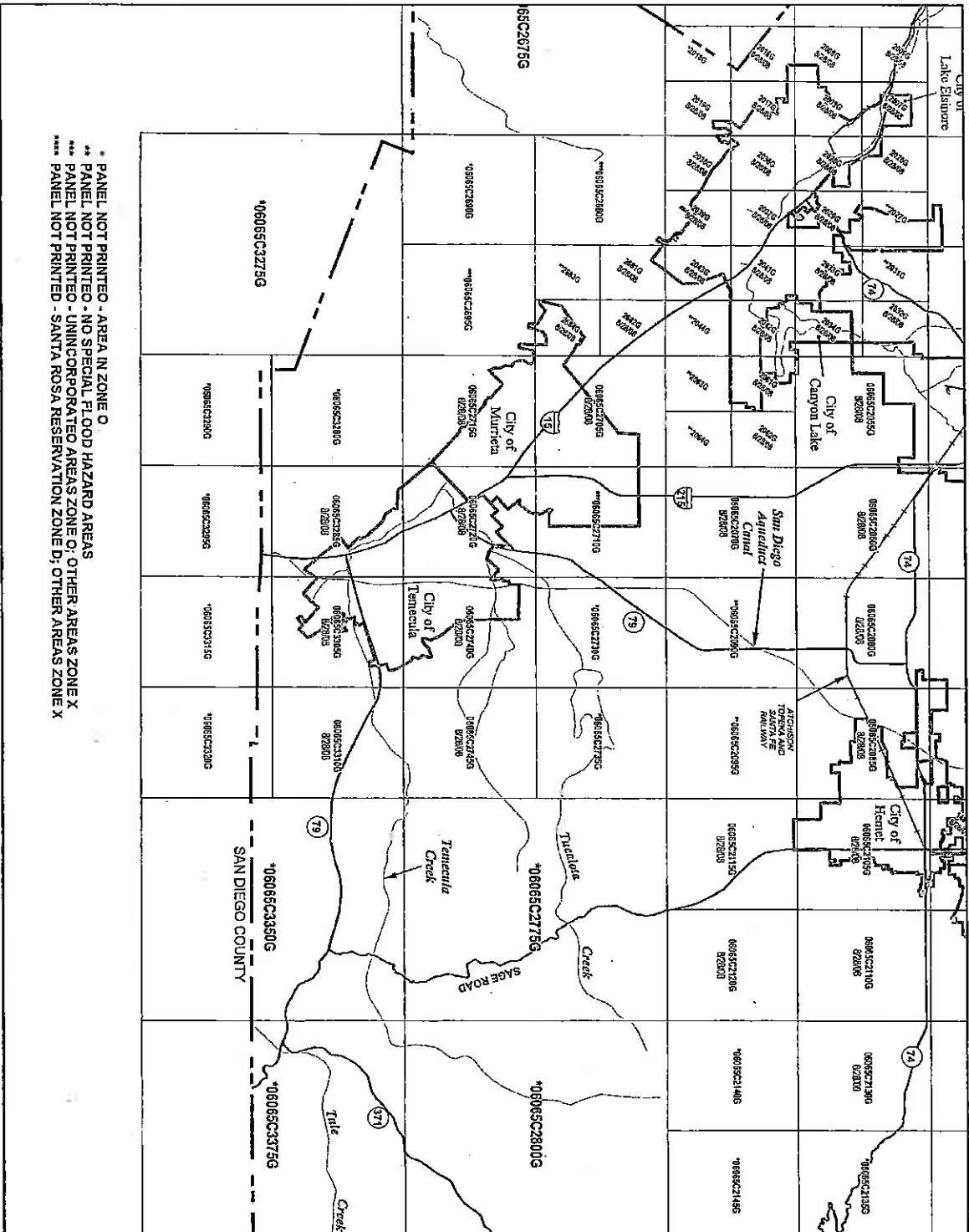
- Major Roads & Highways
- Area Plan Boundaries
- Cities



For information on the Dam Failure Inundation Zones, please contact the Planning Department at (916) 438-2200. The Dam Failure Inundation Zones are based on a study conducted by the California Department of Water Resources. The Dam Failure Inundation Zones are based on a study conducted by the California Department of Water Resources. The Dam Failure Inundation Zones are based on a study conducted by the California Department of Water Resources.

**DAM FAILURE
INUNDATION ZONES**

ATTACHMENT G



* PANEL NOT PRINTED - AREA IN ZONE O
 ** PANEL NOT PRINTED - NO SPECIAL FLOOD HAZARD AREAS
 *** PANEL NOT PRINTED - UNINCORPORATED AREAS ZONE O; OTHER AREAS ZONE X
 **** PANEL NOT PRINTED - SANTA ROSA RESERVATION ZONE D; OTHER AREAS ZONE X



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
 FLOOD INSURANCE RATE MAP
 RIVERSIDE COUNTY,
 CALIFORNIA
 UNINCORPORATED AREAS
 (SEE LISTINGS OF COMMUNITIES PAID)

MAP INDEX
 SHEET 1 OF 2

PANELS PRINTED: 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

(SEE SHEET 2 FOR ADDITIONAL PANELS PRINTED)
 MAP NUMBER: 06065CIND-1A
 EFFECTIVE DATE: AUGUST 28, 2008

THIS IS THE OFFICIAL FIRM FOR THE above referenced jurisdiction. It is the responsibility of the community to verify the accuracy of the data and to determine if any changes or amendments which may have been made subsequent to the date on the FIRM. For the latest product information, visit National Flood Insurance Program website at www.flood.gov.



06065C-2086G
eff. 8/28/2008

06065C-2086G
eff. 8/28/2008

06065C-2086G
eff. 8/28/2008

LOMA 06065C-2086G
eff. 8/28/2008

LOMA 06065C-2086G
eff. 8/28/2008

PANEL
06065C-2090G
eff. 8/28/2008

PANEL
06065C-2090G
eff. 8/28/2008

PANEL
06065C-2095G
eff. 8/28/2008

RIVERSIDE COUNTY UNINCORPORATED AREAS

Google earth

miles



Google earth

EXHIBIT B

824A



**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: Transportation and Land Management Agency

SUBMITTAL DATE:
January 27, 2015

SUBJECT: Adopt Resolution No. 2015-025 Revising the Special Flood Hazard Areas in the Public Flood Hazard Determination Interactive Map Pursuant to Ordinance No. 458; CEQA Finding of Exemption; District 3

RECOMMENDED MOTION: That the Board of Supervisors:

1. Finds that the revisions to the Special Flood Hazard Areas in the Public Flood Hazard Determination Interactive Map are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) and 15305; and
2. Adopt Resolution No. 2015-025 Revising the Special Flood Hazard Areas in the Public Flood Hazard Determination Interactive Map as shown on Attached Exhibit "A"; and
3. Direct the Floodplain Administrator to amend the Special Flood Hazard Areas in the Public Flood Hazard Determination Interactive Map within ten days after adoption of this resolution; and
4. Direct the Clerk of the Board to file the attached Notice of Exemption with the County Clerk within five days after adoption of the revisions to the Special Flood Hazard Areas.

BACKGROUND:
Summary

(Continued on page 2)

Mike Lara
Director of Building and Safety

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>

SOURCE OF FUNDS:	Budget Adjustment: N/A
	For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione and Ashley
 Nays: None
 Absent: Benoit
 Date: January 27, 2015
 xc: TLMA, Recorder

Kecja Harper-Ihem
 Clerk of the Board
 BY:
 Deputy

Prev. Agn. Ref.: | District: 3 | Agenda Number:

9-6

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRAMOS
 DATE: 1/13/15
 Departmental Conference

A-30
 Positions Added
 4/5 Vote
 Change Order

BACKGROUND:

Summary (continued)

Ordinance No. 458 regulates the administration of Special Flood Hazard areas within unincorporated Riverside County. Ordinance No. 458, Section 5 provides the lists of the special flood hazard areas shown on the Public Flood Hazard Determination Interactive Map that are regulated by the County. Special flood hazard areas within a portion of Warm Springs Creek (listed in Ord No. 458, Section 5(b)(3)) and a portion of the Awareness Map floodplains (listed in Ord No. 458 Section 5(d)) are recommended to be revised as shown on Exhibit "A".

The reasons for the floodplain map revision are as follows:

- Warm Springs Creek passes through Specific Plan 310. The Board of Supervisors adopted conditions of approval on December 14, 2004 that required the construction of a channel and storm drain system to protect the proposed development from flooding and mitigate its impacts on downstream properties. The conditions placed on SP310 require drainage improvements that exceed those required by Ordinance No. 458.
- The Awareness Map of Warm Springs Creek used topographic mapping from 1979 that does not include Diamond Valley Reservoir. The base assumptions for the watershed delineations are incorrect. The resulting special flood hazard areas simply do not exist to the extent shown on the current maps.

Impact on Residents and Businesses

For the parcels within Specific Plan 310, there will be no change since the Conditions of Approval require the construction of a channel and storm drain system to protect the proposed development from flooding and mitigate its impacts on downstream properties. For parcels east of SP 310, removing the special flood hazard area will show a more accurate representation and their flooding risk and allow residents and businesses to construct improvements without being regulated by Ordinance No. 458.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

Attachments:

Exhibit A – Ordinance No. 458 Floodplain Removal Map
Exhibit B – Engineer's Statement
Property Owners List and Certification Form
Notice of Public Hearing- Individual Letter
Publication Notice of Public Hearing
Notice of Exemption

1 Board of Supervisors

County of Riverside

2
3 RESOLUTION NO. 2015-025

4 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
5 REVISING SPECIAL FLOOD HAZARD AREAS IN THE PUBLIC FLOOD HAZARD
6 DETERMINATION INTERACTIVE MAP PURSUANT TO ORDINANCE NO. 458

7 WHEREAS, Ordinance No. 458 regulates Special Flood Hazard Areas and implements the
8 National Flood Insurance Program within unincorporated Riverside County; and

9 WHEREAS, the Public Flood Hazard Determination Interactive Map found at <http://reflood.org>
10 shows the Special Flood Hazard Areas; and

11 WHEREAS, Specific Plan 310 ("SP310"), Domenigoni-Barton Properties, is located in the
12 unincorporated County of Riverside, near Diamond Valley Lake, on both sides of Highway 79, bounded
13 by Holland road on the north, and Keller Road on the south, (See attached Exhibit "A"); and

14 WHEREAS, AEI-CASC Companies prepared a special flood study as part of Specific Plan 310
15 dated December 2004, to address flood control improvements necessary for the property's development,
16 and that flood study is on file at the Riverside County Flood Control and Water Conservation District
17 ("District"); and

18 WHEREAS, using the SP 310 special flood/drainage study, District recommended and the Board
19 of Supervisors for the County of Riverside adopted conditions of approval for addressing flood hazards
20 through the site when approving SP310; and

21 WHEREAS, Domenigoni-Barton Properties Specific Plan 310 Environmental Impact Report 421
22 was certified by the Board on December 18, 2001 with a supplement report certified on December 14,
23 2004; and

24 WHEREAS, a Special Flood Hazard Area is identified and located on SP 310 property also shown
25 on Exhibit "A"; and

26 WHEREAS, based upon the Engineer's Statement, attached as Exhibit "B", providing details
27 supporting the floodplain revision, the Floodplain Administrator finds the SP 310 conditions of approval
28 are still appropriate; that the special flood hazard areas shown in red through SP 310 may be deleted from

FORM APPROVED COUNTY COUNSEL
BY: *Sybil M. Gunzel* 1-12-15
DATE: SYBIL M. GUNZEL

1 the Interactive Map; and that the Special Flood Hazard Area shown in red on Exhibit "A" is in error and
2 recommends such area should be deleted from the Public Flood Hazard Determination Interactive Map;

3 NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the Board of
4 Supervisors of the County of Riverside, State of California, in regular session assembled January 27, 2015
5 based upon the evidence and testimony presented on the matter, both written and oral, that:

- 6 1. The proposed revisions to the Special Flood Hazard Areas in the Public Flood Hazard
7 Determination Interactive Map are exempt from the California Environmental Quality Act
8 pursuant to CEQA Guidelines Section 15061(b)(3) and 15305 as it can be seen with
9 certainty that there is no possibility that the activity in question may have a significant
10 effect on the environment.
- 11 2. Notice of the public hearing was given at least 10 days prior to date of this public hearing,
12 was properly made by publication and mailed to affected property owners, and all persons
13 desiring to be heard on the matter were given the opportunity to appear and present
14 testimony, both oral and written.
- 15 3. Revising the Special Flood Hazard Areas in the Public Flood Hazard Determination
16 Interactive Map is hereby authorized and the floodplain limits shown in red on attached
17 Exhibit "A" shall be deleted.
- 18 4. The Floodplain Administrator is directed to make, or cause to be made, the changes to the
19 Public Flood Hazard Determination Interactive Map within ten days of the adoption of
20 Resolution No. 2015-XX and is authorized to direct that the Riverside County Flood
21 Control and Water Conservation District files be updated in accordance with this
22 resolution.

23 BE IT FURTHER RESOLVED AND ORDERED that the Clerk of the Board is directed to file the
24 Notice of Exemption with the County Clerk within five (5) days after adoption of amending the Special
25 Flood Hazard Areas by authorizing the revisions to the Public Flood Hazard Determination Interactive
26 Map.

2 RESOLUTION 2015-025

3 A RESOLUTION OF THE BOARD OF SUPERVISORS
4 OF THE COUNTY OF RIVERSIDE
5 REVISING SPECIAL FLOOD HAZARD AREAS IN THE PUBLIC FLOOD HAZARD
6 DETERMINATION INTERACTIVE MAP PURSUANT TO ORDINANCE NO. 458

7 ADOPTED by Riverside County Board of Supervisors on January 27, 2015.

8 ROLL CALL:

9 Ayes: Jeffries, Tavaglione and Ashley
10 Nays: None
11 Absent: Benoit

12
13 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of
14 Supervisors on the date therein set forth.

15 KECIA HARPER-IHEM, Clerk of said Board

16
17 By:  Deputy

18
19
20
21
22
23
24 01.27.15 9-6
25

ORDINANCE NO. 458 FLOODPLAIN REMOVAL



LEGEND

- FLOODPLAIN TO BE REMOVED
- FLOODPLAIN TO REMAIN
- SP310 BOUNDARY

EXHIBIT A

1 inch = 2,000 feet

0 500 1,000 2,000 3,000 4,000 Feet

11/24/2014

EXHIBIT "B"

ENGINEER'S STATEMENT

DETAILS IN SUPPORT OF REVISING THE SPECIAL FLOOD HAZARD AREA IN THE PUBLIC FLOOD HAZARD DETERMINATION INTERACTIVE MAP PURSUANT TO ORDINANCE NO. 458

Specific Plan 310, Domenigoni-Barton Properties, is located south of Winchester and west of Diamond Valley Lake (see attached Exhibit A). The Board of Supervisors adopted conditions of approval on December 14, 2004 that required the construction of a channel and storm drain system to protect the proposed development from flooding and mitigate its impacts on downstream properties.

Warm Springs Creek passes through SP 310. Warm Springs Creek is a major tributary to Murrieta Creek, with its headwaters in the Domenigoni Valley. Warm Springs Creek and major tributaries were studied by the U.S. Army Corp of Engineers in February 2003 from Diamond Valley Reservoir downstream to near Calle de Amor. The detailed study used topographic mapping dated April 2001.

Separately, the California Department of Water Resources (DWR) prepared flood hazard awareness maps in 2003 using approximate methods that included additional floodplain mapping along Warm Springs Creek and other unnamed tributaries that pass through SP310. DWR used topographic mapping from the USGS Quad maps which were most recently updated in 1979 for this area and did not include Diamond Valley Reservoir which finished construction in December 1999.

Ordinance 458 regulates Special Flood Hazard Areas and implements the National Flood Insurance Program. The special flood hazard areas determined by the Corps study and the Awareness Maps were incorporated into Ordinance 458 and are regulated by the County of Riverside.

It is my judgment that special flood hazard areas presently shown on the Exhibit should be removed for two reasons.

1. The conditions placed on SP310 require drainage improvements greater than those required by Ordinance No. 458.
2. The base assumptions for the watershed delineations are incorrect. The topographic mapping did not incorporate Diamond Valley Reservoir and as a consequence include much more tributary drainage area to the watercourses than is physically possible. The resulting special flood hazard areas simply do not exist to the extent shown on the current maps.

Therefore, the special flood Hazard Areas along Warm Springs Creek and the unnamed tributary shown in red on the attached exhibit shall be revised and removed from the Public Flood Hazard Determination Interactive Map.

LIMITS OF FLOOD HAZARD MAP CHANGE

The attached exhibit, SP310 Floodplain Removal shows the limits of the current floodplain and the portions to be removed. The unnamed tributary floodplain shown on the southern portion of the exhibit should be deleted upstream (east) of Washington Road deleted. The Warm Springs Creek floodplain shown on the northern portion of the exhibit should be deleted upstream (north) of Wickerd Road removed.

Deborah de Chambeau

Deborah de Chambeau, P.E.

EXHIBIT C

EXHIBIT D

EDUCATION CODE - EDC

TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500] (*Title 1 enacted by Stats. 1976, Ch. 1010.*)

DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500] (*Division 1 enacted by Stats. 1976, Ch. 1010.*)

PART 10.5. SCHOOL FACILITIES [17210 - 17653] (*Part 10.5 repealed (by Sec. 4) and added by Stats. 1996, Ch. 277, Sec. 3.*)

CHAPTER 3. Construction of School Buildings [17251 - 17374] (*Chapter 3 added by Stats. 1996, Ch. 277, Sec. 3.*)

ARTICLE 1. State Department of Education: Powers and Duties [17251 - 17255] (*Article 1 added by Stats. 1996, Ch. 277, Sec. 3.*)

^{17253.} (a) The Legislature finds and declares the following:

(1) The Department of Water Resources, pursuant to Division 3 (commencing with Section 6000) of the Water Code, exercises regulatory control over dam safety in the State of California.

(2) The department approves all plans and specifications, certifies that any dam is safe to impound water, periodically inspects all dams for the continuing safety of all impounding structures, and may revoke any certification allowing impoundment of water if it is determined that the dam is a danger to life and property.

(b) If the Department of Water Resources has asserted and continues to exercise its regulatory control over the Domenigoni Valley Reservoir Project, the State Department of Education, when evaluating schoolsites, shall not require mitigation related to potential dam breach inundation of the Domenigoni Valley Reservoir Project.

(*Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.*)

Lovelady, Kristi

From: Michele Staples <MStaples@jdtplaw.com>
Sent: Friday, March 27, 2015 4:12 PM
To: Perez, Juan
Cc: ' (sky.canyon@verizon.net)'; Sarah Kleinberg; Lovelady, Kristi; Weiss, Steven
Subject: RE: COUNTY RECIRCULATED GENERAL PLAN UPDATE 960
Attachments: 20150327162938172.pdf

For your convenience, attached are excerpts from the California Education Code, and from MWD's environmental impact report on the Diamond Valley Reservoir Project confirming no impact on land use due to the infinitesimal risk of dam inundation. Thank you

MICHELE A. STAPLES

Attorney

Jackson | DeMarco | Tidus | Peckenpaugh

2030 Main Street, 12th Floor | Irvine, California 92614

949.851.7409 direct | 949.752.8585 main | 949.752.0597 fax

949.233.5039 cell

mstaples@jdtplaw.com

www.jdtplaw.com



From: Michele Staples
Sent: Friday, March 27, 2015 1:10 PM
To: 'Perez, Juan'
Cc: ' (sky.canyon@verizon.net)'; Sarah Kleinberg; Lovelady, Kristi; Weiss, Steven
Subject: RE: COUNTY RECIRCULATED GENERAL PLAN UPDATE 960

Thank you Juan.

MICHELE A. STAPLES

Attorney

Jackson | DeMarco | Tidus | Peckenpaugh

2030 Main Street, 12th Floor | Irvine, California 92614

949.851.7409 direct | 949.752.8585 main | 949.752.0597 fax

949.233.5039 cell

mstaples@jdtplaw.com

www.jdtplaw.com



From: Perez, Juan [<mailto:JCPEREZ@rctlma.org>]
Sent: Friday, March 27, 2015 1:08 PM
To: Michele Staples
Cc: ' (sky.canyon@verizon.net)'; Sarah Kleinberg; Lovelady, Kristi; Weiss, Steven
Subject: RE: COUNTY RECIRCULATED GENERAL PLAN UPDATE 960

Hello Michele,

I am copying Kristi Lovelady, who is heading up our General Plan effort, and will ask her to review this with our consultant team working on the GPA 960 effort to see how we should address it in the Final document. I will ask them to coordinate with Flood Control regarding their recent action and also review the MWD document that you have cited.

Thanks.

From: Michele Staples [<mailto:MStaples@jdtplaw.com>]
Sent: Monday, March 23, 2015 4:50 PM
To: Perez, Juan
Cc: ' (sky.canyon@verizon.net)'; Sarah Kleinberg
Subject: FW: COUNTY RECIRCULATED GENERAL PLAN UPDATE 960

Hi Juan. Cindy and Andy asked me to copy you on our communications regarding the County's flood zone mapping on their property in GPA 960. Attached is our email exchange today with RCFCWCD regarding the flood zone mapping and the dam inundation policies that are proposed in GPA 960 to be applied to the Domenigoni-Bartons' SP 310 land.

We understand that the County does not have jurisdiction over the dam inundation mapping that is reported to the OES, but we are concerned that the County is using that same map to impose land use restrictions on property in the dam inundation area of Diamond Valley Lake when Metropolitan already extensively analyzed dam safety and assured the Domenigoni-Bartons and the Riverside County community that the risk of dam failure, including the maximum predicted earthquake in the area, was less than 1 chance in 100,000,000. (Metropolitan EIR, Response to Public Comments, p. 4-81.) "Because the risk of failure is so remote, and the safety consequences so minimal, the dam should have no impact on land use, or on the suitability of the land downstream for any projected use.... The probability of dam failure ... is so low that, with respect to other contemporary civil projects, it can be assumed to be negligible or approaching zero." (Metropolitan EIR, Public Comments, pp. 4-81, 4-82.)

We are working on a comment letter requesting that the County correct the flood zone mapping in GPA 960, and also requesting that the County treat the DVL inundation area differently for purposes of GPA policies as a result of Metropolitan's extensive analysis of the dam safety issue.

Thank you

MICHELE A. STAPLES

Attorney

Jackson | DeMarco | Tidus | Peckenpaugh

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From: de Chambeau, Deborah [<mailto:dldechambeau@rcflood.org>]
Sent: Monday, March 23, 2015 4:19 PM
To: Michele Staples; McKibbin, Stuart
Cc: Williams, Dusty; Sarah Kleinberg; Lovelady, Kristi
Subject: RE: COUNTY RECIRCULATED GENERAL PLAN UPDATE 960

Dear Michele,

The District took your request seriously and went before the Board of Supervisors on January 27, 2015 to revise the floodplain shown within Specific Plan 310 (Domenigoni-Barton land). As indicated in Resolution 2015-025, the District updated the floodplain map within 5 days of the adoption amending the Special Flood Hazard Area. After that date, the District and County Planning (which is preparing the General Plan) have coordinated extensively to insure the most current Special Flood Hazard Area is being utilized in the General Plan documents. The RCFCWCD is in agreement to removing the flood zone from the Domenigoni-Barton land as part of the GPA 960. County Planning created the Recirculated Draft GPA 960 and should be able to provide you information about the exhibits included.

In regards to the dam inundation designation, the District has no control over this map. The District does not own or maintain the dam at Diamond Valley Lake. The District had not previously indicated that the dam inundation zone would be removed from the property. The Office of Emergency Services requires dam owners to map the limits of dam inundation in case of a dam failure. The dam inundation limits are used to evacuate affected areas if a dam failure were to occur. Considering the close proximity of the Domenigoni-Barton land to the Diamond Valley Lake dam, the dam inundation zone seems reasonable. The District is not in agreement that the dam inundation designation should be removed from the Domenigoni-Barton land and does not have the authority to revise the map.

Deborah de Chambeau, P.E., CFM
Senior Civil Engineer -Floodplain Management
RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
951.955.1265

From: Michele Staples [<mailto:MStaples@jdtplaw.com>]
Sent: Monday, March 23, 2015 1:08 PM
To: McKibbin, Stuart; de Chambeau, Deborah
Cc: Williams, Dusty; Sarah Kleinberg
Subject: COUNTY RECIRCULATED GENERAL PLAN UPDATE 960

Stuart and Deborah, we were disappointed to see that the County has not revised its Recirculated Draft GPA 960 and the related EIR to remove the 100-year flood zone and dam inundation designations from the Domenigoni-Barton land (see attached figure from the Recirculated Draft GPA 960). Because the County will not be responding to previously submitted comment letters on the original version of GPA 960, we must now submit another comment letter on this matter. Please confirm that RCFCWCD is agreeable to removing both the flood zone and dam inundation designations from the Domenigoni-Barton land as part of GPA 960.

Thank you

MICHELE A. STAPLES

Attorney

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EDUCATION CODE - EDC



TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500] (*Title 1 enacted by Stats. 1976, Ch. 1010.*)

DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500] (*Division 1 enacted by Stats. 1976, Ch. 1010.*)

PART 10.5. SCHOOL FACILITIES [17210 - 17653] (*Part 10.5 repealed (by Sec. 4) and added by Stats. 1996, Ch. 277, Sec. 3.*)

CHAPTER 3. Construction of School Buildings [17251 - 17374] (*Chapter 3 added by Stats. 1996, Ch. 277, Sec. 3.*)

ARTICLE 1. State Department of Education: Powers and Duties [17251 - 17255] (*Article 1 added by Stats. 1996, Ch. 277, Sec. 3.*)

¹⁷²⁵³. (a) The Legislature finds and declares the following:

(1) The Department of Water Resources, pursuant to Division 3 (commencing with Section 6000) of the Water Code, exercises regulatory control over dam safety in the State of California.

(2) The department approves all plans and specifications, certifies that any dam is safe to impound water, periodically inspects all dams for the continuing safety of all impounding structures, and may revoke any certification allowing impoundment of water if it is determined that the dam is a danger to life and property.

(b) If the Department of Water Resources has asserted and continues to exercise its regulatory control over the Domenigoni Valley Reservoir Project, the State Department of Education, when evaluating schoolsites, shall not require mitigation related to potential dam breach inundation of the Domenigoni Valley Reservoir Project.

(*Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.*)

CHAPTER 12

12.2 AGENCY AND SPECIAL INTEREST CONSULTATION AND COORDINATION

12.2.1 State and Federal Resource Agency Coordination

Metropolitan has coordinated extensively with environmental resource agencies, public bodies, and environmental groups during the Eastside Reservoir study to attempt to formulate a broadly accepted reservoir alternative, while attempting to avoid or minimize environmental effects. Several objectives were pursued in this regard:

- To the extent practicable, avoid environmental impacts and where not possible mitigate such impacts;
- To determine regional preservation needs in assessing mitigation needs of the project; and
- To attempt to integrate project mitigation needs with broader open space and ecological values of the region.

Metropolitan sought the input from various resource agencies (U.S. Fish and Wildlife Service, California Department of Fish and Game, Environmental Protection Agency, and Corps of Engineers) and environmental groups early in the planning process to help identify potentially acceptable mitigation measures associated with an Eastside Reservoir project. Emphasis was placed on mitigation sites with significant ecological value to the region as a whole.

Considerable effort was placed on developing an inventory of potentially acceptable mitigation sites during first year (Phase I) feasibility studies – at least one year before completion of the overall study process. This was done so that sufficient time would be available to formulate acceptable mitigation measures before completion of the Draft EIR.

As noted in the listing of agency and special interest coordination activities (Table 12.2.1-1), initial coordination efforts focused on briefings regarding the project and results of initial reconnaissance

studies. Later meetings addressed more specific topics dealing with the development of a habitat quality model for assessing impacts and mitigation needs, briefings on the results of feasibility studies, mitigation planning, and the development of mitigation and management agreements for the mitigation areas. Extensive briefings and consultation took place with resource agencies throughout the feasibility study.

12.2.2 City and County Coordination

Coordination efforts were undertaken to maintain communication and encourage input in the planning process from the city and county agencies within the study area. At city government level, the City Manager and senior staff positions were key points of contact. Of interest was how a potential reservoir site would fit into local community plans for open space, recreation, and other land uses. Communication was maintained with the Riverside County Board of Supervisors, where Supervisors were apprised of the projects' consistency and compatibility with regional plans for open space, mitigation and recreation areas, and consistency with county general planning designations. Major mitigation planning was undertaken during the planning phase resulting in the acquisition of large land areas for mitigation purposes, requiring extensive coordination with senior county staff and the Board of Supervisors. Significant meetings and other coordination activities are shown on Table 12.2.1-1.

12.2.3 Agency Listing

The following agencies were consulted during the preparation of this DEIR.

12.2.3.1 Federal

U.S. Department of Agriculture (USDA), Cleveland National Forest, Forest Archaeologist

USDA Forest Service, Cleveland National Forest, Dripping Springs Guard Station and Firehouse

USDA Forest Service, Pacific Southwest Forest and Range Experiment Station, Forest Fire Laboratory

DOMENIGONI - BARTON PROPERTIES
33011 Holland Road
Winchester, CA 92596
(714) 926-1763

August 12, 1991

Mr. Dennis Majors
PROJECT MANAGER
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
PLANNING DIVISION
1111 Sunset Boulevard, P.O. Box 54153
Los Angeles, CA 90054-0153

RE: EASTSIDE RESERVOIR PROJECT DRAFT E.I.R., STATE CLEARINGHOUSE #89081422

Dear Dennis:

We have the following comments to make on the draft E.I.R. which the Metropolitan Water District has published and presented for public comment: These comments are as follows:

1. The draft E.I.R. does not adequately address the existing efforts by the Domenigoni Family and others to plan for the development of their properties. Such plans have been the subject of discussion with County officials on a number of occasions. The impact of the Eastside Reservoir on those projects has not been considered and they should be considered. 1
2. The land use impacts described in Sections 5.1.10 and 5.3.10 do not address the impacts of the project on land uses outside of those directly affected by the reservoir and its related facilities. The reservoir project could significantly change future land uses in its vicinity, including land owned by the Domenigoni Family. We feel that the E.I.R. must identify the changes in land use that would be permitted on nearby lands not directly impacted (eg., through inundation) by the project. Would the presence of the reservoir restrict the kinds or extent of development on neighboring properties? 2
3. It seems to us that answering this question will require that the lead agency examine more carefully the question of Risk Analysis and flooding hazards, and in particular the potential for dam failure during the maximum credible earthquake for this area. Historically, failure of large dams impounding large volumes of water has caused significant loss of life and property, and include dam failure caused by inaccurate interpretation of local geologic conditions and improper engineering (for example: St. Francis Dam in California, 1928 and Teton Dam in Idaho, 1976). 3

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4. We feel that a project of this size requires a careful analysis of risk exposure if a major earthquake occurs when the reservoir is operational. Table 4.1.1-1 identifies four faults (the San Andreas South, San Andreas South-Central, San Jacinto, and Elsinore) with maximum credible earthquakes between 7.25 to 8 on the Richter scale. The E.I.R. provides no information on the maximum acceleration, duration, and intensity rating for groundshaking during these events. These faults are between 4 to 48 miles from the proposed project site, which is well within the 100 kilometer range of potential impacts from earthquakes. Neither seiching hazards (specifically from failure of adjacent slopes) nor liquefaction potential have been addressed.

At a time where there has been a remarkable increase in earthquake activity and attendant damage we feel that a project of this size requires the most careful analysis of risk exposure if a major earthquake occurs when the reservoir has been completed.

5. The E.I.R. states in Table 11.2.3-1 that the probability of a dam failure is low. Nonetheless, the E.I.R. should provide the relevant details of the logic tree methodology to assist us in evaluating the risk. Moreover, because the probability is greater than zero, the E.I.R. should address what would happen if the dam failed either by overtopping, internal erosion, or occurrence of the maximum credible earthquake for this area. A figure should be presented showing the areas that would be expected to be inundated following dam failure (as opposed to Figure 3.5.3-1 on p. 3-71 which identifies an area as "inundation" but is showing the expansion of Vail Lake, rather than inundation from a dam failure. The same figure should indicate inundation areas for different levels of dam volume at the time of the "worst case scenario" (a dam failure). Also, detailed information (including a figure) should be provided regarding maximum water depths during inundation. Also there is no reference provided for the source of the "annual probability of failure" (p.11-4) for dams worldwide or in the U.S..

Based on the inundation figures, the E.I.R. should address whether the project would impact land uses within the inundation zone. Government Code Section 8589.5 requires that "... inundation maps and emergency evacuation plans be completed for areas subject to inundation by dam failure." No discussion has been provided regarding the need for an early flood warning system, an emergency evacuation plan, nor which agency would be required to implement such an evacuation, roads to be used for evacuation, etc. Special populations, including: children, the elderly, and physically handicapped persons (including mobility impaired, deaf, blind, and mentally handicapped persons), and evacuation of non-English speaking persons should be included. Any critical facilities, including police, fire protection, or public assembly uses, which could be impacted by dam failure should be identified and appropriate mitigation measures developed. Specifically, can parts of our property that are currently being considered for residential development be developed as we anticipate if the reservoir is built as proposed? What is the downstream population at risk for a dam failure event? If the project has a significant

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population at risk for a dam failure event? If the project has a significant impact upon potential land uses within the inundation zone, the E.I.R. should identify and mitigate this impact.

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6. In addition to loss of life hazards, the potential for property damage, including costs and responsible agents should be included. Would property owners be held liable for dam failure damages to their property, or are there insurance programs which would cover property damage, or would they be required to assume all risk? Would the County be held accountable?

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7. The draft E.I.R. does not contain adequate analysis of the effect of these facilities on the road network. Specifically, impacts to Holland Road, Highway 79, Newport Road, and Scott Road should be identified and mitigated.

Currently, the Riverside County Transportation Department is conducting a comprehensive traffic and circulation study to the south of the project which should be referenced in the E.I.R..

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Further traffic and engineering studies showing the probable effect of the proposed facility on the existing road network should be included in greater detail in the E.I.R., along with detailed mitigation measures.

8. Section 5.1.2.2. indicates that operation of the Domenigoni Valley reservoir would impact water recharge to the wells west of the proposed dam. Numerous wells would be impacted in this area, not just the 6 as mentioned in the E.I.R.. The E.I.R. states that "The apparent mining operation from the wells would not be sustainable." If this means we would no longer be able to obtain irrigation water from these wells, then the project would significantly impact our agricultural operations. The E.I.R. should identify this impact and recommend appropriate mitigation measures.

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9. Land acquisition for the proposed project involves the acquisition of lands which are presently entitled to receive water from the Eastern Municipal Water District, a member of MWD. Once acquired, this right to receive water may be lost. The E.I.R. should include:
 - a. A clear description of the Metropolitan Water District's service area and that of the Eastern Municipal Water district; and
 - b. A clear statement of the intent of the Metropolitan Water District through the Eastern Municipal Water District to furnish water to lands outside the taking area by including them within the service areas of the two agencies.

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10. The draft E.I.R. does not adequately address the physical consequences of present provisions for draining the reservoir via Warm Creek. As far as can be determined from the existing proposal it is contemplated that drainage waters from the reservoir will be discharged into Warm Creek without provision for the

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- 10 | protection of lands abutting the Creek and without any attempt to acquire the
necessary right-of-way within the Creek from those who presently own it.
- 11 | II. A map on p. 4-17 of the draft E.I.R. seems to indicate the results of an
investigation, part of which is alleged to have taken place in section 15,
Township 6 South, Range 2 West SB&M. This property is owned by the Domenigoni
Family. No permission was sought from the Domenigonis to enter into this
property for any purpose by the Metropolitan Water District and no permission
has been given by the Domenigoni family for any purpose. The information
available to the Domenigoni Family is that no persons representing the
Metropolitan Water District or any agent of it has ever been on that property
for any purpose connected with this E.I.R.. Based upon this, we suspect that
the E.I.R. is incorrect to the extent that it purports to show the status of
vegetation, the presence or absence of an endangered species, archeological
findings and any other matters which would necessarily be determined only by a
physical inspection of the land itself.
- 12 | 12. The draft E.I.R. is deficient in its analysis of the amount of water available
from underground aquifers. Its data bears no relation to the historic pump
yield in this location and further study is required before establishing the
amount of replenishment water needed to maintain the aquifers after the
construction of the dam.

Respectfully,

Francis Domenigoni

Francis Domenigoni

FD:sld

cc: Fred Domenigoni
Harry & Elsa Barton
Justin McCarthy, Esq., Redwine & Sherrill
Derrill Yaeger, Esq., Clayson, Mann, Arend & Yaeger
Roland Bainer, Esq., Clayson, Mann, Arend & Yaeger
Gregg Way, The Planning Center

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PUBLIC COMMENTS

Document 57 Francis Domenigoni Domenigoni - Barton Properties

- 57.1 Metropolitan has coordinated with the County of Riverside Planning Department about general plan amendments, specific plan applications, zone changes, and other planning applications which are indicators of proposed development. Discussions between the county and property owners without benefit of public disclosures is of a nature beyond the scope and mandates of CEQA due to the proprietary and speculative nature of the discussions.

Also, recent contact with the county indicates the Domenigoni property within the proposed project area to be under Williamson Act contract with the State of California, which would give the impression that future development would be within the density specified in the current general plan.

- 57.2 Metropolitan studied the risk of reservoir failure in great detail during the feasibility study. A panel of world-renowned geologic and safety experts was consulted. Their analysis of the proposed project indicated that the probability of dam failure, including the maximum predicted earthquake in the project area, was less than 1 chance in 100,000,000 (Domenigoni Valley), considerably smaller than the acceptable level of risk for nuclear power plants. Because the risk of failure is so remote, and the safety consequences so minimal, the dam should have no impact on land use, or on the suitability of the land downstream for any projected use. Sections 5.1.10 and 5.3.10 specify the assumed land use impacts. Metropolitan does not foresee any change to the existing general plan and/or zoning ordinance as a result of the project. Future revisions to land use are dependent upon the county planning process.
- 57.3 The approach taken to risks associated with the reservoir sites under study reflects, to our knowledge, the most extensive technical risk assessment undertaken to date for reservoir projects in the planning stage. The expert panel assembled to evaluate risk of failure was chosen from a group of world-renowned geologic and safety experts with an average of 35 years of academic and field experience, including Dr. Clarence Allen, Geology (California Institute of Technology, retired), Dr. Michael Duncan, Geotechnical Engineering (Virginia Polytechnic Institute), Dr. Edward Idriss, Geotechnical and Seismic Engineering (University of California, Davis), Dr. R.V. Whitman, Statistical Risk Analysis (Massachusetts Institute of Technology), Dr. Allen Cornell, Statistical Risk Analysis (Stanford University), Robert Jansen, Geotechnical Engineering (prior director of the State of California Division of Safety of Dams), and Eugene Wagonner, Geology (retired president of Woodward-Clyde Consultants).
- 57.4 The parameters presented on Table 4.1.1-1 were developed for nearby faults on which earthquake activity would yield the most severe levels of seismic shaking of all faults within 100 miles of the dam sites. The controlling maximum ground shaking parameters appropriate for use in design/evaluation of the dams are summarized in the table shown below for the Domenigoni Valley, Potrero Creek, and Vail Lake sites:

PUBLIC COMMENTS

Site	Dam	Maximum Earthquake M 8+ on San Andreas		Maximum Local Earthquake		
		Distance From Site (mi)	Peak ¹ Acceleration (g)	San Jacinto M 7-1/2 Distance (mi)	Elsinore M 7-1/4 Distance (mi)	Peak ¹ Acceleration (g)
Domenigoni	West Dam	25	0.30	8		0.45
	East Dam	22	0.30	4		0.55
	Saddle Dam	23	0.30	7		0.45
Potrero	Main Dam	12	0.45	2		0.65
Vail	Main Dam	33	0.20		5	0.50

¹Peak acceleration in rock to the nearest 0.05 g using seed and Idriss (1982).

The key parameters shown above are the peak ground acceleration, which is a measure of the intensity of shaking at the dam site, and the magnitude of the maximum earthquake, from which the duration of shaking can be evaluated (for example, M8 would correspond to about 60 seconds of strong shaking and M7-1/2 would correspond to about 30 seconds of strong shaking, or of more importance to the evaluation of the dams, M8+ would correspond to 26 significant seismic-induced stress cycles and M7-1/2 would correspond to 15 significant seismic induced stress cycles). The risk of failure due to seiching or seismic-induced slide into the reservoir was specifically addressed in the risk analysis described in Chapter 11 of the DEIR and by WCC (1990).

- 57.5 The probability of dam failure listed on Table 11.2.3-1 for the sites is so low that, with respect to other contemporary civil projects, it can be assumed to be negligible or approaching zero. It should be noted there is no future event with an absolute zero probability. The values on Table 11.2.3-1 may be considered as close to absolute zero probability as one can achieve. Also, the reference to dam failure on page 11-4 is from the technical publication, Whitman, R.V., 1984. Evaluating Calculated Risk in Geotechnical Engineering, in Journal of Geotechnical Engineering, v. 110, no. 2, pp. 145-189.

Discussion of technical assessment of risk at the proposed Domenigoni Valley Reservoir site is presented in Chapter 11 of the Final EIR. A detailed description of the risk assessment process and conclusions of the expert panel are contained in the *Interim Probabilistic Evaluation of Potential Dam Failure for the Proposed Domenigoni East and West Dams, Eastside Reservoir Project*, October 1990.

Extensive risk analysis was performed to evaluate the potential effects of seismic activity and other natural phenomena on the proposed dam alternatives. The analysis concluded that the annual probability of failure for the proposed Domenigoni Valley Reservoir was 1 in 100,000,000, considerably lower than the acceptable level of risk of nuclear power plants. This extremely low annual probability of failure is a consequence of multiple and

PUBLIC COMMENTS

redundant defense mechanisms in each dam system. A detailed discussion of the issue of dam safety and the probability of failure is contained in Chapter 11 of the DEIR and Final EIR.

Public Resources Code, Section 21061, states that the purpose of an EIR is to provide public agencies and the public with detailed information about the effect which a proposed project is *likely* to have on the environment, to list ways in which the significant effects of such a project might be minimized, and to include alternatives to such a project. Public Resources Code, Sections 21100 and 21151, provide that an EIR shall include a detailed statement setting forth, among other things, the significant environmental effects of a proposed project. Any significant effect on the environment is limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the environment. CEQA Guidelines, Section 15143, state that the EIR shall discuss significant effects with emphasis in proportion to their severity and probability of occurrence. CEQA Guidelines, Section 15145, provide that if, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

The risk of dam failure has been determined by Metropolitan to be a highly unlikely event for the reasons contained in the risk study, and, therefore, it is not discussed in further detail in the EIR. An inundation map would be prepared after design is complete for the State Department of Emergency Services in accordance with Section 8589.5 of the Emergency Services Act.

- 57.6 Metropolitan would be fully liable and carries General Liability Insurance coverage for these types of occurrences.
- 57.7 The construction of a reservoir at the Domenigoni Valley site will require relocation of Newport Road from Winchester Road (SH-79) to State Street in the City of Hemet. The relocation would involve right-of-way acquisition and replacement of necessary improvements and design capacity, including additional project-related traffic control improvements to a location north of the reservoir site. Metropolitan would also cooperate with other interests to accommodate additional right-of-way acquisition for ultimate improved roadway width and other contiguous improvements involving complementary or compatible land uses. Because existing conditions at Winchester Road/Newport Road do not warrant a traffic signal or additional turning lanes, these improvements are not planned with the construction of relocated Newport Road. The most probable alignment of the relocated roadway would be easterly from Highway 79 along the existing Olive Avenue alignment, crossing the San Diego Canal, then running roughly parallel to the existing and proposed Salt Creek Channel, and intersecting State Street approximately 1 to 1.5 miles north of the current Newport Road/State Street intersection.

Non-workforce traffic (discussed in Section 5.1.7.1 of the DEIR) was assumed to be 10 percent of the total workforce traffic volume. On State Highway 79, this equals

Comment Letter No. 51: Domenigoni-Barton Entities via Jackson, Demarco, Titus, and Peckenpaugh

- Comment 51.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 51.2** This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the EIR, it does not provide support for the listed concerns within the section and it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below which address the in-depth explanation of concerns listed in the letter.
- Comment 51.3** The County compiles flood hazard maps using the Riverside County Special Flood Hazard Area database. This flood zone database is maintained by the Riverside County Flood Control and Water Conservation District (RCFWCD), as stipulated in Riverside County Ordinance 4.58-14 Section 5. The flood area identified using the Riverside County Special Flood Hazard Area database includes FEMA 100-year flood areas, select Army Corps of Engineers inundation boundaries, as well as a number of boundaries for County inundation zones, as enumerated in Ordinance 4.58-14 Section 5. The database is updated quarterly by RCFWCD, and incorporates new flood zones as necessary. The flood zone is used for site-specific development approvals, and is illustrated in the relevant maps within GPA No. 960 and Draft EIR No. 521. This flood hazard zone is supported by numerous policies in order to ensure development safety within the County.

The County has updated GPA No. 960 and Draft EIR No. 521 with new special flood hazard information and has added clarification on the information used to generate the “Special Flood Hazard Area” zone. This update includes the removal of the Domenigoni property from the Special Flood Hazard Area zone. The requested correction has been made to the Draft EIR and is reflected below and in the Errata section of the document.

Page 4.11-7

“Additionally, many of the smaller drainages throughout the county, particularly those running through the alluvial fans that flank Riverside County’s hillsides, are susceptible to smaller-scale floods and also flash-flooding. Figure 4.11.1 (~~100-Year Flood Hazard Zones Within Riverside County Special Flood Hazard Areas~~) shows the areas of Riverside County considered potentially at risk for flooding based on information from FEMA mapping, plus DWR and County of Riverside data.”

Figure 4.11.1

Note: Figure 4.11.1 was replaced to reflect the Riverside County Flood Control Special Flood Hazard Areas. Refer to the figure in the Errata section of the document.

However, while the County displays the Dam Inundation Areas within the General Plan documents, the County does not maintain the Dam Inundation Zone Data. This data is maintained by the Governor’s Office of Emergency Services (OES). Updates and changes to these boundaries are beyond the purview of the County, and as such the County is unable to update the Dam Inundation Zone maps as requested in the comment.

- Comment 51.4** The County appreciates the background information regarding the flooding risk associated with the failure of the Diamond Valley Dam. As noted in Response 51.3 above, modification of the Dam Inundation Zones is the responsibility of the OES and as such is beyond the purview of the County. Policies and mitigation measures have been developed according to the boundary mapped by the OES and the policies will continue to apply to the Domenigoni property until the boundary is modified by the OES.
- Comment 51.5** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides a summary of the comments provided in the letter and serves as a conclusion to the letter. The requested updates have been made (see Responses 51.3 and 51.4) and are reflected in the Errata section of the document. No further response is required.
- Comment 51.6** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory information. Responses to specific comments are provided below; no further response is required. All comments received during the public review period will become part of the Administrative Record for the environmental document.
- Comment 51.7** This comment is duly noted. Refer to Responses 51.3 and 51.4, above. No further response is warranted.
- Comment 51.8** This comment is duly noted. Refer to Responses 51.3 and 51.4, above. No further response is warranted.
- Comment 51.9** This comment is duly noted. Refer to Responses 51.3 and 51.4, above. No further response is warranted.
- Comment 51.10** This comment is duly noted. Refer to Responses 51.3 and 51.4, above. No further response is warranted.
- Comment 51.11** This comment is duly noted. Refer to Responses 51.3 and 51.4, above. No further response is warranted.
- Comment 51.12** This comment is duly noted. Refer to Responses 51.3 and 51.4, above. No further response is warranted.
- Comment 51.13** This comment is duly noted. Refer to Responses 51.3 and 51.4, above. No further response is warranted.

- Comment 51.14** This comment is duly noted. Refer to Responses 51.3 and 51.4, above. No further response is warranted.
- Comment 51.15** This comment is duly noted. Refer to Responses 51.3 and 51.4, above. The Special Flood Hazard Area zone that was located on the Domenigoni property has been removed, as shown in the Errata section of the document. No further response is warranted.
- Comment 51.16** This comment is duly noted. Refer to Responses 51.3 and 51.4, above. No further response is warranted.
- Comment 51.17** Refer to Responses 51.3 and 51.4, above. The County has updated GPA No. 960 to remove the Domenigoni-Barton property from the Special Flood Hazard Area zone. The County appreciates and values your comments during the General Plan Update and EIR process. Responses to specific comments are provided above; no further response is required.

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Lovelady, Kristi

From: teshelman1@verizon.net
Sent: Thursday, April 02, 2015 1:56 PM
To: Lovelady, Kristi
Subject: Re: Draft EIR NO 521 Comments

Dear Ms. Lovelady:
I am writing this e-mail in support of the County General Plan Amendment 960 which mandates a min- 5/10 acres for parcels in Reinhardt Canyon Area-Hemet. CA

52.1

Sincerely,
Carole Eshelman
7844 Rawls Dr.
Hemet, CA 92545

RECEIVED
APR 02 2015
ADMINISTRATIVE
RIVERSIDE COUNTY
PLANNING DEPARTMENT

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Comment Letter No. 52: Eshelman, Carole

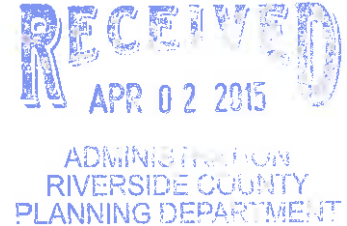
Comment 52.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Ginny Gallagher <GinGal@verizon.net>
Sent: Wednesday, April 01, 2015 8:45 AM
To: Lovelady, Kristi
Subject: RE: Draft EIR No. 521 Comments

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211



Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites). 53.1

I also have a concern about the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre" in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon. 53.2

Sincerely,

Ginny Gallagher
440 Vardon Circle (Four Seasons Community)
Hemet, CA 92545

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Comment Letter No. 53: Gallagher, Ginny

Comment 53.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 53.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Mark Gardiner <mbooneg@gmail.com>
Sent: Sunday, April 05, 2015 1:41 PM
To: Lovelady, Kristi
Subject: Fwd: Protect Reinhardt Canyon -- Please help!

Dear Ms. Lovelady, I do not have the software to open the attached letter sent in the e-mail I received but I agree with everything expressed in the e-mail so I am forwarding it to you.
Mark B Gardiner 24515 California Ave Spc 53, Hemet, Ca 92545

54.1

----- Forwarded message -----

From: Four Seasons at Hemet <lceccarelli@euclidmanagement.com>
Date: Tue, Mar 31, 2015 at 5:04 PM
Subject: Protect Reinhardt Canyon -- Please help!
To: mbooneg@gmail.com



**TO PROTECT REINHARDT CANYON,
SEND YOUR COMMENTS TO THE COUNTY**



We Need Your Help!

We have worked hard to stop high density development in the Canyon, now we have to insure the Canyon will remain 5/10 acre lots into the future. We need everyone to contact the County to give their input about the County General Plan Amendment 960 and Draft EIR 521. These documents designate Reinhardt Canyon 5/10 acre lots for the future.

54.2

You can email your comments to Ms. Kristi Lovelady at klovelad@rctlma.org (Re: Draft EIR No. 521 Comments) or mail your comments to County of Riverside, TLMA Planning Department, Attn: Kristi Lovelady, 4080 Lemon Street, 12th Floor, Riverside, CA 92211. Also, reference 'Draft EIR No. 521 Comments'.

ALL COMMENTS HAVE TO BE RECEIVED BY APRIL 6, 2015. If you have any questions call Gene Hikel at [\(951\)223-3543](tel:9512233543) or email ehikel@msn.com.

Your letter should indicate you approve the language in GPA 960 that designates Reinhardt Canyon as Rural Residential (5/10 acre lots) and to remove or change the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre." in the San Jacinto Area Plans, Maze Stone on page 7.

You can compose your own letter or use the attached sample letter. Either copy into an email or print and mail.

54.2
CONT.



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Euclid Management 195 N. Euclid Ave Upland CA 91786

Comment Letter No. 54: Gardiner, Mark

Comment 54.1 This comment provides general introductory information. Responses to specific comments are provided below; no further response is required.

Comment 54.2 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process.

The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Good morning Ms Lovelady,

April 5, 2015

RE: Draft General Plan Amendment No. 960 and Recirculated Draft Environmental Impact Report

I am very concerned the 100 year flood hazard zone is identified in the Recirculated Draft EIR (RDEIR), but not the 500 year flood hazard zone. The Final EIR must show where all levees and berms and channelized rivers exist or are proposed in all portions of the County as well as all lands subject to flooding by those being overtopped by flooding or damaged as in an earthquake. The public has the right to this information for their Health, Safety, and Welfare. As the Association of State Floodplain Managers (ASFPM) White Paper found below shows, it is not safe for the public to only be protected from 100 year flood events -- which could happen two years in a row. The public also has a right to know for their own safety that lands are within 500 year flood zones and the Final EIR must show all such areas with our County. By only showing 100-year flood hazard zones and allowing flood control measures to "protect" lands from 100 year flood events to allow development, you are putting people at risk and probably putting the County at risk of assuming some liability.

55.1

Recently, the Association of State Floodplain Mangers adopted the No Adverse Impact (NAI) strategy. This strategy strives to ensure that the actions of one property owner do not increase the flood risk of other property owners. The Final EIR must show how an attempt to contain flood prone waterways -- like the channelization

55.2

of the San Jacinto River -- doesn't increase the flood risk of other property owners or the document will be inadequate. The City of San Jacinto plans to build levees to "protect" 100's of acres from flooding and therefore allow development which in our opinion will put 100's of people at risk. As the below letter from Dr McKibben's to the City of San Jacinto on the Levee project shows there will very likely be significant consequences downstream as a result of these proposed levees as there has been by those put in place over 100 years ago by farmers to divert the historic San Jacinto River from the Mystic Lake area.

"The natural, historical gravitational course of the San Jacinto River is farther north into the Mystic Lake area. The current and planned diversion of the San Jacinto River away from this course thus deprives the northern San Jacinto Valley of its normal supply of groundwater recharge and sediment fill as carried by the river in its natural state. Because the active San Jacinto fault system is helping this graben-like valley subside at up to 1 inch per year, the sediment-starved Mystic Lake basin is very rapidly expanding as a closed depression (Morton, 1977, 1992; Morton and Miller, 2006). Without a natural supply of river-borne sediment to infill the subsiding basin, it has no choice but to enlarge through time. This tectonic subsidence is exacerbated by subsidence resulting from groundwater withdrawal and reduced natural water recharge in the valley due to diversion of the river." (Dr McKibbens entire letter can be found below)

55.2
CONT.

The figure at the bottom of this letter shows the expansion of Mystic Lake from 1938 to 2023(projected). The RDEIR does not have this information and the Final EIR needs to have it and the ramifications of the expansion of Mystic Lake whether it happens

55.3

by 2023 or 2043. This figure and all letters found below need to be printed in full in the Final EIR.

55.3
CONT.

Please keep me informed of all documents and meetings related to this project by using the address under my name.

55.4

Sincerely,

George Hague

26711 Ironwood Ave
Moreno Valley, CA 92555

National Flood Policy Challenges Levees: The Double-edged Sword

ASFPM White Paper

This is a position paper prepared by the Association of State Floodplain Managers, (ASFPM), a non-profit professional organization dedicated to the reduction of flood losses in the United States.

Introduction

It has long been recognized that flood protection provided by levees is a double-edged sword. On one hand, flood protection has been afforded by levee systems. On the other hand, given enough time levees either will be overtopped or will fail—leading to severe flood impacts on an unsuspecting population. Unlike a natural flood, levee failure flooding is often rapid, forceful, extremely damaging, and occurs with little or no warning.

New Orleans is only one example of a community that has felt both edges of the “sword.” Many floods were repelled by the levees around the city over the years, but catastrophic flood damage occurred in 2005 as a result of levee failures and overtopping. Subsequent efforts to properly reflect the location of and true protection provided by levees on flood maps in the nation has heightened the awareness of policy makers and citizens about the enormous risk the nation faces in levee-protected areas.

An additional concern is that levees are often placed so that they excessively encroach on river systems. This creates adverse impacts both on flood frequency and severity as well as on the natural functions of the river system.

Because of the nature of levee failure flooding, the ASFPM believes that levees are not a wise community choice and should never be used to protect undeveloped land so development can occur in the flood risk area behind the levee. However, many levees already exist in the nation, especially in communities that were built right on the river or coast, usually at a time when the nation was convinced it could engineer its way out of flooding. Where levees already exist, or where a levee appears to be the best option after careful analysis of all mitigation options to reduce the incidence of flooding to existing development, the ASFPM advocates that levees (1) must be designed to a high standard; (2) must be frequently and adequately inspected, with all needed maintenance funded and performed, or else treated as nonexistent; (3) should be used only as a method of last resort for providing a LIMITED means of flood risk reduction for existing development; and (4) are inappropriate as a means of protecting undeveloped land for proposed development.

It is apparent that over time, the nation has gradually and imprudently

modified its various policies that affect levees and levee failure. The outcome is an unacceptably high risk of catastrophic levee failure and the resultant damage and costs at numerous sites across the United States.

Correcting this problem will require an evaluation of

• • •

The definition of a “levee”;

Existing and future levee inventory;

Levee design standards;

Levee operation and maintenance, including inspection and certification;

- Managing for residual risk including (1) identification of all areas at risk of flooding from levee overtopping or failure and from internal drainage; (2) community and citizen emergency action plans (EAP) that address flood warning and response actions; (3) flood insurance, floodplain management measures, and effective risk communication about the residual risk areas for which levees provide “some level of protection”; and
- Mitigating for adverse flooding impacts of levees on others.

Levee Definition

Due to the inherent risk and resulting design, operations, maintenance, and floodplain management implications there is a need to more precisely define when a structure is a levee, dam, or some other incidental work that can modify flood flows. There are a number of definitions of a levee, depending on the program and its purpose. The Federal Emergency

Management Agency (FEMA) has defined a levee in the National Flood Insurance Program (NFIP) regulations at 44 *CFR* as “a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.” Its primary function is flood protection.

From an engineering perspective, this is a reasonable definition of levee function; but it lacks any mention of risk, residual risk, or variation in consequences, therefore suggesting that all structures are the same. Further, the definition is sufficiently broad that it could include linear embankments (canals, roads, railroads) that could function like levees (controlling riverine flows) or in many cases merely trap and impede surface flows that are moving towards a stream or river system.

The net result is that while we are attempting to manage the significant problems associated with “true levees,” we inadvertently are expanding the size of the problem to include non-levees and are failing to adequately consider the risk and vulnerabilities associated with varying sizes of levees and of the populations that are protected by them. This is leading directly to delays in releasing flood maps, and ultimately may lead to poor management decisions about the extent of the levee issue.

Recommendations:

1. *The ASFPM urges that FEMA and the U.S. Army Corps of Engineers, along with other federal water resources agencies, revisit and revise the definition of levee so that it includes elements of function, risk,*

and vulnerability. This effort should include defining a levee, dam, or incidental work that modifies flood flows and the interrelationships between these definitions. The Federal Interagency Task Force on Floodplain Management is one potential vehicle to undertake this task.

Existing and Future Levee Inventory

At present the nation lacks data and information about the physical location of its levees, their ages and conditions, the level of protection each provides, whether levee failure warning and evacuation plans exist and are exercised, who owns and maintains a specific levee system, and the adequacy of the operation and maintenance plan, exercises, and implementation.

An inventory is necessary of all levees that purport to provide flood protection, federal and non-federal, both within NFIP-identified flood zones and outside of those zones. To ensure uniformity and priority, the federal government is the most logical entity to undertake this inventory and a lead agency for the initiative should be identified. However, to be successful, the inventory must include examination of all levees (public and private), or are otherwise enrolled or recognized by any federal program, not simply those that are components of the lead agency's programs. During this inventory phase the federal government would not perform detailed engineering analysis of the levees, but would georeference all levees and state the general condition of the levee from a cursory physical inspection. A rough estimate of the number of people, structures and infrastructure at risk when that levee fails should also be calculated in that initial inventory. Detailed engineering need not be

provided by the levee owner to the federal government at the inventory phase but providing this would assist the federal government in assessing the levee condition.

Recommendations:

2. *The ASFPM believes that the Corps of Engineers should be tasked as the lead agency to develop and maintain a comprehensive inventory of current and future levees. This would start with federal levees and ultimately include non-federal and private levees.*

Levee Design Standards

In those cases when a levee is found to be an appropriate measure to protect urban areas or credited for protection, the levee should be constructed to a high level of protection. As described in various reports, the 500-year level of protection with freeboard is considered an appropriate minimum standard for constructing and accrediting levees within urban areas, with some possible exceptions on streams where dams regulate flows up to the 500-year or larger flood event.

By default, the design standard for levees is currently based on either (1) the 100-year standard of the NFIP, or (2) the level of protection justified using federal, development-oriented policy that attempts to maximize the net national economic development (NED) return to the nation. The NFIP and NED factors, along with cost-sharing requirements and the federal budget process, have resulted in “lowering the bar” for most levees in the nation to just the 100-year standard, even in cases in which the consequences of the failure of a particular levee would be catastrophic.

Ironically, based on current practice, the nation and citizens would fare better if a community built a “99-year levee,” because this would lead to the continuation of both mandatory flood insurance practices as well as continued floodplain management construction practices—which collectively would lower vulnerability and risk much more than would a 100-year levee by itself.

Why are so many levees built only to the 100-year standard?

Before the 1970s, the U.S. Army Corps of Engineers focused on building levees to protect property from the “standard project flood,” which in many cases is roughly equivalent to a 500-year flood. In some areas, as communities began feeling pressure from the requirements of the NFIP, developers and communities often sought to “remove” land from the mapped 100-year flood zone. The presence of a 100-year levee, when certified under the NFIP procedures, removes the flood zone designation from the “protected” property, and thus eliminates the NFIP requirement to comply with construction standards, such as elevation of any new or substantially improved buildings in that area, and also removes the flood insurance purchase requirement. Increased development in these flood risk areas provides a short-term economic benefit with potentially long-term adverse consequences.

The attractiveness of this short-term relief from NFIP requirements, the resultant ease with which the levee project can be “sold” to the public, the fact that the damage costs from catastrophic failure can be largely externalized to the federal taxpayers, and the relative lack of immediate project benefits that can be derived from providing a higher levee

protection, all conspire to make the minimal, 100-year level of protection the most popular standard for new levees.

This is not to suggest that pro-active local sponsor agencies and officials are not attempting to provide more than the 100-year protection, but budgeting and the overwhelming attractiveness of a perceived federal standard are making it difficult for these officials to justify more than a 100-year level of protection. At the same time, these local officials may be caught in a dilemma that the NED federal project is justified for a level that is at the 100-year level of protection, falling short of the need seen by the local officials.

Why is the 500-year standard more appropriate than the 100-year standard for urban areas?

Levee failure flooding is different from most riverine flooding both in terms of the rapidity of inundation, the concentration of high-energy flood waters in the area of the failure, and in many cases the large areal extent of the inundation. These factors combine to pose potential impacts on buildings little prepared for flooding. The 500-year standard for levee design is just as arbitrary as the 100-year standard so the question becomes, “what level of risk to public safety can we accept?” When one compares the potential for fire damage to an individual home, case history would indicate that a 100- year standard falls far short of the level of protection afforded by modern fire systems. While fire and flood are different agents of destruction, the results of fire just like flood can be devastating. However, today our fire systems tend to significantly limit the degree to which an entire community can be affected by fire, yet we continue to use a much lower threshold in levee design that most certainly will result in community-wide inundation. Although there is no perfect

answer to this problem, adopting a 500-year standard would move the United States closer to what it currently demands in fire protection and at the same time mirrors what other nations have done, many of which that have a considerably longer history of levee management.

There are those who believe the level of protection standard for levees should be based purely on an evaluation of benefits vs. costs. If benefit/cost analysis could adequately consider risk tolerance, then there could be some merit to this argument. There are many intangibles when evaluating public safety risks, whether they be floods, auto safety, or other personal decisions of risk that border on issues of demographics and social justice. For example, as a society would we condone relaxing traffic safety standards and investments in a retirement community because the residents are no longer working and hence providing limited return to the nation's economy? While ludicrous, this example differs little from a policy that suggests that within residential areas we vary our level of protection based on the total existing investment at that location. The ASFPM believes that benefit/cost analysis is a valuable tool for comparing investment opportunities but that by itself, unbounded by a public safety standard, is a dangerous and potentially inequitable tool for "sizing" flood risk reduction systems.

The 100-year standard used by the NFIP was developed for use in a program concerned with the flood-resistance of individual buildings, not public safety. This confusion between public safety and insuring buildings has led to thousands of people living at great risk behind levees, while they think they are perfectly safe because they do not believe that the government (federal, state, or local) would allow them to live behind the levee if such were not the case.

An added element of risk in current design practices is the lack of designing “planned failure” into levees. When levees fail, either by structural failure or overtopping by flood waters that exceed the design event, the results are often catastrophic, with the levee experiencing massive damage, both of which were demonstrated in New Orleans in 2005. In many instances it is useful to design levees to withstand overtopping, or to control the overtopping to a limited number of planned spillways in the system. The aim is to prevent loss of the levee, by allowing it to be overtopped and slowly flood the area in planned locations rather than randomly, so that damage is reduced and the community can recover more quickly. If fail-resistant spillways were designed into the levee, then excess flow would spill through that area when the levee design level is exceeded, and failure of the whole levee system might be prevented. This “safety valve” feature is used in the design of dams to allow the passage of large flows that exceed the design capacity, so the structure stays in place and can function as soon as flood heights diminish to design levels. Strategically locating these spillways in combination with land use practices would greatly reduce the potential for catastrophic loss by directing flows away from highly developed urban areas. Coincident design features would include land use management and evacuation plans in the areas around the spillways to protect lives and property.

As accentuated by the levee failures in New Orleans, a 100- or 200-year level of protection is insufficient to avoid catastrophic losses and their resultant financial implications to all federal taxpayers. Although a catastrophic levee failure of the magnitude and impact of that experienced in New Orleans is uncommon, current planning processes for levees fail to capture the magnitude of this impact and the resulting economic, social, and environmental consequences. If similar planning, construction,

and maintenance approaches were applied to dams, aircraft, and nuclear power plants, the nation would be exposed to significantly more disastrous events than would be considered acceptable. A levee failure more closely resembles a dam failure or other calamity than it does “normal” riverine flooding, and should be subject to procedures more appropriate to that risk. As such, a 500-year level of design coupled with an insurance and land use mechanism is more reflective of the risk.

Other Levee Standards

There is a need to review and evaluate past and current levee design practices. Issues include adequacy of hydrologic and hydraulic techniques, geotechnical design, use of closures or other features that penetrate the levee embankment or floodwall, vegetation management, and the incorporation of safety factors such as freeboard vs. the use of risk and uncertainty to model risk.

Recommendations:

- 3. Levees should be used as a structure of last resort and only after other measures, especially nonstructural ones, have been fully considered. Levees should not be used as a means to allow the development of currently undeveloped floodprone lands.*
- 4. Federal investments in levees should not be made for a structure that provides less than 500- year protection, and the USACE planning process of maximizing the NED should explicitly incorporate this public safety standard as a lower boundary for federal investment.*
- 5. Levees should not be constructed in floodways and to the maximum extent possible, levee construction and reconstruction should be set back*

from rivers to allow the river to function more naturally and to provide for the protection or restoration of riparian and wetland resources between the river bank and the levee.

6. The ASFPM urges Congress and the Administration to adopt a policy that the 500-year level of protection for levee design is the minimal standard for purposes of flood insurance and other federal investment.

7. Current levees that provide less than 500-year protection but meet all the requirements for design, maintenance, and operation, and are recognized by federal programs as meeting the standards for 100-year protection, could be provided grandfather status. Criteria should be developed to determine when and if protection provided by a specific levee would need to be upgraded.

8. Benefit/cost analysis (BCA) is an appropriate tool from which to evaluate and contrast projects, but it should be bounded by a strong public safety design standard, which for levees should be the 500-year level of protection.

9. The design of levees should include improved methods of providing resiliency, most notably the inclusion of designed fail-resistant spillways built into many levees so that when the levee design is exceeded, excess flow spills through that area, preventing catastrophic overtopping or failure of the structure.

10. The impacts of any new, rehabilitated, or reconstructed levee that would result in the transfer of damage or in adverse economic, social, or environmental consequences must be mitigated.

11. The local sponsor must demonstrate the financial and staffing capability to provide operation and maintenance for the life of the structure—before the project is approved, constructed, re-constructed, or recognized as providing a certain level of flood protection.

12. Congress should fund the National Research Council (NRC) to engage experts to evaluate and propose modifications to levee design, operation, and maintenance standards. These efforts should include review of previous Academy reports, and the extent to which previous recommendations have been addressed.

Certification and Inspection

The United States has in place requirements for inspecting and certifying numerous private and public enterprises that affect human health and safety. However, the nation's sole requirements for operation and maintenance of levees are found either in an agreement between a federal agency and a non-federal sponsor executed during construction of a levee, or as a requirement imposed by FEMA in the course of mapping flood hazard areas associated with levees. In the latter case, proper inspection and certification is mandated in order for a levee to be recognized as providing 100-year flood protection.

For many of the nation's levees, the federal government planned and built the structure, with a non-federal "sponsor," often a local government, contributing some share of the cost. Under this arrangement, however, the local sponsor assumes responsibility for operation and maintenance of the levee after it is built. The certification and inspection of the levee is thus the responsibility of the local party who chooses to use a structural mitigation measure. The certification and inspection of levees is not the

financial responsibility of the federal government, except in those instances where the federal government is the sole owner and operator of the levee. Although it is clear that the local sponsor is responsible for operation and maintenance, the local entity is not required to demonstrate financial or technical ability to carry out these tasks. Further, both federal and state oversight and enforcement of the adequacy of ongoing operation and maintenance is problematic.

In numerous other cases, levees were constructed by local or state governments, were private levees built specifically for purposes of compliance with the requirements of the NFIP, or were constructed to protect lands (most notably agricultural lands) from occasional inundation. These non-federal levees have become part of the protection system with varying degrees of ongoing operation and maintenance.

This haphazard approach to levee certification and inspection fails to protect the federal interest in public health, safety and fiscal responsibility. These requirements for levees are far less stringent than the certification, design, maintenance, and inspection requirements for dams. When flood damage results from levee failure (even if the failure might be the result of the negligence of the levee owner who did not meet the agreed-upon inspection and maintenance duties) federal programs come into the picture to rebuild failed or damaged levees, provide disaster assistance, and sometimes (e.g. 2005) to bail out flood insurance—leaving the nation’s taxpayers to foot the bill. These policies combine to create a lack of understanding and accountability for levee owners to invest in proper design, construction, inspection, and maintenance of their levees. Reversing this trend will take strong leadership, a sense of shared responsibility, and sharing of the costs and consequences of levee failure.

As with other flood loss reduction programs, a federal-state partnership is the logical avenue for the effective and efficient oversight of the certification and inspection of all levees. The certification process should consider elements of the NFIP but be more aligned with determining whether a levee meets specified design, operation and maintenance criteria rather than simply whether a professional engineer is willing to attest that the levee will not fail. Over the long term, levee certifications that are provided to FEMA should be delivered by an approved levee safety program, most appropriately housed within state government. Although the private sector may perform much of the engineering work, it should be reviewed and approved by qualified state staff. State capability in this area is critical and must be developed through federal legislation that provides incentives and disincentives which encourage states to undertake effective state levee safety programs, which then reduce the federal cost identified above.

Recommendations:

13. Written guidance is needed on what constitutes a “proper” inspection, what is needed for certification to enable the NFIP to recognize the levee, and what the actual consequences are to the levee owner if the levee is not properly maintained to meet these requirements. Both the USACE and FEMA have guidance for requirements of programs that come into play with these issues, and the guidance from each agency must be consistent and correlated with the other agency’s guidance.

14. A federal policy should be clearly articulated that the periodic certification and inspection of levees, including related operation and maintenance, is the responsibility of the levee owner and that transferring this responsibility to the federal government is inappropriate. Participation in federal programs of repair, insurance, and disaster relief

must be contingent on levee owner compliance with these elements.

15. Non-federal levee owners must be required to demonstrate long-term financial and technical ability to carry out operation and maintenance tasks. Further, both federal and state oversight and enforcement of the adequacy of periodic inspection and ongoing operation and maintenance must be in place and enforced.

16. A national levee safety program administered by the states is needed to protect the federal interest in public health, safety, and fiscal responsibility, and to protect public safety and costs related to all levees not in the federal system. It must be fully integrated with state and local programs of flood risk management, especially floodplain management and dam safety, and should not be operated as another independent program like the present National Dam Safety program. State capability in this area is critical and can most effectively be developed through federal legislation that provides incentives and disincentives that encourage states to undertake effective state levee safety programs.

17. FEMA should require that all communities with a NFIP-recognized levee have a multi-hazard mitigation plan that considers how other hazards affect the safety of their levee (e.g., earthquake, subsidence, river sedimentation, erosion, etc.), appropriate Emergency Action Plans (EAPs) with action steps to account for any of these factors that affect the safety of the levee. FEMA should require this plan be updated at least every five years, including any changes in flood flows based on increased watershed development. The potential for catastrophic consequences of levee failure or overtopping should be included in levee planning, design, regulatory, and insurance considerations.

Residual Risk, Insurance, and Communication

The levee problem currently facing the nation has been in the making for nearly a century. It will take time, perhaps 20 years or more, to reverse our vulnerability. As such it will be necessary to identify and directly communicate the risk to individuals, but at the same time provide options that allow realistic and politically viable means for adjusting direction. In the mean time, it will be essential that we properly use all tools to minimize the impact of levee failure.

There is now widespread misunderstanding of the true risks associated with levees. This in turn has helped lead to the current over-reliance on structural solutions to reduce the impact of flooding, and to the creation of a false sense of security among those living, working, or seeking to build in areas behind levees. Communication with citizens and stakeholder groups is rarely an explicit consideration when levees are permitted or built, or in the development of policy for levee design, insurance, or regulation. As a result, the problems noted herein tend to be perpetuated, and the risks associated with levees compounded by continued development. Risk communication is the responsibility of all levels of government and the private entities associated with development, lending, insurance, and any business in or near flood hazard areas near levees. Communication of the residual risk associated with any levee is key to public understanding and acceptance of appropriate public safety and flood risk reduction policies in the nation.

Due to poor communications, levees promote a false sense of security. Investors, property owners, business owners, and others tend to live and conduct business with little consideration of the levee systems that protect their property. When a levee fails there are always a significant number of

individuals and businesses that lose everything in the resulting flooding and are never able to recover financially. There is an essential need to modify NFIP flood insurance and perhaps other lines of insurance to recognize that coverage should be provided for the residual risk that exists behind levees. Modifying the mandatory flood insurance purchase requirements to require purchase of insurance in residual risk areas protected by dams or levees is an essential step.

Residual risk insurance would help manage the risk that remains within those areas protected by a levee. Another component of managing risk might be to consider design practices with levees that account for potential failure modes (e.g., incorporation of spillways at key locations) coupled with development practices behind levees that project and account for some level of inundation should the levee be overtopped or fail. While a 500-year standard by itself may fall short of societal acceptance of risk, a 500-year standard in combination with design standards and insurance increases the overall level of protection afforded to property owners commensurate with the threat to individuals and the community, as well as the nation's taxpayers.

Flood maps produced by FEMA are intended to show the risk to flooding for both the 100-year and 500-year floods. Many of the nation's maps do not show areas behind levees as flood risk areas that will be flooded when the levee fails or is overtopped. Identification of those areas as flood risk areas is essential to communicating flood risk to property owners and communities, so they can take responsibility for that risk, whether by developing evacuation plans, purchasing flood insurance, or modifying their development practices.

Recommendations:

18. The area that would be inundated when a levee fails or is overtopped, or when internal drainage systems are overwhelmed or incapacitated should be mapped as a residual risk flood hazard area and depicted on Flood Insurance Rate Maps.

19. Emergency action plans (EAPs) that address flood warning and evacuation should be required for all residual risk areas behind levees in order to protect lives and minimize property damage. These plans, and the periodic exercise of them, should be a requirement of any federal or state program that recognizes the levee as providing protection.

20. The purchase of flood insurance and appropriate development standards should be mandatory for all property protected by levees, to reflect the potential for the catastrophic consequences of levee failure.

21. Communication of the residual risk behind levees on a regular basis should be an explicit component of all aspects of proposed and current levee activities. It should include notification to all property owners of the risk (e.g. notice in annual water bill or tax bill) along with other measures such as posting signs in all land areas at risk behind the levees. All communication should state clearly that the area behind the levee is provided with some level of protection by levees, that the levees may fail or be overtopped, and that the area is a floodplain, with indications of the depth of flooding when the levee fails or is overtopped. Communication to the property owners should provide clear information on their role if an evacuation is ordered.

22.. The liability of owners of structural flood control projects, such as levees and dams should be communicated to the owners of those

structures on a periodic basis. Information on that liability is on the ASFPM web site:
http://www.floods.org/PDF/NAI_Liability_Failure_Facilities_0906.pdf

Adverse Impacts of Levees

Levees by their very nature adversely affect properties that are upstream, downstream, adjacent to, or across the waterway. Levees transfer flood waters onto other property, interfere with the natural attenuation of flows, cause backwaters, generally increase depth and velocity of flood waters, and encourage channel degradation and eventual bank erosion. In addition, if the levee is located immediately adjacent to the bank or the stream edge, as is common practice, important riparian vegetation is often destroyed either directly during the construction phase, or as a result of the high velocities, erosion, or sedimentation that result from the river's being narrowed by the presence of the levees.

Current policies do not adequately consider adverse impacts. For example, often levees constructed by the federal government are sited along the boundary of the floodway, which often coincides with the environmentally and hydrologically sensitive area. In some cases the transfer of these impacts is acknowledged and mitigated but frequently the impacts are ignored. This suggests the need for clarifying legislation and/or guidance that states that the creation or transfer of adverse impacts is unacceptable and these impacts must be accounted for and mitigated as part of any levee project— before that project is approved, constructed, re-constructed, or recognized as providing a certain level of flood protection.

Second, but equally important, over time levees often provide a lower level of protection than designed because upstream development or levees across the river or elsewhere in the river system or watershed result in the transfer of flooding to the leveed reach. This practice of transferring adverse impacts silently erodes the level of protection provided by the levees. Cumulative impacts caused by levees need to be addressed. One levee in the system may not have measurable impacts, but if levees are built in additional portions of the system or watershed, the cumulative impacts can be significant, adversely affecting many communities and properties.

Recommendations:

23. FEMA and the Corps should evaluate and eliminate practices that cause increased flood damage or that lead to induced flooding (the transfer of flooding to other property that is primarily open space) unless property owners agree to a permanent flooding easement in return for this intrusion of flooding on their property.

24. The cumulative impacts of levees within a system or watershed should be evaluated before any levees are permitted, so those impacts are considered and mitigated, including increasing the design height to account for increased flood levels.

25. Levee construction, repair, and reconstruction should account for the protection of existing natural functions to avoid adverse impacts to the natural system. In addition, during repair or reconstruction of the levee, these natural functions should be restored to the maximum extent that is practical to account for past adverse impacts.

Summary

The nation has thousands of miles of levees, with millions of people living in the flood risk areas behind them, many believing they are completely protected from flooding. Communities often choose levees as their option to reduce flood damage to existing development. Current national flood policies encourage not only the choice of a levee by the community, but also encourage building the levees only to the low standard of the 100-year flood. Communities realize that they can gain the benefits of a levee (an increased local tax base and minimal disturbance to the people and infrastructure of the community) while externalizing the costs of levee failure and overtopping to the federal taxpayers through disaster relief, federal levee construction and repair programs, and the perception that, when flooded, they are the victims.

The result is a nation in which millions of citizens and hundreds of communities neither recognize their flood risk nor accept responsibility for reducing that risk. The overriding aim of ensuring public safety has been lost in the morass of complex benefit/cost calculations and in two misperceptions at the local level: first, that the levee option must be a completely safe and prudent one because the federal government allows (or even encourages) it to proceed; and second, that the responsibility for operation and maintenance of the levee does not rest solely with the local owner of the levee but is somehow shared with or even borne by the federal government.

To reverse these negative trends, changes will be necessary at the federal, state, and local levels, as well as on the part of citizens who live, work, and play in flood risk areas. This paper sets out the recommendations from the Association of State Floodplain Managers that we believe will

be necessary to yield a public that is both safer and better informed about levees and the flood risk associated with them.

DR Mc KIBBENS'S LEETER BELOW:

Felicia Griego, Assistant Environmental Analyst

August

14, 2007

Albert A Webb Associates

3788 McCray Street

Riverside, CA 92506

Sent via email to: Felicia.griego@webbassociates.com

Re: Notice of Preparation of a Draft Environmental Impact Report for the San Jacinto River Levee Stage 4 Project

Dear Ms. Griego:

For over 20 years I have been a resident of Riverside County and a geologist at U.C. Riverside, concerned with geologic hazards in the Inland Empire. I submit the following comments on the NOP of a DEIR issued for the project cited above.

Claims of “No Impact” are not justifiable for the following areas:
Hydrology and Water Quality (pages 40-41 of the Initial Study)

The natural, historical gravitational course of the San Jacinto River is farther north into the Mystic Lake area. The current and planned diversion of the San Jacinto River away from this course thus deprives the

northern San Jacinto Valley of its normal supply of groundwater recharge and sediment fill as carried by the river in its natural state. Because the active San Jacinto fault system is helping this graben-like valley subside at up to 1 inch per year, the sediment-starved Mystic Lake basin is very rapidly expanding as a closed depression (Morton, 1977, 1992; Morton and Miller, 2006). Without a natural supply of river-borne sediment to infill the subsiding basin, it has no choice but to enlarge through time. This tectonic subsidence is exacerbated by subsidence resulting from groundwater withdrawal and reduced natural water recharge in the valley due to diversion of the river.

The unfortunate consequence of all of this uncompensated subsidence is formation of an ever larger Mystic Lake during recurring periods of high rainfall. Figure 5 from Morton and Miller (2006) is attached and shows past and projected extents of ephemeral Mystic Lake up to the year 2023. This projection indicates that portions of the project (as well as portions of the city of San Jacinto) will become inundated by an expanding Mystic Lake in the very near future. Bridge Street and other roads have already been significantly impacted by this growing lake basin in the past decade.

The project's diversion of the river from its natural course therefore has significant impacts on both water recharge and sediment supply, triggering hazards of flooding, ground subsidence and water table decline. The formerly artesian northern San Jacinto valley (Morton, 1977, 1992) is now a rapidly-subsiding, groundwater-depleted basin that continues to grow larger due to diversion of the river. Transportation networks and human infrastructures will be threatened by a growing Mystic Lake forming in wet years.

The federal, county and local flood plain maps presently utilized for

planning purposes are therefore too conservative and will not adequately protect property owners and infrastructure from future riverine and lacustrine flooding events. These impacts will also affect any future planned development along both the natural and diverted courses of the river.

The DEIR must consider ways to mitigate these impacts, including alternatives that do not divert the river from its natural, historic course, allowing the Mystic Lake basin to return to its natural geohydrologic role as an effective flood-control basin. An alternative scenario with a much larger and much more realistic floodplain boundary must be assessed, consistent with the projected growth of Mystic Lake.

Please keep me informed as to all scoping sessions, workshops, proceedings, meetings, hearings, staff reports, technical reports, public documents, DEIRs, EIRs and decisions in regard to this project.

Sincerely,

Michael A. McKibben, Ph.D.

References

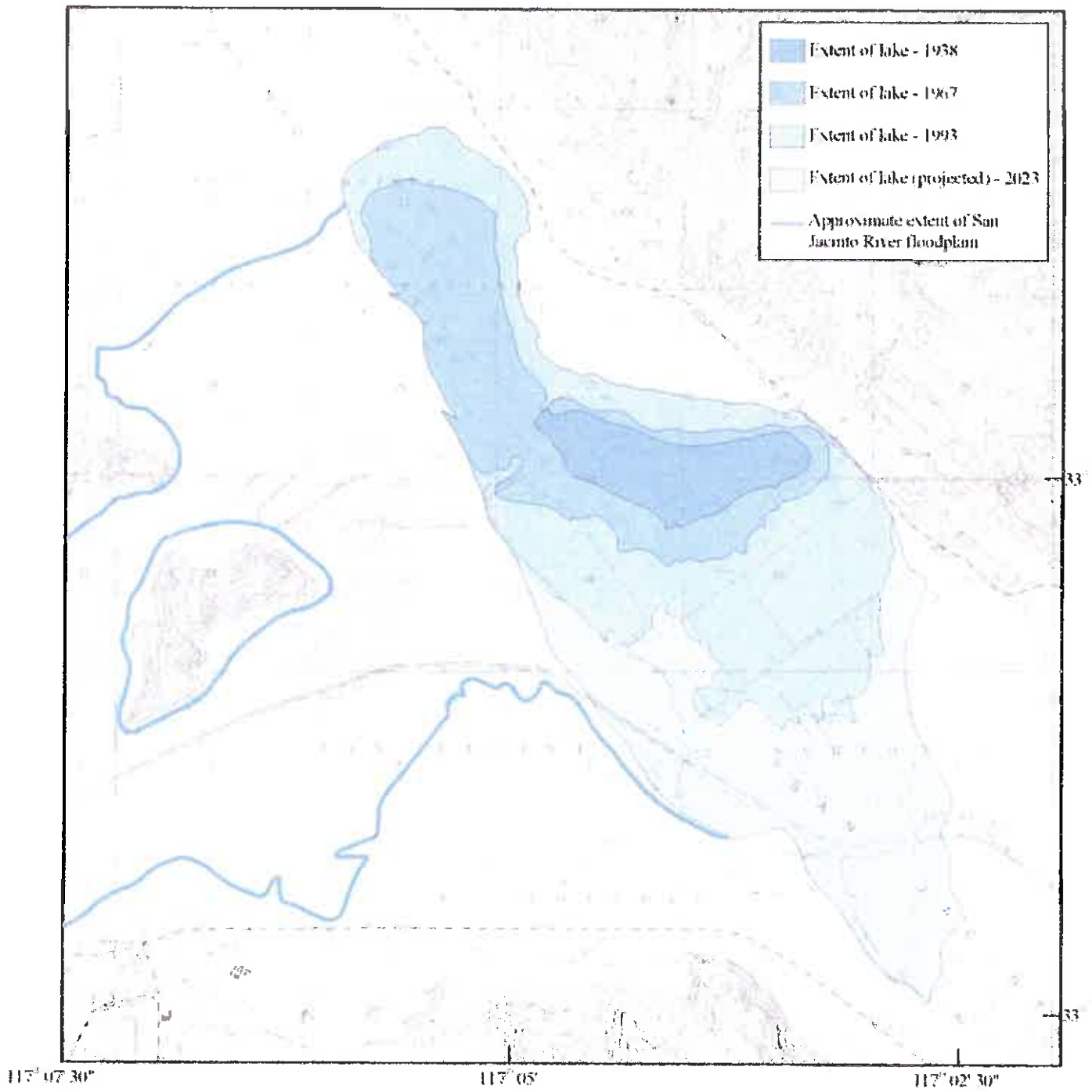
Morton, D.M., 1977, Surface deformation in part of the San Jacinto Valley, southern California; Jour. Research U. S. Geological Survey, Vol. 5, No. 1, p. 117-124.

Morton, D.M., 1992, Subsidence and ground fissures in the San Jacinto basin area, Southern California; U.S.G.S. Subsidence Interest Group Conf., Abstracts, p. 29-31.

Morton, D.M., and Miller, F. K., 2006, Geologic map of the San Bernardino and Santa Ana 30' x 60' quadrangles, California; USGS Open File Report 1271, 2006, <http://pubs.usgs.gov/of/2006/1217/>

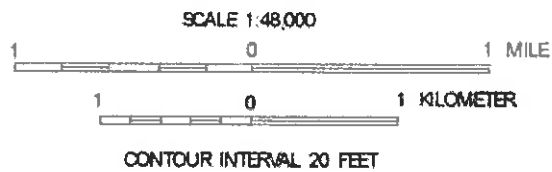
(map attached, of2006-1217_fig5.pdf)

Figure 5



Base from U.S. Geological Survey
7.5' Lakeview and El Cajo quadrangles
UTM projection, Zone 11

Historic Lake Levels of Mystic Lake, Riverside County, California



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Comment Letter No. 55: Hague, George (Letter 1)

Comment 55.1 The County appreciates your comments during the GPA No. 960/ Draft EIR No. 521 public review period. The County compiles flood hazard maps using the Riverside County Special Flood Hazard Area database. The Riverside County Special Flood Hazard Area database is maintained by the Riverside County Flood Control and Water Conservation District (RCFWCD), as stipulated in Riverside County Ordinance 4.58-14 Section 5. This flood area includes FEMA 100-year flood areas, select Army Corps of Engineers inundation boundaries, as well as a number of boundaries for County inundation zones, as enumerated in Ordinance 4.58-14 Section 5. The database is updated quarterly by RCFWCD, and incorporates new flood zones as necessary. The flood zone is used for site-specific development approvals, and is illustrated in the relevant maps within GPA No. 960 and Draft EIR No. 521. The flood hazard zone is supported by numerous policies in order to ensure development safety within the County.

The 500-year flood event is not incorporated into Draft EIR No. 521's analysis due to the remote probability that such an event would occur. As its name suggests, the probability of a 500-year flood event occurring within Riverside County is one in every five-hundred years, representing a 0.2% chance that such an event would occur in any given year. For this reasoning, the County has chosen to identify the Special Flood Hazard Area because it is regulated by the County Flood Control district and is a composite of the 100-year floodplain, FEMA mapping, and County regulated. The 500-year floodplain, however, is not provided by FEMA for all areas, and it is not used by the county for building regulations or land use planning. While the County appreciates the ASFPM White Paper, it does not provide substantive detail as to how or why the 100-year flood event is insufficient as part of the Draft EIR's analysis.

Comment 55.2 The commenter asserts that the channelization of the San Jacinto River could increase impacts to residents downstream. However, the goal of the proposed channelization project is to allow for the containment of the river to better protect the homes and residents that live in areas that experiencing severe flooding from the river. The project, which would require extensive environmental analysis and regulatory permitting, would be required to prove that impacts downstream would be minimized to ensure the safety of residents downstream. The General Plan also includes several policies, which address the limited circumstances where channelization is allowed within the County. These policies include:

- “Policy OS 5.1: Substantially alter floodways or implement other channelization only as a “last resort,” and limit the alteration to:
- a. that necessary for the protection of public health and safety only after all other options are exhausted;

- b. essential public service projects where or other feasible construction method or alternative project location exists; or
- c. projects where primary function is improvement of fish and wildlife habitat.”

“Policy S 4.4: This policy prohibits alteration of floodways and channelization unless other methods of flood risk management are not feasible, thereby maintaining and preventing the obstruction of existing flood control facilities by development proposals consistent with GPA No. 960 and reducing potential adverse impacts associated with impeding flows. The policy also allows for incentive provisions, such as density transfers, to be offered in an effort to maintain natural watercourses and floodways and to focus development away from these critical resources.”

While the commenters concerns are noted, the project would be required to undergo extensive environmental analysis and regulatory permitting, and would be required to prove it would not add additional flooding risk to those areas downstream.

Comment 55.3 The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 55.4 The County thanks you for your participation in the General Plan Update and EIR public review period. This comment is duly noted. Future noticing and County correspondence will be forwarded to the address provided. This comment serves as a conclusion to the letter. Specific responses are provided above, and no further response is necessary.

Additionally, the County has reviewed the attachment provided with the Comment Letter. The attached material functions to support claims made within the letter. As such, the material did not identify any additional specific concern with the adequacy of Draft EIR No. 521 or any environmental issues. Therefore, the attachment does not warrant any further response as part of the Final EIR. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). The County thanks you for your participation in the General Plan Update and EIR public review period. No further response is necessary.



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

<http://www.dailykos.com/story/2015/01/11/1355983/-A-victory-at-Eagle-Mountain-Mine>

A Victory for Eagle Mountain

Good morning Ms Lovelady,

April 4, 2015

RE: Riverside County's General Plan Amendment No. 960 and Recirculated Draft Environmental Impact Report (RDEIR)

I am very concerned about what is found at the bottom of this letter that was taken from the Desert Center Area Plan concerning the Eagle Mountain Landfill. In light of the 12-18-2014 Final Judgement and Order of Dismissal this section needs to totally rewritten. The above link on this issue has the following:

“A 28-year legal battle over the use of the former Kaiser Eagle Mountain Iron Mine property is over. United States District Judge Robert Timlin ruled December 18 that the 2,846 acres of land be returned to the public, setting aside a planned land exchange and any further development plans for the area surrounded on three sides by Joshua Tree National park. The judge also ruled that former railroad properties be turned over to the BLM.”

56.1

We expect to see a total dismissal of the idea of a garbage dump in the arms of Joshua Tree National Park. Please include the article found in the above link and page two of the Final Judgement and Order of Dismissal found below in the public record for this project. Please notify me of all future meetings and documents related to the Recirculated Draft EIR (RDEIR) for the General Plan Update (GPU). Please use the address below my name and confirm that you have received all my letters in a timely manner.

56.1
CONT.

Thank you,

George Hague

26711 Ironwood Ave
Moreno Valley, CA 92555

Eagle Mountain Landfill and Townsite

"This truly remote community area is located in the northwestern corner of Desert Center adjacent to, and surrounded on three sides by, the Joshua Tree National Park. The 5,500-acre former Kaiser iron ore mining facility will require some changes in order to fulfill its proposed transition into a functioning Class III nonhazardous solid waste landfill operation. Considerable rehabilitation and new development would be needed to restore this area as a fully functioning community. The plan for the revitalized

56.2
CONT.

new townsite, however, accommodates the necessities for community life: schools, community centers, recreational facilities, retail commercial centers, and housing. A portion of this townsite was utilized as a return to custody facility." (page 7)

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IT IS ORDERED THAT:

(1) Plaintiffs' motions for summary judgment in case no. EDCV 99-0454 and case no. EDCV 00-0041 are GRANTED with respect to the FLPMA "highest and best use" claim and to the following NEPA issues: (1) eutrophication; (2) statement of "purpose and need"; and (3) analysis of "reasonable range of alternatives." They are DENIED with respect to the FLPMA "public interest determination" claim and the following NEPA issues: (1) noise; (2) night lighting; (3) visual impacts; (4) desert tortoises; (5) air quality; (6) groundwater; and (7) Bighorn sheep;

(2) Defendants' motions for summary judgment in case no. EDCV 99-0454 and case no. EDCV 00-0041 are GRANTED with respect to the FLPMA "public interest determination" claim and the following NEPA issues: (1) noise; (2) night lighting; (3) visual impacts; (4) desert tortoises; (5) air quality; (6) groundwater and (7) Bighorn sheep. They are DENIED with respect to the FLPMA "highest and best use" claim and the following NEPA issues: (1) eutrophication; (2) statement of "purpose and need"; and (3) analysis of "reasonable range of alternatives;"

(3) The subject land exchange and grant of rights of way and reversionary interests are set aside and Defendants are enjoined from engaging in any action that would change the character and use of the exchanged properties pending the Bureau of Land Management's ("BLM") preparation of a ROD consistent with the Ninth Circuit's rulings in its May 19, 2010 amended opinion and an EIS which addresses the deficiencies in the subject Final EIS as noted by the Ninth Circuit;

(4) These actions are REMANDED to the BLM for proceedings consistent with the Ninth Circuit's May 19, 2010 amended opinion; and

(5) The Court retains jurisdiction to resolve any legal challenges by Plaintiffs to the new ROD and EIS and to vacate or reaffirm the above-stated injunction and set aside Order.

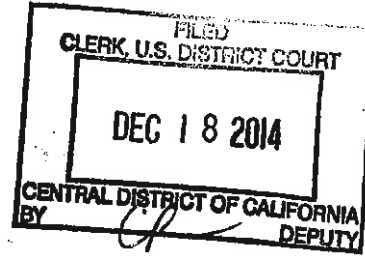
DATED: May 10, 2011

ROBERT J. TIMLIN
ROBERT J. TIMLIN
UNITED STATES DISTRICT JUDGE

56.2
CONT.

12-18-2014 Final Judgement and Order of Dismissal

↑ 56.2
CONT.



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IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES – SPRING STREET DIVISION

DONNA CHARPIED, et al.,)
Plaintiffs,)
v.)
UNITED STATES DEPARTMENT)
OF INTERIOR, et al.,)
Defendants.)

Civ. No. ED CV 99-0454 RT (Mcx)
R/K/T
[PROPOSED] FINAL JUDGMENT
AND ORDER OF DISMISSAL

NATIONAL PARKS)
CONSERVATION ASSN.)
Plaintiff,)
v.)
BUREAU OF LAND)
MANAGEMENT, et al.,)
Defendants.)

Civ. No. ED CV 00-0041 RT (Mcx)

Consistent with the Ninth Circuit’s rulings in its May 19, 2010 amended
opinion, IT IS SO ORDERED AND ADJUDGED THAT:

1 (1) Judgment is entered in favor of Plaintiffs in Case No. EDCV 99-0454
2 and Case No. EDCV 00-0041 with respect to Plaintiffs' Federal Land Policy and
3 Management Act ("FLPMA") "highest and best use" claims and the following
4 National Environmental Policy Act ("NEPA") claims: (1) eutrophication; (2)
5 statement of "purpose and need"; and (3) analysis of "reasonable range of
6 alternatives."

7 (2) Judgment is entered in favor of Defendants in Case No. EDCV 99-0454
8 and Case No. EDCV 00-0041 with respect to Plaintiffs' FLPMA "public interest
9 determination" claims and the following NEPA claims: (1) noise; (2) night
10 lighting; (3) visual impacts; (4) desert tortoises; (5) air quality; (6) groundwater
11 and (7) bighorn sheep.

12 (3) This Court's Orders dated May 10, 2011 (ECF No. 181 in Case No.
13 EDCV 99-0454 and ECF No. 95 in Case No. EDCV 00-0041) are hereby
14 superseded and vacated in their entireties. The relief afforded by this Final
15 Judgment and Order of Dismissal shall be the sole remedy granted for Plaintiffs'
16 claims.

17 (4) The subject land exchange and grant of rights of way and reversionary
18 interests are vacated to the following extent:

19 (a) Patent 04-2000-0001, recorded in official records of Riverside County
20 on October 13, 1999, as Document # 1999-452317, which conveyed
21 approximately 3,841 acres of public lands to Kaiser Eagle Mountain, Inc., a
22 Delaware Corporation, is cancelled in its entirety as of the date of this Order.
23 The fee title to those lands which had been conveyed to Kaiser Eagle
24 Mountain, Inc. in the patent are returned to their status as public lands
25 belonging to the United States, subject to the federal mining claims and mill
26 sites of Kaiser Eagle Mountain, Inc. and its successor in interest Kaiser
27 Eagle Mountain, LLC, as existed immediately prior to issuance of the patent
28 by the Bureau of Land Management ("BLM"). Any obligations, rights, or

1 interests, including reinstatement of mining claims and mill sites as
2 referenced in the "Relinquishment of Unpatented Mining Claims" document
3 (executed by Kaiser Eagle Mountain, Inc. on August 26, 1999), in the land
4 that were relinquished by Kaiser Eagle Mountain, Inc., effective on the
5 issuance of Patent 04-2000-0001 and conditioned on the continuing validity
6 of the Patent, are hereby fully reinstated in the name of Kaiser Eagle
7 Mountain, Inc. or its successor in interest Kaiser Eagle Mountain, LLC, as
8 the claims and sites existed immediately prior to issuance of the Patent by
9 the BLM. Nothing associated with or arising from the relinquishment or
10 reinstatement of the mining claims and mill sites, the issuance or
11 cancellation of Patent 04-2000-0001, or ownership by Kaiser Eagle
12 Mountain, Inc. or its successor in interest Kaiser Eagle Mountain, LLC of
13 the lands covered by Patent 04-2000-001 for the period of time from and
14 including October 13, 1999 to and including the effective date of this Order,
15 shall be grounds for any future challenge to the validity of the mining claims
16 and mill sites reinstated under this Order or the cancellation of Patent 04-
17 2000-001.

18 (b) Patent 04-2000-0002, Recorded in Official Records of Riverside County
19 on October 13, 1999, as Document # 1999-452318, which conveyed the
20 federal reversionary interest in the Eagle Mountain Townsite to Kaiser Eagle
21 Mountain, Inc., is cancelled in its entirety as of the date of this Order and the
22 continuous seven-year period of non-use associated with any potential
23 reversionary interest on the Eagle Mountain Townsite pursuant to Private
24 Law 790 approved July 8, 1952 shall not include the period from and
25 including October 13, 1999 to and including the effective date of this Order.

26 (c) Right of way grant CACA 25594 for the Eagle Mountain Railroad,
27 issued to Kaiser Eagle Mountain, Inc. and approved by the BLM on
28 December 9, 1998 pursuant to FLPMA, is hereby terminated in its entirety

1 as of the date of this Order. Kaiser Eagle Mountain, Inc.'s rights and
2 interests in right of way grant CACA 31926, issued jointly to the
3 Metropolitan Water District of Southern California, and approved by the
4 BLM on December 9, 1998, are hereby terminated as of the date of this
5 Order. This Order does not in any way affect right of way LA 0121701
6 granted to Kaiser Steel Corporation on June 8, 1956 and lands conveyed to
7 Kaiser Steel Corporation in Patent 1153422 executed on August 9, 1955,
8 pursuant to Private Law 790 approved July 8, 1952 and the continuous
9 seven-year period of abandonment or non-use associated with any potential
10 reversionary interest pursuant to Private Law 790 and as reflected in right of
11 way LA 0121701 and in Patent 1153422, and shall not include the period
12 from and including October 13, 1999 to and including the effective date of
13 this Order.

14 (d) The 2,846 acres of land conveyed from Kaiser Eagle Mountain, Inc. to
15 the United States in Grant Deed 30070 recorded in the official records of
16 Riverside County on October 13, 1999 as Document 1999-452314 will
17 remain in the ownership of the United States.

18 (e) The United States will restore or otherwise make arrangements to credit,
19 without accruing interest, the cash equalization payment of \$20,100.00 made
20 by Kaiser Eagle Mountain, Inc. as part of the subject exchange.

21 (f) No payments or further transactions that involve the subject land
22 exchange or the related transactions are required by, provided for, or enabled
23 under this Order, including any mining claim maintenance fees that would
24 have been required for the intervening assessment years had there been no
25 land exchange.

26 (5) The United States and Kaiser Eagle Mountain, LLC (successor in
27 interest to Kaiser Eagle Mountain, Inc.) shall take such other action as is
28 reasonably necessary or appropriate to implement this Order, including, but not

1 limited to, the execution and delivery of appropriate deeds, documents and other
2 instruments and providing constructive notice of this Order in the official records
3 of Riverside County by Kaiser Eagle Mountain, Inc., or its successors in interest,
4 executing and recording a quit claim deed (or deeds) reconveying, to the United
5 States, the lands and interests in land described in Patents 04-2000-0001 and 04-
6 2000-0002 and the appropriate reflection in the BLM's records of the reinstated
7 mining claims and mill sites. The quit claim deed(s) shall reference or attach this
8 Order.

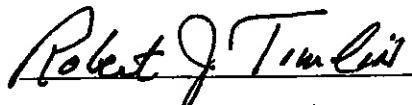
9 (6) This Court retains jurisdiction for the purposes of resolving any claims
10 that Plaintiffs may assert for attorneys' fees and expenses pursuant to the Equal
11 Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, or any other basis, subject to
12 this Court's May 10, 2011 Orders (ECF No. 180 in Case No. EDCV 99-0454 and
13 ECF No. 94 in Case No. EDCV 00-0041) concerning the procedure for briefing
14 any such claims. Any threshold motion for attorneys' fees and costs under EAJA
15 or any other basis shall be filed no later than 60 days from the date of this Order,
16 with any response due 45 days thereafter, and any reply due 30 days thereafter.

17 (7) Any and all claims in Plaintiffs' Complaints, otherwise not specifically
18 referenced above, in both Case No. EDCV 99-0454 and Case No. EDCV 00-0041,
19 are dismissed with prejudice and the remand order and injunction are dissolved and
20 are of no further force and effect as of the effective date of this Order.

21 ~~RJT (8) The Clerk of the Court is directed to close the file in this case.~~

22 IT IS SO ORDERED.

23
24 DATED: 12/18/14



25
26 ROBERT J. TIMLIN
27 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

DONNA CHARPIED, et al.)
)
Plaintiffs,)
)
v.)
)
UNITED STATES DEPARTMENT)
OF THE INTERIOR, et al.)
)
Defendants.)
_____)

EDCV99-00454 RT
EDCV 00-00041 RT

ORDER REMANDING BOTH ACTIONS
TO DEFENDANT BUREAU OF LAND
MANAGEMENT FOR PROCEEDINGS
CONSISTENT WITH THE NINTH
CIRCUIT AMENDED OPINION DATED
MAY 19, 2010

NATIONAL PARKS AND)
CONSERVATION ASSOCIATION,)
)
Plaintiff,)
)
v.)
)
BUREAU OF LAND MANAGEMENT,)
et al.,)
)
Defendants.)
_____)

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IT IS ORDERED THAT:

(1) Plaintiffs' motions for summary judgment in case no. EDCV 99-0454 and case no. EDCV 00-0041 are GRANTED with respect to the FLPMA "highest and best use" claim and to the following NEPA issues: (1) eutrophication; (2) statement of "purpose and need"; and (3) analysis of "reasonable range of alternatives." They are DENIED with respect to the FLPMA "public interest determination" claim and the following NEPA issues: (1) noise; (2) night lighting; (3) visual impacts; (4) desert tortoises; (5) air quality; (6) groundwater; and (7) Bighorn sheep;

(2) Defendants' motions for summary judgment in case no. EDCV 99-0454 and case no. EDCV 00-0041 are GRANTED with respect to the FLPMA "public interest determination" claim and the following NEPA issues: (1) noise; (2) night lighting; (3) visual impacts; (4) desert tortoises; (5) air quality; (6) groundwater and (7) Bighorn sheep. They are DENIED with respect to the FLPMA "highest and best use" claim and the following NEPA issues: (1) eutrophication; (2) statement of "purpose and need"; and (3) analysis of "reasonable range of alternatives;"

(3) The subject land exchange and grant of rights of way and reversionary interests are set aside and Defendants are enjoined from engaging in any action that would change the character and use of the exchanged properties pending the Bureau of Land Management's ("BLM") preparation of a ROD consistent with the Ninth Circuit's rulings in its May 19, 2010 amended opinion and an EIS which addresses the deficiencies in the subject Final EIS as noted by the Ninth Circuit;

(4) These actions are REMANDED to the BLM for proceedings consistent with the Ninth Circuit's May 19, 2010 amended opinion; and

(5) The Court retains jurisdiction to resolve any legal challenges by Plaintiffs to the new ROD and EIS and to vacate or reaffirm the above-stated injunction and set aside Order.

DATED: May 10, 2011

ROBERT J. TIMLIN
ROBERT J. TIMLIN
UNITED STATES DISTRICT JUDGE

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Comment Letter No. 56: Hague, George (Letter 2)

Comment 56.1 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 56.2 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Additionally, the County has reviewed the attachments provided with the Comment Letter. The material in the attachments function to support claims made within the letter. As such, the material does not identify any new specific concern with the adequacy of Draft EIR No. 521 or any environmental issues. Therefore, the attachments do not warrant any further response as part of the Final EIR. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). The County thanks you for your participation in the General Plan Update and EIR public review period. No further response is necessary.

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Kristi Lovelady

Principal Planner County of Riverside Planning Department

4080 Lemon Street, 12th Floor

April 6, 2015

Riverside, CA 92501



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

RE: Riverside County General Plan Update's (GPU) Revised Draft Environmental Impact Report (RDEIR) and General Plan Amendment No. 960.

I am very concerned about the areas of the GPU documents listed below and hope to see significant improvement in subsequent documents or a recirculation.

The Santa Ana River and its biological importance need to be better shown. The GPU has the River divided among several Area Plans. The GPU must have the entire system in one plan so we do not have to try to cobble together the County's plan or impacts to the River. The same should be done for its watershed.

57.1

The Pass Area Plan:

Page 56 and Figure 10 = Must show the more than 9, 000 acre Potrero unit of the San Jacinto Wildlife Area (SJWA) and the GPU should address this special area. The GPU should also have a linkage for all species of the Potrero Unit of the SJWA with the better

57.2

known 10,000 acre Davis Road Unit of the SJWA -- this would include getting under and/or over Highway 79 and Gilman Springs Road.

57.2
CONT.

Desert Center Area Plan:

Page 7 = Eagle Mountain Landfill and Townsite. This gives the impression that the County might try to revive this monster of a garbage dump that is surrounded on three sides by Joshua Tree National Park. Is this the County's Plan? If it isn't, then I expect it to be dropped from the GPU. If it is, then more about the consequences of moving forward with this mega dump needs to be explained in the Final EIR. Please explain how you can have a plan for a garbage dump in this location in light of US District Judge Robert Timlin's December 18, 2014 Final Judgement and Order of Dismissal.

57.3

Reche Canyon -- Badlands Area Plan: Page 2 = Conservation and Open Space: That these issues are "virtually resolved" is false. Where is the livable connections/linkages between the two units of the SJWA. The Davis Road Unit resources need to make there way to the Potrero Unit. Each are about 10,000 acres and disjointed. The Potrero unit must be mentioned in the Pass Area Plan and shown on all maps/figures. There needs to be good ways for all types of area animals to pass over/under hwy 79 and Gilman Springs Road to allow these two areas to connect as well as additional lands purchased. Where is the SJWA labeled on all the Figures as well as

57.4

the outline of the SJWA? Where are the lands in which the CDFW spent more than \$80,000,000 to acquire conservation easement? The section is hard to believe with words like "unprecedented commitment to their preservation".

57.4
CONT.

Page 7 = SJWA/Mystic Lake: they should mention that it is home to threatened/endangered plant and animal species. It is a cornerstone for about 50 species in the Multi-Species HCP and the endangered Stephens' Kangaroo Rat(SKR) reserve system. It is a major portion of the Audubon's Important Birding Area (IBA).

57.5

Lake Perris: Basically the same as the adjacent SJWA and must be so described in the GPU or the documents will be inadequate.

57.6

Page 15 = Land Use Concepts: "Open Space areas for the preservation of publicly owned habitat" and "areas designated for Agriculture uses are located adjacent to the SJWA" would give you the impression that something like the proposed Villages of Lakeview housing project would never be approved. How does the GPU foster, acquire and preserve appropriate AG next to publicly owned habitat?

57.7

This Area Plan and the Lakeview/Nuevo Area Plan needs to show both the Historic San Jacinto River and the one that was channelized by farmers over 100 years ago. The river continues to return to its

57.8

Historic channel at times of significant rain and the GPU needs to show that channel on its documents.

57.8
CONT.

Below are links for Doug Morton's USGS Open-File Report 2006-1217. The report contains the Mystic Lake map showing the projection of where the lake level is predicted to be in 2023.

I would like to know how do the proposed land uses in the General Plan Update (GPU) reflect or include this information, especially the projected changes in the lake level for Mystic Lake?

U.S. Geological Survey

Open-File Report 2006-1217

Version 1.0

Geologic Map of the San Bernardino and Santa Ana 30' x 60' quadrangles, California By Douglas M. Morton and Fred K. Miller
Digital preparation by Pamela M. Cossette and Kelly R. Bovard 2006

57.9

Link for report:

<http://pubs.usgs.gov/of/2006/1217/>

Link for: Historic Lake Levels of Mystic Lake, Riverside County, California; Figure 5 (of2006-1217_fig5.pdf; 1.6 MB) shows the historic lake levels of Mystic Lake and a projection of where the lake level (closed depression) is predicted to be in 2023.

http://pubs.usgs.gov/of/2006/1217/of2006-1217_map/of2006-1217_fig5.pdf

Link for: Sheet 2 (of2006-1217_major_flts.pdf; 18 MB), a fault map;
http://pubs.usgs.gov/of/2006/1217/of2006-1217_map/of2006-1217_major_flts.pdf

57.9
CONT.

The Lakeview/Nuevo Area Plan:

Pages 5 and 7 = San Jacinto River (SJR) where they mention "a channelization project" The City of LA and the Federal Government have just approved 1 billion dollars to eliminate 11 miles of channelization of the LA River and reconstruct habitat. The "property owners" mentioned in the second paragraph have been pushing for this for at least a decade so they can develop their lands. Figure 4 shows Specific Plan 183 is really hoping for this, but so are owners of lands that have no approvals. Why should taxpayers have to pay significant money for channelization to allow landowners to develop land they knew was in the flood plain when they purchased it at a reduced price? What is better for the habitat of plant/animal species and the plant/animal species themselves... Channelizing the River or allowing the River to be natural between south of Ramona Expressway and the I-215?

57.10

This document basically says the channelization is a done deal. It would be better if it were not channelized. The Alkali Playa in this stretch of the SJR is critical to endangered plants and channelization will result in more scouring of the soils and not the spreading

flooding that is needed. The proposed habitat and open space proposed along the possible channelization banks/edges is not wide enough and needs to be significantly wider all along on both sides with no choke points. The GPU needs to show this or ideally no channelization. Page 7 continues the downplay of the San Jacinto Wildlife Area (SJWA). It isn't even shown on maps and charts throughout the GPU. There are two units of the SJWA with each about 10,000 acres. Most know about the one near the proposed Villages of Lakeview housing project that is referred to as the Davis Road unit. This unit has about 50 plant and animal species covered by the Riverside County MSHCP. The SJWA is a Wildlife Area and not an Urban Park, but this document would lead you to believe it is there for recreational values. While it can serve this purpose to a limited degree, its main function should be as a Wildlife Area. It and surrounding lands are also almost always recognized during Audubon's Christmas Bird Count as being in the top 1% or 2% of all inland areas for North America for diversity of species. There are about 25 species raptors, which include five species of owls. National Audubon recognizes it as an Important Birding Area (IBA). When you have time to look at this link (http://media.wix.com/ugd/09ca00_728292545f674c7b8b52209faafb723.pdf) about this special San Jacinto Valley and the SJWA, I am sure you will appreciate it even more -- read the inside back cover. This entire booklet is incorporated into my comments.

57.10
CONT.

The below explains some additional issues and concerns that I have with the GPU and its RDEIR.

Hazardous wastes and disaster management: San Onofre nuclear power plant is being decommissioned. Riverside needs be participating in this huge hazardous waste challenge. How does the GPU reflect that participation?

57.11

Noise element, N 6.4 “instantaneous” measures need to be included instead of Leqs only. Please explain in the GPU why you are not protecting the county residents from these single event noises. These noise events must apply to commercial, industrial and recreational land uses or the FEIR will be inadequate. “Living in proximity to an airport will necessarily result in exposure to aircraft noise.” The public has a right to know before they purchase a house what “proximity” means and therefore the Final EIR must give the reader much more than generalities. The home purchase is one of the main investments for people and they shouldn’t later learn that they are in or near an existing flight path that destroys the pleasure of living in it. Diagrams and Figures and Maps need to appear in the Final EIR to fully show visually the noise contours from all exiting airports throughout Riverside County as well as the Ontario International Airport which is only a couple of miles over the border from Riverside County.

57.12

“Design roadways to accommodate wildlife crossings whenever feasible and necessary”. Identify all potential wildlife crossings and incorporate them in all future designs of roadways. Wildlife is increasingly fragmented with our roadways. “Wherever feasible” will not require any of these vital linkages. The GPU needs to step up and not cut off important corridors. We will be looking at this section to see where you show that these need to be located on existing and future roadways or the Final EIR will be inadequate.

57.13

Landscaping can play an important role in the aesthetics and noise mitigation of transportation routes. Landscaping softens the otherwise harsh visual impacts that a roadway can create and can be used as a buffer to protect noise sensitive areas such as residential properties. Incorporating native plants and design to help wildlife passage on and in wildlife/pedestrian crossings needs to be shown and required in the GPU.

Review and update the County of Riverside Road and Bridge Benefit District fee structure for and development impact fees annually periodically to ensure that capacity expansion projects are developed and constructed in a timely manner. (Also),These fees will cover (un-impeded, non-motorized) crossings as described in C 4.8,15.6

57.14

New crossings of watercourses by local roads shall occur at the minimum frequency necessary to provide for adequate

57.15

neighborhood and community circulation and fire protection. Wherever feasible, new crossings shall occur using bridging systems that pass over entire watercourses and associated floodplains and riparian vegetation in single spans. Dip or culvert crossings shall be avoided, but, where their use is unavoidable, they shall be designed to minimize impacts on watercourses. (AI 60) C 20.5 In order to protect the watershed, water supply, groundwater recharge, and wildlife values of watercourses, the County of Riverside will avoid siting utility infrastructure and associated grading, fire clearance, and other disturbances within or adjacent to watercourses, if there are feasible alternatives available, and discourage special districts and other governmental jurisdictions outside of Riverside County's authority, from doing so. Where such watershed utility siting locations cannot be avoided, the impacts on watercourses shall be minimized. Studies of appropriate bridge features and crossings for the full range of our wildlife connectivity need to be included and shown in the GPU.

57.15
CONT.

Multipurpose Open Space Element

1) A 2007 U.S. District Court Judge's decision to uphold pumping restrictions for the purpose of protecting the Delta smelt, an endangered fish species that inhabits the ecosystem surrounding the State Water Project's facilities that pump water from Northern California to Southern California. No alternative conveyance solution has been initiated.

57.16

2) Water apportionments from Northern California were reduced as part of the CALFED Bay-Delta Program.

3) Over allocation and drought conditions resulting in decreased water supplies to California from the Colorado River.

4) Most of Riverside County's sources of water are currently at capacity. The GPU must explain tribal rights to water throughout Riverside County over the life of this General Plan Update (GPU). At what point do we make a choice between water for more homes and water for jobs?

5) Water reserves are being drawn down in record amounts to compensate for the Bay-Delta water pumping/conveyance limitations and conditions on the Colorado River. Since water is described as at capacity, how is this addressed? Where are the groundwater management plans and studies including hydrology of aquifers within these documents?

5) How can development continue and what limitations to you foresee on development during the life of the GPU?

Discourage development within watercourses and areas within 100 feet of the outside boundary of the riparian vegetation, the top of the bank, or the 100 year floodplain, whichever is greater.

57.16
CONT.

As the water conditions continue to be a problem I see riparian areas drying up. Part of this problem is the result of more water being recycled and being withheld from release into these special areas. If you visit Temescal Creek you will now see portions that historically have had perennial flows that are now dry. Trees that have been growing there for decades are now dead or dying. This has cost significant loss of habitat for the Least Bell Vireo nesting sites. This is just one example of an ongoing major problem throughout our county. I do not see within any of the GPU documents of how the County is mitigating this significant loss of resources in our county over next several decades. I will expect to see it fully addressed in the Final EIR or it will be inadequate.

57.16
CONT.

Floodplain and Riparian Area Management: OS 4.9 (above) must also be located in this section

Cooperate with federal and state agencies to achieve the sustainable conservation of forest land as a means of providing open space and protecting natural resources and habitat lands included within the MSHCPs. (AI 3)the Santa Ana Mountain Range is the backbone to SW Riverside Co. that provides recreation, habitat, natural heritage, quality of life in the adjacent basins and wildlife connectivity . A special joint program with the CNF and the county to sustain the connectivity and health of this range must be developed

57.17

and thoroughly represented in the GPU. Vol. 3., p.318 SW area, Key
Biological Issues

57.17
CONT.

The habitat requirements of the sensitive and listed species, combined with sound habitat management practices, have shaped the following policies. These policies provide general conservation direction. Wildlife crossings throughout the MSHCP in connection with transportation infrastructure must be in the GPU or it will be inadequate.

57.18

I strongly believe these documents need to address the legal location of Off Highway Vehicles (OHV) with appropriate noise and air quality controls as well as protection of habitat. OHV's must be allowed in only designated areas. The GPU needs to show the legal locations for OHV use within Riverside County and the enforcement mechanism to protect all other lands from the destructive abuse of OHVs. How is the County protecting and restoring habitat being destroyed by irresponsible OHV users?

57.19

Agriculture preservation is a must and much of it should be located near and adjacent to protected publicly owned lands. The GPU needs to recognize that even small parcels of appropriate AG next to lands like the San Jacinto Wildlife Area (SJWA) must be encouraged and supported. The Final EIR must explain how lands will be acquired and conservation easements purchased as well as why it is necessary. Any planned committees must be functional within six

57.20

months and have a published plan within one year of the GPU's approval. This plan cannot just sit on a shelf, but must be used immediately as projects are approved and the program must have an active manager. The FEIR needs to show how local Agriculture reduces Greenhouse Gases and reduces impacts on air quality.

57.20
CONT.

The current General Plan encourages development near existing urban areas. One of the main points that came out of many public hearing for the current General Plan (GP) was that people wanted separation between towns and not just one big urban sprawl. How does this GPU promote those strong public desires? How will this GPU protect valleys like the San Jacinto Valley from leapfrog development and urban sprawl between the City of San Jacinto and the City of Perris? Some counties in California do what they can to avoid creating new cities. What is in this GPU doing to discourage new cities that will probably go bankrupt (like what the new city of Jurupa Valley may experience) and yet be disjointed from real viable cities? This doesn't serve the residents of those leapfrog developments and also puts a strain on nearby cities and taxpayers. The wording on Leapfrog development in this GPU has no teeth and much stronger language is a must if it is going to be effective. Below my name/address are links to articles about the health impacts of air pollution that need to be part of the public record for this document. Much of Riverside County is in a non-attainment area for our poor air quality and every time you approve a project you must make sure you are not adding to our health problems. Continuing to vote for

57.21

Overriding Considerations when a project cannot mitigate to less than significant it impacts to our Air Quality must stop. As the articles below my name show you are endangering the health and lives of Riverside County residents—especially the young, elderly and pregnant woman. Please explain how Leapfrog developments and projects not near existing urban areas degrade our air quality.

**57.21
CONT.**

How is the GPU fostering and encouraging renewable distributed energy on rooftops of all buildings so it is close to the user and we do not lose energy through ugly transmission lines? Every warehouse and building over 25,000 sq ft should be required to install significant amounts of solar. Homes and especially multi-family units should also be using solar. I will look for how you will be requiring and encouraging such usage beyond what WRCOG is doing. Explain further the County's use of public lands and of undisturbed habitat instead of disturbed lands for solar projects? Have you located on maps all the important bird as well as bat flight corridors, like the San Jacinto Valley, to let wind developers know those lands are off limits? These maps must be in the Final EIR and GPU.

57.22

What happened to the 500-year floodplain designation? We use to read it on maps and believe the taxpayers deserve it shown on all flood maps. Without such, buildings will be allowed in inappropriate areas and then the taxpayer will have to pick up the tab during/following disasters. How can the GPU justify not using the

57.23

500-year flood plains especially since we could have a 500-year flood event in 2015 and another 500-year flood event in 2016?

↑ 57.23
CONT.

The County must become concerned about the increase in warehouse/logistic centers and the toxic diesel trucks that use them. New diesel trucks are cleanER but not clean. The only warehouses that should be approved are ones which only allow zero emission tucks to enter their property. Without that you are going to cause significant health problems for the County's residents -- especially the young and old. The FEIR must show all the current warehousing and proposed in both the incorporated and unincorporated lands as well as the amount of daily trips that they will generate. These numbers must include foreseeable projects like the World Logistic Center in Moreno Valley. This baseline data is needed to better understand these projects impacts and to analyze these documents as well as future approvals. You need to also project the number of new warehousing/logistic centers that will be expected to be built during the life of this GPU. The cancer causing pollution and other emissions from all these trips must be in the FEIR and GPU. The health of those in Riverside County depends on it. Within the last couple of years there has been new soot standards that our area does not meet and isn't expected to meet. What is being done in this plan to ensure we will meet those standards? If you will not do it for the health of the residents, then maybe you will when you lose federal monies for highways and infrastructure as mentioned in the following link to the Press-Enterprise article on this issue:

57.24

<http://www.pe.com/articles/pollution-662513-air-standard.html>). Do not blame our problem solely on surrounding counties when you can see our lands continually being covered with warehouses/logistic centers. Below my name are a list of resources that are incorporated into our comments that show and prove the health hazards you are allowing each time you approve projects that rely of significant use of diesel trucks.

57.24
CONT.

In addition to diesel trucks, there is the current use and potential increase in jets in Riverside County and surrounding airports. The recent USC study that showed air pollution from LAX jets worse than previously known demand you include this information for all of Riverside County and nearby airports like Ontario. This link (<http://www.scpr.org/news/2014/05/29/44433/air-pollution-from-lax-jets-worse-than-previously/>) explains a little about that USC study. The GPU's FEIR must include this source of pollution in their analysis on air quality, greenhouse gas and Climate Change or the documents will be inadequate. This must include non-jet airplanes in the analysis. The Reche Canyon/Badlands Area Plan mentions on page 21 that the JPA plans to transform a portion of the base (March Joint Air Reserve Base) into a highly active inland port, known as the March InLand Port." The GPU also mention the possibility of this base becoming a public airport. In light of the USC study the GPU must analyze the impact on this and other airports on Riverside residents.

57.25

The series of articles by Press-Enterprise reporter David Danelski (<https://www.scrollkit.com/s/HDbfQGN>) explains further that our poor air quality continues and has significant impacts on our residents. What is the GPU doing to reduce the impacts highlighted in these almost six articles? The words you use must be ones like "require" or "shall" and not ones like "should" and "if feasible". Without the strong words requiring action we will continue to make people suffer from poor air quality.

57.25
CONT.

The GPU and Final EIR must show all the housing units that have been approved but not built in both the unincorporated and incorporated lands in Riverside County. Without this baseline knowledge we will not have what is needed to understand the future of Riverside County and the impacts on air quality and greenhouse gas and climate change or as Sierra Club prefers "climate disruption". This should also include the General plans of the Cities and what housing is expected to be approved during the life of the GPU. Moving away from Level of Service C and allowing LOS D on even 100 miles of the most traveled roads in our County will certainly cause our air quality to be further degraded. The Final EIR must analyze the impacts to air quality that would be caused by the additional stop and go of traffic as well as the increase in traffic as a result of being able to approve more housing units under this misguided proposal. Most understand whatever standard you set, you will allow it to slip to the next lower which is LOS E or maybe LOS F.

57.26

I appreciate this opportunity to offer the above thoughts on Riverside County's GPU RDEIR. Please make sure we are notified of all meetings and sent all documents related to this project by using the address below my name.

57.27

Thank you,

George Hague

26711 Ironwood Ave

Moreno Valley, CA 92555

RESOURCES—AIR POLLUTION, DIESEL, HEALTH ISSUES

AIR POLLUTION: CBS correspondent calls Riverside nation's worst; Dan Bernstein; The Press Enterprise, July 21, 2013 <http://blog.pe.com/2013/07/21/air-pollution-cbs-correspondent-calls-riverside-nations-worst/>

Air Pollution and Academic Performance: Evidence from California Schools; Jacqueline S. Zeig, USC; John C Ham, Univ. of Maryland; Edward L. Avol, Univ. of Maryland; December 2009; 36 p.

Air Pollution and Primary Care Medicine; Jefferson H. Dickey, M.D.; Physicians for Social Responsibility

<http://www.psr.org/chapters/boston/health-and-environment/air-pollution-and-primary.html>

Air pollution and the gut: Are fine particles linked to bowel disease? Lindsey Konkel Staff Writer; Environmental Health News; September 20, 2013. <http://www.environmentalhealthnews.org/ehs/news/2013/air-pollution-and-the-gut>

Air pollution a leading cause of cancer - U.N. agency; by Kate Kelland and Stephanie Nebehay

LONDON/GENEVA | Thu Oct 17, 2013 11:40am EDT

<http://www.reuters.com/article/2013/10/17/us-cancer-pollution-idUSBRE99G0BB20131017>

Air pollution causes lung cancer, WHO agency announces; NBC Nightly

News, October 17, 2013

<http://www.nbcnews.com/video/nightly-news/53309399/#53309399>

Air Pollution Linked to Depression, Forgetfulness/David Danelski; The Press Enterprise; July 12, 2011; <http://www.pe.com/local-news/topics/topics-environment-headlines/20110713-science-air-pollution-linked-to-depression-forgetfulness.ece>

Air Pollution takes a double toll on babies' brains/Geoffrey Mohan; Los Angeles Times; March 25, 2015; <http://www.latimes.com/science/sciencenow/la-sci-sn-air-pollution-baby-brains-20150324-story.html>

The Air We Breathe: Environmental Justice and the Goods Movement Industry in the Inland Valley/Chelsea Muir, intern CCAEJ; posted September 1, 2009; The Claremont Progressive <http://claremontprogressive.com/tag/ccaaj/>

An Analysis of Diesel Air Pollution and Public Health in American; Revised 2005 54 p.

(v. 1.3) Clean Air Task Force; 54 p. (8 pages of technical references)

http://www.catf.us/resources/whitepapers/files/Diesel_in_America_Technical_Paper.pdf

Are We There Yet? The Air Pollution Threat/July 2, 2013; on-line blog

<http://www.reconnectingamerica.org/news-center/half-mile-circles/2013/are-we-there-yet-the-air-pollution-threat/>

As California Warehouses Grow, Labor Issues Are a Concern/Jennifer Medina; The New York Times; July 23, 2013

http://www.nytimes.com/2012/07/23/us/in-california-warehouse-industry-is-expanding.html?pagewanted=all&_r=1

Asthma disproportionately affects low-income populations; Press Release | The California Endowment Newsroom; <http://tcenews.calendow.org/releases/Asthma-low-income-communities>

Asthma found in children near rail yard; Inland News Today; March 26, 2013

<http://www.inlandnewstoday.com/story.php?s=28090>

INCREDIBLE!

Asthma More Prevalent in Children Near Rail Yard/David Danelski; The Press-Enterprise; April 22, 2013; <http://www.pe.com/local-news/topics/topics-health-care-headlines/20130422-health-asthma-more-prevalent-in-children-near-rail-yard.ece>

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California Pollution Map: LA has 3 of the top polluted areas/AP with Machiko Yasuda; April 23rd, 2013; on website for **89.3 KPCC (California Public Radio)**

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Sidney C. Smith, Jr, MD, FAHA; Laurie Whitsel, PhD; Joel D. Kaufman, MD, MPH; on behalf of the

American Heart Association Council on Epidemiology and Prevention, Council on the Kidney in

Cardiovascular Disease, and Council on Nutrition, Physical Activity and Metabolism

Abstract—In 2004, the first American Heart Association scientific statement on “Air Pollution and Cardiovascular Disease” concluded that exposure to particulate matter (PM) air pollution contributes to cardiovascular morbidity and mortality. In the interim, numerous studies have expanded our understanding of this association and further elucidated the physiological and molecular mechanisms involved. The main objective of this updated American Heart Association scientific statement is to provide a comprehensive review of the new evidence linking PM exposure with cardiovascular disease, with a specific focus on highlighting the clinical implications for researchers and healthcare providers. The writing group also sought to provide expert consensus opinions on many aspects of the current state of science and updated suggestions for areas of future research. On the basis of the findings of this review, several new conclusions

were reached, including the following: Exposure to PM_{2.5} in diameter (PM_{2.5}) over a few hours to weeks can trigger cardiovascular disease–related mortality and nonfatal events; longer-term exposure (eg, a few years) increases the risk for cardiovascular mortality to an even greater extent than exposures over a few days and reduces life expectancy within more highly exposed segments of the population by several months to a few years; reductions in PM levels are associated with decreases in cardiovascular mortality within a time frame as short as a few years; and many credible pathological mechanisms have been elucidated that lend biological plausibility to these findings. It is the opinion of the writing group that the overall evidence is consistent with a causal relationship between PM_{2.5} exposure and cardiovascular morbidity and mortality. This body of evidence has grown and been strengthened substantially since the

first American Heart Association scientific statement was published. Finally, PM_{2.5} exposure is deemed a modifiable factor that contributes to cardiovascular morbidity and

mortality. (*Circulation*. 2010;121:2331-2378.) Key Words: AHA Scientific Statements
_ atherosclerosis _ epidemiology _ prevention

_ air pollution _ public policy

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pollution while also inspiring them to take action and participate in practical solutions to help improve our

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Comment Letter No. 57: Hague, George (Letter 3)

- Comment 57.1** The County appreciates and acknowledges your comments during the GPA No. 960/ Draft EIR No. 521 public review period. This comment pertains to the General Plan, and does not warrant raise issues regarding the adequacy of the DEIR’s environmental analysis. The Santa Ana River is an invaluable biological resource within Riverside County. In regards to Project impacts to the Santa Ana River, GPA No. 960 is ultimately a program-level document, and as such is meant to develop and provide general guidance for future development. However, several programs exist within southern California to safeguard the Santa Ana River and its associated habitats. For example, the Santa Ana Watershed Project Authority (SAWPA) was created in 2002 and recently released provisions for its One Water One Watershed (OWOW) Integrated Regional Water Quality Management Plan (IRWMP). As described on SAWPA’s website, the IRWMP “reflects a collaborative planning process that addresses all aspects of water resources in the watershed over a 20-year time horizon.” For more information of SAWPA and its relationship to the protection of the Santa Ana River watershed, visit www.sawpa.org/owow/about-owow/.
- Comment 57.2** The commenter states that GPA No. 960 should address the Potrero Unit of the San Jacinto Wildlife Area. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 57.3** This commenter states that the Eagle Mountain Landfill should be removed from the Desert Center Area Plan. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 57.4** The commenter states that the General Plan should include further discussion related to the Potrero and Davis Units of the San Jacinto Wildlife Area. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 57.5** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the

Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.6 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.7 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.8 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.9 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.10 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.11 The San Onofre Nuclear Generating Station (SONGS) is located within San Diego County, not Riverside County, and as such was not analyzed as a part of GPA No. 960. As SONGS is located outside of the County’s jurisdiction, its decommissioning is beyond the purview of the

County, and the County General Plan. As such, SONGS potential hazardous waste impacts are not considered in GPA No. 960 or Draft EIR No. 521.

Comment 57.12 The County's noise standards are provided in Chapter 9.52 (Noise Regulation) of the County Ordinances. Table 1 in Section 9.52.040 provides sound level standards for the various land uses in the County. Policy N 6.4 does not specify Leq values or limits. As stated above, the County Ordinances provide standards for land uses in the County, including commercial, industrial, and recreational.

Regarding airport and aircraft noise, the General Plan Update states that Airport Land Use Compatibility Plans have been created for most airports within the County. The Airport Land Use Compatibility Plans provide Airport Influence Areas and noise standards as well as noise contours that identify the noise levels surrounding the airport and runways. Furthermore, proximity to airports and airport noise is included in the disclosures prior to the purchase of a home. Additionally, the Noise element includes numerous policies regarding development within Airport Influence Areas and noise compatibility criteria for these areas. For example, Policies N 7.1 and N 7.2 require compliance with airport land use noise compatibility criteria, Policy N 7.3 prohibits new residential uses within the current 60 dB CNEL contours of any currently operating airport, and N 7.4 requires each development proposal to be checked to determine if it is located within an airport noise impact area.

Comment 57.13 The commenter states that the General Plan must incorporate wildlife corridors in order to reduce habitat fragmentation. The General Plan, as well as the MSHCP directly address wildlife corridors. The General Plan contains several policies related to wildlife corridor protection. Specifically related to transportation projects and potential impacts to wildlife corridors, Policy C 20.9 requires all transportation plans to reflect the requirements of both the WR-MSHCP and CV-MSHCP.

In regards to the MSHCP, the programs provide extensive mitigation and project level analysis in order to ensure the protection of biological resources throughout General Plan implementation. When the County of Riverside developed both MSHCPs, comprehensive data was collected under the purview of a scientific committee. The final conservation strategy in the MSHCPs was developed to fully mitigate impacts to sensitive biological resources. The issuance of the Section 10(a) permit by USFWS acknowledged the adequacy of the conservation programs as full mitigation. Each covered project in the County must comply with the requirements of the MSHCPs, including conducting habitat assessments and focused surveys, mandatory conservation of lands identified to have conservation value that would support the assemblage of several Conservation Areas in the Western Riverside County and Coachella Valley, and payment of mitigation fees. The CVAG has day to day management responsibility for ensuring that these processes occur and that sensitive biological resources are properly protected and managed in the Coachella Valley. RCA, CVAG, the County of Riverside, USFWS and CDFW meet routinely throughout the year to review all actions, including project approvals, resulting conservation activities and other required mitigation

measures taken under the MSHCPs. A series of meeting are held each year between all of the above agencies to ensure that the MSHCPs are successfully being implemented and managed. Annual reports are prepared and work plans for the subsequent year are prepared, reviewed, approved and implemented. This robust process is a joint effort by the federal, state and local governments to ensure that the sensitive biological resources found in the Western Riverside County and Coachella Valley are successfully protected and conserved for the future. It should be noted that as part of an applicant’s participation in the MSHCP, habitat assessments and focused surveys will be required to assess the ongoing status of sensitive biological resources in specific areas. The results of these surveys will be used by the County, CVAG, and the wildlife agencies to verify the ongoing adequacy of the MSHCPs for protecting biological resources and to make the adjustments to guide the development of the annual work plans for the conservation programs authorized by USFWS and CDFW. This process will ensure that the ongoing conservation programs are protecting and managing sensitive biological resources as required by the federal and state endangered species acts, Migratory Bird Treaty Act, and other applicable natural resources laws, as well as required by CEQA.

Through the implementation, potential impacts to wildlife corridors will be mitigated where necessary on the project level. The GPA and DEIR provides analysis and mitigation that is sufficient to protect wildlife corridors throughout the County.

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.14 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.15 This comment is duly noted. This comment suggests that GPA No. 960 include studies of appropriate bridge features and watercourse crossing for the full range of wildlife connectivity needs. As every bridge is a unique design based on a vast array of variables besides wildlife connectivity, it would not be reasonable or appropriate to try to identify all of the possible design options on a countywide level. Not only do the needs vary depending upon the particular wildlife involved, this field of study is rapidly evolving as new resources become available on an ongoing basis. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines

§15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.16 The commenter notes a number of areas within the Multipurpose Open Space Element of GPA No. 960. However, the commenter notes that the Draft EIR needs to evaluate potential impact to water resources in light of recent drought conditions.

The Draft EIR provides an in-depth discussion pertaining to water supply and drought-related issues from pages 4.19-57 to 4.19-101. The General Plan and DEIR provide numerous policies and mitigation measures that directly address water conservation and drought-related alternative supply considerations, including Policy OS 1.1 (Balance water requirements of Urban, Agricultural, and environmental uses to ensure sufficient supply for these uses), Policy OS 2.2 (Encourage the installation of water efficient infrastructure such as gray water wells), Policy OS 2.5 (Encourage agricultural water conservation measures), Mitigation Measure 4.17.1D (require new developments to prove compliance with applicable conservation measures have been met), as well as many others. In addition, the State Water Resources Control Board has purview over enforcing the recently enacted mandatory water conservation measures pursuant to the Governor's Executive Order B-29-15.¹⁵ As discussed in the Section 4.19.3 of Draft EIR 521 (*Existing Environmental Setting – State and Regional Water Supply*), water supplies are provided to County residents and businesses through various water retailers including municipal water districts and CPUC-regulated water utilities. The State of California has also enacted the Sustainable Groundwater Management Act, enforced by the State Water Resources Control Board, which requires certain groundwater basins to prepare Groundwater Management Plans.¹⁶ Finally, groundwater is also managed in Riverside County by various watermasters, adjudications and settlement agreements, which are described in the DEIR (Page 4.19-103) and overseen by a collaborative effort of County and watershed stakeholders led by the Santa Ana Watershed Project Authority in Western Riverside County and the Colorado River Basin stakeholders for eastern Riverside County.^{17, 18}

Beyond these water regulations, the MCHSP also affords protection to both plant and animal species to ensure that impacts to habitat, such as lack of resources, is addressed when necessary.

Comment 57.17 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a)

¹⁵ http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/emergency_regulation.shtml

¹⁶ <http://groundwater.ca.gov/>

¹⁷ <http://www.sawpa.org/owow/the-plan/>

¹⁸ <http://www.usbr.gov/lc/region/programs/crbstudy/MovingForward/index.html>

requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.18 See Response 57.2, above.

Comment 57.19 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.20 Refer to Comment 22.12, above, regarding agricultural emissions and reductions. Additionally, agricultural land does not necessarily reduce impacts on GHG emissions and air quality. According to the U.S. Environmental Protection Agency, various management practices for agricultural soils can lead to production and emission of GHGs such as nitrous oxide (N₂O) including fertilizer application to methods of irrigation and tillage. Livestock, especially cattle, produce methane (CH₄) as part of their digestive process. This process is called enteric fermentation, and represents almost one-third of the emissions from the agriculture sector. Furthermore, the way in which manure from livestock is managed also contributes to CH₄ and N₂O emissions.¹⁹ Therefore, removing agricultural lands would reduce the Project's overall increase in GHG emissions over existing conditions.

Comment 57.21 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 57.22 The commenter notes several areas where he feels that the General Plan and Environmental Impact Report should incorporate additional information, however no support for the inclusion of this information is included. Buildout accommodated with GPA No. 960 would be required to comply with several State and federal regulations addressing energy resources (see page 4.10-24 of Section 4.10, *Energy Resources*). In addition to complying with State regulations, Riverside County has engaged in a variety of local activities that will further reduce California's long-term energy efficiency goals (for a brief description of these programs and policies, see page 4.10-26).

¹⁹ U.S. Environmental Protection Agency, *Sources of Greenhouse Gas Emissions, Agriculture Sector Emissions*, April 9, 2015. Available at: <http://epa.gov/climatechange/ghgemissions/sources/agriculture.html>, accessed on April 9, 2015.

As for policies identified in the existing General Plan, Policies OS 11.2 and OS 11.3 support the use of solar energy and read as follows:

- Policy OS 11.2:** Support and encourage voluntary efforts to provide active and passive solar access opportunities in new developments.
- Policy OS 11.3:** Permit and encourage the use of passive solar devices and other state-of-the-art energy resources.

GPA No. 960 proposes an additional policy to promote the use of solar energy in development accommodated by the project. The following policy proposed by GPA No. 960 would help encourage the use of solar energy within the County:

NEW Policy OS 11.4: *Encourage site-planning and building design that maximizes solar energy use/ potential in future development applications.*

Future large-scale solar development projects would be required to assess biological impacts on an individual-project level. As a programmatic-level document, specific locations of future solar infrastructure are not presently foreseeable beyond the countywide level already depicted in the 2003 General Plan and addressed previously in EIR No. 441. These improvements require site-specific analyses and mitigation when proposed as part of (or to serve) future development as the General Plan builds out. As such, future impacts related to biological resources would be assessed programmatically pursuant to the performance standards outlined in Draft EIR No. 521 with project-specific analysis and mitigation developed at a later stage. For these reasons, species-specific maps are not feasible for the purposes of this General Plan.

Comment 57.23

The County appreciates your comments during the GPA No. 960/ Draft EIR No. 521 public review period. The County compiles flood hazard maps using the Riverside County Special Flood Hazard Area database. This flood zone database is maintained by the Riverside County Flood Control and Water Conservation District (RCFWCD), as stipulated in Riverside County Ordinance 4.58-14 Section 5. The flood area identified using the Riverside County Special Flood Hazard Area database includes FEMA 100-year flood areas, select Army Corps of Engineers inundation boundaries, as well as a number of boundaries for County inundation zones, as enumerated in Ordinance 4.58-14 Section 5. The database is updated quarterly by RCFWCD, and incorporates new flood zones as necessary. The flood zone is used for site specific development approvals, and as such is illustrated on the GPA No. 960 and Draft EIR No. 521 maps. This flood hazard zone is supported by numerous policies in order to ensure the safety of development within the County.

The 500-year flood event is not incorporated into Draft EIR No. 521's analysis due to the remote probability that such an event would occur. As its name suggests, the probability of a 500-year flood event occurring within Riverside County is one in every five-hundred years, representing a 0.2% chance that such an event would occur in any given year. For this

reasoning, the County has chosen to incorporate the more reasonable 100-year floodplain into Draft EIR No. 521's analysis. Refer also to Response 55.10.

Comment 57.24 Refer to Responses 29.39, 29.40, and 29.41, regarding the analysis of health impacts from exposure to Toxic Air Contaminants (TAC) in the Draft EIR. The Draft EIR analyzed air emissions impacts associated with exposing sensitive receptors to substantial pollutant concentrations under Impact Statement 4.6.D. Air quality in the County is managed by the South Coast Air Quality Management District (SCAQMD) and the Mojave Desert Air Quality Management District (MDAQMD). The SCAQMD and MDAQMD have adopted attainment plans that identify control strategies and measure commitments to reduce fugitive dust and NO_x/ozone emissions and attain ambient air quality standards. Additionally, the California Air Resources Board (CARB) maintains monitoring stations that measure pollutant concentrations throughout the state.

Draft EIR No. 521 includes New Mitigation Measures 4.6.D-N1 and 4.6.D-N2 to be implemented to minimize impacts from exposure to Toxic Air Contaminants (TAC) and Diesel Particulate Matter (DPM). These mitigation measures require compliance with CARB, SCAQMD, and MDAQMD guidelines and requirements regarding TAC exposure, which would require site specific studies to be conducted for projects in proximity to TAC sources. Additionally, the General Plan Update includes numerous policies to reduce truck related emissions. For example, Policy AQ 17.9 provides for the installation and use of electric service units at truck stops and distribution centers for heating and cooling truck cabs and particularly for powering refrigeration trucks in lieu of idling of engines for power. Policy AQ 17.10 would promote and encourage the use of natural gas and electric vehicles in distribution centers and Policy AQ 16.3 would limit truck idle times.

Furthermore, as CARB has implemented a requirement to reduce DPM emissions within the State by 85 percent by 2020, vehicle fleets are becoming cleaner every year. This is due to the retirement of older, higher polluting vehicles and the introduction of newer, cleaner vehicles. Exhaust from heavy-duty trucks is anticipated to decrease in all areas of the region as compared to today; thus DPM associated with freeways will also decrease as compared to today. Additionally, the inclusion of a map showing the locations of planned warehouses within the County is ultimately speculative, and due to the long-term vision contained within the General Plan the inclusion of specific warehousing location is infeasible.

Comment 57.25 Refer to Response 33.48, regarding emissions from airports including the March Joint Air Reserve Base. As a military base the use of the site is controlled by the Federal Government and the County of Riverside has no jurisdiction to control emissions or operations at the site. As a civilian airport, the operations are still under Federal jurisdiction and therefore the County has, if any, limited authority to control or regulate these operations. As the County does not have jurisdiction over these sources, the emissions from these sources are not included in the County inventory.

Comment 57.26 Refer to Response to Comments 22.2 and 22.3. CEQA Guidelines Section 15125(a) provide that an EIR must include a description of the physical environmental conditions as they exist at the time the notice of preparation is published, or at the time environmental analysis is commenced. As noted in the Draft EIR and CAP, the County uses 2008 as a baseline as this is the latest date that actual data was available at the time the analysis was prepared.

It should be noted that the Draft EIR analyzed air quality impacts from all applicable aspects of the Project including adjustments to the acceptable Level of Service (LOS) standards in some areas. These changes were incorporated into the transportation and air quality/GHG models. It should be noted that changing the LOS target does not mean that the actual LOS will change and many locations will continue to operate at LOS A, B, and C, as they do today. The LOS adjustments would apply to arterial or collector streets and not local streets. The primary purpose of the LOS adjustments is to back up the timing of associated infrastructure improvements. Additionally, LOS E is only allowed by approval from the Board of Supervisors and would require compliance with specific guidelines. Furthermore, the LOS changes are applicable to development proposals within area plans, which would have increased activity and density. These areas would encourage pedestrian activity and alternate transit, which would reduce vehicle trips and vehicle miles traveled.

As noted in the Circulation Element Policy C 2.1, the Board of Supervisors may, on occasion by virtue of their discretionary powers, approve a project that fails to meet these LOS targets in order to balance congestion management considerations in relation to benefits, environmental impacts and costs, provided an Environmental Impact Report, or equivalent, has been completed to fully evaluate the impacts of such approval. Any such approval must incorporate all feasible mitigation measures, make specific findings to support the decision, and adopt a statement of overriding considerations.

Comment 57.27 This comment is duly noted. Future noticing and County correspondence will be forwarded to the address provided. This comment serves as a conclusion to the letter. Specific responses are provided above, and no further response is necessary.

Additionally, the County has reviewed the attachments provided with the Comment Letter. The attached material contained in the provided links function to support claims made within the letter. As such, the material did not identify any specific concern with the adequacy of Draft EIR No. 521 or any environmental issues. Therefore, the abovementioned referenced material does not warrant any further response as part of the Final EIR. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). The County thanks you for your participation in the General Plan Update and Environmental Impact Report public review period. No further response is necessary.

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Lilian V. Hansen
8763 Duval Lane
Hemet, CA 92545

April 3, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211



Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

58.1

I also have a concern about the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

58.2

Sincerely,

Lilian V. Hansen

A handwritten signature in black ink that reads "Lilian V. Hansen". The signature is written in a cursive style with a long horizontal line extending to the right.

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Comment Letter No. 58: Hansen, Lilian V.

Comment 58.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 58.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: HAUNSD@aol.com
Sent: Thursday, April 02, 2015 7:54 AM
To: Lovelady, Kristi
Subject: please keep the Canyon open!!~

We would appreciate the Canyon left open, with as much open space as possible, not crowded with mass housing.

59.1

Thank you, Bob & Diane Haunschild
202 Eagle Lane
four seasons
Hemet, Ca 9254
951-926-7495



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Comment Letter No. 59: Haunschild, Bob and Diane

Comment 59.1 The County values your comments during the General Plan Update and EIR process. The Land Use Designations proposed by GPA No. 960 change the existing Land Use Designation in Reinhardt Canyon from LDR to RR, which will require future development accommodated by GPA No. 960 to utilize 5-10 acre lot sizes as opposed to the current 1-2 acre lot sizes. This will lessen development impacts to the Canyon. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Gene Hikel
8405 Singh Ct.
Hemet, CA 92545
April 6, 2015

RECEIVED
APR 06 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

60.1

I also have a concern about the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon. Please remove this language from GPA 960, because it only confuses the issue.

60.2

Sincerely,

Gene Hikel, Chair
Four Seasons Community Awareness Committee

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Comment Letter No. 60: Hikel, Gene

Comment 60.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 60.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Karen Hikel
8405 Singh Ct.
Hemet, CA 92545
April 6, 2015



Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

61.1

I also have a concern about the statement, "Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon. Please remove this language from GPA 960, because it only confuses the issue.

61.2

Sincerely,

Karen Hikel

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Comment Letter No. 61: Hikel, Karen

Comment 61.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 61.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: JULIE HOFFMAN <julielhoffman@msn.com>
Sent: Wednesday, April 01, 2015 8:25 PM
To: Lovelady, Kristi
Subject: Reinhardt Canyon land use



Dear Kristi Lovelady;

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

62.1

I also have a concern about the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no such approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

62.2

I would very much appreciate being advised should such subdivisions do exist, and subsequently question the advisability of such a subdivision given all the same parameters and obstacles outlined in the long progress to the current land use draft of RR 5/10 acre sites.

62.3

My biggest concern for all the Reinhardt Canyon development is the access and egress question, particularly in relation to emergency vehicles in case of fire or earthquake. It is not a box canyon, but the available roads have made it so. Is there a plan to open the north end of the canyon to Warren Avenue?

62.4

Sincerely,

Julie Hoffman

Resident

Four Seasons at Hemet

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Comment Letter No. 62: Hoffman, Julie

Comment 62.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 62.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 62.3 Currently, there are no tentatively approved subdivisions within Maze Stone. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). See Comment 62.2, above.

Comment 62.4 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Nanthavongdouangsy, Phayvanh
Sent: Wednesday, April 01, 2015 10:24 AM
To: Lovelady, Kristi
Subject: FW: Re: Hwy 74/Theda, APN 342-210-005

Hi Kristi,

The following message is from Mr. Hsu. He requests consideration for land use designation of Light Industrial for parcel 342210005.

-Phayvanh

From: Patrick chinglung Hsu [<mailto:pnwnslc@gmail.com>]
Sent: Wednesday, April 01, 2015 10:00 AM
To: Al Aguirre; Nanthavongdouangsy, Phayvanh
Cc: patrick hsu
Subject: Fwd: Re: Hwy 74/Theda, APN 342-210-005



63.1

Hi Al and Phayvanh.

To enlarge the footprints for light industry between hwy 74 & old Theda to the west and to the south of Betty road is my suggestion for planning department to consider from the consistency and practical view points.

Along hwy 74, this is the most unique situation due to lot splitting and lot boundary stretching too far approaching other street of Theda in the same block.

Phayvanh suggested to self request of this subject in 2016. While still in the review period, let planning department include such request could be the best approach to local property owners.

Patrick Hsu
951-329-2089

----- Forwarded message -----

From: "Patrick chinglung Hsu" <pnwnslc@gmail.com>
Date: Mar 11, 2015 7:18 AM
Subject: Re: Hwy 74/Theda, APN 342-210-005
To: "Nanthavongdouangsy, Phayvanh" <PNANTHAV@rectlma.org>
Cc: "patrick hsu" <pnwnslc@gmail.com>

Hi Phayvanh,

Much appreciated for your sharing of GPA 960.

APN 342-210-005 is the one right next to the light industrial zone proposed. I suggested to include this parcel as part of light industrial for the consistency purpose since it's located between New Theda Street and Hwy 74.

63.2

63.3

63.4

Please advise your thinking and I would be more than happy to be in your office to discuss this matter with you.

This is my review comment.

Patrick Hsu

On Tue, Mar 10, 2015 at 1:28 PM, Nanthavongdouangsy, Phayvanh <PNANTHAV@rctlma.org> wrote:

Hello Mr. Patrick Hsu,

Per your request, the following link will take you to GPA No. 960:

<http://planning.rctlma.org/ZoningInformation/GeneralPlan/GeneralPlanAmendmentNo960EIRNo521CAPFebruary2015.aspx>.

The Mead Valley Good Hope Rural Village Overlay starts on page 24 of the Mead Valley Area Plan (http://planning.rctlma.org/Portals/0/genplan/general_plan_2015/GPA%20960/Area%20Plans/MVAP_6_2013-12-24.pdf)

Please let me know if you have any questions.

Thank you,

Phayvanh Nanthavongdouangsy

County of Riverside TLMA - Planning Department

Urban Regional Planner IV

[951-955-6573](tel:951-955-6573)

↑
63.4
CONT.

63.5

Comment Letter No. 63: Hsu, Patrick

- Comment 63.1** This comment is duly noted. This comment pertains to a General Plan Land Use Designation. The County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 63.2** This comment pertains to a General Plan Land Use Designation. The County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 63.3** The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 63.4** This comment pertains to a General Plan Land Use Designation. The County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 63.5** This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Robert Hughes <twosmartones@yahoo.com>
Sent: Thursday, April 02, 2015 1:30 PM
To: Lovelady, Kristi
Subject: Draft EIR No. 521 Comments

Dear Ms. Lovelady,

I am writing this e-mail in support of the County General Plan Amendment 960 which mandates a minimum of 5/10 acres for parcels of land in Reinhardt Canyon area(Hemet), CA. 64.1

Sincerely,
Robert D. Hughes
581 Pooley Drive
Hemet, CA 92545

RECEIVED
APR 02 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

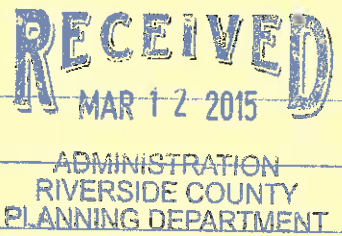
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Comment Letter No. 64: Hughes, Robert D.

Comment 64.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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FROM JERRY JAECKELS
 35154 TRES CERRITOS AV.
 HEMET CA 92545



TO: COUNTY OF Riverside
 TLMA PLANNING DEPARTMENT
 4080 Lemon STREET 12TH FLOOR
 Riverside CA 92501

TO MS. LovELady

65.1

I Support KATHY Smigum Comments. Land around MAZE STONE AND ALL of Reinhardt CANYON SHOULD BE 5 AC TO 10 AC LOTS on NEXT General Plan 960. Some of the lots on the SOUTH end of Reinhardt were changed to $\frac{1}{2}$ AC lots in the early 2000's. This is a high fire area and the area is Horse estates or large estates. There is no way to get two fire exits. City of Hemet also agrees with 5 or 10 AC lots in Reinhardt Canyon on their General Plan.

Kathy Smigun
24515 California Ave, Space 20
Hemet CA 92545

March 2, 2015

County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside CA 92501

Re: Public Review Comments for Recirculated Draft EIR No. 521 & GPA No. 960

Dear Ms. Lovelady:

This letter is in response to the recirculation documents of the DEIR No. S21 and GPA No. 960. As stated in my public review comments letter dated June 2, 2014, there is an error in the **San Jacinto Area Plan** in the **General Plan Amendment No. 960**:

On page 7, Maze Stone is written: "The area isolated by the Lakeview Mountains to the northwest and the cities of Hemet and San Jacinto to the east. Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. *Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.*" (italics added)

There are no tentatively approved subdivisions in the area and this statement is misleading to anyone who reads this description. It would be more appropriate to state, "*Much of the developed land here consists of ranches and equestrian estates.*"

Please make sure this is changed or the sentence is deleted.

We have had the prospective developer who wanted to build in Reinhardt Canyon drill into us that the General Plan is read when land is purchased, and developers believe that higher density projects are possible in Reinhardt Canyon, even if there is no secondary access for emergencies.

Sincerely,

Kathy Smigun

Phone 951/923-4146

65.2

San Jacinto River

The San Jacinto River, with wide bends, travels in a general east/west path across western Riverside County. Existing land uses along the River vary significantly. Potential new uses are constrained by the steep slopes of the San Jacinto Mountains, the 100-year floodplain, and dam inundation hazards along the River. Dairy farms exist in the western portion of this riverine area. The Soboba Indian Reservation encompasses the eastern portion of this part of the San Jacinto Valley. A variety of uses including a church campus, mobile homes and recreational amenities are located in a swath of land between Gilman Springs Road and the San Jacinto River.

Maze Stone

This area is isolated by the Lakeview Mountains to the northwest and the cities of Hemet and San Jacinto to the east. Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.

THIS LAND SHOULD BE
5AC + 10AC ~~AND~~ LOTS

Lower San Jacinto Valley

The largest portion of the plan area, the Lower San Jacinto Valley, contains a diverse array of physical features and land uses, generally rural and agrarian in nature. The Diamond Valley Lake, Metropolitan Water District's new 800,000-acre-foot reservoir, is located in the western edge of this area. A substantial amount of recreational development is planned in conjunction with the reservoir, though mainly near its western dam within the Harvest Valley/Winchester Area Plan, but also near its eastern dam. A few areas of residential development are appropriate here. The remaining land area is constrained by slope and is generally in agricultural production. The Ramona Bowl, home to the Ramona Pageant, a renowned local theatrical production is located in this area as well.

65.3

Unique Communities



Valle Vista/East Hemet

This community is an urban extension to the east from the City of Hemet. It has a core of older single family residential development, interspersed with mobile homes on small lots. Florida Avenue, lined with locally oriented businesses and commercial uses, bisects this community. This area also includes Hemet High School. Some vacant land still exists within this community to accommodate further infill development of both a residential and commercial nature.

A Community of Interest (COI) is a study area designated by LAFCO within unincorporated territory that may be annexed to one or more cities or special districts, incorporated as a new city, or designated as an **Unincorporated Community (UC)** within two years of status attainment.

Incorporated Cities

Included within this area plan are the incorporated cities of San Jacinto and Hemet. Both cities' spheres of influence lie within the San Jacinto Valley Area Plan. San Jacinto's sphere of influence extends north along the San

Designation of an area as a UC may require removal from a municipal sphere of influence since the two designations are mutually exclusive.

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Comment Letter No. 65: Jaeckels, Jerry

Comment 65.1 This comment is duly noted. Although the comment notes specific concerns in regards to the adequacy of the General Plan, it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the response below which addresses the in-depth explanation of concerns listed in the letter.

Comment 65.2 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and EIR process.

The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one-half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 65.3 See Response 65.2, above.

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Lovelady, Kristi

From: Char Jafay <cjafay@roadrunner.com>
Sent: Thursday, April 02, 2015 2:47 PM
To: Lovelady, Kristi
Subject: Rinehardt Canyon
Attachments: Rhinehart Cyn..doc

Please read the attached letter as I feel very strongly about this issue.
Sincerely
Charlene Jafay

66.1

RECEIVED
APR 02 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Charlene Jafay
8260 Singh Ct.
Hemet, CA. 92545

April 2, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

66.2

I also have a concern about the statement, “Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.”, in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

66.3

Sincerely,

Comment Letter No. 66: Jafay, Charlene

- Comment 66.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 66.2** The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 66.3** The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: vikin4jc@roadrunner.com
Sent: Monday, April 06, 2015 11:32 AM
To: Lovelady, Kristi
Subject: Rehinhardt Canyon



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Ms. Kristi Lovelady
RE. Draft EIR No. 521

The biggest problem I can see is if their I are more family size construction in the canyon is it there is a fire or any other emergency happening in Reinhardt Canyon there would be a lot of accidents happening on California Avenue and also through Four Seasons. There is only one way out of Reinhardt. There would be automobiles trying to get through Four Seasons and well as the residents trying to get out. Just keep the lots at 5/10 acres. That is the safest thing to do, no residential lots.

Ernest R Johnson
211 Gamez Way
Hemet Ca. 92545

67.1

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Comment Letter No. 67: Johnson, Ernest R.

Comment 67.1 The change in Land Use Designations proposed by GPA No. 960 change the existing Land Use Designation in Reinhardt Canyon from LDR to RR, which would require future development accommodated by GPA No. 960 to utilize 5-10 acre lot sizes as opposed to the current 1-2 acre lot sizes. This will lessen development impacts to the Canyon and help safeguard adequate emergency access and egress to/from the area. The County values your comments during the General Plan Update and EIR process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Ellie Johnson <elizabethelliej@yahoo.com>
Sent: Tuesday, March 31, 2015 7:11 PM
To: Lovelady, Kristi
Subject: Draft EIR No. 521 Comments

March 31, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

We support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites). **68.1**

We also have a concern about the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon. **68.2**

Sincerely,

Mark W. Johnson
Elizabeth L. Johnson
215 Gamez Way
Hemet, CA 92545
951.926.7885



People will forget what you said, people will forget what you did, but people will never forget how you made them feel !

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Comment Letter No. 68: Johnson, Mark W. and Elizabeth L.

Comment 68.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 68.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

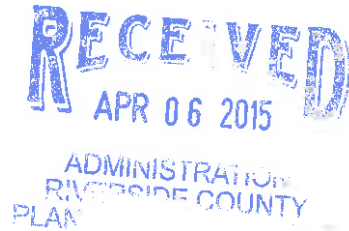
“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Dennis Kenyon
361 Harrington Court
Hemet, CA 92545

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211



Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

69.1

I also have a concern about the statement, “Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.”, in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

69.2

Sincerely,

Dennis Kenyon

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Comment Letter No. 69: Kenyon, Dennis

Comment 69.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 69.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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March 17, 2015



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Kristi Lovelady
Riverside County Principal Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Dear Ms. Lovelady:

Thank you for the opportunity to review and comment on General Plan Amendment No. 960. We have a great interest in this master planning document since we have 6,878 approved lots, another 4,647 lots in various stages of development, and a large portfolio of raw acreage throughout the incorporated and unincorporated areas of the County.

70.1

We recently acquired a nine (9) acre site located at the northwest corner of Knabe Road and Bedford Motorway (APN: 282-140-028) along the Interstate 15 corridor and within the Temescal Canyon Area Plan (TCAP). Under the current and proposed GPA No. 960 the site is currently designated Business Park (BP) and lies just north of the Serrano Community Center. We would like to request that this parcel be changed to Highest Density Residential (HHDR) as part of GPA No. 960 to accommodate the build out of a proposed apartment complex. Both land use designations are considered a Community Development Foundation Component and therefore would not represent a significant change.

The TCAP states that "[T]he Interstate 15 corridor represents the greatest opportunity for community development while achieving the RCIP Vision... The Community Center designation at Temescal Canyon Road and Interstate 15 will provide a focused area for the development of a Job Center comprised of non-residential, employment-generating land uses." (TCAP, p. 10). This job center has been identified as the Serrano Community Center.

70.2

Since the Serrano Community Center does not include housing, a change in the zoning of our parcel from BP to HHDR would advance the goals of GPA No. 960 and the TCAP to "accommodate a balance of jobs, housing, and services within communities to help achieve other aspects of the RCIP vision" and "to focus future growth into those areas designated for Community Development and in a pattern that is adaptive to transit and reduces sprawl." (GPA No. 960, p. LU-62).

Re-zoning our parcel to HHDR would also advance the land use policies stated in LU 28.2, 28.4 and 28.9, all of which support siting high density residential near community centers, transportation centers and employment. (GPA No. 960, p. LU-65).

Only five (5) acres accounting for 142 units out of the 43,304 acres and 15,233 housing units encompassing all Foundation Components of the Temescal Canyon Area Plan are currently designated for HHDR. We believe this conflicts with the TCAP statement that, "Our housing choices, from rural retreat

70.2



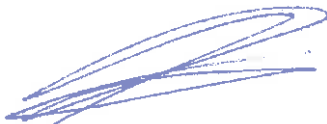
to suburban neighborhood to exclusive custom estate are as broad as the demand for housing requires. Choices include entry level housing for first time buyers, apartments serving those not now in the buying market, seniors' housing, and world class golf communities." (TCAP, p. 2)

High density housing along major transportation corridors is an important component to reduce suburban sprawl that has a greater impact to vital natural resources and rural character. This site is less than two (2) miles from the proposed I-15 Metrolink Dos Lagos Station and would be sited adjacent to proposed express bus routes using HOT lanes on I-15. The greater the population clustered around proposed Metrolink Stations and other public transport, the more likely it will be that they are built to alleviate growing traffic congestion along the I-15 corridor. In the words of the General Plan Land Use Element, *"Accommodate a multi-modal transportation system that serves an expanding population and is integrated with a variety of land uses through transit-adaptive development and infrastructure."* (GPA No. 960, p. LU-4)

Providing high density housing for this growing region cannot just be tasked to the incorporated areas of the County. The opposition and ultimate denial of Corona's Annexation of a portion of Temescal Canyon Area limited the ability of The City of Corona to provide this type of housing, which is in high demand throughout the Southern California region. If city expansions are opposed, there should be more responsibility on the County to provide this necessary type of housing rather than limiting it to only five (5) acres throughout the TCAP. The County must provide affordable housing options to a diverse population with various income levels and should not only rely on cities, while opposing a city's desire to annex additional land to accommodate these affordable housing options.

We feel a land use change for this parcel will help achieve many of the policies outlined in GPA No. 960. by reducing the need for suburban sprawl and locating development adjacent to existing infrastructure, employment centers and transportation corridors. We look forward to working with the County and the community on incorporating this request into GPA No. 960.

Sincerely,



Greg Lansing
President & CEO
Lansing Companies

↑
70.2
Cont.
70.3



Comment Letter No. 70: Lansing, Greg (Lansing Companies)

- Comment 70.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 70.2** This comment pertains to a General Plan Land Use Designation Change. The County is compiling a database of comments related to Land Use Designation changes, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 70.3** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides a summary of the comments provided in the letter and serves as a conclusion to the letter. No further response is required.

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Laughlin & Associates
Civil Engineers and Land Planners

April 3, 2015

County of Riverside
TLMA Planning Department
Attn: Kristi Lovelady
4080 Lemon St., 12th Floor
Riverside, CA 92501



RE: GPA No. 960 / Draft EIR No. 521 Comments - General Plan Update (EIR No. 521/SCH 2009041065) – Kiley Properties adjacent to Sycamore Creek SP 254

Dear Kristi,

We appreciate this opportunity to comment on GPA 960/Gen Plan Update (EIR 521).

71.1

The Kiley properties Foundation Component Amendment GPA application was initially submitted February 26, 2008. The application was granted "County Initiated" status due to its location along the Indian Canyon constrained linkage per the County's MSHCP. Representatives for the owner attended the May, 2008 workshop for the process, which was designated GPA 960. The property specific GPA00960 graphic (designated "Exhibit C8-5") was prepared for the Kiley properties by the Planning Department and was dated 10/11/08 (drawn date 9/12/08). We have attached this exhibit for reference purposes. Numerous studies and related applications (such as HANS No. 648) were performed for the Kiley ownership to quantify various design constraints for the property. An Alquist-Priolo Special Studies Zone crosses a portion of the property. These design activities commenced in 2006/2007 but were placed on hold due to the recession & other factors, including the City of Corona's planned annexation of the Temescal Valley SOI area.

71.2

The subject property is adjacent to Planning Area 17A (and 15B) of Sycamore Creek, SP 254. In 2008, when the Kiley property GPA 960 application was prepared, a tentative map, TTM 31907 for PA 17A, was being processed. This Planning Area had a designation of VLDR which is reflected in the attached Exhibit C8-5. TTM 31907 was subsequently abandoned in April, 2009. A new TTM, TTM 36317, was then submitted for PA 17A with densities consistent with a designation of MDR. TTM 36317 was approved on 11/06/2013. Other SP 254 entitlements were also processed and approved supporting TTM 36317.

The proposed 5.6 acre VLDR area (shown on Exhibit C8-5) was specified due to the then proposed adjacent PA 17A designation. We would request that a LUD change to

71.3

April 3, 2015

Page 2

GPA No. 960: General Plan Update (EIR No. 521/SCH 2009041065)

County of Riverside TLMA Planning Department

Kristi Lovelady

MDR be considered for the presently requested 5.6 acre VLDR area shown on the C8-5 exhibit. The adjacent TTM 36317 has approved densities consistent with the MDR range. In addition, the Kiley property has RR and OS-CH designations proposed for the area & these are open space type land uses that would also be consistent with a MDR designation.

↑
71.3
Cont.

Again, we appreciate this opportunity to comment on GPA 960/Gen Plan Update (EIR 521). If you have any questions, please do not hesitate to call.

↑
71.4

Cordially,

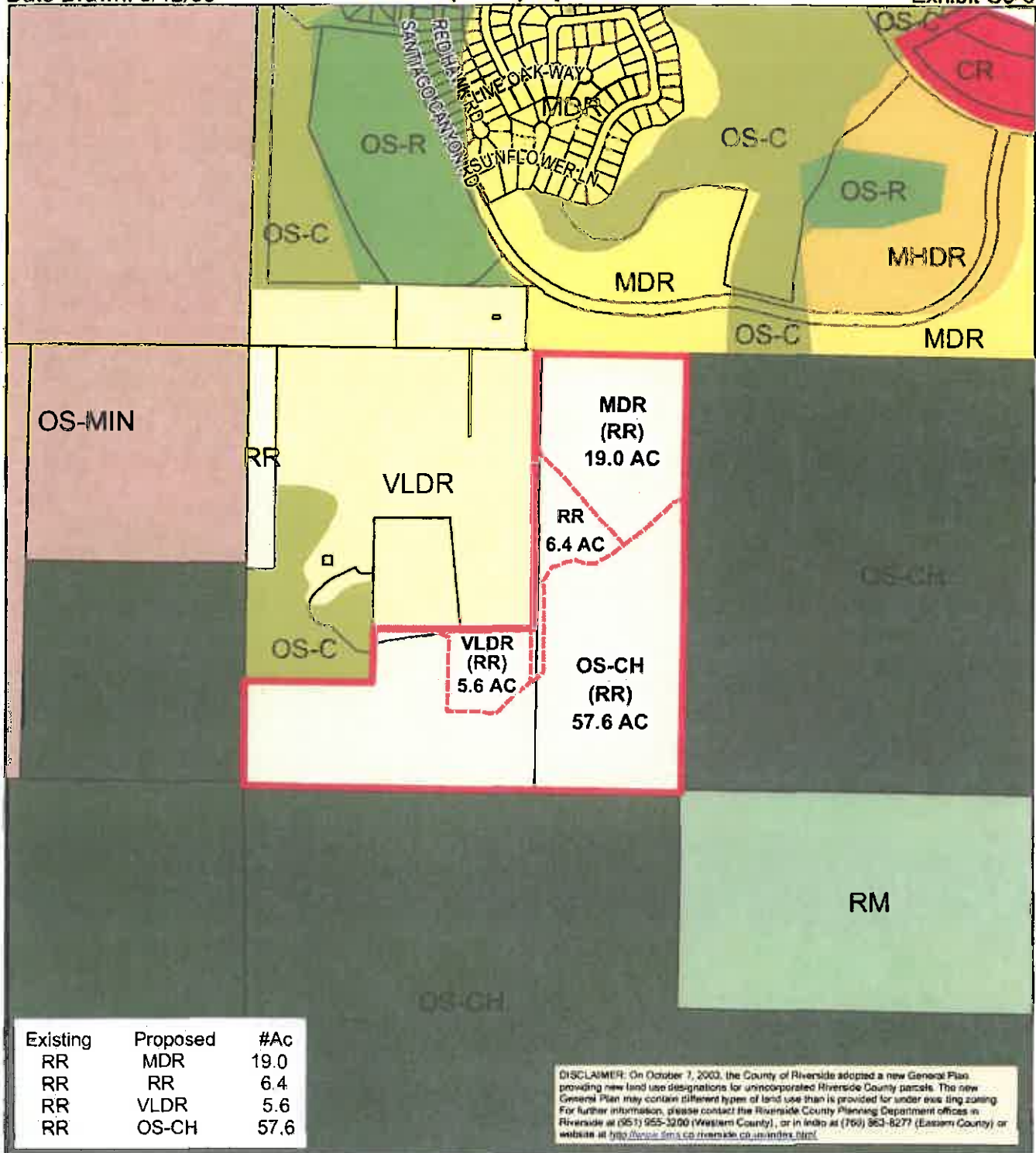
Gary J. Laughlin, P. E.
Principal

cc: Wayne Kiley

Supervisor Buster
 District 1
 Date Drawn: 9/12/08

GPA00960
General Plan
5-Year (2008) Update

Planner: P. Nanthavongdouangsy
 Date: 10/11/08
 Exhibit C8-5



Existing	Proposed	#Ac
RR	MDR	19.0
RR	RR	6.4
RR	VLDR	5.6
RR	OS-CH	57.6

DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 363-8277 (Eastern County) or website at <http://www.sims.cp.riverside.ca.us/index.html>.

Area
 Plan: Temescal Canyon
 Township/Range: T5SR6W
 Section : 13

RIVERSIDE COUNTY PLANNING DEPARTMENT



Assessors
 Bk.Pg. 290-15,16
 Thomas
 Bros. Pg. 834 G3



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Comment Letter No. 71: Laughlin & Associates (Letter 1)

- Comment 71.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment functions as an introduction. Responses to specific comments are provided below; no further response is required.
- Comment 71.2** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 71.3** This comment pertains to a General Plan Land Use Designation. The County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 71.4** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. Responses to specific comments are provided above; no further response is required.

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Lovelady, Kristi

From: Gary Laughlin <glaughlin@lacivileng.com>
Sent: Monday, April 06, 2015 4:00 PM
To: Lovelady, Kristi
Cc: wayne kiley (captainwkiley@gmail.com); 'Waynekiley@aol.com'
Subject: RE: GPA No. 960 / Draft EIR No. 521 Comments - Kiley Property Adj to Syc Ck, SP 254 (GPA 960 Exhibit C8-5)



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Kristi,

Thank you.

I am also sending another letter that references a land use designation "legacy" in the same area and is another parcel that Wayne Kiley has owned for quite sometime. Primarily, we wanted to just go "on record" as to its VLDR land use designation, which was given with the G. P. update in 2003/2004 due to the adjacent PA 17 of SP 256 having this designation. Subsequently, this planning area was given a MDR designation and received approval as TTM 36317 as part of a larger set of density changes & transfers to the SP.

I trust it is OK to just submit a letter as these events have transpired over a considerable timeframe (more than 10 years now) and we would like to document the history/circumstances as these various entitlements are being processed. At some point, when we file a GPA/TTM and related parcel specific entitlements, we feel having this paper trail will be helpful but us, subsequent property owners (if any) and also to County staff.

72.1

Thanks,

Gary J. Laughlin, P.E.
Laughlin & Associates, Inc.
(909) 628-9446
glaughlin@lacivileng.com

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. This information is not to be reproduced or forwarded without permission from the sender.

From: Lovelady, Kristi [<mailto:KLOVELAD@rctlma.org>]
Sent: Monday, April 06, 2015 3:28 PM
To: Gary Laughlin
Subject: RE: GPA No. 960 / Draft EIR No. 521 Comments - Kiley Property Adj to Syc Ck, SP 254 (GPA 960 Exhibit C8-5)

Letter received.

72.2

Thank you



Kristi Lovelady, Advanced Planning Division Manager
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501-3634
951-955-0781
klovelad@rctlma.org

From: Gary Laughlin [<mailto:glaughlin@lacivileng.com>]
Sent: Monday, April 06, 2015 2:40 PM
To: Lovelady, Kristi
Cc: wayne kiley (captainwkiley@gmail.com)
Subject: GPA No. 960 / Draft EIR No. 521 Comments - Kiley Property Adj to Syc Ck, SP 254 (GPA 960 Exhibit C8-5)

Kristi,

Attached please find the GPA 960 / EIR 521 comment letter and a reference graphic.

Thank you.

Gary J. Laughlin, P.E.
Laughlin & Associates, Inc.
(909) 628-9446
glaughlin@lacivileng.com

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. This information is not to be reproduced or forwarded without permission from the sender.

72.3

Laughlin & Associates

Civil Engineers and Land Planners

April 3, 2015

County of Riverside
TLMA Planning Department
Attn: Kristi Lovelady
4080 Lemon St., 12th Floor
Riverside, CA 92501

RE: GPA No. 960 / Draft EIR No. 521 Comments - General Plan Update (EIR No. 521/SCH 2009041065) – APN 290-160-013 VLDR Land Use Designation (adjacent to Sycamore Creek SP 256)

Dear Kristi,

We appreciate this opportunity to comment on GPA 960/Gen Plan Update (EIR 521).

APN 290-160-013 is an approximate 7.1 acre parcel adjacent to the Sycamore Creek Specific Plan (SP 256) in the Temescal Valley area of the County. Specifically, this property is adjacent to Planning Area 17 and is actually bordered on three sides (west, north & east) by the planning area.

Planning area 17 A of SP 256 was originally given a land use designation of VLDR. A TTM, TTM 31907 for PA 17A, was processed commencing in early 2004. The adjacent 7.1 acre parcel was given a Land Use Designation of VLDR due to this, as part of the General Plan update. This information is shown on the attached Exhibit C8-5 which was prepared for other adjacent properties as part of GPA 960.) TTM 31907 was subsequently abandoned in April, 2009. A new TTM, TTM 36317, was then submitted for PA 17A with densities consistent with a designation of MDR. TTM 36317 was approved on 11/06/2013. Other SP 254 entitlements, including CZ 7317) were also processed and approved supporting TTM 36317.

The proposed 7.1 acre VLDR designation was specified due to the then proposed adjacent PA 17A designation. Due to TTM 36317 and the related approvals, we would request that a LUD change to MDR be considered for this parcel (APN 290-160-013). The adjacent TTM 36317 has approved densities that are consistent with the MDR range. In addition, the Tr. 36317 circulation connections and other design considerations, (including animal keeping per the VLDR land use designation) would make a MDR designation logical, particularly in light of what is being proposed for Tr. 36317.

72.4

72.5

72.6

April 3, 2015

Page 2

GPA No. 960: General Plan Update (EIR No. 521/SCH 2009041065)

APN 290-160-013 VLDR Land Use Designation (adjacent to

Sycamore Creek SP 256)

County of Riverside TLMA Planning Department

Kristi Lovelady

Again, we appreciate this opportunity to comment on GPA 960/Gen Plan Update (EIR 521). If you have any questions, please do not hesitate to call.

72.7

Cordially,

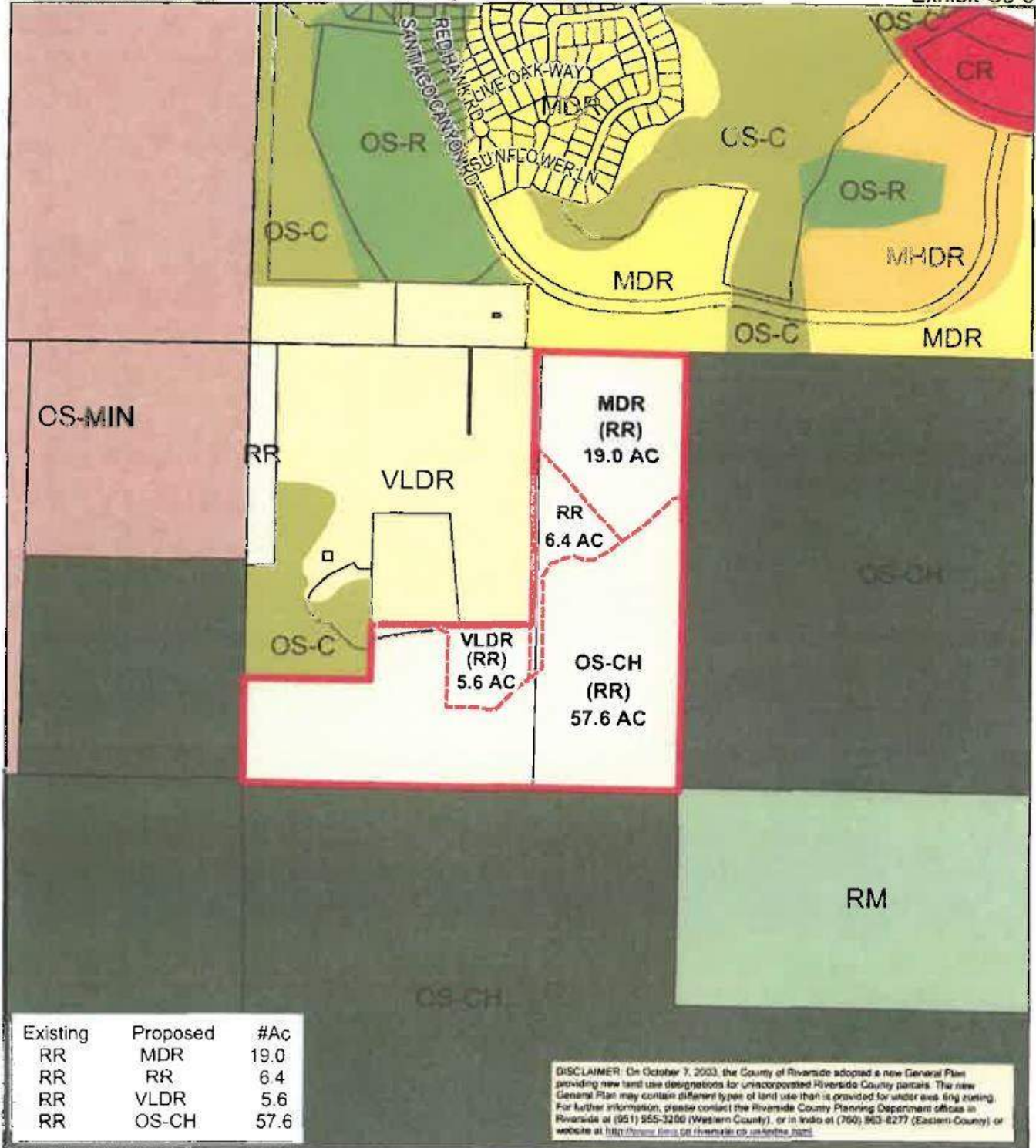
Gary J. Laughlin, P. E.
Principal

cc: Wayne Kiley

Supervisor Buster
 District 1
 Date Drawn: 9/12/08

**GPA00960
 General Plan
 5-Year (2008) Update**

Planner: P. Nanthavongdouangsy
 Date: 10/11/08
 Exhibit C8-5



Existing	Proposed	#Ac
RR	MDR	19.0
RR	RR	6.4
RR	VLDR	5.6
RR	OS-CH	57.6

DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 963-8277 (Eastern County) or website at http://www.planning.ca.gov/riverside/cp_usupdate.html

Area
 Plan: Temescal Canyon
 Township/Range: T5SR6W
 Section: 13

RIVERSIDE COUNTY PLANNING DEPARTMENT



Assessors
 Bk. Pg. 290-15,16
 Thomas
 Bros. Pg. 834 G3



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Comment Letter No. 72: Laughlin and Associates (Letter 2)

- Comment 72.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 72.2** This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 72.3** This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 72.4** The County appreciates and values your comments during the General Plan Update and EIR process. This comment functions as an introduction. Responses to specific comments are provided below; no further response is required.
- Comment 72.5** This comment provides general introductory information. Responses to specific comments are provided below; no further response is required.
- Comment 72.6** This comment pertains to a General Plan Land Use Designation. The County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 72.7** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

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Lovelady, Kristi

From: Jeanne Lincoln <mommee@cox.net>
Sent: Tuesday, March 31, 2015 6:25 PM
To: Lovelady, Kristi
Subject: Reinhardt Canyon

Jeanne Lincoln
8070 Mickelson Way
Hemet, CA 92545

March 24, 2015



Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites). 73.1

I also have a concern about the statement, “Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.”, in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon. 73.2

Sincerely,

Jeanne Lincoln

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Comment Letter No. 73: Lincoln, Jeanne

Comment 73.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 73.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Csm86301@aol.com
Sent: Thursday, March 26, 2015 11:23 AM
To: Lovelady, Kristi
Subject: RE: Draft EIR No. 521 Comments

RECEIVED
MAR 26 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Ms. Lovelady,

I am in favor of 5 to 10 acre lots for **ANY** development in Reinhardt. By this I mean one house on its own 5 to 10 acres, not allowing closer density because of size of the total acreage owned (i.e. 280 acres divided by 5 acres is 56 homes, but all 280 acres may not be buildable.) The last attempt to gain approval for a group of homes was for 330 homes based on 1/2 acre lots, but these homes would have been clustered together as the acreage owned by the builder had may acres unbuildable. 74.1

I also believe the planning department should take into consideration the drought conditions and postpone any building approvals in Riverside County until those drought conditions change for the better. We have a shortage for the current water consumers and to increase the customer base would raise my rates. 74.2

Thank You,

Cecelia Malarkey
8355 Carnoustie Ave.
Hemet, Ca 92545

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Comment Letter No. 74: Malarkey, Cecelia

- Comment 74.1** The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 74.2** This comment is duly noted. The County will consider these suggestions during Project deliberations. This comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a), which requires that a lead agency respond to environmental comments).

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RECEIVED
APR 06 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

7746 Dutra Drive
Hemet, CA 92545
March 24, 2015

Ms. Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

Dear Ms. Lovelady:

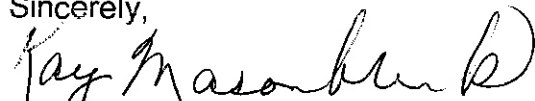
This letter is to make known to you my support of the land use change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

75.1

Also I have a concern about the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre" in the San Jacinto Area Plans, Maze Stone on page 7. It is my understanding there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

75.2

Sincerely,


Kay Masonbrink

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Comment Letter No. 75: Masonbrink, Kay

Comment 75.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 75.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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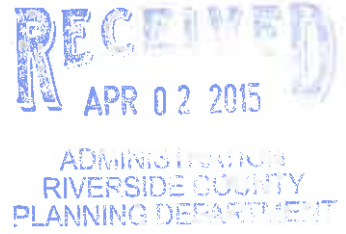
Lovelady, Kristi

From: Charles McManis <chazmanc6@gmail.com>
Sent: Thursday, March 26, 2015 2:39 PM
To: Lovelady, Kristi
Subject: EIR 521

I am a resident of Four Seasons in Hemet. I support EIR No. 521

[76.1

Charles McManis
8345 Singh Court
Hemet CA 92545



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Comment Letter No. 76: McManis, Charles (Letter 1)

Comment 76.1 The County acknowledges your comments during the General Plan Update and EIR process and thanks you for your support of Draft EIR No. 521. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Bob Morriss <bob.morriss@gmail.com>
Sent: Tuesday, March 31, 2015 5:34 PM
To: Lovelady, Kristi
Subject: Reinhardt Canyon

We believe the bill that holds the property to 5 to 10 acres NOT high density buildings. Robert and Linda Morriss 460 Langer Ct., Hemet, CA 92545 [77.1

RECEIVED
APR 02 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

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Comment Letter No. 77: Morriss, Robert and Linda

Comment 77.1 The Land Use Designations proposed by GPA No. 960 change the existing Land Use Designation in Reinhardt Canyon from LDR to RR, which will require future development accommodated by GPA No. 960 to utilize 5-10 acre lot sizes as opposed to the current 1-2 acre lot sizes. This will lessen development impacts to the Canyon. The County values your comments during the General Plan Update and EIR process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Michael Murphy <mastermurphy@msn.com>
Sent: Wednesday, April 01, 2015 12:52 PM
To: Lovelady, Kristi
Subject: Draft EIR No. 521 Comments

April 1, 2015

Michael D. Murphy
545 Vardon Circle
Hemet, CA 92545



Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR #521 and Draft GPA #960

Dear Ms. Lovelady,

The purpose of this letter is to support the land use change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR (5/10 acre sites). 78.1

In addition, I have a concern about the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre". To my knowledge, there are no approved subdivisions of one half acre lots approved for Reinhardt Canyon. 78.2

In advance, thank you for taking the time to listen to my comments; I appreciate your efforts. 78.3

Sincerely,

Michael D. Murphy

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Comment Letter No. 78: Murphy, Michael D.

Comment 78.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 78.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.”~~

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 78.3 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and Environmental Impact Report participation process. Responses to specific comments are provided above; no further response is required.

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Lovelady, Kristi

From: Michael Naumowich <mna@roadrunner.com>
Sent: Tuesday, March 31, 2015 5:39 PM
To: Lovelady, Kristi
Cc: ehikel@msn.com
Subject: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

Michael R. Naumowich

9256 Stephenson Lane

Hemet, CA 92545

March 31, 2015

Kristi Lovelady, Principal Planner

TLMA Planning Department

4080 Lemon Street, 12th, Floor

Riverside, CA 92211



Dear Ms. Lovelady;

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

79.1

I also have a concern about the statement, "Much of the undeveloped land here is

Included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

79.2

Sincerely,

Michael Naumowich

951-223-3424

mrna@roadrunner.com

Comment Letter No. 79: Naumowich, Michael R.

Comment 79.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 79.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.”~~

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: cheryle patterson <cspatterson4@yahoo.com>
Sent: Thursday, March 26, 2015 10:01 AM
To: Lovelady, Kristi
Subject: County of Riverside Amendment 960

RECEIVED
MAR 26 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

I want to see 5/10 acre lots for Reinhart Canyon to stay, as is for development. However, I am concerned for the safety of the residents in the canyon. Retired fire personnel has told us that there is only one way in and out of the canyon. Fire is a large concern. Thank you for your time. Cheryle Patterson

80.1

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Comment Letter No. 80: Patterson, Cheryle

Comment 80.1 The Land Use Designations proposed by GPA No. 960 change the existing Land Use Designation in Reinhardt Canyon from LDR to RR, which will require future development accommodated by GPA No. 960 to utilize 5-10 acre lot sizes as opposed to the current 1-2 acre lot sizes. This will lessen development impacts to the Canyon. The County values your comments during the General Plan Update and EIR participation process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: mpetersonhemet@verizon.net
Sent: Tuesday, March 31, 2015 6:03 PM
To: Lovelady, Kristi
Subject: Reinhardt Canyon in Hemet
Attachments: Reinhardt Canyon Letter.doc

Ms. Lovelady, please see attached letter on my wishes and concerns about Reinhardt Canyon. Please pay particular attention to last paragraph. Thank you.

81.1

Respectfully,
Jackie Peterson
650 Zaharias Circle
Hemet, CA 92545
mpetersonhemet@verizon.net



Jaculin R. Peterson
650 Zaharias Circle
Hemet, CA 92545

March 31, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211



Re: Public Review Comments for Draft EIR # 52I & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

81.2

I also have a concern about the statement, “Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.”, in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

81.3

I especially disapprove of any further developments using Four Seasons Hemet streets as an emergency escape route. We are a gated community for a reason and moved here with the idea that only Four Seasons residents would have access to our private streets.

81.4

Sincerely,
Jaculin R. Peterson

Comment Letter No. 81: Peterson, Jaculin R.

Comment 81.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 81.2 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 81.3 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.”~~

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 81.4 This comment is duly noted. The County will consider these suggestions during project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Jackson | DeMarco | Tidus Peckenpaugh

A L A W C O R P O R A T I O N

March 31, 2015

Direct Dial: 949.851.7638
Email: pgosney@jdtplaw.com
Reply to: Irvine Office
Fax No: 7262-120144

VIA HAND DELIVERY AND E-MAIL (klovelad@rctlma.org)

Kristi Lovelady, Principal Planner
County of Riverside Administrative Center
4080 Lemon Street, 12th Floor
Riverside, CA 92501



Re: Redhawk’s Comments on Recirculated Draft General Plan Amendment No. 960 and Draft Environmental Impact Report No. 521

Dear Ms. Lovelady:

We represent J to the 5th, LLC, Husmand Taghdiri, Redhawk Investments LLC, and Jonatkim Enterprises (collectively referred to as “Redhawk”). Redhawk owns five parcels totaling about 60 acres (APN Nos. 966-380-028 through 966-380-032) in unincorporated Riverside County (“County”) located at the southeast corner of Santa Rita Road and Anza Road (“Property”). The Property is the subject of Redhawk’s application for General Plan Amendment 920 (“GPA 920”) to develop the Property for residential uses consistent with nearby County-approved development projects (“GPIP Application”).

Redhawk submitted a comment letter dated June 30, 2014, on the original draft 2008 General Plan Review Cycle Update (“Draft GPA 960”) and related Draft Environmental Impact Report 521 (“Draft EIR 521”), and appreciates the County’s revision and recirculation of Draft GPA 920 and Draft EIR 521 in response to comments. However, this letter is submitted because many of Redhawk’s other comments are not addressed in the recirculated versions of Draft GPA 920 and Draft EIR 521, and the County’s notice dated February 21, 2015, says that the County will not be responding to any previously submitted comments. Redhawk respectfully requests that the following comments on the recirculated Draft GPA 960 and Draft EIR 521 be included as part of the administrative record in this matter.

As discussed in greater depth below, the County’s failure to follow the General Plan Amendment procedures and the environmental review procedures of the California Environmental Quality Act (Pub. Resources Code, §§ 21000, et seq.) (“CEQA”) in approving the Wine Country Community Plan last year have now resulted in conflicting information and analyses in the current recirculated Draft GPA 960 and Draft EIR 521. The County’s revisions to Draft GPA 960 and Draft EIR 521 have not removed or resolved the conflicting information.



82.1

Irvine Office
2030 Main Street, Suite 1200
Irvine, California 92614
t 949.752.8585 f 949.752.0597

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361
t 805.230.0023 f 805.230.0087

www.jdtplaw.com

The record is still so confused that it is impossible for the affected public and decisionmakers to understand and consider the consequences of adopting the current proposed GPA 960 and EIR 521, and how the Wine Country Community Plan General Plan Amendment 1077 (“GPA 1077”) will be implemented together with any resulting updated General Plan. Additionally, there are still numerous internal inconsistencies between the policies and elements of the proposed GPA 960 and the Wine Country Community Plan GPA 1077 that must be remedied.

Redhawk requests that the County:

(i) Include Redhawk’s GPA 920 as part of the currently proposed 2008 General Plan Review Cycle GPA 960;

(ii) Set aside the approval of the Wine Country Community Plan and instead reconsider the Wine Country Community Plan together with GPA 960, as required by the General Plan Principles and CEQA. Only by comprehensively considering the Wine Country Community Plan together with GPA 960 can the County decisionmakers make an objective, good faith effort to take a “hard look” at the cumulative environmental consequences of the Wine Country Community Plan’s large-scale downzoning on the broader General Plan’s policies, standardized subdivision map conditions, and regional environmental mitigation programs that the County relies upon to mitigate impacts of projected growth; and

(iii) Revise and recirculate the February 21, 2015, recirculated Draft GPA 960 and Draft EIR 521 for further public review and comment.

1. Redhawk’s GPIP Application for GPA 920 and Previous Comments on the County’s Substantive and Procedural Missteps in Processing the Wine Country Community Plan GPA 1077 and PEIR 524 Separate from GPA 960 and EIR 521.

The Property is located within the Southwest Area Plan (“SWAP”) of the County General Plan. Since approval of the General Plan in 2003, circumstances have changed in the vicinity of the Property. The Morgan Hill project was developed and several tract maps were approved in the area so that medium density residential development is now within a quarter mile of the Property. Additionally, the Property fronts on the Anza Road Eastern Bypass project, a four-lane, 118-foot-wide roadway project designed to parallel the 215 and 15 freeways as an alternate route to move traffic north and south through the County, which has been approved by the Western Riverside Council of Governments as part of its Regional System of Highways and Arterials under the Transportation Uniform Mitigation Fee (“TUMF”) Program.

Given the progression of Community Development land uses and associated infrastructure in the immediate vicinity of the Property and the approved Anza Road Eastern Bypass fronting on the Property, Redhawk submitted its pending GPIP Application over six years ago, in February 2008, at the outset of the County’s 2008 General Plan Review Cycle. Consistent with the County’s nearby development approvals and the General Plan’s Planning Principles, the GPIP Application seeks to change the Property’s Foundation Component from “Rural” to “Community Development,” and its land use designations from “Rural Residential”

82.1
CONT.

82.2

and “Rural Mountainous” to “Medium Density Residential” in order to allow development of up to two to five dwelling units per acre.

↑
**82.2
CONT.**

On February 4, 2009, the County Planning Commission considered Redhawk’s GPIP Application and approved the Planning Director’s recommendation that the Board of Supervisors initiate proceedings for Redhawk’s GPA 920. The Board of Supervisors began to process Redhawk’s GPIP Application, but continued the matter off calendar on December 11, 2012. Redhawk made many requests for the County to calendar their GPIP Application for Board of Supervisors’ consideration so that GPA 920 could be processed as part of the current GPA 960, including their requests in letters dated September, November and December 2013, and March and April 2014. However, those requests were all ignored.

During that time period, the County was also processing its Wine Country Community Plan and related Program Environmental Impact Report 524 (“PEIR 524”). The Planning Commission formally recommended to the Board of Supervisors that the Property be removed from the boundary of the Wine Country Community Plan. (November 20, 2013, Planning Commission Minutes; Attachment E-1 to December 3, 2013, Board Staff Report, Group “G” properties].) However, the Property was not removed from the Wine Country Community Plan boundary.

82.3

When the Board of Supervisors approved the Wine Country Community Plan and its related PEIR 524 on March 11, 2014, it disregarded the General Plan’s overarching Vision Statement and General Plan Principles that call for “efficient development”, with “fundamental notions of increased densities and compact and mixed use development” (General Plan, App. B, Planning Principles, §§ 1(F), (G)), and effectively established a new “urban limit line” along the Anza Road Eastern Bypass corridor at the Property’s boundary. Although the General Plan policies call for intensifying allowable development on the Property due to its proximity to medium-density development, readily-available infrastructure and major transportation corridors, the Wine Country Community Plan reduces the Property’s allowable density compared with the existing General Plan by half, and precludes any residential development of the Property above that density. (Planning Principles, §§ III(B)(1), VI(1), (3), (4).) This internal inconsistency is not remedied or otherwise addressed in Draft GPA 960 and Draft EIR 521.

By processing the Wine Country Community Plan as an “Entitlement/Policy Amendment” separate from the 2008 General Plan Review Cycle Update that is the subject of the pending Draft GPA 960 and Draft EIR 521, the County violated the General Plan Amendment procedures governed by the Administrative Element’s Certainty System, which is also codified at Article II of County Zoning Ordinance 348. The County’s certification of PEIR 524 for the Wine Country Community Plan also violated CEQA by: (i) failing to disclose, analyze and mitigate adverse impacts; (ii) improperly segmenting environmental review of the 2008 General Plan Review Cycle GPA 960 and Wine Country Community Plan GPA 1077; and (iii) inadequately analyzing the cumulative impacts associated with GPA 960 and GPA 1077.

82.4

Redhawk informed the County of its substantive and procedural missteps during the County’s consideration of the Wine Country Community Plan GPA 1077 and EIR 524.

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Redhawk's comment letters, including those submitted on behalf of Redhawk by Mr. Steve Galvez and Redhawk's attorney Samuel Alhadeff, dated February 2, 2012, August 21, 2012, December 5, 2012, December 17, 2012, September 23, 2013, November 4, 2013, November 6, 2013, November 19, 2013, December 2, 2013, March 4, 2014, and March 6, 2014, and all attachments to those letters are incorporated into the record of proceedings on the current proposed GPA 960 and EIR 521 by this reference. As a result of the County's and Board of Supervisors' actions related to the Wine Country Community Plan and PEIR 524, and its inaction related to Redhawk's GPIP Application, Redhawk was forced into the position of filing a petition and complaint on April 11, 2014 (*J to 5th, LLC, et. al. v. County of Riverside, et al.* (Case No. MCC 1400542), which is pending before the Riverside County Superior Court.

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CONT.

2. **The County Has Violated the General Plan Amendment Procedures and CEQA by Failing to Discuss, Analyze and Mitigate the Potential Environmental Impacts of the Wine Country Community Plan in EIR 521.**

Under CEQA, a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment . . ." (CEQA Guidelines § 15378(a).) A "project" does not mean each separate governmental approval." (CEQA Guidelines § 15378(c).) The lead agency must consider "[a]ll phases of project planning, implementation, and operation." (CEQA Guidelines § 15063(a)(1).) CEQA prohibits a lead agency from "segmenting" or "piecemealing" a project into small parts if the effect is to avoid full disclosure of environmental impacts. The California Supreme Court has explained that the requirements of CEQA cannot be avoided by piecemeal review which results from "chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences." (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283-284.) Rather, the examination of a "project" requires an analysis of "all relevant parts of a project, including reasonably foreseeable future expansion or other activities that are part of the project." (*Laurel Heights Improvement Assoc. v. Regents of University of Cal* (1988) 47 Cal. 3d 376, 394.)

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Likewise, CEQA requires a lead agency to evaluate a project's cumulative impacts when "viewed in connection with the effects of past projects, the effects of other current projects, **and the effects of probable future projects.**" (CEQA Guidelines § 15065(c) (emphasis added).) Projects currently under environmental review unequivocally qualify as reasonably probable future projects to be considered in a cumulative impacts analysis. (*See San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 74, fn.13.) In addition, projects anticipated beyond the near future should be analyzed for their cumulative effect if they are reasonably foreseeable. (*Bozung v. Local Agency Formation Comm'n* (1975) 13 Cal.3d 263, 284).

The cumulative impacts concept recognizes that "[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum." (*Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408.) The requirement of a cumulative impacts analysis of a project's regional impacts is considered a "vital provision" of CEQA. (*Bozung*, 13 Cal.3d at 283.) Moreover, an EIR must examine not only the anticipated cumulative impacts, but also reasonable

options for mitigating or avoiding the project's contribution to significant cumulative impacts. (CEQA Guidelines, § 15130, subd. (b)(3).)

↑ 82.5
CONT.

Contrary to these principles, the County has processed the Wine Country Community Plan (GPA 1077) and the 2008 General Plan Update (GPA 960) separately, and evaluated their respective environmental impacts in isolation. (EIR 521, § 4.2, Table 4.2-D.) However, the clear directive of both the General Plan Amendment procedures and CEQA is that the County is required to analyze them together. The County's piecemealing of its environmental analysis deprives the public and the decisionmakers of the ability to analyze potential environmental impacts related to, among other things, air quality, traffic, land use, and water supply issues, in addition to cumulative impacts and infrastructure funding. Additionally, with the incorporation of the Wine Country Community Plan, the policies of GPA 960 are internally inconsistent.

82.6

With respect to land use, the Public Review Draft GPA 960 Southwest Area Plan Overlays and Policy Areas (Figure 4) included on the CD distributed by the County and posted at http://planning.rctlma.org/Portals/0/genplan/general_plan_2015/GPA%20960/Area%20Plans/SWAP_6_2014-01-20.pdf depicts and discusses the Citrus/Vineyard and Valle de los Caballos Policy Areas as part of GPA 960 even though the County removed both of those policy areas when it approved the Wine Country Community Plan. (GPA 960, SWAP, Figure 4; BOS Resolution No. 2014-040, p. 1, Section A.) The recirculated Draft GPA 960 includes a brief note stating that GPA No. 1077 "supersedes the Citrus/Vineyard Policy Area and the Valle de los Caballos Policy Area;" however, this confuses rather than clarifies the current status of these policy areas. (GPA 960, SWAP, pp. 27-29.) It is also unclear whether the dwelling unit counts included in Table 2, Statistical Summary of Southwest Area Plan, on the same CD and posted at the same website, account for the significant reduction in allowable dwelling unit on properties within the Wine Country Districts.

Additionally, the General Plan's Planning Principles promoting increased densities and compact and mixed use development are inconsistent with the Wine Country Community Plan policies, and cannot be satisfied by properties within the Wine Country Community Plan, even though properties such as Redhawk's front on designated Major highways and other community development-level infrastructure.

82.7

With respect to cumulative impacts, EIR 521 notes that GPA 960 includes changes to a variety of General Plan policies, maps, amendments and implementing directions related to land use. (EIR 521, §. 4.2.5, p. 4.2-35 [Land Use Element]; § 3 [Project Description].) However, the list of components encompassed as part of the 2008 General Plan Update does **not** include the County's recently-approved Wine Country Community Plan (GPA 1077). (EIR 521, § 4.2-5 to 4.2-6; Table 5.5-A.) In fact, EIR 521 expressly acknowledges that impacts associated with the Wine Country Community Plan are **not** evaluated in the EIR because GPA No. 1077 was approved as a "separate project." (EIR 521, § 4.2, Table 4.2-D.) This is improper and unacceptable. EIR 521 must be revised to disclose, analyze and mitigate the impacts of the Wine Country Community Plan as part of the 2008 General Plan Update.

The following are examples of how these significant errors and omissions in the GPA 960 render the EIR 521 wholly inadequate as an informational document and frustrate public review and comment of the proposed project.

82.7
CONT.

3. **The Inconsistencies Between the Wine Country Community Plan and the Proposed General Plan Review Cycle Update Renders GPA 960 Internally Inconsistent and EIR 521 Wholly Inadequate As An Informational Document.**

A. GPA 960 Circulation Element.

1) The Anza Road extension is designated as a Major Highway with a 118-foot right of way in the Circulation Element of GPA 960. (GPA 960, SWAP, Figure 7.) However, the Wine Country Community Plan’s Traffic and Circulation discussion notes that “funding has not been secured for this improvement, the extension goes through property not controlled by the County or the City of Temecula, and the connection to I-15 requires approval from Caltrans.” (PEIR 524, p. 4.14-25.) Because the Anza Road bypass is approved as part of the TUMF program and the County’s developer impact fee mitigation programs are generated from future development, Draft GPA 960 and Draft EIR 521 should be revised to evaluate the funding impacts to Anza Road resulting from the Wine Country Community Plan’s significant decrease in dwelling units throughout the Community Plan’s Districts, including the Property’s designation as part of the Wine Country-Equestrian District. In the absence of any confirmation that an adequate funding source exists to develop the Anza Road corridor after implementation of the Wine Country Community Plan, the TUMF program is at risk of being exposed as little more than “paper roads” and overturned as an illegitimate mitigation program.

82.8

2) In the absence of a comprehensive analysis of the Wine Country Community Plan’s impacts on Draft GPA 960’s planned circulation system, the County’s Circulation policies violate CEQA by perpetuating piecemeal analysis of transportation and circulation impacts on a project-by project basis. For example, Policy C 1.5 states: “Evaluate the planned circulation system as needed to enhance the arterial highway network to respond to anticipated growth and mobility needs.” Clearly this was not done with respect to the Wine Country Community Plan’s potential impacts to the Anza Road bypass that was **completely omitted** from the impact analysis in both the pending Draft EIR 521 and the previously certified PEIR 524. (PEIR 524, p. 4.14-25; EIR 521, § 4.18.)

82.9

3) Policy C 2.4 in Draft GPA 960 states: “The direct project related traffic impacts of new development proposals shall be mitigated via conditions of approval requiring the construction of any improvements identified as necessary to meet the level of service.” Numerous properties adjacent to the Anza Road extension, including Redhawk’s Property, have been included in the Wine Country Community Plan Districts that significantly reduce allowable densities well below their General Plan designations. Redhawk’s comment letter dated March 4, 2014, demonstrated that, in Redhawk’s case, the necessary road improvements are financially infeasible. Draft EIR 521 should be revised to take a “hard look” at whether such properties could meet the financial burden of Draft GPA 960’s construction requirements to meet

82.10

applicable levels of service, and whether sufficient other funding sources exist to do so. In the absence of any such analysis, the traffic mitigation requirements of proposed GPA 960 are illusory and their implementation could expose the County to inverse condemnation liability.

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**82.10
CONT.**

4) Policy C 3.6 states: “Require private developers to be primarily responsible for the improvement of streets and highways that serve as access to developing commercial, industrial, and residential areas. These may include road construction or widening installation of turning lanes and traffic signals, and the improvement of any drainage facility or other auxiliary facility necessary for the safe and efficient movement of traffic off the protection of road facilities.” Redhawk’s Property fronts the Major 118-foot right of way Anza Road Bypass highway that would be impossible to construct with its land use designation. The Planning Principles applicable to transportation and rural development would otherwise promote higher density along such corridors and enable compliance with such General Plan policies. However, the Wine Country Community Plan’s restrictions are in direct conflict. Draft EIR 521 should be revised to evaluate the cumulative impacts of the 2008 General Plan Review Cycle GPA 960 and the Wine Country Community Plan GPA No. 1077, and include revisions or mitigation measures to reconcile their otherwise incompatible land use directives.

82.11

5) Policy C 3.21 states: “Consider granting a reduction in improvement requirements for land divisions involving parcels greater than 20 acres in size and designated as agriculture on the General Plan Land Use map.” Within the Wine Country Community Plan area, large swaths of land are to be planted in vineyards or olive groves as a condition of development. Other properties, such as Redhawk’s Property, have severe restrictions on the allowable number of residential units (Redhawk’s property and others within the Equestrian District are restricted to 1 unit for every 10 acres), regardless of their current General Plan designation or proximity to Community Development-level services. Draft EIR 521 should be revised to evaluate how implementation of Policy C 3.21 may impact the feasibility of constructing the Circulation system and other public infrastructure.

82.12

6) Policy C 3.32 states: “Support ongoing efforts to identify funding and improve existing dirt roads throughout the County of Riverside.” However, implementation of the policies within the Wine Country Community Plan frustrates infrastructure funding. As discussed in greater depth in Redhawk’s March 4, 2014, comment letter on the Wine Country Community Plan (incorporated herein by reference), because the TUMF fee and developer impact mitigation fees on residential development are imposed on a per unit basis, such a significant decrease in allowable units could have a corresponding effect on projected funding. Alternatively, the fee amounts may need to be raised on development outside the Wine Country Community Plan boundary to a level that adversely affects the availability of relatively affordable residential and commercial property that is credited for sustaining the County’s economic growth. Redhawk’s proposed GPIP Application for GPA 920 would otherwise support Policy C 3.32, but is not addressed in Draft GPA 960. Draft EIR 521 should be revised to disclose and mitigate this inconsistency and evaluate the feasibility of road improvements in light of projected funding.

82.13

7) Policy C 8.1 states: “Implement a circulation plan that is consistent with financing capabilities.” The Circulation plan shown on Figure 7 of the Southwest Area Plan is wholly incompatible with any financing capabilities under Draft GPA 960 discussed to date. By way of example, the 2009 TUMF Nexus Study explains that the vast majority of the TUMF system costs are generated by new development, with 69% allocated to fees on future new residential development and 31% assigned to future new non-residential development. (2009 TUMF Nexus Study, p. 44J.) The methodology for setting the TUMF fee is determined by taking the improvement cost assumptions and dividing them by projected future growth. The TUMF Program currently has a per unit fee of \$8,873 for single family residential units. Draft EIR 521 should be revised to disclose: (1) the extent to which funding mechanisms for the Circulation plan and other public infrastructure are impacted by the Wine Country Community Plan, and (2) how the County proposes to fund the Circulation plan in light of the significant reduction in funding resulting from the Wine Country Community Plan.

82.14

B. GPA 960 Land Use Element for the Southwest Area Plan.

1) Pages 27 through 29, SWAP 1.1 – 1.6 and SWAP 2.1, discuss the Citrus/Vineyard Policy Area and the Valle de los Caballos Policy Area. The Board of Supervisors removed both the Citrus/Vineyard Policy Area and the Valle de los Caballos Policy Area when it approved the Wine Country Community Plan. (Draft GPA 960, SWAP, Figure 4; BOS Resolution No. 2014-040, p. 1, Section A.) The recirculated Draft GPA 960 includes a brief note stating that GPA No. 1077 “supersedes the Citrus/Vineyard Policy Area and the Valle de los Caballos Policy Area;” however, this note simply confuses rather than clarifies the current status of these policy areas. (Draft GPA 960, SWAP, pp. 27-29.)

Redhawk’s Property is outside of both the former Citrus/Vineyard Policy Area and Valle de los Caballos Policy Area. The Property is located within a quarter mile of several medium density residential projects approved by the County along Anza Road:

82.15

- Morgan Hill Specific Plan 313, consisting of 1,129 single family residential units (approved in 2001);
- Tentative Tract Map 32813, consisting of 59 single family residential units (7200 SF, Min.) (approved May 8, 2007);
- Tentative Tract Map 32227, consisting of 104 single family residential units (7200 SF, Min.) (approved June 12, 2007);
- Tentative Tract Map 32778, consisting of 44 single family residential units (7200 SF, MM.) (October 2, 2007);
- Tentative Tract Map 31597, consisting of 217 single family residential units (7200 SF, MM.) (April 10, 2007); and
- Tentative Tract Map 32627, consisting of 117 single family residential units (7200 SF, Min.) (December 5, 2006).

Yet, the Wine Country Community Plan imposes the same 10-acre minimum lot size on the Property that previously applied to properties within the Citrus/Vineyard Policy Area and Valle de los Caballos Policy Area. Draft EIR 521, including Figure 4 of the SWAP, should be revised to remove the Citrus/Vineyard Policy Area and the Valle de los Caballos Policy Area. Additionally, Redhawk's Property should be removed from the Wine Country Community Plan and Redhawk's GPA 920 should be included within the 2008 General Plan Review Cycle Update GPA No. 960 to avoid the internally inconsistent land use policies between the Planning Principles that remain unchanged in GPA 960 and the Wine Country Community Plan policies.

82.15
CONT.

2) Page 19 of the Land Use Element quotes the Vision Plan and notes that the County is moving away from a growth pattern of random sprawl toward a pattern of concentrated growth and increased job creation. By including the Property within the Wine Country Community Plan, the County has created more random sprawl and violated its own General Plan Planning Principles by designating the area south of Highway 79 as part of the Wine Country Community Plan. In doing so, the Property's land use is wholly inconsistent with the surrounding area, and with the Planning Principles that call for more dense development in proximity to community services and major roadway corridors. Draft EIR 521 should be revised to disclose and mitigate the internal inconsistency between the Wine Country Community Plan's policies and the General Plan's overarching Vision and Land Use Element. Redhawk's Property should be removed from the Wine Country Community Plan to remedy this inconsistency.

82.16

3) SWAP 17.1 states: "Design and develop the vehicular roadway system per Figure 7, Circulation, and in accordance with the functional classifications and standards specified in the General Plan Circulation element." The Wine Country Community Plan is internally inconsistent with SWAP 17.1 by making it impossible to achieve functional classifications and standards specified in the Circulation Element with the significant reduction in allowable dwelling units. No other funding source has been disclosed in Draft GPA 960 or Draft EIR 521. Draft EIR 521 should be revised to disclose the adverse impacts of the Wine Country Community Plan on Policy SWAP 17.1, and Draft GPA 960 should make revisions to the Wine Country Community Plan as necessary to reconcile the inconsistency, including removing Redhawk's Property from the Wine Country Community Plan's boundary.

82.17

4) Anza Road is called out as a 118" ROW MAJOR HIGHWAY in SWAP Figure 7. However, due to SWAP 2.1 and 17.1 and the new land use designation within the Wine Country Community Plan boundary, Anza Road could never be built. The County defined and recognized any funding source outside of TUMF which, as noted above, will severely be impacted due to decreased funding. As drafted, Draft GPA 960 is internally inconsistent. Draft GPA 960 should incorporate revisions to the Wine Country Community Plan to make it consistent with the General Plan's Vision and Planning Principles that call for efficient development and increased densities on rural-designated properties along major transportation corridors. (Planning Principles, §§ VI(1), (3), (4); *see also* General Plan, Ch. 3, pp. LU-17 – LU-20; LU-52 – LU-54.)

82.18

5) SWAP 9.1 states: "Accelerate the construction of transportation infrastructure in the Highway 79 Policy Area corridor between Temecula, Hemet, San Jacinto and Banning. The

82.19

County of Riverside shall require that all new development projects demonstrate adequate transportation infrastructure capacity to accommodate the added traffic growth.” With Redhawk’s Property restricted to 1 dwelling unit per 10 acres under the Wine Country Community Plan, not only could they not develop Anza Road (which is partially constructed), Redhawk could not accelerate any construction from its current terminus. Any development south of Highway 79 could not possibly meet this requirement with implementation of the Wine Country Community Plan. As currently proposed, Draft GPA 960 is internally inconsistent and should be revised to subject the Wine Country Community Plan to the General Plan’s overarching Planning Principles favoring efficient development.

82.19
CONT.

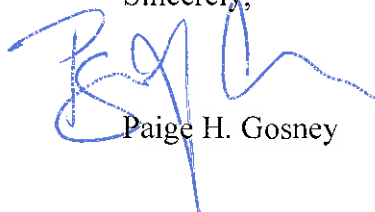
4. Conclusion.

Redhawk appreciates the opportunity to submit the foregoing comments on Draft GPA 960 and Draft EIR 521. Redhawk respectfully requests the County incorporate Redhawk’s GPA 920 as part of the 2008 General Plan Review Cycle GPA 960. Redhawk further requests that the County revise and recirculate Draft EIR 521 to disclose, analyze and mitigate the internal inconsistencies that currently exist between the Wine Country Community Plan and the broader General Plan policies. Only by considering the Wine Country Community Plan together with the 2008 General Plan Update will the County comply with the requirements of the County’s General Plan Amendment procedures and CEQA.

82.20

Please contact me (949-851-7638) if you have any questions, or if we may provide any additional information.

Sincerely,



Paige H. Gosney

cc: Juan C. Perez, Riverside County Director of Transportation*
Steve Weiss, Riverside County Director of Planning*
George Johnson, Chief Assistant County Executive Officer*
Greg Priamos, Esq., Riverside County Counsel*
Shelli Clack, Esq., Deputy County Counsel*
Aaron Gettis, Esq., Deputy County Counsel*

(* via e-mail)

Comment Letter No. 82: Redhawk Investments, via Jackson, DeMarco, Tidus, and Peckenpaugh

- Comment 82.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 82.2** The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 82.3** The County appreciates the detailed account of the land use designation process that has been undertaken by Redhawk Investments to date. In regards to the request to change the land use designation of the subject property, the County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process.
- Regarding the reduction in land use density proposed by the Wine Country Community Plan, while these concerns are noted, the Wine Country Community Plan is a separate project from the current General Plan Update, and as such the impacts that would occur as a result of the Wine Country Community Plan are addressed in within the Wine Country Community Plan EIR. As such it is beyond the scope of the current Draft EIR No. 521 process.
- Comment 82.4** This comment is duly noted. Regarding the Wine Country Community Plan and its relationship to the General Plan in light of County Ordinance 348, while these concerns are noted, they are in reference to the General Plan and do not identify any environmental inadequacies within the Draft EIR. Text was added to the Southwest Area Plan and the Draft EIR to clarify that the Wine Country Community Plan and GPA No. 960 are separate projects, and as such are analyzed in separate documents. This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues.
- Comment 82.5** In regards to the separate analysis of the Wine Country Community Plan and the General Plan, while these concerns are understood, the projects are ultimately separate, and as such two environmental reviews were conducted. However, a comparative analysis of the two documents occurred within the Wine Country Community Plan EIR. Direct comparison of the existing General Plan and the Wine Country Community Plan was conducted in the "No Project Alternative" section of the Wine Country Community Plan EIR. In this analysis, it was noted that the Wine Country Community Plan would have less impacts than those associated

with the current General Plan (See Section 6.0 of the Wine Country Community Plan) and that the land uses within the Wine Country Community Plan are less intense than those included in the General Plan.

Comment 82.6 The Temecula Valley Wine Country Community Plan amended the Southwest Area Plan. This project included General Plan Amendment No. 1077, Zoning Ordinance No. 348.4729, Temecula Valley Wine Country Design Guidelines and Temecula Valley Wine Country Greenhouse Gas Reduction Workbook, adopted on March 11, 2014. The planning area includes the City of Temecula, the City of Murrieta, and unincorporated communities in Riverside County. The Temecula Valley Wine Country Community Plan was written and adopted in a separate CEQA process from GPA No. 960. Because this plan was created after the GPA No. 960 NOP was released, impact analysis is not included in the Draft EIR and no further response is required. The County has not piecemealed the analysis and instead has provided detailed analysis of all the impacts listed in the comments.

Comment 82.7 In regards to the separate cumulative analysis of the Wine Country Community Plan and the General Plan, while these concerns are understood, the projects are ultimately separate, and as such two environmental reviews were conducted. However, a comparative analysis of the two documents occurred within the Wine Country Community Plan EIR. Direct comparison of the existing General Plan and the Wine Country Community Plan was conducted in the “No Project Alternative” section of the Wine Country Community Plan EIR. In this analysis, it was noted that the Wine Country Community Plan would have less impacts than those associated with the current General Plan (See Section 6.0 of the Wine Country Community Plan) and that the land uses within the Wine Country Community Plan are less intense than those included in the General Plan.

Comment 82.8 This comment is duly noted. This comment suggests that the WRCOG TUMF funding of the Anza Road bypass is in jeopardy due to the approval of the lower residential densities included in the Wine Country Community Plan. The WRCOG TUMF program is reviewed annually to assess the progress being made on individual TUMF projects, to evaluate fees and costs and to make program adjustments, as needed. As such, the program will be reevaluated in the coming year to take into consideration the various land use changes that have taken place throughout the WRCOG area.

Comment 82.9 The comment is duly noted. This comment argues that the absence of a comprehensive analysis of the impacts of the Wine Country Community Plan on the planned circulation system constitutes a piecemeal approach to project approval. GPA 1077 - Wine Country Community Plan was fully evaluated as part of the approval process for that project as documented in EIR No. 524. The County has not piecemealed the analysis and instead has provided detailed analysis of all the impacts listed in the comments.

Comment 82.10 The comment is duly noted. This comment argues that the imposition of road improvement requirements to properties adjacent to Anza Road per Circulation Policy C 2.4 represents a

financial hardship. Per the provisions of the California Subdivision Map Act, local jurisdictions throughout the State of California routinely require the dedication of rights of way and improvements as conditions of approval of a subdivision map. The author presents no supporting documentation to support this premise other than personal opinion, and there is no reason to suppose that the imposition of such requirements in the Wine Country Community Plan is any different than in any other part of the County or State.

Comment 82.11 The comment is duly noted. This comment suggests the lower residential densities allowed in the Wine Country Community Plan hamper the implementation of Circulation Policy C 3.6 which requires private development to be primarily responsible for street and highway improvements. The commenter appears to argue for a higher density of development on Redhawk's property. This comment is most likely directed more towards the commenter's ongoing legal challenge with the County and the Wine Country Community Plan versus GPA No. 960. Regardless, please see Response 82.10, above.

Comment 82.12 The comment is duly noted. This comment argues that the implementation of Circulation Policy C 3.21 which would consider a reduction of improvement requirements for land divisions of larger parcels in agricultural areas threatens the feasibility of constructing the Circulation system. Policy 3.21 does not mandate that road improvement requirements be reduced, only that it be considered under special circumstances. A request for such consideration would be fully evaluated at the time these developments are made and would be evaluated based upon the specifics of the individual request, while taking into consideration the broader context of the decision.

Comment 82.13 The comment is duly noted. This comment argues that Circulation Policy C 3.32 which support efforts to identify funding to improve existing dirt roads is in conflict with the policies of the Wine Country Community Plan. Policy C 3.32 does not mandate the improvement of dirt roads or impose any particular improvement requirements. Rather, it supports efforts to identify funding sources for such improvements. The County of Riverside does not recognize any conflict between this policy and the policies of the Wine Country Community Plan. As such, no further response is necessary.

Comment 82.14 The comment is duly noted. This comment argues that Circulation Policy C 8.1, which calls for the implementation of a circulation plan which is consistent with financing capabilities, is not compatible with the land use densities approved in the Wine Country Community Plan. The author asserts that the reduction in residential densities contained within the Wine Country Community Plan will significantly affect the funding capabilities for roadway improvements due to lower fee revenues.

GPA No. 960 proposes the reduction in designation of several roadways in the Southwest Area Plan due in large part to the proposed density reductions. Thus, roadway improvement costs are reduced. As the various funding programs are assessed during their annual review, these factors will be taken into consideration and adjustments made, as warranted. There is

nothing to suggest that the reduction in residential densities, coupled with reductions in roadway improvement requirements, will adversely impact the ability of funding programs to fulfill their goals. Furthermore, this comment does not represent a potential significant environmental impact not addressed with the Draft EIR. See Responses 82.2 and 82.10, above.

- Comment 82.15** This comment pertains to a General Plan Land Use Designation. The County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 82.16** This comment is duly noted. The commenter states that the policies within the Wine Country Community Plan should be analyzed within Draft EIR No. 521. However, the Wine Country Community Plan has been analyzed in a separate environmental document. Refer to the Wine Country Community Plan EIR for a full analysis of impacts related to the Wine Country Community Plan.
- Comment 82.17** The comment is duly noted. This comment argues that Policy SWAP 17.1, which calls for the design and development of the roadway system in accordance with the Circulation Plan, is inconsistent with Wine Country Community Plan. The author asserts that the reduction in residential densities contained within the Wine Country Community Plan will significantly affect the funding capabilities for roadway improvements due to lower fee revenues. See Responses 82.8, 82.10 and 82.14, above.
- Comment 82.18** The comment is duly noted. This comment argues that the designation of Anza Road as a Major Highway is inconsistent with Policy SWAP 2.1 and 17.1, and the land use designations within the Wine Country Community Plan. The author asserts that the reduction in residential densities contained within the Wine Country Community Plan will significantly affect the County’s capabilities to fund the improvement of Anza Road as a Major Highway. Refer to Responses 82.8, 82.10 and 82.14, above.
- Comment 82.19** The comment is duly noted. This comment asserts that SWAP Policy SWAP 9.1, which calls for the acceleration of the construction of transportation infrastructure in the Highway 79 Policy Area corridor, is inconsistent with the designation of the Redhawk Property for 1 dwelling unit per every 10 acres under the Wine Country Community Plan. However, substantial improvement to the Highway 79 corridor have already been completed, with additional future improvements already planned. See Responses 82.8, 82.10 and 82.14, above.
- Comment 82.20** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides a summary of the comments provided in the letter and serves as a conclusion to the letter. No further response is required.

Lovelady, Kristi

From: rickert_92545@yahoo.com
Sent: Friday, March 27, 2015 4:33 PM
To: Lovelady, Kristi
Subject: IN SUPPORT OF: EIR No. 52I

RECEIVED
APR 02 2015

Dear Ms. Lovelady -

We approve the passing of EIR No. 521 for Reinhardt Canyon parcel distribution. Thank you.

ADDITIONAL INFORMATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT | 83.1

Sincerely,
Bruce & Robin Rickert
Four Seasons - Hemet
469 Olazabal Drive
Hemet, CA 9254S
PH: 951-223-3803

Sent from Windows Mail

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Comment Letter No. 83: Rickert, Bruce and Robin

Comment 83.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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APR 03 2015

Mrs. Linda Ridenour
33628 Brand Street
Lake Elsinore, CA
92530

March 21, 2015

Response to General Plan Amendment #960 as well as EIR #521

My name is Linda Ridenour and I am responding as an individual who lives in the County of Riverside, specifically in Lakeland Village.

I will be pointing out areas with potentially significant adverse environmental impacts.

As a member of the public, my input should be taken seriously.

To make the process more efficient I will reference pages in the plan.

Clear communications with

the citizens of this area is important. We tried to give our comments at the previous draft EIR meeting.

Here is a summation of these comments.

Also, in the Draft GPA #960 several pages are missing. This draft needs to be corrected so the public can read all the material.

84.1

Table of Contents:

1. We object to being placed under the Lake Elsinore Plan. What are the criteria for combining us with the Cleveland Ridge in Lake Elsinore.

84.2

2. Please justify why Skylark Airport Influence Area is red lined. It is part of our recreation component

84.3

3. There should be a Lakeland Village Land use Plan. Please refer to EDA'S plans which have been previously reviewed.

84.4

Vision Summery:

1. Under the City of Lake Elsinore this area was the Lakeland Village Sphere District. We had a committee which reviewed the plans for quality development.

84.5

It is important to continue this collaboration process.

2. Figure 1: Lake Elsinore Area Plan Location does not reflect our area. Your Cleveland National Forest marker is not correct. Please re-do this map showing the western boundary of the forest.

84.6

3. Page 8: Cleveland Ridge and Lakeland Village should not be lumped together. Please look at the "Lakeland Village Redevelopment Project Area" information. The committee spent countless hours and money developing plans for Lakeland Village. What a shame one county agency does not communicate with the other.

84.7

4. The Draft Plan is missing pages. My copy jumps from page 11 to page 18.

84.8

Overlays and Policy Areas:

A. Why is the Historic District Overly {Water} crossed out? Our residence do not want to loose our historical sites.

84.9

B. Land Use Page 21: Where is the overlay for the Skylark Airport Influence Area?

84.10

C. Overly page 23: I would like to have Lakeland Village be designated a Policy Area. We have been involved and invested in this location for over 18 years I live in a home built in 1948 by my grandfather. Our Neighborhood Watch group feels deeply about the kind of place this is. We have many historical buildings here that greatly contribute to the history of this area. We also have several Indian sites. We certainly meet the requirements for becoming our own Policy Area.

84.11

Specific plans:

1. Lakeland Village is a robust community. We need a specific plan as stated in code section 65450 through 65457.

84.12

2. We have a Potential for flooding, this was not covered in our plan.

84.13

3. It appears that ELAP 7.1 was crossed out. These provide information on Open Space Conservation

84.14

4. ELAP 6.1: Where is the information on AL25, AL39-61?

84.15

5. Our residents need a specific up-date on ELAP 6.2. Grand Ave. corridor is our only way out of here if an evacuation is called. We need to move forward in a way to protect us. 84.16

Land Use:

1. In our Redevelopment Plan there are goals and guidelines there is a specific Design Plan for Grand Ave. 84.17

2. The whole Community center policies have been crossed out. How can we adhere to policies that are not stated. 84.18

3. Implementing trails in Lakeland Village is important to our citizens. We are not in EDA compliance in most of our areas. Regional trails as well as historic trails are not in place. 84.19

Circulation:

1. I would like the transportation option. A neighbor's car does not work and according to her she can not take Dial-a-Ride or a bus to get to a store. 84.20

2. The next page is crossed off. 84.21

Trails System:

There are no trails in Lakeland Village. However, as past Vice President of Butterfield Trails, I know that Riverside County has a copy of the trails system including a well documented copy of the Regional Trails system. As you know trails are a critical part of a area's plan. Where are the Lakeland Village trails? We have no continuity. There are no trails to provide us with access to Cleveland National Forest. We do not have a bikeway system. Our children do not have a safe way to get to school. 84.22

ELAP 9.1 Crossed out. Where are our trails and greenway sections? 84.23

Pages 39-46 missing 84.24

Community Environmental Transportation Acceptability Process

Our quality of life is impeded because we do not have a safe corridor to allow people to find work. Without a car people have to depend on transit links.

84.25

Multipurpose Open space Eir 521

I request to see the plan for the restoration of historical properties.

A clearly defined Riparian area. Also, the flood plan and wetland plans. The Lakeland Village Flood Plan should be included.

84.26

There needs to be clarification of revegetation program, stream-bed protection plan should be included. Lakeland Village is under the Oak Tree Management Guidelines.

I did not find a copy of the Western Riverside County Multi-Species Habitat Conservation Plan. I would like to be notified when there is a "authorization".

84.27

Our local habitat should be protected.

More information is needed on ELAP 16.1-16.12

84.28

Sincerely, Linda

Comment Letter No. 84: Ridenour, Linda

- Comment 84.1** The County appreciates and values your comments during the General Plan Update and EIR process. Although the comment notes specific concerns in regards to the adequacy of the Draft EIR, it does not provide support for the listed concerns within the section and it serves as an introduction to the comments addressed in more detail in the following sections of the letter. Refer to the responses below which address the in-depth explanation of concerns listed in the letter.
- Comment 84.2** The County acknowledges your comments during the General Plan Update and EIR process and will consider your suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 84.3** The commenter requests clarification on the reasoning that the Skylark Airport Influence Area was removed from the General Plan. This Airport Influence Area was removed for a number of reasons. Prior to GPA No. 960, much of the land surrounding the Airport was unincorporated County land; however, through the incorporation of the City of Wildomar, much of this land is now incorporated and therefore has made the Influence Area obsolete. Continuing, due to the private use of the airport, and the disallowance of public access (with the exception of emergency situations) the Airport is not subject to the policies included within the Airport Influence Area. These factors lead to the decision to remove the Skylark Airport Influence Area from the Elsinore Area Plan.
- Comment 84.4** The County acknowledges your comments during the General Plan Update and EIR Process and will consider your suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 84.5** The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 84.6** The various maps included in GPA No. 960 and Draft EIR No. 521 documents are graphic depictions for illustrative purposes, as the following disclaimer displayed on each map explains:

“Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.7 This comment is duly noted. It should be noted that state legislation has dissolved and thus eliminated redevelopment project areas. Regardless, this comment regarding the “Lakeland Village Redevelopment Project Area” pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.8 It is unclear why the commenter’s version of GPA No. 960 is missing pages or whether the commenter accessed the document electronically or in hard copy. However, the full contents of the Elsinore Area Plan are available to the public on the Riverside County Planning Department website at <http://planning.rctlma.org>. Should you prefer to view the draft document in hard copy, GPA No. 960 and Draft EIR No. 521 are available at Riverside County Planning Department office (4080 Lemon Street, 12th Floor, Riverside, CA 92501). This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.9 The reference to Historic District Overlay does not appear to be formatted in strikethrough in Table 1 (Land Use Designations Summary) of the Elsinore Area Plan. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.10 The Skylark Airport Influence Area has been removed from the General Plan, as such it is no longer displayed on the maps. The reference to the Skylark Airport Influence Area has been removed from page 21 of the ELAP, and can be seen below as well as in the General Plan Errata.

Page ELAP 21, Table 2: Statistical Summary of Elsinore Area Plan

POLICY AREAS⁶				
Temescal Wash	460	---	---	---
Glen Eden	728	---	---	---
Warm Springs	13,834	---	---	---
Walker Canyon	1,248	---	---	---
Lake Elsinore Environs	234	---	---	---
Skylark Airport Influence Area	157	---	---	---
	16,661			
<i>Total Area Within Policy Areas:⁶</i>	<i>16,504</i>			
	17,362			
TOTAL AREA WITHIN SUPPLEMENTALS:⁷	17,205			

Comment 84.11 The County appreciates and values your comments during the General Plan update and EIR process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.12 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.13 The County recognizes the potential for flooding within the Elsinore Area Plan. In the latest proposed draft of the Elsinore Area Plan, proposed Policies ELAP 6.1 and 6.3 are directed at lessening impacts related to flood hazards. Policy 6.1 advocates the use of clustering and consolidation of parcels wherever feasible to avoid flood hazards. Policy ELAP 6.3 requires review by the Riverside County Floodplain administrator and County Flood Control and Water Conservation District for all proposed development within Special Flood Hazard Areas. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.14 GPA No. 960 and Draft EIR No. 521 textual changes are shown in color to represent the applicable editing process taken by the County in order to incorporate changes made to the document. In order to clearly display all of the changes that have been made during the General Plan Update Process, text has been formatted to show changes made in each step of the process. This includes:

Black Text: General Plan text prior to GPA No. 960.

Red Text: GPA No. 960 changes proposed as part of the March 2014 document.

Blue Text: Changes made to the documents after the May/June 2014 Public comment period.

Green Text: Changes made to the documents after the (most recent) February through April Public comment period.

Italicized text represents information that has been added to the document, while text in strike-through represents text that has been removed from the document. ELAP Policy 7.1 has been replaced by the proposed ELAP Policies 6.1 and 6.3 in the most current draft of the proposed Elsinore Area Plan. See Response 84.13, above.

This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.15 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. However, AI 25 and AI 59 through 61 are references to the relevant policy Action Items contained in the Implementation Program found in Appendix K-1. Action Items help the County of Riverside implement policy. Appendix K-1 details the relevant administrative activities/programs, the General Plan policies the Action Item supports, who has the primary and supporting responsibility overseeing the Action Item, and the implementation timeframe and current status of the Action Item. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.16 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. Adequate emergency evacuation is an important issue the County considered when drafting the GPA No. 960 Safety Element. For example, Policy S 7.14 writes that the County regularly review and clarify emergency evacuation plans (AI 88). AI 88 creates a Countywide Safety Guidelines manual outlining the proper protocol for creating emergency response and recovery plans, and has a timeframe target of two to eight years. For more information, see Appendix K-1. This comment does not identify a specific concern with the

adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

- Comment 84.17** As described in Response 84.7, State legislation has dissolved and eliminated redevelopment project areas. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 84.18** See Response 84.14, above. The previous Community Center policies identified in the Elsinore Area Plan pertained to designated Community Center areas within Wildomar. Since Wildomar is now an incorporated city, County policies no longer apply to its boundaries. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 84.19** The Circulation Element of GPA No. 960 includes numerous policies to aid in the development and preservation of trails within Riverside County, as trails and the benefits they provide to the communities they serve are very important to the County of Riverside and its people. Several of these policies address the issues voiced by the commenter, including implementing trails that are in ADA compliance (See Policy C 15.5). Additionally, Figure 8 (Trails and Bikeway Systems) of the Elsinore Area Plan shows the trails and bikeway system plan for Lakeland Village. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 84.20** The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment regarding the undefined "transportation option" does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 84.21** See Response 84.14, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines

§15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.22 This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. However, in order to ensure trail connectivity between those in the County and trails outside of the County boundary, Policy C 16.9 in the General Plan *Circulation Element* states:

Policy C 16.9: Coordinate with cities, adjacent counties and affected state or federal land management entities regarding regional trails that cross over or terminate at jurisdictional boundaries. Ensure that adequate consideration is given to how the trail is addressed once it leaves the jurisdiction of Riverside County.

Additionally, Figure 8 (Trails and Bikeway Systems) of the Elsinore Area Plan shows the trails and bikeway system plan for Lakeland Village. It is assumed that the reference to providing a “safe way to get to school” is referring to the trails and bikeway system. The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.23 See Response 84.14, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.24 See Response 84.14, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.25 This comment is duly noted. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.26 These comments are duly noted. In regards to the preservation of historic structures, the County has a number of policies developed to maintain and preserve historic structures,

including Policy LU 4.5, which states that the County should “Permit historically significant buildings to vary from building and zoning codes in order to maintain the historical character of the county; providing that the variations do not endanger human life and buildings comply with the State Historical Building Code.” The County also must comply with state and federal historic resource laws including California Administrative Code, Title 14, Section 4308 (“No person shall remove, injure, deface or destroy any object of paleontological, archeological or historical interest or value.”), as well as the State Register of Historic Places (which is intended to be “an authoritative guide to the state’s significant historical and archeological resources”).

In regards to the inclusion of the Lakeland Village Master Drainage Plan, the Lakeland Village Flood Plan was written by the Riverside County Flood Control and Water Conservation District. The District was consulted during the General Plan update process and provided the flood mapping data used in the General Plan and Environmental Impact Report.

As noted by the commenter, the ELAP is subject to a number of environmental protections including the Riverside County Oak Tree Ordinance (Ordinance 559) and Riverside County Oak Tree Management Guidelines. The regulations and protocols stated within the ordinance and guidelines, as well as other applicable revegetation plans, are required for all development accommodated by the General Plan. The County is also subject to the California Department of Fish and Wildlife Lake and Streambed Alteration Program. As such, all projects accommodated by the General Plan would be required to seek permit approval from CDFW if they would impact a streambed or lake.

Comment 84.27 The Western Riverside County Multiple Species Habitat Conservation Plan (WRC-MSHCP) is available for download via the Western Riverside County Regional Conservation Authority website at www.wrc-rca.org. The County understands the importance of habitat protection in the Elsinore Area Plan and is committed to preserving the scenic background and natural resources of the Area in order to further the Riverside County Vision through its compliance with WRC-MSHCP. The statement regarding notification for any “authorization” is unclear as to what the comment is referring to. The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 84.28 The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: al rosenbloom <albier234@gmail.com>
Sent: Thursday, April 02, 2015 11:56 AM
To: Lovelady, Kristi
Subject: Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

We support the Land Use Change in draft GPA # 960 & draft EIR # 521 that designates Reinhardt Canyon as Rural Residential (5/10 acre lots) and to remove or change the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7.

85.1

As far as we know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

Sincerely,

Mr. & Mrs Albert Rosenbloom

8734 Mann Lane, Hemet, CA 92545



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Comment Letter No. 85: Rosenbloom, Mr. and Mrs. Albert

Comment 85.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and EIR process.

The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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2015 PASS AREA PLAN RECOMMENDATIONS
RON ROY:
35161 Hogan Dr. Beaumont, Ca. 92223

RECEIVED
APR 06 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

PAGE 1 OF PAP



86.1

The Pass Area Plan

- Remove picture (graphic representation) depicting street/lot layouts from a Master Planned Community (MPC). This shows Planning Department's bias towards absentee housing developers who specialize in MPCs. GPA 960 is not a marketing tool for these housing developers, but is a document that, by California law, is intended to give county residents visual representations of ALL potential uses of unincorporated lands. Please replace with the following picture which shows natural features within the Pass Area Plan
- Put the following caption on page 1:

- CAPTION AND PICTURE TO BE USED ON PAGE ONE OF PASS AREA PLAN

NEW PAGE ONE

PRESERVING OPEN SPACE LANDS FOR FUTURE GENERATIONS



DEVELOPING RENEWABLE ENERGY RESOURCES THOUGHTFULLY



PASS AREA PLAN

86.1
CONT.

PAGE 7: UNIQUE FEATURES

Add San Timoteo Canyon.

San Timoteo Canyon has unique features which should give it a special designation in the PAP. It has a rich history and should be acknowledged as such. It is the historical home of ancient Cahuilla burial grounds (near the San Timoteo Canyon Schoolhouse), famous residents such as Wyatt Earp, Paulino Weaver, Juan Antonio (who is believed to be buried near the San Timoteo School House), Ramona; and famous events such as the Massacre at San Timoteo Canyon. It's also home to rich biological communities including oak woodlands, riparian habitat, grasslands. It is part of the Pacific Flyway and annually receives migratory birds such as egrets, Canada Geese, and Swallows. It also should be noted as a very popular destination for bicycling clubs, hikers, equestrians, and photographers of nature and the transcontinental trains that pass through the area.

86.2

PAGE 9: SAN TIMOTEO CANYON

Can add features I've recommended for Page 7 (UNIQUE FEATURES). Also, please omit Oak Valley Specific Plan (Specific Plan No. 318) which is no longer unincorporated, but rather has been annexed to the City of Beaumont.

PAGE 12: PLEASE KEEP THE PHRASE "Cultural Preservation"

Conservation (C)	N/A	<ul style="list-style-type: none"> The protection of open space for natural hazard protection, <i>cultural preservation</i>, and natural and scenic resource preservation. Existing agriculture is permitted.
------------------	-----	--

86.3

PAGE 13: PLEASE KEEP "Significant Impacts"

Heavy Industrial (H)	0.15 - 0.50 FAR	<ul style="list-style-type: none"> More intense industrial activities that generate <i>significant impacts greater effects</i> such as excessive noise, dust, and other nuisances.
----------------------	-----------------	---

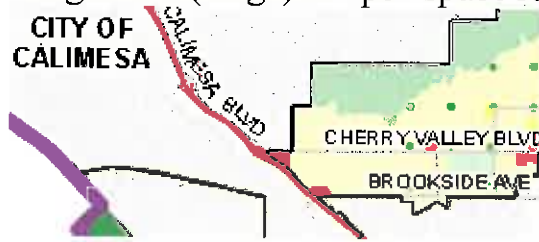
86.4

PAGE 14: PLEASE KEEP THE PHRASES RESTORE THE WATERCOURSE AND HISTORICAL DISTRICT OVERLAYS as these are relevant designations for key areas such as San Timoteo Canyon

Watercourse Overlay (WCO)	<ul style="list-style-type: none"> The Watercourse Overlay designates watercourses, including natural or controlled stream channels and flood control channels.
Historic District Overlay (HDO)	<ul style="list-style-type: none"> This overlay allows for specific protections, land uses, the application of the Historic Building Code, and consideration for contributing elements to the District.

86.5

PAGE 19 (MAP): Please change commercial retail designation (red) where I10 meets both Cherry Valley Blvd. and Brookside Ave AND low density residential designation (beige) to open space rural designation (grey) .



86.5
CONT.

PAGE 21: OPEN SPACE FOUNDATION COMPONENT:
GE

Table 2: Statistical Summary of Pass Area Plan

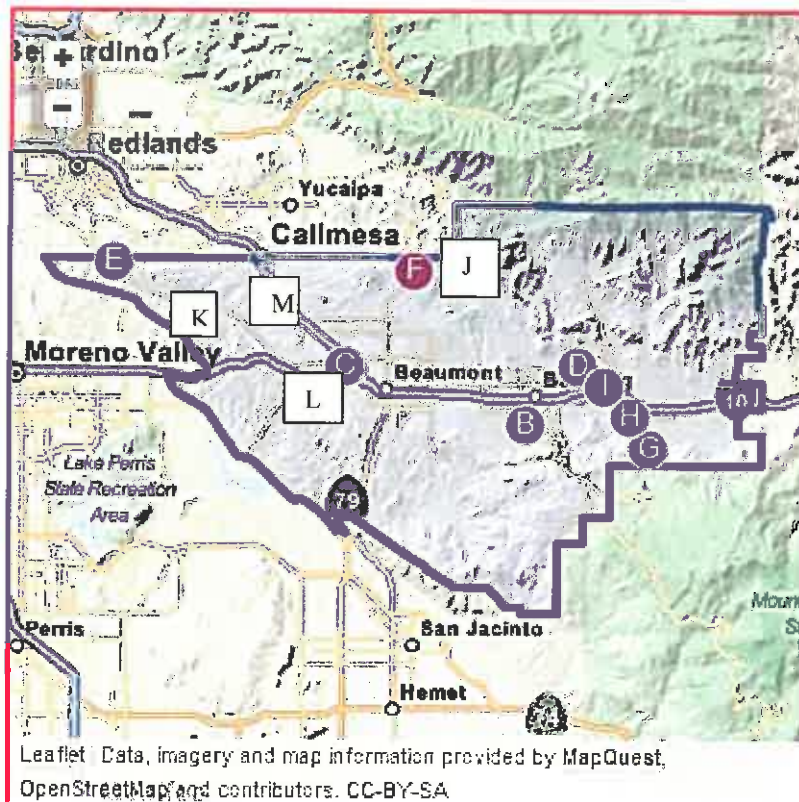
LAND USE	AREA	STATISTICAL CALCULATIONS ¹		
	ACREAGE ⁷	D.U.	POP.	EMPLOY.
LAND USE ASSUMPTIONS AND CALCULATIONS⁸				
LAND USE DESIGNATIONS BY FOUNDATION COMPONENTS				
AGRICULTURE FOUNDATION COMPONENT				
Agriculture (AG)	2,180	109	298	109
<i>Agriculture Foundation Sub-Total:</i>	2,180	109	298	109
RURAL FOUNDATION COMPONENT				
Rural Residential (RR)	4,057	809	1,665	NA
Rural Mountainous (RM)	20,806	1,040	2,846	NA
Rural Desert (RD)	2,970	148	406	NA
<i>Rural Foundation Sub-Total:</i>	27,833	1,797	4,918	0
RURAL COMMUNITY FOUNDATION COMPONENT				
Estate Density Residential (RC-EDR)	638	223	811	NA
Very Low Density Residential (RC-VLDR)	70	53	144	NA
Low Density Residential (RC-LDR)	197	296	809	NA
<i>Rural Community Foundation Sub-Total:</i>	905	572	1,564	0
OPEN SPACE FOUNDATION COMPONENT				
Open Space-Conservation (OS-C)	22,883	NA	NA	NA
Open Space-Conservation Habitat (OS-CH)	0	NA	NA	NA
Open Space-Water (OS-W)	16	NA	NA	NA
Open Space-Recreation (OS-R)	1,128	NA	NA	229
Open Space-Rural (OS-RUR)	3	0	0	NA
Open Space-Mineral Resources (OS-MIN)	0	NA	NA	0
<i>Open Space Foundation Sub-Total:</i>	24,030	0	0	169

86.6

CHANGE OPEN SPACE CONSERVATION HABITAT (OSCH)

- The current chart shows zero (0) acreage. This acreage amount needs to be increased to include the following conservation habitats:
 - o Oak woodlands in San Timoteo Canyon and Bogart Park Areas.
 - o The following communities of Coastal Sage Scrub, Chaparral, Oak Woodlands,
 - o Riparian Habitats existing in the various creek tributaries and lakes in Pass Area that are part of the Santa Ana River Watershed (see SB1390) and Coachella Valley Watershed. Examples are Noble Creek, El Casco Creek, Coopers Creek, San Timoteo Creek, Montgomery Creek, Hathaway Creek, Yucaipa Creek, Wallace Creek, Twin Pines Creek,

Little San Gorgonio Creek, Smith Creek, Potrero Creek, Whitewater River.



86.6
CONT.

Creeks: Montgomery Creek (B), Little San Gorgonio Creek (C), Hathaway Creek (D), Yucaipa Creek (E), Wallace Creek (F), Twin Pines Creek (G), Smith Creek (H), Potrero Creek (I), Noble Creek (J), San Timoteo Creek (K), Coopers Creek (L), El Casco Creek (M), NOT SHOWN: Whitewater Creek/River, El Casco Lake

PAGES 22, 23, 24: PLEASE KEEP UPDATED STATISTICAL DATA IN THE FOLLOWING TABLE FORMATS:

PAGE 22

Table 2: Statistical Summary of The Pass Area Plan

LAND USE	STATISTICAL CALCULATIONS ¹			
	AREA Acreage	Dwelling Units	Population	Employment
BASE LAND USE PLANNING AREAS				
BASE LAND USE DESIGNATIONS BY FOUNDATION COMPONENTS				
Agriculture Foundation Component				
-Agriculture (AG)	2,260	113	340	113
-Agriculture Foundation Component Sub-Total	2,260	113	340	113
Rural Foundation Component				
-Rural Residential (RR)	4,444	667	2,006	NA
-Rural Mountainous (RM)	22,918	1,147	3,464	NA
-Rural Desert (RD)	2,970	149	447	NA
-Rural Foundation Component Sub-Total	30,362	1,963	5,907	0
Rural Community Foundation Component				
-Estate Density Residential (RC-EDR)	688	223	672	NA
-Very Low Density Residential (RC-VLDR)	3,747	2,810	8,468	NA
-Low Density Residential (RC-LDR)	197	296	889	NA
-Rural Community Foundation Component Sub-Total	4,582	3,329	10,029	0
Open Space Foundation Component				
-Open Space Conservation (OS-C)	23,016	NA	NA	NA
-Open Space Conservation Habitat (OS-CH)	0	NA	NA	NA
-Open Space Water (OS-W)	16	NA	NA	NA
-Open Space Recreation (OS-R)	1,516	NA	NA	227

86.7

SEE NEXT PAGE

The Pass Area Plan

LAND-USE	AREA	STATISTICAL CALCULATIONS ¹		
	Acreage	Dwelling Units	Population	Employment
Open Space-Rural (OS-RUR)	0	0	0	NA
Open Space-Mineral Resources (OS-MIN)	0	NA	NA	0
<i>Open Space Foundation Component Sub-Total</i>	<i>24,887</i>	<i>0</i>	<i>0</i>	<i>227</i>
Community Development Foundation Component				
Estate-Density Residential (EDR)	0	0	0	NA
Very Low Density Residential (VLR)	879	734	2,210	NA
Low Density Residential (LDR)	1,040	1,580	4,888	NA
Medium Density Residential (MDR)	706	2,471	7,438	NA
Medium-High Density Residential (MHDR)	36	234	704	NA
High Density Residential (HDR)	0	88	288	NA
Very High Density Residential (VHDR)	0	0	0	NA
Highest Density Residential (HHDR)	0	0	0	NA
Commercial-Retail (CR) ²	348	NA	NA	5,230
Commercial-Tourist (CT)	0	NA	NA	0
Commercial-Office (CO)	4	NA	NA	162
Light Industrial (LI)	187	NA	NA	2,281
Heavy Industrial (HI)	18	NA	NA	87
Business Park (BP)	0	NA	NA	0
Public Facilities (PF)	187	NA	NA	45
Community Center (CC) ²	0	0	0	0
Mixed-Use Planning Area (MUPA)	0	0	0	0
<i>Community Development Foundation Component Sub-Total</i>	<i>3,466</i>	<i>5,008</i>	<i>15,346</i>	<i>7,705</i>
SUB-TOTAL FOR ALL FOUNDATION COMPONENT USES	65,251	10,503	31,643	8,135
NON-COUNTY LAND USES				
OTHER LANDS NOT UNDER PRIMARY COUNTY JURISDICTION				
Cities	43,510			
Indian Lands	30,718			
Freeways	656			
<i>Other Lands Sub-Total</i>	<i>74,883</i>			
TOTAL FOR ALL BASE LANDS	140,134			

86.7
CONT.

SEE NEXT PAGE

SUPPLEMENTAL LAND USE PLANNING AREA				
These SUPPLEMENTAL LAND USES are overlays, policy areas and other supplemental items that apply OVER and IN ADDITION to the base land use designations listed above.				
The acreage and statistical data below represent possible ALTERNATE land use or build-out scenarios.				
OVERLAYS & POLICY AREAS				
OVERLAYS^{4,5}				
Community Development Overlay	152	--	--	--
Community Center Overlay	1,883	--	--	--
Rural Village Overlay	0	0	0	0
Rural Village Overlay Study Area	0	0	0	0
Specific Community Development Designation Overlays	0	0	0	0
<i>Total Area Subject to Overlay^{4,5}</i>	<i>2,045</i>	--	--	--
POLICY AREAS⁶				
Banning Bench	876	--	--	--
Banning Municipal Airport Influence Area	3,127	--	--	--
Cherry Valley	8,648	--	--	--
Cherry Valley Gateway	714	--	--	--
Galaxian	7,498	--	--	--
San Geronimo Pass Wind Energy	3,345	--	--	--
<i>Total Area Within Policy Area⁶</i>	<i>24,204</i>	--	--	--
TOTAL AREA WITHIN SUPPLEMENTALS⁷	26,249			

FOOTNOTES

- 1— Statistical calculations are based on the midpoint for the theoretical range of build-out projections. Reference Appendix E-1 of the General Plan for assumptions and methodology used.
- 2— For calculation purposes, it is assumed that CR designated lands will build-out at 40% CR and 60% MDR.

86.7
CONT.

**PAGE 26: CHERRY VALLEY GATEWAY POLICY AREA:
PLEASE REMOVE**

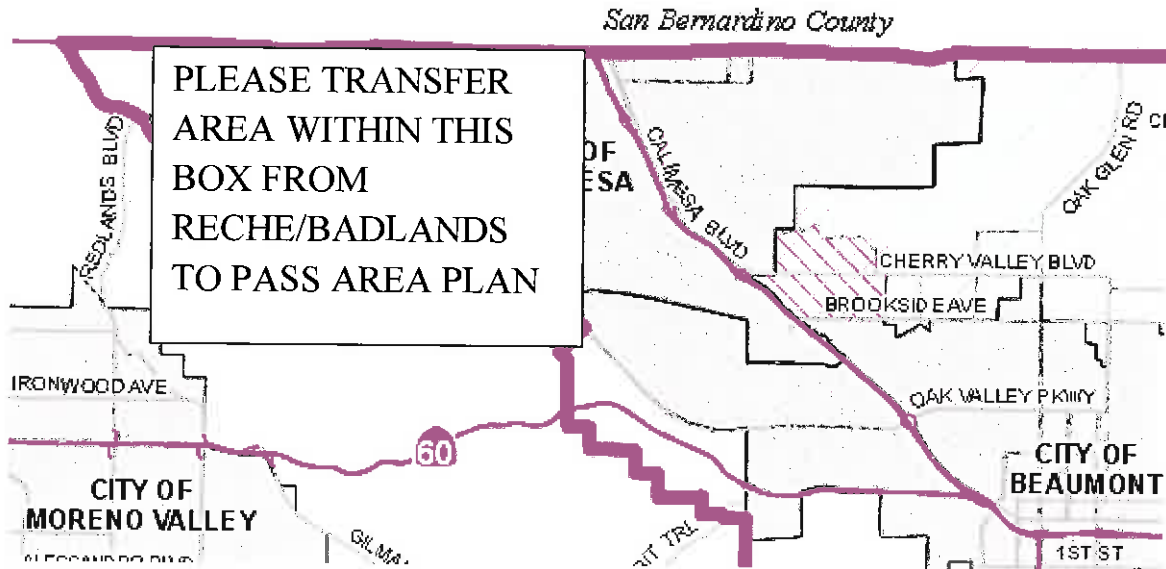
Please remove this as a policy area from the PAP. There is widespread local opposition against a “gateway” concept, especially in light of proposed warehousing and industrial/commercial. This area is better designated open space rural. People from Cherry Valley MUNICIPAL ADVISORY COUNCIL do not need or want a gateway. The gateway moniker is to promote blight-inducing and polluting development that is contra to the rural character of Cherry Valley area.

86.8

PAGE 29 MAP:

Please remove Cherry Valley Gateway Policy Area from Map.

PAGE 29 MAP: Please include the following boxed in area as part of the Pass Area Plan. (please use this reference for maps on pages 9 and 18 as well)

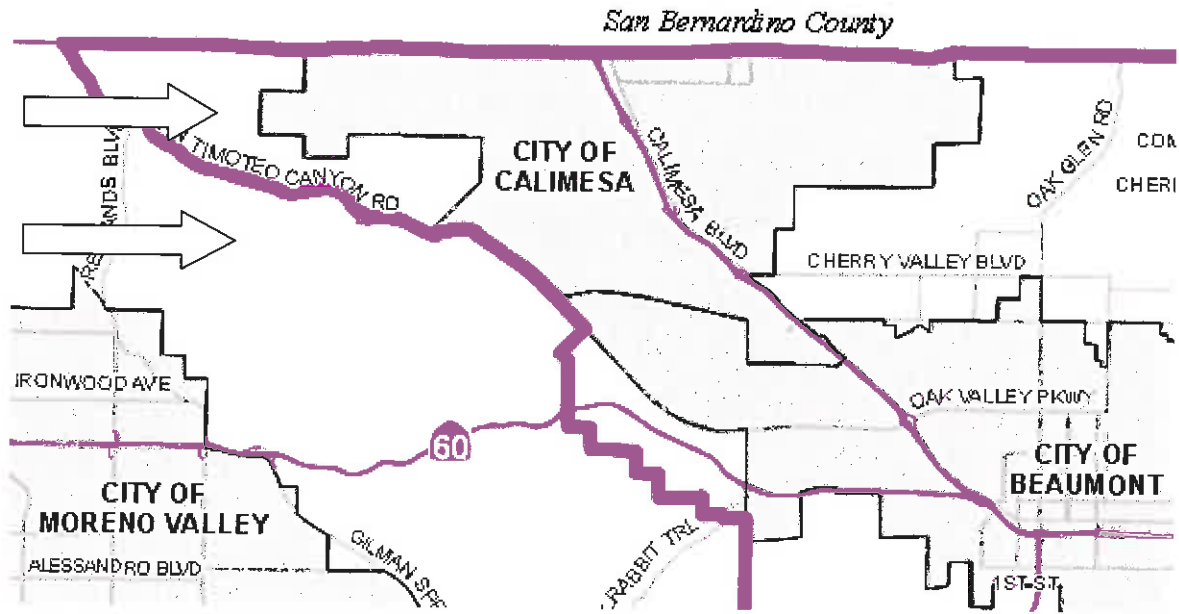


86.9

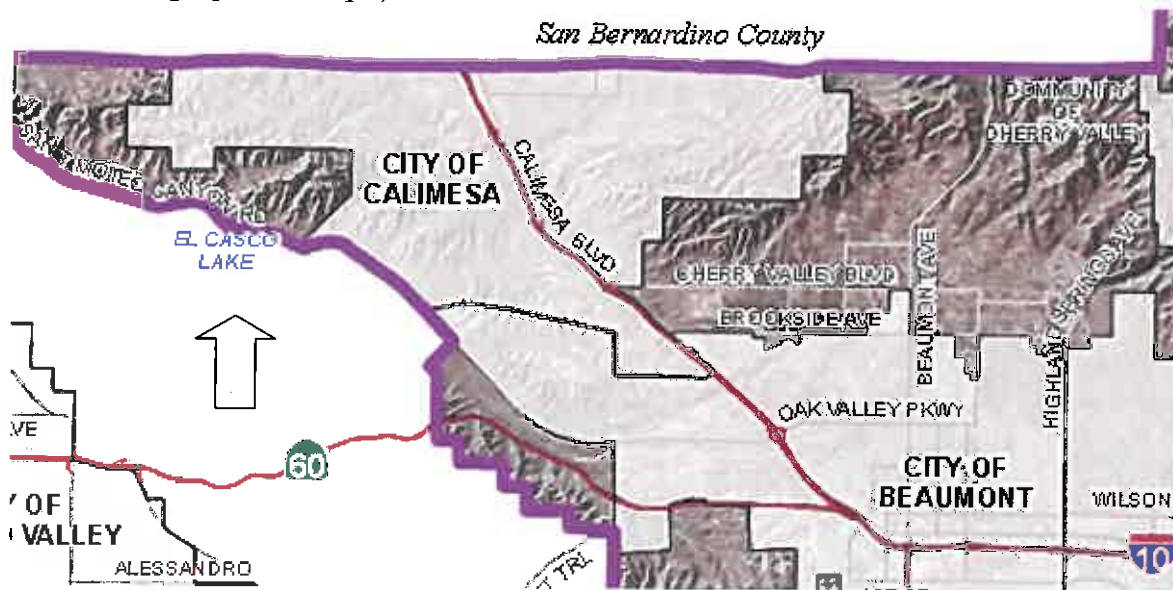
Please designate the area in San Timoteo Canyon added to PAP as the following designations:

OPEN SPACE

-  **Conservation**
-  **Conservation Habitat**
-  **Open Space Recreation**
-  **Open Space Rural**







PAGE 17 MAP of PAP: Include area designated by arrow into PAP (see box used above on “page 29 map”)



PASS AREA PLAN BOUNDARY CHANGE TO INCLUDE PORTIONS OF SAN TIMOTELO CANYON(Refer to preceding maps)

– SAN TIMOTELO CANYON

- Portions of San Timoteo Canyon should be removed from Reche Canyon/Badlands Policy Area and added to Pass Area Plan
- Pass Area plan boundary should be expanded south of San Timoteo Canyon Rd. approximately 2-4 miles to include the southern hills along San Timoteo Canyon which naturally, geographically and culturally define San Timoteo Canyon .
- The main reason for this change is that the main, most populated, access to San Timoteo Canyon is via Beaumont (San Timoteo Canyon Rd/Oak Valley Parkway) which is in the heart of the Pass Area Plan area. The next most populated access to the canyon is Redlands, 15 miles to the west in San Bernardino County. Culturally and recreationally, the lions share of access and use is from Pass Area and Redlands.
- Also the southern ridgeline of San Timoteo Canyon (ridge of the Badlands) is a key defining geographical and topographical feature which needs to be included in San Timoteo Canyon which is in Pass Area Policy Area.
- Please use the following land use designations for San Timoteo Canyon area:
 - OPEN SPACE**
 -  **Conservation**
 -  **Conservation Habitat**
 -  **Open Space Recreation**
 -  **Open Space Rural**

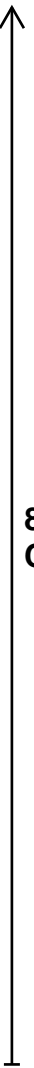
86.12

SAN TIMOTELO CANYON STATE PARK

- More effort should be made by Riverside County (RivCoParks) to cooperate with Cal State Parks and Private landowners to raise funding and push forward the design and completion of a world class San Timoteo State Park, which should be expanded as follows:
 - North boundary: San Timoteo Canyon Road to I10 (area should be designated as UC, and City of Calimesa sphere of influence here should be removed.

86.13

- Western Boundary: Redlands Blvd from Moreno Valley City limits to San Timoteo Canyon Rd. Extending the northerly line created by Redlands Blvd. North from San Timoteo Canyon Rd to I10 or San Bernardino County line, whichever is the most southerly.
 - Southern Boundary: Include Southern Part of San Timoteo Canyon Valley: Including the Southerly Badlands ridgelines which face San Timoteo Canyon, and an area approximately 4-5 miles south of San Timoteo Canyon Rd.
 - Eastern Bondary: City of Beaumont City limits.
- This entire area should be designated as open space with allowance for day use facilities for equestrian, cycling, nature hiking, nature and trainspotting photography, appreciation and preservation of riparian habitats, oak woodland restoration etc. Day use facilities should include parking lot, picnic tables, BBQ grills, restrooms, equestrian and cycling amenities (horse hitch ties, cycling racks) (see Chino Hills State Park for examples). Preferred location for day use facilities is approximately 40 acres of land abutting San Timoteo Canyon Road between San Timoteo Canyon Schoolhouse and former El Casco Lake (drained in 2013 -2014). Given El Casco Lakes important historical value dating back to the 1880s, Riverside Land Conservancy should work cooperatively with California State Parks to convert lake ponds into state park use, with state restoring ponds to meet State Dept of Dam Standards and convert ponds to public use and access for fishing, picnicking, lakefront trails, photography and observation of migratory birds on lake such as egrets.



86.13
CONT.

PAGE 37: THIRD AND FIFTH SUPERVISORIAL DISTRICT DESIGN GUIDELINES: PLEASE REMOVE

This land use designation is duplicative (for example: county building code covers building standards, also specific plans cover design guidelines), and is obviously politically motivated, and therefore should not be a part of the Riverside County GPA 960 Pass Area Plan.

This “land use” designation is intended to bypass, or supersede existing land use designations already found in GPA 960 AREA PLANS, specific plans, and the overall general plan, in order for a BOS (member of the Board of Supervisors) to facilitate the execution of pet building projects long sought after by BOS in the 3rd and 5th districts or as forms of logrolling to exchange favors between BOS throughout the 5 Riverside County districts.

For example, Marion Ashley has been strongly in favor of developing mega-warehousing in the Cherry Valley Gateway Policy Area (which I believe should be removed from the PAP). Keeping this page 37 land use designation may give Ashley more legal leverage to execute his plan of building out these warehouses. This would also apply to MPC’s and other Commercial/Industrial areas within his district.

This land use designation also strongly implies encouraging certain types of developments and growth patterns, that are contra to open-space preservation.

It should be emphasized that, given that virtually all 21st century urban development within Riverside County, stems from planning and development decisions WITHIN existing incorporated cities (such as Beaumont or Banning), the primary role of our BOS should be to preserve open-space, and properly control the unrelenting desire of municipalities to annex lands to their municipal boundaries-the major spear of 21st century growth.

86.14

PAGE 50 Western Riverside County MSHCP:

Show map of where it's being applied in the PAP. Also more detail as to how it's applied in key areas such as San Timoteo Canyon and Santa Ana Watershed creeks such as Noble Creek, and San Timoteo creek in keeping with recent adoption of the Santa Ana River Conservancy Program:

86.15

SANTA ANA RIVER WATERSHED CONSERVANCY PROGRAM (SB I390)

Add section to PAP that discusses the role/impacts this program will have on the Pass Area.

86.16

I10 BYPASS (Transportation)

- ROUTE: Along approximately 3 mile stretch between Banning City Limits and Eastern Edge of Rock Quarry (south of Morongo Casino) should abut I10 on its Southern right-of-way boundary, by using existing right-of-way and roadbed of de-commissioned route of former US highway 99 which abuts Interstate 10 along this stretch.
- EASTBOUND TRUCK INSPECTION STATION: I10 south of and abutting I10. As a sign of its obsolescence and potential for dangerous road conditions, this station which is the smaller than the Westbound Truck inspection station (across the highway on the northside of I10 from Eastbound station), when open (which seems only occasionally), causes waiting trucks to back up onto I10 creating unacceptably dangerous conditions for highway users who are travelling by under a speed limit of 70mph. This station should be closed and relocated closer to Banning where more land is available for a state-of-the-art Eastbound inspection station. The property of the closed station-site should be used for the I10 Bypass route.

86.17

CHERRY VALLEY GATEWAY POLICY AREA

- As mentioned above, this area needs to be removed as a policy area. It does not serve any purpose and is duplicative as existing land uses in the nearby area (Cherry Valley) can adequately describe the existing land use.
- NO "Community Development" Designation (residential, commercial retail, commercial office, light industrial, heavy industrial, public facilities) should be designated for this area, with the possible exception of a thoughtfully constructed and environmentally sound water storage/distribution/treatment facility (such as reservoirs, waste water recycling, pipelines etc.)
- Ill suited for warehouses: Due to the mountainous topography and the lack of large swaths of low-lying flat valleys such as San Bernardino Valley, or

86.18

Ontario, the Pass Area, including Cherry Valley Gateway Policy Area is ill suited for warehouses and other large scale commercial facilities. Warehouse “Hubs”, which are far better suited for Logistics and Distribution are already well established in San Bernardino Valley, Ontario, and I215 Corridor.

- Please see Pass Area Steep Slope/Slope Instability Plans as support.

86.18
CONT.

LAND USE DESIGNATONS

- AREAS SOUTH OF BEAUMONT, BANNING AND CALIMESA CITY LIMITS (including their spheres of influence)
 - o NO “Community Development” Designation (residential, commercial retail, commercial office, light industrial, heavy industrial, public facilities) should be designated for these areas, with the possible exception of a thoughtfully constructed and environmentally sound water storage/distribution/treatment facility (such as reservoirs, waste water recycling, pipelines etc.)
 - o Please note that the Cities of Beaumont and Banning have already established ample “community development” areas within their city boundaries to support the economic and housing needs of Pass Area residents.

86.19

- SAN TIMOTEO CANYON: the canyon and all county lands north and south of the creek should NOT be designated any form of “Community Development”. Those areas that do not become a part of San Timoteo Canyon State Park, should be zoned open space, rural, or agricultural.

86.20

TRANSPORTATION

- SAN TIMOTEO CANYON ROAD:
 - o BICYCLE LANES AND EQUESTRIAN TRAILS: To support a very active and popular cycling and equestrian community in this area, bicycle lanes and equestrian trails need to be added on both sides of San Timoteo Canyon Road, in keeping, for example, with the SCAGs active transit communities.
 - o REMOVAL OF EXISTING DANGEROUS ROAD HAZARDS: Dangerous Telephone Poles abut perilously close to San Timoteo Canyon Rd. These poles also stand on the edges of San Timoteo Canyon Rd. that are best suited for bicycle lanes and equestrian trails. These telephone poles need to be removed or relocated to at least 50 feet from the edge of San Timoteo Canyon Rd. Also any other

86.21

utilities which can pose a danger to cyclists and equestrian need to be removed or relocated to safer locations.

↑
86.21
CONT.

– I10 BYPASS

- See above
- Also bicycle lanes should be incorporated into the design and build-out of the I10 Bypass
- Artistic signage needs to be added to promote the presence of historic US Route 99 along this stretch.

↑
86.22

NEW LAND USE DESIGNATIONS

– **WATERSHED LAND USE DESIGNATION:**

- Given the importance of the extraordinarily unique and vital role the various creeks, lakes and rivers within the Pass Area Planning Area, a **WATERSHED** land use element needs to be incorporated as a separate and visually identifiable land use element.
- This land use overlay should also include riparian and other habitats that are dependent on the watersheds.
- Land use maps and symbiology should show both the Santa Ana River Watershed system features, and the Coachella Valley Watershed features.

– **COMMERCIAL WATER LAND USE DESIGNATION**

- There is a lot of debate in the Pass of developing a Pass Area water system that evolves into, not only a sustainable water provider for Pass Area residents, but also an exportable economic commodity for the region.
- This land use designation should describe and show the location of projected and existing water storage, distribution, and treatment facilities.

↑
86.23

– **TRIBAL/HISTORICAL SITE LAND USE DESIGNATION:**

- More symbiology and visual mapping aides need to be added to identify the wealth of historical sites, trails and areas in the Pass area, including tribal sites such as Native American Village House and burial grounds in San Timoteo Canyon, and historical sites such as the Bradford Trail, Historic US Route 99, Historic San Timoteo School House, and historic ranches such as Gilman and Singleton ranches

– **TRAILS:** historic trails such as Bradford and PCT need to be included. But Thank You for the trails map you've included.

AIR QUALITY/POLLUTION:

- A big reason why the Pass Area is drawing more and more seniors and families is because it is gaining a cache for having superior air quality. A map overlay showing prevailing air quality conditions over a historical period, will show the effects of planning on air-quality and also serve as a marketing tool.

86.24

SPECIFIC PLANS

- **SPECIFIC PLANS SHOULD NO LONGER BE USED IN UNINCORPORATED AREAS:** Specific Plans should be considered a relic that is no longer of any utility to unincorporated areas in the 21st century. Specific Plans are better addressed in the debate over growth in the existing incorporated cities in the Pass Area and their spheres of influence.
- **NO Specific Plans** should be adopted which identify, promote, or otherwise push forward the progress of “Community Development” Designation (residential, commercial retail, commercial office, light industrial, heavy industrial, public facilities) should be designated for these areas, with the possible exception of a thoughtfully constructed and environmentally sound water storage/distribution/treatment facility (such as reservoirs, waste water recycling, pipelines etc.)

86.25

AGRICULTURAL PRESERVATION

- I support all planning efforts, including identifying areas for preservation, even expansion, that support, promote and effectuate agricultural preservation in the Pass Area:
- A map needs to be added which shows the locations and types of existing agriculture in the Pass Area. Also, a map needs to be added that shows, potential agricultural resources in the area (in-a-way like identifying the wind resource potentials in the Eastern Pass). This should include soil types, water availability, climate, and identifying crops and other agricultural commodities best suited for the Pass Area.

86.26

**DARK SKIES ORDINANCE:
COUNTY NEEDS TO ESTABLISH DARK SKIES ORDINANCE AS FOUND
IN CITIES SUCH AS BEAUMONT.**

I support all policies and visual aids which preserve and protect nighttime lighting. As a resident of Beaumont I appreciate the cities nighttime lighting ordinance which preserves this aesthetic resource and has caused numerous “stargazing” events and clubs.

86.27

TRAILS AND BIKEWAY SYSTEM:

- The county needs to be far more aggressive in developing trails and bikeways, especially in San Timoteo Canyon. Beaumont is already a key leg in the Redlands Bicycle Classic each spring. Beaumont also has a very active cycling community. **ALSO: SEE SAN TIMOTEO CANYON ABOVE**
- **EQUESTRIAN TRAILS:** the county needs to be drastically more aggressive in developing an equestrian trail system throughout the Pass Area.
- I’m concerned that Riverside County is not being aggressive enough in competing for State and Federal Transportation Dollars that support Trails and Bike way Systems:
- **BOGART PARK:** Trail System here needs a lot of work in terms of maintaining and improving trails for safer (ADA) use, and much more substantial use of signage. This applies to other trails in the area as well. Very little promotion here.

86.28

RAIL OPERATION

- There are a lot of train spotters and train photography in our area, particularly in San Timoteo Canyon. We need to work with the railroads to design and construct safe and aesthetically pleasing, photo “overlooks” to facilitate this rapidly expanding recreational activity.
- Railroad company cooperation may be essential in developing bicycle lanes and equestrian trails in San Timoteo Canyon and other Pass routes.
- Railroad company cooperation will be essential in developing US Route 99 right-of-way/roadbed in I10 Bypass project.
- Need to incorporate impacts of proposed AMTRACK service from Coachella Valley through San Gorgonio Pass into Redlands/San Bernardino and Los Angeles Area.

86.29

SCENIC HIGHWAYS:

-Include historic US Route 99 as it traverses through the Pass area.

86.30

OAK TREE PRESERVATION:

- Thank you for including! Efforts are underway in San Timoteo Canyon. More needs to be done! Also UCR (USDA) needs a Oak Tree field station in the Pass Area (San Timoteo Canyon?) as we have at least 2 species of oaks, but probably more. Rumor has it that we have a different species of oak for each 500 foot change in elevation.

86.31

MSHCP

- No doubt it's a landmark program. However, we need to be careful that voters, not bureaucrats, have the final say in how these lands are parceled out. Obviously the public needs much more access to latest media/visual aides to be better educated about MSHCP. Very important, complex and a lot more to be said here.
- Need to add San Timoteo Canyon as a MSHCP Conservation Area

86.32

KEY BIOLOGICAL ISSUES

- I support your efforts to protect and preserve biological resources throughout the pass and surrounding areas.
- Essential to coordinate with/ pressure cities to preserve here (Noble Creek, San Timoteo Creek, etc)

86.33

Thank you for considering my recommendations.

Ron Roy
Beaumont, California
rroy310@gmail.com

86.34

PS:

Please put me on your email list: Thank you

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Comment Letter No. 86: Roy, Ron

Comment 86.1 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 86.2 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 86.3 The phrase “cultural preservation” was not deleted from Table 1: Land Use Designations Summary. GPA No. 960 and Draft EIR No. 521 text is shown in color to represent the applicable editing process taken by the County in order to incorporate changes made to the document. In order to clearly display all of the changes that have been made during the General Plan Update Process, text has been formatted to show changes made in each step of the process. This includes:

Black Text: General Plan text prior to GPA 960.

Red Text: GPA No. 960 changes proposed as part of the March 2014 document.

Blue Text: Changes made to the documents after the May/June 2014 Public comment period.

Green Text: Changes made to the documents after the (most recent) February through April Public comment period.

Italicized text represents information that has been added to the document, while text in strike-through represents text that has been removed from the document. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 86.4 This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no

further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

- Comment 86.5** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.6** This comment pertains to a General Plan Land Use Designation. The County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.7** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.8** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.9** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.10** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no

further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

- Comment 86.11** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.12** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.13** The County acknowledges your comments during the General Plan Update and Environmental Impact Report participation process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.14** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.15** Due to the programmatic nature of the document, specific biological resources can be difficult to quantify especially during a large scale undertaking such as the GPA No. 960 and Draft EIR No. 521. However, future development accommodated by GPA No. 960 within the Pass Area Plan (PAP) would be required to comply with applicable multispecies habitat plans. Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP) is available for download via the Western Riverside County Regional Conservation Authority website at www.wrc-rcs.org. The County understands the importance of habitat protection in the PAP and is committed to preserving the scenic background and natural resources of the Area in order to further the Riverside County Vision through its compliance with WRCMSHCP.
- Comment 86.16** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. In regards to the role SB 1390 will have on the PAP, the document is

ultimately a program-level document, and as such is meant to develop and provide general guidance for future development. As such, analyses of specific resources within the PAP such as these are more appropriately and accurately done on a project-by-project basis. This allows for more up-to-date and more accurate data for developers and policymakers to use during the development process, including whether future projects would be subject to the Santa Ana River Watershed Conservancy Program.

The PAP contains Policy PAP 14.1, which helps to preserve and protect this important watershed.

“PAP 14.1 Protect the Santa Ana, San Jacinto, and Salton Sea watersheds and surrounding habitats, and provide flood protection through adherence to *the applicable policies within the Multiple Species Habitat Conservation Plan Wetlands and Floodplain and Riparian Area Management Watershed Management Wetlands and Floodplain and Riparian Area Management* sections of the General Plan Multipurpose Open Space Element.”

Comment 86.17 This comment is duly noted. This comment suggests that the I-10 Bypass should be located about I-10 immediately south of the existing freeway and that the eastbound truck inspection station should be relocated to a more suitable site closer to Banning so that this property could be used for the bypass along with the existing frontage road, old US Highway 99. It should be noted that the various maps included in GPA No. 960 and Draft EIR No. 521 are graphic depictions made available for illustrative purposes, as the following disclaimer contained on each map explains:

“Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.”

The I-10 Bypass has been the subject of several public outreach meetings. The alignment depicted in the Circulation Plan exhibit generally reflects the overall consensus to date, but the route suggested in this comment, as well as other concepts, have also been considered. Environmental documents are currently being developed for the two primary alternatives. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

- Comment 86.18** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.19** This comment pertains to a General Plan Land Use Designation. The County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.20** This comment pertains to a General Plan Land Use Designation. The County is compiling a database of comments on Land Use Designations, which will be presented to the Planning Commission and Board of Supervisors during the public hearing process. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.21** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.22** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.23** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

- Comment 86.24** The historical and existing air quality conditions in Riverside County are described in Draft EIR Section 4.6.2 (Existing Environmental Setting). Additionally, Table 4.6-A and Table 4.6-B depict the ambient air quality concentrations in the South Coast Air Basin and Mojave Desert Air Basin, respectively. These tables show the effects of planning on air quality and generally depict a trend of pollutant concentrations declining over time.
- Comment 86.25** This comment is duly noted. The County will consider these suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.26** This comment is duly noted. The County will consider these suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.27** The County acknowledges your comments during the General Plan Update and Environmental Impact Report participation process and appreciates your support of GPA No. 960. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.28** The County acknowledges your comments during the General Plan Update and Environmental Impact Report participation process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.29** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

- Comment 86.30** This comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.31** The County thanks you for your support of GPA No. 960. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.32** When the County of Riverside developed the WRCMSHCP, comprehensive data was collected under the purview of a scientific committee. A series of meetings are held each year between multiple agencies to ensure that the MSHCPs are successfully being implemented and managed. The WRCMSHCP management committee coordinates with other natural resources agencies including The U.S. Fish and Wildlife Service, U.S. Forest Service, U.S. Bureau of Land Management, California Department of Fish and Game, California Department of Forestry and Fire Protection, California Department of Parks and Recreation, and the Center for Natural Lands Management. Annual reports are prepared and work plans for the subsequent year are prepared, reviewed, approved and implemented. This robust process is a joint effort by the federal, State and local governments to ensure that the sensitive biological resources found in the Western Riverside County and Coachella Valley are successfully protected and conserved for the future. As such, adding San Timoteo Canyon to the WRCMSHCP is out of the scope of GPA No. 960. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.33** The County thanks you for your support of GPA No. 960. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 86.34** Future noticing and correspondence regarding GPA No. 960 will be forwarded to the email address provided. The County appreciates and values your comments during the General Plan Update and EIR process. This comment functions as a conclusion to the letter; responses to specific comments are provided above, and no further response is required.

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Via e-mail: klovelad@rctlma.org

April 6, 2015

County of Riverside
TLMA Planning Department
ATTENTION: Kristi Lovelady
4080 Lemon Street, 12th Floor
Riverside, California 92501



RE: General Plan Amendment No. 960/Draft EIR No. S21 Comments

Dear Ms. Lovelady:

SRG Perris, L.P. ("SRG") is the owner of approximately 100 acres located in the area of the proposed General Plan Amendment. SRG has concerns regarding the proposed alignment of Harley Knox Blvd. as depicted on the attached map. The proposed street location intersects the SRG property, greatly restricting the development of the land.

87.1

By way of background, SRG purchased the property in 2006. At the time of purchase, Harley Knox Blvd. was planned at a different location, specifically east of the proposed Decker Road and did not intersect SRG's land. The current alignment was adopted as part of the Majestic Freeway Business Center Specific Plan—a fact that was not disclosed to SRG.

In addition to the obvious detriment the proposed alignment creates with SRG's property, there are other factors that should be considered:

- The topography of the proposed alignment consists of hard rock and granite, which may necessitate the use of dynamite to enable grading to occur—a very costly process. Steep grades on either side of the road would also consume developable land.
- The County has designated Harley Knox on the Circulation Element Network (copy attached) as a major arterial. However, the proposed street connects with Nandina Avenue to the west, which only services residential areas. The area to be serviced by the proposed Harley Knox Blvd does not justify such a large roadway.
- The proposed roadway alignment would disturb an area that the Pechanga tribe has identified as the location of numerous and important Native American artifacts.

87.2

For the above referenced reasons, SRG requests that the proposed alignment of Harley Knox Blvd. be addressed and re-routed in the General Plan Amendment No. 960. Specifically, SRG requests that Harley Knox Blvd. dead end at Decker Road, and traffic be accommodated on Nandina Avenue and Old Oleander.

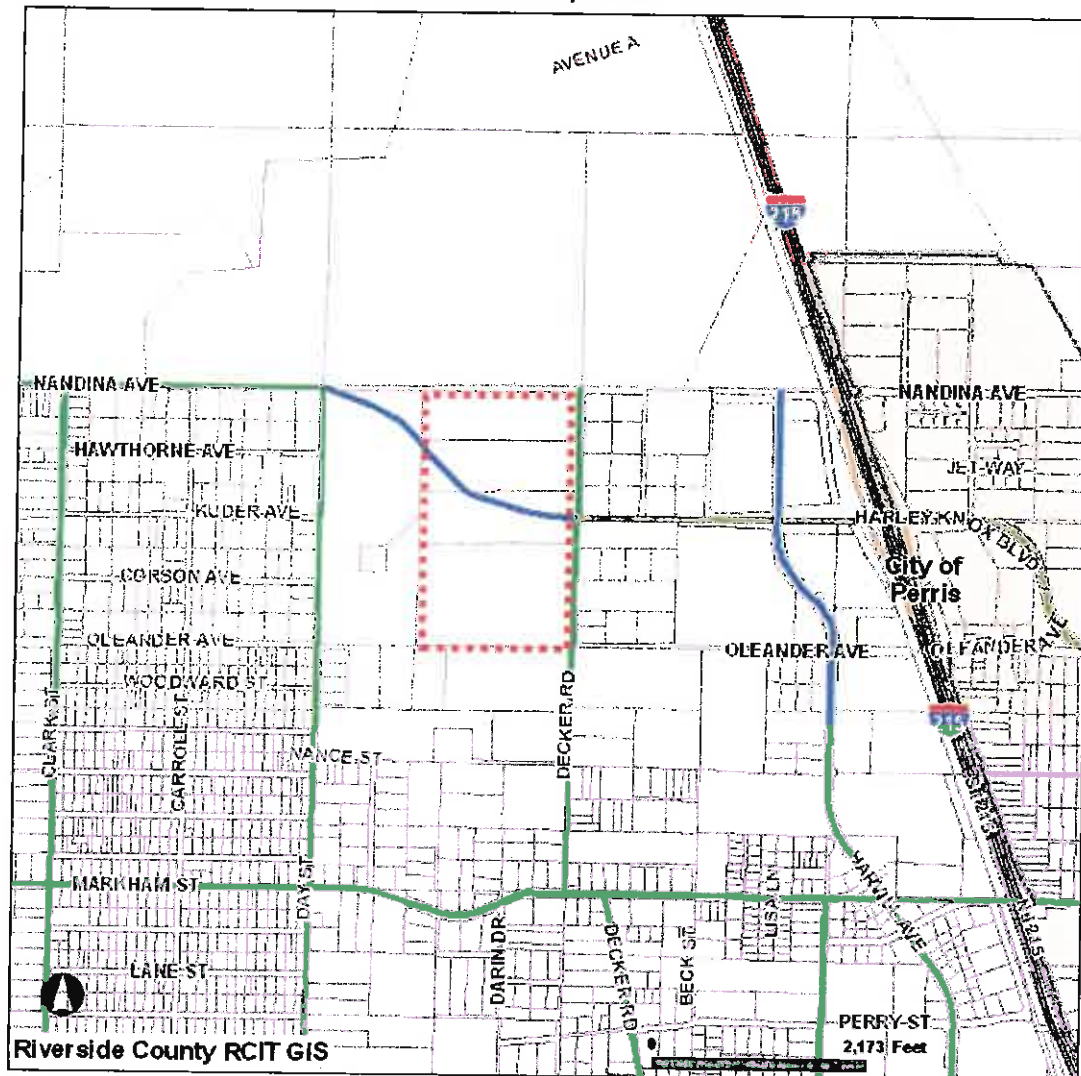
Thank you for your consideration. You can reach me at (949) 809-2414 should you have any questions.

87.3

Sincerely,

Patrick Russell
SRG Perris, L.P.

 SRG Properties



PROPOSED (RESULTANT) CIRCULATION ELEMENT NETWORK

- | | | | |
|--|---|---|--|
|  PARCELS |  INTERSTATES |  HIGHWAYS |  COLLECTOR |
|  INTERSTATE |  MAJOR |  SECONDARY |  URBAN ARTERIAL |

"IMPORTANT"

Maps and data are to be used for reference/informational purposes only. The County of Riverside makes no warranty or guarantee as to the content, accuracy, timeliness or completeness of the data provided, and assumes no legal responsibility for the information contained in this map. Items associated with the General Plan Update Project (GPA No. 960) are DRAFT proposals and subject to change throughout the review and approval process. No project information depicted herein is final unless/until adopted by the appropriate decision-making body. Any use of the product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Wed Jan 14 08:46:47 2015

Version 1.9.6

APNs: 295310012, 295310013, 295310014, 295310015

Comment Letter No. 87: Russell, Patrick (Sares Regis Group)

Comment 87.1 The County appreciates and values your comments during the General Plan Update and EIR process. The comment is duly noted. This comment expresses concern that the alignment of Harley Knox Boulevard as depicted in GPA No. 960's *Circulation Element* intersects the SRG property, restricting development. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Refer to the additional discussion below. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 87.2 The comment is duly noted. This comment requests that Harley Knox Boulevard dead end at Decker Road and that traffic be accommodated on Nandina Avenue and Old Oleander due to topographic constraints, lack of traffic demand, and disturbance of Native American cultural resources.

It should be noted that the various maps included in GPA No. 960 and Draft EIR No. 521 are graphic depictions designed for illustrative purposes, as the following disclaimer contained on each map explains:

“Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.”

The existence of cultural resources or other environmental factors would certainly be considered in the design and siting of future roadway facilities. As Harley Knox Boulevard is an important link in the circulation network, providing interchange access to I-215, and projected to carry upwards of 30,000 vehicles per day in this segment, the County is concerned with preserving this local freeway access. However, no precise alignment is envisioned at the present time. As such, it is believed that GPA No. 960 includes a degree of flexibility that would allow for coordination of intersection and network design as plans progress and more definitive alignments emerge.

The County would gladly entertain a future amendment once a preferred configuration is determined; however, the author's suggested solution does not lend itself to the conveyance of the traffic volumes presently forecast. The County is prepared to work with all parties involved to reach a fair and equitable solution that is sensitive to environmental issues. Refer to Response 13.12 for more information.

Comment 87.3 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

Lovelady, Kristi

From: Dan Saunders <dan@mirrokoat.com>
Sent: Saturday, April 04, 2015 8:14 AM
To: Lovelady, Kristi
Subject: Draft EIR No. 521 Comments

Dan and Anita Saunders
8401 Maruyama Drive
Hemet, CA 92545



March 24, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

88.1

I also have a concern about the statement, "Much of the undeveloped land here is

Included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

88.2

Sincerely,

Dan and Anita Saunders

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Comment Letter No. 88: Saunders, Dan and Anita

Comment 88.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 88.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Manmohan Sethi <msethi8@hotmail.com>
Sent: Monday, April 06, 2015 2:43 AM
To: Lovelady, Kristi
Subject: Re: Draft EIR No. 521 Comments



Manmohan Sethi
8305 Faldo Ave,
Hemet CA 92545

April 6, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites). 89.1

I also have a concern about the statement, "Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon. 89.2

Sincerely,

Manmohan Sethi

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Comment Letter No. 89: Sethi, Manmohan

Comment 89.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 89.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

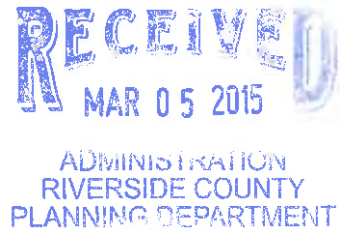
This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Kathy Smigun
24515 California Ave, Space 20
Hemet CA 92545

March 2, 2015

County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside CA 92501



Re: Public Review Comments for Recirculated Draft EIR No. 521 & GPA No. 960

Dear Ms. Lovelady:

This letter is in response to the recirculation documents of the DEIR No. 521 and GPA No. 960. As stated in my public review comments letter dated June 2, 2014, there is an error in the **San Jacinto Area Plan** in the **General Plan Amendment No. 960**:

On page 7, Maze Stone is written: "The area isolated by the Lakeview Mountains to the northwest and the cities of Hemet and San Jacinto to the east. Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. *Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.*" (italics added)

90.1

There are no tentatively approved subdivisions in the area and this statement is misleading to anyone who reads this description. It would be more appropriate to state, "*Much of the developed land here consists of ranches and equestrian estates.*"

Please make sure this is changed or the sentence is deleted.

We have had the prospective developer who wanted to build in Reinhardt Canyon drill into us that the General Plan is read when land is purchased, and developers believe that higher density projects are possible in Reinhardt Canyon, even if there is no secondary access for emergencies.

90.2

Sincerely,

Kathy Smigun

Phone 951/923-4146

San Jacinto Valley Area Plan

San Jacinto River

The San Jacinto River, with wide bends, travels in a general east/west path across western Riverside County. Existing land uses along the River vary significantly. Potential new uses are constrained by the steep slopes of the San Jacinto Mountains, the 100-year floodplain, and dam inundation hazards along the River. Dairy farms exist in the western portion of this riverine area. The Soboba Indian Reservation encompasses the eastern portion of this part of the San Jacinto Valley. A variety of uses including a church campus, mobile homes and recreational amenities are located in a swath of land between Gilman Springs Road and the San Jacinto River.

Maze Stone

This area is isolated by the Lakeview Mountains to the northwest and the cities of Hemet and San Jacinto to the east. Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.

Lower San Jacinto Valley

The largest portion of the plan area, the Lower San Jacinto Valley, contains a diverse array of physical features and land uses, generally rural and agrarian in nature. The Diamond Valley Lake, Metropolitan Water District's new 800,000-acre-foot reservoir, is located in the western edge of this area. A substantial amount of recreational development is planned in conjunction with the reservoir, though mainly near its western dam within the Harvest Valley/Winchester Area Plan, but also near its eastern dam. A few areas of residential development are appropriate here. The remaining land area is constrained by slope and is generally in agricultural production. The Ramona Bowl, home to the Ramona Pageant, a renowned local theatrical production, is located in this area as well.

Unique Communities

Valle Vista/East Hemet

This community is an urban extension to the east from the City of Hemet. It has a core of older single family residential development, interspersed with mobile homes on small lots. Florida Avenue, lined with locally oriented businesses and commercial uses, bisects this community. This area also includes Hemet High School. Some vacant land still exists within this community to accommodate further infill development of both a residential and commercial nature.

Incorporated Cities

Included within this area plan are the incorporated cities of San Jacinto and Hemet. Both cities' spheres of influence lie within the San Jacinto Valley Area Plan. San Jacinto's sphere of influence extends north along the San



A Community of Interest (COI) is a study area designated by LAFCO within unincorporated territory that may be annexed to one or more cities or special districts, incorporated as a new city, or designated as an **Unincorporated Community (UC)** within two years of status obtainment.

Designation of an area as a UC may require removal from a municipal sphere of influence since the two designations are mutually exclusive.

90.3

Comment Letter No. 90: Smigun, Kathy

Comment 90.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 90.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 90.3 See Response 90.2, above. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Ann M Smit & Gerard J. Smit
124 Lopez Way
Hemet, Ca. 92545

RECEIVED
APR 06 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

April 1, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

We support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

91.1

We also have a concern about the statement, “Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre.”, in the San Jacinto Area Plans, Maze Stone on page 7. As far as we know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

91.2

Sincerely,

Ann M. Smit and Gerard J. Smit
Ann M. Smit Gerard J. Smit

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Comment Letter No. 91: Smit, Ann M. and Gerard J.

Comment 91.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 91.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Carolyn Straub <sycspgs@msn.com>
Sent: Tuesday, March 31, 2015 5:25 PM
To: Lovelady, Kristi
Subject: Reinhardt Canyon Designation



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Dear Kristi,

We approve the language in GPA 960 designating Reinhardt Canyon as Rural Residential (5/10 acre lots). 92.1

Please remove the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre." in the San Jacinto Area Plans, Maze Stone on page 7. 92.2

Thank you,
Daniel & Carolyn Straub

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Comment Letter No. 92: Straub, Daniel and Carolyn

Comment 92.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 92.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Mary Swinney <oohmerr@sbcglobal.net>
Sent: Wednesday, April 01, 2015 11:02 PM
To: Lovelady, Kristi
Subject: Reinhardt Canyon Drafts



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

93.1

I also have a concern about the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

93.2

Sincerely,

Mary & Bill Swinney

484 Tewell Drive, Hemet, CA 92545

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Comment Letter No. 93: Swinney, Mary and Bill

Comment 93.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 93.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Joan Taylor
1850 Smoke Tree Lane
Palm Springs, CA 92264

April 6, 2015

Kristy Lovelady
County of Riverside TLMA

Re: Riverside County GPU RDEIR



BY EMAIL

Dear Ms Lovelady:

Please accept these comments on the Desert Center Area Plan.

94.1

The RDEIR has failed to address the deficiencies in the analysis for this area plan, which utterly ignores the transformation that is taking place within and around the Desert Center area. The transformation is primarily due to the current and proposed development of multi-square-mile renewable energy facilities in this part of the County.

94.2

Attached are screen shots of a map showing what is approved and proposed for the Desert Center Plan area on federal lands, as well as a shot of the map key. These screen shots are from the most current BLM map of same, which can be found at http://www.blm.gov/style/medialib/blm/ca/pdf/pa/energy/application_maps.Par.30605.File.dat/cdd_renewableenergy_021913.pdf

It is my understanding that large solar facilities are also proposed on private land there as well. The County should recognize what is happening, and plan accordingly for the private land portions of the area.

The problem is that County's maps and the aerial are five yeas old. In an area such as this, which become a designated a solar zone in 2012 (see <http://blmsolar.anl.gov/sez/ca/riverside-east/>) the County's environmental analysis is simply too far out of date to meet the CEQA standard for describing the environmental setting.

Further, the text fails to describe the current status of the proposed Eagle Mountain Landfill, or the giant Eagle Crest Pumped Storage project. The latter proposes to withdraw tens of thousands of are feet from the Chuckwalla aquifer, which may have profound impacts on future agriculture potential, yet the draft Area Plan seems blissfully oblivious of this potential in its statements about preserving ag. See info about the Eagle Crest project at <http://www.basinandrangewatch.org/EagleMtnHydro.html>

94.3

Below are just some of the statements in the RDEIR that are totally out of synch with what is happening in and around the Desert Center Area Plan:

it is a small world of tranquil reality, with clean air, and little traffic and noise, that sets it apart from every other part of Riverside County. [p. 4]

Data in this area plan is current as of *March 23, 2010* [p. 6]

Lacking significant demand for such development, there is also a general lack of infrastructure. Much of the land is managed by the Bureau of Land Management and is primarily retained as open space. [p.6]

Lacking significant demand for such development, there is also a general lack of infrastructure. Much of the land is managed by the Bureau of Land Management and is primarily retained as open space. [p.6]

The uninhabited and natural character of the open space lands is expected to continue throughout the life of the plan. [p.8]

Please address the above by fully describing and analyzing what is happening on federal and other open lands in the Desert Center Area, and responding to reality appropriately.

Very truly yours,

Joan Taylor

94.4

94.5

Joshua Tree National Park

Riverside / SEZ

L.H. Renewables
-Eagle Mountain
CACA 061854

Desert Sunlight Holdings, LLC - Desert Sunlight
CACA 048649

EDF Renewable Energy - Desert Harvest Solar CACA 049491

Palen Solar I, LLC - Palen
CACA 042010

Genesis Solar, LLC
-Genesis Solar
CACA 048880

Grubham Pass, LLC
CACA 050770

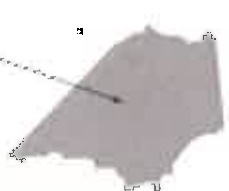
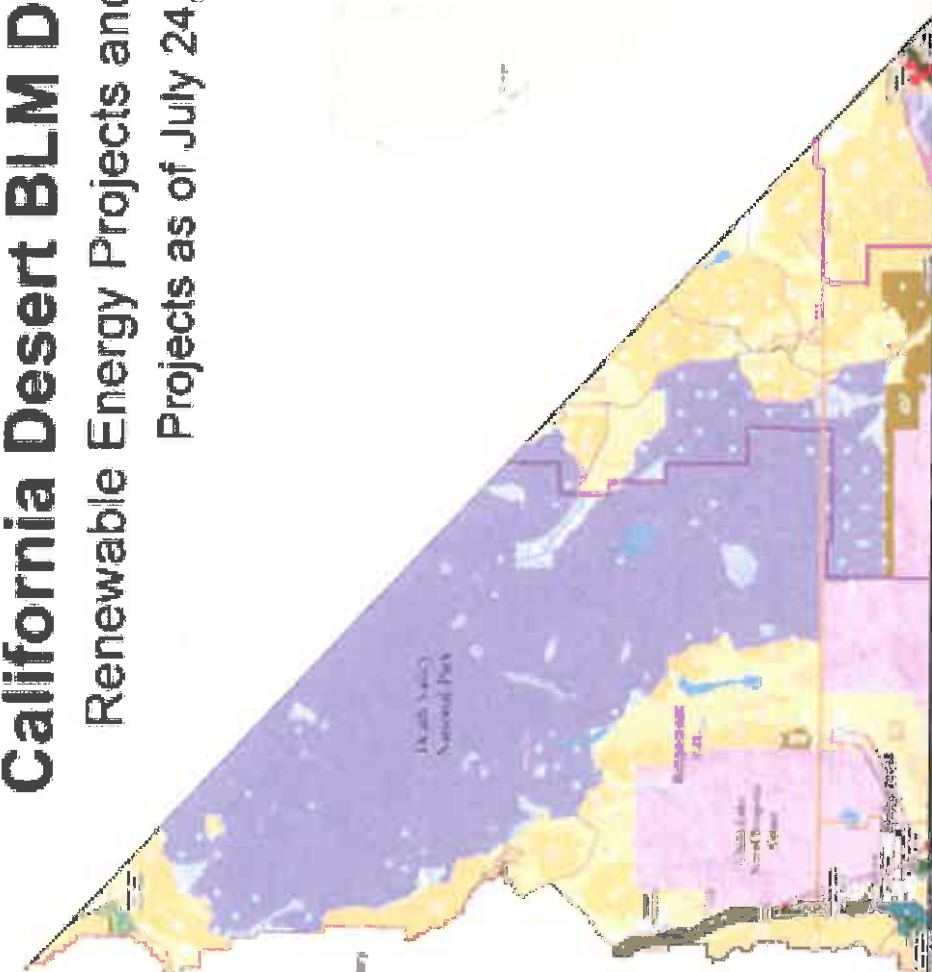
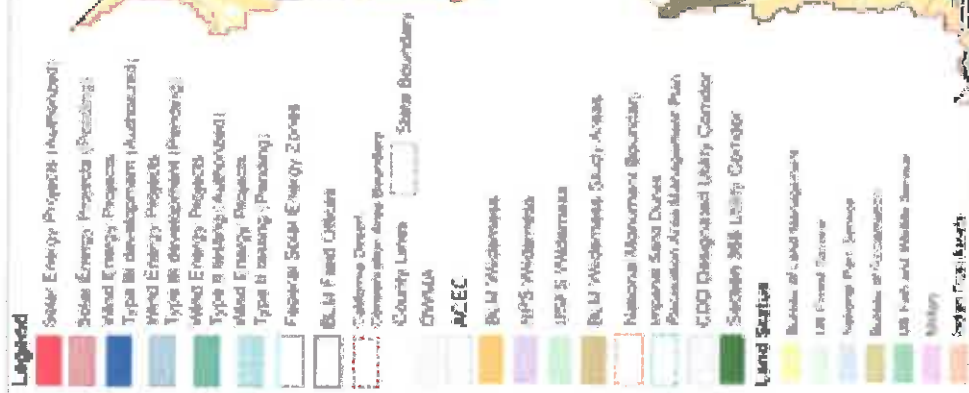
SolarReserve, Mule Mountain III
CACA 050390



California Desert BLM District Offices

Renewable Energy Projects and Utility Corridors Projects as of July 24, 2014

California Desert
District



Comment Letter No. 94: Taylor, Joan

- Comment 94.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment functions as an introduction. Responses to specific comments are provided below; no further response is required.
- Comment 94.2** In regards to baseline data, due to the countywide scope of GPA No. 960 and Draft EIR No. 521, much of the data presented within Draft EIR No. 521 cannot all be said to represent a single point in time (i.e., April 13, 2009). In such cases, Draft EIR No. 521 uses the data set that is best supported by substantial evidence and provides a discussion of how it is or is not expected to differ from existing physical conditions. Information and analyses regarding farmland and agricultural resources were each determined to be the best-supported and best available information. Further, each section of the Draft EIR document explicitly states the baseline data used for the analysis in order to ensure the transparency of the data used. The data incorporated into the document represents the best available at the time of the Draft EIR analysis and as such was incorporated to the document.
- For this reason, the analysis of the Draft EIR as it relates to the Desert Center Area Plan adequately shows the existing conditions of the County at the date of the release of the Notice of Preparation in April 2009, as required by CEQA. No further response is warranted.
- Comment 94.3** Refer to Response 94.2, above. The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 94.4** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 94.5** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Judy <judy.tetley@yahoo.com>
Sent: Thursday, March 26, 2015 5:39 PM
To: Lovelady, Kristi
Subject: Rein hold Canyon

My husband Jerry and I who live at 7862 Littler Drive in Hemet Four Seasons are in support of the EIR 521 Amendment. 95.1
Thank you,
Judith Tetley
Sent from my iPad

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APR 02 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

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Comment Letter No. 95: Tetley, Judith and Jerry

Comment 95.1 The County acknowledges your comments during the General Plan Update and EIR process and appreciates your support of Draft EIR No. 521. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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George J. Togo
7695 Gibson Circle
Hemet, CA 92545

April 3, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211



Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

96.1

I also have a concern about the statement, “Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.”, in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

96.2

Sincerely,

George J. Togo

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Comment Letter No. 96: Togo, George J.

Comment 96.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 96.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Bonnie Torres <boncat1943@gmail.com>
Sent: Saturday, March 28, 2015 9:10 AM
To: Lovelady, Kristi
Subject: Lots

I totally support you in the lot size

Sent from my iPad



97.1

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Comment Letter No. 97: Torres, Bonnie

Comment 97.1 The County acknowledges your comments during the General Plan Update and EIR process and thanks you for your support of GPA No. 960 and Draft EIR No. 521. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: bedoann@aol.com
Sent: Friday, March 27, 2015 12:49 PM
To: Lovelady, Kristi
Subject: Draft EIR No. 521

I support EIR No. 521 for 5 to 10 acre lot designation in Reinhardt Canyon.
Thank you, Larry Varnado, a concerned Four Seasons homeowner.

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RIVERSIDE COUNTY
PLANNING DEPARTMENT

98.1

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Comment Letter No. 98: Varnado, Larry

Comment 98.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: shirley varnado <shirley_varnado@aol.com>
Sent: Friday, March 27, 2015 12:53 PM
To: Lovelady, Kristi
Subject: Draft EIR No. 521

I support EIR No. 521 for 5/10 acre lot designation in Reinhardt Canyon. Thank you, Shirley Varnado, a concerned Four Seasons homeowner.

99.1



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Comment Letter No. 99: Varnado, Shirley

Comment 99.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: ginny cole-weaver <torriesgigi@yahoo.com>
Sent: Sunday, March 29, 2015 4:04 PM
To: Lovelady, Kristi
Subject: Draft EIR #521

This wanted to let you know I am in favor of this. Your proposal of 5/10 acre lots for Reinhardt Canyon is a fair and accurate way to have homes built in the area.
Thank you for your support of this.

100.1

Ginny Cole- Weaver
182 Furyk Way
Hemet, Ca 92545

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APR 02 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

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Comment Letter No. 100: Weaver, Ginny Cole-

Comment 100.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

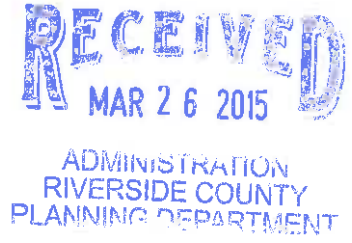
From: Carol Webber <carweb39@yahoo.com>
Sent: Wednesday, March 25, 2015 4:21 PM
To: Lovelady, Kristi
Subject: County General Plan Amendment 960

Atten: Ms Kristi Lovelady

I am in total support of keeping 5/10 acre lots for any development in Reinhardt Canyon. Less than this would be a definite safety issue for surrounding areas. 101.1

Respectfully,

Carol H Webber
carweb39 @yahoo.com
Hemet, Ca



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Comment Letter No. 101: Webber, Carol H.

Comment 101.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Lovelady, Kristi

From: Dick Woynowski <dickwino@gmail.com>
Sent: Monday, March 30, 2015 4:40 PM
To: Lovelady, Kristi
Subject: Draf 521 5/10 ac lots

Please be aware we at four seasons have not changed our position on the minimum 5/10 acre lots. Dick-Jackie Woynowski stephenson ln.

102.1



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Comment Letter No. 102: Woynowskie, Dick and Jackie

Comment 102.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Jackson | DeMarco | Tidus Peckenpaugh

A L A W C O R P O R A T I O N

April 6, 2015

Direct Dial: 949.851.7409
Email: mstaples@jdtplaw.com
Reply to: Irvine Office
File No: 4063-28900

VIA OVERNIGHT DELIVERY AND E-MAIL (klovelad@rctlma.org)

Kristi Lovelady, Principal Planner
County of Riverside Transportation and Land Management Agency
County Administrative Center
4080 Lemon Street, 12th Floor
Riverside, CA 92501



**Re: Riverside County Farm Bureau's Comments on Draft General Plan
Amendment No. 960, Climate Action Plan, and Draft Environmental Impact
Report No. 521**

Dear Ms. Lovelady:

1. Introduction.

The following comments are submitted on behalf of the Riverside County Farm Bureau ("Farm Bureau") in connection with the Draft 2008 General Plan Review Cycle Update documents, General Plan Amendment 960 ("Draft GPA 960"), Draft Climate Action Plan ("CAP"), and Draft Environmental Impact Report 421 ("Draft EIR 421"). Farm Bureau appreciates Riverside County's ("County") statements made throughout Draft GPA 960, CAP and EIR 421 recognizing the importance of agriculture, its contributions to the quality of the natural environment and quality of life in the County, and efforts to preserve agricultural land uses.

103.1

Farm Bureau respectfully requests that the County:

- evaluate the potential adverse impacts of the policy changes discussed below on agricultural land uses, and measures to mitigate those impacts; and
- revise Draft GPA 960 and EIR 421 to confirm that all policies and implementing actions referencing the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP") shall be applied consistent with the provisions of the Judgment entered in *Riverside County Farm Bureau, et al., v. County of Riverside, et al.*, Riverside County Superior Court Case No. INCR396565 ("MSHCP Judgment", entered February 7, 2006, attached as **Exhibit "A"**).

103.2

Irvine Office
2030 Main Street, Suite 1200
Irvine, California 92614
t 949.752.8585 f 949.752.0597

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361
t 805.230.0023 f 805.230.0087

www.jdtplaw.com

2. Policies Imposing Buffers and Set-Backs.

Draft EIR 421 discusses the loss of agricultural land uses due to, among other things, requirements to set aside on-farm buffer zones. (Draft EIR 421, P. 4.5-33.) Draft GPA 960 intensifies this adverse impact by imposing 100-foot buffers from the outside boundary of riparian vegetation, the top of the bank, or the 100-year floodplain, whichever is greater. (Draft GPA 960, p. OS-13, Policy OS-4.9.) Draft GPA 960 also calls for an educational incentive program in coordination with the Agricultural Commissioner's Office, U.C. Cooperative Extension Service, and Farm Bureau to teach about the importance of conserving watercourses, establishing protective buffers for livestock grazing, and locating crops outside watercourses and floodplains. (Draft GPA 960, p. LU-53, Policy LU 20.8; Appendix K, p. 17, Action Item AI-134.)

103.3

At the same time that Draft GPA 960 expands buffer requirements, it deletes landowner protections from the existing General Plan providing for incentives to be used to the maximum extent possible to achieve preservation and enhancement of existing native riparian habitat and watercourses. (Draft GPA 90, p. OS-15, Policy 5.5.)

By expanding policies requiring landowners to set aside significant private property while removing the availability of incentives to help offset financial burdens, Draft GPA 960 imposes significant adverse impacts on agricultural land uses that are not discussed or mitigated in EIR 421. The County should analyze and quantify the potential adverse impacts of Draft GPA 960's expansive buffer policies on agriculture. The Farm Bureau is willing to work with the County to evaluate the potential adverse impacts of the proposed new set-backs and identify measures to mitigate those impacts, including workable incentive programs.

3. Agricultural Water Supply Policies.

The Air Quality Element of Draft GPA 960 and the Draft CAP include several new policies promoting water use efficiency as a method of reducing greenhouse gas emissions. The overall strategy is to increase water use efficiency for agricultural activities (Policies AQ 20.13, AQ 25.1(e); CAP, p. 4-9, Measures R1-E4, R1-E5; p. 4-20, Measure R3-A1), and switch agricultural water use to recycled water (Draft GPA 960, p. Policy AQ 25.1(d)).

The County's agricultural industry is far ahead of other water use sectors in efficient irrigation practices. Additionally, recycled water is not suitable for many crops. Even where recycled water may be used, the level of salts is high and may require a blending source of water, or periodic "flushing" of the soil to avoid salt build-up over time.

103.4

Draft EIR 421 should disclose the methodology used to calculate available water savings from agricultural water use. The Farm Bureau is willing to work with the County to analyze potential increased agricultural water use efficiencies and appropriate crops for recycled water use.

4. Discretionary Approvals Related to Agricultural Operations.

Draft GPA 960 proposes to several policy changes that may increase regulatory restrictions and obligations on agricultural land uses well beyond the existing General Plan.

For example, Draft GPA 960 deletes language in the existing General Plan assuring that the County does not intend to subject agricultural related uses to any discretionary permit requirements other than those that were in existence at the time the General Plan was adopted. (See, Draft GPA 960, p. LU-53, Policy LU 20.10 (renumbering existing Policy LU 16.10).) The implication is that the County intends to impose additional discretionary permit requirements on agricultural land uses. This, in turn, would trigger the requirement to comply with significant existing and new obligations that currently apply only to commercial, residential and industrial development projects and permits.

103.5

Draft EIR 421 should evaluate how the expansion of discretionary approvals applicable to agriculture-related projects and permits would adversely impact agriculture by increasing regulatory restrictions on agricultural operations.

Additionally, Draft GPA 960 deletes an important policy from the existing General Plan that commits the County to support and participate in ongoing public education programs “to help the public better understand the importance of the agricultural industry”. (Draft GPA 960, p. LU-52, Policy LU 16.8.) This policy should be reinserted.

103.6

Farm Bureau is willing to work with the County to help quantify the potential adverse impacts of these policies to agricultural land uses, and identify measures to minimize the loss of agricultural acreage due to increased regulatory restrictions. Farm Bureau is also willing to work together with the County on public education programs about the importance of the agricultural industry.

5. MSHCP Policies Applicable to Agricultural Operations.

GPA 960 adds policies throughout the Area Plans requiring discretionary development projects and permits to adhere to the MSHCP. (See, for example, Temescal Canyon Area Plan TCAP 19.1, and Southwest Area Plan SWAP 21.1.) However, the MSHCP is a flexible, incentive-based program that establishes and emphasizes the use of incentives to encourage property owners to voluntarily conserve habitat and species as an alternative to regulatory mandates. Where incentives are not sufficient, conservation under the MSHCP requires the purchase of properties from willing sellers. (See, for example, MSHCP, pp. 1-4, 1-9, 1-18.)

103.7

With regard to agricultural land uses, the MSHCP Judgment clarifies how the MSHCP and the related Implementing Agreement and MSHCP Mitigation Fee Ordinance are to be applied. As discussed in the MSHCP Judgment, the MSHCP provides take authorization and environmental impact mitigation for biological impacts to covered species under CEQA and NEPA for all current and future agricultural operations without the need to comply with the

MSHCP's survey, mitigation, adjacency requirements, criteria, HANS process, and MSHCP Mitigation Fee. Only "Commercial Uses on Agricultural Properties", as defined in the MSHCP Judgment, must comply with the MSHCP's implementing measures in order to receive the same take authorization and environmental impact mitigation.

Because GPA 960 describes agriculture as a type of development (see GPA 960, p. V-21, Agricultural Lands, Section 9), GPA 960 should be clarified to avoid misinterpretation of how the MSHCP applies to agricultural land uses. The MSHCP policies throughout GPA 960 should clarify that the MSHCP implementation actions apply to agricultural-related projects and permits only in the restricted circumstances defined in the MSHCP Judgment. These revisions are necessary to ensure that the General Plan is consistent with the MSHCP, as called for in Draft GPA 960's Implementation Program. (See, Draft GPA 960, Appendix K, p. 9.)

Likewise, EIR 421 should be revised to clarify that, while the MSHCP broadly provides take authorization and environmental mitigation for agricultural land uses, its implementation measures apply to agricultural-related projects and permits only in the restricted circumstances defined in the MSHCP Judgment.

Thank you for the opportunity to comment on Draft GPA 960, CAP, and EIR 421. Please contact me if you have any questions, or if we may provide any additional information.

Sincerely,



Michele A. Staples

- cc: Mr. Juan Perez, Riverside County Director of Transportation*
Mr. Steve Weiss, Riverside County Director of Planning*
Mr. Dusty Williams, General Manager-Chief Engineer, Riverside County Flood Control and Water Conservation District*
Mr. Stuart McKibbin, Chief of Regulatory Division, Riverside County Flood Control and Water Conservation District*
Gregory Priamos, Esq., Riverside County Counsel*
Shellie Clack, Esq., Deputy County Counsel*
* (via email, w/Attachments)

↑
103.7
CONT.
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Michelle Ouellette, Bar No. 145191
Steven M. Anderson, Bar No. 186700
Megan K. Starr, Bar No. 217675
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BEST BEST & KRIEGER LLP
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P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502-1028
TELEPHONE: (951) 686-1450
TELECOPIER: (951) 686-3083

William C. Katzenstein, Bar No. 61681
Karin Watts-Bazan, Bar No. 123439
RIVERSIDE COUNTY COUNSEL
3535 10TH STREET, SUITE 300
RIVERSIDE, CALIFORNIA 92501
TELEPHONE: (951) 955-6300

EXEMPT FROM FILING FEES
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CODE § 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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C. Aldendifer

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A. MEDRANO

Attorneys for Respondents/Defendants, County of
Riverside and Riverside County Board of Supervisors

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF RIVERSIDE - INDIO BRANCH

RIVERSIDE COUNTY FARM BUREAU, a
nonprofit mutual benefit corporation, CASTLE
& COOKE LAKE ELSINORE OUTLET
CENTERS, INC., a California corporation,
PACIFIC CLAY PRODUCTS, INC., a
Delaware corporation, CASTLE & COOKE
CORONA, INC., a California corporation,
GATEWAY BUSINESS PARK, LLC, a
California limited liability company,
MURDOCK ALBERHILL RANCH
LIMITED PARTNERSHIP, a California
limited partnership, and PROPERTY
OWNERS ASSOCIATION OF RIVERSIDE
COUNTY, a nonprofit mutual benefit
association,

Petitioners and Plaintiffs

vs.

COUNTY OF RIVERSIDE, a political
subdivision of the State of California;
RIVERSIDE COUNTY BOARD OF
SUPERVISORS, locally elected officials, and
DOES 1 through 100, inclusive,

Respondents and Defendants.

Case No. INCR396565
Assigned to: Hon. Lawrence Fry
Dept. 2J

[PROPOSED] JUDGMENT

Petition filed: July 17, 2003

1 This Court having reviewed the Stipulation for Entry of Judgment executed and filed
2 herein by petitioners and plaintiffs Riverside County Farm Bureau ("Farm Bureau"), on the one
3 hand, and respondents and defendants County of Riverside and Riverside County Board of
4 Supervisors (collectively, "County"), on the other hand, and the Court further having reviewed
5 the file in this matter and GOOD CAUSE APPEARING,

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

7 The Court hereby finds and determines that:

8 **I. Background.**

9 Farm Bureau, County, the Western Riverside County Regional Conservation Authority
10 ("RCA") and the cities of Perris, Murrieta, San Jacinto, Hemet, Temecula and Beaumont
11 ("Cities") entered into a Settlement Agreement dated September 2, 2004, to resolve that portion
12 of the Action concerning Farm Bureau. The RCA and the Cities were not parties to the Action.
13 Nevertheless, the RCA agreed to be bound by the terms of this Stipulated Judgment.

14 **II. Terms of the Judgment.**

15 The following terms of the Settlement Agreement are incorporated into this Stipulated
16 Judgment.

17 SETTLEMENT AGREEMENT

18 This Settlement Agreement ("Agreement") is entered into between the County of
19 Riverside ("County"), the Western Riverside County Regional Conservation Authority ("RCA"),
20 the City of Perris, City of Murrieta, City of San Jacinto, City of Hemet, City of Temecula, City of
21 Beaumont ("Cities") and the Riverside County Farm Bureau ("Farm Bureau") The parties to this
22 Agreement are sometimes referred to herein individually as "Party" and collectively as the
23 "Parties."

24 A. On June 17, 2003, the County approved the Western Riverside County Multiple
25 Species Habitat Conservation Plan ("MSHCP") and its associated Implementing Agreement, and
26 certified the final MSHCP Environmental Impact Report/Environmental Impact Statement
27 ("EIR/EIS"). All bold, capitalized terms not otherwise defined herein shall have the meaning
28 given such terms in the MSHCP.

1 B. On July 22, 2003, the County approved Ordinance No. 810.2 establishing the
2 MSHCP Mitigation Fee.

3 C. The Cities have approved the MSHCP, Implementing Agreement and MSHCP
4 Mitigation Fee and made responsible agency findings for the EIR/EIS.

5 D. The Farm Bureau is a nonprofit mutual benefit corporation whose purpose is to
6 work toward the solution of the problems of the farm, farm home, and rural community, such as
7 perceived adverse impacts to existing and future Agricultural Operations that may result from
8 implementation of the MSHCP as it is currently worded. The Farm Bureau represents, protects
9 and advances the social, economic, and educational interests of farmers within the County and
10 State of California.

11 E. On July 17, 2003, Farm Bureau, along with Pacific Clay Products, Inc., Castle &
12 Cooke Lake Elsinore Outlet Centers, Inc., Castle & Cooke Corona, Inc., Gateway Business Park,
13 LLC, Murdock Alberhill Ranch Limited Partnership, and the Property Owners Association of
14 Riverside County filed suit against the County and its Board of Supervisors in Riverside County
15 Superior Court ("Court"), Case No. 396565 ("Action").

16 F. Implementation of the MSHCP by the County and Cities will avoid and/or
17 mitigate the adverse environmental impacts to Covered Species under the MSHCP that could
18 result from land use activities within their respective jurisdictions, including current and future
19 Agricultural Operations, and ensure compliance with the National Environmental Policy Act
20 ("NEPA"), California Environmental Quality Act, ("CEQA") and the federal and California
21 Endangered Species Acts by conserving and managing land for Covered Species and habitat
22 protection purposes. The MSHCP provides take authorization by the Service and DFG for
23 current and future Agricultural Operations throughout the County and Cities pursuant to Section
24 10(a)(1)(B) of the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*), and Natural
25 Community Conservation Planning Act (Cal. Fish and Game Code Section 2800, *et seq.*) and
26 environmental impact mitigation for biological impacts to Covered Species under CEQA (Cal.
27 Public Resources Code section 21000, *et seq.*) and NEPA (42 U.S.C.A. section 4321, *et seq.*)
28 without the need to comply with MSHCP survey, mitigation, adjacency requirements, Criteria,

1 HANS process, and MSHCP Mitigation Fee, except that Expansion of Existing Agricultural
2 Operations must comply with such MSHCP requirements in order to obtain take authorization
3 and impact mitigation under the MSHCP unless the Expansion of Existing Agricultural
4 Operations requiring a discretionary permit is a.) less than 50% of 1.) the existing developed
5 building square footage or 2.) the area subject to existing permitted uses on the entire landholding
6 (plus the area subject to uses similar to the proposed use if a discretionary permit was not
7 previously required for the proposed use), or b.) less than two acres in size. Notwithstanding the
8 foregoing, these exemptions do not apply to discretionary permits for projects on land that is not
9 then included in the Agricultural Database and is being newly converted to Agricultural
10 Operations. Expansion of Existing Agricultural Operations that do not qualify for these
11 exemptions are defined as "Commercial Uses on Agricultural Properties."

12 The MSHCP provides take authorization under certain terms and conditions, as clarified
13 by this Agreement, for Commercial Uses on Agricultural Properties.

14 G. As currently worded, the Farm Bureau believes the MSHCP may be misinterpreted
15 as requiring current and all future Agricultural Operations to comply with MSHCP survey,
16 mitigation, adjacency requirements, Criteria, HANS process, and MSHCP Mitigation Fee, as a
17 condition of receiving take authorization for Covered Species under the MSHCP. One purpose of
18 this Agreement is to clarify: that the MSHCP provides take authorization and environmental
19 impact mitigation for biological impacts to Covered Species under CEQA and NEPA for all
20 current and future Agricultural Operations without the need to comply with MSHCP survey,
21 mitigation, adjacency requirements, Criteria, HANS process, and MSHCP Mitigation Fee, except
22 for Commercial Uses on Agricultural Properties; and the terms under which the MSHCP provides
23 take authorization and environmental impact mitigation for Covered Species under the MSHCP
24 for Commercial Uses on Agricultural Properties. The provisions contained within this Agreement
25 are non-substantive corrections and clarifications of the EIR/EIS, MSHCP, Implementing
26 Agreement, and MSHCP Mitigation Fee Ordinance. Moreover, the RCA shall ensure that
27 participating cities apply the MSHCP and the Implementing Agreement as clarified by this
28 Agreement.

1 H. The County and Farm Bureau have entered into this Stipulated Judgment on terms
2 consistent with the provisions of this Agreement in order to resolve a portion of the Action.

3
4 **NOW THEREFORE**, in consideration of the mutual covenants, agreements,
5 representations, and warranties contained in this Agreement, and other good and valuable
6 consideration the receipt and sufficiency of which is hereby acknowledged, the Parties agree as
7 follows:

8 1. Clarifications/City Approval.

9 (a) The County, RCA , and the Cities agree to clarify through this Agreement
10 the provisions of the MSHCP, Implementing Agreement, and MSHCP Mitigation Fee Ordinance
11 raised by the Farm Bureau as set forth in this Agreement. **The County, RCA and the Cities**
12 **shall implement the MSHCP and the Implementation Agreement consistent with the**
13 **MSHCP as clarified by this Agreement.**

14 (b) The County, RCA, and the Cities agree to the following clarifications to
15 the MSHCP, Implementing Agreement, and MSHCP Fee Ordinances as follows:

16 A. MSHCP Survey, Mitigation and adjacency requirements, Criteria
17 and HANS process (MSHCP Sections 6.2B, 6.2E, 6.2F; Implementing Agreement Sections
18 11.3.2, 11.3.5, 11.3.6)

19 ◊ The MSHCP survey, mitigation, adjacency requirements, Criteria,
20 HANS process, and MSHCP Mitigation Fee shall apply only to
21 extend Take Coverage those Agricultural Operations consisting of
22 construction of Commercial Uses on Agricultural Properties,
23 defined below.

24 ◊ The MSHCP as clarified by this Agreement shall extend Take
25 Coverage and environmental mitigation for impacts to and take of
26 all Covered Species and habitat in connection with all other
27 Agricultural Operations as defined in the MSHCP and
28 Implementing Agreement on existing farms, ranches and dairies,
including changes in Agricultural Operations and crop types,
whether or not a discretionary permit or City Ministerial Permit is
needed, without the need to comply with MSHCP mitigation
requirements including, but not limited to, the Joint
Project/Acquisition Review Process (as set forth in Section 6.6.2 of
the MSHCP), policies for the Protection of Species Associated with
Riparian/Rivarine Areas and Vernal Pools (as set forth in Section
6.1.2 of the MSHCP), policies for the Protection of Narrow

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Endemic Plant Species (as set forth in Section 6.1.3 of the MSHCP), additional Survey Needs and Procedures (as set forth in Section 6.3.2 of the MSHCP); Urban/Wildlands Interface Guidelines (as set forth in Section 6.1.4 of the MSHCP), Best Management Practices and the siting and design criteria (as set forth in Section 7 and Appendix C of the MSHCP), additional vegetation mapping (as set forth in Section 6.3.1 of the MSHCP), or MSHCP Local Development Mitigation Fee (as set forth in Section 8 of the MSHCP and in the MSHCP Fee Ordinance). The definition of Existing Agricultural Operations is clarified such that 1.) the Agricultural Database shall include all current agricultural landholdings that are part of Agricultural Operations, not just the tilled portion of the landholding; and 2.) all current and future actions taken to comply with federal and/or state environmental requirements and laws on Agricultural Operations are included within the definition of Existing Agricultural Operations.

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◇ The County and the RCA, shall not release identifying information on Agricultural Operations from the Agricultural Database or applications to be included in the Agricultural Database, except as required by law. In order to protect landowner confidentiality, RCA shall, when compiling reports concerning the MSHCP Agricultural Operations Database, format them alphanumerically. RCA shall protect the privacy of sensitive personal and business information made available for their review by agricultural landowners and operators while providing site-specific information for MSHCP evaluation purposes. Landowner identifying information shall not be submitted for the public record. RCA shall inform employees responsible for handling MSHCP Agricultural Operations Database records in writing of the requirements set forth above. Documents substantiating Agricultural Operations in connection with the Agricultural Operations Database shall be made available for RCA's review, but RCA shall not collect or maintain such documents as part of the RCA's files.

◇ The County Agricultural Commissioner will develop an outreach program to explain the provisions and benefits of the Certificate of Inclusion and the Farm Bureau will assist as deemed appropriate in Farm Bureau's sole judgment. As part of such a program, the County Agricultural Commissioner, in coordination with the RCA, shall prepare a pamphlet outlining the MSHCP's provisions regarding Agricultural Operations, including examples of how the abbreviated HANS process set forth in Section E below will be implemented.

◇ MSHCP requirements will not be applicable to an Expansion of Existing Agricultural Operations that is a.) less than 50% of: 1.) the existing developed building square footage; or 2.) the area subject to existing permitted uses on the entire landholding (plus the area subject to uses similar to the proposed use if a discretionary permit was not previously required for the proposed use) or b.) less than two acres in size. Notwithstanding the foregoing, these exemptions do not apply to discretionary permits for projects on land that is not then included in the Agricultural Database and is being newly

1 converted to Agricultural Operations. "Commercial Uses on
2 Agricultural Properties" are the Expansion of Existing Agricultural
3 Operations that do not qualify for these exemptions.

4 B. The MSHCP provides Take Authorization and environmental
5 impact mitigation for biological impacts to Covered Species under CEQA and NEPA for all
6 current and future Agricultural Operations without the need to comply with MSHCP survey,
7 mitigation, adjacency requirements, Criteria, HANS process, and MSHCP Mitigation Fee, except,
8 for Commercial Uses on Agricultural Properties; and the terms under which the MSHCP provides
9 take authorization and environmental impact mitigation for Covered Species under the MSHCP
10 for Commercial Uses on Agricultural Properties. The provisions contained within this Agreement
11 are non-substantive corrections and clarifications of the EIR/EIS, MSHCP, Implementing
12 Agreement, and MSHCP Mitigation Fee Ordinance. Moreover, the RCA shall ensure that the
13 Cities apply the MSHCP and the Implementing Agreement as clarified by this Agreement.
14 Certificate of Inclusion (MSHCP Sections 6.2B, 6.2C, 6.2F; Implementing Agreement Sections
15 11.3.2, 11.3.3, 11.3.6; Appendix F)

16 ◊ The County shall revise the proposed Certificate of Inclusion to
17 read as follows:

18 The United States Fish and Wildlife Service and the California
19 Department of Fish and Game have issued Permits pursuant to the
20 federal Endangered Species Act and the California Natural
21 Community Conservation Planning Act (collectively "Permits")
22 authorizing "Take" of certain species in accordance with the terms
23 and conditions of the Permits, the Western Riverside County
24 Multiple Species Habitat Conservation Plan ("MSHCP") and the
25 associated Implementing Agreement. Under the Permits, certain
26 activities by the party or entity below are authorized to "Take"
27 certain species, provided all applicable terms and conditions of the
28 Permits, the MSHCP and the associated Implementing Agreement
are met.

As the owner / operator of the property depicted by Assessor's
Parcel Number and gross acres on Exhibit "1" attached hereto and
incorporated herein by this reference, you are entitled to the
protection of the Permits to Take species identified in the MSHCP
in connection with Agricultural Operations. In the event that the
property depicted on Exhibit "1" is used for other purposes without
the express consent of the [appropriate permittee], Take
Authorization under the Permits will automatically cease. Such
authorization is provided as described in the Permits, the MSHCP
and the Implementation Agreement as clarified by the Settlement

1 Agreement dated September 2, 2004 between the County of
2 Riverside, the Western Riverside County Regional Conservation
3 Authority, the City of Perris, City of Murrieta, City of San Jacinto,
4 City of Hemet, City of Temecula, City of Beaumont and the
5 Riverside County Farm Bureau. By signing this Certificate of
6 Inclusion you signify your election to receive Take Authorization
7 under the Permits in accordance with the terms and conditions
8 thereof. This Certificate of Inclusion does not give state and federal
9 agencies additional regulatory control over the signatory nor require
10 the signatory to provide additional information not called for in the
11 Certificate of Inclusion, but instead ensures compliance with 50
12 Code of Federal Regulations, section 13.25(d). Coverage under the
13 Permits will become effective upon receipt of the executed
14 Certificate of Inclusion by the RCA from the office of the Riverside
15 County Agricultural Commissioner. In the event that the subject
16 property is sold or leased, buyer or lessee must be informed of these
17 provisions and execute a new Certificate of Inclusion.

18 C. Conditions for Take Authorization on New Agricultural Lands

19 (MSHCP Section 6.2F; Implementing Agreement Section 11.3.6)

- 20
- 21 ◇ The County shall provide for denials of Agricultural
22 Grading/Clearing Exceptions to be communicated in writing to the
23 applicant and an adequate opportunity shall be provided for appeal
24 to a review panel. The County and Farm Bureau will develop a
25 mutually agreeable appeals process for consideration by the Board
26 of Supervisors at a noticed public hearing within ninety (90) days
27 after entry of the stipulated judgment.
 - 28 ◇ A Williamson Act Contract or similar restriction on land is not
required to obtain Take Authorization for Agricultural Operations
as set forth in Section 11.3.4(a)-(e) of the Implementing
Agreement; rather the list of information set forth in Section
11.3.4(a)-(e) describes the types of information adequate to
establish Existing Agricultural Operations that may be submitted
for review by the RCA at the election of the agricultural property
owner or operator.
 - ◇ The five-year requirement set forth in Section 6.2F of the MSHCP
and Section 11.3.6 of the Implementing Agreement shall not be
applicable to 1) projects currently within an agricultural zone
established by Ordinance No. 348, 2) projects whose building
footprint will be wholly within property previously titled as part of
the Existing Agricultural Operations, 3) new agricultural activities
including agricultural leases on properties for which a Development
project has been approved, or 4) agricultural leases on property that
is not identified for conservation in the context of the MSHCP
criteria.
 - ◇ The definition of New Agricultural Lands is clarified to consist of
Agricultural Operations on vacant lands within the Criteria Area
that are converted to Agricultural Operations and have not either
previously been included in agricultural landholdings or used for

1 Agricultural Operations within the past five years, or included on
2 the Agricultural Operations Database and further that they do not
3 require a discretionary permit or other discretionary authorization.

4 D. 10,000 Acre Cap on Take Authorization for New Agricultural
5 Lands Within Criteria Area (MSHCP Section 6.2F, 6.2G; Implementing Agreement sections
6 11.3.6, 11.3.7)

- 7 ◇ Secondary agricultural uses on parcels of 5 acres or less on Single-
8 family home lots will receive Take Authorization pursuant to the
9 permit issued for the residential parcel or development and will not
10 count toward the 10,000 acre New Agricultural Lands Cap (as
11 allowed to increase pursuant to the Amendment Process set forth in
12 MSHCP Section 6.10), and will not trigger application of the
13 MSHCP mitigation requirements including, not limited to,
14 biological surveys, adjacency requirements, Criteria, HANS
15 process, and MSHCP Mitigation Fee.
- 16 ◇ Permit forms for small Agricultural Operations shall be amended to
17 identify whether the operations are located on a single-family
18 residential lot.
- 19 ◇ When the RCA determines that approximately 50% of the New
20 Agricultural Lands Cap within the Criteria Area has been converted
21 to New Agricultural Lands, it shall seek approval of an amendment
22 from the Wildlife Agencies to increase the New Agricultural Land
23 Cap.

24 E. HANS Process (MSHCP Section 6.2E, 6.2F; Implementing
25 Agreement Sections 11.3.5, 11.3.6)

- 26 ◇ Except for expansion of Existing Agricultural Operations for
27 construction of Commercial Uses on Agricultural Properties, all
28 other Agricultural Operations are exempt from the HANS Process
unless property owner or operator requests HANS review. If there
are insufficient funds to acquire the land for the Conservation Area
through the HANS Process, then the proposed Agricultural
Operations may proceed, with Take Coverage extended to them
under the Permits without the application of any of the MSHCP
mitigation requirements including, but not limited to, biological
surveys, adjacency requirements, Criteria, HANS Process, and
MSHCP Mitigation Fee, provided the proposed Agricultural
Operations is not a Commercial Use on Agricultural Property.
- ◇ In conjunction with Farm Bureau, the County and Cities, with input
from the RCA as appropriate shall identify property that may have
the potential for use as tenant farming and dry land farming in the
Criteria Area. As requested by a property owner, operator or tenant
farmer, the County or Cities shall undertake a limited HANS
analysis of property based upon existing information solely to
determine if all or a portion of the property could be used for
interim farming. The County or Cities as appropriate shall

1 complete such a process within fifteen business days of submission
2 of such a request. The County Planning Director or City Planning
3 Director, respectively, shall be the designated contact for such
4 requests. Upon completion of this process, the County or Cities
5 shall indicate whether the subject property is desirable for
6 conservation pursuant to the MSHCP. The County Planning
7 Director or City Planning Director, respectively shall make this
8 determination. If the property is not desirable for conservation,
9 then the five year period set forth in Section 11.3.6 of the
10 Implementing Agreement and Section 6.2F of the MSHCP shall not
11 be applicable. If the property is desirable for conservation, then the
12 five year period set forth in Section 11.3.6 of the Implementing
13 Agreement and Section 6.2F of the MSHCP will be applicable.

14 F. MSHCP Fee (County and Cities MSHCP Fee Ordinance;
15 Implementing Resolution)

16 The County and Cities shall implement or amend applicable County and
17 City Fee Ordinances and Implementing Resolutions as necessary to
18 accomplish the following:

- 19 ◊ Agricultural Operations (including but not limited to grading,
20 clearing and grubbing activities for agricultural crops, ponding
21 areas, berms and other water quality protection structures) are
22 exempt from the application of the MSHCP Mitigation Fee, except
23 for new construction of Commercial Uses on Agricultural
24 Properties.
- 25 ◊ The County will prorate the MSHCP Fee for Commercial Uses on
26 Agricultural Properties based upon the acreage or portion thereof
27 impacted as defined and set forth in the Application submitted by
28 the Property Owner or operator, not necessarily the entire acreage
of the Applicant's property unless completely impacted.
Residential homes in rural and agricultural zoning classifications
will pay applicable residential MSHCP Mitigation Fee.
- ◊ Credit will be provided in the full amount for any fees assessed for
new projects on property that has already paid MSHCP Mitigation
Fee.

2. MSHCP Compliance and Consistency. In implementing the MSHCP, the County,
RCA and the Cities will contribute to the preservation of the economic viability of Agricultural
Operations as a means of preserving agricultural resources in Western Riverside County.
Accordingly, except for the restricted circumstances of Commercial Uses on Agricultural
Properties, Agricultural Operations are exempt from the MSHCP's mitigation requirements
including, but not limited to, biological surveys, adjacency requirements, Criteria, Habitat
Acquisition and Negotiation process, MSHCP Mitigation Fee, and any other MSHCP regulations

1 which may be adopted by the County, Cities, Service or DFG. All Agricultural Operations are
2 deemed to be consistent with the provisions of the MSHCP, as long as the landowner or
3 agricultural operator complies with the terms of the MSHCP as clarified consistent with this
4 Agreement.

5 3. Further Cooperation. The Parties agree to promptly execute and deliver any and
6 all additional papers, documents, instruments, and other assurances, and to do any and all acts and
7 things reasonably necessary in connection with the performance of their obligations hereunder
8 and to carry out the intent of the Parties to this Agreement.

9 4. Authority to Sign. Each Party represents and warrants to each other Party that its
10 signatory to this Agreement has the authority to bind the Party, and this Agreement does bind the
11 Party.

12 5. Remedies. Any Party may institute legal action to cure, correct or remedy any
13 uncured default, to enforce any covenants or agreements herein, or to obtain any remedies
14 consistent with the purpose of this Agreement. In the case of breach or default by any party, any
15 other party specifically reserves the right to invoke the Court's continuing jurisdiction pursuant to
16 Section 7 below to enforce the terms of the Stipulated Judgment.

17 6. Attorneys' Fees. In addition to the remedies set forth in Section 5 above, in the
18 event of any such legal action involving or arising out of this Agreement, the prevailing Party
19 shall be entitled to recover from the losing Party, reasonable litigation expenses, attorneys' fees
20 and costs incurred. The Parties shall bear their own costs of litigating the Action and negotiating
21 this Agreement.

22 7. Settlement/Stipulated Judgment. The County, RCA and the Cities, respectively,
23 have complied with applicable laws, regulations and policies prior to approving this Agreement.
24 Prior to approving this Agreement, the County, Cities and the RCA, respectively, have
25 determined that approval and implementation of this Agreement is exempt from CEQA and
26 directed that, within five business days of their respective approvals of this Agreement, Notices of
27 Exemption be filed and posted pursuant to State CEQA Guidelines section 15062. The Parties
28 agree that the Court shall reserve and retain full jurisdiction, power, and authority to enable the

1 Court upon noticed motion of either County or Farm Bureau, to make such further orders or
2 directions to enforce, protect, or preserve the rights of the County and Farm Bureau consistent
3 with the terms of this Agreement; to hear any legal challenge to the clarifications as a related
4 case; and to issue such additional orders and/or injunctions to prevent injury to the interests of the
5 County or Farm Bureau that might result from any change in the MSHCP or Implementing
6 Agreement materially different from this Agreement adversely affecting Agricultural Operations
7 within the County. The RCA agrees to be bound by the terms of the Stipulated Judgment. The
8 County and the Farm Bureau agree to be bound by the terms of the Stipulated Judgment and to
9 submit themselves to the continuing jurisdiction of the Court in the Action to specifically enforce
10 the provisions of this Agreement and the order and judgment thereon. The County, RCA and
11 Farm Bureau agree to fully cooperate in defending this Agreement and the order and judgment
12 thereon from any and all legal or administrative actions instituted by any third party challenging
13 the approval or validity of this Agreement or any of its provisions and any action taken or
14 decision made hereunder. Each party retains the right to make all reasonable decisions with
15 respect to its representation in any such legal or administrative proceeding.

16 8. No Effect on Other Petitioners and Plaintiffs. The Parties acknowledge that this
17 Agreement and the stipulated judgment will not settle the Action with respect to, and will not
18 affect, any of the petitioners and plaintiffs in the Action besides Farm Bureau.

19 9. Actions in Furtherance of the MSHCP. Providing that all Parties comply with this
20 Agreement, and all Parties, the Service and DFG implement the MSHCP consistent with this
21 Agreement, Farm Bureau agrees not to file any litigation, or sponsor or fund any initiative,
22 preventing or challenging the County, Cities or RCA's approval of the MSHCP, or the Service's
23 and DFG's issuance of the permits or biological opinion on the MSHCP, expected to occur within
24 the next six months. This Section shall not be interpreted to bind any member of Farm Bureau or
25 to prevent Farm Bureau from acting in any manner to support or defend any of its members or to
26 protect Farm Bureau's interests in future proceedings related to the implementation of the
27 MSHCP.

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1 10. Prior Negotiations and Understandings. This Agreement supersedes all prior
2 negotiations and understandings of any kind with respect to the subject matter hereof between the
3 Parties and contains all the terms and provisions of the agreement between the Parties with
4 respect to the subject matter hereof. The Parties acknowledge that there are no oral
5 understandings, statements or stipulations between any of them bearing upon the effect of this
6 Agreement which have not been incorporated herein. No waiver, modification, amendment,
7 discharge or change in the terms of this Agreement shall be valid unless the same is in writing
8 signed by the Party against which the enforcement of such waiver, modification, amendment,
9 discharge or change is sought.

10 11. Neutral Interpretation. Each Party and each Party's legal counsel has reviewed
11 this Agreement, and the customary rule of construction to the effect that any ambiguities in this
12 Agreement are to be resolved against the drafting Party shall not be employed in interpreting this
13 Agreement.

14 12. Severability. The provisions of this Agreement are severable, and if one or more
15 provisions should be determined to be judicially unenforceable, in whole or in part, the remaining
16 provisions thereof shall nevertheless be binding and enforceable and the Parties will negotiate in
17 good faith amendments to replace the unenforceable provisions and restore the original purpose
18 and intent of this Agreement.

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III. Past Attorneys' Fees, Costs and Litigation Expenses.

Each Party shall bear all its own costs, attorneys' fees, and related expenses associated with litigating the Action through the date of entry of this Stipulated Judgment.

IV. Exercise of Police Power.

To the extent applicable in this Judgment, the parties acknowledge and agree that the County is exercising its present police power in entering into this Judgment and in fulfilling its obligations thereto. In addition, this Judgment and the provisions hereof are in the interests of the Parties in this action, the citizens of the County and Cities and the general public.

APPROVED AS TO FORM ONLY:

DATED: Oct. 27, 2005

JACKSON DeMARCO TIDUS & PECKENPAUGH

By: Michele Staples

Michele A. Staples, Esq.
Gregory P. Regier, Esq.
Attorneys for Petitioners and Plaintiffs
RIVERSIDE COUNTY FARM BUREAU, et al.

DATED: NOV. 9, 2005

BEST BEST & KRIEGER, LLP

By: Michelle Ouellette

Michelle Ouellette, Esq.
Attorneys for Respondents and Defendants
COUNTY OF RIVERSIDE; COUNTY
BOARD OF SUPERVISORS.

THE CLERK IS ORDERED TO ENTER THE FOREGOING JUDGMENT.

Dated: 11/6/2005

Lawrence W. Fry

Lawrence W. Fry
Judge, Riverside County Superior Court

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PROOF OF SERVICE

I, Tammy L. Valverde declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 3750 University Avenue, Suite 400, Riverside, California 92501. On November 11, 2005, I served the within documents:

[PROPOSED] JUDGMENT

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Riverside, California addressed as set forth below.
- by causing personal delivery by of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by {**Overnight Delivery Name Inserted Here**} following the firm's ordinary business practices.

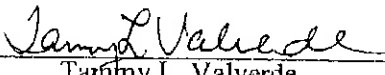
Gregory P. Regier, Esq.
Jackson, DeMarco, Tidus & Peckenpaugh
a Law Corporation
2815 Townsgate Road, Ste. 200
Westlake Village, CA 91361

Michele A. Staples, Esq.
Jackson, DeMarco, Tidus & Peckenpaugh
a Law Corporation
2030 Main Street, Suite 1200
Irvine, CA 92614
(949) 752-0597-Facsimile

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 11, 2005, at Riverside, California.



Tammy L. Valverde

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Comment Letter No. 103: Riverside County Farm Bureau

- Comment 103.1** The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.
- Comment 103.2** This comment is duly noted. Although the comment lists specific concerns in regards to the adequacy of the EIR, further explanation for the listed concerns is provided within the following comments. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 103.3** This comment is duly noted. In regards to Policy OS 4.5 and 5.5, the County defines development, and specifically notes that agriculture is not considered development, on page OS-13 of the Multipurpose Open Space Element which states:
- “Development** is defined as the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure that would require a discretionary permit from the County; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land that would require a discretionary permit from the County. Development does not include non-motorized trails, agriculture or other uses for which a discretionary permit is not required. For purposes of this definition, the term, discretionary permit, shall have the same meaning as that set forth in the California Environmental Quality Act and Guidelines.”
- Under the definition of development provided within the General Plan, agricultural operations would not be required to meet the buffering requirements outlined in Policy OS 4.5. Continuing operations operating on agricultural land would not be required to undergo a planning permitting process, and as such would not be subject to the requirements outlined in OS 5.5. As such, impacts to agricultural lands as a result of OS 4.5 and OS 5.5 were not analyzed, since impacts would not occur to agricultural lands.
- Comment 103.4** As noted in AQ Policies 20.13 through 20.15, the County is evaluating the use of several alternative water sources in order to increase water efficiency. One component of the water reduction efforts includes the use of recycled water sources for agricultural activities. The County also proposes the development of bioswales to increase on-site water capture and reduced landscape irrigation. The implementation of multiple water efficiency policies will allow the County to exercise the highest water efficiency possible. The implementation of the water recycling and efficiency policies, including measures to reduce the potential for salt buildup due to recycled water use, will be developed prior to policy implementation.

As noted in the “Recycled Water” section of Draft EIR No. 521 on page 4.18-126, “existing water quality and regulatory issues limit groundwater recharge using recycled water, as does the need for high-quality potable water for blending in order to meet specified water quality targets. Recycled water use is growing rapidly in Riverside County and elsewhere in MWD’s service area. However, further expansion depends on progress in research, regulatory change, public acceptance and financing of local projects.”

The scope of recycled water use within the County may expand in the coming years, depending on technological improvements for recycled water and the available water supplies in the region. The implementation of future water efficiency and supply projects as it relates specifically to agricultural resources is beyond the purview of the GPA No. 960, and is the responsibility of individual water suppliers within each applicable region. As such, no further response is warranted.

Comment 103.5 In regards to the removal of language from Policy LU 20.10, this comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

In regards to potential impacts related to the removal of the language within Policy LU 20.10, increased permitting requirements for discretionary projects as a result of the removal of the noted language will not create additional environmental impacts than those evaluated by the Draft EIR. The removed language will require projects that necessitate discretionary review to undergo the full permitting process to ensure consistency and compatibility with agricultural operations. No environmental impacts beyond those noted in the Draft EIR will occur. As such, no further response is warranted.

Comment 103.6 In regards to the removal of Policy LU 16.8, this comment pertains to the General Plan, which will be considered by the County during Project deliberations, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

In regards to impacts related to the removal of Policy LU 16.8, the removal of Policy LU 16.8 does not reduce or remove agricultural lands, and as such no impact will occur beyond those analyzed in the Draft EIR. Further, potential impacts to agricultural operations based upon the removal of Policy LU 16.8 is speculative and beyond the scope of the Draft EIR. No further response is warranted.

Comment 103.7 This comment is duly noted. The County has rewritten the vision statement to remove confusion related to agriculture and its classification as development. The statement now reads:

Page V-21:

“9. Agricultural lands remain as a valuable ~~form of development~~ *land use within the County*. Although they are not publicly owned open space, through voluntary agreements, many of them have become part of Riverside County’s multi-purpose open space system for their visual value and as buffers to other forms of development.”

As noted in Response 103.3, the County does not classify agriculture as development under the General Plan. It is not the intent of the County to limit the operation of agricultural uses within the County vis-à-vis the MSHCP, and its requirements. All requirements and statements within the MSHCP Judgement (attached to the comment letter) remain, and increased restrictions to agricultural uses, in regards to the protection of biological resources, will not be changed via GPA No. 960. The policies within GPA No. 960 will not override the safeguards for agricultural operations contained within both the MSHCP and the MSHCP Judgement.

Comment 103.8 This comment is duly noted. As stated above in Response 103.7, GPA No. 960 will not override the safeguards within the MSHCP and MSHCP Judgement for agricultural operations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 103.11 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

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Bonnie J. Moore
8765 Mann Lane
Hemet, CA 92545



April 1, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

104.1

I also have a concern about the statement, “Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.”, in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

104.2

Sincerely,
Bonnie J. Moore
Bonnie J. Moore

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Comment Letter No. 104: Moore, Bonnie J.

Comment 104.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 104.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Thomas C. Moore
8765 Mann Lane
Hemet, CA 92545



April 1, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 52I & Draft GPA # 960

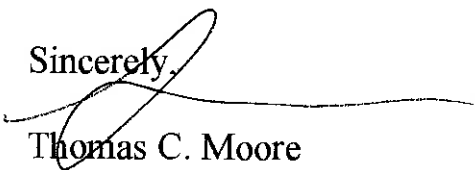
I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

105.1

I also have a concern about the statement, "Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

105.2

Sincerely,



Thomas C. Moore

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Comment Letter No. 105: Moore, Thomas C.

Comment 105.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 105.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Mr. & Mrs. Charles McManis

8345 Singh Court

Hemet CA 92545

951.923.4095



March 24, 2015

Kristi Lovelady, Principal Planner

TLMA Planning Department

4080 Lemon Street, 12th, Floor

Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

Ms. Lovelady:

We realize you have received many similar letters in regard to the above referenced Review. Please be so kind as to read our letter to the end.

106.1

We support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

106.2

We also have a concerns about the statement, "Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre." in the San Jacinto Area Plans, Maze Stone on page 7. As far as we know, unless proven otherwise, there are no approved subdivisions for one-half acres lots approved for Reinhardt Canyon.

106.3

We urge your support of our position on this issue as it has been shown in several studies that development of multiple residences in this canyon would be dangerous to existing residences in the canyon and to those in the Four Seasons residential development south of the proposed development due to the fact that access out of the canyon is extremely limited, creating a hazardous situation in case of a disaster such as fire, in which case the safety of all residents in the area would be threatened.

106.4

Sincerely,

Charles & Berris McManis

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Comment Letter No. 106: McManis, Charles and Gerri (Letter 2)

Comment 106.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 106.2 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 106.3 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.”~~

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 106.4 See Response 106.2, above. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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(Name and address)
March 24, 2015

Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211



Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

107.1

I also have a concern about the statement, "Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

107.2

Sincerely,

A handwritten signature in cursive script that reads "Diane C. Best".

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Comment Letter No. 107: Best, Diane C.

Comment 107.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 107.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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Johnson Sedlack

ATTORNEYS at LAW

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April 6, 2015

Kristi Lovelady, Principal Planner
County of Riverside
4080 Lemon St., 12th Floor
Riverside, CA 92501
klovelad@rctlma.org



ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

EMAIL AND US MAIL

RE: Comments regarding General Plan Amendment No. 960, Climate Action Plan, and Draft Environmental Impact Report No. 521

Greetings:

On behalf of concerned County environmental groups and residents, I hereby submit these comments on General Plan Amendment No. 960 (GPA No. 960), the Climate Action Plan (CAP), and Draft Environmental Impact Report No. 521 (DEIR No. 521).

108.1

General Comments

The EIR for this Project fails as an informational document by failing to analyze all potentially significant environmental effects of the project. (Public Res. C. § 21002.1(a), (e); State CEQA Guidelines § 15128, 15126, 15123). In particular, the EIR fails to adequately evaluate the effects of completely obliterating any standards for circulation levels of service in the County. The EIR also fails to adequately consider air quality impacts, including, but not limited to, from additional traffic and from siting industrial land uses in close proximity to sensitive receptors in SCAQMD’s jurisdiction. Noise impacts from mobile sources are likewise inadequately considered. The EIR therefore fails as an informational document

108.2

CEQA also requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, **all feasible mitigation** must be adopted. This has not been done with this Project. Particularly where the Project is located in an area with some of the worst air quality and health risk impacts in the nation (*see*, SCAQMD’s MATES studies, available <<http://www.aqmd.gov/home/library/air-quality-data-studies/health-studies>>); and where almost all roadways are predicted to operate at unacceptable levels at buildout; additional mitigation for air quality and traffic must be adopted.

108.3

In addition to these principal concerns, please consider the following comments:

Land Use Element

The amendment to LU 6.1(a) would permit day care facilities in any location except a limited few. Areas in heavy agricultural production should be included in that list to prevent to exposure of children to significant quantities of pesticides.

108.4

LU 7.5 says “Require buffering to the extent possible between urban uses and adjacent rural/equestrian oriented land uses. (AI 3)” This should be changed to remove “to the extent possible” as this weakens the policy and making this change would help preserve rural uses and ensure the safety of such uses.

108.5

LU 12.1(f) has been amended from: “Encourage the limitation of grading, cut, and fill to the amount necessary to provide stable area for structural foundations, street rights-of-way, parking facilities, and other intended uses”; to “*In the areas at risk of flooding, limit grading...*” This change is significant as the policy would permit substantially greater amounts of soils work and associated traffic, air quality, GHG, and other effects compared to existing policy. The existing policy seeking to limit soils work on all sites should be retained or strengthened to read: “Limit grading, cut, and fill to the amount necessary to provide stable area for structural foundations, street rights-of-way, parking facilities, and other intended uses.”

108.6

LU 22.8 has been added to read,

“An amendment from the Rural Community Foundation Component that meets the following criteria may be considered as an entitlement/policy amendment and processed as defined in Section 2.4 General Plan Technical Amendments and Entitlement/Policy Amendments of Ordinance No. 348:

- a. This amendment shall be located within a city’s sphere of influence area.
- b. This amendment shall be located within an existing community that is characterized by lots smaller than 20,000 square feet in net area.
- c. There shall be a Memorandum of Understanding between the County of Riverside and the city that ensures adequate infrastructure, including sewer services for the establishment of lots smaller than one acre.
- d. This amendment shall be processed with a tract or parcel map and approved with a condition of approval that requires the extension of a sewer line.”

108.7

The addition of LU 22.8 allows for significant deviations from the Rural Community Foundation Component without adequate review and findings. Essentially, changes to a site’s Rural Community Foundation Component designation could be made without the County first making the stringent findings needed for a General Plan Foundation Component Amendment pursuant to Section 2.5 of the Zoning Ordinance and without limiting such changes to the Five-Year General Plan Review Cycle. This exception to permit amendments from the Rural Community Foundation Component without complying with Section 2.5 should be omitted, or its effects further evaluated and detailed in the EIR.

Circulation Element

A. Policy C 2.1 Change from Countywide Target Level of Service to Define Target Level of Service by Area Plan

108.8

The circulation element amendment to Policy C2.1 proposes to remove the countywide target level of service and will allow LOS D in all the urbanizing Area Plans of Western Riverside County and the Western Coachella Valley rather than allowing LOS D only as an exception.

The Draft EIR finds this change to be minimal, as only 59.69 miles of LOS C roadways are forecast to operate at LOS D, and:

“The current Riverside County Roadway System consists of more than 2,100 miles. The centerline miles shown above, which indicate the number of miles of County of Riverside roadway affected by the proposed change in LOS policy, represent less than 3% of the total road system.”

The EIR also details the myriad benefits of this amendment but fails to discuss any potential negative effects:

“The likely results of the LOS policy as currently proposed will be narrower improvement widths in order to mitigate traffic impacts due to the lower threshold of significance. The reduction in pavement width is generally considered to have positive environmental effects, rather than negative, as the footprint of disturbance required for construction is reduced. This will provide cost saving not only in terms of construction costs, but also in ongoing maintenance costs. The reduction in improvement width will also serve to support Riverside County’s policy of supporting alternative modes of transportation such as bicycle and pedestrian travel by providing a more favorable environment for these activities. It will also serve to make the use of public transit a more attractive option as well.”

108.9

The EIR must consider and disclose the negative impacts of allowing target LOS D in all the urbanizing Area Plans of Western Riverside County and the Western Coachella Valley on traffic/circulation, wait times, air quality from additional idling, traffic noise, etc.

B. GPA 960 Results in Unacceptable Levels of Service (E or F) for All County Roadways, Freeways, and Expressways

It is difficult to see the point in removing the countywide target levels of service where according to the EIR almost all County roadways will operate at LOS E or F with GPA No. 960. The County must adopt *all feasible mitigation* to seek to improve circulation and maintain the LOS D standard. Additional mitigation may include coordinating with Caltrans to implement a mitigation fee program for highway facilities within the County; investigating and developing new public transit systems to meet the needs of the population; promoting telecommuting for County workers; better mobile access apps/systems for trip planning; etc.

108.10

Air Quality Element

The General Plan adds AQ 18.2 “Adopt GHG emissions reduction targets. Pursuant to the results of the Carbon Inventory and Greenhouse Gas Analysis for Riverside County, future development proposed as a discretionary project pursuant to the General Plan shall achieve a greenhouse gas emissions reduction of 25% compared to Business As Usual (BAU) project in order to be found consistent with the County’s Climate Action Plan (CAP). (AI 26)” Business as Usual Project should be defined as a project compliant with the other policies of the General Plan including the preceding Air Quality Element policies. Any GHG reduction must occur from *actual* Business As Usual emissions if the project were otherwise compliant with the law, not falsely inflated estimates.

108.11

AQ 19.3 (b) should likewise clarify the reductions must occur from real GHG emission estimates and not inflated quantification above what would otherwise be required with application of General Plan policies. [*“Requiring quantification of project specific GHG emissions and reduction of GHG emissions to, at minimum, the applicable GHG reduction threshold established in the CAP.”*] The language of AQ 21.2 (d) may be employed or cited to further clarify BAU and reductions therefrom: “Other methods for calculating BAU and showing GHG emissions reductions may be used provided such methods are both scientifically defensible and show actual emission reduction measures incorporated into project design, mitigation or alternative selection. *That is, reductions must not be illusory ‘paper’ reductions achieved merely through baseline manipulation.*” [emphasis added]

108.12

Air Quality Element AQ 20.5 should be amended, or an additional policy added, to require capacity for Electric Vehicle DC Quick Charge/ Fast Charge units where feasible or for certain types of residences (e.g. high density residential.) Capacity for DC Quick Charge/ Fast Charge would also be very beneficial in a commercial setting (AQ 20.6) as drivers have less time to charge electric vehicles than at home.

108.13

Mitigation measure 4.6D-N2 should add standards for siting warehouse distribution/logistics industrial projects uses near sensitive receptors (and vice versa) in SCAQMD’s Jurisdiction. The 1,000 foot setback is required in MDAQMD’s Jurisdiction is likewise justified in SCAQMD’s Jurisdiction. At a minimum a 500-foot setback should be required for such incompatible land uses. (*See, Attachments and Electronic Citations, Nos. 2-4*)

108.14

Elsinore Area Plan

Community Centers have been deleted as a tool for smarter growth in the City. The effect of this deletion must be adequately considered and evaluated in the EIR.

108.15

ELAP 6.2 should be amended to add “To ensure that development along the Grand Avenue Corridor occurs in a historically consistent manner, require the necessary studies in the future *prior to development along this Corridor.*”

108.16

Climate Action Plan

The CAP should clarify that the applicable Title 24 standards are those in effect at the time of a project's proposed approval. Outdated Title 24 standards should not be permitted. For example, if a NOP is issued in 2008 but the proposed development has been substantially delayed and is not proposed for approval until 2015, the project should be evaluated (or reevaluated) for compliance with current (2013) Title 24 standards.

108.17

Improvements above Title 24 should also be clarified to mean that the improvements achieve 5%-20% reductions in emissions compared to the efficiencies required by Title 24. It may similarly be useful to require the County maintain lists of current alternatives capable of achieving such reductions for simpler improvements (c.g. windows) to reduce the need for engineering details for proposed improvements.

108.18

E1.B.1 and E5.B.1. "Reduced" and "Greatly Reduced" distribution losses both provide for 15% > Title 24. "Greatly Reduced" should read 20%.

108.19

It should be clarified that the "Screening Table for GHG Implementation Measures for Commercial Development and Public Facilities" also applies to industrial projects.

108.20

The screening tables for Residential and Commercial should account for the differences in EV charging stations and clarify the type of EV outlet needed for 8 points. 8 points/ EV station for what may amount to a basic Level 1 outlet (i.e. Common household outlet) is too high where it provides only around 4-5 mile range/ hour of charging. If a Level 2 station, some points may be justified where a charger will get 12-30 miles range/hour. If Fast Charge, 8 points/ station is justified as more users can benefit from its full charge in a little more than 30 minutes. T7.B.1 should be amended to provide 8 points/station for installing Quick/Fast Charge EV station; and perhaps lesser points for installing a Level 2 EV station. It may also be beneficial to require a minimum number of stations to achieve points; or to give additional points for providing EV stations across 10% of parking spaces.

108.21

Conclusion

For each of these reasons, I ask the County again amend GPA No. 960 and the CAP, and amend and recirculate DEIR No. 521, to resolve the issues raised in these comments.

108.22

Sincerely,



Raymond W. Johnson, Esq., AICP, LEED GA
JOHNSON & SEDLACK

Attachments and Electronic Citations

- (1) Western Riverside Council of Governments,
2013 Annual Report, Transportation Uniform Mitigation Fee Program,
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- (2) *The Health Effects of Air Pollution on Children*, Michael T. Kleinman,
Ph.D, Fall 2000,
<http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren>
- (3) *Diesel and Health in America: the Lingering Threat*, Clean Air Task
Force, February 2005,
<http://www.catf.us/resources/publications/files/Diesel_Health_in_America.pdf>
- (4) *Technical Support Document for Cancer Potency Factors:
Methodologies for derivation, listing of available values, and adjustments to allow for
early life stage exposures*, California EPA OEHHA Air Toxicology and
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- (5) U.S. Department of Housing and Urban Development. (March 2009)
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- (6) Suter, Dr. Alice H., Administrative Conference of the United States.
(November 1991) *Noise and Its Effects*.
<<http://www.nonoise.org/library/suter/suter.htm>>
- (7) SCAQMD's MATES studies, available at
<<http://www.aqmd.gov/home/library/air-quality-data-studies/health-studies>>

RAYMOND W. JOHNSON, Esq., AICP, LEED GA
26785 Camino Seco
Temecula, CA 92590
(951) 506-9925
(951) 506-9725 Fax
(951) 775-1912 Cellular

Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Thirty years subdivision design: residential, commercial and industrial
- Thirty years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
 - Review and supervision of preparation of EIR's and joint EIR/EIS's
 - Preparation of Negative Declarations
 - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
 - Sierra Club
 - San Bernardino Valley Audubon Society
 - Sea & Sage Audubon Society
 - San Bernardino County Audubon Society
 - Center for Community Action and Environmental Justice
 - Endangered Habitats League
 - Rural Canyons Conservation Fund
 - California Native Plant Society
 - California Oak Foundation
 - Citizens for Responsible Growth in San Marcos
 - Union for a River Greenbelt Environment
 - Citizens to Enforce CEQA
 - Friends of Riverside's Hills
 - De Luz 2000
 - Save Walker Basin
 - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals
- Member, U.S. Green Building Council, LEED GA

Johnson & Sedlack, Attorneys at Law

26785 Camino Seco
Temecula, CA 92590
(951) 506-9925

12/97- Present

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions

26785 Camino Seco
Temecula, CA 92590
(909) 506-9825

8/94- Present

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department

Environmental Team
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

6/91-8/94

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department

General Plan Team
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

6/91-6/92

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

San Bernardino County Planning Department

North Desert Regional Planning Team
15505 Civic
Victorville, CA
(619) 243-8245

6/90-6/91

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting

229 NW Blue Parkway
Lee's Summit, MO 64063
(816) 525-6640

2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track. Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.

Lee's Summit, MO

6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.

Lee's Summit, MO
Owner

9/78-5/84

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association

Lee's Summit, Mo.
Project Coordinator

6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

City of Lee's Summit, MO

220 SW Main
Lee's Summit, MO 64063
Community Development Director

4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff

9200 Ward Parkway
Kansas City, MO 64114
(816) 333-4800
Economist/Planner

5/73-4/75

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.

Comment Letter No. 108: Johnson and Sedlack

Comment 108.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment serves as an introduction. Responses to specific comments are provided below; no further response is required.

Comment 108.2 This comment is duly noted. The commenter asserts that the Draft EIR fails to evaluate a number of impact areas, including the Change in Level of Service Standards, potential air quality impacts, and noise impacts. While the commenter notes these specific areas where they see deficiencies, no specific comments are made within this comment in regards to the perceived deficiencies within these areas of the Draft EIR, particularly pertaining to the noise analysis.

In regards to the change in the County LOS standard, this comment is in reference to the following new language added to Policy C 2.1:

“Notwithstanding the forgoing minimum LOS targets, the Board of Supervisors may, on occasion by virtue of their discretionary powers, approve a project that fails to meet these LOS targets in order to balance congestion management considerations in relation to benefits, environmental impacts and costs, provided an Environmental Impact Report, or equivalent, has been completed to fully evaluate the impacts of such approval. Any such approval must incorporate all feasible mitigation measures, make specific findings to support the decision, and adopt a statement of overriding considerations.”

This language was added to the County’s LOS policy to state what is already in effect. Currently, the Board of Supervisors has the authority to approve a project that cannot satisfy the minimum LOS target. The policy language goes on to state under what conditions the Board might consider an approval of this nature. The above-referenced portion of the policy in no way negates the LOS targets as presented in the policy, but acknowledges the need, on occasion, to balance competing interests for the public good. (See also Responses 25.7 and 29.52).

In regards to the Air Quality analysis, refer to comment 108.3 below.

Comment 108.3 The commenter asserts that the Draft EIR does not consider all feasible mitigation in regards to Air Quality and Greenhouse Gas Emissions. This is untrue. The Project includes the Climate Action Plan, which specifically outlines required steps to reduce greenhouse gas emissions. To further supplement the CAP, and reduce air quality impacts, the Draft EIR includes 20 individual mitigation measures to reduce air emissions (Mitigation Measures 4.7-A-N1, 4.7-A-N2, 4.5.1A, 4.5.1B, 4.5.1C, 4.6.B-N1, 4.6.B-N2, 4.6.B-N3, 4.7.A-N1, 4.7.A-N2, 4.6.B-N4, 4.6.B-N5, 4.5.1A, 4.5.1B, 4.5.1C, 4.6.D-N1, 4.6.D-N2, 4.6.E-N-1, 4.6.E-N-2, and 4.6.E-N-3). The General Plan Update also includes numerous policies to minimize air emissions. Additionally, future development projects would be required to comply with the CEQA process and necessary mitigation measures would be identified that are associated with project specific impacts. The timing and verification mechanisms of the mitigation measures

will also be identified in the Mitigation Monitoring and Reporting Program, which is included as part of the Final EIR.

- Comment 108.4** This comment pertains to the General Plan, specifically the location of daycare facilities within the County; it is more likely directed towards an ongoing lawsuit filed on behalf of the commenter as opposed to a substantive comment on GPA No. 960. Regardless, it does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 108.5** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 108.6** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 108.7** The commenter states that Policy LU 22.8, as amended, is not analyzed within the Draft EIR. However, this policy, developed to allow the County to adjust land uses to within a City’s Sphere of influence, would require the project to meet strict stipulations and would also require substantial project-level analysis. The County would still be required to provide findings for the approval for the Project, it would simply allow these changes, under limited circumstances, outside of the eight year county foundation component amendment cycle.
- Comment 108.8** This comment is duly noted. This comment states that Policy C 2.1 will remove the countywide target LOS C and allow LOS D in all urbanizing Area Plans. This is a misinterpretation of the current policy and is one of the reasons for the proposed language revision in order to correct ambiguities in the current policy statement. Under the current policy, LOS D is allowed in any area designated for Community Development. While the revised approach is to adjoin the LOS targets to Area Plan boundaries, this only slightly expands the area subject to the LOS D target and eliminates the problem of having major roadways which link urbanizing areas having varying LOS targets. Refer also to Response 29.53.

This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 108.9 This comment is duly noted. This comment asserts that the Draft EIR must consider and disclose the negative impacts associated with the change in LOS policy allowing expansion of the area targeted for LOS D.

As noted in the author's comment, the Draft EIR identifies that only 59.69 miles of roadway that are currently covered by the LOS C target are forecast to operate at LOS D. Appendix EIR 4-F presents this LOS analysis on a segment by segment basis organized by Area Plan and comparing the projected Buildout LOS for both GPA No. 960 and the 2003 General Plan. In every case, each roadway segment also failed to meet the LOS C Target under the 2003 General Plan Buildout analysis. The impacts of the revised LOS policy language have been fully evaluated and are insignificant, and no further response is necessary. Refer also to Response 25.7.

Comment 108.10 This comment is duly noted. This comment asserts that according to the EIR almost all County roadways will operate at LOS E or F.

With the implementation of GPA No. 960, many freeway and expressway lane miles are projected to operate at LOS E or F. The Existing General Plan polices and the revised policies will partially address these deficient conditions. However, these policies will not fully address these deficiencies and additional implementation actions may be needed once these conditions actually manifest. The Congestion Management Program (CMP) requires the development of deficiency plans to address actual operating deficiencies. GPA No. 960 will not adversely affect the local CMP and does include policies to support the goals and objectives of the CMP. The Commenter also notes several suggested mitigation measures.

In regards to the establishment of a funding agreement between the County and CalTrans, the County already requires a number of mitigation fees, including the County of Riverside Transportation Uniform Mitigation Fee (TUMF), as well as other transportation funding sources. As noted in mitigation measure 4.16.1A, all projects are required to pay a "Fair Share" funding contribution. Continuing, Mitigation Measure 4.18.1D-N1 requires the County, when necessary to collaborate with CalTrans to develop to add auxiliary transportation infrastructure where necessary.

In regards to increased public transportation services, the County has a number of different transit options offered throughout its community, including busses, rail, and active transportation facilities. As noted throughout the Circulation Element, the County continues to add alternative transportation opportunities as the County develops. Beyond the General Plan, the Western Riverside Council of Governments, as well as the Coachella Valley

Association of Governments both have regional transportation plans that address alternative transportation in their respective portions of the County.

In regards to the investigation and development of new transit options, and the encouragement of telecommuting for employees, the Climate Action Plan includes a number of implementing measures that address issues raised by the commenter. The CAP includes measures R2-T1 (Employer trip reduction through carpooling and a guaranteed ride home program), and R2-T9 (Increase the availability of public transit), which directly address these concerns.

In regards to the development of an app for use in trip planning, many 3rd party apps have been developed for both navigation and transit. The Riverside County Transit Agency has a number of recommended transit apps on their website that help users to track public transit and plan trips. Refer to the RTA apps webpage for more information (riversidetransit.com/index.php/riding-the-bus/transit-apps)

In regards to the arterial roadway network, this statement appears to be a misinterpretation of the EIR data. Table 4.18-P (Baseline to GPA No. 960 Comparison of Segments One Mile or Greater (Arterial Road Network)) does present an extensive listing of roadways exhibiting LOS deficiencies; however, the purpose of these tables is to highlight those roadway segments where the forecast LOS fails to meet the General Plan target. Table 4.18-Q (Summary of Operating Characteristics – Miles of Roadways – Arterial Road Network) and Table 4.18-R (Summary of Operating Characteristics – Lane Miles of Roadway – Arterial Road Network) clearly demonstrate that the vast majority of the roadway system currently operate at acceptable LOS and are forecast to operate at acceptable LOS even at buildout. There are detailed exhibits contained in Appendix EIR-4 which illustrate the projected LOS by roadway segment for both the freeway and expressway system and the arterial network. No further response is required. Additionally, as projects are constructed, they will be required to incorporate all feasible mitigation to reduce impacts to roadways, including mitigation specifically intended to address LOS impacts.

Comment 108.11 It should be noted that the GHG emissions reduction of 25 percent below the BAU scenario referenced in Policy AQ 18.2 and Mitigation Measure 4.7.A-N1 equate to the 15 percent below 2008 baseline levels. The reduction of 25 percent below BAU levels pertains to the reductions needed for new development to meet the goal of 15 percent below 2008 levels. The 25 percent reduction is not inflated as it does not account for reductions from retrofits of existing buildings or State reduction measures.

Comment 108.12 The CAP Screening Tables (Appendix F of the CAP) outline the procedures for analyzing a project's consistency with the CAP. The Screening Tables have a threshold that excludes 90 percent of the emissions on average that all project would exceed. For projects that exceed the threshold, the Screening Tables provide specific methodology for GHG emissions calculations as well as a point system where projects must implement specific measures to

garnish 100 points be consistent with the CAP. These are not reductions from “inflated quantification” as the commenter attempts to portray, but provides for meaningful and aggressive County-wide reductions in GHG emissions.

- Comment 108.13** Refer to Response 33.26. The policy is intentionally broad in order to maintain flexibility. This measure correlates to CAP Screening Table Implementation Measures T7.A.1 and T7.B.1, which assign points based on the average level of implementation. As requested by the SCAQMD, the Screening Tables were tested with various project sizes and types and the point allocations matched the actual emissions reductions within an acceptable standard deviation of 0.5. Additionally, it should be noted that the SCAQMD was consulted regarding the Screening Table and testing method and they were satisfied with this process.
- Comment 108.14** Mitigation Measure 4.6.D-2 states that the County shall require minimum distances between potentially incompatible land uses consistent with those required by CARB, SCAQMD, and MDAQMD. These agencies require a 1,000-foot setback from distribution centers and a 500-foot setback from freeways, which is consistent with the provisions in Mitigation Measure 4.6.D-2. Therefore, no revisions are necessary.
- Comment 108.15** The commenter is incorrect; the removal of the Community Centers from the Elsinore Area Plan has been incorporated into Draft EIR No. 521’s analysis of GPA No. 960. For example, Community Centers have been removed from Table 4 (Statistical Summary of Elsinore Area Plan), located in EIR Appendix 2. These statistical summaries were used in the Draft EIR to evaluate the environmental impacts that would occur as a result of land use changes. As such, the removal of the Community Centers was adequately evaluated in Draft EIR No. 521 through the analysis of the Land Use Statistical Summaries. No further response is necessary.
- Comment 108.16** This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 108.17** The CAP Screening Tables specify that the 2010 version of Title 24 is used as the baseline. Reductions from this baseline are used for consistency in evaluating projects and to achieve the reduction target established in the CAP. Additionally, Chapter 7 of the CAP outlines the implementation process, which includes planning beyond 2020. As such, implementation of the CAP is an involved process that goes beyond the actual document and would be updated to per applicable regulatory changes.
- Comment 108.18** These measures within the Screening Tables have been revised to provide greater specificity regarding what actually is required in order to achieve the reduction credit. For example, Implementation Measure E1.B.1 specifies the R-value of insulation needed in order to achieve the associated reductions and points.

- Comment 108.19** As noted in Response 108.18, above, the descriptions and point values within the Screening Tables have been revised. The measures include specific actions that need to be implemented to achieve an assigned point value instead of requiring a percent reduction. As a result, measure implementation can be implemented and verified more accurately.
- Comment 108.20** The discussion within the CAP Screening Tables have been revised to clarify that the Implementation Actions and point values were based on the analysis of the 738 projects within the sample population combined commercial, residential, and mixed use projects. Also, the sample of projects included warehousing and other industrial land uses but did not include industrial processes (i.e. oil refineries, heavy manufacturing, electric generating stations, mining operations, etc.).
- Comment 108.21** Refer to Response 33.26. The implementation measures and point assignments were determined based on the average level of implementation for various measures. For example, the point allocations assume that charging stations may not be included in all residential units and that some charging stations may provide 120 volts while others may provide 240 volts. As requested by the SCAQMD, the Screening Tables were tested with various project sizes and types and the point allocations matched the actual emissions reductions within an acceptable standard deviation of 0.5.
- Comment 108.22** This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

Additionally, the County has reviewed the attachments provided with the Comment Letter. The attached material contained in the provided links function to support claims made within the letter. As such, the material did not identify any specific concern with the adequacy of Draft EIR No. 521 or any environmental issues. Therefore, the abovementioned referenced material does not warrant any further response as part of the Final EIR. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). The County thanks you for your participation in the General Plan Update and EIR public review period. No further response is necessary.



Dear Mrs. Lovelady,

Thursday, April 2, 2015

On behalf of Highland Springs Resort, Cherry Valley Acres And Neighbors (CVAN), the Cherry Valley Environmental Planning Group and Pardee Homes Inc., we would like to submit the attached letter and respectfully ask for the Removal of the Cherry Valley Avenue extension between Highland Springs Avenue and Wilson Street from the Circulation Element of the County General Plan Amendment.

109.1

In addition we would also like to request the removal of any eventual extension of Brookside Avenue eastward of Highland Springs Ave, should it be on the Plan. (The area plan was too small to be clearly visible.)

109.2

All these changes were agreed upon by the parties in an approved Settlement for *Highland Springs Resort v. City of Banning, et al.* (Consolidated with Case No. RIC1206271) Riverside County Superior Court Case No. RIC1206246.

109.3

Thank you very much for your thoughtful consideration of these requests.

Yours respectfully,

Tina Kummerle
(President, Highland Springs Resort)

November ____, 2014

Via U.S. Mail and E-mail (klovelad@rcrlma.org)

Kristi Lovelady, Principal Planner
County of Riverside
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: General Plan Amendment No. 960
Removal of Extension Cherry Valley Boulevard from Circulation Element

Dear Ms. Lovelady,

On behalf of the Highland Springs Resort, Cherry Valley Pass Acres and Neighbors, the Cherry Valley Environmental Planning Group, and Pardee Homes, we submit these comments on General Plan Amendment No. 960 to request the removal of the extension of Cherry Valley Boulevard east of Highland Springs Avenue to Wilson Street from the Circulation Element of the County General Plan.

The Highland Springs Resort is located in the community of Cherry Valley, within the Pass Area of the County's General Plan. The resort is "a popular conference retreat with a picturesque lodge and convenient connections to surrounding natural features via trail systems." (General Plan Amendment No. 690, Pass Area Plan, p. 9.) Cherry Valley Acres and Neighbors and the Cherry Valley Environmental Planning Group are citizens groups dedicated to preserving the environmental values and unique character of Cherry Valley. As described in the Pass Area Plan, Cherry Valley is a rural community characterized by charming orchards, large-lot residential, agricultural and animal-keeping uses. (General Plan Amendment No. 690, Pass Area Plan, pp. 8-9.) To retain the rural charm, the County LAFCO has designated Cherry Valley as an unincorporated community.

On March 27, 2012, the City of Banning approved Pardee Homes' application for the Butterfield Specific Plan. The Butterfield Specific Plan authorizes 5,387 new residences, parks, schools, commercial uses, and open space on 1,522 acres of undeveloped land located in the northern portion of the City of Banning, east of Highland Springs Avenue. The Specific Plan area is adjacent to the community of Cherry Valley and the Resort's property. The environmental review conducted for the Specific Plan determined that the circulation system approved by the City would satisfy City and County traffic standards, without requiring the future extension of Cherry Valley Boulevard depicted in the Circulation Element. Since its 2012 approval, Pardee Homes has agreed to reduce the number of dwelling units planned for this site to 4,862 units, and remove the proposed golf course from

109.4

109.5

Ms. Kristi Lovelady
November __, 2014
Page 2

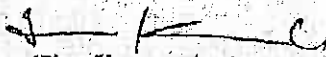
the project. Given that the City's traffic analyses had already determined that the future extension of Cherry Valley Boulevard was unnecessary, even with 5,387 homes and the golf course, these reductions ensure that the Specific Plan area will be adequately served without the need for extension of Cherry Valley Boulevard. Further, the circulation system and development plan that was approved for the Specific Plan eliminated the Highland Horno Road extension to Brookside Avenue, and re-configured traffic through the center of the Specific Plan area, making the extension of Cherry Valley Boulevard unnecessary to the Butterfield Specific Plan development.


109.5
CONT

In addition, further development in the area is constrained by land use restrictions, agricultural easements, and the San Bernardino National Forest. Accordingly, the Highland Springs Resort, Cherry Valley Acres and Neighbors, Cherry Valley Environmental Planning Group, and Pardee Homes all respectfully request that the County remove the future extension of Cherry Valley Boulevard between Highland Springs Avenue and Wilson Street from the Circulation Element of the Riverside County General Plan.

109.6

Sincerely,


Tina Kummerle
President
Highland Springs Resort


Mike Taylor
Division President of Inland Empire
Pardee Homes

Patrick Doherty
President
Cherry Valley Environmental Planning Group

Patsy Reeley
President
Cherry Valley Pass Acres and Neighbors

Ms. Kristi Lovelady
November __, 2014.
Page 2

the project. Given that the City's traffic analyses had already determined that the future extension of Cherry Valley Boulevard was unnecessary, even with 5,387 homes and the golf course, these reductions ensure that the Specific Plan area will be adequately served without the need for extension of Cherry Valley Boulevard. Further, the circulation system and development plan that was approved for the Specific Plan eliminated the Highland Home Road extension to Brookside Avenue, and re-configured traffic through the center of the Specific Plan area, making the extension of Cherry Valley Boulevard unnecessary to the Butterfield Specific Plan development.

109.7

In addition, further development in the area is constrained by land use restrictions, agricultural easements, and the San Bernardino National Forest. Accordingly, the Highland Springs Resort, Cherry Valley Acres and Neighbors, Cherry Valley Environmental Planning Group, and Pardee Homes all respectfully request that the County remove the future extension of Cherry Valley Boulevard between Highland Springs Avenue and Wilson Street from the Circulation Element of the Riverside County General Plan.

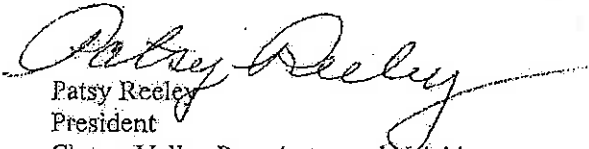
109.8

Sincerely,

Tina Kummerle
President
Highland Springs Resort

Mike Taylor
Division President of Inland Empire
Pardee Homes

Patrick Doherty
President
Cherry Valley Environmental Planning Group


Patsy Reeley
President
Cherry Valley Pass Acres and Neighbors



Comment Letter No. 109: Highland Springs Resort

- Comment 109.1** The County appreciates and values your comments during the General Plan Update and EIR process. The comment is duly noted. This comment requests that Cherry Valley Avenue (Boulevard) segment easterly of Highland Springs Road be removed from the GPA No. 960 Circulation Element. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 109.2** The comment is duly noted. This comment requests the removal of Brookside Avenue easterly of Highland Springs Road from the Circulation Element, if it is so designated. However, the Circulation Element does not indicate any extension of Brookside Avenue easterly of Highland Springs. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 109.3** The comment is duly noted. This comment asserts that these changes were agreed to by the parties involved an approved settlement between Highland Springs Resort and the City of Banning. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 109.4** This comment is duly noted. The comment introduces the parties involved in preparing the letter, their interest in the Cherry Valley Boulevard extension, and background information on the Cherry Valley unincorporated community. Refer to Response 23.2, above. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 109.5** This comment provides information relative to the March 27, 2012 approval by the City of Banning of the Pardee Homes Butterfield Specific Plan. Based upon this approval and the internal circulation network of the Butterfield Specific Plan, the comment expresses the opinion that the Cherry Valley Boulevard extension is unnecessary to serve Butterfield Specific Plan development.

The comment does appear to correctly denote the City’s approval of the Butterfield Specific Plan. However, the City of Banning General Plan has not yet been updated to reflect this approval. As the majority of this roadway extension falls within the City of Banning, the County would look favorably toward the City’s lead on this issue. The alignment within the City is entirely up to the City’s discretion. County Circulation Policy C 7.8 specifically addresses City-County coordination on roadway design issues in “edge” areas, such as the case in point.

A review of the City’s current General Plan Street System indicates that the plan continues to show the extension of Cherry Valley Boulevard (Highland Home Road) in a configuration much the same as the County’s Circulation Plan. Although, a note has been added to the City Plan in the vicinity of the Cherry Valley Boulevard, Highland Springs Road, Highland Home Road intersection indicating that the intersection alignment is conceptual only and references the Special Issues discussion. The Special Issues discussion of this intersection does not shed much light on City’s intent, only to note that one possible option would be to extend 18th Street, and concludes that flexibility is included in the General Plan to allow changes to the street system in the future.

The various maps included in the County GPA and EIR documents are graphic depictions for illustrative purposes, as the following disclaimer, contained on each map, explains:

“Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.”

With these considerations, it is believed that the County Plan also includes a degree of flexibility that would allow for coordination of intersection and network design as plans progress and more definitive alignments emerge. As such, the removal of the Cherry Valley Boulevard extension at this point in time would appear to be premature, however, the County would entertain a future amendment once the City of Banning has settled on a preferred configuration. (See also Comment 23.3)

Comment 109.6

This closing comment notes that further development in the area is constrained by land use restrictions, agricultural easements and the San Bernardino National Forest as additional justification for the removal of the Cherry Valley Boulevard extension. While all of this is true, there is still much undeveloped land in Cherry Valley and the City of Banning that is not constrained. Even with the current minimum parcel size of one-acre designated for much of Cherry Valley, there is still an abundance of vacant land. In the City of Banning, the Butterfield Specific Plan alone with its proposed 5,387 homes can be expected to generate somewhere in the vicinity of 50,000 vehicle trips per day.

The socio-economic data used as input for the traffic forecast developed to analyze GPA No. 960 has taken all of these factors into consideration, and indicates traffic volumes on Cherry Valley Boulevard-Highland Home Road of 32,000 to 34,000 vehicles per day in the Buildout scenario. Thus, an arterial-level facility is deemed to be warranted based upon this forecast of future demand.

As noted in the Response 109.5, the exact configuration of future roadways has not yet been determined. Thus, it would be premature to simply remove the existing designation for Cherry Valley Boulevard without having some concept to offer as a replacement to satisfy future traffic demand. As previously mentioned, the County would gladly entertain a future amendment once the City of Banning has settled on a preferred configuration. Refer to Response 23.4 as well. The County appreciates and values your participation in the General Plan Update and EIR process. No further response is necessary.

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AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY



April 7, 2015

RECEIVED
APR 15 2015

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Miss Kristi Lovelady, Principal Planner
Riverside County Planning Department
STOP #1070

HAND DELIVERY

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
Rod Ballance
Riverside

**RE: Draft Environmental Impact Report No. 521 (SCH#2009041065) and
General Plan Amendment No. 960**

COMMISSIONERS

Arthur Butler
Riverside

John Lyon
Riverside

Glen Holmes
Hemet

Greg Pettis
Cathedral City

Steve Manos
Lake Elsinore

STAFF

Director
Ed Cooper

John Guerin
Russell Brady
Barbara Santos

County Administrative Center
4080 Lemon St., 14th Floor.
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

Dear Miss Lovelady:

Thank you for providing the Riverside County Airport Land Use Commission (ALUC) with CD copies of Draft Environmental Impact Report No. 521 and the most recent edition of text and maps for General Plan Amendment (GPA) No. 960. We were pleased to see and hereby confirm that the proposed modifications specified in "Exhibit A" attached to our letter of July 21, 2014 have been incorporated into the amendment.

110.1

While it is understood that the baseline date for the Environmental Impact Report was March 23, 2010, we would be remiss if we failed to advise you that ALUC finally adopted the new March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan in November 2014. Unfortunately, by law, there is no grace period when a new Compatibility Plan is adopted. Therefore, the General Plan Amendment text and policy maps, to be up-to-date, should reference this Plan and its provisions, rather than the 1984 Riverside County Airport Land Use Plan, which was in effect as of July 21, 2014. Additionally, the facility should be referred to as "March Air Reserve Base/Inland Port Airport," rather than "March Joint Air Reserve Base," as is the common usage in most of the General Plan Amendment document. (The land use jurisdiction for the facility is March Joint Powers Authority and joint use of the runway is permitted, but the Base remains solely under the authority of the United States Air Force.)

110.2

We hope that, given the delays in the adoption of GPA No. 960, it might be possible to make additional changes to the text and policy maps and correct the name of the facility. But, if not, it should be clearly understood that GPA No. 960 does not incorporate the revised Airport Influence Area and new compatibility criteria for March Air Reserve Base/Inland Port Airport and that the Riverside County General Plan will remain out of compliance with the recently adopted Compatibility Plan for this airport until such time as a future general plan amendment incorporating those provisions is adopted.

110.3

If you have any questions, please contact John Guerin, ALUC Principal Planner, at (951) 955-0982.

110.4

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION


Edward C. Cooper, Director

cc: Juan Perez, Director, Riverside County Transportation & Land Management Agency
Steve Weiss, Director, Riverside County Planning Department

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Comment Letter No. 110: Riverside County Airport Land Use Commission

Comment 110.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 110.2 In regards to baseline data, due to the countywide scope of GPA No. 960 and Draft EIR No. 521, much of the data presented within Draft EIR No. 521 cannot all be said to represent a single point in time (i.e., April 13, 2009). In such cases, Draft EIR No. 521 uses the data set that is best supported by substantial evidence and provides a discussion of how it is or is not expected to differ from existing physical conditions. Information and analyses regarding farmland and agricultural resources were each determined to be the best-supported and best available information. Further, each section of the Draft EIR document explicitly states the baseline data used for the analysis in order to ensure the transparency of the data used. The data incorporated into the document represents the best available at the time of the Draft EIR analysis and as such was incorporated to the document. For this reason, the 1984 Riverside County Airport Land Use Plan represents the best available information in existence at the date of the Notice of Preparation and therefore the County will not incorporate the new March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (adopted November 2014) into Draft EIR No. 521 or GPA No. 960.

As for the requested change in namesake of the March Air Reserve Base/Inland Port Airport, the County will consider these suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 110.3 Due to the broad scope of GPA No. 960, it is not feasible to update the document to reflect the adoption of all new land use documents that have occurred since the outset of the General Plan update process. As such, updates to the figures and policies to reflect the adoption of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan will not be a part of GPA No. 960. The County acknowledges your comments during the General Plan Update and EIR process and will consider the suggestions during Project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 110.4 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general

contact information. Responses to specific comments are provided above; no further response is required.



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

April 8, 2015

COMMENT LETTER 111

RECEIVED
APR 16 2015
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Kristi Lovelady
Riverside County, TLMA
4080 Lemon Street, 12th Floor
Riverside, CA 92501-3634

Subject: General Plan Amendment No. 960: Update of the Riverside County General Plan
SCH#: 2009041065

Dear Kristi Lovelady:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on April 6, 2015. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2009041065) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

111.1



DEPARTMENT OF FISH AND WILDLIFE
 3602 Inland Empire Blvd., Suite C-220
 Ontario, CA 91764
 (909) 484-0167
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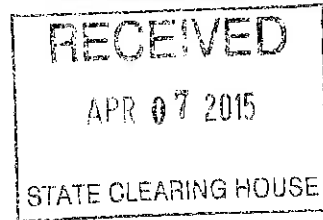
EDMOND G. BROWN, JR., Governor
 CHARLTON H. BONHAM, Director



LATE
 4-6-15
 E

April 6, 2015

Kristi Lovelady, Principal Planner
 Riverside County Planning Department
 4080 Lemon Street, 12th Floor
 Riverside, CA 92501-3634



Subject: General Plan Amendment No. 960/Recirculated Environmental Impact Report
 No. 521/Climate Action Plan, SCH # 2009041065

Ms. Lovelady:

The California Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the proposed draft General Plan Amendment No. 960 (GPA No.960 or Amendment), the recirculated draft Environmental Impact Report No. 521 (RDEIR) and the Climate Action Plan. The action to be evaluated by the RDEIR is the adoption of Riverside County General Plan Amendment No. 960, the General Plan 5-Year Update Project, which proposes a variety of revisions to the current County General Plan to update existing policies, maps and implementing directions, and provide new information and policies where needed.

The Department is responding to the plan as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

As a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802), the Department is responsible for ensuring appropriate conservation of fish and wildlife resources including rare, threatened, and endangered plant and animal species, pursuant to the CESA, and administers the Natural Community Conservation Planning Program (NCCP). The Department issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County Multiple Species Habitat Conservation Plan (WR MSHCP) and the Coachella Valley Multiple Species Habitat Conservation Plan (CV MSCHP) as per Section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004 and October 1, 2008, respectively. The WR MSHCP and CV MSHCP establish multiple

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Conserving California's Wildlife Since 1870

species conservation programs to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit.

Due to staffing constraints, limited available time, and the large size of the plan documents (over 4000 pages) the Department was unable to complete a thorough review of the plan. Because the Department was unable to thoroughly review the plan, the Lead Agency should note that a lack of comment in this letter does not imply that the Department does not have additional issues or concerns with the plan. The Department expects that REIR No. 521 will indeed be a Program EIR, and that effects of proposed later activities not examined in the program EIR will be addressed in new initial studies, leading to either an EIR or a negative declaration (CEQA Guidelines Section 15168(c)).

The Department's questions, comments and concerns are listed below. The Department requests that each of these be addressed by the Lead Agency.

Draft General Plan Amendment No. 960

General Comments on the GPA No. 960:

- 1) Groundwater Management. The GPA identifies five key reasons that water supply is uncertain for Riverside County yet fails to recognize that lack of a comprehensive groundwater management plan across the County contributes to uncertainty in water supply. Furthermore, the GPA also fails to analyze the potential compounding impacts of climate change on groundwater supply. Declining groundwater will likely have serious impacts on natural resources particularly plant communities, such as the mesquite hummocks, and should be addressed in this plan. The Department is concerned that the lack of comprehensive, county-wide groundwater planning effort, that incorporates climate change modeling, will have far-reaching implications for natural resources within Riverside County.
- 2) Native Plants in Landscape Planting. The Department encourages the use of native, drought-resistant landscape planting and recommends that the County also encourage the use of these species in the GPA. Research illustrates the importance of native plants in residential yards/gardens and common areas in providing important habitat for wildlife in increasingly urban landscapes.
- 3) Floodplain and Riparian Area Management. The GPA includes language in the Floodplain and Riparian Area Management section that highlights the value of floodplains and the importance of retaining the natural functions of rivers: "The conventional assumption that flooding can be completely eliminated has meant not only an unrealistic reliance on manufactured flood protection, but also the development of a flood control system that squeezes rivers into artificially narrow channels, adds steeply sloped levees (devoid of riparian vegetation), and eliminates historic floodplains, all in the name of reclamation, flood protection and urban growth. Unfortunately, this highlights the fact that floods have been viewed for far too



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long as everything except part of the natural life cycle of rivers and floodplains. Flooding is part of the dynamic nature of healthy rivers and ecosystems. High flows and flood waters are needed to cleanse the channels of accumulated debris, build stream banks, import gravels for aquatic life, thin riparian forests and create riparian habitat....The intent of Riverside County is to sustain riparian habitats to the maximum extent possible."

In contrast with the above-stated language in the Floodplain and Riparian Area Management section, the discussion of the San Jacinto River includes the following language: there is a current "proposal to channelize the river with earthen berms from the Ramona Expressway to Interstate 215 to reduce flood threats and facilitate future development of adjacent properties. ...The broad valley in which this river sits may then be developed per the Area Plan Land Use Map. It is assumed that the channelization project will be approved, and it is included in the Area Plan Land Use Map." The Department is unclear why the proposal to channelize the San Jacinto River remains in the GPA No. 960 given that the proposed language for OS 4.9 states: "*Discourage development within watercourses and areas within 100 feet of the outside boundary of the riparian vegetation, the top of the bank, or the 100 year floodplain, whichever is greater.*" The San Jacinto River Channel is identified in the WR MSCHP as an important live-in habitat and corridor for plants and animals. Therefore, maintaining the ecological values of the channel should be a goal of GPA.

- 4) Wildlife Corridors. The RDEIR identifies that GPA No. 960 would adversely affect wildlife movement and migration, wildlife corridors, and the use of native nursery sites. However, the EIR states that compliance with existing laws, regulatory programs, General Plan Policies and mitigation measures "would ensure that this impact is less than significant." Further, the RDEIR states sufficient programs are in place within both MSHCPs that would prevent substantial interference with wildlife movement and corridors. In general, this statement is accurate. However, there is at least one important exception: Southern mule deer (*Odocoileus hemionus fuliginatus*) are not a covered species under either of the MSHCPs. Mule deer are an important large mammal in California; they provide wildlife viewing, recreational and ecological value, as well as economic value to the public. Mule deer require tall openings (>14') for wildlife crossings, but the species is rarely sufficiently accommodated because wildlife crossings are often designed based on the other MSHCP planning species such as mountain lion (*Puma concolor*), or smaller mammals such as bobcat (*Lynx rufus*) or Los Angeles pocket mouse (*Perognathus longimembris brevinasus*). The Department recommends that GPA No. 960 provide measures for wildlife crossings that accommodate the movement and migration of mule deer in Riverside County. Department staff would welcome the opportunity to develop measures with County Planning staff.
- 5) Wildfires – The plan documents fail to adequately address fires and wildfires. The Department requests additional information on how wild land fire hazards will be managed "...in the design of development proposals located adjacent to natural

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open space" (LU 4.1v). Proposed fuel management should occur entirely within a proposed project's boundary. The Department requests that the County provide the following information: a description of the types of proposed fuel management activities, where fuel management areas will be located, and the size of fuel management areas. The Department also recommends that the County provide a fuel management plan that includes a detailed plant palette, proposed maintenance activities, graphics that clearly define fuel modification zones with reference to the Project developments, and an assessment of current and long-term potential impacts related to the fuel management area and associated maintenance activities.

The Department frequently receives weed abatement requests from the County and/or land owners to clear riparian areas and/or mitigation lands. These requests are primarily due to development being sited immediately adjacent to native habitats without incorporating fuel management zones within the development boundary itself. The Department requests that the County ensure appropriate and adequate buffers within future project boundaries to avoid encroachment into and alteration of habitat within existing and/or future mitigation and/or open space lands. If adequate fuel management cannot be accomplished within a project boundary, the project should be reconfigured and/or amended to ensure that appropriate fire management can be entirely accommodated within the project boundary.

- 6) Lakes and Streams. Please note that for any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the CEQA document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Although the County of Riverside may offer guidance to projects within the vicinity of lakes and streams, it is the Department's jurisdiction to verify the presence or absence of riparian/riverine areas and to comment on appropriate avoidance, minimization, and mitigation measures, should impacts to a lake or stream be unavoidable.

- 7) The RDEIR includes an emphasis on trail systems and access to open space areas but fails to provide an analysis of impacts to biological resources from the installation and maintenance of the proposed trail systems, or the use they will receive. The Department recognizes the value of trail systems and the need for communities to have access to wild lands; however, when trail systems are proposed in or adjacent to conserved lands, human access should be evaluated and managed if the desired conservation values are going to persist. The Department is particularly concerned with trails proposed in or adjacent to areas identified as constrained linkages under

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the WR MSHCP. Though passive recreational activities, such as trails, are covered activities within WR MSHCP conservation areas, such activities should be designed to "not impact land within the MSHCP Conservation and cause minimal disturbance to resources within the MSHCP Conservation Areas" (WR MSHCP Section 7.4.2). There needs to be careful consideration given to the placement of trails in sensitive or constrained habitats such as constrained linkages to ensure that the trails do not have the potential to degrade the value of a linkage and conflict with the goals of the WR MSHCP. Any trails should be placed outside or along the edges of the linkage. If there are existing interior trails, or trails are placed along the edge or anywhere within the linkage, then the linkage should be wider to offset the effects of the trails. In addition, trails within conservation areas may require fencing to keep people on the trails and away from sensitive resources.

The Department requests that the revised DEIR include an analysis of the potential direct and indirect impacts to listed species and adjacent conserved lands and forest lands from the proposed trail systems (and their maintenance), and as appropriate, provide avoidance, minimization and mitigation measures to address them. The effects of trail use on wildlife movement should also be addressed where trails are proposed in or adjacent to areas identified as wildlife corridors.

Northeast Business Park Overlay

The GPA includes the proposed Northeast Business Park Overlay (Overlay) as a revision to the existing Lakeview/Nuevo Area Plan within the 2008 Riverside County General Plan. The Overlay is located north of the Ramona Expressway and south of the San Jacinto Wildlife Area. The intent of the Overlay appears to be the conversion of an agricultural area to a commercial and industrial development that would serve to provide employment in the area plan.

San Jacinto Wildlife Area and Northeast Business Park Overlay/Community of Lakeview

The San Jacinto Wildlife Area, a state-owned and -managed property, includes over 10,000 acres of land adjacent to the proposed Northeast Business Park Overlay. The San Jacinto Wildlife Area supports a diverse array of biological resources including habitats associated with the San Jacinto River floodplain and the San Jacinto foothill region such as wetlands, vernal playas, vernal pools, and riparian areas. The wetland habitat provides an important stop for a number of migratory birds along the Pacific flyway. It includes highly alkaline and silty-clay soils that support Narrow Endemic Plant Species (identified in the MSHCP). In addition, it supports a connection to MSHCP Core Areas in the Badlands and the San Jacinto River. The Wildlife Area includes grasslands adjacent to coastal sage scrub habitats that provide habitat for many species including the Stephens' Kangaroo Rat (*Dipodomys stephensi*), burrowing owl (*Athene cunicularia*), and foraging habitat for raptors. Recreational resources provided by the San Jacinto Wildlife Area include waterfowl and upland small game hunting, dog training, bird watching, and hiking. The existing rural community that surrounds the wildlife area not only provides an important buffer but also acts as a food source for species that forage in the agricultural lands.

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The Department has the following concerns regarding the Northeast Business Park Overlay/Community of Lakeview:

- 1) The Northeast Business Park Overlay would be in an area currently identified as agriculture between the San Jacinto Wildlife Area and Ramona Expressway. The Department is concerned that not only will this overlay and the proposed Community of Lakeview result in the loss of foraging habitat for wildlife, but they may also facilitate the construction of homes and development immediately adjacent to the Wildlife Area, which may, in turn lead to: increased predation on wildlife from domestic pets (e.g., cats, dogs), as well as subsidized predators attracted to human-occupied areas (e.g., coyotes, raccoons); increased trash; increased trespass from mountain bikes, OHV, and other unauthorized uses; increased spread and establishment of invasive plants and other species on the wildlife area; increased fire risk; increased noise and lighting from any adjacent development/community; increased traffic; complaints from homeowners and businesses about noise associated with hunting; and potentially vector control complaints stemming from wetlands on the San Jacinto Wildlife Area.

In order to protect the substantial resources the State has invested in the San Jacinto Wildlife Area, the Department requests that all residential and commercial development occur south of the Ramona Expressway. The Department requests that the County coordinate with the Department on developing measures to address the Department's concerns. Possible measures may include 8-foot fencing, buffers between the Wildlife Area and development to address trespass, a no outdoor cat policy in any adjacent development, further restrictions on pets, and establishing an endowment fund for increased management costs on the wildlife area.

- 2) The Department is also concerned that adjacent development may affect wildlife movement corridors within and surrounding the San Jacinto Wildlife Area. Roads and development pose a barrier to many species of wildlife: individuals may be killed attempting to cross roads or other open areas, or the risk of exposure in these areas may be so great that certain species will not attempt to move between or through these areas. The Department requests that wildlife crossings be incorporated into proposed development plans and that the crossing designs accommodate all species found on the wildlife area, including species that are not planning species or covered by the WR MSHCP, such as mule deer.
- 3) The County should also consider the potential effects the San Jacinto Wildlife Area may have on any proposed adjacent community or business development. Any project site adjoining the wildlife area may be subject to wildlife movement and wildlife-human interactions, as well as traffic and noise from management and recreational activities, including hunting. For instance,

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during waterfowl-hunting season an air horn is used 30 minutes before sunrise on Wednesdays through Saturday from mid-October to the beginning of February to signify the start of the waterfowl hunt. The air horn is loud enough to be heard by hunters across the wildlife area. Further, the San Jacinto Wildlife Area encompasses 1,000 acres of wetlands, which attract numerous insect species, including mosquitoes. These areas are not currently treated for mosquitoes, and the insects are an important prey base for a multitude of species that reside or migrate through the San Jacinto Wildlife Area. The Department requests assurances from the County that any adjacent developments proposed from GPA No. 960 will not result in requests or directives for: mosquito abatement activities; modified hunting hours or a reduction in the noise from the activities (both management and recreational); or requests or proposals for trails or roads across the Wildlife Area.

- 4) Proposed GPA No. 960 does not address how urban development may affect hydrology in and around the San Jacinto Wildlife Area. The Department is concerned that urban development may result in changes to drainage patterns, water volume, velocity, and quality, as well as soil erosion, and/or sedimentation in streams and other water courses or water bodies. The San Jacinto Wildlife Area is dependent on water flow into and out of this area, and as such any proposed development will need to assess any direct and indirect impacts of alterations to hydrology. In addition, the San Jacinto River and floodplain are within the Plan Area and are also vulnerable to impacts from urban development. The Department requests assurances from the County that changes to the zoning from GPA No. 960 will not result in detrimental effects to hydrology within and around the Wildlife Area.
- 5) The Department is concerned with the County's assumption that this area will become urban and not remain rural. It is unclear to the Department why the County cannot develop a Policy Area that identifies this area as rural in order to maintain the existing characteristics of the community. The Department is requesting an alternative to the proposed Overlay in GPA No. 960 that retains the rural nature of the zoning around the Wildlife Area.

Roads

Figure 7 of Lakeview/Nuevo Area Plan depicts an arterial road crossing the San Jacinto River and a proposed bridge between Ramona Expressway and Nuevo Road. On the approved General Plan Circulation Element within Criteria Area (Figure 7-1) there is no road between Ramona Expressway and Nuevo Road. In the WR MSHCP (Section 7.3.5) it states "Evaluations of planned roadways with respect to conservation of biological resources have been conducted throughout the MSHCP planning process. As a result, only those planned roadways identified in this section are Covered Activities within the criteria areas. Roadways other than those identified in this section are not covered without an amendment to the MSHCP...." Placing a new road in this Plan Area would require a minor amendment to the MSHCP. In addition, Figure 7 is inaccurate

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since it shows an existing bridge where Ramona Expressway crosses the San Jacinto River but fails to also illustrate a proposed bridge immediately downstream from the existing bridge for the proposed Mid County Parkway. The map should depict two bridges adjacent to each other as well as a portion of Ramona Expressway remaining.

Regarding Figure 4 of the Lakeview/Nuevo Area Plan, please provide information on what the numbers 114, 134, 251, 246, 239, and 183 signify. Throughout GPA No. 960, all figures should include a legend containing relevant information on the numbers and colors used, in this case specifically the pink, purple, and lavender solid colors.

San Jacinto River Channelization Project – The Lakeview/Nuevo Area Plan states that the San Jacinto River Channelization project would “reduce the threat of flooding during a 100-year flood event and allow for increased development on adjacent lands.” Climate change models predict more intense, severe flooding and recommendations to address these changes including modeling the 500-year floodplain to identify where development should not occur. The proposed Extension of Existing Core 4, which consists of the middle reach of the San Jacinto River is within the San Jacinto River Policy Area and the habitat is described for conservation with a target acreage of between 2,605 and 4,025 acres. Two of the goals for this area are to “conserve wetland habitats and floodplain along the San Jacinto River including existing vernal playas and vernal pools and associated watersheds” and “maintain watershed processes that contribute to and enhance water quality and hydrologic regime.” The Department requests that the County reevaluate the stated goals of the San Jacinto River Policy Area to include the protection of homes from flooding by keeping them out of the floodplain and assess the consistency of the goals with the WR MSHCP.

Western Riverside MSHCP

2) Take. Under the MSHCP, the Wildlife Agencies grant "Take Authorization" to MSHCP Permittees for otherwise lawful actions -- such as public and private development that may incidentally Take or harm individual species or their habitat outside of the MSHCP Conservation Area -- in exchange for the assembly and management of a coordinated MSHCP Conservation Area. For WR MSHCP and CV MSHCP, the County of Riverside has 'take' coverage and under the 'No Surprise Rule,' and is fully covered, provided that the terms and conditions of the MSHCP are implemented as stated. The WR MSHCP states that the County coordinate with the Wildlife Agencies on the implementation of the Plan (WR MSHCP Section 6.6.2). The Department requests clarification on whether the information provided to the County by the Department on implementation of the WR MSHCP will be viewed as merely "comments" or whether County staff will coordinate with the Department on implementing the WR MSHCP where there is disagreement.

Climate Action Plan

The County's Climate Action Plan identified using energy more efficiently, harnessing renewable energy to power buildings, enhancing access to sustainable transportation modes and recycling waste in coordination with Riverside County's land use decision as

111.2
Cont.

efforts toward reducing Greenhouse Gas (GHG) emissions. However, the Climate Action Plan does not address the role of the natural environment in providing opportunities for carbon capture and carbon sequestration. Carbon sequestration is of special interest due to its importance as a tool to offset GHG emissions and contribute to the mitigation of global climate change. Careful management of Riverside County's ecosystems, including deserts, open spaces, and wetlands, may provide significant capture and sequestration of GHGs while simultaneously providing important ecosystem services. Given the extensive amount of undeveloped areas and areas identified for long-term conservation through the two MSCHPs county there may be an opportunity, with proposed legislation, to participate in the State Cap and Trade program through the selling of carbon credits for lands that remain undeveloped. In addition, Riverside County should have a goal of reducing wildfire not only because of the economic, social, and ecological cost but also because increased wildfire is also likely to reduce above- and below-ground carbon storage by natural ecosystems. The County should look at the role of its abundant natural resources in meeting the goals of AB 32 to fight climate change through reduction in GHG emissions. More information is available here: http://opr.ca.gov/docs/EGPR_ReviewDraft.pdf.

↑
**111.2
Cont.**

Thank you for this opportunity to comment on the draft General Plan Amendment No. 960, the recirculated draft Environmental Impact Report No. 521 and the Climate Action Plan. Please contact Heather Pert at 858-395-9692 or Heather.Pert@wildlife.ca.gov, if you have any questions regarding this letter.

Sincerely,


(Fm) Leslie MacNair
Acting Regional manager

ec:
Tom Kirk, CVCC
Charles Landry, WR MSHCP

Comment Letter No. 111: California Governor's Office of Planning and Research (Letter 2)

- Comment 111.1** This comment indicates that the California Governor's Office of Planning and Research (OPR) received a comment from the California Department of Fish and Wildlife after the close of the comment period. However, the comment letter was also received by the County directly from the Department of Fish and Wildlife and is listed as Comment Letter 4 in the Response to Comments section of Draft EIR No. 521. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).
- Comment 111.2** The County appreciates and values your comments during the General Plan Update and EIR process. Refer to Comment Letter 4 in the *Response to Comments* section of the Final EIR document for detailed responses to the comments listed by this letter. No further response is required.

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April 2, 2015

Carol Wakefield
7791 Gibson Circle
Hemet, CA 92545



Kristi Lovelady, Principal Planner
TLMA Planning Department
4080 Lemon Street, 12th, Floor
Riverside, CA 92211

Re: Public Review Comments for Draft EIR # 521 & Draft GPA # 960

I support the Land use Change in the Draft GPA #960 and Draft EIR #521 which changes the existing land use of Reinhardt Canyon from LDR (1/2 acre sites) to RR(5/10 acre sites).

112.1

I also have a concern about the statement, "Much of the undeveloped land here is Included in tentatively approved subdivisions proposing lots at least one half acre.", in the San Jacinto Area Plans, Maze Stone on page 7. As far as I know, there are no approved subdivisions of one-half acres lots approved for Reinhardt Canyon.

112.2

Sincerely,

Carol Wakefield

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Comment Letter No. 112: Wakefield, Carol

Comment 112.1 The County appreciates your support of the policies related to the change of Land Use Designations within Reinhardt Canyon from LDR to RR. The County values your comments during the General Plan Update and Environmental Impact Report process. This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 112.2 The text on page 7 of the San Jacinto Valley Area Plan has been revised to remove the statement referencing tentatively approved subdivisions within Maze Stone, as requested. The document now reads as follows:

SJVAP Page 7:

“Existing land uses include rural residential uses, equestrian estates, a mobile home park, agricultural lands and Maze Stone Park, home to a Native American pictograph. ~~Much of the undeveloped land here is included in tentatively approved subdivisions proposing lots at least one half acre in area.~~”

This comment pertains to the General Plan, but does not warrant any further response as part of the Final EIR. This comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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From: George Hague [mailto:gbhague@gmail.com]
Sent: Thursday, April 30, 2015 4:39 PM
To: Lovelady, Kristi
Subject: Comments on GPU and CAP

Here's the link to the announcement and executive order B-30-15: <http://gov.ca.gov/news.php?id=18938>.

Here's a link to an FAQ from CARB about the meaning of the announcement: http://www.arb.ca.gov/newsrel/2030_carbon_target_adaptation_faq.pdf.

Good morning Ms Lovelady,

I would like the two documents (Executive Order B-30-15 and related press-release as well as Frequently Asked Questions about Executive Order B-30-15) in the links found above entered into the public record for both the Riverside General Plan Update (GPU) and the Climate Action Plan (CAP). The Final EIR's for both the GPU and CAP must address Governor Brown's executive order to establish a California greenhouse gas reduction target of 40 percent below 1990 levels by 2030. Since both the GPU and CAP will be implemented during much of next fifteen years, they both must address how they will make sure we meet or exceed this executive order..

113.1

The GPU and CAP Draft EIR's as well as their appendices on which the Sierra Club recently commented do not have the necessary plan or implementation strategies to meet a greenhouse gas target of 40 percent below 1990 levels by 2030. Prior to the County approving both the GPU and the CAP, they must contain mandatory actions which will allow us to at least reduce greenhouse gas 40 per cent below 1990 levels by 2030 or the documents will be inadequate. Since you know this is the near future and within the life of these documents, you cannot postpone action saying we need more information which may be available in 2016.

113.2

Please confirm you have received this email.

113.3

Thank you,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

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Comment Letter No. 113: Hague, George (Letter 4)

- Comment 113.1** The GPA and the CAP address how the County will achieve the emissions reductions established by the state. Chapter 7 of the CAP outlines the implementation process, which includes monitoring, inventorying, and planning beyond 2020. The implementation process also includes monitoring of the CAP Progress, including a formal evaluation of the CAP's progress in 2017. As such, implementation of the CAP is an involved process that goes beyond the actual document. As noted in the CAP, 2020 is only a milestone in GHG reduction planning. The County of Riverside will commence planning for the post-2020 period starting in 2017, at the approximate midway point between plan implementation and the reduction target and after development of key ordinances and implementation of cost-effective measures. At that point, Riverside County will have implemented the first two phases of this CAP and will have a better understanding of the effectiveness and efficiency of different reduction strategies and approaches. Further, the state's regulations under AB 32 would have been fully in force since 2012; federal programs and policies for the near term are likely to be well underway, market mechanisms like a cap and trade system are likely to be in force and will be influencing energy and fuel prices, and continuing technological change in the fields of energy efficiency, alternative energy generation, vehicles, fuels, methane capture and other areas will have occurred. Riverside County will then be able to evaluate the local, regional, state, and federal context. Further, by starting in 2017, this will allow for development of the post-2020 plan so that it can be ready for full implementation, including potential new policies, revisions to the General Plan (as necessary), programs, ordinances, and financing by 2020. The new plan will include a specific target for GHG reductions for future horizon years. The targets will be consistent with broader state and federal reduction targets and with the scientific understanding of the needed reductions by 2050. The County of Riverside will adopt the new plan by January 1, 2020.
- Comment 113.2** Refer to Response to Comment 113.2, above. As noted in the response above and in the CAP, the County will begin planning for the post-2020 period starting in 2017. The CAP implementation process requires regular emissions inventory updates and updates to the CAP to keep pace with the latest standards and reduction requirements. Future updates to the CAP would further increase energy efficiency and green building efforts, continue to implement land use and transportation measures to lower VMT, capture more methane from landfills, continue to improve water efficiency conservation, continue to support and leverage incentive and rebate programs for energy efficiency and renewable energy installations. The CAP anticipates that the conceptual effects of these strategies would represent an approximate doubling of effort from that planned at the state and County level for 2020. Additionally, as stated above, the regular updates to the CAP will ensure that the latest goals and mandated reductions are achieved.
- Comment 113.3** The County appreciates and values your comments during the General Plan Update and EIR process. This response serves as a confirmation that the Comment Letter has been received. No further response is required.

Additionally, the County has reviewed the attachments provided with the Comment Letter. The attached material contained in the provided links function to support claims made within the letter. As such, the material does not identify any new specific concern with the adequacy of Draft EIR No. 521 or any environmental issues. Therefore, the attachments not warrant any further response as part of the Final EIR. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues). The County thanks you for your participation in the General Plan Update and EIR public review period. No further response is necessary.



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

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Director:
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Coordinator:
Paul Macarro

Planning Specialist:
Tuba Ebru Ozdil

Cultural Analyst:
Anna Hoover

May 21, 2015

VIA E-MAIL and USPS

Ms. Kristi Lovelady
Principal Planner
County of Riverside TLMA
4080 Lemon Street, 12th Floor
Riverside, CA 92502

Re: Pechanga Tribe Comments on the Draft Environmental Impact Report (DEIR) for the Riverside County General Plan Amendment 960 (GPA 960), County General Plan 5-Year Update Project

Dear Ms. Lovelady:

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 formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the “Project”). Please directly notify the Tribe of all public hearings and scheduled approvals concerning this Project and incorporate these comments into the record of approval.

114.1

These comments are submitted in response to the May 5, 2015 consultation that occurred between the Tribe and the County. Our April 6, 2015 comment letter indicated that there were inaccuracies with Section 4.9 of the DEIR and we requested to discuss them further with the County. This letter clarifies and expands on these concerns.

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe has a legal and cultural interest in the proper protection of sacred places, traditional landscapes and all Luiseño cultural resources within western Riverside County. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño Village Complexes, Traditional Cultural Properties (TCPs), sacred/ceremonial locations, habitations, landscapes and other cultural resources which would be displaced by

114.2

development, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of development and improvements within the County.

The Pechanga Tribe has a specific legal and cultural interest in this General Plan Amendment as the Tribe is culturally affiliated with specific portions of the County of Riverside that the GPA covers. The Tribe has been named the Most Likely Descendent (Cal. Pub. Res. C. §5097.98) on development Projects in its Traditional Territory and has specific knowledge of cultural resources, cultural landscapes, villages and habitations and sacred/ceremonial places within this area that we have shared with the County on previous occasions for this and other projects.

The Tribe welcomes the opportunity to meet with the County to continue meaningful consultation throughout this GPA process and in the future for other projects within the County's jurisdiction.

TRIBAL COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

The Tribe has reviewed Section 4.9 of the DEIR and is highly concerned with the document's inaccurate and offensive language regarding Native American Tribes. The County should not rely on narrow interpretations of cultural/archaeological resources as defined in the California Public Resources Codes¹, but rather, should respectfully address and include the cultural knowledge and perspective of tribes. Meaningful consultation with tribes is needed during all phases of investigation and evaluation of cultural resources so that the traditional and historic knowledge that tribes have regarding *their* culture can be incorporated into significance determinations. This specialized knowledge is not necessarily shared with or agreed upon by archaeological professionals, whose primary focus is the scientific aspect of a site or artifact rather than the personal, cultural and historical significance of such resources to the tribes themselves. Failing to take this information into account reduces the importance of these resources to that of merely scientific value and ignores the integral part these resources play in the tradition, history and contemporary situations of the true owners of cultural resources, the tribes. Recommended revisions and changes are below (strikeouts are deletions; underlines are additions).

¹ This expanded perspective is especially important because as of July 1, 2015 (in only 40 days) AB 52 becomes effective. AB 52 significantly amends the CEQA, adding in the state's recognition of the expertise that tribes have vis-à-vis their culture and histories and mandating consultation with tribes regarding impacts to Tribal Cultural Resources, a new category of "resources" that must be analyzed during the environmental review process. We understand that due to the timing of this GPA, a new update will be undertaken in 2016 and will incorporate specifically the changes made by AB 52. However, because the law will be effective before the next update we urge the County to follow the mandates of the new changes even if they are not reflected explicitly herein.

114.2
Cont.

114.3

4.9.1 Introduction (page 4.9.1)

This section assesses the potential impacts on historic, archaeological and cultural resources (hereinafter shortened to “Cultural resources”) that could arise from disturbances and impacts resulting from development consistent with the proposed project, General Plan Amendment No. 960 (GPA No. 960). Cultural resources include areas, places, sites (~~particularly archeological sites~~), landscapes, Traditional Cultural Properties (TCPs), buildings, structures, objects, records, or manuscripts associated with history or prehistory. Some specific examples of cultural resources include, but are not limited to, are pioneer homes, buildings, or old wagon roads; structures with unique architecture or designed by a notable architect; prehistoric Native American village sites; pioneering ethnic settlements; historic or prehistoric artifacts or objects and rock inscriptions; human burial sites, which includes both inhumations and cremations; battlefields; railroad water towers; prehistoric trails; early mines or important historic industrial sites. Cultural resources may also include places and landscapes that have historic or traditional associations or that are important for their natural resources. ~~Cultural~~ These resources are important for scientific, historic, and, at times religious and other identifiable values, reasons to traditional cultures, communities, groups and individuals.

114.4

4.9.2 Existing Setting: A. Cultural/Ethnological Resources

The cultural history of Riverside County is divided into two general broad chronological units: ~~prehistory~~ prehistoric and the historic time periods, which includes ethnohistoric information. “Prehistory” encompasses the earliest period of earliest human activities, prior to the introduction of European settlement on the landscape. prior to the keeping of written records and spans over 99% of the total extent of human society. Due to the lack of written sources for this period, archeological study is key to its understanding. In Southern California, the prehistoric period refers only to Native American traditions, beginning with the settlement of the Southern California region which is estimated by archaeological theory to be at least 10,000 to 12,000 years ago, and extending forward through time to initial Euro- American settlement in the late 18th century when the mission system was established. The mission system greatly, disrupting disrupted native life ways and dramatically changed the cultural landscape of Southern California. Nearly a century later, between 1875 and 1891, at least ten six Indian Native American reservations (Cabazon, Cahuilla, Morongo, Pechanga, Soboba, and Torres-Martinez) were set aside in Riverside County and nearby vicinities. Five additional Native American reservations were created between 1893 and 1907 (Agua Caliente, Augustine, Ramona, Santa Rosa and Twenty-Nine Palms). The earliest reservation was created in 1865 for the Colorado River Indian Tribes. Most indigenous tribal people natives were forcibly moved to these reservations, further disrupting and largely ending, the persistence of traditional Native American life ways. The historic era began around 1774 with the exploratory expeditions of Juan Bautista de Anza and continued to 45 years before the present day, (currently 1966) as defined by CEQA.

114.5

The Tribe is surprised by the lack of information provided in the Prehistory Section below. Even though acknowledged as a rich and diverse timeframe, it is reduced to extreme generalizations. As the new General Plan Update will be commencing in 2016, we request to work early in that process with the County archaeologist and project planner to revise and rewrite an appropriate Cultural Resources Section.

1. Prehistory

Riverside County environmental conditions during the late Pleistocene and Holocene periods fostered an ecologically rich region for human settlement. This ~~14,000-year~~ period of human occupation was marked by an overall trend toward increasing aridity and warmer temperatures, with some temporary reversals as well as periods of climatic stability. As environmental conditions changed, Native American populations adapted with modifications in settlement patterns, subsistence practices, social organization and technology. Three primary geomorphic provinces are found in Riverside County: the Mojave Desert, the Colorado Desert and the Peninsular Ranges. The diverse prehistoric landscape and habitats of the internally drained basins and pluvial (landlocked) lakes of the Mojave Desert region, the fresh water lakes of the Colorado Desert and the prominent ranges of the Peninsular Range were used by ancient and indigenous groups of people, leaving a rich archeological and cultural heritage. The following artifacts and features are characteristic of the Prehistoric Period: ceramics, projectile points of many types, grinding implements (mortars and pestles, metates and manos), ~~enigmatic~~ cogstones, shell, bone, clay beads and pendants, and evidence of big game hunting. Additional background information on these types of artifacts may be found in Section 4.7 of EIR No. 441, the EIR associated with the 2003 RCIP General Plan. The EIR No. 441 section also contains an extensive introduction to the cultural timelines associated with the Prehistoric Period. Due to the thousands of years spanned by the Prehistoric Period, the impermanence of many indigenous material goods and the widely scattered and varying ~~itinerant~~ patterns of settlement, the prehistoric ~~archeological~~ record tends to be less clearly defined and more sporadically preserved than that of later eras. Nevertheless, a large number of prehistoric resources are known or expected to occur within Riverside County. When uncovered as a result of an archeological investigation or development activities, such resources are, at minimum, documented and entered into a statewide recording system (CHRIS, the California Historical Resources Information System). These records are archived and maintained by the Eastern Information Center (EIC) located at the University of California at Riverside (UCR), a branch of the California Office of Historical Preservation. Of these recorded sites within Riverside County, a few have been designated as federal, state and/or county cultural resources as shown in Table 4.9-A (Cultural Resources of Riverside County), below. A number of sites, however, are protected in the confidential archives of the EIC and are not publicly accessible to protect and preserve their scientific and cultural value. Documentation and records of archaeological sites and cultural resources are also maintained by the Native American tribes within Riverside County. As these records are not required to be housed at the Information Center(s) and often the information is

114.6

confidential and specific to each tribe, consultation with the tribes is important so that formally undocumented sites, landscapes, villages and other important resources can be protected for future generations.

114.6
Cont.

The Tribe is concerned that the two distinctive time periods of ethnohistory and history are being lumped into one general category and that the history of California has been totally deleted from the below section. As stated above, we request to work with the County archaeologist and project planner to revise and rewrite an appropriate Cultural Resources Section for the next GP revision in 2016.

114.7

Additionally, the Tribe does not agree with the map provided in Figure 4.9.1. The map references Pacific West Traders, which is a retail establishment located in Folsom, California that resells contemporary Native American craft items, instruments, supplies, etc and are no longer in business. They are not qualified to produce a map of Native American traditional territories. It is surprising that the County would use such a map, and not one based upon accurate research and tribal and scientific data. Much of the data provided below is incorrect and offensive to the Tribe, which by the acknowledgement of this map, the County has reduced their traditional territories to almost nothing. As a stop-gap measure, the Tribe suggests the removal of the map and revisions as outlined below and a complete commitment by the County to work with the Tribe to develop an appropriate and acceptable map and description of traditional territories for the upcoming revision.

114.8

2. Ethnohistory/History

The Ethnohistoric/Historic Period of Riverside County at the time of Euro-American contact was distinguished by eight distinct resident cultural groups of Native Americans: Cahuilla (~~primarily~~), Gabrielino, Juaneño, Luiseño, Quechan, Halichidhoma, Chemehuevi and Serrano. ~~These groups occupied territories across Southern California generally as indicated in Figure 4.9.1 (Southern California Tribal Territories).~~ It should be noted that territorial boundaries did change for some tribal groups throughout time. The majority of ~~western~~ eastern Riverside County was occupied by the Cahuilla who spoke a Cupan language within the Takic family of the Uto-Aztecan language stock. The western part of the county, ~~in the vicinity of the Santa Ana Mountains to the west of the San Jacinto Mountains~~ fell within the territory of the Gabrielinos, Juaneños and Luiseños. ~~The Juaneños and the Luisenos who also spoke Cupan languages.~~ These three populations had territories that extended from the coast eastward and northeastward across the Santa Ana and Palomar mountains, encompassing Temescal Valley and Lake Elsinore, and extending northwards to Corona, Riverside Moreno Valley and the contemporary cities located in between, then proceeded eastward toward the foothills of the San Jacinto and Santa Rosa Mountains.

114.9

The eastern part of Riverside County was strongly influenced by the presence of the Colorado River. Three indigenous cultures were present in this area at the time of Euro-

American contact: the Halchidhoma, Quechan and Chemehuevi. The first two spoke languages belonging to the Colorado Branch of the Yuman family of the Hokan language stock. The Chemehuevi spoke a language belonging to the Numic family of the Uto-Aztecan language stock. Except for the Washo, Numic languages were the only ones spoken throughout the Great Basin at the time of Euro-American contact. Directly north of the Cahuilla, the Serrano occupied a large territory that encompassed much of San Bernardino County, edging southward into Riverside County. The Serrano spoke a language classified within the Serran group of the Takic family of the Uto-Aztecan language stock. See Section 4.7 of EIR No. 441 for further background on these ethnological groups and cultures.

As with the Prehistoric Period, a large number of ethnohistorical resources are also known or expected to occur within Riverside County. When uncovered as a result of an archeological investigation, such resources are, at minimum, documented and entered into the statewide recording system maintained by the EIC. In many cases, when artifacts can be tied to a specific cultural group, such as a Tribe or Band, they may be returned to that tribe for final disposition, if they are not curated. Of the known ethnohistorical sites that occur within Riverside County, a few have been listed for special protections, as shown in Table 4.9-A and depicted in Figure 4.9.2 (Historical Resources). The locations of most sites, however, are ~~not publicly available~~ protected under California Public Records Act (Cal. Govt. C. 6254(r)) in order to protect them from disturbance and preserve their scientific and cultural values.

114.9
Cont.

Please note that the Native American Graves Protection and Repatriation Act (NAGPRA) was updated in 2010. These changes should be reflected in this document.

114.10

Section 4. General Conditions of Approval for Discretionary Action: A. General Conditions Applied for Cultural/Native American Resources (page 4.9-27)

The Tribe requests that all mitigation measures in Section a. be updated by the County Archaeologist to reflect the current language applied to projects.

114.11

General Condition – If Human Remains Found

...The Most Likely Descendant shall then make recommendations and engage in consultation with ~~the County of Riverside and~~ the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to consultation between appropriate representatives from that group and the Riverside County Planning Director.

114.12

1. Multi-Purpose Open Space (OS) Element Policies

The Tribe has been informed that the current General Plan policies are not open for any additional change at this time even though they are presented in the DEIR. However, we request

114.13

that during the upcoming revisions, the County work closely with the Tribe to develop sensitive and appropriate policies that reflect contemporary thought and protocols. 114.13
Cont.

D. Would the project disturb any human remains, including those interred outside of formal cemeteries? (page 4.9-46 & 47)

The Tribe does not agree with the County's position that mitigation measures are sufficient to ensure that any disturbance to human remains would be less than significant. Any disturbance to Native American human remains is a significant impact and there is no mitigation, other than avoidance, that is acceptable for the treatment of known and inadvertent finds of remains. 114.14

Additionally, the first paragraph on page 4.9-47 states that "Projects within Riverside County needing federal action (such as, issuance of a Federal Clean Water Act Section 404 permit by the ACOE), would trigger application of these federal standards." This is incorrect as NAGPRA, in relation to the inadvertent discovery of human remains, only applies to Federal (public) or tribal lands, not private lands requiring a Federal permit. This sentence should be removed. 114.15

The Pechanga Tribe looks forward to continuing to work together with the County of Riverside in protecting the invaluable Pechanga cultural resources found within its traditional territory of western Riverside County. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov once you have had a chance to review these comments if you have any comments or concerns. Thank you. 114.16

Sincerely,



Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel
Heather Thomson, Riverside County Archaeologist

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Comment Letter No. 114: Pechanga Band of Luiseño Indians (Letter 2)

Note: Also refer to Comment Letter No. 13, which also addresses comments made by the Pechanga Band of Luiseño Indians.

Comment 114.1 This comment is duly noted. The County has sent several notices to the Pechanga Band of Luiseño Indians (Pechanga) throughout the duration of the General Plan Update and EIR Process. The County will continue to notice the Pechanga Tribe of all public meetings and hearings related to the project. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 114.2 This comment is duly noted. The County will continue to provide meaningful government-to-government consultation with Pechanga during future projects. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 114.3 This comment is duly noted. The County is unable to incorporate AB 52 into the General Plan Update documents at this time, which is effective July 1, 2015. Because the bill will become effective after the public review of Draft EIR No. 521, the County will continue to process Draft EIR No. 521 and GPA No. 960 under current applicable laws at this time. For these reasons, AB 52 (effective July 1, 2015) will not be incorporated into the analysis in Draft EIR No. 521. Refer to the responses to specific comments on the Draft EIR below. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 114.4 This comment is duly noted. The requested correction has been made to the Draft EIR and is reflected below and in the Errata section of the document.

Page 4.9-1:

“This section assesses the potential impacts on *historic, archaeological, and* cultural resources that could arise from disturbances and impacts resulting from development consistent with the proposed project, General Plan Amendment No. 960 (GPA No. 960). Cultural resources include areas, places, sites (~~particularly archaeological sites~~), *landscapes, Traditional Cultural Properties (TCP's)*, buildings, structures, objects, records, or manuscripts associated with history or prehistory. Some specific examples of cultural resources *include but are not limited to* ~~are~~ pioneer homes, buildings, or old wagon roads; structures with unique architecture or designed by a notable architect; prehistoric Native American village sites; pioneering ethnic settlements;

historic or prehistoric artifacts or objects; *and* rock inscriptions, human burial sites, *which includes both inhumations²⁰ and cremations*; battlefields; railroad water towers; prehistoric trails; early mines or important historic industrial sites. Cultural resources may also include places *and landscapes* that have historic or traditional associations or that are important for their natural resources. ~~Cultural~~ *These* resources are important for scientific, historic, ~~and, at times~~ religious *and other identifiable values, reasons* to *traditional* cultures, communities, groups and individuals.”

Comment 114.5 This comment is duly noted. The requested correction has been made to the Draft EIR and is reflected below and in the Errata section of the document.

Page 4.9-1:

“The cultural history of Riverside County is divided into two ~~general broad~~ *general broad* chronological units: ~~prehistory~~ *prehistoric* and ~~the~~ historic time periods which include ethnohistoric information. “Prehistory” encompasses the *earliest* period of ~~earliest~~ human activities prior to *the introduction of European settlement on the landscape keeping of written records and spans over 99% of the total extent of human society. Due to the lack of written sources for this period, archeological study is key to its understanding.* In Southern California, the prehistoric period refers ~~only~~ to Native American traditions, beginning with the settlement of the Southern California region *which is estimated by archaeological theory to be* at least 10,000 to 12,000 years ago and extending forward through time to initial Euro-American settlement in the late 18th century when the mission system was established. *The mission system greatly, disrupting* ~~disrupted~~ native life ways *and dramatically changed the cultural landscape of Southern California.* Nearly a century later, between 1875 and 1891, ~~at least ten six Indian~~ *Native American* reservations (*Cabazon, Cabuilla, Morongo, Pechanga, Soboba, and Torres-Martinez*) were set aside in Riverside County ~~and nearby vicinities.~~ *Five additional Native American reservations were created between 1893 and 1907 (Agua Caliente, Augustine, Ramona, Santa Rosa, and Twenty-Nine Palms). The earliest reservation was created in 1865 for the Colorado River Indian Tribes.* Most indigenous tribal people ~~natives~~ were *forcibly* moved to these reservations, further disrupting ~~and largely ending, the persistence of~~ traditional Native American life ways. The historic era began around 1774 with the exploratory expeditions of Juan Bautista de Anza and continued to 45 years before the present day, ~~(currently 1966)~~ as defined by CEQA.”

Comment 114.6 This comment is duly noted. The requested correction has been made to the Draft EIR and is reflected below and in the Errata section of the document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

²⁰ *Inhumation: The practice of burying the deceased.*

Page 4.9-2:

“Riverside County environmental conditions during the late Pleistocene and Holocene periods fostered an ecologically rich region for human settlement. This ~~14,000-year~~ period of human occupation was marked by an overall trend toward increasing aridity and warmer temperatures, with some temporary reversals as well as periods of climatic stability. As environmental conditions changed, Native American populations adapted with modifications in settlement patterns, subsistence practices, social organization and technology.

Three primary geomorphic provinces are found in Riverside County: the Mojave Desert, the Colorado Desert and the Peninsular Ranges. The diverse prehistoric landscape and habitats of the internally drained basins and pluvial (landlocked) lakes of the Mojave Desert region, the fresh water lakes of the Colorado Desert and the prominent ranges of the Peninsular Range were used by ancient and indigenous groups of people, leaving a rich archeological *and cultural* heritage. The following artifacts and features are characteristic of the Prehistoric Period: ceramics, projectile points of many types, grinding implements (mortars and pestles, metates and manos), *enigmatic* cogstones, shell, bone, clay beads and pendants, *and* evidence of big game hunting. Additional background information on these types of artifacts may be found in Section 4.7 of EIR No. 441, the EIR associated with the 2003 RCIP General Plan. The EIR No. 441 section also contains an extensive introduction to the cultural timelines associated with the Prehistoric Period.

Due to the thousands of years spanned by the Prehistoric Period, the impermanence of many indigenous material goods and the widely scattered and varying *itinerant* patterns of settlement, the prehistoric *archeological* record tends to be less clearly defined and more sporadically preserved than that of later eras. Nevertheless, a large number of prehistoric resources are known or expected to occur within Riverside County. When uncovered as a result of an archeological investigation or development activities, such resources are, at minimum, documented and entered into a statewide recording system (CHRIS, the California Historical Resources Information System). These records are archived and maintained by the Eastern Information Center (EIC) located at the University of California at Riverside (UCR), a branch of the California Office of Historical Preservation. Of these recorded sites within Riverside County, a few have been designated as federal, state and/or county cultural resources as shown in Table 4.9-A (Cultural Resources of Riverside County), below. A number of sites, however, are protected in the confidential archives of the EIC and are not publicly accessible to protect and preserve their scientific and cultural value. *Documentation and records of archaeological sites and cultural resources are also maintained by the Native American tribes within Riverside County. As these records are not required to be housed at the Information Center(s) and often the information is confidential and specific to each tribe, consultation with the tribes is important so that formally undocumented sites, landscapes, villages, and other important resources can be protected for future generations.”*

Comment 114.7 This comment is duly noted. The County will continue to provide meaningful consultation with Pechanga during future projects. This comment does not identify a specific concern with

the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 114.8 This comment is duly noted. Figure 4.9.1 (Southern California Tribal Territories) has been removed from the Draft EIR and is reflected in the Errata section of the document. The County will continue to provide meaningful consultation with Pechanga during future projects. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 114.9 This comment is duly noted. The requested correction has been made to the Draft EIR and is reflected below and in the Errata section of the document.

Page 4.9-2:

“2. Ethnohistory/History

The Ethnohistoric/*Historic* Period of Riverside County at the time of Euro-American contact was distinguished by eight distinct resident cultural groups of Native Americans: Cahuilla (~~primarily~~), Gabrielino, Juaneño, Luiseño, Quechan, Halichidhoma, Chemehuevi and Serrano. ~~These groups occupied territories across Southern California generally as indicated in Figure 4.9.1 (Southern California Tribal Territories).~~ It should be noted that territorial boundaries did change for some tribal groups throughout time. The majority of ~~western~~ *eastern* Riverside County was occupied by the Cahuilla who spoke a Cupan language within the Takic family of the Uto-Aztecan language stock. The western part of the county, ~~in the vicinity to the west~~ of the ~~Santa Ana~~ *San Jacinto* Mountains fell within the territory of the Gabrielinos, Juaneños and Luiseños. ~~The Juaneños and the Luiseños who also~~ spoke Cupan languages. These three populations had territories that extended from the coast eastward and northeastward across the Santa Ana and Palomar mountains, encompassing Temescal Valley and Lake Elsinore, and extending *northwards towards Corona, Riverside, Moreno Valley and the contemporary cities located in between, then proceeded eastward* toward the foothills of the San Jacinto and Santa Rosa Mountains.”

Page 4.9-8:

“As with the Prehistoric Period, a large number of ethnohistorical resources are also known or expected to occur within Riverside County. When uncovered as a result of an archeological investigation, such resources are, at minimum, documented and entered into the statewide recording system maintained by the EIC. In many cases, when artifacts can be tied to a specific

cultural group, such as a Tribe or Band, they may be returned to that tribe for final disposition, if they are not curated. Of the known ethnohistorical sites that occur within Riverside County, a few have been listed for special protections, as shown in Table 4.9-A and depicted in Figure 4.9.2 (Historical Resources). The locations of most sites, however, are ~~not publicly available~~ *protected under California Public Records Act (Cal. Govt. C. 6254(r)) in order* to protect them from disturbance and preserve their scientific and cultural values.”

- Comment 114.10** This comment is duly noted. In regards to baseline data used for the analysis within the Draft EIR No. 521, as stated in Section 4.1 *Environmental Assumptions and Methods*, the Draft EIR uses the date of the Notice of Preparation (April 2009) to establish the baseline for the document. However, due to the broad scope of analysis required, it is not possible to establish a unified baseline for all sections of the Draft EIR as the state of the County on that specific date cannot be established for each topic the report must cover. In order to clarify the baseline used in each section of the report, the baseline data source is listed within each section. The baseline data used for the Cultural and Paleontological Resources section predates the 2010 amendment to the Native American Graves Protection and Repatriation Act (NAGPRA). Therefore, the 2010 NAGPRA Amendment will not be incorporated into Draft EIR No. 521’s analysis.
- Comment 114.11** This comment is duly noted. The conditions listed in this section of the document are the general Conditions of Approval that were applied to projects at the baseline date of the EIR document (April 2009). While these conditions have changed since, Draft EIR No. 521 does not incorporate updates to the conditions that have been completed since, due to the consistent updates that occur to these conditions. However, project-level environmental analysis and approvals conducted by the County will use the language as currently approved.
- Comment 114.12** This comment is duly noted. The requested correction has been made to the Draft EIR and is reflected below and in the Errata section of the document.

Page 4.9-28:

“Subsequently, the Native American Heritage Commission shall identify the “Most Likely Descendant.” The Most Likely Descendant shall then make recommendations and engage in consultation with ~~the County of Riverside and~~ the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to consultation between appropriate representatives from that group and the Riverside County Planning Director.”

- Comment 114.14** As described on page 4.9-46 of Draft EIR No. 521, future development consistent with GPA No. 960 would result in the disturbance of vacant land, which has the potential to disturb buried human remains, including those of Native American decent. Any disturbance of vacant lands has the potential to disturb buried remains, including those in both known and previously unknown locations. However, compliance with several existing laws, regulatory

programs, General Plan policies, Planning Department procedures, existing mitigation measures would be sufficient to ensure that GPA No 960's impacts to human remains are less than significant. In addition, if it is determined that future development has the potential to impact human remains, individual project-specific mitigation measures and conditions of approval would ensure impacts to human remains are less than significant. As expressly stated by Draft EIR No. 521, avoidance is the preferred treatment of cultural resources. Most notably, Existing Mitigation Measures 4.7.1A and 4.7.1B would ensure that development which encounters human remains follow Health and Safety Code (HSC) directives and would require avoidance as the preferred treatment of cultural resource sites.

Existing Mitigation Measure 4.7.1A: If human remains are encountered during a public or private construction activity, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Riverside County Coroner must be notified within 24 hours. If the Coroner determines that the burial is not historic, but prehistoric, the State Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendant (MLD) for this area. The MLD may become involved with the disposition of the burial following scientific analysis.

Existing Mitigation Measure 4.7.1B: Avoidance is the preferred treatment for cultural resources. Where feasible, project plans shall be developed to allow avoidance of cultural resources. Where avoidance of construction impacts is possible, capping of the cultural resource site and avoidance planting (e.g., planting of prickly pear cactus) shall be employed to ensure that indirect impacts from increased public availability to the site are avoided. Where avoidance is selected, cultural resource sites shall be placed within permanent conservation easements or dedicated open space.

As such, the existing laws, regulatory programs, General Plan policies, Planning Department procedures, and existing mitigation measures described in Draft EIR No. 521 in addition to individual project-specific mitigation measures and conditions of approvals would ensure that GPA No. 960 does not significantly impact human remains.

Comment 114.15 This comment is duly noted. The requested correction has been made to the Draft EIR and is reflected below and in the Errata section of the document. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Page 4.9-47:

“Because most uncovered human remains and/or associated burial artifacts are of historical or prehistoric eras, they tend to be handled in a manner similar to archeological resources. In this aspect, the regulatory measures outlined for impacts to historical and archeological

resources for Impacts 4.9.1 and 4.9.2, above, also apply for buried human remains. At the federal level, this includes the NHPA and, in particular, NAGPRA, which would ensure that any human remains or funerary artifacts associated with a Native American descendant, are handled appropriately. This includes protecting known burial sites from disturbance and ensuring careful control over the removal of any Native American human remains or related objects, as well as appropriate coordination between Riverside County and Tribes. ~~Projects within Riverside County needing federal action (such as, issuance of a federal Clean Water Act Section 404 permit by the ACOE), would trigger application of these federal standards.”~~

Comment 114.16 This comment serves as the conclusion to the letter. The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general information. Responses to specific comments are provided above; no further response is required.

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June 18, 2015

Attn: Kristi Lovelady, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: General Plan Amendment No. 960 and Climate Action Plan: General Plan Update (EIR No. 521/ SCH 2009041065)

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

115.1

Soboba Band of Luiseño Indians is requesting the following:

1. **Government to Government** consultation in accordance to SB18. Including the transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.
2. Soboba Band of Luiseño Indians continue to be a consulting tribal entity for this project.
3. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseño Indians requests that Native American Monitor(s) from the Soboba Band of Luiseño Indians Cultural Resource Department to be present during any ground disturbing proceedings. Including surveys and archaeological testing.
4. Request that proper procedures be taken and requests of the tribe be honored (Please see the attachment)

115.2

115.3

115.4

115.5

Sincerely,

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

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

115.6

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

Treatment and Disposition of Remains

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

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

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

115.7

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

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

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

115.8

Non-Disclosure of Location Reburials. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r). Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

115.9



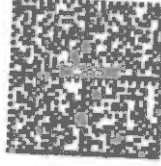
Soboba Cultural Resources Department
Soboba Band of Luiseno Indians
P.O. Box 487
San Jacinto, CA 92581

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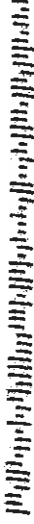
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PITNEY BOWES

Kristi Lovelady, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

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Comment Letter No. 115: Soboba Band of Luiseño Indians

Comment 115.1 The County appreciates and values your comments during the General Plan Update and EIR process. This comment provides general introductory and background information. Responses to specific comments are provided below; no further response is required.

Comment 115.2 The County recognizes the request made by the Soboba Band of Luiseño Indians (Soboba) for continued consultation as required by SB 18 for the GPA No. 960 Project. The County has consulted with Tribal Government Officials from Soboba throughout the General Plan Update process, beginning in September of 2009. Aside from formal, in-person consultation on the GPA No. 960 pursuant to SB 18, the County has also solicited comments from Soboba through the Environmental Review Process (Draft EIR No. 521). The County has met and exceeded all noticing requirements outlined in the State CEQA Guidelines §15087. The public review process for the Draft EIR included the release of the Notice of Preparation in April of 2009, as well as two public review periods for the document including a 60-day public review period in 2014 and 45-day public review period in 2015. Soboba was sent a hard-copy notice, in addition to a complete CD set of GPA No. 960, Draft EIR No. 521, and the CAP during each of the 2014 and 2015 public review periods.

Due to circumstances outside of the County's control, the environmental analysis for the Project has required an extensive timespan. However, the Draft EIR document only analyzes the environmental impacts of the Project (GPA No. 960). As such, Draft EIR No. 521 does not require a separate consultation under SB 18.²¹ While Soboba does have the right to comment on the Draft EIR through the public review periods that have been provided, comments relating to the General Plan are not under consideration during this Draft EIR review period. However, General Plan comments will be considered by the County during Project deliberations and hearings. The County will continue to provide notices of public comment periods and hearings to Pechanga in regards to the GPA No. 960 process.

The County will continue to notice Soboba of all public outreach meetings and hearings related to the approval of this project. For further responses related to SB 18 consultation, refer to the responses to letters 13 and 114.

Comment 115.3 This comment is duly noted. Refer to response 115.2 above.

Comment 115.4 This comment is duly noted. The County has worked extensively with local tribal governments to establish protocols to safeguard cultural resources, including on-site mitigation in order to avoid cultural resources and in the event of a discovery properly process these valuable

²¹ As described on page 11 of the Governor's Office of Planning and Research *Tribal Consultation Guidelines*, SB 18 requires cities and counties to consult with California Native American tribes prior to amending or adopting any general plan or specific plan, however it does not require consultation during the environmental analysis and processing of the project. The County of Riverside has continued to satisfy the requirements outlined by SB 18 throughout the General Plan Update process; see Response 13.2. Draft EIR No. 521 provides an *analysis* of GPA No. 960, and as such, is not subject to SB 18 consultation.

resources. In order to continue this coordination, the County has further amended language within the GPA No. 960, specifically in Policy OS, which now states the following:

“Policy OS 19.2 The County of Riverside shall establish a ~~e~~Cultural ~~#~~Resources ~~p~~Program in consultation with Tribes and the professional cultural resources consulting community *that* ~~—Such a program shall~~, at a minimum, ~~would~~ address each of the following: *application of the Cultural Resources Program to projects subject to environmental review; government-to-government consultation;* application processing requirements; information database(s); confidentiality of site locations; content and review of technical studies; professional consultant qualifications and requirements; site monitoring; examples of preservation and mitigation techniques and methods; *curation* and the descendant community consultation requirements of local, state and federal law. (AI 144)”

The County of Riverside Cultural Resources Program will allow for the development of specific protocols and procedures to protect cultural resources within County. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 115.5 The attached procedures have been reviewed, and responded to in the comments below. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 115.6 As noted in response 115.4, the County, through the implementation of GPA No. 960, will begin the development of a Cultural Resources Program. This program will specifically provide for the development of protocols to avoid and mitigate impacts to cultural resources during ground disturbance. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment 115.7 This comment is duly noted. As stated in Draft EIR No. 521, the County has the proposed the following mitigation measure to ensure the proper handling of remains discovered during construction activities:

“Existing Mitigation Measure 4.7.1A: If human remains are encountered during a public or private construction activity, State Health and Safety Code Section 7050.5 states that

no further disturbance shall occur until the Riverside County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Riverside County Coroner must be notified within 24 hours. If the Coroner determines that the burial is not historic, but prehistoric, the State Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendant (MLD) for this area. The MLD may become involved with the disposition of the burial following scientific analysis.”

Comment 115.8 This Comment is duly noted, refer to Response 115.7 above.

Comment 115.9 This comment is duly noted. The County understands the need to protect these cultural resources, and will continue to process these resources pursuant to applicable laws and ordinances. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).

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