

**San Jacinto River Levee, Stage 4
and
River Corridor Expansion Project**

**FINAL ENVIRONMENTAL IMPACT REPORT
(SCH No. 2007071065)**

Lead Agency:

CITY OF SAN JACINTO
595 S. San Jacinto Avenue
San Jacinto, CA 92583
Contact: Sharon Paisley, Development Director
Telephone Number: (951) 537-6372

Prepared by:

ALBERT A. WEBB ASSOCIATES
3788 McCray Street
Riverside, CA 92506
Contact: Cheryl DeGano, Principal Environmental Analyst
Telephone Number: (951) 686-1070

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I INTRODUCTION TO THE FINAL EIR

Introduction

This Final Environmental Impact Report (FEIR), as required pursuant to State *CEQA Guidelines* Sections 15089 and 15132, includes the Draft Environmental Impact Report (DEIR) or a revision thereof, comments and recommendations received on the DEIR, a list of persons, organizations, and public agencies commenting on the DEIR, and the responses of the City of San Jacinto (hereinafter City) as Lead Agency to significant environmental points raised in the review and consultation process. A Mitigation Monitoring and Reporting Program (MMRP) is also included to ensure compliance during Project implementation (Public Resources Code Section 21081.6, State *CEQA Guidelines* Section 15097).

Information Added Following Distribution of the DEIR

The information added following distribution of the DEIR does not constitute “significant new information” pursuant to State *CEQA Guidelines* Section 15088.5 because this information does not change the Project impacts and/or mitigation measures such that new or more severe environmental impacts result from the Project. The information is added as a result of comments received from responsible agencies, changes in the existing conditions at the site, revised public policies since the DEIR was written and minor corrections or clarifications. This additional information merely “clarifies or amplifies or makes insignificant modifications” in the already adequate DEIR, as is permitted by State *CEQA Guidelines* Section 15088.5(b).

Relationship to the DEIR

Minor changes that clarify or correct minor inaccuracies in the DEIR appear as revised pages in the *Corrections, Errata, and Changes from DEIR to FEIR* section which follows herein. The DEIR considered by City as Lead Agency and the Riverside County Flood Control and Water Conservation District (District) as the Responsible Agency has been edited to reflect corrections and responses to comments raised.

Corrections, Errata, and Changes from DEIR to FEIR

As explained above, this FEIR contains corrections, errata, and additions to the information contained in the DEIR. These changes do not constitute “significant new information” pursuant to State *CEQA Guidelines* Section 15088.5 because they do not change the Project impacts and/or mitigation measures such that new or more severe environmental impacts result from the Project. Such items are sometimes added as a result of comments received from responsible agencies or other commenters, changes in the existing conditions at the site, revised public policies since the DEIR was written and minor corrections or clarifications.

As provided in State *CEQA Guidelines* Section 15088(c), responses to comments may take the form of a revision to a DEIR or may be a separate section in the FEIR. This section complies with the latter and provides changes to the DEIR in revision-mode text (i.e., deletions are shown with strikethrough text (~~example~~) and additions are shown with underline text (example). These notations are meant to provide clarification, corrections, or minor revisions as needed as a result of public comments or because of changes in the Project since the release of the DEIR as required by State *CEQA Guidelines* Section 15132. None of the corrections and additions constitutes significant new information or substantial Project changes requiring recirculation as defined by State *CEQA Guidelines* Section 15088.5.

The following summary will present the location and types of additions and changes or corrections made within each section of the FEIR since the DEIR was published.

I-1 Introduction

The following text has been added to page I-1-7:

- **Buchanan Ingersoll & Rooney LLP (on behalf of Building Management Services and Golden Era Productions)** – Expresses concern that the levee improvements proposed on the north side of the San Jacinto River are located on or in close proximity to property owned by Building Management Services could adversely affect use and enjoyment of that property. Concern is also expressed regarding the Project’s affect on the operations of the State Route 79 North and Gilman Springs Road intersection, State Street, and Sublette Road. This letter requested the DEIR analyze potential impacts to the property owned by Building Management Services, alternatives to avoid those impacts, and mitigation measures necessary to reduce any impacts to less than significant.

This revision is correcting an inadvertent omission and does not constitute significant new information that would require recirculation of the DEIR. No other modification of the DEIR is required as a result of this comment.

I-2 Executive Summary

In response to comments received from the South Coast Air Quality Management District, portions of **Table I-2-A, Summary of Environmental Impacts and Mitigation Matrix** on pages I-2-13 and I-2-14 have been revised as follows:

Table I-2-A, Summary of Environmental Impacts and Mitigation Matrix¹

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
Air Quality	Violate air quality standards, contribute to air quality violation, or result in a cumulatively considerable increase in any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.	MM Air 4: The Project shall be required by contract specification to include construction equipment engines that meet or exceed Tier 3 standards. <u>Consideration will be given to contractor's that provide proof that SCAQMD's SOON Program (and/or other applicable grant programs) have been applied for funding.</u> Contract specifications shall be included in project construction documents, which shall be reviewed by the City prior to awarding the construction contract. <u>A copy of each unit's certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable piece of equipment.</u>	Prior to awarding the construction contract.	Contractor and City of San Jacinto	Significant – requires Statement of Overriding Considerations

Portions of **Table I-2-A, Summary of Environmental Impacts and Mitigation Matrix** on page I-2-14 has been revised to include new mitigation measure **MM Air 5:**

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
Air Quality	Violate air quality standards, contribute to air quality violation, or result in a cumulatively considerable increase in any criteria pollutant for which the project region is	MM Air 5: <u>All dump trucks used for soil hauling during Project construction shall comply with either 2007 or 2010 engine emission standard pursuant to Title 13, Section 2025(d). Contract specifications shall be included in Project construction documents, which shall be reviewed by the City prior to awarding the construction</u>	<u>Prior to awarding the construction contract</u>	<u>Contractor and City of San Jacinto</u>	<u>Significant requires Statement of Overriding Considerations</u>

¹ The table shown here is abridged from the version contained in the DEIR and only shows the affected row.

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	non-attainment under applicable federal or state ambient air quality standards.	<u>contract.</u>			

Portions of **Table I-2-A, Summary of Environmental Impacts and Mitigation Matrix** on pages I-2-20 through I-2-23 have been revised as follows:

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
Noise	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	<p>MM Noise 1: To prevent construction-related noise, including that occurring within the City of San Jacinto and unincorporated Riverside County jurisdictions, from disturbing sensitive receptors during the evening hours, the following restrictions shall be observed in accordance with the City of San Jacinto Municipal Code, Section 8.40.090, A & B, which state:</p> <p>A. Weekdays. No person, while engaged in construction, remodeling, digging, grading, demolition, or any other related building activity, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a peace officer, on any weekday except between the hours of 7:30 a.m. and 6:00 p.m.; and</p> <p>B. Weekends and Holidays. No person, while engaged in construction, remodeling, digging, grading, demolition or any</p>	During Construction	Contractor and District City of San Jacinto	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		<p>other related building activity, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a peace office, on any weekend day or any federal holiday.</p>			
		<p>MM Noise 2: To minimize noise impacts resulting from poorly tuned or improperly modified vehicles and construction equipment, all vehicles and construction equipment shall be maintained in good condition and in proper tune per manufacturers’ specifications, to the satisfaction of the DistrictCity of San Jacinto. Equipment maintenance records and equipment design specification data sheets shall be kept on site during construction. Maintenance records shall be submitted monthly to the City of San Jacinto. Compliance with this measure shall be subject to periodic inspections by the City of San Jacinto.</p>	<p><u>During construction</u></p>	<p><u>District</u></p>	<p><u>Less than Significant</u></p>
		<p>MM Noise 3: To inform potential sensitive receivers of the pending project construction, the DistrictCity of San Jacinto shall:</p> <ul style="list-style-type: none"> a) provide written notification to residents of the Country Lake mobile home parks and two nearby single family residences (or other sensitive receptor(s) at the time of construction) located within 1,400 feet of the project site, 30 days prior to the start of 	<p><u>During construction</u></p>	<p><u>Contractor and District</u></p>	<p><u>Less than Significant</u></p>

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		<p>construction. The written notification shall include a tentative construction schedule and contact information for use by the public if specific noise issues arise; and</p> <p>b) prior to commencement of construction, the DistrictCity of San Jacinto shall post contact information on the construction site for use by the public in the event specific noise issues arise. The contact information shall remain in place until construction is complete.</p>			
		<p>MM Noise 4: To reduce noise impacts associated with temporary diesel- or gasoline-powered generators, and where a portable diesel- or gas-powered generator is necessary, it shall have maximum noise muffling capacity and be located as far as technically feasible from noise sensitive uses.</p>	<p><u>During construction</u></p>	<p><u>Contractor and District</u></p>	<p><u>Less than significant</u></p>
		<p>MM Noise 5: To minimize or eliminate motor-derived noise from construction equipment, contractors shall utilize construction equipment that is either propane- or electric-powered, when technically feasible.</p>	<p><u>During construction</u></p>	<p><u>Contractor and District</u></p>	<p><u>Less than significant</u></p>
		<p>MM Noise 6: To minimize or eliminate noise from portable compressors, generators, and other such equipment, this equipment shall be covered, to the extent that it is technically feasible, with noise-insulating fabric that does not interfere with the manufacturer’s guidelines for engine or exhaust</p>	<p><u>During construction</u></p>	<p><u>Contractor and District</u></p>	<p><u>Less than significant</u></p>

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		operation			
		MM Noise 7: To minimize noise from idling engines, all vehicles and construction equipment shall be prohibited from idling in excess of five minutes, when not in use.	<u>During construction</u>	<u>Contractor and District</u>	<u>Less than significant</u>
		MM Noise 8: Temporary noise control barriers (e.g., plywood walls, noise curtains/blankets) shall be utilized to reduce noise impacts when construction takes place near existing residences including two single family residences and the Country Lake Mobile Home Community park, towards the southern end of the project’s alignment. To be effective, the barrier/curtain must be located at the top of the highest point between the noise source and receptor, must physically fit in the available space, must completely break the line-of-sight between the noise source and the receptors, must be free of degrading holes or gaps, and must not be flanked by nearby reflective surfaces. Noise barriers must be sizable enough to cover the entire noise source, and extend length-wise and vertically as far as feasibly possible to be most effective. If necessary and technically feasible, noise barriers should be tall enough to provide noise reduction for the upper-most stories of nearby sensitive receptors, though this may not always be achievable with abutting multi-story buildings.	<u>During construction</u>	<u>Contractor and District</u>	<u>Less than significant</u>

II Environmental Effects Found Not Significant

There are no revisions to this section of the DEIR.

III Analysis of Environmental Issues

III-3-1a Potentially Significant Environmental Effects

There are no revisions to this section of the DEIR.

III-3-1 Agricultural & Forestry Resources

There are no revisions to this section of the DEIR.

III-3-2 Air Quality and Greenhouse Gas Emissions

The following text has been revised on page III-2-27 of the DEIR:

The above analysis demonstrates that after implementation of mitigation measures **MM Air 1** through **MM Air 4-5**, the projected short-term emissions from construction of the Project are above the applicable SCAQMD regional threshold for NO_x.

In response to comments received from the South Coast Air Quality Management District, MM AIR 4 on page III-2-41 of the DEIR has been revised as follows:

MM Air 4: The Project shall be required by contract specification to include construction equipment engines that meet or exceed Tier 3 standards. Consideration will be given to contractor's that provide proof that SCAQMD's SOON Program (and/or other applicable grant programs) have been applied for funding. Contract specifications shall be included in project construction documents, which shall be reviewed by the City prior to awarding the construction contract. A copy of each unit's certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable piece of equipment.

The following mitigation measure has been added to page III-2-42 of the DEIR to further mitigate air quality impacts to the Project.

MM AQ 5: All dump trucks used for soil hauling during Project construction shall comply with either 2007 or 2010 engine emission standards pursuant to Title 13, Section 2025(d). Contract specifications shall be included in Project construction documents, which shall be reviewed by the City prior to awarding the construction contract.

The following text has been revised on page III-2-43 of the DEIR:

In an effort to reduce estimated emissions from construction activities, the mitigation measures listed above were considered. Although implementation of the mitigation measures **MM Air 1** through **MM Air 3** and **MM Air 5** will reduce Project -generated emissions, there are no distinct, SCAQMD-established quantitative reductions associated with them in CalEEMod; therefore, to be conservative, there is no change in the estimated construction emissions from these measures. **MM Air 4** is recommended to reduce NO_x emissions from off-road construction equipment and is quantifiable in CalEEMod. The results of the mitigated regional threshold analysis are shown in **Table III-2-L**, on the following page.

III-3-3 Biological Resources

The following text has been added to page III-3-27:

The measures outlined below were identified as necessary to provide superior preservation as compared to the existing condition, as outlined in the Determination of Biologically Equivalent or Superior Preservation prepared for Riparian and Riverine Areas and LBV (Appendix C), and are also outlined as **Mitigation Measures MM Bio 1-4** below.

In response to comments received the DEIR mitigation that was outlined in the DBESP for Riparian and Riverine Areas and LBV as well as mitigation outlined in the DBESP for LAPM are also included as mitigation measures in the DEIR. Pages III-3-50 through III-52 of the EIR have been revised as follows:

Proposed Mitigation Measures

An Environmental Impact Report is required to describe feasible mitigation measures which could minimize significant adverse impacts (CEQA Guidelines, Section 15126.4). Mitigation measures were evaluated for their ability to eliminate the potential significant adverse impacts related to biological resources or to reduce impacts to below the level of significance.

MM Bio 1: In order to reduce potential impacts to riparian and riverine areas and least Bell's vireo (LBV), the Project shall establish a 77.86-acre riparian corridor (average width of 233 feet) beginning downstream of State Street and extending to the downstream limits of Reach 1. As part of the 77.86-acre riparian corridor, the Project shall create 43.8 acres of riparian habitat suitable for least Bell's vireo nesting, to offset impacts to riparian habitat due to construction and structural maintenance. The created riparian habitat shall consist of cottonwood/willow/mule fat scrub and forest habitats. The riparian habitat shall be created in two strips on either side of the overall riparian corridor, with the middle of the corridor (the low portion of the created channel)

left alone for natural recruitment. The created habitat shall include native container plants, cuttings/poles, and/or seed mix throughout the 43.8 acres. The mitigation program shall include the removal of non-native plant species, trash and debris during implementation and in perpetuity. The riparian creation/restoration area shall be monitored and maintained for a minimum of five years, with reports submitted annually, to ensure successful establishment of the habitat to the agreed upon performance standards. Groundwater monitoring wells will be used within the riparian creation/restoration area (Reach 1 and 2) as well as within existing riparian habitat to be avoided (Reach 1). The riparian creation/restoration area shall not be subject to any maintenance for flood control purposes and shall only receive maintenance consistent with a habitat conservation area, such as the removal of non-native plants, trash and debris, and replacement of native plant species as necessary to achieve performance standards. The riparian creation/restoration area shall be protected in perpetuity with a conservation easement.

MM Bio 2: In order to reduce potential impacts to riparian and riverine areas and least Bell's vireo (LBV), the Project shall avoid 38.62 acres of existing riparian habitat within the Limited Maintenance Zones (LMZ) and be protected in perpetuity with a conservation easement. The LMZ areas will not be subject to flood control maintenance, except in emergencies as described in the Project Description. The 38.62 acres of riparian habitat within the LMZ will not be actively enhanced, i.e., it will be allowed to vegetate passively, but it will be subject to the removal of non-native vegetation.

MM Bio 3: The construction of the proposed southern levee, together with the direct removal of portions of the existing southern levee, will expand the riverine corridor by approximately 295.86 acres (Figure 6 – Expanded Riparian/Riverine Corridor), which together with the 77.86-acre riparian corridor, 38.62 acres of avoided riparian habitat (LMZ), 7.81 acres of avoided riverine areas (LMZ), and 44.83 acres of temporary impacts to riverine areas, will result in a post-project total of approximately 464.98 acres of riparian/riverine areas as compared with the 122.57 acres of riparian/riverine areas that exists in the Project footprint today.

MM Bio 4: The Project shall include general enhancement within the overall post-project boundary (Reach 1 and 2) of the San Jacinto River, in perpetuity. Enhancement activities shall include the removal of specified exotic plant species (i.e., woody non-native species), the removal of trash and debris, and the management of non-native bird species (e.g., Brown-headed Cowbirds, European Starlings, and English Sparrows). Enhancement will also occur within

Reach 3 (upstream of State Street), to be separately addressed in a long-term maintenance agreement (LTMA) between the District and CDFW.

MM Bio 5: The Project shall acquire/expand existing LAPM habitat with LTCV within the Project area by approximately 239.9 acres, and implement an adaptive management program of riverine maintenance to minimize impacts to LAPM habitat for a total of 307.94 acres. The program shall include the maintenance of one half of each reach per year, and vegetation maintenance achieved through grazing in lieu of mechanical mowing.

MM Bio 6: Acquire 4.7 acres of LAPM refugia habitat. The 4.7-acre area will be managed by the District.

MM Bio 7: Manage 33.1 acres in the District’s Potrero Debris Basin, an additional 49.0 acres associated with an existing RCA easement within Potrero, and the 4.7-acre property for LAPM LTCV/refugia habitat. Management activities for refugia for the benefit of target species should include once-a-year monitoring of vegetation cover and conditions (including native and non-native grasses and shrubs) by a qualified biologist. Maintenance should include the removal of grasses and grass mats, the deposition of sand if necessary, and/or shrub plantings, as needed to provide the appropriate vegetation cover and overall conditions required by LAPM. Dense grass cover can be reduced or essentially eliminated over a relatively short period of time with the use of gramicides (i.e. grass herbicides such as Fusilade and/or Envoy). Potrero Debris Basin is owned by the District and will be managed by the District. The 4.7-acre property will be acquired and managed by the District. Activities within Potrero Debris Basin (including the existing RCA easement) and the 4.7-acre property will be reported to the RCA annually.

MM Bio 8: The District shall manage a 75.5-acre area (the “triangle area”) located between the proposed low flow diversion structure and the western terminus of the proposed southern levee. Management within this area will be limited to grazing.

MM Bio 9: The District shall avoid 74.00 acres of LAPM habitat with LTCV within the Project’s Limited Maintenance Zone (LMZ) areas. The LMZ areas shall be protected in perpetuity with a conservation easement. During maintenance activities, temporary fencing and/or GPS systems will be used to ensure avoidance of LMZ/Conservation Easement areas.

MM Bio 10: Sandy low slope ramps (Potrero Basin spillway and low flow diversion structure) shall be installed. The existing southern levee affected by erosion due to storm events shall be rebuilt as needed. The ramps and remnant

southern levee sections will be maintained in perpetuity. Scattered vegetation will be allowed to grow on the ramps to provide cover for LAPM.

MM Bio 11: A long-term management plan (LTMP) for the in-perpetuity management for all LAPM mitigation lands, including the Potrero Debris Basin, the Driscoll property, the triangle area, and existing/expanded LAPM habitat within the Project footprint shall be developed. Management of lands within the triangle area will be limited to grazing. Management of all remaining lands will include, at a minimum, the management of non-native plant species (methodology, frequency, and disposal to be included in the LTMP); vegetation monitoring protocols (methodology and frequency of data collection to be included in LTMP); vegetation data analysis (methodology and frequency), small mammal monitoring protocols (methodology and frequency of data collection); proposed adaptive management strategies (including when adaptive management will be implemented); and the minimum qualifications of the land management entity proposed to manage the LAPM mitigation lands.

MM Bio 12: A pre-construction burrowing owl survey will be conducted prior to initiation of Project construction activities within suitable habitat of the burrowing owl. Objective 6 of the MSHCP species-specific burrowing owl objectives states that pre-construction presence/absence surveys for the burrowing owl will be conducted where suitable habitat is present. Surveys will be conducted within 30 days prior to disturbance. If burrowing owls are detected, then passive relocation (use of one-way doors and collapse of burrows) will occur outside the nesting season. Take of active nests will be avoided.

MM Bio 132: To reduce impacts associated with temporary construction activities on sensitive species and habitats, Standard Best Management Practices and Construction Guidelines, as outlined in Volume I Appendix C and Section 7.5.3 of the MSHCP, respectively, shall be implemented where technically feasible.

III-3-4 Cultural Resources

There are no revisions to this section of the DEIR.

III-3-5 Geology and Soils

In response to comments received from Golden Era, the discussion of Design Considerations on page III-5-9 of the DEIR has been revised as follows:

Design Considerations

The proposed Project will be constructed in accordance with the U.S. Army Corps of Engineers (USACE) *Design and Construction of Levees Manual* and the recommendations of the *Geotechnical Investigation Report, Proposed San Jacinto River, Stage 4, North and South Levees, San Jacinto Area, Riverside County, California, June 30, 2008* (Appendix E of this DEIR). The proposed Project was designed in take into consideration the effects of the settlement on the MWD pipeline per the *Geotechnical Investigation Proposed San Jacinto River, State 4 South Levee MWD Pipeline Crossings, San Jacinto Area, Riverside County, California, June 30, 2008.*

III-3-6 Hazards/Hazardous Materials

There are no revisions to this section of the DEIR.

III-3-7 Hydrology and Water Quality

In response to comments received from the San Jacinto River Watershed Council the following acronym has been revised on page III-7-3 of the DEIR.

~~SJWCSJRWC~~ San Jacinto River Watershed Council, *The San Jacinto Watershed Component of the Santa Ana Integrated Watershed Plan, Prop 50, Chapter 8, Planning Grant Application*, May 11, 2005. (Available at http://www.sawpa.org/documents/Att3_PG_WorkPlan_1of2.pdf, accessed on April 14, 2014.)

III-3-8 Land Use/Planning

There are no revisions to this section of the DEIR.

III-3-9 Noise

To clarify responsibility for implementation of mitigation measures to reduce construction noise, the following text has been revised on pages III-9-17 through III-9-18 of the the DEIR:

MM Noise 2: To minimize noise impacts resulting from poorly tuned or improperly modified vehicles and construction equipment, all vehicles and construction equipment shall be maintained in good condition and in proper tune per manufacturers' specifications, to the satisfaction of the ~~DistrictCity of San Jacinto~~. Equipment maintenance records and equipment design specification data sheets shall be kept on site during construction. Maintenance records shall be submitted monthly to the ~~DistrictCity of San Jacinto~~. Compliance with this measure shall be subject to periodic inspections by the ~~DistrictCity of San Jacinto~~.

MM Noise 3: To inform potential sensitive receptors of the pending project construction, the ~~District~~City of San Jacinto shall:

- c) provide written notification to residents of the Country Lake mobile home parks and two nearby single family residences (or other sensitive receptor(s) at the time of construction) located within 1,400 feet of the project site, 30 days prior to the start of construction. The written notification shall include a tentative construction schedule and contact information for use by the public if specific noise issues arise; and
- d) prior to commencement of construction, the ~~District~~City of San Jacinto shall post contact information on the construction site for use by the public in the event specific noise issues arise. The contact information shall remain in place until construction is complete.

III-3-10 Population and Housing

There are no revisions to this section of the DEIR.

III-3-11 Transportation/Traffic

There are no revisions to this section of the DEIR.

IV Other CEQA Topics

There are no revisions to this section of the DEIR.

V Alternatives to the Proposed Project

There are no revisions to this section of the DEIR.

VI References

In response to comments received from the San Jacinto River Watershed Council the following acronym has been revised on page VI-13 of the DEIR.

~~SJWC~~SJRWC San Jacinto River Watershed Council, The San Jacinto Watershed Component of the Santa Ana Integrated Watershed Plan, Prop 50, Chapter 8, Planning Grant Application, May 11, 2005. (Available at http://www.sawpa.org/documents/Att3_PG_WorkPlan_1of2.pdf, accessed on April 14, 2014.)

Public Review Summary

The EIR process typically consists of three parts: the Notice of Preparation (NOP), DEIR, and FEIR; however, this process also included a recirculated NOP. The City distributed a NOP on July 16, 2007, to the State Clearinghouse (SCH No. 2007071065), responsible agencies, other public agencies, and interested private organizations, and individuals. Pursuant to State CEQA

Guidelines Section 15082, recipients of the NOP were requested to provide responses within 30 days after their receipt of the NOP. Copies of both the NOP and comments received by the City on the NOP are presented in Appendix A of the DEIR.

Due to revisions to the Project, the NOP was revised and recirculated from July 14, 2010 through August 12, 2010 to the State Clearinghouse (SCH No. 2007071065), responsible agencies, other public agencies, and interested private organizations, and individuals. Pursuant to State *CEQA Guidelines* Section 15082, recipients of the revised NOP were requested to provide responses within 30 days after their receipt of the NOP. Copies of the revised NOP and comments received are included in Appendix A to the DEIR.

The City circulated a DEIR for the San Jacinto River Levee, Stage 4 and River Corridor Expansion from December 22, 2014 to February 4, 2015. Notices of Availability of the DEIR were circulated to the State Clearinghouse, responsible agencies, and other interested parties on December 22, 2014.

General public Notice of Availability of the DEIR was also given by publication in the *Press-Enterprise* daily newspaper on December 19, 2014. As required by Public Resources Code Section 21092.3, a copy of the public notice was posted with the Riverside County Clerk on December 23, 2014.

As provided in the public notice and in accordance with State *CEQA Guidelines* Section 21091(d), the City accepted written comments through February 4, 2015². During the public review period for the Project, the City received thirteen (13) comment letters from agencies, organizations, and individuals. Subsequent to the close of the public review period, a comment letter was received from the Soboba Band of Luiseno Indians, Friends of the Northern San Jacinto Valley, Golden Era Productions, Sierra Club, and in addition to the standard response letter from the State Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, confirming completion of the public review period. All timely comments and late comments are listed below.

All comments and Responses to Comments are included in **Section II** of this FEIR. In accordance with the provisions of Public Resources Code Section 21092.5, the City has provided a written response to each commenting public agency no less than 10 days prior to the proposed certification date.

² The Sierra Club was permitted to submit their comment letter until February 15, 2015 due to an incorrect address and delayed receipt of DEIR.

List of Persons, Organizations, and Public Agencies that Commented on the DEIR

Table 1-A, Comments Received During Public Comment Period

Comment Letter	Agency/Name	Date
Federal		
A	U.S. Department of Homeland Security FEMA Region IX / Gregor Blackburn	December 29, 2014
State		
B	California Department of Transportation / Mark Roberts	January 5, 2015
C	California Department of Conservation / Molly A. Penberth	January 22, 2015
M	State of California – Governor’s Office of Planning and Research / Scott Morgan	February 9, 2015
Regional/Local Agency		
D	Riverside County Regional Park and Open-Space District / H. P. Kang	January 21, 2015
E	South Coast Air Quality Management District / Jillian Baker	January 28, 2015
Other		
F	William J. Goodwin	January 31, 2015
G	Lauda Family Partnership / Bert Lauda	January 31, 2015
H	Soboba Band of Luiseno Indians / Joseph Ontiveros	February 5, 2015
I	Friends of the Northern San Jacinto Valley / Tom Paulek & Susan Nash	February 5, 2015
J	Golden Era Productions / Kelly Alhadef-Black	February 5, 2015
K	Sierra Club / George Hague	February 15, 2015
L	Western Riverside County Agriculture Coalition / Pat Boldt	February 2, 2015

II RESPONSE TO COMMENTS

Pursuant to State *CEQA Guidelines* Section 15088, the responses to comments presented in this section address specific, relevant comments on environmental issues raised in the submitted comment letters. All of the comment letters, including any attachments, are included in this section. Each comment letter is followed by the responses to each of its comments. Each comment letter is identified by the alphabetic letter designated in Table 1-A of this FEIR and identifying information for each commenter is provided at the beginning of the corresponding responses. Specific comments are delineated and numbered as well. Corrections and additions resulting from comments on the DEIR are summarized in the Corrections, Errata, and Changes from DEIR to FEIR Section of this FEIR.

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RESPONSE TO COMMENTS

FEDERAL AGENCIES

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Comment Letter A - U.S. Department of Homeland Security FEMA Region IX

CITY OF SAN JACINTO
DEC 29 2014
DEPARTMENT OF
COMMUNITY DEVELOPMENT



December 23, 2014

Sharon Paisley, Development Director
596 San Jacinto Avenue
San Jacinto, California 92583

Dear Ms. Paisley:

This is in response to your request for comments regarding the Notice of Availability of Draft Environmental Impact Report for the San Jacinto River Levee, Stage 4 and River Corridor Expansion Project (SCH Number 2007071065).

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Riverside (Community Number 060245) and City of San Jacinto (Community Number 065056), Maps revised August 18, 2014. Please note that the City of San Jacinto, Riverside County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

A-1

A-2

www.fema.gov

Sharon Paisley, Development Director
Page 2
December 23, 2014

- All buildings constructed within a coastal high hazard area, (any of the “V” Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

↑
A-2
CONT.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The San Jacinto floodplain manager can be reached by calling Krystie Rightmire, Administrator, at (951) 654-3592. The Riverside County floodplain manager can be reached by calling Michael Lara, Director, Building and Safety, at (951) 955-2025.

A-3
|

If you have any questions or concerns, please do not hesitate to call Frank Mansell of the Mitigation staff at (510) 627-7191.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Krystie Rightmire, Administrator, City of San Jacinto
Michael Lara, Director, Building and Safety, Riverside County
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources,
Southern Region Office
Frank Mansell, NFIP Planner DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer DHS/FEMA Region IX

www.fema.gov

Response to Comment Letter A - U.S. Department of Homeland Security FEMA Region IX

Gregor Blackburn, CFM, Branch Chief

U.S. Department of Homeland Security

FEMA Region IS

1111 Broadway, Suite 1200

Oakland, CA 94607-4052

Response to Comment A-1:

The comment request that we review the current effective countrywide Flood Insurance Rate Maps (FIRMs) for the County of Riverside and the City of San Jacinto, which were revised August 18, 2014. The FIRM maps were reviewed during the preparation of the DEIR. The DEIR included information on the 2014 FIRM map for the project area, as shown in Figure I-2-4, Existing Levees and Floodplains, which include the reference “FEMA DFIRM 2014” in the sources of information used for the figure. Additionally, the National Flood Insurance Program is discussed on page III-10-3 of the DEIR.

Response to Comment A-2:

The comment summarizes the NFIP floodplain management building requirements which include the following:

- All buildings constructed within a riverine floodplain must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Map;
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any development must not increase base flood elevation levels;
- All buildings construction within a coastal high hazard area, must be elevated on pilings and columns, so that the lowest horizontal structural member, is elevated to or above the base flood elevation level; and
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. As stated above, the NFIP is discussed on page III-10-3 of the DEIR, which states “San Jacinto participates in the National Flood Insurance Program (NFIP), which is administered by FEMA. The NFIP provides federal flood insurance and federally financed loans for properties within identified flood hazard areas. To qualify for federal flood insurance, the City is required to identify flood hazard areas and implement a system of protective controls. The proposed Project is not located within a coastal high hazard area. Upon completion of the Project the City

will submit technical data for a flood map revision as implementation of the Project will result in a reduction in the 100-year floodplain in the Project area.

Response to Comment A-3:

The comment regarding the request that we contact the City of San Jacinto’s community’s floodplain manager for information on local floodplain management building requirements is noted.

RESPONSE TO COMMENTS

STATE AGENCIES

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Comment Letter B - California Department of Transportation

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th Floor MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-6890
TTY (909) 383-6300



*Serious drought
Help save water!*

RECEIVED
CITY OF SAN JACINTO
JAN 07 2015

January 5, 2015

Sharon Paisley
City of San Jacinto
595 S. San Jacinto Avenue
San Jacinto, CA 92583

Notice of Preparation for the San Jacinto River Levee Stage 4 Project, SCH# 2007071065, Riv-79-PM 33.014

Ms. Paisley,

We have completed our review for Notice of Preparation (NOP) for the San Jacinto River Levee Stage 4 project. This project is located in the City of San Jacinto and in unincorporated Riverside County, adjacent to the existing San Jacinto River from a point southeast of State Route 79 (State Street) to a point northwest of Sanderson Avenue. The proposed project consists of the construction and subsequent maintenance of a new levee.

B-1

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. Under the California Environmental Quality Act (CEQA), we are required to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of San Jacinto due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

B-2

After further review of the Draft Environmental Impact Report page IV-14 Section Transportation/Traffic. We are in agreement with the conclusion and have No Comment concerning the Traffic Control Plan for this project.

However, an application for an Encroachment Permit may still be required. The applicant should contact the office listed below for future information.

B-3

Encroachment Permit

Issuance of a Caltrans Encroachment Permit will be required prior to any construction within State R/W. Information regarding permit application and submittal requirements may be obtained by contacting:

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Ms. Pasiley
January 5, 2015
Page 2

Office of Encroachment Permits
Department of Transportation
464 West 4th Street, 6th Floor, MS-619
San Bernardino, CA 92401-1400
(909) 383-4526

↑
B-3
CONT.

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact me at (909) 383-4557 for assistance.

Sincerely,



MARK ROBERTS
Office Chief
Intergovernmental Review, Community and Regional Planning

Response to Comment Letter B – California Department of Transportation

Mark Roberts

Office of Encroachment Permits

California Department of Transportation

464 West 4th Street, 6th Floor, MS-619

San Bernardino, CA 92401-1400

Response to Comment B-1:

The comment's states that they reviewed a Notice of Preparation (NOP) for the San Jacinto River Levee Stage 4 Project; however, that is incorrect. A Recirculated Notice of Preparation for the project was posted for review July 14, 2010 to August 12, 2010. Instead what the commenter received was a Notice of Availability (NOA) for the project with a review start date of December 22, 2014 and an end review date of February 4, 2015. Excluding that, the comment's description of the Project is consistent with the DEIR.

Response to Comment B-2:

The comment states that they are the owner and operator of the State Highway System (SHS) and it is their responsibility to coordinate and consult with local jurisdiction when a proposed development may impact their facilities. We acknowledge the comment. No further response is necessary.

Response to Comment B-3:

Comment states that after review of the Draft Environmental Impact Report page IV-14 Section Transportation/Traffic that they are in agreement with the conclusion and have no comment concerning the Traffic Control Plan for the Project. With regard to Caltrans request that an application for an Encroachment Permit to be required prior to any construction within State right-of-way is identified on page I-2-10 of Section I-2 - Approvals Related to the Project. The District will coordinate with Caltrans and obtain a Caltrans Encroachment Permit for construction in Caltrans Right-of-Way.

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Comment Letter C - California Department of Conservation

NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., GOVERNOR



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

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

January 22, 2015

Ms. Sharon Paisley, Development Director
City of San Jacinto
595 San Jacinto Avenue
San Jacinto, CA 92583

Dear Ms. Paisley:

DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SAN JACINTO RIVER
LEVEE, STAGE 4 AND RIVER CORRIDOR EXPANSION, SCH# 2007071065,
RIVERSIDE COUNTY

The Department of Conservation (Department) received the DEIR on January 2, 2015, regarding the City of San Jacinto's intention to locate a public improvement on property subject to Land Conservation Act (LCA) contracts in Riverside County. The Department of Conservation's (Department) Division of Land Resource Protection monitors farmland conversion on a statewide basis and administers the California Land Conservation Act and other agricultural land conservation programs. The Department offers the following comments in accordance with the provisions of Government Code (GC) §§51290 - 51295.

C-1

Project Description

The City proposes to build a Public Works and Public Safety project consisting of the construction and subsequent maintenance of a new levee and associated improvements. The Project constitutes the expanded implementation of the 1975 Flood Control Master Plan for the Lower San Jacinto River Basin. The Project will impact 206 acres of contracted property by converting the lands to non-agricultural uses. The DEIR did not discuss what methodology the City would utilize to acquire the properties it will need for project development. The step-by-step public agency notification process is enclosed as a guideline.

C-2

Public Acquisition Notification Procedure

There are four instances stated in GC §51291 requiring a public agency to provide notice to the Department about activities related to the acquisition of property located in an agricultural preserve. Notice is required in the following instances:

C-3

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Ms. Sharon Paisley, Development Director
January 22, 2015
Page 2 of 2

C-3
CONT.

1. Notice before making a decision to acquire property located in an agricultural preserve;
2. Notice within 10 days when the property is actually acquired;
3. Notice if the public entity proposes any significant changes to the acquisition; and
4. Notice after acquisition if the acquiring public agency decides not to acquire the property for the intended purpose.

Acquisition and Its Effect on Existing Land Conservation Act Contracts

C-4

An LCA contract is an enforceable restriction pursuant to Article XIII, §8 of the California Constitution and Government Code §51252. Unless an entity having eminent domain authority intends to exercise that authority to acquire property located in an agricultural preserve for a public improvement, and the seller is contracted to sell under a credible threat of condemnation, an acquisition may not be considered to have been transacted via eminent domain or in lieu of eminent domain¹. When acquisition by a public agency occurs without the use of eminent domain power or in lieu of eminent domain, the contract restricting the property remains in effect until or unless terminated through nonrenewal (GC §51245), cancellation (GC §51250 et seq.), easement exchange or rescission (GC §51256) and entry into an open space easement (GC §51255). While land is under contract it must remain in uses which are compatible with the contract and the Riverside County rules and ordinances for agricultural preserves.

C-5

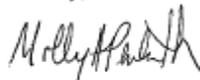
The Department requests the City of San Jacinto to provide the required notices to the Department pursuant to Government Code §51291(b), including explanations and support for making the required findings as stated in Government Code §51292(a) and (b).

Additional information regarding public agency acquisition of property located in an agricultural preserve is available on the Department's website at the following link:

http://www.conservation.ca.gov/dlrp/lca/basic_contract_provisions/Pages/public_acquisitions.aspx

We look forward to receiving the notification as required by GC §51291(b)). If you have questions or need further assistance, please contact Jacquelyn Ramsey, Associate Environmental Planner, at (916) 323-2379 or via email at Jacquelyn.Ramsey@conservation.ca.gov.

Sincerely,



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

cc: Riverside County Board of Supervisors
Riverside County Farm Bureau

¹ Johnson v. County of Sonoma et al (2002) 100 Cal. App. 4th 973 987

Attachment to Comment Letter C



Department of Conservation Division of Land Resource Protection

Public Acquisition Notification Procedures A Step by Step Guide



The following information explains the public acquisition notification procedures for a public agency's acquisition of land located in an Agricultural Preserve and/or under a Land Conservation (Williamson) Act contract.

If you have additional questions, or suggestions for improvement of this document, please contact the Williamson Act Program at 916-324-0850.

A public acquisition is the acquisition of land located in an agricultural preserve by a public agency or person, acting on behalf of a public agency¹, for a public improvement². Land acquisition includes interests in real property, including partial interests such as utility and conservation easements.

When is a Notice Required?

Public Acquisition Notice is required whenever it appears that land within an agricultural preserve may be required by a public agency, or by a person (acting on behalf of a public agency) for a public use. The public agency or person shall advise the Director of the Department of Conservation (Department) and the local governing body (city/county) responsible for the administration of the agricultural preserve of its intention to consider the location of a public improvement within an agricultural preserve (GC § 51291(b)), or on property restricted by a Land Conservation Act contract.

Does the CEQA Process Constitute a Public Acquisition Notice?

No. Notice of the intention to acquire a property located in an agricultural preserve must be provided separately from a California Environmental Quality Act (CEQA) environmental notice.

The California Environmental Quality Act (CEQA) notice and review is a separate process and does not substitute for the notice of the intention to acquire a property located in an agricultural preserve. Senate Bill 985 (Johnston, statutes of 1999) clarified that CEQA notice does not equal the Public Acquisition Notification procedure stipulated in the Land Conservation Act³.

What are the Legal Requirements for a Public Acquisition Notice?

The requirement to notice occurs four times in the Land Conservation Act of 1965 statute.

1. Notice is required before making a decision to acquire property located in an agricultural preserve (GC §51290(b));

¹ Government Code § 51291(a)

² Government Code § 51290.5

³ Government Code § 51290 – § 51295

October 2014

Department of Conservation

Public Acquisition – A Step by Step Guide

2. Notice is required within 10 days of acquisition of the property (GC 51291(c));
3. Notice is required if the public entity proposes any significant changes to the acquisition, and
4. Notice is required after acquisition if the acquiring public agency decides not to acquire the property for the intended purpose (GC 51291(d)).

PUBLIC ACQUISITION NOTICE REQUIREMENTS

FIRST NOTICE - A public agency must notify:

1. The Director of the Department of Conservation,
2. The local jurisdiction (city/county) administering the agricultural preserve, when the public agency has the intention to acquire land in an agricultural preserve or a property restricted by Williamson Act contract for a public purpose⁴.

The first notice, must occur *before* the public agency makes a decision to acquire a property located in an agricultural preserve⁴. The first notice is required to be complete and accurate and should include the following information:

1. The public agency's explanation of its preliminary considerations of the findings of Government Code §51292 (a) and (b):
 - a. *"The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve (§51292(a))."*
 - b. *"There is no other land within or outside of the preserve on which it is reasonably feasible to locate the public improvement (§51292(b))."*
2. A description of the agricultural preserve land it intends to acquire;
3. A copy of the Land Conservation Act contract on property that pertains to any land subject to the restrictions of such a contract between the local governing body, city or county, responsible for the administration of the agricultural preserve where the property to be acquired is located.

Things to Remember

- The Department of Conservation must be notified in advance of any proposed public acquisition and specific findings must be made (see number "1" under the heading first notice above).
- The public agency must review the Department's comments and provide any additional information requested by the Department to complete the administrative record before taking action to acquire the property.

Note: The Department will provide a comment in writing advising the public agency whether additional information is required or that the notice is sufficient and the administrative record is complete. In addition, Department staff may telephone or fax to request information to complete the notification process.

- The public agency must acquire the property via eminent domain or in lieu of eminent domain in order to make the contract null and void (Government Code §51295).
- The public agency is required to provide evidence that the acquisition actually occurred via eminent domain or in lieu of eminent domain (e.g., documents such as copies of

⁴ Government Code § 51291(b)

Department of Conservation

Public Acquisition – A Step by Step Guide

condemnation orders or a copy of the offer letter made to the landowner in lieu of eminent domain).

SECOND NOTICE

A second notice is required within 10 working days after acquisition⁵ (escrow has closed). The second notice shall include the following, if not previously provided due to some exemption in Government Code § 51290 – § 51295 (please state the applicable exemption in second notice):

1. The notice shall include a general explanation of the decision and the findings made pursuant to Government Code §51292.
2. A general description, in text or by diagram, of the agricultural preserve land acquired (a vicinity map is good); and
3. A copy of the applicable Land Conservation Act contract(s).

Note: If the information and documents, noted above, were provided to the Department in the first notice then the second notice need only list the documents as having been previously provided, and reference the date of the public agency's original letter to the Department. In cases where documentation is lacking or there are discrepancies in the information provided, the Department may request resubmission of the documentation to ensure that the administrative record is complete.

THIRD NOTICE

A third notice is required if there is a significant change in the public improvement that the public agency intends to locate on land that is acquired in an agricultural preserve for such a purpose. The public agency must provide notice to the Department and the local jurisdiction (city/county) regarding increases or decreases in the amount of land acquired; OR

THIRD / FOURTH NOTICE

A third/fourth notice is required if the public agency does not acquire the land it notified the Department it intended to acquire in the first notice and/or the public agency determines not to use the property it acquired for the purpose identified in the first notice. The land must be reenrolled under a contract that is as restrictive as the one it was under before the acquisition occurred (Government Code § 51295).

All notices should be sent to:

Mark Nechodom, Director
Department of Conservation
c/o Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814-3528

⁵ Government Code § 51291(c)

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Response to Comment Letter C – California Department of Conservation

Molly A. Penberth, Manager
California Department of Conservation
Division of Land Resource Protection
Conservation Support Unit
801 K Street, MS-18-01
Sacramento, CA 95814

Response to Comment C-1:

The comment states that they received the Project DEIR on January 2, 2015 and provides detail on their role. Comment is noted. No further response is necessary.

Response to Comment C-2:

The comment's description of the Project is consistent with the DEIR. With regards to the acquisition of land within the Conservation of Department jurisdiction the City of San Jacinto and Riverside County Flood Control Water Conservation District will negotiate in good faith to acquire the needed property for the Project, eminent domain would only be exercised if good faith negotiations fail. No further response is necessary.

Response to Comment C-3:

The public acquisition notification procedure is noted. The City will follow the Public Acquisition Notification Procedures provided by the Department of Conservation.

Response to Comment C-4:

With regard to acquisition and its effects on existing land conservation act contracts, the Project boundary includes portions of three active agricultural preserves: Number 7, Number 11, and Number 17. A portion of these preserves will be utilized for temporary staging and access and other portions are located within the Project footprint and expanded river corridor, will be acquired and will no longer be able to be used for agricultural production (DEIR, page III-1-13). The DEIR identifies that implementation of the Project will result in the loss of agriculturally productive lands which are currently under active Riverside County agricultural preserves/Williamson Act contracts and that these impacts are considered significant.

Response to Comment C-5:

The comment requests that the City provide the required notices, explanations and any supporting documents to them for approval. The City will provide the required notices to the Department of Conservation.

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Comment Letter M – State of California – Office of Planning and Research



Edmund G. Brown Jr.
Governor

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



Ken Alex
Director

February 5, 2015

RECEIVED
CITY OF SAN JACINTO
FEB 09 2015

BY: *Sharon Paisley*

Sharon Paisley
City of San Jacinto
595 S. San Jacinto Avenue
San Jacinto, CA 92583

Subject: San Jacinto River Levee Stage 4 Project
SCH#: 2007071065

Dear Sharon Paisley:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 4, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

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 contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

M-1

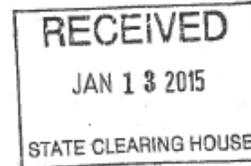
Attachement to Comment Letter M

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., Suite 100
West SACRAMENTO, CA 95891
(916) 373-3710
Fax (916) 373-5471

Edmond G. Brown, Jr., Governor



January 8, 2015



Sharon Paisley, Development Director
City of San Jacinto
595 S. San Jacinto Ave.
San Jacinto, CA 92583

RE: SCH# 2007071065 San Jacinto River Levee Stage 4 and River Corridor Expansion, Riverside County.

Dear Ms. Paisley,

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064.5(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **SFL Check Completed with Negative Results**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) Guidelines §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered cultural items that are not burial associated, which are addressed in Public Resources Code (PRC) §5097.98, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, PRC §5097.98, and CEQA Guidelines §15064.5(e), address the process to be followed in the event of an accidental discovery of any human remains and associated grave goods in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Associate Government Program Analyst

CC: State Clearinghouse

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Response to Comment Letter M – Office of Planning and Research

Scott Morgan, Director – State Clearinghouse

Office of Planning and Research

1400 10th Street, PO Box 3044

Sacramento, CA 95812-3044

Response to Comment M-1:

The comment confirms that the State Clearinghouse (SCH) received and distributed the DEIR as required by CEQA and the City has complied with the DEIR review requirements pursuant to CEQA for this project. One comment letter from state agency, Native American Heritage Commission dated January 8, 2015, was attached to the letter. This letter was not received separately by the City of San Jacinto and as a result will be responded to in the FEIR, as a part of the SCH letter.

Response to Comment M-2:

The comment identifies the agency’s responsibility and jurisdiction regarding historical resources. The comment also provides statutory citations of when preparation of an EIR is required to assess potential impacts to historical resources, including archaeological resources. The DEIR included an assessment of potential impacts to historic resources, including archaeological resources. As outlined in the DEIR (page III-4-9), no previously-unrecorded archaeological resources, features, or isolates were identified during the intensive archeological survey performed by CRM TECH. The archaeological survey also did not identify evidence of Native American religious, ritual, or other special activities at this location. Since no archeological resources have been identified on the proposed project site, the project will not cause a substantial adverse change in the significance of an archeological resource. Nevertheless there still may be the potential to accidentally uncover unknown buried archeological resources. With implementation of MM Cultural 1, impacts are considered less than significant. The DEIR included one mitigation measure to lessen potential impact related to accidental discovery of unknown cultural resources (page III-4-11) as follows:

MM Cultural 1: Although the technical studies completed for the project determined that it was highly unlikely that the project site contains significant archaeological resources, should any unknown cultural and/or archaeological resources be accidentally discovered during construction, construction activities shall be moved to other parts of the project site and a qualified archaeologist shall be contacted to determine the significance of these resources. If the find is determined to be an historical or unique archaeological resource, as defined in

Section 15064.5 of the CEQA Guidelines, the City shall enter into a Treatment and Disposition Agreement (TDA) with Soboba to address treatment and disposition of archaeological and cultural resources and human remains associated with Soboba. Tribal monitors, including those from Soboba, may be allowed to monitor, at such tribe's sole cost and expense, all grading, excavation, and ground-disturbing activities. Following execution of the TDA by the City and Soboba, the TDA will be incorporated by reference into the construction specifications. Any artifacts collected or recovered shall be cleaned, identified, catalogued, analyzed, and prepared for curation at an appropriate repository with permanent retrievable storage to allow for additional research in the future. Site records or site record updates (as appropriate) shall be prepared and submitted to the Eastern Information Center as a permanent record of the discovery.

Accordingly, the provision for a lead agency to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so how to mitigate that effect has been complied with for this Project.

Response to Comment M-3:

The comment outlines recommendations to assess and mitigate for potential project impacts which include contacting the appropriate Information Center for a record search to determine if the project area has been previously identified for cultural places. Section III-4 – Cultural Resources of the DEIR, identifies the cultural resource studies that have been conducted on the Project site including contact with the Eastern Information Center (EIC) the appropriate regional archaeological information center to determine any cultural resources that have been recorded on or adjacent to the site (DEIR page III-4-11). Pages III-4-8 and III-4-9 of the DEIR states there are no known historical or archaeological resources located within Project's area of potential effects (APE). No archaeological sites, features, or artifacts were found in the project area during the field survey. However, as outlined in Response to Comment M-2 above, implementation of MM Cultural 1 is required to lessen potential impacts related to accidental discovery of unknown cultural resources.

Response to Comment M-4:

The comment indicates that if an archaeological inventory survey is required, the final stage is preparation of a professional report detailing the findings and recommendations of the records search and field survey. As outlined in Response to Comment M-3 above, a professional report was prepared and used to support the DEIR analysis.

Response to Comment M-5:

The comment indicates the NAHC should be contacted for a Sacred Land File Check as well as a list of appropriate Native American contacts for consultation concerning the project and to assist in the mitigation measures. As identified on page III-4-9 of the DEIR, CRM TECH invited Joseph Ontiveros, Cultural Resources Director for the Soboba Band of Luiseño Indians, and William Pink, a Native American consultant of Luiseño heritage, who had previously expressed interest in archaeological field survey to participate. They did not respond or participate in the current field survey, but both of them offered valuable information during the earlier studies for this Project, especially regarding the cottonwood grove. Upon receiving the response from the NAHC, CRM TECH contacted a total of 23 other tribal representatives in the region, both in writing and by phone. No specific properties of Native American traditional cultural value were identified by any of the individuals or organization contacted. Impacts to undiscovered human remains were found less than significant on page III-4-11 of the DEIR by requiring compliance with the appropriate and required State codes regarding human remains. Thus, the DEIR states the Project will comply with State Laws governing the discovery and treatment of human remains, if such are accidentally discovered.

Response to Comment M-6:

The comment indicates the lack of surface evidence does not preclude the existence of archaeological resources and the lead agency should include provisions for such discoveries in the mitigation plan, provisions for their disposition and provisions for discoveries of human remains. The DEIR includes provisions in the event buried cultural materials are unearthed during future construction activities, as outlined in Mitigation Measure **MM Cultural 1** (page III-4-11) to ensure potential Project impacts to currently unknown archaeological resources remains less than significant. The DEIR states the Project will comply with State Laws governing the discovery and treatment of human remains, including those of Native American decent, if such are accidentally discovered.

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RESPONSE TO COMMENTS

REGIONAL AND LOCAL AGENCIES

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Comment Letter D – Riverside County Regional Park and Open-Space District



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

Riverside County
Regional Park and Open-Space District

Date: January 21, 2015

RECEIVED
CITY OF SAN JACINTO
JAN 26 2015

City of San Jacinto
Attention: Sharon Paisley, Development Director
596 San Jacinto Avenue
San Jacinto, CA 92583

RE: DEIR for the San Jacinto River Levee, Stage 4 and River Corridor Expansion Project
(SCH No. 2007071065)

Thank you for the opportunity to comment on the above referenced project. The following are the comments for the above referenced project.

1. Page II-2 Please explain why the neighborhood & regional parks and recreational facilities are not affected by this project?
2. There is no mention of Juan Bautista de Anza National Historic Trail system. Please address the trail and how it is impacted by the project.
3. There is no additional discussion of open space and trails along the San Jacinto River. Please address.

D-1
D-2
D-3

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

Sincerely,

H. P. Kang
Project Planner for Parks

4600 Crestmore Road, Jurupa Valley, CA 92509
Tel: 951.955.4310 • Fax: 951.955.4305 • www.RivCoParks.org
NATIONALLY ACCREDITED AGENCY

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Response to Comment Letter D – Riverside County Regional Park and Open-Space District

H. P. Kang, Project Planner
Riverside County Regional Park and Open-Space District
596 San Jacinto Avenue
San Jacinto, CA 92583

Response to Comment D-1:

The comment questions why the neighborhood, regional parks, and recreational facilities will be not be affected by the project. As discussed on page III-8-7 of the DEIR, the Project will not divide residential or business communities on or near the Project, but the San Jacinto River Park the Project will be affected by the Project. However, the formerly known San Jacinto River Park was acquired by Valley-Wide Recreation and Parks District from the County of Riverside, and is no longer recognized as a park, but is instead an underdeveloped property that is currently fenced off and will not be open for public use presently or in the future³. As the San Jacinto River Park is currently closed and inaccessible for use by the public, and already has park land and/or easements behind the existing southern levee and within the San Jacinto River Channel, the impact from construction of the new southern levee through the park is considered to be less than significant. No other neighborhood or regional parks or recreational facilities will be affected by the proposed Project.

Response to Comment D-2:

The comment requests that we address the Juan Bautista de Anza National historic trail system and why it was not mentioned in the DEIR analysis. The City of San Jacinto General Plan does state that Juan Bautista explored the San Jacinto Valley in 1774 (SJGP p. 1-2). Nevertheless, the San Jacinto General Plan does not provide the precise location of the Juan Bautista de Anza National historic trail. Furthermore, the Identification and Evaluation of Historic Properties Report dated September 27, 2014 and prepared by CRM TECH indicates that Juan Bautista de Anza traveled through the San Jacinto Valley as early as 1772-1774 but does not identify a detailed locational account of the historic trail or that the Project would result in impacts to it. The National Park Service, U.S. Department of the Interior’s website on the Juan Bautista de Anza National Historic Trail was reviewed (available at www.anzahistorictrail.org/visit/explorer) and within the project area the Historic Trail Corridor is approximately ½ mile wide and is located southwest of the proposed Project, generally overlapping the existing Ramona Expressway. Near the intersection of Sanderson Avenue and Ramona Expressway the Historic

³ Per phone conversation between Dru Maynus at Albert A. Webb Associates and Gustavo Berneo at Valley-Wide Recreation and Parks District on 12/5/2014.

Trail Corridor is located north of Ramona Expressway. The closest point of the Historic Trail Corridor to the Project is north and northwest of the Ramona Expressway and Sanderson Avenue intersection. The access ramps along Sanderson Avenue and the eastern most segment of the proposed levee alignment potentially overlap with the northern portion of the Historic Trail Corridor. In the project area the Historic Trail Corridor is more accurately described as the general route that was taken by Juan Bautista. There is no specific physical preserved trail located within the Project footprint; the Project footprint to the north and northwest of the Ramona Expressway and Sanderson Avenue intersection contains existing flood control facilities and maintenance roads, active crop farmland and an active dairy. As the project site does not contain a physical historic trail or remnants of a historic trail, construction of the Project will not physically impact a historic trail.

Response to Comment D-3:

The comment requests further discussion of open space and trails that are located adjacent to the San Jacinto River. There is no existing publicly controlled and maintained walking trails in the project footprint. As outlined in the City of San Jacinto's General Plan, show on Figure CSF-4 Trails Opportunities Map, a regional trail alignment runs along the San Jacinto River. However, there is no existing regional trail operated and maintained by the City or Valley-Wide Recreation and Parks District along the San Jacinto River. As outlined in the City of San Jacinto's General Plan, Figure CSF-4, Trails Opportunities Map, a Class II Bike Trail is designated along State Street. As the Project will not impact the existing State Street roadway or bridge structure it will not adversely affect the ability to implement and maintain a bike trail along State Street. Additionally, there is no public trail included in the proposed project. As implementation of the Project will greatly expand the San Jacinto River Corridor within the Project area it will not hinder future opportunities for a regional trail. As stated above with regards to open space the Project alignment will physically impact the San Jacinto River Park which is owned by Valley-Wide Recreation and Park District as it will construct a new levee across it. However, as Valley-Wide Recreation and Parks District has indicated that the property is closed off and not available for public use presently or in the future the Project will not adversely affect a park that is an amenity currently being used by the public. The project proposes to protect and preserve open space within the Project area. As stated on page III-1-15 of the DEIR the City of San Jacinto's General Plan has already anticipated the construction of the levee for the 100-year flood protection and land uses designations within the recovered 100-year floodplain include: Specific Plan, Water Source, Rural Residential, Open Space, Open Space Recreation, Low Density Residential, Medium Density Residential, Medium High Density Residential, Very High Density Residential, Community Commercial, Industrial, Public Institutional, and Park. The County of Riverside General Plan land use designations within the recovered 100-year

floodplain include Medium Density Residential, Rural Residential, Agriculture, Open Space Conservation, and Open Space Recreation. Lastly, public access to the existing river channel and levees as well as the proposed project improvements is restricted for safety purposes.

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Comment Letter E – South Coast Air Quality Management District



SENT VIA E-MAIL AND USPS:
SPaisley@sanjacintoca.us

January 28, 2015

City of San Jacinto
Attention: Ms. Sharon Paisley, Development Director
596 San Jacinto Avenue
San Jacinto, CA 92583

**Review of the Draft Environmental Impact Report (Draft EIR)
for the San Jacinto River Levee, Stage 4 and River Corridor Expansion Project**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be incorporated into the final environmental impact report (Final EIR) as appropriate.

E-1

Based on a review of the Draft EIR the Lead Agency determined that the proposed project will result in significant regional air quality impacts during construction, even with the incorporation of mitigation. Specifically, the air quality analysis demonstrated that the proposed project will exceed the SCAQMD's CEQA regional construction significance thresholds for NO_x. Therefore, SCAQMD staff recommends that, pursuant to Section 15126.4 of the CEQA Guidelines, the following measures be included in the Final EIR, in addition to the measures proposed by the Lead Agency, in order to minimize or eliminate significant adverse air quality impacts.

Additional Construction Mitigation Measures

- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained the Lead Agency shall use trucks that meet EPA 2007 model year NO_x emissions requirements.
- Consistent with measures that other Lead Agencies in the South Coast Air Basin (including Port of Los Angeles, Port of Long Beach, Metro and City of Los Angeles)¹ have enacted, require all on-site construction equipment to meet the following:
 - ✓ All off road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than

E-2

¹ For example see the Metro Green Construction Policy at:
http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

Ms. Sharon Paisley

January 28, 2015

what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- ✓ Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website:
<http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.
- Require the use of electricity from power poles rather than temporary diesel or gasoline power generators.
- Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow.
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
- Reroute construction trucks away from congested streets or sensitive receptor areas.
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
- Improve traffic flow by signal synchronization.
- Limit soil disturbance to the amounts analyzed in the Final EIR.
- All materials transported off-site shall securely covered.
- Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- Water active sites at least twice daily;
- Apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces;
- Traffic speeds on all unpaved roads to be reduced to 15 mph or less.
- Construct or build with materials that do not require painting.
- Require the use of pre-painted construction materials.

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:

<http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>.

E-2
CONT.

Ms. Sharon Paisley

January 28, 2015

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the lead agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Jillian Baker at (909) 396-3176, if you have any questions regarding the enclosed comments.

E-3

Sincerely,

Jillian Baker

Jillian Baker, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

RIV141223-02
Control Number

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Response to Comment Letter E – South Coast Air Quality Management District

Jillian Baker, Ph.D., Program Supervisor
Riverside County Regional Park and Open-Space District
Planning, Rule Development & Area Sources
21865 Copley Drive
Diamond Bar, CA 91765-4178

Response to Comment E-1:

Comment noted. Discussion of the recommended measures is contained in the response below.

Response to Comment E-2:

The following discussion lists each of the measures identified in the comment and how the Project implements these measures as part of Project design or mitigation, or, if the Project does not implement the measure, why the measure is not applicable or is infeasible.

Regarding the first suggested mitigation measure in bullet 1, this measure restricts truck operation to “clean” trucks (i.e., trucks that are either new or have been retrofitted with “clean” technology). The Project only requires haul truck trips for the movement of soil within the Project area for the first eight months of construction, as outlined in the DEIR (DEIR, p. III-2-30). The Project does not require import or export of soil. Only the construction-related emissions from this phase exceed the SCAQMD threshold for NO_x. During subsequent phases of construction, deliveries of materials may be limited to vendors available in the area which may not have new or retrofitted “clean” truck fleets.

According to an article posted by Heart Transportation in July 2009⁴ the average age of a fleet truck is 10 years. This means that some trucks may be new (which would all be 2010 compliant) and some vehicles may be 25 or 30 years old (the “life-span” of a diesel truck⁵) and the majority of a fleet will be in between. Construction vehicle and delivery fleets are replaced over time as money allows and/or the business grows. The smaller the business operator, the less is the likelihood that they will have many, if any, new or retrofitted trucks. When supplies are needed for construction, an order is placed and deliveries are then scheduled based on every other order and the availability of trucks and personnel. If a delivery/supply company does not happen to have a new or retrofitted truck available when the order needs to be delivered or hauled, then they cannot provide the service. This can lead to the Project contractor having to go further afield to find a delivery company which would increase vehicle miles traveled, or

⁴ <http://www.trustheart.com/news-bulletins/ltl-and-tl-bulletins/91-heavy-duty-truck-fleet-ages-as-carriers-seek-cost-savings>

⁵ <http://www.epa.gov/recovery/plans/dera.pdf>

cause unnecessary delays in project construction which could cause construction nuisances to disrupt the area for longer than necessary.

Lastly, existing regulations require the phase-in of 2010-compliant trucks beginning in 2015 through 2023 depending on the age of the engine under the CARB Truck and Bus Regulation⁶ (amended December 17, 2010 with minor amendments in 2014). By 2023, CARB estimates the amended Truck and Bus Regulation will reduce NO_x emissions 36% s.⁷ Nonetheless, the following mitigation measure has been incorporated to require the use of cleaner dump trucks used for soil hauling.

MM AQ 5: All dump trucks used for soil hauling during Project construction shall comply with either 2007 or 2010 engine emission standards pursuant to Title 13, Section 2025(d). Contract specifications shall be included in Project construction documents, which shall be reviewed by the City prior to awarding the construction contract.

Regarding the second bullet item recommending use of Tier 4 construction equipment, fleet compliance per CARB regulations (i.e., the In-Use Off-Road Diesel Vehicle Regulation) does not mandate that every vehicle in a fleet over 25 horsepower (hp) be Tier 4 for a contractor to be compliant. Thus, current fleets can be composed of some older and some new equipment and still be compliant. Interim Tier 4 standards are in effect and final Tier 4 standards have been required of manufacturers since January 1, 2014. The suggested measure requires entire fleet to be turned over and be ready to be used on this Project's construction within only a couple of years the effective date. Because contractor compliance is applicable to fleets, few if any construction firms may be equipped with fleets that are minimally compliant with the CARB regulation, let alone 100 percent Tier 4 equipment within the estimated construction timeframe. Limited numbers of Tier 4 equipment may be readily available within contractor's fleet, but the City is concerned that requiring such standards so early would limit the number of companies able to meet this requirement, which could delay construction. Therefore, Tier 4 construction equipment has not been implemented. However, consideration will be given to contractor's that provide proof they have applied for funding to clean their fleet, as shown below. Further, implementation of **MM AQ 5**, above, will further reduce the Project's emission during the soil movement phase of construction. The suggested use of Level 3 verified diesel emission control strategies is noted; however, it is not included in the Project's mitigation because Level 3 verified diesel emission control strategies primarily reduce PM emissions. The Project's construction emissions did not exceed the PM-10 or PM-2.5 thresholds (DEIR, Table

⁶ <http://www.arb.ca.gov/regact/2010/truckbus10/truckbusappd.pdf>

⁷ <http://www.arb.ca.gov/regact/2010/truckbus10/truckbus10isor.pdf>

III-2-L). Of the 52 listed Level 3 CARB verified products, only three product devices reduce NO_x emissions in addition to PM.⁸ Two of the three are for on-road engines and the third is for stationary generators and therefore would not effectively reduce the Project's construction-related NO_x emissions because they are not applicable.

Nonetheless, **MM Air 4** will be revised as follows:

MM Air 4: The Project shall be required by contract specification to include construction equipment engines that meet or exceed Tier 3 standards. Consideration will be given to contractor's that provide proof that SCAQMD's SOON Program (and/or other applicable grant programs) have been applied for funding. Contract specifications shall be included in project construction documents, which shall be reviewed by the City prior to awarding the construction contract. A copy of each unit's certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable piece of equipment.

Regarding the third bullet item, the use of electricity from power poles rather than temporary diesel or gasoline powered generators is not feasible for this Project due to rural/limited development in the area and the linear alignment of the Project.

Regarding bullet items four through six, the Project has already been designed to implement various traffic control techniques. The Project's truck trips associated with transport of earthen material to build the new earthen levee will occur along the haul route and off the adjacent street network, away from congested streets or sensitive receptors areas (DEIR, p. III-11-5). No dedicated turn lanes will be required and a flag person or other temporary traffic controls, if necessary will be designated by the contractor.

Regarding bullet item seven, a construction relation's officer is not necessary because the Project will include signs with contact information for the public to call should any construction-related issue arise.

Regarding bullet item eight, traffic flow will not be substantially affected during construction due to the location of the proposed haul route and construction staging areas located off of the existing roadway network. There is only one traffic signal in the vicinity of the project, at the Ramona Expressway and Sanderson Avenue intersection. All other intersections in the project vicinity have stop signs. Thus, signal synchronization is not applicable.

⁸ <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

Regarding bullet item nine, the Project evaluated the approximately 800,000 cubic yards of soil that would be excavated from the borrow area and deposited along the proposed levee alignments.

Regarding bullet items 10-14, the Project will comply with SCAQMD Rule 403 and implement applicable control measures. Additionally, as shown in **Table III-2-D**, the Project's construction emissions not exceed the SCAQMD thresholds for PM-10 and PM-2.5 and therefore, no fugitive dust related mitigation is necessary.

Regarding bullet items 15-16, the Project does not include any materials require painting, thus these suggested measures do not apply.

Response to Comment E-3:

The District will provide a written response to SCAQMD no less than 10 days prior to the public hearing regarding the proposed project and certification of the EIR, which complies with the provisions set forth in Public Resources Code Section 21092.5.

RESPONSE TO COMMENTS

OTHER INTERESTED PARTIES

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Comment Letter F – William J. Goodwin

RECEIVED
CITY OF SAN JACINTO
FEB 03 2015

BY: *[Signature]*

January 31, 2015

City of San Jacinto
Attention: Sharon Paisley, Development Director
595 San Jacinto Avenue
San Jacinto, CA 92583
SPaisley@sanjacintoca.us

Subject: Draft EIR San Jacinto River Levee, Stage 4 and River Corridor Expansion Project
(SCH Number 2007071065)

Dear Ms. Paisley,

My wife Moira and I own the land east of State Street and adjacent to the proposed Reach 3 south levee. These parcels are APN 433-040-044 and 433-040-052. My mother, Marjorie Goodwin, owns the property immediately to the east of us and resides on the property. Thank you for the opportunity to review and comment on the Draft EIR San Jacinto River Levee, Stage 4 and River Corridor Expansion Project (SCH Number 2007071065).

F-1

Upon thorough review of the EIR I was pleased to see that mitigations for noise and PM-10 dust control that will be required during construction to protect the Country Lakes Mobile Park and the two nearby residences. Although the document included the San Jacinto Valley Master Plan of Drainage by reference, the SJV-MPD was not accessible electronically. I was aware that the City of San Jacinto has a major regional storm water conveyance called line H that runs adjacent to State Street. I was concerned about how local drainage along line H would be accommodated in the levee project. City Engineer Habib Motlagh was able to provide me with the detail of the proposed connection of line H through the levee just downstream of State Street from the preliminary engineering plans. I am satisfied this will adequately address my concerns regarding conveyance of storm water from the San Jacinto Valley to the river.

F-2

Although we would have appreciated continued access to the river from the adjacent properties after completion of the project for hiking and even future equestrian purposes, we understand the need to securely restrict access in order to maintain the facility for its intended flood control purposes and to reduce unintended impacts such as loud motor bikes.

F-3

Again, we thank you for addressing our concerns expressed during the NOP process. We are in support of this project and hope that it will proceed successfully in a timely manner.

Sincerely,

[Signature]

Williams J. Goodwin, PE
9205 Sugarloaf Drive
Redding, CA 96001

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Response to Comment Letter F – William J. Goodwin

Williams J. Goodwin, PE
9205 Sugarloaf Drive
Redding, CA 96001

Response to Comment F-1:

The commenter describes what property they and other family member (mother) own. The comment is noted and no further response is necessary.

Response to Comment F-2:

The commenter states that they are pleased with the mitigation measures that will be required to mitigate and protect County Lakes Mobile Park and the two nearby residences from noise and PM-10 dust control during Project construction. The commenter is concerned that the San Jacinto Valley Master Drainage Plan is not easily accessible electronically. However, the SJV-MDP can be requested by contacting the City of San Jacinto at info@sanjacintoca.us and the County of Riverside County Flood Control & Water Conservation District at 951-955-1200. Also, the commenter had concerns regarding facility Line H, but further went on to state that City Engineer Habib Motlagh provided him with the detail of the proposed connection of the line H through the levee just downstream of State Street. He indicated this information adequately addresses his concerns regarding conveyance of storm water from the San Jacinto Valley to the river.

Response to Comment F-3:

Comment is noted. No further response is necessary.

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Comment Letter G – Lauda Family Partnership

Lauda Family Partnership
Rancho Casa Loma, Inc.
35750 Ramona Expwy.
San Jacinto, CA 92582

RECEIVED
CITY OF SAN JACINTO
FEB 03 2015

BY 

January 31, 2015

City of San Jacinto
Attn: Sharon Paisley
595 S. San Jacinto Ave.
San Jacinto, CA 92583

Dear Ms. Paisley,

The San Jacinto levee project involves approximately 300 acres of our property and we have yet to be contacted on an individual basis about its impact on our farm and livelihood. Our farming business has been and continues to be a successful enterprise and the direct loss of 300 acres of prime farmland will hugely impact us. Furthermore, we anticipate this project impacting even more acreage.

G-1

Some of our concerns are:

- The riverbed used to be maintained but has had only minimal mowing over the last few years. Silt has been allowed to accumulate with no plans to remove it, that we are aware of.
- We have no confidence that the proposed levee project catch basin would be any better maintained and therefore we would potentially lose the ability to farm hundreds of additional acres if water flows out of a limited storage basin. We feel the only reason for this basin is to excavate the dirt, which would be used to build the new levee within city limits with no regard to property impacted across the city line.
- We are concerned with the proposed removal of the existing levee on our property, which currently helps protect our land from flooding.
- Water will not run as directly through to Mystic Lake.
- Overflow will pick up nitrates.
- We have an in lieu water agreement with EMWD. A reclaimed water pipeline lays at the borders of the proposed catch basin.

G-2

G-3

G-4

G-5

G-6

G-7

We are interested in working with the city but we do not support the catch basin. We want to ensure that the riverbed is maintained, levees are reinforced and water is kept flowing through the riverbed to Mystic Lake and beyond. The gap between the city limits and Mystic Lake absolutely needs to be addressed.

G-8

Sincerely,


Bert Lauda
Lauda Family Partnership


Jean Pierre Esquire
Rancho Casa Loma, Inc.

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Response to Comment Letter G– Lauda Family Partnership & Rancho Casa Loma, Inc.

Bert Lauda & Jean Pierre Esquire

Lauda Family Partnership

Rancho Casa Loma, Inc.

35750 Ramona Expwy.

San Jacinto, CA 92582

Response to Comment G-1:

The property located within the project footprint will be acquired. Property appraisals and offer letters will be initiated after, and if, San Jacinto City Council approves the proposed project and certifies the EIR. The commentor indicates that the Project involves 300 acres of their property. In addition, the commentor indicates “we anticipate this project impacting even more acreage,” however, exactly what is meant by “impacting even more acreage” is not clearly conveyed. Implementation of the proposed Project will impact and require acquisition of approximately 238 acres and a temporary construction easement will be required for temporary staging and access on an additional approximate 6.5 acres.

Response to Comment G-2:

The District currently has an agreement with the California Department of Fish and Wildlife (CDFW) to conduct maintenance of vegetation in the San Jacinto River corridor downstream/west of the Sanderson Avenue Bridge, which includes annual mowing of a 50-foot wide strip between the existing levees, generally located in the middle of the river corridor, the remaining streambed and associated vegetation is to be left alone as it provides habitat for sensitive wildlife species. The current agreement with CDFW does not include sediment removal and sediment removal is not included in the District’s maintenance activities downstream of Sanderson Avenue. Annual mowing of a 50-foot wide strip between the levees will continue to be conducted by the District. However, sediment removal from the existing channel downstream of Sanderson Avenue is not proposed as a part of this project.

Response to Comment G-3:

The project description that was included in the Initial Study and circulated with the Notice of Preparation included a desiltation basin on the commentor’s property. The desiltation basin was included in the preliminary design of the project to address the potential that the project would result in additional scour and transport of sediment downstream. However, based on the results of the sediment transport study (Appendix F) and outlined in Section III-7, Hydrology and Water Quality section of the DEIR, sediment exchange between San Jacinto River and Mystic Lake can be expected to continue without alteration following implementation of the

proposed Project (p. III-7-13). Therefore, the desiltation basin was no longer needed. However, as a part of consultation with US Fish and Wildlife Service, the California Department of Fish and Game, and the Western Riverside County Regional Conservation Authority, the property will still be needed as a mitigation site for the Los Angeles pocket mouse. A small portion of the existing southern levee, as shown on Figure I-2-6, will be removed to allow the low flows in the expanded river corridor to re-enter the existing river channel at the downstream limits of the project. A diversion structure would be constructed to direct low flows to the levee opening. The proposed Project includes a low flow channel in order to direct the low flows to the entry point where a portion of the existing southern levee will be removed. Both the existing southern levee and the proposed low flow diversion structure are would be overtopped with higher storm events by high flows. The proposed low flow diversion structure will provide approximately the same flood protection to the property to the south of it as the existing southern levee does today. Therefore, the proposed Project will not result in an increase in flooding to the properties south of the new levee and low flow diversion structure, as compared to the flooding that currently occurs. In addition, downstream of the proposed low flow diversion structure is currently within the 100-year floodplain and will continue to be in the 100-year floodplain, as the Project will not protect from 100-year flooding at this location at the downstream limits of the Project. Flooding of the adjacent properties, currently used for agriculture, will continue to be subject to flooding as they are today.

Response to Comment G-4:

A small portion of the existing southern levee, as shown on Figure I-2-6, will be removed to allow the low flows in the expanded river corridor to re-enter the existing river channel at the downstream limits of the project. A diversion structure would be constructed to direct low flows to the levee opening. Both the existing southern levee and the proposed low flow diversion structure would be overtopped by high flows, i.e. flows from a 10-year storm event or greater. As outlined in the Hydrology section of the DEIR (page III-7-14), the existing river corridor and levees only contain low flows, considered 2- to 5-year storm events. The proposed low flow diversion structure will provide approximately the same flood protection to the property to the south of it as the existing southern levee does today. Therefore, implementation of the Project, which includes removal of a portion of the existing southern levee, will not result in increased flooding to the property to the south and outside of proposed facilities.

Response to Comment G-5:

The downstream limit of the proposed Project is located approximately 2.5 miles southeast of Mystic Lake. The proposed Project does not include any physical modification to the existing channel such that flows would be diverted away from or to Mystic Lake. Implementation of the proposed Project will not result in a larger or smaller amount of storm water reaching Mystic Lake as compared to existing conditions. As outlined in the Hydrology and Water Quality Section of the DEIR (Section III-7, page III-7-19),

The proposed Project will not significantly impede or redirect flood flows. The Project will not directly alter the course, or direction, of the San Jacinto River. The Project has been designed to release flows to mimic the existing 100-year depth, flow rate, width, and velocity.

Response to Comment G-6:

As outlined in the Hydrology and Water Quality Section of the DEIR (Section III-7, page III-7-17, -18),

The existing San Jacinto River levees within the Project area only retain up to approximately 5-year and 10-year storm events. Implementation of the proposed Project will alleviate flooding in the Project area from flooding that occurs today at and above the 10-year storm event and up to the 100-year storm event. The proposed Project will recover approximately 1,955 acres of the existing 100-year floodplain in the Project area (Refer to Figure III-7-2, Existing and Proposed 100-year Floodplain) including 306 acres of dairy/livestock land and 1,249 acres of agricultural land. By removing these areas from the floodplain the Project will remove these areas from inundation of storm water from the San Jacinto River 100-year floodplain that can pick up and convey pollutants from these areas downstream to receiving water bodies. Project implementation will alleviate the pollutant load on downstream receiving waters from existing uses in the floodplain including agricultural land, dairies, roadways and development. The most common types of agricultural pollutants are sediment and nutrients. These pollutants wash into water bodies from agricultural land, small and medium-sized animal feeding operations, construction sites, and other areas of disturbance. Other common pollutants include pesticides, pathogens (bacteria and viruses), salts, oil, grease, toxic chemicals, and heavy metals. Animal wastes, such as those from dairy operations, contain pathogens, chlorides and potassium salts, and high levels of nitrogen.

The existing dairy located within the proposed Project footprint has likely resulted in large quantities of salts (Na and Cl) being deposited in the form of

cattle manure and wash water. These salts could be intercepted by percolating rain water causing stockpiled manure and contaminated soils to be transferred to the San Jacinto River and downstream waters adding pollutants including salts, nitrates, phosphorus, contributing to already high concentrations of total dissolved solids and nitrates. As outlined above under Design Considerations, prior to construction, all manure (organic matter content greater than 10 percent by weight) and organic-rich (organic matter content greater than 3 percent by weight) soils located within the expanded riverine corridor shall be removed and or blended and mixed with non-organic soil to reduce the final organic content to acceptable levels as determined by a representative of the soils engineer. Also refer to Mitigation Measures MM Geo 1 & MM Geo 3. By removal and dilution of organic content in the soil, release of nitrates, salts, and total dissolved solids into the adjacent waterways will be minimized.

Therefore, with implementation of the proposed Project the potential for overflows to pick up nitrates and convey them downstream is substantially reduced as compared to the current conditions (the current levee system that does not provide 100-year event flooding protection).

Response to Comment G-7:

Utility research was conducted for the design effort and the design engineer was aware of the reclaimed water pipeline and designed the project to avoid it to the greatest extent possible. Additional utility research, including potholing, will be conducted as part of final design which will determine if any portion of the pipeline will need to be relocated. If final design of the Project will affect any portion of the pipeline, it will be relocated as necessary as part of construction for this Project. It is anticipated that not more than approximately 100 feet of the pipeline would have to be relocated outside of the project improvement footprint, such that future access and maintenance could be retained.

Response to Comment G-8:

As outlined above in Response to Comment G-3, the formerly considered desiltation basin is not required to mitigate for sediment transport impacts as initially anticipated and is therefore no longer a part of the project. The area within the formerly considered desiltation basin will be acquired to partially serve as the expanded river corridor and the remaining to be set aside and conserved for biological mitigation. The proposed Project includes long-term maintenance of the river bed and facilities within the Project limits by the District. The gap between the city limits and Mystic Lake is located outside of this Project's boundary and is not a part of this Project. There are no plans being developed by the City or the District to construct a project in the "Gap" between Mystic Lake and the western limits of the proposed Project. Implementing

improvements in the “gap” area to alleviate flooding is not an objective of the proposed Project. The commentor indicates that they want to ensure that water is kept flowing through the riverbed to Mystic Lake and beyond. As outlined in DEIR Section III-7, Hydrology and Water Quality (page III-7-14):

The Project is designed to mimic the existing flows of the San Jacinto River at the downstream limit of the Project. Included in the design of the proposed Project the flows leaving the Project area are do not result in a substantial change from the existing 100-year width, depth, peak flow rate, and velocity.

Therefore, the proposed Project will not modify storm water flows that are conveyed downstream of the Project area to Mystic Lake. The proposed Project will not substantially change the hydrology of the river flows leaving the project site and entering the “gap” located downstream and will not modify the existing conditions within the “gap” area.

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Comment Letter H – Soboba Band of Luiseno Indians

February 5, 2015

City of San Jacinto
Attn: Shannon Paisley, Development Director
City of San Jacinto
595 South San Jacinto Avenue
San Jacinto, CA 92583

RECEIVED
CITY OF SAN JACINTO
FEB 05 2015



Re: DEIR San Jacinto River Levee, Stage 4 and River Corridor Expansion Project (SCH No. 2007071065)

The Soboba Band of Luiseno Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project, and the opportunity to comment on the Draft Environmental Impact Report. Although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas, and is considered to be extremely culturally significant to the tribe. In addition to being in close proximity to known village sites, there are resources within the project area boundaries that the tribe feels need special consideration. As mention in previous conversations, site visits, and correspondences with CRM TECH during the initial phase I study, the cotton grove (33-017364) is an area of particular concern to the tribe because of its Native American cultural significance. We feel strongly that this site needs to be preserved. After reviewing the document, the tribe wishes to address the following concerns:

Soboba Band of Luiseno Indians is requesting the following:

1. We request that the City of San Jacinto impose **minimal impacts** as possible to the cottonwood grove.
2. We request that there be **no limited access to the cottonwood grove.**
3. We request that the **Conditional of Approval for this project require that a Treatment and Disposition Agreement between the City of San Jacinto and the Soboba Band of Luiseno Indians** be required prior to any future ground-disturbances on the property.
4. That Soboba be allowed to provide a draft agreement to the City of San Jacinto for review. Please advise the tribe on to whom we shall send the draft agreement to.
5. Once the agreement has been reviewed, the tribe requests that a **face-to-face meeting** between the Soboba Band and the City of San Jacinto take place.

Sincerely,

A handwritten signature in black ink, appearing to read "JOE", is written over a horizontal line.

Joseph Ontiveros, Director of Cultural Resources
Soboba Band of Luiseno Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

H-1
H-2
H-3
H-4
H-5
H-6

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Response to Comment Letter H– Soboba Band of Luiseno Indians

Joseph Ontiveros, Director of Cultural Resources

Soboba Band of Luiseño Indians

P.O. Box 487

San Jacinto, CA 92581

Response to Comment H-1:

The comment states that the Project is located outside of their existing reservation, but does fall within the boundaries of their Tribal Traditional Use Areas and as such is considered to be of significance to the tribe. The tribe has concern for cultural resource cotton grove (Site 33-017364) and requests that the site be preserved. With regard to the cottonwood grove (Site 33-01736) page III-4-8 of the DEIR states although further research and evaluation would be required to determine if in fact Site 33-017364 attains the level of significance to qualify for listing in the National Register of Historic Places or the California Register of Historical Resources, for the purposes of CRM TECH evaluation and consequently this EIR, it was assumed to qualify. The City and the District have considered the importance of this site and the design of the Project largely avoids impacts to this site. As discussed in Section III-4 of the DEIR, implementation of the Project will intersect only a small “dog-leg” portion of the site at the northwestern end. Given the organic nature of the site (the site is a grove of trees and thus is made up of living organisms), and since the anticipated physical impact on the cottonwood grove will be limited, the proposed undertaking is not expected to have a substantial adverse effect on the significance and integrity of this site. (DEIR, p III-4-8). The overall size of the existing cottonwood grove, as identified by CRM TECH is approximately 162 acres and construction of the new southern levee will impact approximately 17 acres of the grove. In addition, the site is currently located on private property that will be acquired by the City for this project. Therefore, implementation of this Project will result in the preservation and protection of this site from potential private development as it will be located on public land.

Response to Comment H-2:

The comment is a request that the City of San Jacinto impose minimal impacts as possible to the cottonwood grove. Please refer to response to comment H-1 above; the cottonwood grove is minimally impacted and largely preserved.

Response to Comment H-3:

The comment is a request that there be “no limited access to the cottonwood grove”. The cottonwood grove is currently not accessible to the public. The grove is partially located on private property and partially located on property owned by the Valley-Wide Recreation and

Park District (the former River Park that is currently closed to the public and there is a locked gate at its entrance). Implementation of the project will not change access to the grove. Access to the existing river channel by the public is not allowed due to safety issues. Access to the expanded river corridor from this project will continue to be restricted for safety purposes. At the time of preparation of this document, the City of San Jacinto has contacted the Soboba Band of Luiseno Indians multiple times in an effort to set up a meeting to discuss the Tribe's concerns and requests. The District has an existing process to obtain access to the river channel and the District's facilities, which is application for and obtaining an encroachment permit. The Soboba Tribe along with the general public can apply for an encroachment permit at any time by contacting the District or visiting its office in Riverside, CA.

Response to Comment H-4:

The proposed Project is not a private development project and therefore the City will not issue conditions of approval. However, the City has already included in the DEIR, as MM Cultural 1 (DEIR page III-4-11), a mitigation measure that the City shall enter into a Treatment and Disposition Agreement (TDA) with Soboba to address treatment and disposition of archaeological and cultural resources and human remains associated with Soboba if any are found during construction of this Project.

Response to Comment H-5:

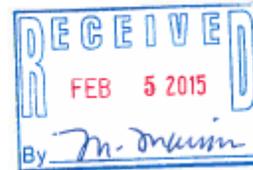
The draft agreement should be sent to the attention of Sharon Paisley, Community Development Director at the City of San Jacinto.

Response to Comment H-6:

At the time of preparation of this document, the City of San Jacinto has contacted the Soboba Band of Luiseno Indians multiple times in an effort to set up a meeting to discuss the Tribe's concerns and requests..

Comment Letter I – Friends of Northern San Jacinto Valley

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
P.O. box 4266
Idyllwild CA 92549
www.northfriends.org



February 5, 2015

City of San Jacinto
Attn: Sharon Paisley, Development Director
595 San Jacinto Avenue
San Jacinto CA 92583

Re: Draft Environmental Impact Report (DEIR) San Jacinto River Levee, Stage 4 and River Corridor Expansion Project (SCH Number 2007071065)

The Friends of the Northern San Jacinto Valley have reviewed the DEIR for the San Jacinto River Levee, Stage 4 and River Corridor Expansion Project and are providing the following objections to the Project.

The proposed Project is a City Public Works and Public Safety project consisting of the construction and subsequent maintenance of a new southern levee and associated flood control improvements on the San Jacinto River. The Project is intended to provide 100-year flood protection for existing agriculture, active dairy operations and roadways. The area that would be removed from the flood hazard zone [1955 acres] is referred to as the recovered floodplain. The DEIR impact analysis is inadequate and consideration of Project mitigation is incorrect as indicated below.

I-1

BIOLOGICAL RESOURCES

The DEIR impact analysis and mitigation measures rely on compliance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) rather than the provisions of the California Environmental Quality Act (CEQA). Under state law, the "take" authorization for the MSHCP was 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:

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."

I-2

Merely reviewing the subject project for compliance with the provisions of the MSHCP does not comply with the specific mandates of CEQA. Further consideration of the Project must be deferred pending full compliance with CEQA.

Project impact analysis and mitigation measure for Biological Resources are wrongly camouflaged in the Draft EIR under the heading "Design Consideration" (DEIR: 111-3-18). Under this subtitle: project staging area impact/avoidance are discussed, the take of Los Angeles Pocket Mouse (LAPM) [existing habitat for LAPM], the installation and maintenance of sandy low-slope ramps Potrero debris basin to allow LAPM passage, acquisition of the 75-acre triangle area as a LAPM refugia, and modification of the Riverine Maintenance Zone (RMZ) to reduce impacts to riparian habitat and endangered species are identified.

I-3

Without explanation these obvious project mitigation measures are omitted from the Biological Mitigation Measures identified in the DEIR contrary to CEQA Guidelines, Section 15121.4 (see DEIR-111-3-49). This error is further compounded by the DEIR statement that the Habitat Mitigation and Monitoring Plan required by CEQA (Guidelines: 15091 and 15097) will be prepared at a later date (DEIR-111-3-46). Project mitigation measures cannot be delayed until some unspecified future date; as currently proposed, these important (significant impacts) mitigation measures will have no force and effect as required by CEQA.

I-4

Contrary to the statement in the DEIR (page 111-3-47), this project will interfere with the movement of wildlife and wildlife corridor function. The corridor function is of great importance to small mammal endangered species such as the Los Angeles Pocket mouse, San Bernardino kangaroo rat [see figure 111-3-6] and the Stephens' kangaroo rat [single SKR female captured in Potrero Debris Basin- DEIR 111-3-35]. The DEIR cursory discussion of the speculative maintenance of sandy low-slope ramps at the Potrero Basin to facilitate small mammal movement between the Potrero Unit of the San Jacinto Wildlife Area (SJWA) and the Davis Road Unit of the SJWA (via the San Jacinto River Corridor) is of utmost biological importance. It cannot be relegated to a mere superficial discussion to maintain sandy low-slope ramps on the Potrero basin spillway to allow the passage of endangered species. The basin spillway must be structurally modified to provide a permanent concrete low-slope ramp(s) to assure endangered small mammal passage at this important wildlife corridor location. This mitigation measure must be appropriately documented in a revised CEQA document.

I-5

HYDROLOGY AND WATER QUALITY

This project will require a section 404 Individual Permit under the Clean Water Act. (CWA) from the U.S. Army Corp of Engineers. The Army Corps may only issue a 404 permit for the least environmentally damaging practicable alternative. The level of review of a proposed project is commensurate to the level of impacts to waters of the United States. The Army Corp may not issue a 404 permit if the proposed Project is not in compliance with other laws, including section 401 of the Clean Water Act, the National Environmental Policy Act (NEPA), the Fish and

I-6

Wildlife Coordination Act, the federal Endangered Species Act, including a Section 7 Consultation on the project with the U.S. Fish and Wildlife Service. The environmental review of this project should have proceeded under a joint NEPA/CEQA environmental document. The City's failure to do so cannot obviate the need for a 404 permit and the necessary NEPA review including a Section 7 consultation with the U.S. Fish and Wildlife Service.

↑
I-6
CONT.

AGRICULTURAL RESOURCES

The draft EIR repeats the outdated rationale that long-term agricultural production would no longer be economically viable in the Project area. Stating Project induced conversion of farmland would be significant and a Statement of Overriding Consideration would be required prior to Project approval. The DEIR analysis does not consider the future need for locally sustainable agriculture [food production] and the substantial role of agriculture in the sequestration of carbon. Both of these being substantial mitigation measures for impending climate change impacts.

↑
I-7

Thank you for the opportunity to review and comment on the DEIR. We are requesting notification of the availability of the Final EIR and the date, time, and place of future public hearings on this important project.



Tom Paulek
FNSJV, Conservation Chair
atpaul44@earthlink.net



Susan Nash
FNSJV, President
snash22@earthlink.net

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Response to Comment Letter I– Friends of Northern San Jacinto Valley

Tom Paulek, FNSJV, Conservation Chair
Susan Nash, FNSJV, President
Friends of Northern San Jacinto Valley
P.O. Box 4266
Idyllwild, CA 92549

Response to Comment I-1:

The comment’s brief description of the Project is consistent with the DEIR.

The DEIR for the Project is fully compliant with the provisions of CEQA as outlined in the responses to the specific comments provided in this letter.

Response to Comment I-2:

The comment indicates that per Fish & Game Code section 2826, the NCCP Act does not exempt projects in NCCP areas from CEQA. The DEIR is in full compliance with CEQA and it is not the City’s position that the project is exempt. Contrary to the assertion in this comment, the DEIR does include an analysis of the Project’s impacts for each of the threshold questions outlined in Appendix G of the CEQA Guidelines. As outlined in Section III-3 – Biological Resources (page III-3-14):

Thresholds of Significance

The City of San Jacinto has not established local CEQA significance thresholds as described in Section 15064.7 of the State *CEQA Guidelines*. However, the City of San Jacinto’s “Environmental Checklist” for the subject project (see Appendix A of this document) indicates that impacts to biological resources may be considered potentially significant if the project would:

- conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan;
- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;

- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;
- have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to: marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- interfere substantially with the movement of any native resident or migratory fish or wildlife species or establish native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance.

As required by the first threshold, the DEIR includes a thorough evaluation of compliance with the Western Riverside County Multiple Species Habitat Conservation Plan of which the proposed Project is located in and both the City of San Jacinto and the Riverside County Flood Control and Water Conservation District (District) are permittees. Compliance with the MSHCP provides mitigation for covered species. As outlined in the Introduction of the MSHCP (Volume I, Section 1, page 1-1):

The MSHCP will serve as an HCP pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act of 1973 (FESA), as well as a Natural Communities Conservation Plan (NCCP) under the NCCP Act of 2001. The MSHCP will be used to allow the participating jurisdictions to authorize “Take” of plant and wildlife species identified within the Plan Area. The United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) (hereafter “Wildlife Agencies”) have authority to regulate the Take of Threatened, Endangered, and rare Species. Under the MSHCP, the Wildlife Agencies will grant “Take Authorization” 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.

Further, as outlined in the MSHCP, Section 6, MSHCP Implementation Structure (Volume I, Section 6, page 6-3):

Development of property outside of the MSHCP Conservation Area (both within and outside of the Criteria Area) shall receive Take Authorization for Covered Species

Adequately Conserved provided payment of a mitigation fee is made (or any credit for land conveyed is obtained) and compliance with Section 6.0 of the MSHCP occurs. Payment of the mitigation fee and compliance with the requirements of Section 6.0 are intended to provide full mitigation under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), Federal Endangered Species Act, and California Endangered Species Act for impacts to the species and habitats covered by the MSHCP pursuant to agreements with the U.S. Fish and Wildlife Service, the California Department of Fish and Game and/or any other appropriate participating regulatory agencies and as set forth in the Implementing Agreement for the MSHCP.

Consistency with the MSHCP was confirmed by the Regional Conservation Authority as outlined in the DEIR, Section III-3 – Biological Resources (page III-3-20):

The proposed Project and was reviewed by the Regional Conservation Authority (RCA) through the JPR process. Extensive consultation with the RCA and Wildlife Agencies (CDFW and USFWS) was conducted during the JPR process from April 2010 to October 2014. At the completion of JPR the RCA found that “the proposed Project demonstrates consistency with the requirements of the MSHCP” (RCA).

Therefore, the DEIR did analyze the Project’s impacts and outlined how the project complies with the MSHCP which provides for mitigation for covered species. Thus, the DEIR is in full compliance with CEQA and consideration of the Project does not need to be deferred.

Response to Comment I-3:

The Design Considerations are components of the construction plan or operation and maintenance plan that will be completed as part of the Project that reduce impacts and/or provide a benefit to sensitive resources. This approach fully complies with CEQA. (Insert citation to the Lotus case here)

As outlined above in Response to Comment I-2, the City of San Jacinto and the District are permittees of the MSHCP and as such must comply with the MSHCP. Compliance with Section 6 of the MSHCP and payment of the mitigation fee provide full mitigation under CEQA for covered species.

As outlined in the DEIR Section III-3 – Biological Resources page (III-3-30 to -31):

Volume I, Section 6.3.2 of the MSHCP requires projects to designate areas with “habitat with long-term conservation value” (LTCV) for LAPM based on detections of the species within the MSHCP LAPM survey area. Furthermore, the

MSHCP requires that 90% of the areas providing habitat with LTCV shall be avoided until it is demonstrated through the MSHCP that the conservation goals for LAPM have been met. As outlined in the MSHCP Compliance Report (GLA(e)), based on the locations of LAPM captures and habitat suitability within the Project footprint approximately 160.6 acres of LAPM habitat with LTCV within the Project footprint was identified. The current habitat mapping is a snapshot in time, and due to cycles of scouring and re-vegetation (including habitat restoration), the extent and location of suitable LAPM habitat will vary over time.

Construction activities will result in approximately 19.75 acres of impacts to LAPM habitat with LTCV, of which 5.28 acres would be considered a permanent impact. Temporary impacts (14.47 acres) are attributed to the removal of existing levee segments and the proposed State Street Bridge Treatment.

As implementation of the Project will not avoid 90% of the areas providing habitat with LTCV a Determination of Biologically Equivalent or Superior (DBESP) was required to demonstrate consistency with the MSHCP. The *Determination of Biologically Equivalent or Superior Preservation (DBESP) Analysis For Impacts to the Los Angeles Pocket Mouse, San Jacinto River Levee Stage 4 Project, July 28, 2014* report is contained in its entirety as Appendix C of the DEIR. The DEIR outlines the measures to offset impacts to LAPM as outlined in the DBESP for LAPM in the DEIR Section III-3 – Biological Resources page (III-3-33 to -34):

Measures are proposed to offset permanent and temporary impacts to 86.6 acres of LAPM habitat with LTCV, in order to ensure that the Project will result in a biologically equivalent or superior alternative to the 90% avoidance threshold.

The following is a summary of the proposed measures:

- Acquire/expand existing LAPM habitat with LTCV within the Project area by approximately 239.9 acres, and implement an adaptive management program of riverine maintenance to minimize impacts to LAPM habitat (including 68.04 acres of existing LAPM habitat within the RMZ), for a total of 307.94 acres. The program includes the maintenance of one half of each reach per year, and vegetation maintenance achieved through grazing in lieu of mechanical mowing;
- Acquire 4.7 acres of LAPM refugia habitat. The 4.7-acre area will be managed by the District;

- Manage 33.1 acres in the District’s Potrero Debris Basin, an additional 49.0 acres associated with an existing RCA easement within Potrero, and the 4.7-acre property for LAPM LTCV/refugia habitat. Management activities for refugia for the benefit of target species should include once-a-year monitoring of vegetation cover and conditions (including native and non-native grasses and shrubs) by a qualified biologist. Maintenance should include the removal of grasses and grass mats, the deposition of sand if necessary, and/or shrub plantings, as needed to provide the appropriate vegetation cover and overall conditions required by LAPM. Dense grass cover can be reduced or essentially eliminated over a relatively short period of time with the use of gramicides (i.e. grass herbicides such as Fusilade and/or Envoy). Potrero Debris Basin is owned by the District and will be managed by the District. The 4.7-acre property will be acquired and managed by the District. Activities within Potrero Debris Basin (including the existing RCA easement) and the 4.7-acre property will be reported to the RCA annually;
- Manage a 75.5-acre area (the “triangle area”) located between the proposed low flow diversion structure and the western terminus of the proposed southern levee. Management within this area will be limited to grazing;
- Avoid 74.00 acres of LAPM habitat with LTCV within the Project’s Limited Maintenance Zone (LMZ) areas. The LMZ areas will be protected in perpetuity with a conservation easement. During maintenance activities, temporary fencing and/or GPS systems will be used to ensure avoidance of LMZ/Conservation Easement areas;
- Install sandy low slope ramps (Potrero Basin spillway and low flow diversion structure) as well as rebuild the existing southern levee affected by erosion due to storm events. The ramps and remnant southern levee sections will be maintained in perpetuity. Scattered vegetation will be allowed to grow on the ramps to provide cover for LAPM; and
- Develop a long-term management plan (LTMP) for the in-perpetuity management for all LAPM mitigation lands, including the Potrero Debris Basin, the Driscoll property, the triangle area, and existing/expanded LAPM habitat within the Project footprint. Management of lands within the triangle area will be limited to grazing. Management of all remaining lands will include, at a minimum, the management of non-native plant species

(methodology, frequency, and disposal to be included in the LTMP); vegetation monitoring protocols (methodology and frequency of data collection to be included in LTMP); vegetation data analysis (methodology and frequency), small mammal monitoring protocols (methodology and frequency of data collection); proposed adaptive management strategies (including when adaptive management will be implemented); and the minimum qualifications of the land management entity proposed to manage the LAPM mitigation lands.

A Determination of Equivalent or Superior Preservation (DBESP) was prepared for the Project to address potential impacts to habitat for the LAPM. The DBESP was reviewed by the RCA, USFWS, and CDFG and revisions incorporated to address their comments. Altogether the Project will provide 544.24 acres of mitigation for LAPM. With the proposed features and mitigation measures and with the Conservation Easements and management and maintenance plans provided to the RCA and copied to the Wildlife Agencies prior to construction start, the Project demonstrates consistency with Section 6.3.2 of the MSHCP.

As permittees of the MSHCP the City and the District are required to implement the measures in the DBESP for the LAPM. No additional measures are required beyond those contained in the DBESP for LAPM to mitigate impacts to LAPM pursuant to CEQA. A conservation easement will be placed over the Limited Maintenance Zone and the District will report to the RCA annually regarding maintenance activities conducted. Therefore, the RCA will provide additional oversight that the City and District's MSHCP commitments are being met. In addition, a Streambed Alteration Agreement (SAA) is being applied for and will be required for the Project. CDFW staff responsible for issuance of SAAs were involved in the MSHCP compliance process, including the measures required to accomplish a DBESP for both LAPM and Riparian/Riverine Areas. It is anticipated that the SAA for construction and the Memorandum of Understanding with CDFW for the District's Operation will include these measures as conditions, thus, CDFW will provide additional oversight that the MSHCP obligations for this Project are met.

Response to Comment I-4:

See response to comment I-3. As permittees of the MSHCP the City and the District are required to implement the measures in the DBESP for the LAPM. As compliance with Section 6 of the MSHCP and payment of the mitigation fee provide full mitigation under CEQA for covered species MSHCP (MSHCP Volume I, Section 6, page 6-3), additional measures are not required beyond those required for MSHCP compliance, which are contained in the DBESP for LAPM to

mitigate impacts to LAPM. This is also applicable for measures in the DBESP for Riparian/Riverine Areas. The DBESP for Riparian/Riverine Areas includes a comprehensive list of measures required to address impacts to Riparian/Riverine Areas for a Determination of Biologically Equivalent or Superior Preservation and pursuant to CEQA.

As outlined in the DEIR Section III-3 – Biological Resources page (III-3-46):

Habitat Mitigation and Monitoring Plan

A HMMP typically required and prepared during the regulatory permit process, will be prepared at a later date to provide specific details about the preparation, planting, maintenance, and monitoring of the riparian corridor. The HMMP will provide a detailed plant palette, planting specifications, and maintenance and monitoring schedules, and will identify specific success criteria. The mitigation site will be monitored for five years following the completion of mitigation installation unless final success criteria are met prior to this point in time. The monitoring program will consist of the measurement of performance indicators and the assessment of these indicators relative to established performance criteria. Annual reports will be prepared to document the progress of the mitigation area, and will assess both attainment of yearly target success criteria and progress toward final success criteria.

The HMMP does not include more mitigation than what was identified in the DBESP for Riparian/Riverine Areas. The mitigation outlined in the DBESP for Riparian/Riverine areas fully mitigates impacts to Riparian/Riverine areas and associated covered species pursuant to CEQA as currently drafted. The HMMP outlines in much greater detail, what, where and how the mitigation outlined in the DBESP for Riparian/Riverine Areas will be implemented, such as the placement of plants, the size of plants (1 gallon, 5 gallon pots, etc.), and the how the monitored efforts will be reported.. As the HMMP will not identify any mitigation beyond or greater than those already contained in MSHCP compliance documentation as part of the DEIR the development of mitigation is not being deferred to preparation of the HMMP. In addition, the City will have to adopt a Mitigation Monitoring and Reporting Program (MMRP) that will ensure that all the Mitigation Measures outlined in the DEIR are enforced.

In response to comments, the DEIR has been revised to include the measures outlined in the DBESPs as DEIR mitigation measures. Page III-3-27 of the DEIR has been revised as follows:

Determination of Biologically Equivalent or Superior Preservation

The Project is required by the MSHCP to provide biologically equivalent or superior preservation such that the habitat values for riparian species are maintained, with an emphasis on the species identified under “Purpose” in Section 6.1.2 of the MSHCP, which includes LBV. The measures outlined below were identified as necessary to provide superior preservation as compared to the existing condition, as outlined in the Determination of Biologically Equivalent or Superior Preservation prepared for Riparian and Riverine Areas and LBV (Appendix C), and are also outlined as **Mitigation Measures MM Bio 1-4** below.

Page III-3-33 of the DEIR has been revised as follows:

Measures are proposed to offset permanent and temporary impacts to 86.6 acres of LAPM habitat with LTCV, in order to ensure that the Project will result in a biologically equivalent or superior alternative to the 90% avoidance threshold. The measures outlined below were identified as necessary to provide superior preservation as compared to the existing condition, as outlined in the Determination of Biologically Equivalent or Superior Preservation prepared for LAPM (Appendix C), and are also outlined as **Mitigation Measures MM Bio 5-11** below.

Page III-3-50 to III-3-52 of the DEIR has been revised as follows:

Proposed Mitigation Measures

An Environmental Impact Report is required to describe feasible mitigation measures which could minimize significant adverse impacts (CEQA Guidelines, Section 15126.4). Mitigation measures were evaluated for their ability to eliminate the potential significant adverse impacts related to biological resources or to reduce impacts to below the level of significance.

MM Bio 1: In order to reduce potential impacts to riparian and riverine areas and least Bell’s vireo (LBV), the Project shall establish a 77.86-acre riparian corridor (average width of 233 feet) beginning downstream of State Street and extending to the downstream limits of Reach 1. As part of the 77.86-acre riparian corridor, the Project shall create 43.8 acres of riparian habitat suitable for least Bell’s vireo nesting, to offset impacts to riparian habitat due to construction and structural maintenance. The created riparian habitat shall

consist of cottonwood/willow/mule fat scrub and forest habitats. The riparian habitat shall be created in two strips on either side of the overall riparian corridor, with the middle of the corridor (the low portion of the created channel) left alone for natural recruitment. The created habitat shall include native container plants, cuttings/poles, and/or seed mix throughout the 43.8 acres. The mitigation program shall include the removal of non-native plant species, trash and debris during implementation and in perpetuity. The riparian creation/restoration area shall be monitored and maintained for a minimum of five years, with reports submitted annually, to ensure successful establishment of the habitat to the agreed upon performance standards. Groundwater monitoring wells will be used within the riparian creation/restoration area (Reach 1 and 2) as well as within existing riparian habitat to be avoided (Reach 1). The riparian creation/restoration area shall not be subject to any maintenance for flood control purposes and shall only receive maintenance consistent with a habitat conservation area, such as the removal of non-native plants, trash and debris, and replacement of native plant species as necessary to achieve performance standards. The riparian creation/restoration area shall be protected in perpetuity with a conservation easement.

MM Bio 2: In order to reduce potential impacts to riparian and riverine areas and least Bell’s vireo (LBV), the Project shall avoid 38.62 acres of existing riparian habitat within the Limited Maintenance Zones (LMZ) and be protected in perpetuity with a conservation easement. The LMZ areas will not be subject to flood control maintenance, except in emergencies as described in the Project Description. The 38.62 acres of riparian habitat within the LMZ will not be actively enhanced, i.e., it will be allowed to vegetate passively, but it will be subject to the removal of non-native vegetation.

MM Bio 3: The construction of the proposed southern levee, together with the direct removal of portions of the existing southern levee, will expand the riverine corridor by approximately 295.86 acres (Figure 6 – Expanded Riparian/Riverine Corridor), which together with the 77.86-acre riparian corridor, 38.62 acres of avoided riparian habitat (LMZ), 7.81 acres of avoided riverine areas (LMZ), and 44.83 acres of temporary impacts to riverine areas, will result in a post-project total of approximately 464.98 acres of riparian/riverine areas as compared with the 122.57 acres of riparian/riverine areas that exists in the Project footprint today.

MM Bio 4: The Project shall include general enhancement within the overall post-project boundary (Reach 1 and 2) of the San Jacinto River, in perpetuity. Enhancement activities shall include the removal of specified exotic plant species (i.e., woody non-native species), the removal of trash and debris, and the management of non-native bird species (e.g., Brown-headed Cowbirds, European Starlings, and English Sparrows). Enhancement will also occur within Reach 3 (upstream of State Street), to be separately addressed in a long-term maintenance agreement (LTMA) between the District and CDFW.

MM Bio 5: The Project shall acquire/expand existing LAPM habitat with LTCV within the Project area by approximately 239.9 acres, and implement an adaptive management program of riverine maintenance to minimize impacts to LAPM habitat for a total of 307.94 acres. The program shall include the maintenance of one half of each reach per year, and vegetation maintenance achieved through grazing in lieu of mechanical mowing.

MM Bio 6: Acquire 4.7 acres of LAPM refugia habitat. The 4.7-acre area will be managed by the District.

MM Bio 7: Manage 33.1 acres in the District’s Potrero Debris Basin, an additional 49.0 acres associated with an existing RCA easement within Potrero, and the 4.7-acre property for LAPM LTCV/refugia habitat. Management activities for refugia for the benefit of target species should include once-a-year monitoring of vegetation cover and conditions (including native and non-native grasses and shrubs) by a qualified biologist. Maintenance should include the removal of grasses and grass mats, the deposition of sand if necessary, and/or shrub plantings, as needed to provide the appropriate vegetation cover and overall conditions required by LAPM. Dense grass cover can be reduced or essentially eliminated over a relatively short period of time with the use of gramicides (i.e. grass herbicides such as Fusilade and/or Envoy). Potrero Debris Basin is owned by the District and will be managed by the District. The 4.7-acre property will be acquired and managed by the District. Activities within Potrero Debris Basin (including the existing RCA easement) and the 4.7-acre property will be reported to the RCA annually.

MM Bio 8: The District shall manage a 75.5-acre area (the “triangle area”) located between the proposed low flow diversion structure and the western

terminus of the proposed southern levee. Management within this area will be limited to grazing.

MM Bio 9: The District shall avoid 74.00 acres of LAPM habitat with LTCV within the Project’s Limited Maintenance Zone (LMZ) areas. The LMZ areas shall be protected in perpetuity with a conservation easement. During maintenance activities, temporary fencing and/or GPS systems will be used to ensure avoidance of LMZ/Conservation Easement areas.

MM Bio 10: Sandy low slope ramps (Potrero Basin spillway and low flow diversion structure) shall be installed. The existing southern levee affected by erosion due to storm events shall be rebuilt as needed. The ramps and remnant southern levee sections will be maintained in perpetuity. Scattered vegetation will be allowed to grow on the ramps to provide cover for LAPM.

MM Bio 11: A long-term management plan (LTMP) for the in-perpetuity management for all LAPM mitigation lands, including the Potrero Debris Basin, the Driscoll property, the triangle area, and existing/expanded LAPM habitat within the Project footprint shall be developed. Management of lands within the triangle area will be limited to grazing. Management of all remaining lands will include, at a minimum, the management of non-native plant species (methodology, frequency, and disposal to be included in the LTMP); vegetation monitoring protocols (methodology and frequency of data collection to be included in LTMP); vegetation data analysis (methodology and frequency), small mammal monitoring protocols (methodology and frequency of data collection); proposed adaptive management strategies (including when adaptive management will be implemented); and the minimum qualifications of the land management entity proposed to manage the LAPM mitigation lands.

MM Bio 12: A pre-construction burrowing owl survey will be conducted prior to initiation of Project construction activities within suitable habitat of the burrowing owl. Objective 6 of the MSHCP species-specific burrowing owl objectives states that pre-construction presence/absence surveys for the burrowing owl will be conducted where suitable habitat is present. Surveys will be conducted within 30 days prior to disturbance. If burrowing owls are detected, then passive relocation (use of one-way doors and collapse of burrows) will occur outside the nesting season. Take of active nests will be avoided.

MM Bio 132: To reduce impacts associated with temporary construction activities on sensitive species and habitats, Standard Best Management Practices and Construction Guidelines, as outlined in Volume I Appendix C and Section 7.5.3 of the MSHCP, respectively, shall be implemented where technically feasible.

Response to Comment I-5:

The DEIR analysis and findings are based on a thorough analysis of wildlife movement, including sensitive mammals such as the San Bernardino kangaroo rat (SBKR) and the LAPM, which is included in the *Analysis of San Bernardino Kangaroo Rat and Los Angeles Pocket Mouse Conservation Issues Related to the San Jacinto River Stage 4*, report prepared by SJM Biological Consultants, Inc., a supporting document for the DBESP for LAPM. The primary wildlife corridor in the Project area is the existing San Jacinto River corridor, which runs in a south-east to north-west direction. The Potrero Creek Debris Basin is located north of the existing northern levee in the Project area and contains a steep walled concrete spillway that allows storm water to spill over the northern levee into the existing river corridor, in a north-south direction.

Results of trapping studies for the Project indicate that sensitive mammals occur within the Potrero Creek Debris Basin as well as the existing San Jacinto River Corridor. As outlined in the *Analysis of San Bernardino Kangaroo Rat and Los Angeles Pocket Mouse Conservation Issues Related to the San Jacinto River Stage 4*, report (page 24) “The existing spillway from the basin to San Jacinto River is very steep and constructed entirely of concrete, both of which features are anticipated to impede movement of both target species [LAPM and SBKR] between these areas. Implementation of the proposed project includes installation and maintenance of sandy low-slope ramps along the existing spillway, to allow for an increase in the rate of passage by target species between the river and the debris basin.” Thus, the sandy low-slope ramps are included in the Project design features to improve the existing conditions of the corridor between the Potrero Creek Debris Basin and the San Jacinto River corridor. The existing San Jacinto River corridor is what provides connectivity between the Potrero Creek Debris Basin adjacent to the Project area and the San Jacinto Wildlife Area downstream, located to the northwest. Implementation of the Project will result in a significantly expanded river corridor adjacent to the Potrero Creek Debris Basin and the downstream limits of the Project, northwest of the Sanderson Avenue Bridge, thereby improving the wildlife corridor that connects to the SJWA. The existing spillway is concrete, which was identified by SJM Biological Consultants as an impediment to movement. As such, sandy low-slope ramps were included in the proposed Project measures to increase the rate of passage of mammals as they are more likely to use a ramp with soils native to the existing riverbed than concrete lining. Sandy low-slope ramps are

not permanent as they can be washed out in large storm events. Permanent material such as concrete, rip-rap, or grouted rip-rap is not proposed as these materials are anticipated to reduce use by small mammals. As outlined in Response to Comment I-3 above, the sandy low-slope ramps will be maintained in perpetuity, including re-construction if washed out in storm events, and scattered vegetation will be allowed to grow on the ramps to provide cover for LAPM. Therefore, the proposed sandy low-slope ramp is biologically superior to the permanent concrete ramps recommended in this comment.

Response to Comment I-6:

The DEIR indicates that implementation of the Project will impact Waters of the U.S.; under the jurisdiction of the US Army Corps of Engineers (USACE) and that a Clean Water Act Section 404 permit will be required. As outlined in the DEIR, Section III-3- Biological Resources, page III-3-13:

Jurisdictional Resources

As outlined in the Project specific Jurisdictional Delineation Report (GLA(d)), the Project footprint contains the San Jacinto River, which is regulated by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and by the California Department of Fish and Wildlife (CDFW⁹) pursuant to Sections 1600–1603 of the California Fish and Game Code. The majority of USACE jurisdiction in the Project footprint consists of the San Jacinto River, which is considered relatively permanent water (RPW) by the USACE. The San Jacinto River is a tributary to Lake Elsinore, which is a tributary to Temescal Creek, which is a tributary to the Santa Ana River, which is a tributary to the Pacific Ocean. In addition to the San Jacinto River, an adjacent wetland and single agricultural drainage ditch were also identified and delineated, both of which are located on the outside of the levee from the main river channel. The San Jacinto River consists of an ephemeral to intermittent drainage exhibiting an ordinary high water mark (OHWM) through signs of an incised channel, the presence of litter and debris, shelving, and sediment deposits. The adjacent wetland is located outside of the existing levee and has no surficial connection to the San Jacinto River or other waters of the U.S. The agricultural ditch conveys flows in an

⁹ Effective January 1, 2013, the California Department of Fish and Game (CDFG) changed its name to the California Department of Fish and Wildlife (CDFW), although its services and purpose has not changed. This document includes several references to CDFG and the Fish and Game Code, all of which coincide with the services, purpose and mission of the CDFW. Because applicable statutes have not yet been updated, this document and related technical reports refers, in some instances, to the CDFW as the CDFG.

easterly direction, terminating without any surficial connection to the San Jacinto River or other waters of the U.S. The USACE jurisdiction in the Project footprint totals approximately 87.5 acres, none of which consist of jurisdictional wetlands. The construction phase will result in the loss of 1.45 acres of non-wetland waters of the U.S. due to the enhancement of the existing northern levees. Additional temporary impacts will occur to 2.96 acres of non-wetland waters due to the removal of existing levee segments, excavation and sediment removal at the borrow site.

All of the drainage features within the Project area have been determined to be USACE jurisdictional waters subject to regulation pursuant to Section 401 and 404 of the Clean Water Act and do not need to be addressed separately pursuant to Section 13260 of the State of California Water Code, the Porter-Cologne Act. Section 401 of the Clean Water Act requires any applicant for Section 404 permit to obtain certification from the State that the discharge will comply with the applicable effluent limitation and water quality standards. In California this certification is obtained from the Regional Water Quality Control Board (RWQCB). (GLA(d)) See **Figure III-3-2, USACE/RWQCB Jurisdictional Areas** and for mapped jurisdictional areas within the Project footprint.

As lead agency the City of San Jacinto is fulfilling its obligation to evaluate the Project's potential environmental impacts pursuant to CEQA. The City's CEQA document evaluates all components of the project, including those that are located in upland areas and outside of USACE jurisdiction. USACE will evaluate the proposed Project pursuant to NEPA as required for issuance of the Section 404 permit which, if issued, will authorize the City to implement the portions of the Project that are located within USACE jurisdictional waters of the US. A joint NEPA/CEQA document is not required for the City to comply with CEQA and the USACE to comply with NEPA for their discretionary actions of the Project; compliance with CEQA and NEPA can be accomplished by separate CEQA and NEPA documents. The City does not have the authority to require USACE to prepare and process a joint NEPA/CEQA document. The lack of preparation of a joint CEQA/NEPA document does not alleviate the USACE responsibility to comply with NEPA or with the federal Endangered Species Act. For issuance of a Section 404 permit USACE must still comply with NEPA and the federal Endangered Species Act, including any required Section 7 Consultation with the US Fish and Wildlife Service. Therefore, although a joint CEQA/NEPA document was not prepared, separate CEQA and NEPA documents are being prepared by the City and the USACE, respectively, which does not obviate the need for a 404 permit and NEPA review as well as Section 7 consultation.

Response to Comment I-7:

The Friends assert that the rationale presented in the DEIR with regard to long-term agriculture being no longer economically feasible is outdated. Further, that is not the only reason discussed in the DEIR to support its findings that mitigation for loss of agricultural resources is infeasible. The DEIR provides a thorough discussion that demonstrates both on-site and off-site mitigation for loss of farmland is infeasible due to the threatened viability of large-scale agriculture, operational constraints, increased land prices, environmental regulations, water supply and costs, competition from other areas of California and foreign countries, the amount of property taxes, and growing urbanization.

In spite of the economic factors that make long-term agriculture in the San Jacinto Valley infeasible, the San Jacinto General Plan (SJGP) encourages the protection of agricultural resources and continuation of agricultural activities (DEIR, p. III-1-26 and SJGP LUE, page LU-12). However, the Resource Management Element of the SJGP recognizes that, while many of the existing farms “will continue to produce agricultural products, increasing pressures from surrounding new development, incompatibility with new development, and changes in the economy may result in the eventual development of these areas for urban uses” (DEIR, p. III-1-26 and SJGP RME, p. RM-9). Therefore, “[p]lanning for the eventual conversion of these areas into urban uses, while allowing agricultural areas to remain as an interim use, provides short- and long-term benefits to the City” (DEIR, p. III-1-26 and SJGP RME, p. RM-5).

The SJGP FEIR acknowledges that the SJGP does not specifically designate any land for agricultural uses and will allow new development to occur that will convert Farmland and lands in Williamson Act contracts to non-agricultural use (DEIR, p. III-1-26 and SJGP FEIR, p. 5.2-7-5.2-8). SJGP FEIR mitigation measure MM AG-1 requires the City to ensure that “[n]ew development and redevelopment projects will provide and maintain setbacks and buffers, such as roadways, topographic features, and open space, to prevent incompatibilities between agricultural and on-agricultural land uses during the development of new projects” (DEIR, p. III-1-26 and SJGP FEIR, p. 5.2-8).

The SJGP FEIR mitigation measure MM AG-1 further provides that San Jacinto will use a “number of factors to determine the appropriate buffer, including type of agricultural use, topography, and pesticide and machinery use, among others (DEIR, p. III-1-26 and SJGP FEIR, p. 5.2-8).

The SJGP FEIR concludes that even though MM AG-1, along with the existing Right-to-Farm Ordinance and Williamson Act contracts, will minimize the San Jacinto General Plan’s impact on

agricultural resources, it will not reduce it to a less than significant level (DEIR, p. III-1-26 and SJGP FEIR, p. 5.2-8).

Thus, in approving the SJGP, San Jacinto found that specific economic, legal, social, technological and other considerations, as outlined above, made infeasible the mitigation measures and project alternatives identified in the Final EIR for agricultural resources and that the impact would therefore remain significant and unavoidable (DEIR, p. III-1-26 and SJGP FEIR SOC, p. 12).

With regard to mitigation within the unincorporated territory of Riverside County, the County of Riverside General Plan includes Land Use (LU) Policies and Open Space (OS) Policies such as encouragement of tax incentives, land conservation programs, adherence to the County's Right-to-Farm Ordinance, and the combination of agriculture with other compatible open space uses to provide an economic advantage to agriculture to help reduce the effects of development on agricultural lands. (DEIR, p. III-1-26, COR SJVAP, LU Policies 16.1 through 16.11, and OS Policies 7.1 through 7.5)

Further, even though agriculture is the largest industry in Riverside County in terms of dollar value, the Final Program EIR for the COR GP acknowledged that "agriculture faces continuing pressure from urbanization, foreign competition, and rising production costs" (DEIR, p. III-1-26 and COR GP FEIR, Section 4.2.1). The economic viability of agricultural areas is affected by weather, production costs, water prices, crop selection, management techniques, commodity prices, new technology, and proximity of developed lands (DEIR, p. III-1-26 and COR GP FEIR, Section 4.2.1). Consequently, the COR GP FEIR concludes that implementation of the County General Plan would result in a 32.5% loss of agricultural land and that the total amount of land designated for agricultural uses under the County General Plan (180,178 acres) is less than the amount of agricultural land currently designated as Important Farmlands (212,005 acres) (DEIR, p. III-1-26 and COR GP FEIR, p. 4.2-28).

Buildout of the COR GP will also permit development of residential and employment generating uses adjacent to agricultural designated uses, resulting in indirect impacts to the nonagricultural uses such as dust, odors, noise, flies and other pests, potential groundwater contamination, and aerial application of chemicals. Buildout of the COR GP will therefore, increase the likelihood of having residential and other community development uses in closer proximity to agricultural uses, further heightening the conflict between agricultural and nonagricultural uses (DEIR, p. III-1-27 and COR GP FEIR, p. 4.2-28).

Thus, given the projected decline of agricultural designated uses in the COR GP area due to urbanization and the economic viability of long-term agricultural uses, the Final Program EIR

determined there are no reasonable or feasible mitigation measures to reduce the significant impacts resulting from the loss of agricultural land to a less than significant level. Such impact will inevitably occur even though implementation of the General Plan polices would encourage conservation of productive agricultural land (DEIR, p. III-1-27 and COR GP FEIR, page 4.2-33). Thus, the DEIR concluded and disclosed that direct and indirect impacts to farmland would be **significant and unavoidable**.

The analysis in the DEIR did not consider the future need for locally sustainable agriculture (local food production) and agriculture as mitigation measures for impending climate change impacts because the Project's direct and indirect impacts with regard to the generation of greenhouse gas (GHG) emissions is **less than significant without mitigation required**. (DEIR, p. III-2-41) With regard to the Project's contribution to cumulative GHG emissions, the Project's GHG emissions are below the draft GHG screening threshold developed by SCAQMD for residential and commercial projects, and does not generate a significant amount of GHG emissions. **Considering the Project's small contribution to GHG emissions, the Project does not incrementally contribute to a cumulatively significant effect and cumulative impacts related to GHG emissions are considered less than significant.** (DEIR, p. IV-3).

The City will comply with all CEQA statues and Guidelines in preparing this EIR. The Friends will be notified of future City Council meeting(s) in which the EIR for this Project will be considered. In addition, these meetings will be publicly noticed in accordance with law.

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Comment Letter J – Golden Era Productions

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW
28765 Single Oak Drive, Suite 140
Temecula, California 92590
Telephone: (951) 252-6150
Fax: (951) 252-6151
www.lewisbrisbois.com

RECEIVED
CITY OF SAN JACINTO
FEB 05 2015

KELLY ALHADEFF-BLACK
DIRECT DIAL: 951.252.6154
KELLY.ALHADEFF-BLACK@LEWISBRISBOIS.COM

February 5, 2015

File No.
32748.02

VIA ELECTRONIC MAIL ONLY - Spaisley@sanjacintoca.us

City of San Jacinto
Attn: Sharon Paisley
Development Director
595 S. San Jacinto Avenue
San Jacinto, CA 92583

**Re: *Comments on San Jacinto River Levee Stage 4 Project (the "Project") Draft
EIR ("DEIR") (SCH No. 2007-071065)***

Ms. Paisley:

We represent Building Management Services and Golden Era Productions (collectively "Golden Era"). This comment letter is submitted pursuant to the terms and provisions of the California Environmental Quality Act ("CEQA"). Please include this letter in the official record of public comments on the DEIR. We also ask that the issues raised herein be addressed in the Final Environmental Impact Report ("FEIR") for the Project.

J-1

Building Management Services owns over 700 acres (collectively, the "Property") to the north of the City of San Jacinto in an unincorporated area of Riverside County. Generally speaking, the Property is located immediately north of the San Jacinto River ("River"), is bounded by State Route 79 North on the West, State Street/Sublette Road on the east, and is bisected by Gilman Springs Road. The Campus properties also include portions of the River bottom and existing levee improvements.

J-2

Golden Era operates several facilities on the Property, including, among other uses, a golf course, residence and dining facilities, offices, archive and production facilities, and a state of the art 80,000 square foot film studio with associated construction and production operations (collectively, the "Campus"). Specialized productions (both film and audio) are in progress at the Campus which often operates on a 24 hours-a-day, 7 days-a-week basis with staff working in rotating shifts. Over 500 people continually reside on the Campus and many others frequent the Campus to work in its production facilities.

J-3

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While Golden Era generally supports the Project and is pleased to see the progress being made, unfortunately we have found the Project DEIR lacking in several critical areas. Additional mitigation measures are feasible and should be included in both the environmental assessment and mitigation measures of the DEIR and FEIR for the Project. (CEQA Guidelines §15126.4).

J-4

CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation measures must be adopted. In this way, CEQA goes beyond its informational role to require that projects substantively lessen potential negative effects on the environment. Therefore, it is critical that all feasible mitigation measures be required and implemented for any development project and those mitigation measures should be evaluated and included in the environmental documentation for the Project.

Of particular concern to Golden Era are the Project's impacts on Biological Resources, Air Quality, Noise and Traffic issues. Given the nature and extent of issues outlined in this letter, we recommend that additional evaluations and studies be conducted, and the DEIR be revised and re-circulated for additional review and comments.

J-5

General Comments

1. Golden Era previously submitted a comment letter, dated August 12, 2010 (the "Letter") in conjunction with the Notice of Preparation for the DEIR. A copy of the Letter is attached hereto as Exhibit "A" and incorporated herein by reference.

Although the Letter was timely submitted, the summary of the comment letters received in conjunction with the 2010 Notice of Preparation on pages I-1-7 to I-1-8 of the DEIR omits mention of the Letter and whether the concerns outlined in the Letter were considered and addressed. Those concerns include impacts to access and ongoing operations at the Campus. These issues remain as concerns for Golden Era, and should be evaluated and addressed in the preparation of the FEIR.

J-6

2. Construction of the Project is anticipated to occur over fifteen (15) months in three (3) concurrent phases (DEIR page I-2-5). This schedule assumes funding is available for construction of the entire project at one time. However, should funding not be available, or other issues arise, a project alternative analysis should assume construction of the phases will occur on a consecutive and not concurrent basis.

J-7

3. The lack of evaluation of traffic impacts in the DEIR, including the conclusion that traffic impacts are not significant, seems woefully inadequate given the scope and nature of the Project.

J-8

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Many properties in the Project area, including the Campus, have limited means for ingress and egress. The prospect of 800,000 cubic yards of export being required for the Project, combined with the need to improve the area around the State Street bridge (one of only two (2) access routes available for the Campus and the Soboba Golf Course and Casino complex) are sufficient to trigger additional evaluations and mitigation measures. Moreover, the likelihood of traffic diversion and the anticipated necessity of temporary construction routes and related mitigation measures must be considered.

4. As indicated in multiple sections of the DEIR, completion of the Project will result in 100-year flood event protection for approximately 1,955 acres of land in the City of San Jacinto and County of Riverside. With this new protection, it is likely that land uses and development trends will shift in the newly protected areas, spurring new commercial and residential development. Indeed, the corners of Sanderson Avenue and Ramona Expressway have long been targets for large mixed use, specific plan developments. The complete lack of consideration of future development opportunities and correspondence cumulative environmental considerations in the DEIR is blatantly insufficient to satisfy the informational and mitigation purposes of CEQA.

5. The levee, as it currently exists was designed based on the River being 1,200 feet wide, and not 400 feet wide as it currently exists. Until the south side levee is completed, Golden Era's property is at risk if another 100-year event occurs. The levee on the Campus side of the River must be the same height and depth as the levee on the south side of the River so as to ensure proper protection of the Campus and its various functions.

Air Quality

The Project site is located within the South Coast Air Basin which falls under the jurisdiction of the South Coast Air Quality Management District ("SCAQMD"). The Project is required to comply with SCAQMD rules for the reduction of fugitive dust emissions, as proscribed by Rule 403. These requirements are briefly discussed in the DEIR at pages III-2-18, 28-29. However, the DEIR fails to identify control measures that will be implemented to meet these performance guidelines. This failure must be rectified, and the control measures and corresponding guidelines should be addressed in both the DEIR and FEIR.

The proposed mitigation measures in the DEIR are a vague and ambiguous restatement and summary of the SCAQMD guidelines, and are entirely inadequate to reduce significant impacts from all phases of Project construction (DEIR page 11-2-42). Therefore, the following additional mitigation measures should be evaluated and incorporated in the Project and FEIR:



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1. Gravel pads must be installed at access points to prevent tracking of mud onto public roads.
2. Install and maintain track out control devices in effective condition at access points where paved and unpaved access or travel routes intersect (e.g. install wheel shakers, wheel washers, and limit site access.).
3. Limit fugitive dust sources to 20 percent opacity.
4. Require a dust control plan for all earthmoving operations.
5. When dust materials are transported off-site, all materials should be covered, effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
6. All streets shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible oil materials are carried to any EIR-adjacent streets.
7. The Project construction manager shall designate a person or persons to monitor the dust control program and to order increasing watering, as necessary, to prevent transport of dust off-site.
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
9. Adequate watering techniques shall be employed to mitigate the impact of construction related dust particulates. All areas of the Project site, especially the borrow site, that are undergoing surface earth moving operations shall be watered such that a crust will be formed on the ground surface, and then watered again at the end of each day. Site water shall be applied as necessary to adequately mitigate blowing dust.
10. Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.
11. Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.



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CONT.

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12. Apply non-toxic soil-stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
13. Any site access points within 30 minutes of any visible dirt deposition on any public roadway shall be swept or washed.
14. Excavating and grading operations shall be suspended during first stage zone episodes or when winds exceed 25 mph as instantaneous gusts. A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.
15. Prohibit on and off-site truck idling in excess of two minutes.
16. Implement activity management techniques including: (a) development of a comprehensive construction management plan designed to minimize the number of large construction equipment operating during any given time period; (b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; (c) specify maximum length of construction work-day period; and (d) phasing of construction activities.
17. Develop a trip reduction plan to achieve 1.5 AVR for construction employees.
18. Require high pressure injectors on diesel construction equipment.
19. Restrict truck operation to "clean" trucks, such as 2007 or newer models or compliant vehicles.
20. All diesel powered construction equipment in use shall require control equipment that meets, at a minimum, Tier IV emission requirements as opposed to Tier III standards permitted under MM Air 4. See DEIR page III-2-42. In the event Tier IV equipment is not available, diesel powered construction equipment in use shall require emissions of Tier III control equipment with minimum of Tier III diesel standards.
21. Utilize only California Air Resources Board ("CARB") certified equipment for construction activities.
22. Require that all contractors turn off all construction equipment and delivery vehicles when not in use and/or idling in excess of two minutes or more.
23. Use electrical power equipment in-lieu of gasoline powered equipment where technically feasible.

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CONT.

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24. Suspended use of construction equipment during second stage smog alerts.
25. Consolidate truck deliveries when possible.
26. Establish a staging zone for trucks that are waiting to load or unload materials in the Project work zone in a location where diesel emissions from the trucks will have a minimum impact on the surrounding land.
27. Locate construction equipment away from sensitive receivers and away from all Campus buildings.
28. Require all diesel trucks used by construction contractors at the site, or for on-road hauling of construction material, to be post-2007 models or 2010 compliant vehicles.
29. Prohibit the use of diesel portable generators on the construction site.
30. To the extent feasible, hybrid and fuel efficient construction equipment and support vehicles will be used (e.g. pick up trucks).
31. All off-road diesel powered construction equipment greater than 50 hp shall meet Tier III off-road emissions standards. In addition, all construction equipment shall be outfitted with Best Available Control Technologies ("BACT") devices certified by the CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level III diesel emissions control strategy for a similarly sized engine, as defined by CARB regulations.
32. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
33. During Project construction, the Applicant will be required to solicit bids that include use of energy and fuel efficient fleets.
34. During Project construction, the construction manager or Project manager will be required to solicit preference construction bids that use BACT, particularly those seeking to deploy zero- and/or near zero emission technologies.
35. During Project construction, the construction manager or Project manager shall ensure use of the minimum amount of GHG omitting construction materials feasible, available and possible.

J-12
CONT.

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36. Require preparation of a Project traffic control plan.
37. Provide temporary traffic controls during phases of construction where traffic flow may be impacted especially at the intersection of State Street and Soboba Road, and Sanderson Avenue and Gilman Springs Road.
38. Provide dedicated turn lanes for movement of construction trucks and equipment on and off-site.
39. Remove construction trucks away from any congested streets.
40. Configure construction parking to minimize traffic interference.
41. Minimize construction worker traffic by requiring carpooling and providing for on-site meal options.
42. Provide shuttle services to food service establishments/commercial areas for construction crews.
43. Provide shuttle service to public transit stations for construction crews.
44. Develop a Low-Impact Construction Commuting Plan for all tradespersons to utilize during Project construction. The Plan shall address the home to office/shop commute and to office/shop to jobsite commute and increase carpooling and other commuting efficiencies during construction.

Biological Resources

The Project area is rich with biological resources including threatened and endangered plant and animal species. Many of the plant and animal species identified in the DEIR and related studies occur on or near the Campus. The DEIR anticipates the need for additional conservation lands, easements and management plans for many of the species impacted by construction of the Project.

However, while strategies for conservation and management are identified, actual implementation measures are sorely lacking. For example:

1. Where will the additional conservation lands be located and how will they be acquired?
2. Are there willing sellers/conservators in the area that have suitable mitigation land available for the Project?



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3. What agency/agencies will be responsible for purchasing the mitigation land?
4. What agency/agencies will be responsible for managing and maintaining the mitigation land?
5. What is the source of long term management funding and endowment funding for the mitigation lands?
6. If suitable mitigation properties are not available in the Project area, what alternatives are there for the Project that can minimize impacts to plant and animal species including the Los Angeles Pocket Mouse and the Least Bell's Vireo?
7. All of the planned acquisitions and management and conservation mechanisms are not included in the two (2) proposed Biological Resources Mitigation Measures for the Project. This constitutes an impermissible deferral of mitigation for the Project that must be addressed in the DEIR.
8. Who will be responsible for conducting the additional surveys as required by the DEIR for Burrowing Owl?

J-13
CONT.

Geology and Soils

Generally, the geology section of the DEIR relies on conclusions and recommendations from the Geotechnical Investigation Report on the North and South Levees, dated 2008, and prepared by CHJ, Inc (the "Geotechnical Report"). The Geotechnical Report was prepared to assess the potential adverse impacts to structures resulting from unstable soils, a shallow water table and liquefaction issues. DEIR reliance is misplaced as the majority of the recommendations in the Geotechnical Report are not required for the Project. The three (3) mitigation measures included in the DEIR geology section cover only a fraction of the recommended actions listed in the Geotechnical Report.

J-14

Specifically, the three (3) mitigation measures pertain to fill specifications (MM Geo 1), design and installation of a dewatering system (MM Geo 2) and surveying/evaluating levee conditions after a major seismic and flooding events (MM Geo 3). (See DEIR page III-5-13 to 14). In contrast, the Geotechnical Report includes recommendations pertaining to the following areas of Project design, construction and maintenance:

1. General site grading;
2. Initial site preparation;
3. Preparation of fill areas;

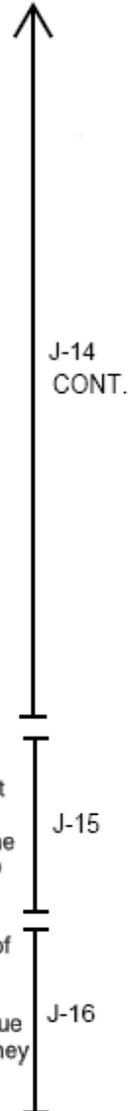
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4. Compacted fills;
5. Shrinkage and subsidence;
6. Preparation of concrete lining areas;
7. Slope construction;
8. Slope protection;
9. Lateral loading;
10. Seismic earth pressure;
11. Backfill and drainage system;
12. Dewatering;
13. Corrosivity;
14. Levee maintenance; and
15. Construction observation.

(Geotechnical Report pages 36-41). The DEIR must be corrected to require that the recommendations of the Geotechnical Report be adhered to and applied to the Project.

Construction of the southern levee includes protection of MWD's underground aqueduct pipelines. Therefore the DEIR should also reference and address the relevant conclusions from the Geotechnical Investigation Report pertaining to the South Levee MWD Crossings, dated 2008, and prepared by CHJ, Inc (the "South Levee Report"). The South Levee Report was commissioned to determine the hazard of distress to the MWD water pipelines associated with the settlement resulting from the Project.

The South Levee Report recommends further evaluation by MWD of the effects of settlement on the MWD pipeline from construction of the levee at specified ranges. Alternative protective structures are recommended if the pipeline cannot tolerate the estimated settlement (South Levee Report page 13). The DEIR should address this issue more fully and completely evaluate the potential alternative protective features should they be deemed necessary.



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Noise

The noise assessment study finds that construction of the Project will result in noise levels ranging from 81-82 dBA at residences located near the Project site (noise receptor number 3). These estimated levels are well above the County of Riverside's allowable noise level standard for residences of 55 dB Lmax. Additionally, estimated noise levels of 81-82 dBA constitute a substantial increase in ambient noise levels in the Project area when present levels are estimated around 46 dBA. (See DEIR page III-9-16). Although the Project is arguably exempt from Riverside County Ordinance No. 847, the significant deviation from the County of Riverside's noise level standards for residences should be recognized as a significant increase over ambient noise levels.

J-17

The cumulative noise impact analysis accounts for equipment usage associated with the excavation of approximately 800,000 cubic yards of material in phase I of the Project, as well as activities in phases II and III. Specifically, loaders, rollers, scrapers, water trucks, dozers, and concrete mixers are accounted for in the RCMN Modeling used to assess cumulative noise impacts. However, the DEIR and noise assessment do not quantify noise impacts from truck hauling (independent of the construction equipment identified above), thereby failing to disclose relevant information necessary to accurately determine combined construction noise impacts. The Construction Noise Assessment, on page 8, states

J-18

During the first eight months of construction, in addition to the construction equipment identified, heavy duty trucks will be driving along the five mile length of the levee picking up and depositing fill materials. Because these trucks will be in continuous motion, they are not anticipated to contribute to a perceptible increase over the noise levels reported in Table III-9-D and were not input into the RCMN.

Noise Assessment, page 8; DEIR page III-9-14, emphasis added. This is unacceptable as all construction activities, including noise and potential vibrations from hauling construction materials, must be accounted for, evaluated and mitigated in the DEIR.

According to MM Noise 1, construction activities will be limited to 7:30 a.m. to 6:00 p.m. on weekdays (which timeframe coincides directly with peak traffic, work and commuting times) and therefore vehicle trips cannot possibly be a continuous source of noise. A "continuous" source of construction noise does not make the noise irrelevant or exempt from the noise impact analysis; arguably, it would have an even more dramatic impact on ambient noise near the Project site, particularly for sensitive receptors at the Campus and receptor location number 3.

J-19

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Activities on the Campus include residential¹ uses as well as film and audio productions that involve equipment that are sensitive and extremely susceptible to increases in ambient noise and vibrations. The only receptor location with sensitive receivers considered in the noise assessment was location 3 at the Country Lake Mobile Home community which is located nearly 2 miles from the Campus. While there was a closer receptor location, location 2 (the now abandoned Sleepy Hollow Mobile Home Community), that receptor site does not have sensitive receptors, and is located at the eastern end of the Campus away from the sensitive uses which are clustered towards the middle and western areas of the Campus.

J-20

The Campus and its activities were left out of the noise analysis as no sensitive receivers located on the Campus, including the residences, film and audio studios, were studied. Therefore, potential impacts are not accounted for or addressed in the DEIR for the Campus. As a result, measures that could otherwise help reduce construction noise for sensitive receivers at the Campus will provide no mitigation for Project-related noise to the Campus at all.

J-21

Traffic and Transportation

The traffic section included in the Initial Study and DEIR for the Project are, to put it mildly, completely deficient in both consideration and analysis of the Project's traffic impacts. Traffic impacts from the Project are potentially significant and the Initial Study and DEIR both fail as informational and mitigation documents under CEQA.

The single fact that 800,000 cubic yards of import are required for the Project in and of itself begs, among others, the following questions:

J-22

1. How will that material be transported?
2. What haul routes will be utilized?
3. How many truck trips are necessary to transport the material?
4. What kind of traffic control plan is necessary given the lack of access and narrow and winding roads in and around the Project site?

¹ As previously indicated, activities at the Campus tend to run 24 hours-a-day, 7 days-a-week. Campus staff work on rotating shifts which means there are people sleeping during the daytime hours so they can work at night.

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The truck routing plan or "haul route" that is included in the DEIR does not specify whether it was evaluated by a traffic engineer or consultant, something that should have occurred. Alternative truck and haul routes must be considered including the possibility of using other roadways, bridges and access routes in the Project vicinity. Moreover, haul routes must be evaluated for feasibility due to geometry issues, including steep grades, narrow widths, tight curves, and peak and standard congestion issues.

J-23

The traffic section does not provide sufficient explanation for why intersections and roadways were selected for the truck route identified in Figure III-11-1. The DEIR should analyze average daily traffic and percentage of fluctuation per day collected and used as a baseline to analyze the potential construction-related traffic impacts.

J-24

The DEIR provides insufficient information regarding the estimates for truck trips and construction phase durations. Moreover, there is no information as to how the stated estimate of 400 individual truck trips was generated with respect to rates of excavation, raw material delivery and whether there will be peak truck activity associated with phase 1 of the Project. For example, the analysis must specify if truck activity will be concentrated over certain days or periods of time in the first eight months of Project construction. Further, there is no explanation regarding the number of estimated truck trips associated with the second and third phases of construction.

J-25

The traffic analysis incorrectly states that because construction traffic is temporary, it is not significant. This statement is entirely conclusory and void of any data or factual support. All traffic, including temporary construction traffic, must be analyzed for potential impacts to intersections and road segments, as well as impacts to area noise, air quality and greenhouse gas emissions. A Traffic Management Plan needs to be prepared and implemented in order to evaluate and mitigate impacts associated with increased truck traffic along Ramona Expressway, Sanderson Avenue, Gilman Springs Road, State Street, and Main Street/Lake Park Drive. The DEIR and any Traffic Management Plan must include, at an absolute minimum, the following mitigation measures:

J-26

1. Flaggers will be located at all construction site entrance(s) and exit(s) leading from roadways used by non-Project vehicles during regular construction hours (Monday thru Friday, 7:30 a.m. to 6:00 p.m.);
2. Signage shall be provided on any intersection or roadway within the Project vicinity warning motorists of construction work and potential delays; and
3. Truck trips should be limited, the extent feasible and possible, during peak morning and evening commute times on all roadways within the Project vicinity.

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Conclusion

For all of the reasons stated herein, additional study and review of the Project is required under CEQA. Therefore, the DEIR needs to be revised and re-circulated for review and comment.

We welcome the opportunity to discuss these issues with you in further detail. Thank you for your consideration of this letter and your anticipated response to the concerns outlined herein.

J-27

Sincerely yours,



Kelly Alhadeff-Black of
LEWIS BRISBOIS BISGAARD & SMITH LLP

KAB:

cc: Catherine Fraser, Director of Public Affairs, Golden Era (via electronic mail)
Muriel Dufresne, Director of Community Affairs, Golden Era (via electronic mail)

EXHIBIT A

Building Management Services NOP Comment Letter

Attachment to Comment Letter J

BuchananIngersoll & Rooney LLP
Attorneys at Law

Robert K. Edmunds
619 685 1982
robert.edmunds@bigrp.com

One America Plaza
800 West Broadway, Suite 1100
San Diego, CA 92101
T 619 239 0700
F 619 702 3898
www.buchananingersoll.com

August 12, 2010

BY EMAIL AND OVERNIGHT DELIVERY

City of San Jacinto
Attn: Tim Hulst, City Manager
595 S. San Jacinto Avenue
San Jacinto, CA 92583

**Re: Notice of Preparation ("NOP") of a Draft Environmental Impact Report for
the San Jacinto River Levee State 4 Project (SCH No. 2007071065)**

Dear Mr. Hulst:

Our firm represents Building Management Services and Golden Era Productions. We are responding to the NOP on behalf of our clients.

Building Management Services owns approximately 500 acres (the "Property") to the north of the City of San Jacinto in the unincorporated area of Riverside County. Golden Era operates several facilities on the Property, including a golf course, residence facilities, and an 80,000 square foot film studio and production facilities. Generally speaking, the Property is bounded by State Route 79 North on the west, Gilman Springs Road on the north, State Street/Sublette Road on the east, and the San Jacinto River (the "River") on the south.

Based on the NOP's description of the proposed levee improvements (the "Project"), it appears that the Project could have a significant impact on the Property in a number of ways. For example, the Project appears to include the installation of levee improvements on the north side of the River. These improvements appear to be located on or in close proximity to the Property, and could adversely affect our clients' use and enjoyment of the Property.

Another example concerns access. Currently, the interchange of State Route 79 North and Gilman Springs Road provides access to the Property from the west. State Street and Sublette Road provide access to the Property from the east. The levee improvements could adversely affect the operations of the interchange and the roads.

Accordingly, the Project's draft environmental impact report should analyze in detail the potential impacts the Project might have on the Property, the alternatives available to avoid those

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Response to Comment Letter J– Golden Era Productions

Catherine Fraser, Director of Public Affairs, Golden Era
Muriel Dufresne, Director of Community Affairs, Golden Era
19625 Gilman Springs Road
Gilman Hot Springs, CA 92583

Response to Comment J-1:

The City acknowledges receipt of this comment letter. The responses to this letter will be part of the Final EIR (FEIR) per section 15132 of the State CEQA Guidelines.

Response to Comment J-2:

This comment is noted. However, no environmental issues have been raised by the comment and no modification of the DEIR is required.

Response to Comment J-3:

This comment is noted. However, no environmental issues have been raised by the comment and no modification of the DEIR is required.

Response to Comment J-4:

The City disagrees with the assertion that the DEIR is lacking. The DEIR was prepared in compliance with CEQA and contains a thorough analysis and disclosure of potential impacts. The DEIR also identifies all feasible mitigation measures to reduce potentially significant impacts and for those impacts where there are no feasible mitigation measures, the DEIR includes a discussion as to why mitigation is infeasible. Thus, no modification to the DEIR is required, as described in more detail below.

Response to Comment J-5:

This comment is noted. However, as seen from the responses to the remainder of the comments in this letter, there is no need for additional evaluations or studies. With regard to recirculation of the DEIR, Section 15088.5 of the State CEQA Guidelines sets forth the circumstances that warrant recirculation of a DEIR prior to certification. According to Section 15088.5(a), recirculation of an EIR is required when “significant new information is added to the EIR after public notice is given...but before certification.” Examples of significant new information are:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (State CEQA Guidelines Section 15088.5(a))

Recirculation is not required when new information added to an EIR clarifies, amplifies, or makes insignificant modifications to an adequate EIR. ((State CEQA Guidelines Section 15088.5(b)) As shown in the responses to the remainder of the comments in this letter, none of the conditions requiring recirculation are present.

Response to Comment J-6:

The August 10, 2010 letter submitted by Buchanan Ingersoll & Rooney LLP on behalf of Building Management Services and Golden Era Productions was inadvertently omitted from the summary of comment letters received in response to the July 2010 Notice of Preparation (NOP) on pages I-1-6–I-1-7. However, the comment letter was included in Appendix A of the DEIR and was thus a part of the DEIR. Page I-1-7 of the DEIR has been revised to include the following summary:

- **Buchanan Ingersoll & Rooney LLP (on behalf of Building Management Services and Golden Era Productions)**–Express concern that the levee improvements proposed on the north side of the San Jacinto River are located on or in close proximity to property owned by Building Management Services could adversely affect use and enjoyment of that property. Concern is also expressed regarding the Project's affect on the operations of the State Route 79 North and Gilman Springs Road intersection, State Street, and Sublette Road. This letter requested the DEIR analyze potential impacts to the property owned by Building Management Services, alternatives to avoid those impacts, and mitigation measures necessary to reduce any impacts to less than significant.

Response to Comment J-7:

The proposed Project could be constructed in two ways: the three reaches or segments could be constructed either in three consecutive phases or concurrently. The analysis contained in the EIR is based on the assumption that the three reaches will be constructed concurrently as

this is the most intense method based on the amount of construction equipment being used at one time, the amount of construction workers traveling to and from the site, and the largest area of disturbance at one time and is therefore the most conservative approach to analysis of construction traffic, air quality, and noise impacts. Construction of the Project one reach or segment at a time would result in generally the same impacts to agricultural resources, biological and cultural resources, geology, hazards and hazardous materials, hydrology and water quality, land use, noise (due to proximity of construction equipment to sensitive receptors), and population and housing. Construction of the Project one reach at a time could potentially reduce the amount of construction equipment being used at one time, the number of construction workers traveling to and from the site at one time, and greenhouse gas emissions, however these reductions would not be substantial as compared to construction of the entire project at one time. Construction of the Project one reach at a time would result in reduced air quality impacts, however, they would not be reduced to less than significant levels. Construction of the Project reaches consecutively would not result in any other environmental impacts as compared to construction of the entire Project at once. How the Project will be constructed will be based on the selected contractor or contractor's capabilities and/or how they bid on the Project for the most competitive cost proposal. The Project will be funded by the City and the District. The same sources of funding would be used whether the Project is constructed one reach at a time or concurrently.

Response to Comment J-8:

Although the commentor indicates the traffic impact analysis "seems woefully inadequate given the scope and nature of the Project," the commentor does not allege why the analysis is either wrong or incomplete. Section III-11 – Transportation/Traffic of the DEIR thoroughly outlines the Project design considerations that were made in order to keep construction equipment off of the local roadway network to the greatest extent feasible and thereby minimize traffic impacts. The commentor incorrectly identifies 800,000 cubic yards of export. As outlined in the Project Description of the DEIR (Section I-2 – Executive Summary, page I-2-5) "The borrow area is located within the expanded riverine corridor. The top 2-3 feet of soil in the borrow area will be removed, approximately 800,000 cubic yards, and used to construct the new southern levee." The 800,000 cubic yards of soil that is to be removed from the borrow area will be moved along the southern levee alignment, which will serve as the haul route, to the location along the southern levee where it will be deposited in order to form the earthen levee structure. As the borrow site, the construction easement haul route, and the deposit site (the southern levee) are all located within the Project boundary, the Project does not involve export.

As outlined in the Project Description of the DEIR (Section I-2 – Executive Summary, page I-2-4):

The treatment under State Street Bridge will include expanding the river under the bridge to utilize the full hydraulic capacity of the bridge. The treatment at State Street Bridge will include removal of the existing south levee and excavation underneath the bridge to provide sufficient hydraulic capacity to pass the 100-year storm flow. The area to be excavated is located along the existing southern levee on either side of the bridge. The existing southern levee will be removed where it ties in to the bridge and the upland area adjacent to the riverbed will be excavated to the current depth or level of the riverbed. The existing “shelf,” located on either side of the current opening under the bridge, that was created during construction of the bridge and which is composed of backfill, will be removed. The new southern levee will replace the existing levee at the bridge and will tie into the bridge abutments. The State Street Bridge treatment is a one-time excavation during construction.

The proposed Project includes only removal of soil underneath and adjacent to the State Street Bridge. The proposed Project does not include any physical modification to the bridge structure itself or the State Street roadway. State Street, including the bridge over the river, will remain open at all times during construction. Therefore, State Street will continue to serve as an access route to the Golden Era Campus and the Soboba Golf Course and Casino complex during construction as it does currently. As State Street will remain open at all times during construction a traffic diversion and temporary construction route for the public is not necessary and ingress and egress to the Campus will not adversely be affected.

Response to Comment J-9:

The DEIR does not lack consideration of future development opportunities within the area that will be protected from flooding by this Project and the corresponding cumulative environmental considerations, as claimed in this comment. On the contrary, the DEIR discloses that implementation of the proposed Project will remove an impediment to growth and thereby indirectly induce growth from development that is considered in the City of San Jacinto and Riverside County’s General Plans and EIRs.

As outlined in Section III-10 – Population and Housing of the DEIR (page III-10-5):

Implementation of the proposed Project could promote indirect population growth by removing a barrier to growth. Reducing the 100-year flood zone will reduce the development process by eliminating additional review and decreasing fees and time for

those reviews, as well as design requirements such as import of fill to raise the elevation of the site or storm drain improvements. However, any proposed development of the area located within the recovered floodplain would be required to comply with the City of San Jacinto and the Riverside County General Plans and other development policies of the City of San Jacinto and the County of Riverside.

The proposed Project does not include commercial and residential development. However, with implementation it will provide 100-year flood protection of lands designated in the City of San Jacinto General Plan and the Riverside County General Plans for these types of future developments. The DEIR disclosed the Project’s potential to induce growth. This growth (development of land within the recovered floodplain) and the resulting impacts, including cumulative impacts, were considered in the City of San Jacinto General Plan and the Riverside County General Plan EIRs and determined to have potentially significant and unavoidable impacts. Thus, the DEIR did not lack consideration of future development within the recovered floodplain.

Response to Comment J-10:

The existing northern levee protects the Golden Era Campus from 100-Year flooding of the San Jacinto River w. The statement in this comment that “The levee on the Campus side of the River [existing northern levee] must be the same height and depth as the levee on the south side of the River so as to ensure proper protection of the Campus and its various functions” is incorrect because the elevation at the location of the existing northern levee and the proposed new southern levee are not the same; the location of southern levee is at a lower elevation. Therefore, the southern levee needs to be larger in height than the northern levee to provide the same protection. Further, the design of the levees to contain the 100-Year Floodplain is not based simply on elevations. Rather, the design of the proposed Project is based on detailed topography of the entire Project site, results of hydraulic modeling, and in accordance with the U.S. Army Corps of Engineers Design and Construction of Levees Manual. The proposed Project has been designed to continue to protect the Golden Era Campus from the 100-Year Floodplain of the San Jacinto River.

Response to Comment J-11:

The comment correctly states that the Project is under the jurisdiction of the SCAQMD and is required to comply with Rule 403. The DEIR is not required to identify control measures contained in SCAQMD Rule 403 because it is an existing regulation. In accordance with Rule 403, the Project will utilize applicable best available control measures contained within Table 1

of Rule 403 for any and all construction activities undertaken, in addition to the other standard requirements.

Response to Comment J-12:

The comment incorrectly asserts that the DEIR mitigation measures are vague and ambiguous, and provides no explanation or evidence to support this assertion. As with all the mitigation measures identified in this FEIR, each construction mitigation measure is enforceable and will occur through implementation of the Mitigation Monitoring and Reporting Program (MMRP) in Section III.0 of the FEIR.

The proposed mitigation measures are not adequate at reducing the Project's significant impacts, as evidenced in **Table III-2-L** of the DEIR. As outlined in the DEIR page III-2-42, in order to reduce NO_x emissions from construction of the Project, the following mitigation measures shall be implemented:

MM Air 1: During construction, mobile construction equipment will be properly maintained according to manufacturers' specifications at an off-site location, which includes proper tuning and timing of engines. Equipment maintenance records and equipment design specification data sheets shall be kept on-site during construction.

MM Air 2: During construction, all vehicles shall be prohibited from idling in excess of five minutes, both on- and off-site.

MM Air 3: Construction parking shall be configured to minimize traffic interference.

MM Air 4: The Project shall be required by contract specification to include construction equipment engines that meet or exceed Tier 3 standards. Contract specifications shall be included in project construction documents, which shall be reviewed by the City prior to awarding the construction contract.

The maximum construction-related NO_x emissions are reduced from 262.10 to 128.77 pounds per day (lb/day), or approximately 49% as a result of proposed mitigation measures. Although the Project's NO_x emissions were substantially reduced during Project construction, they were not reduced to less than significant levels (below SCAQMD thresholds).

Nevertheless, the following table lists each of the measures identified in the comment and how the Project implements these measures as part of Project design or mitigation, or, if the Project does not implement the measure, why the measure is not applicable or is infeasible.

Recommended Construction-Related Mitigation Measure	Disposition of Construction Measure
1. Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.	This recommended measure is an existing requirement of SCAQMD Rule 403 which limits track-out to 25 feet from the active operation and requires removal at the conclusion of each workday; therefore the Project is already required to comply with this measure. Moreover, as shown in Table III-2-D , the Project’s construction emissions do not exceed the SCAQMD thresholds for PM-10 and PM-2.5 and therefore, no further fugitive dust related mitigation is necessary beyond that required by Rule 403.
2. Install and maintain track out control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g. Install wheel shakers, wheel washers, and limit site access.)	See Disposition of Construction Measure 1, above. The Project’s construction emissions do not exceed the SCAQMD thresholds for PM-10 and PM-2.5 and therefore, no further fugitive dust related mitigation is necessary beyond that required by Rule 403.
3. Limit fugitive dust sources to 20 percent capacity.	See Disposition of Construction Measure 1, above. The Project’s construction emissions do not exceed the SCAQMD thresholds for PM-10 and PM-2.5 and therefore, no further fugitive dust related mitigation is necessary beyond that required by Rule 403.
4. Require a dust control plan for earthmoving operations.	See Disposition of Construction Measure 1, above. SCAQMD Rule 403 is in essence a fugitive dust control plan.
5. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.	See Disposition of Construction Measure 1, above. Rule 403 already requires material to be stabilized while loading/unloading, transport, and requires at least six inches of freeboard to be maintained.
6. All streets shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible oil materials are carried to adjacent street.	See Disposition of Construction Measure 1, above. The purpose of street sweeping during construction is to control fugitive dust emissions. An existing requirement of SCAQMD Rule 403 requires removal of track-out at the conclusion of each workday.
7. The Project construction manager shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.	See Disposition of Construction Measure 1, above. The contractor shall be responsible for compliance with Rule 403.

Recommended Construction-Related Mitigation Measure	Disposition of Construction Measure
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.	As stated in Disposition of Construction Measures 1, above, the Project’s construction emission do not exceed the SCAQMD thresholds for PM-10 and PM-2.5 and therefore, no fugitive dust related mitigation is necessary. However, the Project will include signs with contact information for the public to call should any construction-related issue arise.
9. Adequate watering techniques shall be employed to mitigate the impact of construction-related dust particles. All areas of the Project site, especially the borrow site, that are undergoing surface earth moving operations shall be water such that a crust will be formed on the ground surface, and then watered again at the end of each day. Site water shall be applied as necessary to adequately mitigate blowing dust.	See Disposition of Construction Measure 1, above. The Project’s construction emissions do not exceed the SCAQMD thresholds for PM-10 and PM-2.5 and therefore, no further fugitive dust related mitigation is necessary beyond that required by Rule 403.
10. Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.	See Disposition of Construction Measure 1, above. The Project’s construction emissions do not exceed the SCAQMD thresholds for PM-10 and PM-2.5 and therefore, no further fugitive dust related mitigation is necessary beyond that required by Rule 403.
11. Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.	See Disposition of Construction Measure 1, above. The Project’s construction emissions do not exceed the SCAQMD thresholds for PM-10 and PM-2.5 and therefore, no further fugitive dust related mitigation is necessary beyond that required by Rule 403.
12. Apply non-toxic soil stabilizers according to manufacturers’ specifications to inactive construction areas (previously graded areas inactive for ten days or more).	See Disposition of Construction Measure 1, above. The Project’s construction emissions do not exceed the SCAQMD thresholds for PM-10 and PM-2.5 and therefore, no further fugitive dust related mitigation is necessary beyond that required by Rule 403.
13. Any site access points within 30 minutes of any visible dirt deposition on any public roadway shall be swept or washed.	See Disposition of Construction Measure 1, above. Rule 403 requires track out control at the end of each workday or evening shift.

Recommended Construction-Related Mitigation Measure	Disposition of Construction Measure
<p>14. Excavating and grading operations shall be suspended during first stage zone episodes or when winds exceed 25 mph as instantaneous gusts. A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.</p>	<p>SCAQMD Rule 403 already requires application of applicable contingency control measures when wind gusts exceed 25 mph.</p> <p>In addition, Table III-2-B of the DEIR shows that a first-stage ozone alert (1-hour concentration above 0.20 parts per million (ppm) has not occurred within Project area in the last three years. Furthermore, no first-stage ozone alerts have occurred within the Project area since 2000, the first year of historical data provided on SCAQMD’s website.¹⁰</p>
<p>15. Prohibit on and off-site truck idling in excess of two minutes.</p>	<p>MM Air 2 prohibits idling in excess of five minutes, pursuant to existing regulations (DEIR, p. III-2-20). Further limiting the Project’s truck idling by an additional 3 minutes is arbitrary and would not serve to substantially reduce the Project’s construction emissions estimates.</p>
<p>16. Implement activity management techniques including : a) development of a comprehensive construction management plan designed to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) specify maximum length of construction work-day period; and d) phasing of construction activities.</p>	<p>The Project has already been designed to implement various activity management techniques. Construction work-day periods are already limited by City Municipal Code Section 8.40.090, which limits construction hours on weekdays between 7:30 a.m. and 6:30 p.m. (MM Noise 1) It is already expected that construction will be phased in some fashion, as discussed in the DEIR (DEIR, pp. III-2-29-30). Since the Project’s haul truck trips will occur along the haul route and off the adjacent street network, no construction scheduling to non-peak hours is unnecessary (DEIR, p. III-11-5).</p>
<p>17. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees.</p>	<p>This measure is infeasible because the source of the construction pool is unknown, and it would be speculative to make assumptions regarding their ability to ride share. Labor is likely to come from numerous locations across the area, and different trades will conduct their work at different times. Therefore, it is unknown if it is possible to achieve an AVR of 1.5.</p>
<p>18. Require high pressure injectors on diesel construction equipment.</p>	<p>All Tier 3 equipment includes the HEUI system (Hydraulically actuated Electronically controlled Unit Injector) which increases fuel efficiency and decreases emissions.¹¹The Project has done what is feasible, by implementing MM Air4 in the DEIR, which requires the use of Tier 3 construction equipment to reduce emissions. Therefore, construction equipment used</p>

¹⁰ <http://www.aqmd.gov/home/library/air-quality-data-studies/historical-data-by-year>

¹¹ Personal communication with Riverside Construction Company on August 17, 2011.

Recommended Construction-Related Mitigation Measure	Disposition of Construction Measure
	during Project construction includes high pressure injectors.
<p>19. Restrict truck operation to “clean” trucks such as a 2007 or newer model year or 2010 compliant vehicles.</p>	<p>As stated in Response to Comment E-2, this measure restricts truck operation to “clean” trucks (i.e., trucks that are either new or have been retrofitted with “clean” technology). The Project only requires haul truck trips for the movement of soil within the Project area for the first eight months of construction, as outlined in the DEIR (DEIR, p. III-2-30). Only the construction-related emissions from this phase exceed the SCAQMD threshold for NO_x. During subsequent phases of construction, deliveries of materials may be limited to vendors available in the area which may not have new or retrofitted “clean” truck fleets.</p> <p>According to an article posted by Heart Transportation in July 2009¹² the average age of a fleet truck is 10 years. This means that some trucks may be new (which would all be 2010 compliant) and some vehicles may be 25 or 30 years old (the “life-span” of a diesel truck¹³) and the majority of a fleet will be in between. Construction vehicle and delivery fleets are replaced over time as money allows and/or the business grows. The smaller the business operator, the less is the likelihood that they will have many, if any, new or retrofitted trucks. When supplies are needed for construction, an order is placed and deliveries are then scheduled based on every other order and the availability of trucks and personnel. If a delivery/supply company does not happen to have a new or retrofitted truck available when the order needs to be delivered or hauled, then they cannot provide the service. This can lead to the Project contractor having to go further afield to find a delivery company which would increase vehicle miles traveled, or cause unnecessary delays in Project construction which could cause construction nuisances to disrupt the area for longer than necessary.</p> <p>Lastly, existing regulations require the phase-in of 2010-compliant trucks beginning in 2015 through 2023 depending on the age of the engine under the CARB Truck and Bus Regulation¹⁴ (amended December 17, 2010 with minor amendments in 2014). By 2023, CARB</p>

¹²<http://www.trustheart.com/news-bulletins/tl-and-tl-bulletins/91-heavy-duty-truck-fleet-ages-as-carriers-seek-cost-savings>

¹³<http://www.epa.gov/recovery/plans/dera.pdf>

¹⁴<http://www.arb.ca.gov/regact/2010/truckbus10/truckbusappd.pdf>

Recommended Construction-Related Mitigation Measure	Disposition of Construction Measure
	<p>estimates the amended Truck and Bus Regulation will reduce NO_x emissions 36%.¹⁵ Nonetheless, the following mitigation measure has been incorporated to require the use of cleaner dump trucks used for soil hauling:</p> <p><u>MM AQ 5: All dump trucks used for soil hauling during Project construction shall comply with either 2007 or 2010 engine emission standards pursuant to Title 13, Section 2025(d). Contract specifications shall be included in Project construction documents, which shall be reviewed by the City prior to awarding the construction contract.</u></p>
<p>20. All diesel powered construction equipment in use shall require control equipment that meets, at a minimum, Tier IV emission requirements as opposed to Tier III standards permitted under MM Air 4. See DEIR page III-2-42. In the event Tier IV equipment is not available, diesel powered construction equipment in use shall require emission of Tier III control equipment with minimum Tier III diesel standards.</p>	<p>As stated in Response to Comment E-2, requiring all construction equipment be equivalent to Tier 4, fleet compliance per CARB regulations (i.e., the In-Use Off-Road Diesel Vehicle Regulation) does not mandate that every vehicle in a fleet over 25 horsepower (hp) be Tier 4 for a contractor to be compliant. Thus, current fleets can be composed of some older and some new equipment and still be compliant. Interim Tier 4 standards are in effect and final Tier 4 standards have been required of manufacturers since January 1, 2014. The suggested measure requires entire fleet to be turned over and be ready to be used on this Project's construction within only a couple of years the effective date. Because contractor compliance is applicable to fleets, few if any construction firms may be equipped with fleets that are minimally compliant with the CARB regulation, let alone 100 percent Tier 4 equipment within the estimated construction timeframe. Limited numbers of Tier 4 equipment may be readily available within contractor's fleet, but the City is concerned that requiring such standards so early would limit the number of companies able to meet this requirement, which could delay construction. The suggested use of Level 3 verified diesel emission control strategies is noted; however, it is not included in the Project's mitigation because Level 3 verified diesel emission control strategies primarily reduce PM emissions. The Project's construction emission did not exceed the PM-10 or PM-2.5 thresholds (DEIR, Table III-2-L). Of the 52 listed Level 3 CARB verified products, only three product devices reduce NO_x emissions in addition to PM.¹⁶ Two of the three are for on-road engines and the third is for</p>

¹⁵ <http://www.arb.ca.gov/regact/2010/truckbus10/truckbus10isor.pdf>

¹⁶ <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

Recommended Construction-Related Mitigation Measure	Disposition of Construction Measure
	<p>stationary generators and therefore would not effectively reduce the Project’s construction-related NO_x emissions and are not applicable to the Project.</p> <p>Nonetheless, MM Air 4 will be revised as follows:</p> <p>MM Air 4: The Project shall be required by contract specification to include construction equipment engines that meet or exceed Tier 3 standards. <u>Consideration will be given to contractor’s that provide proof that SCAQMD’s SOON Program (and/or other applicable grant programs) have been applied for funding.</u> Contract specifications shall be included in project construction documents, which shall be reviewed by the City prior to awarding the construction contract. <u>A copy of each unit’s certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable piece of equipment.</u></p>
<p>21. Utilize only CARB certified equipment for construction activities.</p>	<p>The comment is unclear. All new and existing off-road equipment are regulated by CARB. MM Air4 already requires the use of Tier 3 construction equipment to reduce emissions and will be CARB certified/verified.</p>
<p>22. Require that all contractors turn off all construction equipment and delivery vehicles when not in use and/or idling in excess of 2 minutes or more.</p>	<p>See Disposition of Construction Measure 15, above. This measure would not serve to substantially reduce the Project’s construction emissions estimates</p>
<p>23. Use electrical powered equipment in-lieu of gasoline-powered engines where technically feasible.</p>	<p>As stated in Response to Comment E-2, the use of electricity from power poles rather than temporary diesel or gasoline powered generators is not feasible for this Project due to rural/limited development in the area and the linear alignment of the Project. Additionally, large-scale, heavy-duty, mobile off-road construction equipment such as scrapers and dozers cannot plug into fixed power sources and are not available in electric battery-powered models and are thus infeasible.</p>
<p>24. Suspend use of all construction equipment operations during second stage smog alerts.</p>	<p>No second stage smog alerts have occurred since the 1980s.¹⁷ This measure will not effectively reduce any impacts and is not necessary.</p>
<p>25. Consolidate truck deliveries when possible.</p>	<p>This measure is not applicable to the Project because there are a limited number of materials that are delivered at different times for discrete activities (including soil, concrete, and base material); however, contractors typically consolidate deliveries to the extent</p>

¹⁷ <http://aqmd.gov/home/about>

Recommended Construction-Related Mitigation Measure	Disposition of Construction Measure
	practical to reduce overall construction costs.
26. Establish a staging zone for trucks that are waiting to load or unload materials in a Project work zone in a location where diesel emissions from the trucks will have a minimum impact on the surrounding land.	The Project already implements this measure. See Figure I-2-6 and Figure III-11-1 .
27. Locate construction equipment away from sensitive receivers and away from all campus buildings.	The Project’s haul truck trips will occur along the haul route and off the adjacent street network, away from congested streets or sensitive receptors areas (DEIR, p. III-11-5). The Project’s location along the river is already located away from the majority of sensitive uses and the campus buildings, but equipment must be utilized during construction of certain levee alignments that are in proximity to these uses. However, as shown in Table III-2-G, the short-term construction impacts to nearby sensitive receptors were evaluated and concluded that impacts are below applicable localized SCAQMD thresholds and therefore no mitigation is required to address impacts to sensitive receptors.
28. Require all diesel trucks used by construction contractors at the site, or for on-road hauling of construction material, to be post-2007 models or 2010 compliant vehicles.	This is the same as recommended measure 19, above. See prior response in Disposition of Construction Measure 19.
29. Prohibit the use of diesel portable generators on the construction site.	See Disposition of Construction Measure 23, above. As stated in Response to Comment E-2, the use of electricity from power poles rather than temporary diesel or gasoline powered generators is not feasible for this Project due to rural/limited development in the area and the linear alignment of the Project.

Recommended Construction-Related Mitigation Measure	Disposition of Construction Measure
<p>30. To the extent feasible, hybrid and fuel efficient construction equipment and support vehicles will be used (e.g. pick-up trucks).</p>	<p>Mitigation measure MM Air 4 is functionally equivalent to this measure because it requires use of Tier 3 equipment, which is more efficient than uncontrolled equipment. This is in addition to required compliance with CARB’s In-Use Off-Road Diesel Vehicle Regulation. Tier 3 engines reduce particulate matter between 28 and 63 percent compared to Tier 1 engines, depending upon engine size.¹⁸ Similarly, Tier 3 emissions of NO_x are reduced between 52 and 59 percent compared to Tier 1 engines, depending upon engine size. Support vehicles (e.g. pick-up trucks) comprise a small fraction of the Project’s emissions and would therefore not substantially reduce impacts. Therefore, this measure is not required.</p>
<p>31. All off-road diesel powered construction equipment greater than 50 hp shall meet Tier III off-road emissions standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (“BACT”) devices certified by the CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what would be achieved by a Level III diesel emissions control strategy for a similarly sized engine, as defined by CARB regulations.</p>	<p>See Disposition of Construction Measure 20, above. Revised MM Air 4 implements this measure.</p>
<p>32. A copy of each unit’s certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.</p>	<p>Revised MM Air 4 implements this measure.</p>
<p>33. During Project construction, the Applicant will be required to solicit bids that include the use of energy and fuel efficient fleets.</p>	<p>Mitigation measure MM Air 4 is functionally equivalent to this measure because it requires use of Tier 3 equipment, which is more efficient than uncontrolled equipment. Therefore, this measure is not required.</p>

¹⁸ <http://aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies/off-road-engines>

Recommended Construction-Related Mitigation Measure	Disposition of Construction Measure
34. During Project construction, the construction manager or Project manager will be required to solicit preference construction bids that use BACT, particularly those seeking to deploy zero- and/or near zero emissions technologies.	Mitigation measure MM Air 4 is functionally equivalent to this measure because it requires use of Tier 3 equipment, which is more efficient than uncontrolled equipment. Therefore, this measure is not required.
35. During Project construction, the construction manager or Project manager shall ensure the use of the minimum amount of GHG omitting construction materials feasible, available and possible.	This measure is not required because GHG emission were determined to be less than significant without mitigation required (DEIR, p. III-2-41).
36. Require preparation of a Project traffic control plan.	As stated in Response to Comment E-2, the Project has already been designed to implement various traffic control techniques. The Project’s haul truck trips will occur along the haul route and off the adjacent street network, away from congested streets or sensitive receptors areas (DEIR, p. III-11-5). No dedicated turn lanes will be required and a flag person or other temporary traffic controls, if necessary will be designated by the contractor.
37. Provide temporary traffic controls during phases of construction where traffic flow may be impacted especially at the intersection of State Street and Soboba Road, and Sanderson Avenue and Gilman Springs Road.	See Disposition of Construction Measure 36, above. Also, see Figure III-11-1 , which shows that the haul route goes under both State Street and Sanderson Avenue.
38. Provide dedicated turn lanes for movement of construction trucks and equipment on and off-site.	See Disposition of Construction Measure 36, above.
39. Remove construction trucks away from any congested streets.	See Disposition of Construction Measure 36, above.
40. Configure construction parking to minimize traffic interference.	See Disposition of Construction Measure 36, above. The Project already includes construction staging areas, as shown on Figure I-2-6 .
41. Minimize construction worker trips by requiring carpooling and providing for onsite lunch options.	See Disposition of Construction Measure 21, above. Additionally, food vendors will be allowed access to the site.
42. Provide shuttle service to food service establishments/commercial areas for construction crews.	Food vendors will be allowed access to the site which will have a similar trip-reducing result as providing a shuttle to food service establishments for the construction crew.

Recommended Construction-Related Mitigation Measure	Disposition of Construction Measure
43. Provide shuttle services to public transit stations for construction crews.	This measure is applicable to dense commercial/retail employment centers, not construction sites. Further, as discussed in Disposition of Construction Measures 17, above, the source of the labor pool is unknown and it is infeasible to predict whether a shuttle service to transit stations/multi-modal centers is feasible.
44. Develop a Low-Impact Construction Commuting Plan for all tradespersons to utilize during Project construction. The Plan shall address the home to office/shop commute and to office/shop to jobsite commute and increase carpooling and other commuting efficiencies during construction.	See Disposition of Construction Measure 21, above.

Response to Comment J-13:

In response to the comments, the DEIR has been revised to include the measures outlined in the DBESPs as DEIR mitigation measures.

Page III-3-50 to III-3-52 of the DEIR has been revised as follows:

Proposed Mitigation Measures

An Environmental Impact Report is required to describe feasible mitigation measures which could minimize significant adverse impacts (CEQA Guidelines, Section 15126.4). Mitigation measures were evaluated for their ability to eliminate the potential significant adverse impacts related to biological resources or to reduce impacts to below the level of significance.

MM Bio 1: In order to reduce potential impacts to riparian and riverine areas and least Bell’s vireo (LBV), the Project shall establish a 77.86-acre riparian corridor (average width of 233 feet) beginning downstream of State Street and extending to the downstream limits of Reach 1. As part of the 77.86-acre riparian corridor, the Project shall create 43.8 acres of riparian habitat suitable for least Bell’s vireo nesting, to offset impacts to riparian habitat due to construction and structural maintenance. The created riparian habitat shall consist of cottonwood/willow/mule fat scrub and forest habitats. The riparian habitat shall be created in two strips on either side of the overall riparian corridor, with the middle of the corridor (the low portion of the created channel)

left alone for natural recruitment. The created habitat shall include native container plants, cuttings/poles, and/or seed mix throughout the 43.8 acres. The mitigation program shall include the removal of non-native plant species, trash and debris during implementation and in perpetuity. The riparian creation/restoration area shall be monitored and maintained for a minimum of five years, with reports submitted annually, to ensure successful establishment of the habitat to the agreed upon performance standards. Groundwater monitoring wells will be used within the riparian creation/restoration area (Reach 1 and 2) as well as within existing riparian habitat to be avoided (Reach 1). The riparian creation/restoration area shall not be subject to any maintenance for flood control purposes and shall only receive maintenance consistent with a habitat conservation area, such as the removal of non-native plants, trash and debris, and replacement of native plant species as necessary to achieve performance standards. The riparian creation/restoration area shall be protected in perpetuity with a conservation easement.

MM Bio 2: In order to reduce potential impacts to riparian and riverine areas and least Bell’s vireo (LBV), the Project shall avoid 38.62 acres of existing riparian habitat within the Limited Maintenance Zones (LMZ) and be protected in perpetuity with a conservation easement. The LMZ areas will not be subject to flood control maintenance, except in emergencies as described in the Project Description. The 38.62 acres of riparian habitat within the LMZ will not be actively enhanced, i.e., it will be allowed to vegetate passively, but it will be subject to the removal of non-native vegetation.

MM Bio 3: The construction of the proposed southern levee, together with the direct removal of portions of the existing southern levee, will expand the riverine corridor by approximately 295.86 acres (Figure 6 – Expanded Riparian/Riverine Corridor), which together with the 77.86-acre riparian corridor, 38.62 acres of avoided riparian habitat (LMZ), 7.81 acres of avoided riverine areas (LMZ), and 44.83 acres of temporary impacts to riverine areas, will result in a post-project total of approximately 464.98 acres of riparian/riverine areas as compared with the 122.57 acres of riparian/riverine areas that exists in the Project footprint today.

MM Bio 4: The Project shall include general enhancement within the overall post-project boundary (Reach 1 and 2) of the San Jacinto River, in perpetuity. Enhancement activities shall include the removal of specified exotic plant species

(i.e., woody non-native species), the removal of trash and debris, and the management of non-native bird species (e.g., Brown-headed Cowbirds, European Starlings, and English Sparrows). Enhancement will also occur within Reach 3 (upstream of State Street), to be separately addressed in a long-term maintenance agreement (LTMA) between the District and CDFW.

MM Bio 5: The Project shall acquire/expand existing LAPM habitat with LTCV within the Project area by approximately 239.9 acres, and implement an adaptive management program of riverine maintenance to minimize impacts to LAPM habitat for a total of 307.94 acres. The program shall include the maintenance of one half of each reach per year, and vegetation maintenance achieved through grazing in lieu of mechanical mowing.

MM Bio 6: Acquire 4.7 acres of LAPM refugia habitat. The 4.7-acre area will be managed by the District.

MM Bio 7: Manage 33.1 acres in the District’s Potrero Debris Basin, an additional 49.0 acres associated with an existing RCA easement within Potrero, and the 4.7-acre property for LAPM LTCV/refugia habitat. Management activities for refugia for the benefit of target species should include once-a-year monitoring of vegetation cover and conditions (including native and non-native grasses and shrubs) by a qualified biologist. Maintenance should include the removal of grasses and grass mats, the deposition of sand if necessary, and/or shrub plantings, as needed to provide the appropriate vegetation cover and overall conditions required by LAPM. Dense grass cover can be reduced or essentially eliminated over a relatively short period of time with the use of gramicides (i.e. grass herbicides such as Fusilade and/or Envoy). Potrero Debris Basin is owned by the District and will be managed by the District. The 4.7-acre property will be acquired and managed by the District. Activities within Potrero Debris Basin (including the existing RCA easement) and the 4.7-acre property will be reported to the RCA annually.

MM Bio 8: The District shall manage a 75.5-acre area (the “triangle area”) located between the proposed low flow diversion structure and the western terminus of the proposed southern levee. Management within this area will be limited to grazing.

MM Bio 9: The District shall avoid 74.00 acres of LAPM habitat with LTCV within the Project’s Limited Maintenance Zone (LMZ) areas. The LMZ areas shall be protected in perpetuity with a conservation easement. During maintenance

activities, temporary fencing and/or GPS systems will be used to ensure avoidance of LMZ/Conservation Easement areas.

MM Bio 10: Sandy low slope ramps (Potrero Basin spillway and low flow diversion structure) shall be installed. The existing southern levee affected by erosion due to storm events shall be rebuilt as needed. The ramps and remnant southern levee sections will be maintained in perpetuity. Scattered vegetation will be allowed to grow on the ramps to provide cover for LAPM.

MM Bio 11: A long-term management plan (LTMP) for the in-perpetuity management for all LAPM mitigation lands, including the Potrero Debris Basin, the Driscoll property, the triangle area, and existing/expanded LAPM habitat within the Project footprint shall be developed. Management of lands within the triangle area will be limited to grazing. Management of all remaining lands will include, at a minimum, the management of non-native plant species (methodology, frequency, and disposal to be included in the LTMP); vegetation monitoring protocols (methodology and frequency of data collection to be included in LTMP); vegetation data analysis (methodology and frequency), small mammal monitoring protocols (methodology and frequency of data collection); proposed adaptive management strategies (including when adaptive management will be implemented); and the minimum qualifications of the land management entity proposed to manage the LAPM mitigation lands.

MM Bio 12: A pre-construction burrowing owl survey will be conducted prior to initiation of Project construction activities within suitable habitat of the burrowing owl. Objective 6 of the MSHCP species-specific burrowing owl objectives states that pre-construction presence/absence surveys for the burrowing owl will be conducted where suitable habitat is present. Surveys will be conducted within 30 days prior to disturbance. If burrowing owls are detected, then passive relocation (use of one-way doors and collapse of burrows) will occur outside the nesting season. Take of active nests will be avoided.

MM Bio 132: To reduce impacts associated with temporary construction activities on sensitive species and habitats, Standard Best Management Practices and Construction Guidelines, as outlined in Volume I Appendix C and Section 7.5.3 of the MSHCP, respectively, shall be implemented where technically feasible.

The following is in response to the questions raised in this comment.

1. The proposed southern levee/floodwall footprint and access road footprints will be acquired to construct the proposed facility. The approximate 374 acres of expanded river corridor, or the area between the existing southern levee and the proposed southern levee, will need to be acquired to implement the Project but will also benefit sensitive species in the Project area as it provides additional habitat for them (the Expanded River Corridor is shown in Figure I-2-11 of the DEIR). These areas are described in the MSHCP Compliance Report (contained in Appendix C of the DEIR) on page 57 and shown in Figure 19, Proposed LAPM Refugia/LTCV Habitat Post-Project. The additional areas that will be acquired as measures to mitigate for impacts to sensitive species in addition to the expanded river corridor include the Driscoll property east of Sanderson Street and south of Gilman Springs Road and the 75.5-acre triangle area located at the downstream end of the Project between the proposed southern levee and the low flow diversion structure. The City of San Jacinto and the District will negotiate in good faith to acquire the needed property for the Project, eminent domain would only be exercised if good faith negotiations fail.
2. The expanded riverine corridor, the Driscoll property, and the 75.5-acre triangle area were identified as appropriate mitigation property to be acquired for mitigating impacts to sensitive species through consultation with the USFWS, CDFW, and RCA in developing the DBESP for Riparian/Riverine Areas and LAPM. Property appraisals and offer letters will be initiated after, and if, San Jacinto City Council approves the proposed Project and certifies the EIR. As outlined above, the City of San Jacinto and the District will negotiate in good faith to acquire the needed property for the Project, eminent domain would only be exercised if good faith negotiations fail.
3. The City of San Jacinto will be responsible for purchasing the mitigation land.
4. The District will be the responsible for managing and maintaining the mitigation land, as outlined in the DEIR (page III-3-33 and 34) as well as the MSHCP compliance report and DBESPs.
5. The source of long term management funding is the District's general fund.
6. The appropriate mitigation properties for the LAPM and least Bell's vireo were identified through consultation with the USFWS, CDFW, and RCA through the determination of compliance with the Plan. Therefore, suitable mitigation properties are available in the project area. As outlined above, the City of San Jacinto and the District will negotiate in

good faith to acquire the needed property for the Project, eminent domain would only be exercised if good faith negotiations fail.

7. As permittees of the MSHCP the City and the District are required to implement the measures in the DBESP for the LAPM and Riparian/Riverine Areas to mitigate for project impacts. No additional measures are required beyond those contained in the DBESP for LAPM to mitigate impacts to LAPM and Riparian/Riverine Areas pursuant to CEQA. The DBESPs for LAPM and Riparian/Riverine Areas include a comprehensive list of measures required to address impacts to LAPM and Riparian/Riverine Areas for a Determination of Biologically Equivalent or Superior Preservation and pursuant to CEQA. Therefore, there is no improper deferral of mitigation.
8. The District will be responsible for conducting the pre-construction burrowing owl surveys.

Response to Comment J-14:

Mitigation measure **MM Geo 1** captures the most germane recommendations from the *Geotechnical Investigation Report* as articulated on page 35 under the subheading “Initial Site Preparation.” The remainder of the recommendations has been incorporated in the Project design and will be referenced in the Project’s bid documents. The *Geotechnical Investigation Report* was prepared to “explore and evaluate the geotechnical engineering/engineering geologic conditions along the project alignment and to prove appropriate geotechnical engineering and engineering geologic recommendations (emphasis added) for design and construction of the proposed levee improvements (CHJ(a), p. 1). The *Geotechnical Investigation Report* identifies that construction and operation of the Project is feasible from a geotechnical engineering/engineering geologic perspective. Because the levee has been designed and will be constructed in accordance with the U.S. Army Corps of Engineers (USACE) *Design and Construction of Levees Manual*, no further mitigation measures from the *Geotechnical Investigation Report* are required. Nonetheless, to clarify that the recommendations of the *Geotechnical Investigation Report* have been taken into consideration, the Design Considerations on page III-5-9 of the DEIR has been revised as follows:-

Design Considerations

The proposed Project will be constructed in accordance with the U.S. Army Corps of Engineers (USACE) *Design and Construction of Levees Manual* and the recommendations of the *Geotechnical Investigation Report, Proposed San Jacinto River, Stage 4, North and South Levees, San Jacinto Area, Riverside County, California*, June 30, 2008 (Appendix E of this DEIR). The proposed Project

was designed in take into consideration the effects of the settlement on the MWD pipeline per the *Geotechnical Investigation Proposed San Jacinto River, State 4 South Levee MWD Pipeline Crossings, San Jacinto Area, Riverside County, California, June 30, 2008.*

This clarification that the Project will be constructed in accordance with the recommendations of the *Geotechnical Investigation* does not constitute significant new information that would require recirculation of the DEIR.

Response to Comment J-15:

As discussed in Response to Comment J-16, the recommendation from the Southern Levee Geotechnical Investigation has already been addressed and incorporated. Nonetheless, to clarify that the recommendations of the *Geotechnical Investigation for South Levee* have been taken into consideration, the Design Considerations on page III-5-9 of the DEIR has been revised as follows:-

Design Considerations

The proposed Project will be constructed in accordance with the U.S. Army Corps of Engineers (USACE) *Design and Construction of Levees Manual* and the recommendations of the *Geotechnical Investigation Report, Proposed San Jacinto River, Stage 4, North and South Levees, San Jacinto Area, Riverside County, California, June 30, 2008* (Appendix E of this DEIR). The proposed Project was designed in take into consideration the effects of the settlement on the MWD pipeline per the *Geotechnical Investigation Proposed San Jacinto River, State 4 South Levee MWD Pipeline Crossings, San Jacinto Area, Riverside County, California, June 30, 2008.*

This clarification that the Project will be constructed in accordance with the recommendations of the *Geotechnical Investigation for South Levee* does not constitute significant new information that would require recirculation of the DEIR.

Response to Comment J-16:

The Geotechnical Investigation Report for the South Levee MWD Pipeline Crossings was prepared in 2008, prior to final design of the new southern levee and floodwall. It was determined that an earthen levee crossing over the MWD underground aqueduct pipelines could possibly damage them. Coordination with MWD staff was conducted to identify an alternative design that would not affect the pipeline and to obtain MWD approval. As outlined in the Project Description of the DEIR (Section I-2, Executive Summary, p. I-2-3), “Where the

levee would cross the MWD pipelines it was determined that the settlement caused by the weight of the levee could possibly damage the pipelines, so a 400-foot long, 12-foot high floodwall constructed on a pile foundation is needed to mitigate the settlement impact.” Therefore the recommendation in the South Levee Geotechnical Investigation has already been addressed and incorporated into final design of the Project.

Response to Comment J-17:

The following threshold question is evaluated in the DEIR on page III-9-12: would the project *Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.* The discussion under this threshold explains that noise impacts fall into two broad categories: noise impacts from a project and noise impacts to a project. The analysis concludes with regard to exceeding established noise standards, no impacts will occur to the project (emphasis added). That is, noise generated during the construction, operation, and maintenance of the proposed project will not result in an exceedance of noise standards on the project site. (DEIR, p. III-9-12)

With regard to noise impacts from the project, the DEIR explains that because the project is exempt from the noise standards in both the San Jacinto Municipal Code and Riverside County Ordinance No. 847, the project will not result in an exceedance of noise standards. However, this same paragraph states that because project construction will generate substantial noise, impacts under the threshold *Result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project* will be significant and unavoidable. (DEIR, p. III-9-2) Thus, the DEIR has disclosed project construction will result in significant and unavoidable noise impacts under the appropriate threshold. (DEIR, pp. III-9-12 – 14, III-9-20)

No environmental issues have been raised by the comment and no modification of the DEIR is required.

Response to Comment J-18:

Potential impacts related to groundborne vibration were determined to be less than significant in the Initial Study prepared for the project (DEIR Appendix A, Initial Study, pp. 45–46). However, to amplify the discussion in the Initial Study, groundborne vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. Some common sources of ground-borne vibration are trains, buses on rough roads, and heavy construction activities such as blasting, pile-driving, and extensive grading and heavy earth-moving equipment. (Federal Transit

Administration, Office of Planning and Environment, *Transit Noise and Vibration Impact Assessment*, May 2006. Available at [http://www.fta.dot.gov/documents/FTA Noise and Vibration Manual.pdf](http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf), accessed March, 17, 2015.)

Typically, ground-borne vibration generated by man-made activities attenuates rapidly with distance from the source of vibration. Man-made vibration issues are therefore, usually confined to short distances (i.e., 500 feet or less) from the source. Sensitive receptors for vibration include structures (especially older masonry structures); people (especially residents, the elderly, and the sick) and vibration sensitive equipment. The Golden Era studio may contain vibration-sensitive equipment; however, this building is approximately 1,880 feet, away from the Project’s construction footprint which places it well outside the area of potential vibrational noise impacts.

The above amplification of potential vibration impacts does not constitute significant new information that would require recirculation of the DEIR.

To amplify the discussion in the DEIR regarding the heavy duty trucks that will be hauling fill material along the length of the proposed levee, because these trucks will be in nearly continuous motion they are considered to be a line source noise generators, which means the sound is perceived as consistent. The other construction activities are considered a point source noise generator, which means this noise is perceived as coming from a specific location. According to the Federal Highway Administration Roadway Construction Noise Monitor (FHWA-HEP-05-054), the (Spec 721.560) L_{max} reference noise level for a dump truck at 50 feet is 84 dBA.

As discussed in the DEIR, sound intensity (noise) is measured on a logarithmic scale (DEIR, p. III-9-2). This means a couple of things. First, a doubling of the energy of a noise source will increase the noise level by 3 dBA (DEIR, p. III-9-2). Second, noise associated with two different sources cannot be added (or subtracted) by ordinary arithmetic means (TeNS, p. 2-11). To facilitate the combining of sound levels, or in the instance of construction noise, the sound associated with adding multiple pieces of construction equipment producing different sound levels, a table such as the following¹⁹ may be used as an approximation. (TeNS, p. 2-14)

When Two Decibel Values Differ by:	Add this Amount to the Higher Value	Example
0 or 1 dB	3 dB	70 + 69 = 73 dB

¹⁹ Caltrans, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013. Table 2-3 Decibel Addition.

When Two Decibel Values Differ by:	Add this Amount to the Higher Value	Example
2 or 3 dB	2 dB	74 + 71 = 76 dB
4 to 9 dB	1 dB	66 + 60 = 67 dB
10 dB or greater	0 dB	65 + 55 = 65 dB

As indicated in the above table, as the difference between the noise levels of the two sources being combined increases, the level of change in the combined noise level decreases. This occurs because the sound generated by the noisier source (or piece of equipment) masks the sound from the quieter source (or piece of equipment).

As shown in DEIR **Table III-9-D – Construction Equipment and Combined L_{max} by Phase**, the combined noise levels for each of the three construction phases is 97 dBA, 95 dBA, and 100 dBA, respectively. Because the combined noise levels from the construction equipment for each phase is greater than 10dBA higher than the noise from a dump truck, the noise from the other pieces of construction equipment will mask the noise from the trucks and no increase in noise will be perceived. (TeNS, p. 2-14). Thus, construction noise has been adequately disclosed in the DEIR.

The above amplification of construction noise impacts does not constitute significant new information that would require recirculation of the DEIR.

Response to Comment J-19:

See Response to Comment J-18 for the explanation of why the noise from the heavy duty trucks will not contribute to the noise generated during Project construction.

Response to Comment J-20:

The sensitive receptors on the Campus are noted. See Response to Comment J-21 for a discussion of noise impacts at three Campus locations.

Response to Comment J-21:

The DEIR quantified noise for sensitive receptors closest to the Project site. Because noise levels decrease as the distance between the receptor and the noise source increase, noise at the campus would be no greater than what is presented in DEIR **Table III-9-E – Construction Equipment and Predicted Noise Levels** for Receptors No. 2 and 5. To amplify the discussion in the DEIR, there are two residences at the eastern end of the Project west of the Clubhouse that are part of the Campus. These residences are approximately 470 feet north of the Project Site.

One of the residential clusters in the middle of the Campus is approximately 1,310 feet north of the Project Site and studio is approximately 1,880 feet north of Project construction. Applying the distance attenuation formula to the total noise for each phase of construction shown in **Table III-9-D – Construction Equipment and Combined L_{max} by Phase**, yields the following noise levels.

Receptor	Distance from Construction Area (Feet)	Combined L_{eq} (in dBA) per Construction Phase ^b		
		Months 1 – 8	Months 9 – 12	Months 13 – 15
Residences west of the Clubhouse	470	73	71	76
Residential Cluster in the Middle of the Campus	1,310	62	60	65
Studio	1,880	58	56	61

The above amplification of construction noise impacts does not constitute significant new information that would require recirculation of the DEIR.

Response to Comment J-22:

As outlined in the response to comment J-8 above, the commenter incorrectly identifies 800,000 cubic yards of export. As outlined in the Project Description of the DEIR (Section I-2 – Executive Summary, page I-2-5) “The borrow area is located within the expanded riverine corridor. The top 2-3 feet of soil in the borrow area will be removed, approximately 800,000 cubic yards, and used to construct the new southern levee.” The 800,000 cubic yards of soil that is to be removed from the borrow area will be moved along the southern levee alignment, which will serve as the haul route, to the location along the southern levee where it will be deposited in order to form the earthen levee structure. As the borrow site, the construction easement haul route, and the deposit site (the southern levee) are all located within the Project boundary the Project does not involve export.

The DEIR Section III-11 – Transportation/Traffic outlines the haul routes that will be utilized as well as the anticipated truck trips necessary to transport the material as shown on Figure III-11-1, Construction Haul Route, and described on page III-11-2:

The haul route used for construction equipment and the transport of soils from the borrow area and other materials needed to construct the new southern levee will follow the proposed southern levee alignment and will be contained within the construction easement and temporary access/staging areas. Materials and equipment needed for the northern levee/floodwall enhancements will follow the existing northern levee as well as existing access/maintenance roads to the existing northern levee from the local roadway network (see **Figure III-11-1, Construction Haul Route**). The primary haul route will follow the southern levee alignment and pass under Sanderson Avenue and State Street bridges. Existing vegetation and sediment within the proposed southern levee footprint will need to be removed in order to construct the proposed levee and abutments to the existing Sanderson Avenue and State Street bridges. The construction haul route for the northern levee enhancements includes the existing northern levee and maintenance road with access directly from Sanderson Avenue utilizing a turn out from the southbound side and from Gilman Springs Road via an existing District easement and access road through Potrero Creek debris basin and the existing driveway and parking lot of the former Sleepy Hollow mobile home park. The construction equipment and duration of construction required for the northern levee enhancements is not as extensive as that required to construct the new southern levee. Access to the haul routes will be provided by the existing local roadway network including Ramona Expressway, Sanderson Avenue, Gilman Springs Road, State Street, and Main Street/Lake Park Drive.

Anticipated truck trips for moving sediment from the expanded riverine corridor and other materials needed for construction of the levee, floodwalls, and northern levee enhancements will require a total of approximately 400 individual truck trips (200 round trip) in the first 8 months of construction. The truck trips with fill material for the new levee are anticipated to originate from the expanded riverine corridor/borrow area, follow the southern levee alignment and terminate in the levee alignment within the respective Reach of the Project area. Truck trips used to deliver the non-earthen materials (i.e. gabion and concrete) to the Project site are anticipated to utilize the local road network.

Traffic control plans are typically warranted when there will be temporary lane closures, detour routes, or a substantial amount of construction equipment that would be crossing traffic lands. As outlined in the DEIR under Design Considerations, page III-11-4,

The construction haul route was designed to follow the proposed southern levee alignment and to pass under the existing Sanderson Avenue and State Street bridges to avoid/minimize construction-related traffic impacts to Sanderson Avenue/State Route 79 and State Street. By utilizing the haul route under Sanderson Avenue the need to access the Project site directly off of Sanderson

Avenue is limited to access for the northern levee enhancement west of Sanderson Avenue exiting from and entering back onto the southbound side of Sanderson Avenue from an existing paved turnout and dirt access road. By utilizing the haul route under State Street the need for trips hauling earthen material from the borrow area to Reach 3 the need to cross over State Street and disrupt north/south bound traffic is eliminated.

Therefore, as the daily construction equipment trips, including the movement of approximately 800,000 cubic yards of earthen material within the Project boundary will travel under the Sanderson Avenue and State Street bridges and will not need to cross traffic at these locations, a traffic control plan is not required to ensure potential traffic impacts are reduced to less than significant levels; this is being accomplished through the design of the temporary construction haul routes. Also, as the Project will not require permanent or temporary lane closures or detours traffic control plans are not required in other areas within the existing local roadway network. Therefore, as the construction haul route was designed to avoid crossing of Sanderson Avenue and State Street and the Project does not include export of 800,000 cubic yards of material with associated trips on the existing local roadway network (as incorrectly understood by the commenter), the analysis contained in the DEIR is not deficient. Further, Caltrans reviewed the DEIR and in their comment letter they indicate “After further review of the Draft Environmental Impact Report, page IV 14 Section Transportation/Traffic. We are in agreement with the conclusion...”

Response to Comment J-23:

The construction haul route was developed by licensed civil engineers at Webb Associates who were involved in the design of the project and with extensive knowledge of the proposed Project, the existing local roadway network and the construction methods that will be used for this Project. The construction haul route does include access from all existing roadways in the area and existing turn outs or driveways from those. The haul route does include alternate routes and access points, for example access to the Reach 3 portion of the project area can be obtained from the District’s existing levee maintenance road off of Lake Park Drive or from an existing dirt road/ residential driveway of State Street. Another example of alternate access options is the northern levee in Reach 2 is accessible through the existing driveway entrance to the former Sleepy Hollow Mobile Home Park as well as the existing District access road through Potrero Creek debris basin from Gilman Springs Road. A traffic engineer is not required to identify the construction haul route and alternatives as the Project does not include the design and improvement or alteration of existing roads such that geometry issues, steep grades, narrow widths and peak and standard congestion issues need to be considered. The licensed

civil engineers involved in the design of the Project who also have an extensive understanding of the existing local roadway network and Project are more than qualified to develop a thoroughly considered haul route and access alternatives.

Response to Comment J-24:

As outlined above in Response to Comment J-23, the construction haul route was developed by licensed civil engineers at Webb Associates who were involved in the design of the project and with extensive knowledge of the proposed Project, the existing local roadway network and the construction methods that will be used for this Project.

As outlined in Response to Comment J-22, the Project does not require export for 800,000 cubic yards of earthen material, as assumed throughout this letter. The truck trips associated with moving the approximately 800,000 cubic yards of earthen material will be confined within the Project boundary and will not utilize local roadways on a daily basis. Therefore, these trips do not need to be analyzed for average daily traffic. Further, Caltrans reviewed the DEIR and in their comment letter they indicate “After further review of the Draft Environmental Impact Report, page IV 14 Section Transportation/Traffic. We are in agreement with the conclusion...”

Response to Comment J-25:

As outlined in response to J-23 above, the construction haul route was developed by licensed civil engineers at Webb Associates who were involved in the design of the project and with extensive knowledge of the proposed Project, the existing local roadway network and the construction methods that will be used for this Project. The type and number of construction used in the three phases of construction were also developed by the same highly qualified engineers.

The DEIR does in fact include a detailed summary of the type and number of the types of equipment for the three phases of construction. The noise and air quality analysis was based on this information. As outlined in the DEIR, Section III-9-Noise, page III-9-13 to -14:

Project construction is anticipated to commence in 2016, take 15 months to complete, and occur in three non-overlapping periods (or phases) as follows:

Months 1 through 8: The first eight months of construction will be used for excavating the borrow area and hauling and distributing that soil throughout the length of the levee alignments. Approximately 800,000 cubic yards of dirt will be excavated from the borrow area.

Months 9 through 12: Once the soil has been deposited and compacted it will take approximately four months for the cement mixers to construct the protective armoring which

prevents levee washout and failure in extreme storm events. This protective armoring consists of a concrete lining that will line the river side of the levee and will extend below the existing ground. The access roads will be graded, but not paved.

Months 13 through 15: The last three months of construction, after the concrete has been laid, 10,000 cubic yards of base material will be delivered and construction completed along the entire levee alignment.

Construction will entail the use of rubber tired loaders, rollers, scrapers, water trucks, rubber tired dozers, cement mixers, and semi-trucks in different combinations for each phase as shown in **Table III-9-D, Construction Equipment and Combined L_{max} by Phase**. No impact devices are expected to be used during Project construction.

Table III-9-D, Construction Equipment and Combined L_{max} by Phase

Equipment	Months 1–8		Months 9–12		Months 13–15	
	Pieces Used	Combined L _{max} at 50 Feet ^a	Pieces Used	Combined L _{max} at 50 Feet ^a	Pieces Used	Combined L _{max} at 50 Feet ^a
Loader	5	86.0dBA	0	NA	0	NA
Roller	3	84.8dBA	0	NA	0	NA
Scraper	5	91.0dBA	0	NA	0	NA
Water Truck	3	78.8dBA	3	78.8 dBA	3	78.8dBA
Dozer	6	89.8dBA	0	NA	0	NA
Concrete Mixer	0	NA	40	95.0dBA	0	NA
Semi-Truck Delivery	0	NA	0	NA	40	100
Total^b	22	97 dBA	43	95 dBA	43	100 dBA

Notes:

^a Combined L_{max} calculated using the equation $SPL_{Total} = SPL_1 + 10 \log_{10}(N)$, where SPL₁ is the Actual L_{max} for a single piece of equipment (per the RCNM) and N equals the number of pieces of equipment. The worksheet is included in Attachment B of Appendix F.

^b Total L_{max} was approximated by combining the sound pressure levels (dBAs) per the methodology set forth on page 2-14 of the *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013, published by California Department of Transportation. (Available at http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf, accessed October 1, 2014).

The same summary of construction equipment type and number is also outlined in the Air Quality Impact Analysis Report (page 47) contained in Appendix B of the DEIR. Thus, the DEIR contains detailed information about the anticipated equipment needed for each of the three phases of construction.

The anticipated truck trips for moving the approximately 800,000 cubic yard of borrow material is based on a simple calculation of the total amount of material divided by the approximate total capacity of one truck, or about 2,000 cubic yards ($800,000 / 2,000 = 400$). As outlined in the DEIR and in the table above, these trips are concentrated in the first phase of construction, during months 1-8. However, these trips are contained along the haul route along the proposed southern levee alignment within the Project boundary and will not utilize the local roadway network.

Construction trips to and from the site that would utilize the local roadway network include bringing the construction equipment listed above in phase 1, months 1-8, to the site at the start of construction and from the site once this phase is complete. Within the 8 month period this equipment would largely remain on site at designated staging areas; those leaving the site during this phase would only be anticipated for necessary repairs and /or replacement of equipment. For phase 2, months 9-12, approximately 40 concrete mixing trucks are anticipated to come to the site and leave the site daily. For phase 3, months 12-14, approximately 40 semi-truck deliveries are anticipated daily. Generally construction shifts start and ending earlier than business hours and therefore the construction trips generally occur prior to the morning and evening rush hour commutes and do not create additional trips on the local roadway network during these peak hour times.

The DEIR in fact does include detailed information about the construction equipment used during each of the phases of construction and outlines how the construction haul route for moving the 800,000 cubic yards of earthen material was designed to specifically avoid use of local roadways and crossings at Sanderson Avenue and State Street. In addition, the construction trips to and from the site, to bring construction equipment as well as construction workers will not coincide with peak hour traffic on the local roadway network.

Response to Comment J-26:

As outlined above in Response to Comment J-8 the commenter incorrectly identifies 800,000 cubic yards of export. The DEIR includes detailed information about the construction equipment used during each of the phases of construction and outlines how the construction haul route for moving the 800,000 cubic yards of earthen material was designed to specifically avoid use of local roadways and crossings at Sanderson Avenue and State Street. The analysis contained in the DEIR for noise (Section III-9) and air quality and greenhouse gas emissions (Section III-2) were based on this same construction equipment and trip information used to support the traffic analysis and conclusions in Section III-11 – Transportation/Traffic.

As outlined in the traffic analysis in the DEIR the Project will not result in traffic related impacts such that mitigation measures are warranted. The access points to the various reaches of the project can be accomplished by standard traffic movements; no lane closures, detours, or temporary controlled stops along roadways are necessary that would warrant flaggers. In addition, the peak of construction related trips coming to and leaving the site will not coincide with morning and evening peak hour traffic, further alleviating the need for flaggers. Although signage, if provided, along roadways within the Project vicinity warning motorists of construction work may reduce the potential risk of an accident, this measure would not have any effect on the Project's potential to cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system or exceed a level of service standard established by the county congestion management agency for designated roads or highways which are the CEQA thresholds evaluated in the DEIR. As peak of construction related trips coming to and leaving the site will not coincide with morning and evening peak hour traffic, due to the typical construction work day hours, inclusion of a mitigation measure that limits truck trips to the extent feasible and possible during peak morning and evening commute times would not further reduce potential impacts.

Response to Comment J-27:

As outlined above in the Response to comment J-5, there is no need for additional evaluations or studies. With regard to recirculation of the DEIR, Section 15088.5 of the State CEQA Guidelines sets forth the circumstances that warrant recirculation of a DEIR prior to certification. According to Section 15088.5(a), recirculation of an EIR is required when "significant new information is added to the EIR after public notice is given...but before certification." Examples of significant new information are:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (State CEQA Guidelines Section 15088.5(a))

Recirculation is not required when where new information added to an EIR clarifies, amplifies, or makes insignificant modifications to an adequate EIR. ((State CEQA Guidelines Section 15088.5(b))

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Comment Letter K – Sierra Club



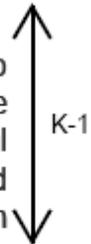
MORENO VALLEY GROUP

PO BOX 1325, Moreno Valley, CA 92556-1325
(951) 653-2068

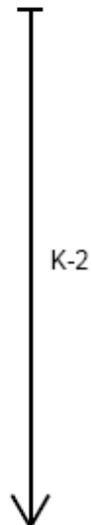
Regional Group of the San Geronio Chapter serving Moreno Valley

Dear Ms Hooker,
RE: San Jacinto River Levee, Stage 4 and River Expansion
Project Draft EIR comments (February 15, 2014)

The Sierra Club appreciated that you gave additional time to make comments, because you sent the documents to the wrong address. Since today is Sunday and Monday is a National holiday, I may send more comments on Tuesday the 17th and be within the extended time you granted to the Sierra Club on this project.



The DEIR did not fully explain how widening the river will affect downriver habitat, especially Mystic Lake or how the Desiltation Basin affect Mystic Lake. How will it cause it to increase in size? Will it become deeper? The DEIR doesn't fully address all habitats and species that will be impacted at this site and also at downstream locations. Based on the August 14, 2007, letter you received from Dr. McKibben concerning the original Levee NOP, reducing sediment reaching Mystic Lake will increase its size significantly. This, in turn, will impact the environment adjacent to it as well as lands and aquatic life downriver. The Final EIR must thoroughly discuss this, or it will be inadequate. Your model does not appear to take into all flood levels – such as the 250 and 500 year flood events --



and therefore is inadequate. The Final EIR still needs to explain Dr McKibben's findings on Mystic Lake continuing to move towards the City of San Jacinto and how this project will impact that natural event and visa vera.

↑
K-2
CONT.

Maps in the Final EIR need to show what would happen upstream, downstream, and on adjacent lands in a 500-year flood event with and without the proposed levee. (The New Orleans levees were built to withstand a 250-year flood event.) The Final EIR must show what would happen upstream, downstream and on adjacent lands during a 250-year event with and without the proposed levee. The DEIR is only showing 100-year events and as shown in the attached ASFPM 2-13-2007 paper you are putting the health, safety, and welfare of many people at risk. The decision makers need to have this information before them prior to any vote or the documents you provide will be inadequate.

↑
K-3

The places downriver that rely on sediment were not explained in the DEIR and as well as how will this levee project during its lifetime affect those places. The Draft EIR model doesn't address during the lifetime of the project.

↑
K-4

The Final EIR must include effects of a Hemet Dam inundation upstream, downstream and on adjacent lands with the proposed levee and also a levee built to withstand a 500-year event or you have not protected the health safety and welfare or future and current workers and landowners.

↑
K-5

What threatened/endangered species could be harmed by the increased flow and scouring caused by the proposed levee, upstream, downstream and on adjacent lands? This must include plant species that rely on the gentle spreading of seasonal flooding such as but not limited to the spreading navarretia. The Final EIR must show how this will be prevented and fully mitigated. Based on the article following my name it appears that buying suitable lands may be one way to partially mitigate the projects impacts.

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K-6

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What are the cumulative impacts of the proposed levee upstream, adjacent and downstream floodplains during a 100-year event compared to the same without the levee? This needs to be more fully shown in the Final EIR

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K-7

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The Final EIR must explain how the San Jacinto River Levee project responds to all of the quotes below that come from the Association of State Floodplain Managers (ASFPM) 2-13-2007 adopted white paper (attached) or it will be inadequate:

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K-8

]

“Levees are inappropriate as a means of protecting undeveloped land for proposed development.” (p.1)

The Final EIR needs to explain how the levees will be built to withstand several days (not just 24 hours) of overtopping, or will there be a designed spillway to control overtopping or it will be inadequate. “Levees should not be constructed in the floodway.” (p.5)

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K-9

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ASFPM believes it is important “to adopt a policy that 500-year level of protection for levee design is the minimal standard.” (p.5) The Final EIR needs to explain why this wasn't done.

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“The proposed levee will also remove approximately 2,000 acres of existing active agricultural lands and dairy operations from mapped 100-year floodplain. These areas would be protected from the 100-year event and therefore, may be more easily developed in accordance with the land uses specified in the adopted general plans. Future development may include residential, industrial, and commercial uses.” All of these uses would put lives at risk in a 250- or 500-year flood event. The Final EIR must show the direct, indirect, cumulative and growth-inducing impacts of this project and how it will threaten the safety of all who will use these lands in the future.

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"Implementation of the proposed Project will convert approximately 40.5 acres of Prime Farmland, 258 acres of Farmland of Statewide Importance, and 8 acres of Unique Farmland to non-agricultural use. These areas of Farmland will be converted to flood control facilities and newly expanded San Jacinto River corridor. The conversion of Farmland to non-agricultural use from Project implementation is significant. Although mitigation strategies were considered, none were determined feasible to reduce or completely avoid the loss of

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Farmland from the proposed Project. Implementation of the proposed Project will result in significant environmental impacts from the conversion of Farmland to non-agricultural use." Page IV-1 from DEIR

"Based on current FMMP maps the recovered floodplain includes approximately 21 acres of prime farmland, 465 acres of farmland of statewide importance, and 79 acres of unique farmland. None of the Farmland in the recovered floodplain area is designated for agriculture under the City's General Plan and only a very small area at the downstream extent of the Project is designated for agriculture under the Riverside County General Plan. Therefore, Project implementation in combination with future development projects within the recovered floodplain in accordance with the City's General Plan and Riverside County General Plan, could result in the conversion of up to approximately 565 acres of Farmland to non-agricultural uses. **The Project's contribution to the cumulative impact is significant. Adoption of CEQA findings and a Statement of Overriding Considerations would be required prior to Project approval.**" page IV-2

The above two paragraphs show you are planning to do nothing to mitigate a large loss of important Agricultural lands. "it is appropriate to mitigate at a 1:1 ratio for loss of prime agriculture land through the acquisition of an offsite agriculture easement if such a program is established by a county or regional government entity." (Building Industry Association of



K-12
CONT.

Central California v. County of Stanislaus certified in 11-29-2010) Besides the 21 acres of Prime farmland you need to mitigate the loss of the 465 acres of farmland of statewide importance.

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K-12
CONT.

I shared the above two paragraphs from the DEIR with the District Manager of the San Jacinto Basin Resource Conservation District (SJBRCDC), Brett Mills (Bmills.SJBRCDC@verizon.net). He replied at follows: "This is concerning, even if there can not "completely" be a way to avoid and/or reduce all impacts the 565 acres would have doesn't mean that they should be doing nothing. It would seem to me that there would need to some mitigation or preservation required (AG easement) to ensure the major impacts to one of the last local AG areas is not detrimental to our area going into the future. There are many native species that utilize those farmlands as habitat such as native birds and raptors to name a couple. SJBRCDC would like to find ways that they can help reduce impacts and help them mitigate if possible for this proposed endeavor." The SJBRCDC is a "regional government entity" that is able to acquire "offsite agricultural easements" as specified in the above court case which means the Final EIR needs to explain the mitigation plan for the more than 500 acres of important agricultural lands this project will ultimately destroy. The SJBRCDC is also a CDFW approved entity for restoring, conserving, preserving and enhancing habitat throughout the valley. The Final EIR needs to show how the SJBRCDC will be used to mitigate for the loss of so much important agricultural lands and maybe at the same time mitigate for loss habitat or it will be inadequate. In light of the above the Sierra Club believes the Statement of Overriding Considerations is not appropriate for the loss of Farmlands.

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K-13

The Sierra Club strongly believes that in light of the ASFPM adopted white paper, you will be subjecting those who eventually live/shop and/or work on the 2,000 acres at risk of loss of property and even their lives. This must be thoroughly discussed in the Final EIR or else it will be inadequate. Since the County and City already allow development on lands naturally out of 100-year flood events, you must analyze this issue now and not wait for proposed projects within any of the 2,000 acres.

K-14

This levee needs to “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.)” (p.7) The plan needs to “be updated at least every five years, including any changes in flood flows based on increased watershed development.” (p. 7) This plan needs to be made available to the public prior to approval of any environmental documents and should be made available as part of the Final EIR. Where is the plan to do an update every five years as recommend in the ASFPM 2-13-2007 white paper?

K-15

“Catastrophic consequences of levee failure or overtopping should be included in levee planning, designs, regulatory and insurance consideration.” (p. 8) I do not read a thorough analysis on overtopping and it needs to be in the Final EIR.

“Emergency action plans (EAP) 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.” (p.9) Again this needs to be done in the Final EIR so the decision makers believe they are protecting the health, safety and welfare of many people.

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K-15
CONT.

Communication with all property owners and residents should happen on a regular basis to notify them of potential danger they face from levee failure or overtopping. This can be done through water and tax bills, as well as signs placed on all lands at risk. These notices should indicate possible maximum depth of flooding.

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K-16

As you can read in the he FEIR must show the maximum depths of flooding during a 250-year and a 500-year flood event, as well as inundation from Hemet Dam.

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K-17

Your planned use of herbicides like Roundup or glyphosate and/or Diquat needs to be thoroughly analyzed from different points of view because some experts have very strong concerns about the effect of these products on the environment. How will these herbicides drift/escape outside of the project area, and what will be their cumulative effect on all living organisms?

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The Draft EIR fails to study the area outside of the lands directly affected by the project. It also needs to show lands

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and MSHCP cells, which are indirectly and cumulatively affected in regular rainy seasons and 100- and 500-year flooding events. The Final EIR needs to have a thorough analysis of all potentially affected areas or it will be inadequate.

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K-19
CONT.

A reader of the DEIR should be able to easily understand where all riparian habitat exists within the project as well as upstream and downriver from the levee project. We should also be able to know the age and type of vegetation. We then need to know what areas will be impacted directly and indirectly and cumulatively by the project during the life of the levee. You need to provide an easily read figure that shows the damaged areas and which ones will be purposely kept free of a vigorous riparian habitat through your efforts. The Final EIR must show “vegetation must be maintained within the river channel” and what “vegetation that may pose a fire hazard to structures must also be maintained”. Show all on a figure. Your use of “maintained” appears to mean to significantly cut back or remove and the Final EIR must show how this will impact the biological resources that rely on this vegetation. The Final EIR needs to fill in the gaps left from the DEIR in answering the above or it will be inadequate.

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K-20

When (month and time of day) were surveys done for the S. B. Kangaroo Rat, L. A. pocket mouse, and burrowing owl, as well as all other threatened/endangered and MSHCP protected

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K-21

species that are directly, indirectly, and/or cumulatively impacted by the project during its lifetime? Please explain this for each species.

“If necessary, pesticides and rodenticides will be utilized.” This quote comes from the IS and their impacts on threatened/endangered species were not thoroughly analyzed in the DEIR and therefor needs to be in the Final EIR or the document will not be adequate for the public and decision makers.

Will you trench for faults? This area almost demands that you do so for the health, safety and welfare of the people -- especially those expected to occupy the 2,000 acres of what is now agricultural lands. Lake Perris Dam has to spend hundreds of millions of dollars for repairs because of seepage and subsidence. You should expect such possibilities with the levee as well as flood events that last more than 24 hours. Full analysis of liquefaction during the life of the levee needs to be provided.

What 100-year flood map are you relying on -- FEMA or Webb's -- and why? Please answer the same question for the 250- and 500-year flood maps in the Final EIR. If the FEMA maps were not the most recent, then this needs to be explained and fixed in the Final EIR or the information presented is flawed. The Final EIR needs to explain why Webb's flood maps were used in any analyzes of this project

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K-21
CONT.

K-22

K-23

The DEIR failed to show impacts this levee will have on the flood patterns and lands on the north side of the river? This needs to include lands upriver, downriver, and directly across from the levee project. This needs to be shown in the Final EIR.

K-24

You must realize you are building this flood control on less money than is needed, or else you would replace the State Street bridge with the recommended wider and higher one instead of trying to “fix” the problem. You acknowledge in that “the existing bridge opening does not have capacity for flows from a 100-year storm. Additionally, the approach from the south is constructed at an elevation that is subject to flooding.” While you plan to “maximize flows”, you do not say it will handle a 100-year storm, but only “various levels of storm events”. The Final EIR needs to show how you will redo your efforts to “maximize flows” at least every year. The Final EIR needs to show how your efforts to “maximize flows” restrict sediment downstream and what impacts will that have. The Final EIR needs to show what flood event will it handle four months after you “maximize flows”. Your plan to have someone hopefully remember to have this fix done on a regular basis will also impact the LAPM, which the DEIR discounts. This is not acceptable. The Final EIR needs to show how improvements/replacement to the State Street Bridge to allow it to withstand a 100 year, 250 year and 500 year flood event would make this a better project. Without such improvements/replacement this project is seriously flawed.

K-25

The impacts caused by a lining on the river slope side will have on threatened an endangered species needs to be fully explained in the Final EIR. The DEIR didn't explain the pros and

K-26

cons for each type of armor: concrete, rip-rap, gabion, or any other possibility being considered. The Sierra Club is very interested in the one that will work best with the environment and have the least impact. We will look forward to the answer in the Final EIR.

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K-26
CONT

The Sierra Club believes this tall, wide and long levee will have an impact on the aesthetics of the area. If nothing else, it will become a new blank canvas for tagging and graffiti. As you mention Gilman Springs Road and the Ramona Expressway are future scenic roads, and the County expects you to treat them both as if they are already. I hope the City does likewise. We expect this to be analyzed more thoroughly analyzed in the FEIR and not dismissed as it is in some of your documents. Some of us walk along the riverbed and this levee all by itself will be a significant blight on the experience, but especially with graffiti and tagging. The Final EIR needs to explain what ongoing efforts will be taken to remove such blight.

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K-27

Full direct/indirect cumulative and growth educing biological impacts that will result from converting up to 2,000 acres of existing agricultural lands into urban uses as envisioned in the DEIR need to be more fully explained in the Final EIR. For example, what impacts will it have on over 20 species of raptors that are found in the San Jacinto Valley? The Final EIR will need to show how it will make up for the loss of agricultural lands, especially prime and lands of state/local importance The City of San Jacinto needs to develop an agricultural conservation bank to protect some of your history and local food sources. The Final EIR needs to show all the multi-use trails in this project for horses, bikes and people.

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K-28

The Final EIR needs to show how this project will impact the Soboba Tribe and their history in the valley.

K-29

We need to know who will “substantially grade and repair the proposed facility”. Please notify the Sierra Club when you engage in these activities.

K-30

“Levees by their very nature adversely affect properties that are upstream, downstream, adjacent to, or across the waterway. Levees transfer floodwaters onto other property, interfere with the natural attenuation of flows, cause backwaters, generally increase depth and velocity of floodwaters, 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.

K-31

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 hydrological sensitive area. In some cases the transfer of these impacts is acknowledged and mitigated but frequently the impacts are ignored.

K-32

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 levee 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 impact can be significant, adversely affecting many communities and properties.” (p. 9 and 10) This three paragraph quote comes from the ASFPM 2-13-2007 adapted white paper which is in a separate attached document and wasn't fully addresses in the DEIR and therefore needs to be in the FEIR or it will be inadequate.

K-33

The DEIR failed to have a figure that shows the entire 1975 Flood Control Master Plan for the lower San Jacinto River Basin prepared by the District. This figure and the DEIR needed to show how this levee plan does and does not meet the 1975 Flood Control Master Plan. The figure needs to show what aspects of the 1975 Flood Control Master Plan have and have not been completed. We will expect this in the Final EIR.

K-34

The Sierra Club wants to know who has the resources to have ongoing “proper” inspection and the necessary money to maintain the levee and the State Street bridge. You should determine the money needed and not just hand it over to Flood Control. They may have years with shortfalls of money. How will you make up the necessary funds during their lean years?

K-35

“Non-Federal levee owners must be required to demonstrate long-term financial and technical ability to carry out operations 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.” (p.7) This again comes from the white paper which was suppose to be printed as part of the DEIR. The Sierra Club again makes the request that it be part of the Final EIR in order for the public and decision makers have the knowledge it contains. This information needs to be available in the Final EIR.

K-36

Since the City of San Jacinto’s main responsibility is to protect the health, safety and welfare of its residents, how will you make sure the above happens?

K-37

The U.S. Army Corp of Engineers needs to conduct a NEPA review. The NEPA review is necessary to understand the risks associated with developing on the site, considering that it may be underlain by a fault with high liquefaction potential and subsidence. The Corps of Engineers should address the cumulative impacts of proposed urban development and the project’s impact on aquatic resources/ environment.

K-38

How is this project fitting into the goals of the Army Corps SAMP for the San Jacinto River? The Final EIR needs to compare the SAMP with this project.

K-39

The Sierra Club looks forward to the Final EIR addressing all of our questions and concerns. The documents I mentioned are ones you have or were sent in as separate attachments along with this letter. I previously mailed you a hard copy of them, which I expected to be printed out in the DEIR along with my letter. Now we expect this letter along with all other attachments to be printed in the Final EIR so the public and decision makers who read it will be able to understand my comments. Without such you are denying the public and decision makers of important information to make an informed decision.

K-40

This project has other “required permits and approvals”, and the Sierra Club expected to be notified when these agencies are holding public meetings or hearings concerning this project, as well as to be sent any related documents in a timely manner.

K-41

The Sierra Club also wants to be notified of all your hearings and meetings and to be sent all documents related to this project. Please send them to the address below the signature.

K-42

Sincerely,

George Hague

Conservation Chair

Moreno Valley Group

26711 Ironwood Avenue

Moreno Valley, CA 2555

Attachment 1 to Comment Letter K

SAN JACINTO: Study proposed for elevated road/levee combination

10:00 PM PDT on Sunday, September 4, 2011

BY GAIL WESSON STAFF WRITER gwesson@pe.com

San Jacinto's city engineer is asking the City Council to spend up to \$30,000 for a study looking at an elevated road that would double as a levee as an alternative to a traditional levee to protect the city's Gateway area from the San Jacinto River.

The escalating cost of the traditional levee and the lack of agreement with environmental agencies over how to mitigate the project's impact on protected animals and plants led to the idea of an alternative, City Engineer Habib Motlagh said by phone.

"We're not getting clear direction from environmental agencies," Motlagh said. "We're going to work on a parallel track. We're not putting anything on hold."

The city is open to buying land for conservation to offset loss of habitat from the project, but Motlagh said agencies have not committed to solutions yet.

The council's levee committee, made up of Councilmen Mark Bartel and Steve Di Memmo, met with engineers and city officials twice this summer and recommends the feasibility study to the council. The council meets at 7 p.m. Tuesday at the community center.

The proposal would turn Record Road, a future planned city street between [State Street](#) and Sanderson Avenue just south of the river, into an elevated road that would double as flood protection for the northwest side of the city.

"The subcommittee asked that a letter go out to potential partners," including the [Riverside](#) County Flood Control District, to see if they are willing to help share the study cost, Di Memmo said by phone.

A preliminary review showed the elevated road could reduce the project cost from \$50 million, including land acquisition, down to \$20 million or \$25 million, Motlagh wrote in a staff report.

Engineers propose a phased construction of the elevated road, with a first segment between Sanderson and State, and two later phases a short distance upstream and downstream.

County flood control has committed \$12 million for the traditional levee. While agency officials have said it would satisfy federal requirements for flood protection, they have not committed to participation in the alternative, the report said.

Species of concern to environmental agencies include the [San Bernardino](#) kangaroo rat and the Los Angeles pocket mouse.

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 geo-reference 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 levee 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.

Comments on this paper can be sent to asfpm@floods.org

Attachment 3 of Comment Letter K

Felicia Griego, Assistant Environmental Analyst
Albert A Webb Associates
3788 McCray Street
Riverside, CA 92506

August 14, 2007

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.
23296 Sonnet Drive
Moreno Valley, CA 92557

mamckibben@roadrunner.com

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)

Response to Comment Letter K– Sierra Club

George Hague, Conservation Chair
Sierra Club
Moreno Valley Group
26711 Ironwood Avenue
Moreno Valley, CA 92555

Response to Comment K-1:

Comment noted. No additional comments or comment letter were received from Mr. Hague.

Response to Comment K-2:

The DEIR did address potential impacts from widening the river. As outlined in Section III-7, Hydrology and Water Quality (page III-7-14):

While the Project will not directly alter the course, or direction, of the San Jacinto River, implementation of the proposed Project will result in a reduction of flooding on site as the Project will recover approximately 1,955 acres of the existing floodplain in the Project area (Refer to Figure III-7-2, Existing and Proposed 100-year Floodplain). The proposed Project will reduce the existing 100-year floodplain width.

The Project is designed to mimic the existing flows of the San Jacinto River at the downstream limit of the Project. Included in the design of the proposed Project, the flows leaving the Project area do not result in a substantial change from the existing 100-year width, depth, peak flow rate, and velocity. As such, the Project will not substantially increase the rate or amount of surface runoff that would result in flooding off site/ downstream. As the Project will not result in modified hydrology downstream it will not indirectly impact habitats and species downstream. As outlined in Section III-3, Biological Resources of the DEIR (page III-3-1 through III-3-49) a comprehensive analysis of impacts to all sensitive habitats and species within the project area was prepared.

In response to Dr. McKibben’s comment on the NOP that reducing sediment reaching Mystic Lake will increase its size significantly, the DEIR does include a detailed sediment transport analysis which indicates that the Project will not affect the amount of sediment reaching Mystic Lake. As outlined in the DEIR, Section III-7, Hydrology and Water Quality, page III-7-3,

Based on modeling results for the existing and post project conditions only minor, 0.1 feet changes in bed elevation, or aggradation, are expected between the two

conditions. This is the expected result since the proposed levee width increases at the downstream end of the Project from the design width to the existing floodplain width. Since no major change in bed change is expected between the existing and proposed conditions downstream of the Project, and since the Project does not divert from or confluence flows to the river only local sediment transport changes are expected as a result of the proposed Project. Therefore, sediment exchange between San Jacinto River and Mystic Lake can be expected to continue without alteration following implementation of the proposed Project (Pace, 2011). The flows leaving the Project area (downstream of Sanderson) are designed to mimic the existing 100-year width, depth, peak flow rate, and velocity. Therefore, the Project will not result in a change in the velocity of storm water leaving the Project boundary from existing conditions such that a change in the amount of erosion or siltation off site would result.

Therefore, implementation of the Project will not result in a reduction or increase in the level of sediment that is conveyed from the project area downstream to Mystic Lake. As the Project will not reduce the sediment reaching Mystic Lake it will not contribute to its increase in size as claimed in this comment and a resulting move toward the City of San Jacinto. The Project will not affect, either positively or negatively, this “natural event.” Further, Dr. McKibben’s comment on the NOP refers to the U. S. Geological Survey (USGS) Geologic Map of the San Bernardino and Santa Ana 30’ x 60’ Quadrangles, California, Geology and Description of Map Units, version 1.0, Open-File Report 2006-1217, by Doug Morton and Fred Miller, 2006, available at <http://pubs.usgs.gov/of/2006/1217> and Figure 5, Historic Lake Levels of Mystic Lake, Riverside County, California, of this report. According to Figure 5, the westernmost or downstream extent of the proposed Project is located to the east of the projected extent of Mystic Lake in 2023. The proposed Project is not located within the extent of Mystic Lake as projected by Morton and Miller for 2023.

Special Flood Hazard Areas are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. The areas of moderate flood hazard are the areas between the limits of the base flood or 100-year flood and the 0.2-percent-annual chance flood, or 500-year flood. (www.fema.gov/floodplain-management/flood-zones)

The 100-year event is the prevailing standard in which flood control facilities are designed to accommodate as it represents a balance of the risk of the event occurring and the life expectancy of the flood control facility (i.e. storm drain channel, levee). The life expectancy of storm water drainage facilities are generally in the range of 50 to 100 years; not 250 or 500

years. Therefore, it does not make economic sense to construct a 250- or 500-year flood facility with such a low probability of that event occurring within the functional life of the facility.

The proposed levee was designed based on hydraulic calculations using the US Army Corps of Engineers' Hydrologic Engineering Centers River Analysis System (HEC-RAS) software to accommodate a 100-year storm event. However, the proposed levee will provide protection from flood events greater than the 100-year flood based on the following: 1) the hydraulic calculations used for the design were based on numerous conservative assumptions, and 2) the proposed Project design includes 3 feet of freeboard. Freeboard is a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as a wave action, bridge opening, and the hydrological effect of urbanization of the watershed. Freeboard is not required by National Flood Insurance Program standards, but communities are encouraged to adopt at least one-foot freeboard to account for the one-foot rise built into the concept of designating a floodway and the encroachment requirements where floodways have not been designated. Freeboard results in significantly low flood insurance rates due to lower flood risk. (www.fema.gov/floodplain-managememtn/freeboard) Therefore, the proposed Project, as designed, will provide even greater flood protection than the prevailing 100-year flood standard.

In addition, based on a cursory modeling evaluation the proposed Project will contain both the 250- and 500-year storm events of the San Jacinto River.

Response to Comment K-3:

Throughout this comment letter, the commenter makes liberal reference to and quotes from a white paper prepared by the Association of State Floodplain Managers (ASFPM), a copy of which is included in this Final EIR as Attachment 2 of Comment Letter K. According to the white paper, ASFPM is "a non-profit professional organization dedicated to the reduction of flood losses in the United States." ASFPM advocates for flood safety; however, they have no regulatory authority. Thus, even though it is the ASFPM's opinion that levees should be designed to provide protection from a 500 year flood (or using the Federal Emergency Management Agency's preferred terminology, a 0.2 percent-annual-chance flood), that is not the standard to which levees are required to be designed.

As outlined in the response to comment K-2 above, the 100-year event is the prevailing standard in which flood control facilities are designed to accommodate and the proposed Project as designed will provide even greater flood protection than the prevailing 100-year

flood standard. The Federal Emergency Management Agency (FEMA) has not prepared 250-year or the 500-year floodplain maps for the stretch of the San Jacinto River in the project area so they are not available to include in the EIR.

The ASFPM letter dated February 13, 2007 attached was prepared after the levees and floodwalls in New Orleans failed during Hurricane Katrina in August 2005. As outlined in the ASFPM letter,

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.

Hurricane Katrina was a Category 3 hurricane storm with 127 miles per hour (mph) wind when it made landfall. New Orleans is a seaport city. Much of the city is located at or very near sea level. New Orleans is also located adjacent to the Mississippi River, one of the largest rivers in the world and has a width of greater than 1 mile in some areas in its lower reaches where it enters the Gulf of Mexico. The City of San Jacinto is located approximately 40 miles inland from the coastline. The west coast line of the United States is not highly susceptible to hurricanes. As outlined in the DEIR, Section III-7 Hydrology and Water Quality (page III-7-3) "The river can be characterized as an ephemeral system with flow reaching Canyon Lake only during 20-year storm events and greater" which means the San Jacinto River in this area is dry most of the time and only conveys water after storm events and for a short duration.

CEQA requires an EIR evaluate the reasonably foreseeable impacts resulting from a project. Given the standards to which levees are designed, failure of a levee as a result of a flood event with a 0.2 percent and 0.4 percent-annual-chance of occurring is not a reasonably foreseeable impact.

Therefore, based on these reasons designing the proposed Project to a 100-year event standard is appropriate and recommendations to design it to a 250-year or 500-year standard are not warranted. In addition, based on a cursory modeling evaluation the proposed Project will contain both the 250- and 500-year storm events of the San Jacinto River.

Response to Comment K-4:

The DEIR did analyze the Project's potential to impact "places downriver" or downstream receiving water bodies and the Project's potential to result in greater sediment transport than the river does in this reach currently. Because the proposed Project includes a new levee that will permanently modify and widen the existing river corridor in the project area, the analysis contained in the DEIR is based on a permanent change to the river corridor or the "lifetime of the project." As outlined in Section III-7 Hydrology and Water Quality (page III-7-3) the DEIR describes the San Jacinto River System, including downstream water bodies:

The Project site is located within the San Jacinto Watershed (Figure III-7-1, San Jacinto River System), which is part of the larger Santa Ana River watershed. The San Jacinto River Watershed covers an area of approximately 728 square miles. The San Jacinto River is the main drainage feature in the San Jacinto watershed; within the Project area, it drains in an overall westerly direction from its headwaters at Lake Hemet in the San Jacinto Mountains, to Canyon Lake and Lake Elsinore. The river can be characterized as an ephemeral system with flow reaching Canyon Lake only during 20-year storm events and greater.

Flows in the headwaters of the San Jacinto watershed are affected by rising groundwater, interflow and discharge from Lake Hemet. As the San Jacinto River leaves the San Jacinto Valley, it passes through the San Jacinto fault zone. This fault zone is responsible for relatively high subsidence rates within the San Jacinto River Valley, which have resulted in the formation of Mystic Lake, an ephemeral lake that fills with water during late winter and spring when the river is flowing. When inundated, Mystic Lake is relatively shallow with a large surface area, up to 4,000 acres. The ephemeral lake can store water for over a year resulting in downstream water losses to the San Jacinto River System due to infiltration, groundwater recharge, and evaporation. During high flow storm events, the storage capacity of Mystic Lake can be exceeded, allowing overflow waters to re-enter the San Jacinto River System. Downstream of Mystic Lake, the San Jacinto River forms a wide fluvial plain.

The DEIR also evaluated the Project's potential to alter the course of a stream or river, in a manner that would result in substantial erosion or siltation on-or off-site. As outlined in Section III-7 Hydrology and Water Quality of the DEIR (page III-7-12):

Based on modeling results for the existing and post project conditions only minor, 0.1 feet changes in bed elevation, or aggradation, are expected between the two conditions. This is the expected result since the proposed levee width increases at the downstream end of the Project from the design width to the existing floodplain width. Since no major change in bed change is expected between the existing and proposed conditions downstream of the Project, and since the Project does not divert from or confluence flows to the river only local sediment transport changes are expected as a result of the proposed Project. Therefore, sediment exchange between San Jacinto River and Mystic Lake can be expected to continue without alteration following implementation of the proposed Project (Pace, 2011). The flows leaving the Project area (downstream of Sanderson) are designed to mimic the existing 100-year width, depth, peak flow rate, and velocity. Therefore, the Project will not result in a change in the velocity of storm water leaving the Project boundary from existing conditions such that a change in the amount of erosion or siltation off site would result.

Therefore, the DEIR did include an evaluation of places downriver (i.e. downstream) and concluded that the downstream water bodies, including Mystic Lake, that receive sediment from the reaches of the San Jacinto River in the project area and further upstream will continue to receive generally the same levels of sediment as they do currently. Because the proposed Project includes a new levee that will permanently modify and widen the existing river corridor in the project area, the analysis contained in the DEIR is based on a permanent change to the river corridor which constitutes the "lifetime of the project." As the sediment transport analysis modeling included the assumption that the proposed permanent modifications of this Project were implemented, the modeling in fact does represent the lifetime of the project.

Response to Comment K-5:

As outlined in the response to comment K-2 above, the 100-year event is the prevailing standard in which flood control facilities are designed to accommodate and the proposed Project as designed will provide even greater flood protection than the prevailing 100-year flood standard. The modeling completed for designing the levee included the assumption that the Hemet Dam will provide no attenuation in a 100-year event for the San Jacinto River. If the Hemet Dam was inundated it would provide no attenuation as it would be at capacity and any additional flows would pass over the spillway and continue downstream towards the project area. As the assumption that the Hemet Dam provides no attenuation is consistent with what would happen if it was inundated, the modeling completed for the Project in which the DEIR impact analysis was based on did include it.

Response to Comment K-6:

As outlined in the response to comment K-2 and in Section III-7, Hydrology and Water Quality (page III-7-14):

The Project is designed to mimic the existing flows of the San Jacinto River at the downstream limit of the Project. Included in the design of the proposed Project the flows leaving the Project area are do not result in a substantial change from the existing 100-year width, depth, peak flow rate, and velocity.

Therefore, the proposed Project will not modify the hydrology, including increased flow and scouring, of downstream areas that could result in indirect impacts to threatened/endangered species that occur there. As the Project will not result in modified hydrology downstream and therefore not indirectly impact threatened/endangered species, mitigation is not required. The proposed Project does not include any improvements, modification or maintenance of areas upstream of the project boundary and therefore the Project will not result in any impacts to areas upstream of the Project. The lands located adjacent to the existing channel are only flooded in storm events greater than 20-year that compromise the existing levee and break out. The proposed Project will retain up to 100-year storm events from breaking out of the expanded river corridor and flooding adjacent properties. The areas located adjacent to the river corridor in the project area are largely developed (dairies, residential, nursery) or are actively farmed and do not contain habitat that supports threatened/endangered species.

Response to Comment K-7:

As outlined in the response to comment K-5 above, the proposed Project does not include any improvements, modification, or maintenance of areas upstream of the project boundary and therefore the Project does not result in any impacts to areas upstream of the Project. The Project ties into the existing US Army Corps levee at the northern limit of the Project; which provides 100-year flood protection upstream of the Project. The proposed Project will not affect the floodplain and floodplain protection that the existing US Army Corps levee provides. Also, as outlined in the response to comment K-2 above, the Project is designed to mimic the existing flows of the San Jacinto River at the downstream limit of the Project. Therefore, the Project will not result in impacts to downstream floodplains. As implementation of the Project will not affect areas upstream or downstream of the project area it will not contribute to cumulative impacts.

As outlined above in response to comment K-6 above the areas adjacent to the Project are flooded in storm events greater than 20-year that compromise the existing levee and break out. The Project will retain up to 100-year storm evens from breaking out of the expanded river

corridor and flooding adjacent areas. The impact from alleviating flooding of dairies, developed areas, and farmed lands is a benefit to water quality as the contaminants associated with these uses will not be picked up and conveyed downstream. The DEIR contains a thorough and adequate Cumulative Impact Analysis (Section IV – Other CEQA Topics) including floodplains. The DEIR contains an evaluation of the proposed Project and implementation of the San Jacinto Valley Master Drainage Plan and an exhibit that shows the recovered floodplains of each project. The comment that the Final EIR “needs to be more fully shown lacks clarity and is not supported by substantial evidence.

Response to Comment K-8:

As outlined in Response to Comment K-3 above, designing the proposed Project to a 100-year event standard is appropriate and recommendations to design it to a 250-year or 500-year standard are not warranted. The ASFPM letter dated February 13, 2007 attached was prepared after the levees and floodwalls in New Orleans failed during Hurricane Katrina in August 2005. As outlined in the ASFPM letter,

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.

Hurricane Katrina was a Category 3 hurricane storm with 127 miles per hour (mph) wind when it made landfall. New Orleans is a seaport city. Much of the city is located at or very near sea level. New Orleans is also located adjacent to the Mississippi River, one of the largest rivers in the world and has a width of greater than 1 mile in some areas in its lower reaches where it enters the Gulf of Mexico. The City of San Jacinto is located approximately 40 miles inland from the coastline. The west coast line of the United States is not highly susceptible to hurricanes. As outlined in the DEIR, Section III-7 Hydrology and Water Quality (page III-7-3) "The river can be characterized as an ephemeral system with flow reaching Canyon Lake only during 20-year storm events and greater" which means the San Jacinto River in this area is dry most of the time and only conveys water after storm events and for a short duration. As the geography and hydrology of the Project area are not comparable to New Orleans, the recommendations in the ASFPM letter are not directly appropriate or applicable to the proposed Project and area.

Response to Comment K-9:

The Project will not impound water and thus an emergency spillway to prevent overtopping was not included in the design. As outlined in response to comment K-3 above, the proposed levee was designed based on hydraulic calculations using the US Army Corps of Engineers' Hydrologic Engineering Centers River Analysis System (HEC-RAS) software to accommodate a 100-year storm event. However, the proposed levee will provide protection from flood events greater than the 100-year flood based on the following: 1) the hydraulic calculations used for the design were based on numerous conservative assumptions, and 2) the proposed Project design includes 3 feet of freeboard. Freeboard is a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as a wave action, bridge opening, and the hydrological effect of urbanization of the watershed. Freeboard is not required by National Flood Insurance Program standards, but communities are encouraged to adopt at least one-foot freeboard to account for the one-foot rise built into the concept of designating a floodway and the encroachment requirements where floodways have not been designated. Freeboard results in significantly low flood insurance rates due to lower flood risk. (www.fema.gov/floodplain-management/freeboard) Therefore, the proposed Project, as designed, will provide even greater flood protection than the prevailing 100-year flood standard. Therefore, in a 100-year event the levees will not be overtopped and will have an estimated freeboard. In addition, the Project will not impound water and thus an emergency spillway was not included in the design.

The purpose of the Project is to reclaim the floodplain southwest of the existing southern levee. In order for the proposed new southern levee to fulfill this purpose it must be located within the existing floodway. And as outlined in Response to Comment K-2 the levee is designed to meet federal requirements.

Response to Comment K-10:

As outlined in response to comment K-2 above, designing the proposed Project to a 100-year event standard is appropriate and recommendations to design it to a 250-year or 500-year standard are not warranted. However, a cursory modeling evaluation was conducted and indicates the proposed Project will contain both the 250- and 500-year storm events of the San Jacinto River.

Response to Comment K-11:

As outlined in Response to Comment K-2 above, designing the proposed Project to a 100-year event standard is appropriate and recommendations to design it to a 250-year or 500-year standard are not warranted. However, a cursory modeling evaluation was conducted and indicates the proposed Project will contain both the 250- and 500-year storm events of the San Jacinto River.

The DEIR does include an analysis of the direct and indirect impacts of implementing the Project. These are outlined in Section III, Potentially Significant Environmental Effects, and organized by category or resource type, (i.e. Agricultural Resources, Air Quality, Biological Resources, Cultural Resources). The DEIR also includes an analysis of the Project's potential cumulative impacts, as outlined in Section IV, Other CEQA Topics, Cumulative Impact Analysis (page IV-1 to IV-15). The DEIR also includes an analysis of the Project's potential growth inducing impacts as outlined in Section IV, Other CEQA Topics, Growth Inducing Impacts (p. IV-17 to IV, 18).

Response to Comment K-12:

The comment correctly summarizes the Project's direct and indirect impacts to Farmland. The commenter's use of the Building Industry Association of Central California v. County of Stanislaus (BIA v. Stanislaus) case to assert that the Project must mitigate at a 1:1 ratio for the loss of "prime agriculture land" (sic) through acquisition of an off-site agriculture easement is not applicable to this Project because unlike the County of Stanislaus, neither the City nor County have a farmland mitigation program.

The County has considered developing an agricultural land bank and mitigation fee program, but has consistently determined since certification of the current General Plan EIR in 2003, agricultural land banking program, and measures that would restrict development on agricultural properties, are infeasible. Thus, no such program has been implemented in Riverside County. (DEIR, pp. III-1-18–III-1-25).

The commenter's assertion that the Project needs to mitigate for 21 acres of Prime farmland and 465 acres of farmland of statewide importance is opinion unsupported by substantial evidence germane to the Project. In addition to the DEIR's thorough discussion that both on-site and off-site mitigation for loss of farmland is infeasible due to the threatened viability of large-scale agriculture, operational constraints, increased land prices, environmental regulations, water supply and costs, competition from other areas of California and foreign countries, the amount of property taxes, and growing urbanization. (DEIR, pp. III-1-18–III-1-25)

In spite of the economic factors that make long-term agriculture in the San Jacinto Valley infeasible, the San Jacinto General Plan (SJGP) encourages the protection of agricultural resources and continuation of agricultural activities (DEIR, p. III-1-26 and SJGP LUE, page LU-12). However, the Resource Management Element of the SJGP recognizes that, while many of the existing farms “will continue to produce agricultural products, increasing pressures from surrounding new development, incompatibility with new development, and changes in the economy may result in the eventual development of these areas for urban uses” (DEIR, p. III-1-26 and SJGP RME, p. RM-9). Therefore, “[p]lanning for the eventual conversion of these areas into urban uses, while allowing agricultural areas to remain as an interim use, provides short- and long-term benefits to the City” (DEIR, p. III-1-26 and SJGP RME, p. RM-5).

The SJGP FEIR acknowledges that the SJGP does not specifically designate any land for agricultural uses and will allow new development to occur that will convert Farmland and lands in Williamson Act contracts to non-agricultural use (DEIR, p. III-1-26 and SJGP FEIR, p. 5.2-7-5.2-8). SJGP FEIR mitigation measure MM AG-1 requires the City to ensure that “[n]ew development and redevelopment projects will provide and maintain setbacks and buffers, such as roadways, topographic features, and open space, to prevent incompatibilities between agricultural and on-agricultural land uses during the development of new projects” (DEIR, p. III-1-26 and SJGP FEIR, p. 5.2-8).

The SJGP FEIR mitigation measure MM AG-1 further provides that San Jacinto will use a “number of factors to determine the appropriate buffer, including type of agricultural use, topography, and pesticide and machinery use, among others (DEIR, p. III-1-26 and SJGP FEIR, p. 5.2-8).

The SJGP FEIR concludes that even though MM AG-1, along with the existing Right-to-Farm Ordinance and Williamson Act contracts, will minimize the San Jacinto General Plan’s impact on agricultural resources, it will not reduce it to a less than significant level (DEIR, p. III-1-26 and SJGP FEIR, p. 5.2-8).

Thus, in approving the SJGP, San Jacinto found that specific economic, legal, social, technological and other considerations, as outlined above, made infeasible the mitigation measures and project alternatives identified in the Final EIR for agricultural resources and that the impact would therefore remain significant and unavoidable (DEIR, p. III-1-26 and SJGP FEIR SOC, p. 12).

With regard to mitigation within the unincorporated territory of Riverside County, the County of Riverside General Plan includes Land Use (LU) Policies and Open Space (OS) Policies such as encouragement of tax incentives, land conservation programs, adherence to the County’s

Right-to-Farm Ordinance, and the combination of agriculture with other compatible open space uses to provide an economic advantage to agriculture to help reduce the effects of development on agricultural lands. (DEIR, p. III-1-26, COR SJVAP, LU Policies 16.1 through 16.11, and OS Policies 7.1 through 7.5)

Further, even though agriculture is the largest industry in Riverside County in terms of dollar value, the Final Program EIR for the COR GP acknowledged that “agriculture faces continuing pressure from urbanization, foreign competition, and rising production costs” (DEIR, p. III-1-26 and COR GP FEIR, Section 4.2.1). The economic viability of agricultural areas is affected by weather, production costs, water prices, crop selection, management techniques, commodity prices, new technology, and proximity of developed lands (DEIR, p. III-1-26 and COR GP FEIR, Section 4.2.1). Consequently, the COR GP FEIR concludes that implementation of the County General Plan would result in a 32.5% loss of agricultural land and that the total amount of land designated for agricultural uses under the County General Plan (180,178 acres) is less than the amount of agricultural land currently designated as Important Farmlands (212,005 acres) (DEIR, p. III-1-26 and COR GP FEIR, p. 4.2-28).

Buildout of the COR GP will also permit development of residential and employment generating uses adjacent to agricultural designated uses, resulting in indirect impacts to the nonagricultural uses such as dust, odors, noise, flies and other pests, potential groundwater contamination, and aerial application of chemicals. Buildout of the COR GP will therefore, increase the likelihood of having residential and other community development uses in closer proximity to agricultural uses, further heightening the conflict between agricultural and nonagricultural uses (DEIR, p. III-1-27 and COR GP FEIR, p. 4.2-28).

Thus, given the projected decline of agricultural designated uses in the COR GP area due to urbanization and the economic viability of long-term agricultural uses, the Final Program EIR determined there are no reasonable or feasible mitigation measures to reduce the significant impacts resulting from the loss of agricultural land to a less than significant level. Such impacts will inevitably occur even though implementation of the General Plan polices would encourage conservation of productive agricultural land (DEIR, p. III-1-27 and COR GP FEIR, page 4.2-33).

Accordingly, reduction or elimination of the proposed Project in order to retain on-site agricultural uses that would otherwise be impacted by the buildout of the applicable General Plans (i.e., San Jacinto and Riverside County) would impede achievement of the goals and objectives set forth in the San Jacinto and Riverside County General Plans. Indeed, while these General Plans recognize the value of agriculture resources, they also acknowledge that the conversion of agricultural uses to non-agricultural uses is inevitable due to pressures from

urbanization, competition, and other factors described above. For these reasons on-site mitigation is infeasible.

With regard to off-site mitigation, there are no other planned areas for agricultural use within San Jacinto that could be used to offset the direct impacts from the Project or indirect impacts from the conversion of agricultural uses in the Project area. Within the 55,339 acres in the Riverside County San Jacinto Valley Area Plan, 8,678 acres are within the Agriculture Foundation Component (DEIR, p. III-1-27 and SJVAP, page 19); however, all of these areas are located outside of the Project footprint (DEIR, p. III-1-27 and Riverside County GIS Data).

Off-site mitigation is also problematic for similar reasons as on-site mitigation related to the economic viability of large-scale agriculture in the long term and increasing urbanization. In addition, off-site mitigation would conflict with General Plan goals and policies, which recognize that buildout of the General Plans will result in incompatibility between agricultural uses and urban uses. Off-site mitigation conflicts with the need to plan for the eventual conversion of these areas into urban uses while allowing for the benefits of agricultural areas to remain in the interim. (DEIR, p. III-1-27–III-1-28)

Response to Comment K-13:

The Sierra Club’s opinion that a Statement of Overriding Considerations is not appropriate for the loss of Farmlands is not supported by substantial evidence. Rather, the Sierra Club appears to base its conclusion on the concerns of the District Manager of the San Jacinto Basin Resource Conservation District (SJBRCDC) and a misunderstanding of the BIA v. Stanislaus case.

The Final EIR does not need to add any mitigation measures for the loss or conversion of agricultural lands because as discussed in Response to Comment K-12, the DEIR considered a number of factors including economic viability, operational constraints, land prices, environmental regulations, water supply/costs, competition from other areas of the State and foreign countries, the amount of property taxes, and growing urbanization, before concluding that mitigation is infeasible.

Additionally, implementation of the proposed Project and development in the Project area will be inconsistent with the land use designations in the SJGP and COR GPs. Thus, as discussed in the DEIR and Response to Comment K-12, both on-site and off-site mitigation are infeasible and would conflict with the goals and policies of these General Plans. (DEIR, p. III-1-28)

The SJBRCDC’s interest in assisting the City is noted. However, it is also important to note that the SJBRCDC does not own or manage any area set aside for agricultural conservation areas or have a program in place by which agricultural resources can be mitigated within the SJBRCDC’s

boundary.²⁰ As discussed in the DEIR and Response to Comment K-12, off-site mitigation has been determined to be infeasible from an economic, land use, and policy perspective.

The DEIR Section III-3 – Biological Resources includes a thorough and adequate analysis of the Project’s potential impacts to sensitive biological species and their habitat. As permittees of the MSHCP the City and the District are required to comply with the MSHCP. The DEIR and supporting technical reports contained in Appendix C demonstrate the Project’s compliance with the MSHCP. Compliance with Section 6 of the MSHCP and payment of the mitigation fee provide full mitigation under CEQA. No additional measures are required beyond those required for MSHCP compliance and those outlined in the DEIR (mitigation measures MM Bio 1 and MM Bio 2) mitigate impacts to sensitive species and habitats pursuant to CEQA.

Response to Comment K-14:

As outlined in Response to Comment K-2 above, designing the proposed Project to a 100-year event standard is appropriate and recommendations to design it to a 250-year or 500-year standard outlined in the ASFPM are not warranted. Further, the proposed Project as designed will provide even greater flood protection than the prevailing 100-year flood standard.

The City of San Jacinto and the County of Riverside allow development within areas naturally out of the 100-year floodplain without additional flood protection measures as these areas are not in an area with significant risk to flooding. As outlined in analysis of the DEIR, Section III-10 Population and Housing (p. III-10-4 and III-10-5) the City of San Jacinto and the County of Riverside allow development within the 100-year floodplain as long as development policies are implemented that would reduce potential on site flooding during a 100-year event. Implementation of the Project will provide significantly greater flood protection for future development projects (i.e. residences or businesses) that will be located within the recovered floodplain than without Project. In addition, the City of San Jacinto and the County of Riverside are required to comply with CEQA for all future development projects within their jurisdiction, including the recovered floodplain.

Response to Comment K-15:

A single multi-hazard mitigation plan document has not been prepared for this Project, however the key components of this type of a plan have been evaluated as part of the design and included in the DEIR analysis. The potential effects of earthquake and subsidence were

²⁰ Personal communication between WEBB Associates (Cheryl DeGano) and Brett Mills, District Manager of the San Jacinto Basin Resource Conservation District, March 4, 2015.

thoroughly and adequately evaluated in the DEIR in Section III-5 Geology and Soils and the potential effects of sedimentation and erosion were thoroughly and adequately evaluated in Section III-7 Hydrology and Water Quality. The design of the Project is based on recommendations outlined in the geotechnical report to address seismic activity and subsidence.

As outlined in the DEIR Section III-5 Geology and Soils (page III-5-10 and page III-5-12):

The Project itself, as a levee, basin, and other improvements, does not contain structures that would be inhabited by humans and will not expose persons to ground shaking risks. The levee will be constructed to withstand expected ground shaking levels. The levee will be designed and constructed following standard engineering practices provided by the Department of the Army, Office of the Chief of Engineers as outlined in the *Design and Construction of Levees Engineer Manual*. The Project-specific geotechnical investigation evaluated the site geology, subsurface soil conditions, and faulting within the Project footprint. All recommended measures outlined in the geotechnical investigation report will be incorporated into the final design and construction of the levee. The recommendations outlined in the geotechnical report are included in mitigation measures **MM Geo 1–3**, below.

With implementation of standard engineering practices as outlined in the *Design and Construction of Levees Engineer Manual* and recommendations outlined in the geotechnical investigation report (mitigation measures **MM Geo 1–3**), levee failure is reduced to a less than significant level. Therefore, the risk to humans and structures from levee failure as a result of strong seismic ground shaking is **below the level of significance**.

As outlined in the Project-specific Geotechnical Investigation the depth to static groundwater along the Project alignment, as encountered in exploratory borings, varies from four feet to more than 20 feet below the ground surface. Underlying granular soils have a significant potential for liquefaction along the entire length of the proposed Project. It is estimated that 2 ½ – 7 ½ inches of settlement could occur as a result of liquefaction as the site is shaken during and immediately following a major seismic event.

The proposed Project will generally be constructed over soils containing strata of relatively free-draining sands and silty sands which tend to primarily settle during and shortly after loads are applied. Therefore, most settlement resulting from embankment loading should occur during construction, with continued settlement decreasing over

the next two months. Any settlement occurring after that period is anticipated to be minimal (i.e., less than one inch).

The embankment slope stability results of the Project-specific geotechnical investigation indicates that the proposed levee will be grossly stable under static and seismic conditions.

The levee will be designed and constructed following standard engineering practices provided by the Department of the Army, Office of the Chief of Engineers as outlined in the *Design and Construction of Levees Engineer Manual*. All recommended measures outlined in the geotechnical investigation report will be incorporated into the final design and construction of the levee. The recommendations outlined in the geotechnical report are included in mitigation measures **MM Geo 1–3**, below.

With implementation of standard engineering practices as outlined in the *Design and Construction of Levees Engineer Manual* and recommendations outlined in the geotechnical investigation report (mitigation measures **MM Geo 1–3**), levee failure is reduced to a less than significant level. Therefore, the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death from being located on a geologic unit or soil that is unstable, are **less than significant**.

The design of the Project includes features (northern levee enhancements) where the hydraulic analysis indicates velocities would result in erosion and sediment transport.

As outlined in the DEIR Section III-7 Hydrology and Water Quality (page III-7-112 to page III-7-14):

Erosion is the mechanical process of wearing or grinding something down, for example by water passing over streambed. Increases in flow rates during storm events could result in an increase in erosion of the bed and bank of the San Jacinto River. Siltation occurs when sediment, or eroded soil, is carried downstream and settles into depressions and water bodies. However, the proposed Project has been designed such that post-Project velocities will not significantly differ from the existing velocities of storm water leaving the Project site and will not erode the San Jacinto River channel bottom downstream of the proposed Project area. The HEC-RAS hydraulic analysis program (Hydraulic Engineering Center - River Analysis System, developed by the U.S. Army Corps of Engineers) was used in designing the proposed Project features.

A sediment transport and scour analysis (PACE) was prepared for the proposed Project to evaluate the fluvial characteristics and long-term stability of the San Jacinto River.

The existing floodplain generally consists of an alluvial stream system within the San Jacinto River Watershed. Within the study area the river is a natural alluvial stream system, although it has experienced a variety of human activity, including the construction of bridge crossings, historic sand/gravel mining operations, and agricultural activities that have all influenced the fluvial mechanics. The proposed Project which includes modifications to existing levees may result in changes in streambed response. The intent of the project-specific sediment transport and scour analysis was to evaluate these impacts from (1) fluvial modifications of the riverbed from single hypothetical storm events, and (2) changes in the floodplain fluvial operation over the long term.

Modifications to the creek system are measured as vertical bed adjustment in feet. Positive adjustment indicates bed aggradation while negative adjustment indicates bed degradation. Aggradation is an increase in the land surface elevation due to deposition of sediment. Degradation is a general lowering in land elevation by erosion or weathering. Several types of adjustment were considered in the study including general adjustment, long-term adjustment, and other scour. General adjustment consists of scour that occurs during an individual discharge event, and may be considered as the difference between sediment inflow and outflow. That is, if sediment inflow into a given reach is higher than sediment outflow for the same reach, aggradation will occur. In contrast, if sediment outflow exceeds inflow for a given reach, degradation will occur, or the bed may become armored. Long-term adjustment consists of fluvial processes that occur over many rainy seasons and contribute fluctuation of bed elevation of a river or creek. Other scour is comprised of local scour, bend scour, low-flow incisement, and bed form formation (Pace).

Based on modeling results for the existing and post project conditions only minor, 0.1 feet changes in bed elevation, or aggradation, are expected between the two conditions. This is the expected result since the proposed levee width increases at the downstream end of the Project from the design width to the existing floodplain width. Since no major change in bed change is expected between the existing and proposed conditions downstream of the Project, and since the Project does not divert from or confluence flows to the river only local sediment transport changes are expected as a result of the proposed Project. Therefore, sediment exchange between San Jacinto River and Mystic Lake can be expected to continue without alteration following implementation of the proposed Project (Pace, 2011). The flows leaving the Project area (downstream of Sanderson) are designed to mimic the existing 100-year width, depth, peak flow rate, and velocity. Therefore, the Project will not result in a change in the

velocity of storm water leaving the Project boundary from existing conditions such that a change in the amount of erosion or siltation off site would result.

The proposed Project will reduce the existing 100-year floodplain width (Refer to **Figure III-7-2, Existing and Proposed 100-year Floodplain**) and will result in increased water surface elevations and velocities within the Project footprint. However, as outlined in the Design Considerations (and described in more detail in the Project Description, Section I-2 Executive Summary) the Project includes features such as concrete armoring and tow down protection along the proposed southern levee, enhancements and armoring of portions of the northern levee, and a grade control structure near the MWD pipelines to address the increased velocities and scour potential. These design features of the Project were incorporated to mitigate the potential impacts from scour and erosion within the Project footprint where there are significant increases in the velocity of storm flows. The proposed southern levee will be reinforced with protective armoring to provide stability and scour/erosion protection during storm events. The proposed armoring consists of concrete lining that will line the river side of the levee and will extend below the current river bed elevation. Two portions of the existing northern levee will be enhanced. In Reach 1, downstream of Sanderson Avenue, approximately 6,300 linear feet of the existing northern levee will be removed and reconstructed with concrete armoring. In Reach 2, approximately 850 linear feet of the existing rail and wire revetment will be replaced with gabion armoring, downstream of State Street Bridge. The Project will also include stabilization of the riverbed to prevent damage to the pipelines using a rip rap grade control structure that will be installed parallel to the pipelines and cross under the riverbed. The grade control structure will establish a rigid river bed elevation just downstream of the MWD facilities. This will prevent potential river bed erosion downstream of the grade control structure from migrating upstream and exposing the MWD pipelines. Therefore, the Project design incorporates erosion and scour protection to reduce the potential impact from increased storm water velocities within the Project footprint such that a change in the amount of erosion or siltation on site would not result.

The Project will not alter the existing drainage pattern in a manner which would result in substantial erosion or siltation on- or off-site; therefore, impacts are **less than significant**.

As outlined in the Project Description (Section I-2 – Executive Summary, page I-2-6 to page I-2-7):

The District will be responsible for the operation and maintenance of the proposed project features including the southern levee and floodwall, northern levee/floodwall enhancements, low flow diversion structure, and the expanded riverine corridor. Regular maintenance will be required to ensure that the Project retains its structural integrity, hydraulic capacity and 100-year flood protection. Future maintenance within the Project area will be conducted in accordance with the San Jacinto River Levee Stage 4 Operation and Maintenance Plan (Appendix J).

Structural Maintenance Zone: These areas will be frequently maintained, generally as vegetation-free areas, with the exception of small non-woody vegetation, as applicable. This zone must be easily accessible at all times for inspection/flood fighting/maintenance activities. Areas underneath and adjacent to bridges (length: from 50 feet upstream to 50 feet downstream of the bridges; width: from levee to levee) are included in the Structural Maintenance Zone, refer to Figure I-2-13, Proposed Maintenance Zones. Due to the types and frequency of activities conducted in these areas, Structural Maintenance Zones are considered to result in a permanent impact to the site/habitat.

Within the Structural Maintenance Zone, the following maintenance activities will be conducted:

Areas underneath and adjacent to bridges (length: from 50 feet upstream to 50 feet downstream of the bridges; width: from levee to levee):

- Vegetation Control/Mowing above 6-8 inches above ground surface (grasses and forbs will be allowed to grow)
- Sediment/Debris removal
- Repair/Rehabilitate/Restore Structures
- Re-establishing maintenance access roads

Areas on riverward side and landward side of the low flow diversion structure (width: 25 feet wide on both sides of structure, for the length of the diversion structure):

- Vegetation Control/Mowing

- Vegetation Control/Herbicide application
- Sediment/Debris removal
- Repair/Rehabilitate/Restore Structures
- Diversion Structure maintenance and repair

Levee Top and Landward side of levee (earthen) and a maintenance road:

- Vegetation Control/Herbicide application
- Vegetation Control/Mowing
- Repair/Rehabilitate/Restore Structures
- Annual slope-tracking
- Re-establishing a 20-foot wide maintenance road surface on levee top and a 15-foot wide maintenance road at levee toe
- Floodwall maintenance and repair

Riverward side of levee (concrete lining) and a 40-foot wide maintenance corridor (earthen):

- Vegetation Control/Mowing
- Vegetation Control/Herbicide application
- Sediment/Debris removal
- Repair/Rehabilitate/Restore Structures
- Re-establishing a 40-foot wide maintenance access corridor along levee toe
- Re-alignment of low-flow channels adjacent to/encroaching upon levee(s)
- Floodwall maintenance and repair

The Operations and Maintenance Plan outlines the regular inspection and repair, rehabilitation, and restoration of structures that the District will conduct to ensure that the constructed levees and associated facilities remain structurally sound and continue to operate at full capacity and as designed. As the Operation and Maintenance Plan is included in the DEIR it is publicly

available. It is also available at the District for review.

As the design of the Project is based on recommendations outlined in the geotechnical report to address seismic activity and subsidence, the Project includes features (northern levee enhancements) where the hydraulic analysis indicates velocities would result in erosion and sediment transport, and the regular inspection and repair, rehabilitation, and restoration of structures that the District will conduct to ensure that the constructed levees and associated facilities remain structurally sound and continue to operate at full capacity and as designed are outlined in the Operation and Maintenance Plan for this Project a multi-hazard mitigation plan is not necessary.

As outlined above in response to comment K-3, designing the proposed Project to a 100-year event standard is appropriate and recommendations outlined in the ASFPM white paper, including those contained in this comment, are not warranted.

Response to Comment K-16:

As outlined on US Army Corps of Engineers (USACE) website on the Levee Safety Program, USACE/FEMA Community Partnership (www.usace.army.mil/Missions/CivilWorks/LeveeSafetyProgram/USACEFEMACommunityPartnership.aspx):

USACE and FEMA have different roles and responsibilities related to levees. FEMA addresses mapping and floodplain management issues related to levees, and accredits levees as meeting requirements set forth by the National Flood Insurance Program. USACE addresses a range of operation and maintenance, risk communication, risk management, and risk reduction issues as part of its responsibilities under the Levee Safety Program.

Depending on the levee system, FEMA and USACE may be involved with the levee sponsor and community independently or -- when a levee system overlaps both agency programs -- jointly. Under both scenarios the long term goals are similar: to reduce risk and lessen the devastating consequences of flooding.

USACE, FEMA and the localities where levees are located all have key roles in levee safety. By working together they will:

- * Improve understanding of flood risk

- * Identify structural and nonstructural local mitigation actions that can be taken to reduce that flood risk, and

- * Implement identified mitigation actions on a short-or long-term basis.

FEMA and USACE want to ensure that communities are aware of the risk associated with levees so informed decisions can be made. Both provide communities valuable information to help in managing the risks. FEMA and USACE can help local communities maximize their understanding of the available options associated with the management of flood risk at the local level, while improving public understanding of federal roles and responsibilities.

Coordination between FEMA and USACE with regard levees is now standard within many of each agency's policies and practices. Over the past several years, both agencies coordinated policies where appropriate; jointly participated in meetings with stakeholders; and participated in many multiagency efforts, such as the National Committee on Levee Safety, the Federal Interagency Floodplain Management Task Force, and the Silver Jackets Program.

Living with levees is a shared responsibility. While operating, maintaining levee systems are the levee sponsor responsibility, local officials are adopting protocols and procedures for ensuring public safety and participation in the NFIP. Individual property owners are learning more about their flood risk, resulting from the possibility of a breached or overtopped levee, and how they can protect their families, businesses, and communities. FEMA has a website on outreach materials at www.floodsmart.gov/toolkits/levee/materials.html that indicates:

Levees and their ability to provide a minimum level of flood protection have become an issue across the country. As levee status changes or comes under review, community officials need to be able to communicate effectively with residents and business owners, the insurance community, lenders and real estate agents, as well as the media and community leaders. The materials in this toolkit were created to provide local government official or agencies with templated, flexible materials to adopt and use in addressing flood risks behind levees and the flood insurance implications of levee status changes.

The Risk Status of Situation #2: Levees are accredited, properties are released from the flood insurance requirement would be applicable once the Project is constructed and the Flood Insurance Rate Map (FIRM) is revised through FEMA.

Upon completion of the revised FIRM Map, City of San Jacinto staff will utilize FEMA's outreach toolkit to provide information at a minimum, to property owners within the reclaimed floodplain, but also to applicants of future projects located within the recovered floodplain, to the insurance community, to lenders and real estate agents, as well as to community leaders.

Response to Comment K-17:

As outlined in Response to Comment K-2 above, designing the proposed Project to a 100-year event standard is appropriate and recommendations to design it to a 250-year or 500-year standard outlined in the ASFPM are not warranted. Further, the proposed Project as designed will provide even greater flood protection than the prevailing 100-year flood standard. As outlined in Response to Comment K-5, the inundation of Hemet Dam was included in the modeling to design the Project to accommodate a 100-year event of the San Jacinto River. In addition, a cursory modeling evaluation was conducted and indicates the proposed Project will contain both the 250- and 500-year storm events of the San Jacinto River.

Response to Comment K-18:

The comment that the use of herbicides “needs to be thoroughly analyzed from different points of view because some experts have very strong concerns about the effect of these products on the environment” is not supported by substantial evidence. The District currently uses herbicides in its operation and maintenance activities in accordance with law and the provisions of Water Quality Order No. 2013-0002-DWQ, General Permit No. CAG 990005 (the General Permit). The regulations related to pesticide application are intended to ensure that over application does not occur, which increases the potential for excess to be conveyed downstream, outside of the Project area. The Districts’ continued application of herbicides as directed and in accordance with law does not have a potential to significantly affect areas outside of the Project area or result in cumulative effects on herbaceous plants.

In compliance with the General Permit the District prepared an *Aquatic Pesticide Application Plan* that describes the aquatic herbicide products and feasible alternatives to these products that the District may use for routine maintenance and vegetation control in their flood control facilities. As required by Provision IX.A. of the General Permit, the District’s herbicide use is consistent with the with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), herbicide label instructions, and Use Permits issued by the Riverside County Agricultural

Commissioner. Aquatic herbicides have registration labels that explicitly allow direct application to waterbodies. In addition, herbicide use is subject to the General Permit effluent limits and receiving water limitations, which are intended to protect the beneficial uses of any receiving waters.

Response to Comment K-19:

As outlined above in Response to Comment K-11 above, the DEIR does include an analysis of the direct and indirect impacts of implementing the Project. These are outlined in Section III, Potentially Significant Environmental Effects, and organized by category or resource type, i.e. Agricultural Resources, Air Quality, Biological Resources, Cultural Resources). The DEIR also includes an analysis of the Project's potential cumulative impacts, as outlined in Section IV, Other CEQA Topics, Cumulative Impact Analysis (page IV-1 to IV-15). The DEIR also includes an analysis of the Project's potential growth inducing impacts as outlined in Section IV, Other CEQA Topics, Growth Inducing Impacts (p. IV-17 to IV, 18). The DEIR includes a thorough and complete analysis of consistency of the MSHCP which is supported by technical reports including MSHCP Compliance Report for the San Jacinto River Levee Stage 4 Project located in Appendix C of the DEIR. Section 5.0 of the MSHCP Compliance Report outlines the Project's compliance with the biological survey and conservation requirements of the MSHCP, including reserve assembly in Criteria Cells and cores and linkages.

Response to Comment K-20:

Riparian habitats (including type) located within the Project footprint are described in Riparian/Riverine DBESP contained in Appendix C of the DEIR. Riparian vegetation and riverine areas (unvegetated) are mapped in relation to project features in Figure 6. The Riparian/Riverine DBESP contains a thorough evaluation of impacts from the Project, including those from construction as well as ongoing operation and maintenance activities in Section 5.0 Quantification of Unavoidable Impacts to Riparian/Riverine Areas. As outlined in the Project Description of the DEIR (Section I-2- Executive Summary) as well as Section 3.0 of the Riparian/Riverine DBESP there are 3 types of maintenance areas, the Structural Maintenance Zone where little to no vegetation is allowed to grow the Riverine Maintenance Zone in which vegetation control is primarily done by grazing, and the Limited Maintenance Zone, which is not subject to routine maintenance and would be allowed to continue to grow and vegetate naturally. Maintenance within the Structural Maintenance Zone and River Maintenance Zone will provide fire hazard reduction; additional maintenance will not be completed for fire hazards.

Response to Comment K-21:

Section 4.5 of the MSHCP Compliance Report outlines when the burrowing owl surveys were conducted. Burrowing owl surveys were conducted in August of 2012, 2008, and 2005. Section 4.6 of the MSHCP Compliance Report outlines when trapping studies were conducted for SBKR and LAPM. Small-mammal trapping surveys for SBKR and LAPM were done in July and August 2012 and in September and October 2008. Additional detail is included in Appendix F of the MSHCP Compliance Report, the *Results of a 2012 small mammal live trapping survey for San Bernardino kangaroo rats and Los Angeles pocket mice in the proposed San Jacinto River Stage 4 Levee Project Area*. Focused least Bell's vireo and southwestern willow flycatcher surveys were conducted following USFWS protocol for these species in 2012 and in 2008. The Section III-3 Biological Resources and Section IV Other CEQA Topics, including Cumulative Impacts of the DEIR include a thorough and complete analysis of impacts to sensitive species, including SBKR, LAPM and burrowing owl, all covered species under the MSHCP. The response to comment K-18 above addresses the use of pesticides. The use of rodenticides was included in the description of maintenance activities in the Initial Study. However, as a result of consultation with the US Fish and Wildlife Service it was removed from the project description (as can be seen in the revised project description in the DEIR, Section I-2 Executive Summary.

Response to Comment K-22:

There is no need to trench for faults. The purpose of trenching is to identify the location and extent of the fault so that appropriate setbacks from the fault may be identified. Trenching is warranted when construction of structures intended for human occupancy or structures intended to impound water for more than a 24-hour period of time are proposed to be constructed within an Alquist-Priolo Fault Zone. As shown in DEIR Figure III-5-1, a small portion of the Project is within an Alquist-Priolo Fault Zone. The Project does not include any features that will impound water. The proposed levee will retain flows from storm events with a 1 percent-annual-chance of occurring as they are conveyed downstream.

A Project-specific geotechnical investigation report was prepared and no evidence for active faulting along or immediately adjacent to the alignment was observed during the geologic field reconnaissance, on the aerial photographs reviewed, or in the literature and maps reviewed. However, severe seismic shaking of the site can be expected during the lifetime of the proposed Project (DEIR, p. III-5-9).

With regard to the potential to expose humans to substantial adverse effects from ground shaking, the DEIR indicates that because the Project does not contain structures that would be inhabited by humans it will not expose persons directly to substantial adverse effects from

ground shaking. If levee failure as a result of ground shaking occurred during periods of high water in the San Jacinto River channel, the Project could indirectly expose humans and structures to flooding. However, given there is a low probability that an earthquake would coincide with large storm events and high water levels in the river channel, impacts are considered less than significant with implementation of standard engineering practices and incorporation of recommendations outlined in the geotechnical investigation report, as required per mitigation measures **MM Geo 1–3**. (DEIR, pp. III-5-9–III-5-10 and III-5-12–III-5-13)

With regard to liquefaction, the DEIR discloses that the Project is located in an area with a high potential for liquefaction. However, the analysis in the DEIR and geotechnical investigation report, indicate with implementation of standard engineering practices per the USACE, *Design and Construction of Levees Manual* and the recommendations outlined in the geotechnical investigation report (mitigation measures **MM Geo 1–3**), the potential for levee failure is reduced to a less than significant level. Thus, the potential to expose people or structures to potential substantial adverse effects from liquefaction are less than significant. (DEIR, pp. III-5-11–III-5-13)

Response to Comment K-23:

Both the FEMA and WEBB 100-year floodplain were relied upon for the design of the project. The FEMA 100-year floodplain is not based on detailed modeling but does include the tributaries such as Potrero Creek, Lambs Canyon, etc. The WEBB 100-year floodplain is based on modeling of the San Jacinto River only in the Project footprint. The response to comment K-2 outlines the reason why the 100-year flood is appropriate for the design and implementation of this project and modeling the 250- and 500-year floodplain maps is not warranted.

Response to Comment K-24:

Response to comment K-7 above addresses the comment regarding project impacts upstream, downstream and adjacent to the Project.

Response to Comment K-25:

As outlined in the DEIR Project Description (page I-2-4):

State Street Bridge Treatment

A critical element of the Project is the treatment of the State Street Bridge where it crosses the San Jacinto River (refer to **Figures I-2-9 and I-2-10**). When originally analyzed, it was recommended that the bridge have a span considerably longer than what was originally constructed by the California Department of

Transportation (Caltrans). As a result, the existing bridge opening does not have capacity for flows from a 100-year storm. Additionally, the approach from the south is constructed at an elevation that is subject to flooding. The treatment under State Street Bridge will include expanding the river under the bridge to utilize the full hydraulic capacity of the bridge.

The treatment at State Street Bridge will include removal of the existing south levee and excavation underneath the bridge to provide sufficient hydraulic capacity to pass the 100-year storm flow. The area to be excavated is located along the existing southern levee on either side of the bridge. The existing southern levee will be removed where it ties into the bridge and the upland area adjacent to the riverbed will be excavated to the current depth or level of the riverbed. The existing "shelf," located on either side of the current opening under the bridge, that was created during construction of the bridge and which is composed of backfill, will be removed. The new southern levee will replace the existing levee at the bridge and will tie into the bridge abutments. The State Street Bridge treatment is a one-time excavation during construction.

The only modification that is needed to expand the capacity under the State Street Bridge to accommodate flows from a 100-year event is the removal of the existing south levee and the excavation under the bridge. No modification to the existing bridge structure is needed to attain the 100-year capacity under the bridge.

The Project Description of the DEIR also outlines the maintenance required to ensure full function and capacity of the Project. As outlined under the Limited Maintenance Zone/Conservation Easement (page I-2-8):

Limited Maintenance Zone/Conservation Easement: The Limited Maintenance Zone will not be subject to routine maintenance. A Conservation Easement will be established for this area. However, maintenance of this zone would be allowed in emergencies as defined under CEQA, Cal. Public Resources Code § 21060.3. Maintenance of this zone may also be necessary in response to stricter FEMA levee criteria or if the District's General Manager-Chief Engineer determines that an urgent situation exists, such as the buildup of woody vegetation, debris, or sediment that threatens the designed hydraulic capacity and public health and safety. A build-up of woody vegetation, debris, and sediment shall be defined as that quantity of materials sufficient to block the

conveyance capacity of the 100-year flood through a bridge opening. For areas upstream of the State Street Bridge, a 5% reduction of conveyance capacity can impact the ability of the bridge to function. This would equate to a volume of 1300 cubic yards of material. Generally speaking, this would be equal to a mound of debris measuring 75 feet wide by 75 feet long and by 7 feet high. If disturbance of this zone cannot be avoided, all efforts shall be undertaken to minimize such disturbance. Areas within the Limited Maintenance Zone/Conservation Easement that are disturbed shall be restored to the pre-disturbed condition by ensuring the re-establishment of in-kind habitat at the same site of disturbance (pre-disturbed condition prior to District activities; not prior to storm events that require emergency maintenance).

Therefore, the DEIR included the potential to need to remove a build-up that could block a bridge opening, including the State Street Bridge. As outlined in Response to Comment K-2 above the Project was appropriately designed to meet the 100-year event standard.

Response to Comment K-26:

The proposed project description includes concrete lining of the levee for protection and thus is what is analyzed in the DEIR. The DEIR includes a thorough and complete analysis of potential impacts to sensitive biological resources from implementation of the proposed Project (DEIR Section III-3, Biological Resources, page III-3-20 through -49), which includes concrete lining of the riverward side of the levee (the proposed Project details are outlined in the Project Description in Section I-2, Executive Summary). With compliance with the MSHCP and implementation of Mitigation Measures potential impacts from the proposed Project were found to be less than significant. Implementation of either rip-rap or gabion as levee slope protection would have of the same impacts to sensitive biological resources as concrete lining in that they would not provide slopes readily passable by small mammals or suitable substrates for sensitive vegetation or the development of habitat.

Response to Comment K-27:

Typically graffiti is seen on vertical hard structures such as concrete walls, signage, fencing, etc. The land ward side of the levee that will be visible from adjacent roadways will be earthen. Tagging and graffiti is not expected on earthen slopes of the levee. In addition, through routine maintenance the District will remove and/or paint over graffiti on flood control facilities operated and maintained by the District. Therefore, graffiti is not anticipated to be an aesthetics issue. The existing riverbed and channel within the Project footprint is largely private

property and restricted access due to public safety issues. Therefore, walking along the existing riverbed and in the closed River Park is largely trespassing.

Response to Comment K-28:

As outlined above in response to comment K-12 above, the DEIR does include an analysis of the direct and indirect impacts of implementing the Project. These are outlined in Section III, Potentially Significant Environmental Effects, and organized by category or resource type, i.e. Agricultural Resources, Air Quality, Biological Resources, Cultural Resources). The DEIR also includes an analysis of the Project's potential cumulative impacts, as outlined in Section IV, Other CEQA Topics, Cumulative Impact Analysis (page IV-1 to IV-15). The DEIR also includes an analysis of the Project's potential growth inducing impacts as outlined in Section IV, Other CEQA Topics, Growth Inducing Impacts (p. IV-17 to IV, 18). Raptors are anticipated to forage over the existing narrow river corridor in the Project area as well as the adjacent upland areas used largely for agriculture. The upland agricultural areas will be acquired and converted to the expanded river corridor which will provide at least equal or higher quality foraging habitat for raptors. The proposed Project does not include a multi-use trail. The river corridor will be restricted to public access due to public safety issues and to protect habitat for sensitive species from direct and indirect impacts from human disturbances.

Response to Comment K-29:

The DEIR Section III-4 includes a thorough analysis of potential impacts to cultural resources. The Soboba Tribe was consulted during the preparation of the technical reports.

Response to Comment K-30:

Although this comment includes quotations it does not indicate where it is from. The proposed Project description does not include this statement. As outlined in the Project description in Section I-2, Executive Summary (pages I-2-6 through -9) the District will be responsible for the operation and maintenance of the proposed project features including the southern levee and floodwall, northern levee/floodwall enhancements, low flow diversion structure, and the expanded riverine corridor. Regular maintenance will be required to ensure that the Project retains its structural integrity, hydraulic capacity and 100-year flood protection. There are no legal requirements for the District to notify Sierra Club of its ongoing maintenance activities.

Response to Comment K-31:

Section III-7 - Hydrology and Water Quality of the DEIR contains a thorough evaluation of the potential impacts from implementation of the Project including, flooding on-site or

downstream, the resulting flows, volume and velocity leaving the site, erosion and sedimentation. Section III-3 Biological Resources includes a thorough evaluation of the impacts to riparian vegetation both from construction and operation of maintenance activities.

Response to Comment K-32:

As outlined in the response to comment K-2 above, the 100-year event is the prevailing standard in which flood control facilities are designed to accommodate and the proposed Project as designed will provide even greater flood protection than the prevailing 100-year flood standard. In Response to Comment K-11 above, the DEIR does include an analysis of the direct and indirect impacts of implementing the Project. These are outlined in Section III, Potentially Significant Environmental Effects, and organized by category or resource type, i.e. Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality).

Response to Comment K-33:

The ASFPM letter dated February 13, 2007 attached was prepared after the levees and floodwalls in New Orleans failed during Hurricane Katrina in August 2005. As outlined in the ASFPM letter,

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.

Hurricane Katrina was a Category 3 hurricane storm with 127 miles per hour (mph) wind when it made landfall. New Orleans is a seaport city. Much of the city is located at or very near sea level. New Orleans is also located adjacent to the Mississippi River, one of the largest rivers in the world and has a width of greater than 1 mile in some areas in its lower reaches where it enters the Gulf of Mexico. The City of San Jacinto is located approximately 40 miles inland from the coastline. The west coast line of the United States is not highly susceptible to hurricanes. As outlined in the DEIR, Section III-7 Hydrology and Water Quality (page III-7-3) "The river can be characterized as an ephemeral system with flow reaching Canyon Lake only during 20-year storm events and greater" which means the San Jacinto River in this area is dry most of the time and only conveys water after storm events and for a short duration. As the geography and

hydrology of the Project area are not comparable to New Orleans, the recommendations in the ASFPM letter are not directly appropriate or applicable to the proposed Project and area.

As outlined in the DEIR Project Description (page I-2-2), the USACE conducted surveys along the river in 1946 to determine the need for flood control. As a result, a levee was constructed in 1961 by the USACE along the south side of the San Jacinto River from the mouth of Bautista Creek downstream to a point approximately 1 ¾ miles east of State Street, which is located upstream of the proposed Project. In 1975, the District prepared a Flood Control Master Plan for the Lower San Jacinto River Basin. The Plan proposed construction of a new levee along the southerly side of the San Jacinto River from State Street west to a point approximately ¾ of a mile west of Sanderson Avenue. The proposed Project constitutes the expanded implementation of the 1975 Flood Control Master Plan for the Lower San Jacinto River Basin. The proposed Project will connect directly to the existing USACE levee and there will be no gaps for flooding to occur between the existing USACE levee and the proposed Project. The modeling analysis completed for the design of this Project included the design of the existing USACE levee and the hydrology of the river system with it in place. As the Project is designed to mimic the existing flows of the San Jacinto River at the downstream limit of the Project, implementation of the proposed Project, in conjunction with the existing USACE in place, will not result in cumulative impacts downstream.

Response to Comment K-34:

The DEIR includes a thorough Project Description with detailed description in text as well as detailed exhibits showing all of the proposed Project components in which the analysis was based on. As outlined in the Project Description of the DEIR (Section I-2 – Executive Summary, page I-2-2):

The proposed Project is a City Public Works and Public Safety project consisting of the construction and subsequent maintenance of a new levee and associated improvements. The proposed Project constitutes the expanded implementation of the 1975 Flood Control Master Plan for the Lower San Jacinto River Basin.

In 1945, the Riverside County Flood Control and Water Conservation District (District) was formed and assumed management responsibilities of all levees in the San Jacinto Levee District. The United States Army Corps of Engineers (USACE) conducted surveys along the river in 1946 to determine the need for flood control. As a result, a levee was constructed in 1961 by the USACE along the south side of the San Jacinto River from the mouth of Bautista Creek downstream to a point approximately 1 ¾ miles east of State Street. In 1975, the

District prepared a Flood Control Master Plan (Plan) for the Lower San Jacinto River Basin. The Plan proposed construction of a new levee along the southerly side of the San Jacinto River from State Street west to a point approximately $\frac{3}{4}$ of a mile west of Sanderson Avenue. The portion of the proposed levee between Lamb Canyon/Sanderson Bridge and State Street was part of the recommended alternative to provide flood control protection from the effects of 100-year flood events in this portion of the San Jacinto River.

The 1975 Flood Control Master Plan for the Lower San Jacinto River Basin's eastern limit was State Street, it did not extend further east, or upstream, to connect to the existing US Army Corps levee. Thus, the DEIR for the proposed project indicates it is expanded implementation of the Master Plan. The Master Plan was very conceptual and does not include a detailed plan for the location and sizing of facilities. Included as an attachment to this response are a few key exhibits of the 1975 Master Plan. There are no other facilities of the Master Plan that will be built as a part of this project or required to be built in the future.

Response to Comment K-35:

The Riverside County Flood Control and Water Conservation District will be responsible for ongoing maintenance. The District's ongoing maintenance activities are budgeted for in the General Fund of the District.

Response to Comment K-36:

As outlined in Response to Comment K-35, the District is responsible for ongoing maintenance activities and the funding for this comes from the District's general fund. Further as outlined in Response to Comment K2 and K-3 above, designing the proposed Project to a 100-year event standard is appropriate and recommendations in the ASFPM white paper are not warranted.

Response to Comment K-37:

As outlined in Response to Comment K-2, the proposed levee was designed based on hydraulic calculations using the US Army Corps of Engineers' Hydrologic Engineering Centers River Analysis System (HEC-RAS) software to accommodate a 100-year storm event. However, the proposed levee will provide protection from flood events greater than the 100-year flood based on the following: 1) the hydraulic calculations used for the design were based on numerous conservative assumptions, and 2) the proposed Project design includes 3 feet of freeboard. Freeboard is a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that

could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as a wave action, bridge opening, and the hydrological effect of urbanization of the watershed. Freeboard is not required by National Flood Insurance Program standards, but communities are encouraged to adopt at least one-foot freeboard to account for the one-foot rise built into the concept of designating a floodway and the encroachment requirements where floodways have not been designated. Freeboard results in significantly low flood insurance rates due to lower flood risk. (www.fema.gov/floodplain-management/freeboard) Therefore, the proposed Project, as designed, will provide even greater flood protection than the prevailing 100-year flood standard.

Response to Comment K-38:

As lead agency the City of San Jacinto is fulfilling its obligation to evaluate the Project's potential environmental impacts pursuant to CEQA. USACE will evaluate the proposed Project pursuant to NEPA as required for issuance of the Section 404 permit which, if issued, will authorize the City to implement the portions of the Project that are located within USACE jurisdictional waters of the US. For issuance of a Section 404 permit USACE is required to comply with NEPA.

Response to Comment K-39:

The San Jacinto River Special Area Management Plan is not a completed or adopted by the US Army Corps of Engineers. Therefore, it was not analyzed under the following threshold question in the DEIR: "conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan."

Response to Comment K-40:

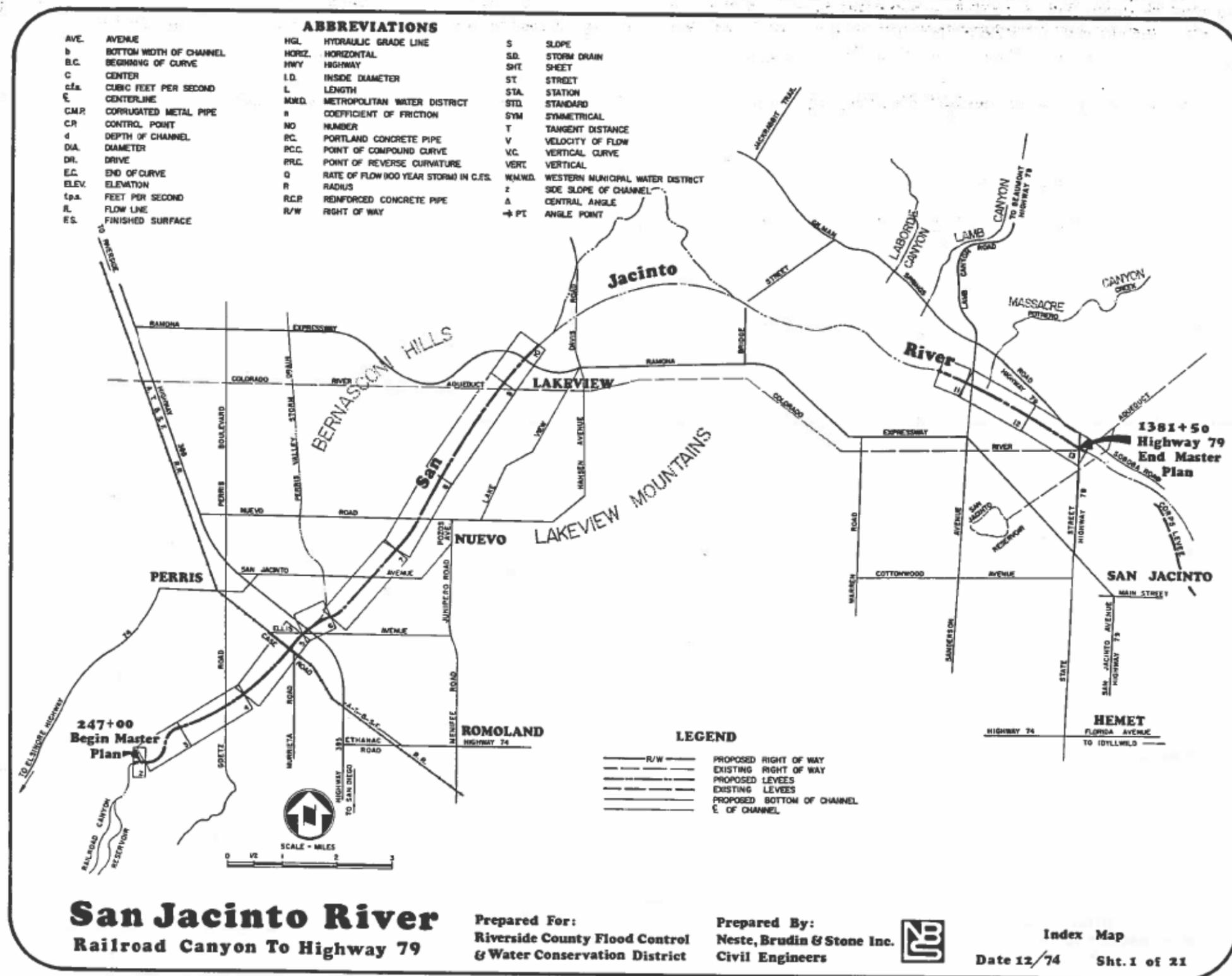
The FEIR includes responses to each of the Sierra Club's comments. The Sierra Club letter as well as the attachments of the letter are included in as part of the FEIR.

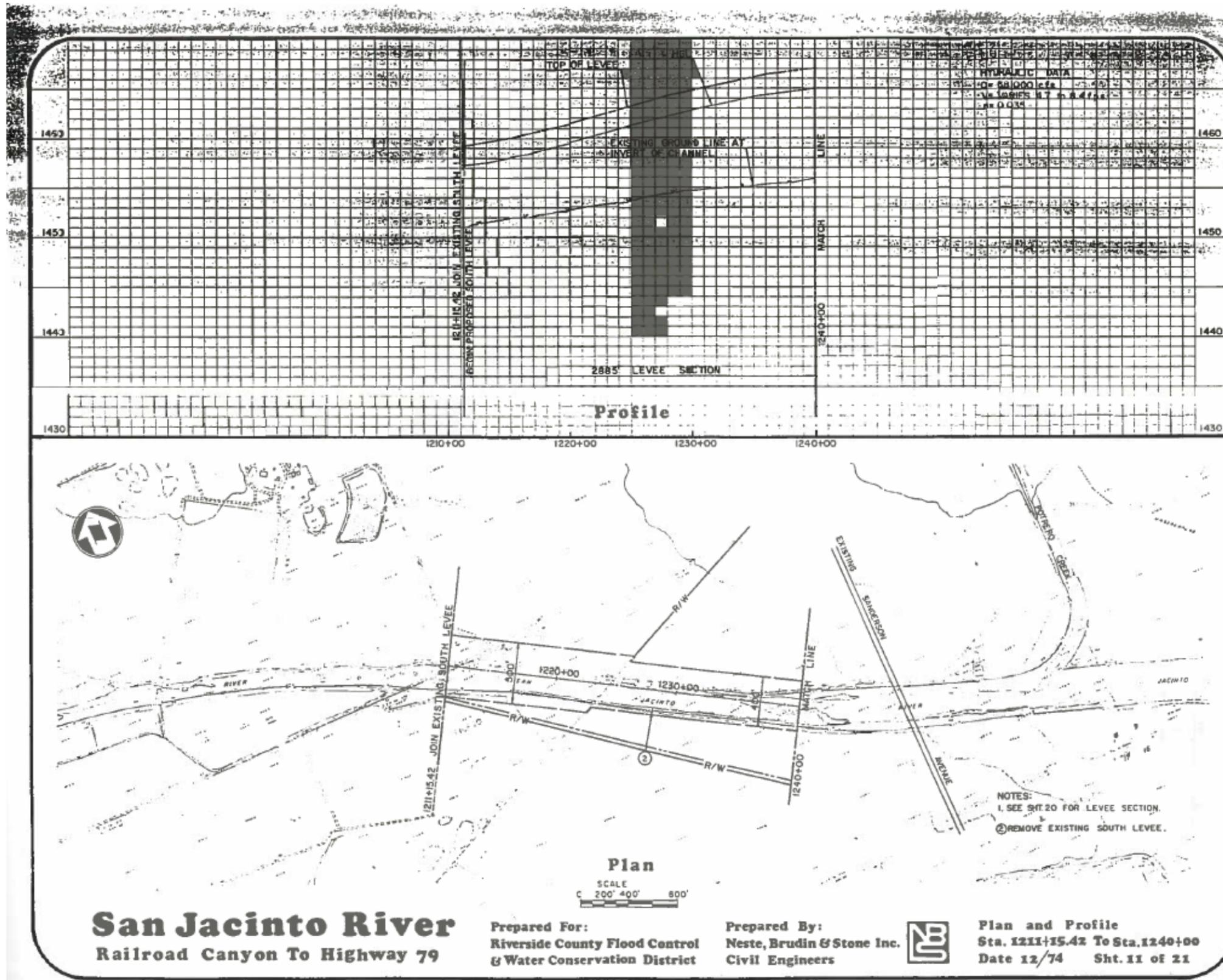
Response to Comment K-41:

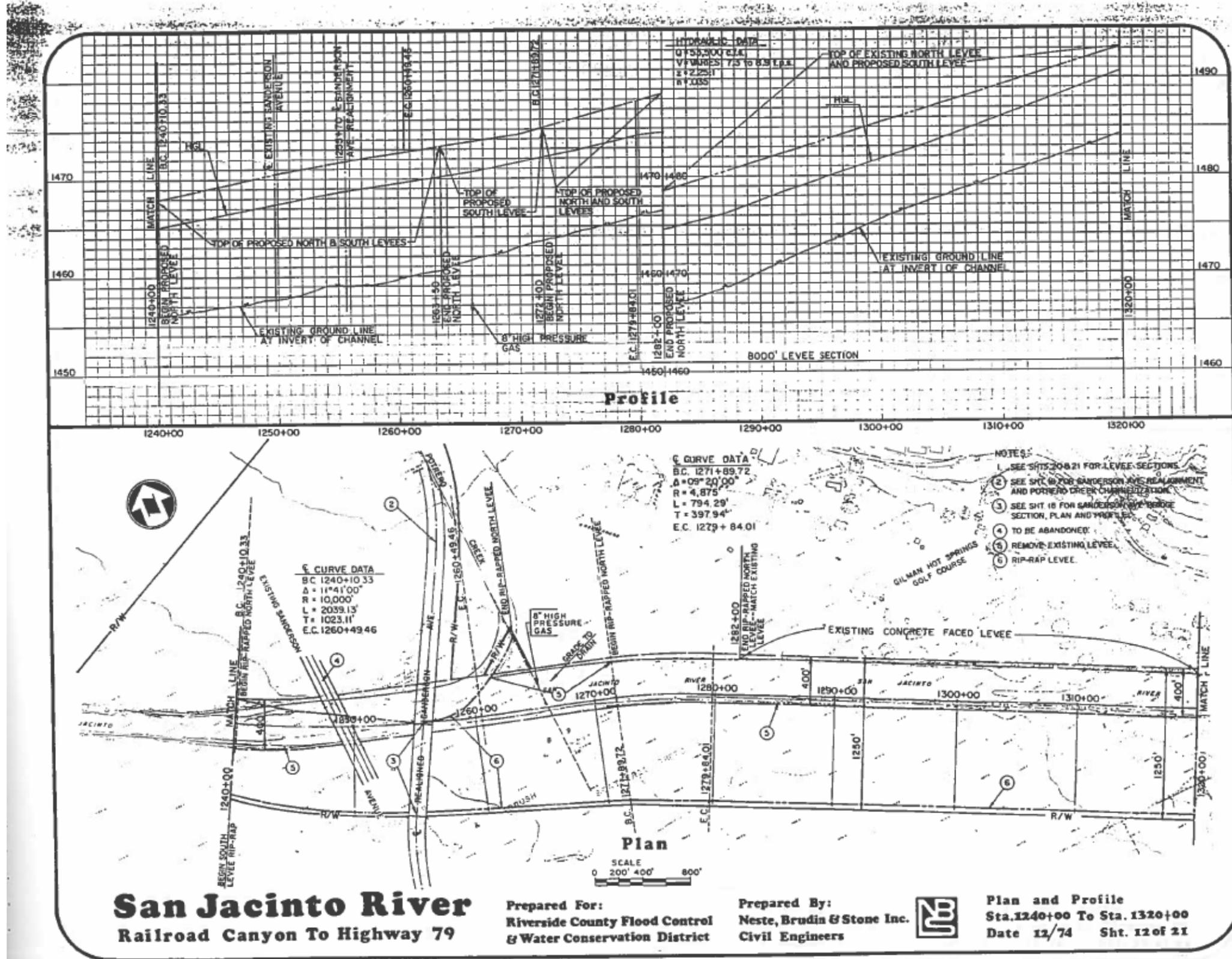
Comment noted. The City will comply with all requirements of CEQA as well as noticing requirements of public hearings.

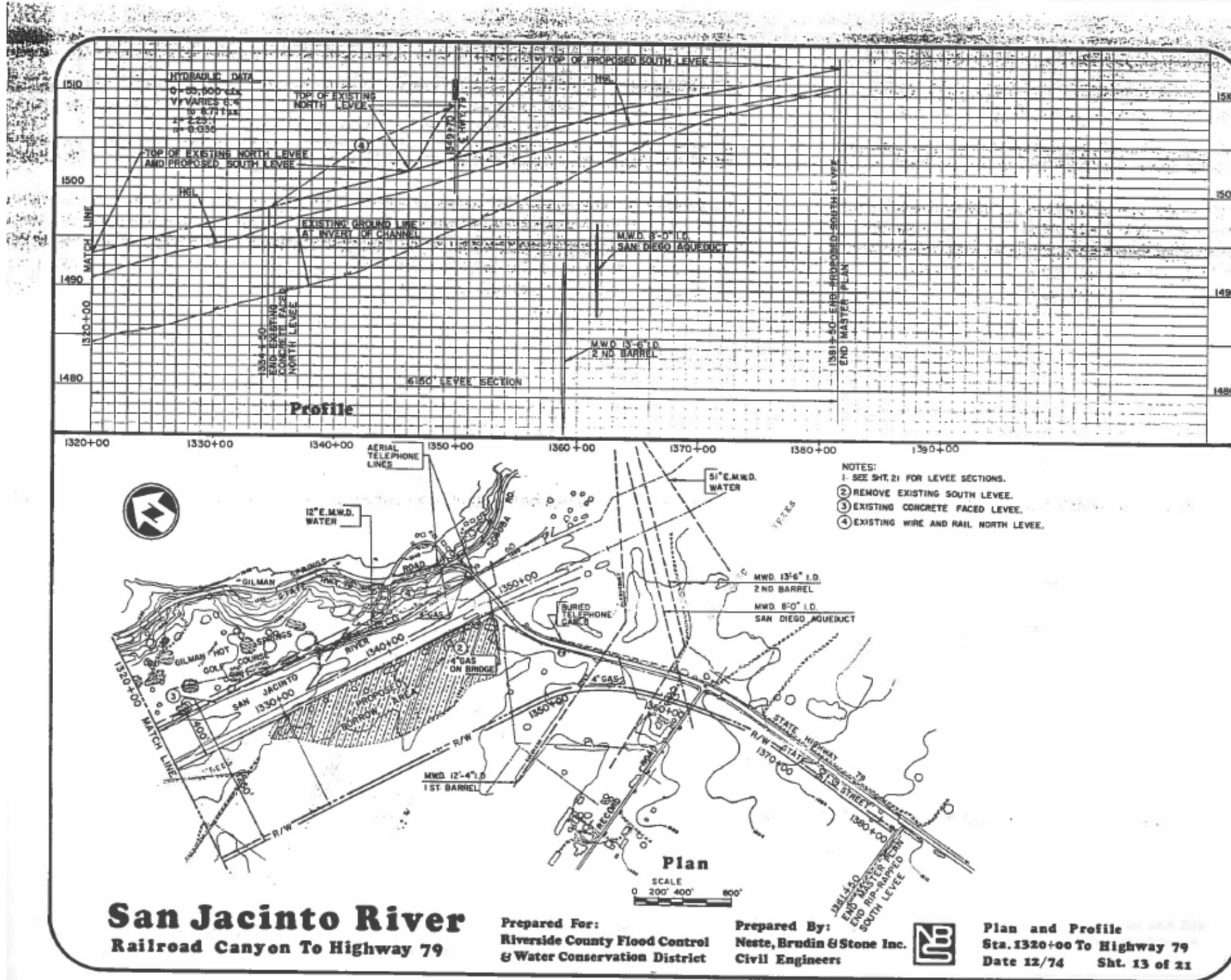
Response to Comment K-42:

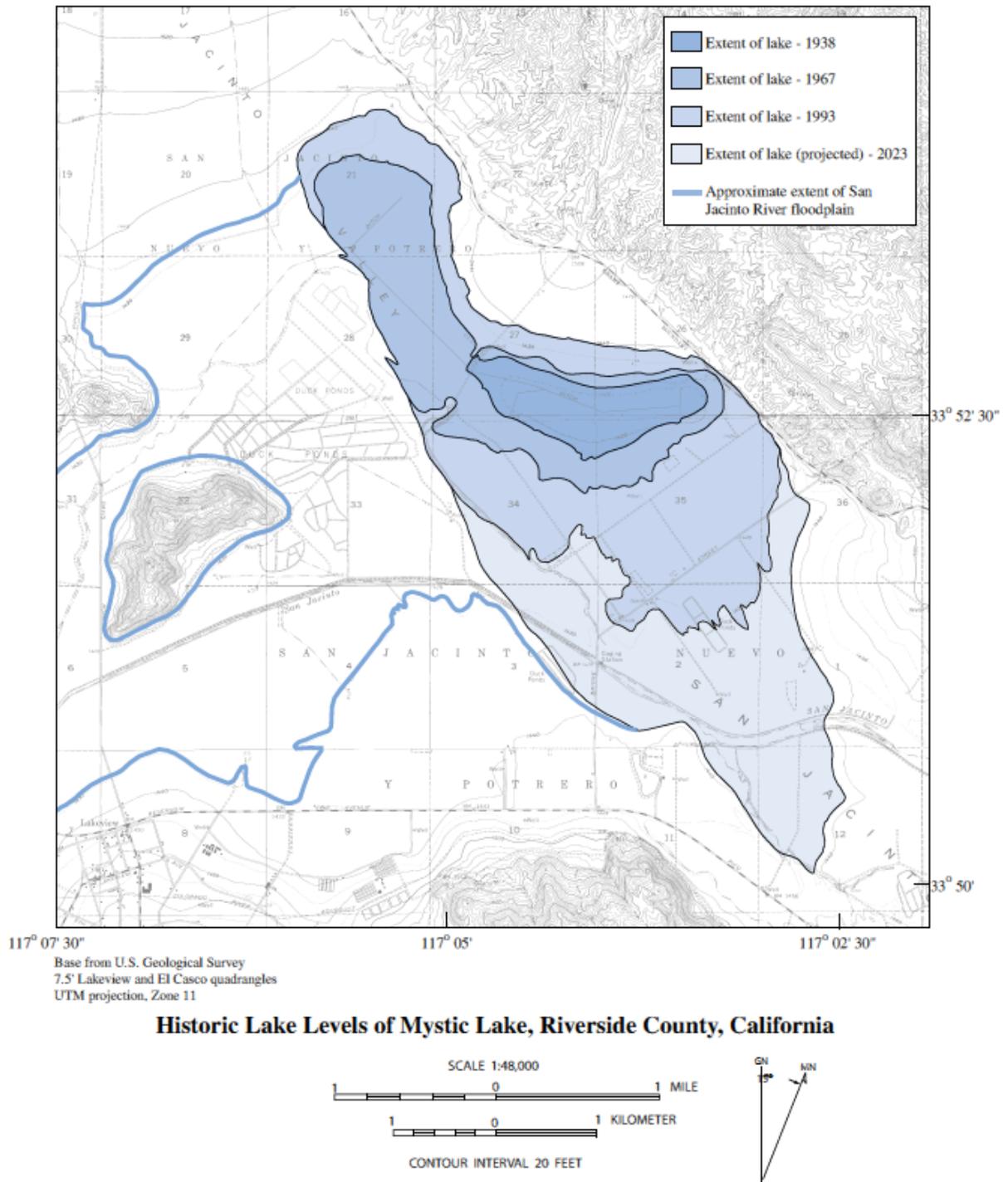
Comment noted. The City will comply with all requirements of CEQA as well as noticing requirements of public hearings.











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Comment Letter L – Western Riverside Agriculture Coalition



Western Riverside County Agriculture Coalition

February 2, 2015

Thank you for allowing the Western Riverside County Agriculture Coalition to comment on the Draft Environmental Impact Report- San Jacinto River Levee, Stage 4 and River Expansion Project.

L-1

1. SJWR-Should be SJRWC (San Jacinto River Watershed Council) whenever referenced.

2. The San Jacinto River Watershed Council did extensive work on the "Gap" area- that area west of the proposed project on sediment transport and feasibility projects. None of these were reviewed or referenced in this draft EIR. The proposed project is just moving the water further west and an estimated 2.2 mile long "gap" will still appear that will just move the water over agricultural lands west of the current location but still through agricultural lands picking up nutrients. Is it the intention once this project is complete to look at extending the reach the additional distance so water flows directly to Mystic Lake rather than west on to agricultural properties and then into Mystic Lake?

L-2

If this is the extent of the project with no future connection directly to Mystic Lake you are just shifting flow from one agricultural property to another. If it is your intent to complete this project and then extend the additional distance to have flow go directly to Mystic Lake- then the project makes sense.

3. When you mention dairy runoff, I'm not sure you are consistently clear that they have a 25 year CAFO permit that is only exceeded in severe wet weather conditions.

L-3

4. There are many issues with your Mystic Lake data in the report. First, the kidney shape of Mystic Lake showing the small capacity was accurate in the 1960's. All your maps and capacity information is seriously incorrect. Second, capacity increase just over the past 10 years has been 3,000-4,000 acre feet. If you refer to Dr. Doug Morton's projections, the southern tip of Mystic Lake will meet the San Jacinto River in or around 2023. See map in draft workplan. He was extremely accurate with his 1993 projection as this was confirmed using 2004 storage data for the lake when Mystic Lake filled to the top but did not overflow. Dr. Morton as recently as last week said the subsidence in the area will continue and the area you are building will likely subside significantly in the near future. You state in the EIR that the zone for liquefaction is high to very high which coincides with the subsidence rate in the area. This project is being built in close proximity to the MOST active fault in Southern California.

L-4

Storage capacity in your draft EIR is listed at 4,000 acre feet. The workplan has the newest calculations at significantly higher values and the footprint is significantly different than those referenced in your EIR. The data you are referencing is extremely out-dated. Considering that this entire project is dependent upon flow into Mystic Lake and it's capacity, the subsidence, seismic activity and proposed mouth of Mystic Lake meeting the SJ River in potentially 8-10 years flow into ML and the SJR is likely to be altered.

Assuming a subsidence rate of 2.5 cm each year over the surface area of Mystic Lake from the 2004 stage-storage curve, Mystic Lake retention volume would increase 210 acre-feet every year. A subsidence rate of 3.5 cm/year would yield an increase in storage capacity of 295 acre-feet per year. In the 10 years since the 2004 stage storage data was published, Mystic Lake retention volume should have increased by approximately 2,000 to 3,000 acre-feet.

The long documented subsidence in Mystic Lake creates a dynamic hydrologic feature, with an increasing lake retention volume interfering with accurate overflow accounting and prediction.

5. WRCAC has been working on the Mystic Lake Workplan (myself and Maureen intern)-with some participation by a few of the MS4s WRCAC is paying the bill not the Task Force to do this workplan- you refer to the Mystic Lake work being looked into by the TMDL Task Force- it is NOT. It is the Western Riverside County Agriculture Coalition. (WRCAC).WRCAC with participation by affected MS4 stakeholders-the City of San Jacinto, City of Moreno Valley, City of Perris and City of Hemet. They have now added our work to their agenda but if you have questions you should contact Tim Moore. Considering that this has been an issue since 2007 that was confirmed in a model, WRCAC decided to address TMDL loads for subwatersheds 7,8 & 9 in 2014 because of lack of anything being done by the Task Force.

The draft background and data sections of the Mystic Lake Workplan by WRCAC will be presented to WRCAC and the Working group in late February and March. Storage capacity and flow information is available in this report. We do not want to go public with this document until it is complete, however if you want a copy of the draft to use for accurate Mystic Lake data on this EIR we are happy to provide it to your consultant upon request.

6. Funneling more water into Mystic Lake may very likely trigger a nutrient or sediment TMDL in Mystic Lake of which the city of San Jacinto would be responsible for a significant load. I don't think this should be taken lightly or dismissed.

Thank you for the opportunity to comment.

Pat Boldt

Western Riverside County Agriculture Coalition
Executive Director



Response to Comment Letter L – Western Riverside County Agriculture Coalition

Pat Boldt, Executive Director

Western Riverside County Agriculture Coalition

Response to Comment L-1:

Comment noted. “SJRWC” will be used for all references to the San Jacinto River Watershed Council.

Response to Comment L-2:

The “Gap” area is an area located between the San Jacinto River Stage 3 and Stage 4 segments of the river. Ramona Expressway is located to the south of the Gap and Sanderson Avenue is along the eastern edge of the Gap. The Gap is discussed in Section IV, Other CEQA Topics of the DEIR within the Cumulative Impact Analysis for Hydrology and Water Quality. The proposed Project will contain the 100-year event flows of the San Jacinto River along its current alignment although within a wider river corridor. The Project, within the project limits, will prevent 100-year storm event flows from flooding agricultural areas and dairies that are currently located in the 100-year floodplain, and thereby reduce the nutrients that are picked up from these areas and conveyed downstream. As outlined in Section I-2, Executive Summary of the DEIR (Figures I-2-2 and I-2-3) the Project’s downstream or western limit is located approximately 7,000 feet west of Sanderson Avenue. The Project does not include any construction or maintenance beyond the downstream or western limits of the Project. As such, the Project will not prevent 100-year storm event flows from flooding agricultural areas and dairies that are currently located in the 100-year floodplain and located downstream of the Project area. The Project does not modify the direction of the San Jacinto River within the Project boundary or at its downstream limit. There are no plans being developed by the City or the District to construct a project in the “Gap” between Mystic Lake and the western limits of the proposed Project.

Response to Comment L-3:

This comment does not indicate who is meant by “they” so for the purposes of this comment it is anticipated to be the dairy operation in the Project vicinity. The comment is opaque, so for the purposes of this response it is anticipated that the commentor is indicating the dairy operations in the area are required to have a valid Concentrated Animal Feeding Operation (CAFO) permit which require containment of dairy waste ponds. There are two currently operating dairies in the existing 100-year floodplain as shown in Figure I-2-4, Existing Levees and Floodplain. Even if they are operating under a valid CAFOP permit and are containing dairy waste on site because these dairies are located in the 100-year floodplain of the San Jacinto

River a 100-year storm event could inundate these active dairies and convey nutrients downstream towards the receiving water bodies of Mystic Lake and Canyon Lake.

Response to Comment L-4:

The DEIR includes an exhibit, Figure III-7-1, San Jacinto River System, in which the San Jacinto River is shown as well as other waterbodies in the watershed including Mystic Lake and Lake Perris. The outline of Mystic Lake in Figure III-7-1 is based on the most currently available Geographic Information System (GIS) available on line from the U.S. Geographic Survey (USGS). Mystic Lake, as shown in Figure III-7-1 is based on the 2001 hydrology dataset. That data set is now called the National Hydrography data set (NHD <http://nhd.usgs.gov/>) and the current data set dated 2013 does not show Mystic Lake, thus the 2001 data set was used.

This comment indicates that the storage capacity in the DEIR is listed at 4,000 acre feet. This is a mischaracterization as there is no identification in the DEIR of Mystic Lake's storage capacity. The DEIR does indicate the approximate surface size of Mystic Lake when it is inundated. As outlined on page III-7-3, "When inundated, Mystic Lake is relatively shallow with a large surface areas, up to 4,000 acres." The DEIR describes the approximate surface size which is not the same thing as storage capacity. The proposed Project is located upstream of Mystic Lake. Although the comment indicates the data in the DEIR related to Mystic Lake; no current sources of data are provided or recommended in the comment that are currently publicly available.

This comment refer's to "Dr. Doug Morton's" projections for Mystic Lake. Dr. Doug Morton and Fred Miller's projections are outlined in the U. S. Geological Survey (USGS) Geologic Map of the San Barnardion and Santa Ana 30' x 60' Quadrangles, California, Geology and Description of Map Units, version 1.0, Open-File Report 2006-1217, 2006, available at <http://pubs.usgs.gov/of/2006/1217>. As outlined in the report (pamphlet without photos), the San Jacinto basin is about three kilometers (km) in width, 25 km in length, and contains about 3 km of Quaternary fill, and is actively and rapidly susiding. The subsidence is a result of long-term tectonic subsidence accelerated by recent mining of groundwater (Lofgren, 1976; Lofgren and Meyer, 1975; Proctor, 1962; Morton, 1977). The age of the basin and the bounding faults is estimated to be no older than 1.5 Ma. Wood recovered from a depth of 150 meters (m), the deepest dated sediments, gave a 14C age of 30,400 ±1,200 years. A rapidly expanding closed depression called Mystic Lake (fig. 5) (photo 242), located west of Mount Eden area, does not mark the area of maximum subsidence; the location of the lake is due to most of the sediment entering the San Jacinto basin, being deposited northwest and southeast of the closed depression. According to Figure 5, Historic Lake Levels of Mystic Lake, Riverside County, California, the westernmost or downstream extent of the proposed Project is located to the

east of the projected extent of Mystic Lake in 2023. (Figure 5, Historic Lake Levels of Mystic Lake, Riverside County, California from the USGS report is included as an attachment to this response) The proposed Project is not located within the extent of Mystic Lake as projected by Dr. Morton for 2023. The significant subsidence in the valley is located west of the proposed Project. Subsidence is not anticipated to cause reconstruction of the levees in order to maintain the proposed levee's structural integrity or freeboard.

As shown in DEIR Figure III-5-1, a small portion of the Project is within an Alquist-Priolo Fault Zone. However, a Project-specific geotechnical investigation report was prepared and no evidence for active faulting along or immediately adjacent to the alignment was observed during the geologic field reconnaissance, on the aerial photographs reviewed, or in the literature and maps reviewed. However, severe seismic shaking of the site can be expected during the lifetime of the proposed Project (DEIR, page III-5-9). With implementation of the recommendations outlined in the geotechnical report (**MM Geo 1-3**) the potential for levee failure from seismic ground shaking is reduced to less than significant.

With regard to liquefaction, the DEIR discloses that the Project is located in an area with a high potential for liquefaction. However, the analysis in the DEIR and geotechnical investigation report, indicate with implementation of standard engineering practices per the USACE, *Design and Construction of Levees Manual* and the recommendations outlined in the geotechnical investigation report (mitigation measures **MM Geo 1-3**), the potential for levee failure is reduced to a less than significant level. Thus, the potential to expose people or structures to potential substantial adverse effects from liquefaction are less than significant. (DEIR, pp. III-5-11–III-5-13)

In addition, as outlined in the Project Description of the DEIR (Section I-2 – Executive Summary), the District will be responsible for ongoing maintenance. Maintenance activities include routine inspection of the levee and associated structures and repair, rehabilitation, and/or restoration of structures.

Response to Comment L-5:

This comment indicates that WRCAC has been working on the Mystic Lake Workplan and that it contains storage capacity and flow information but that it is not ready yet to go public. It is appreciated that the WRCAC is willing to provide the draft for use of the Mystic Lake data contained in it. However, CEQA requires that “the address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours.” (CEQA

Guidelines § 15807(c)(5)) Therefore, the DEIR would not be in compliance with CEQA if it relied on and referenced a document that was not available to the public.

Response to Comment L-6:

As outlined in DEIR Section III-7, Hydrology and Water Quality (page III-7-14):

The Project is designed to mimic the existing flows of the San Jacinto River at the downstream limit of the Project. Included in the design of the proposed Project the flows leaving the Project area are do not result in a substantial change from the existing 100-year width, depth, peak flow rate, and velocity.

Therefore, the proposed Project will not modify storm water flows that are conveyed downstream of the Project area to Mystic Lake. The Project will not “funnel” more or less water to Mystic Lake. The Project will only contain within the proposed facilities the 100-year storm event flows within the limits of the Project boundary. By doing so, the Project will greatly reduce the amount 100-year event storm flows that come into contact with farmland, dairies, and developed areas in the Project area and convey pollutants, including nutrients, from them down stream to receiving water bodies.

The DEIR also evaluated the Project's potential to alter the course of a stream or river, in a manner that would result in substantial erosion or siltation on-or off-site. As outlined in Section III-7 Hydrology and Water Quality of the DEIR (page III-7-12):

Based on modeling results for the existing and post project conditions only minor, 0.1 feet changes in bed elevation, or aggradation, are expected between the two conditions. This is the expected result since the proposed levee width increases at the downstream end of the Project from the design width to the existing floodplain width. Since no major change in bed change is expected between the existing and proposed conditions downstream of the Project, and since the Project does not divert from or confluence flows to the river only local sediment transport changes are expected as a result of the proposed Project. Therefore, sediment exchange between San Jacinto River and Mystic Lake can be expected to continue without alteration following implementation of the proposed Project (Pace, 2011). The flows leaving the Project area (downstream of Sanderson) are designed to mimic the existing 100-year width, depth, peak flow rate, and velocity. Therefore, the Project will not result in a change in the velocity of storm water leaving the Project boundary from existing conditions such that a change in the amount of erosion or siltation off site would result.

Therefore, the downstream water bodies, including Mystic Lake, that receive sediment from the reaches of the San Jacinto River in the project area and upstream will continue to receive generally the same levels of sediment as they do currently.

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3.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with project development. The DEIR for the proposed San Jacinto River Levee, Stage 4 and River Corridor Expansion Project (hereinafter the “Project”) includes mitigation measures to reduce the potential environmental effects of the Project. CEQA also requires reporting on, and monitoring of, mitigation measures adopted as part of the environmental review process (Public Resources Code Section 21081.6). This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City of San Jacinto in its implementation and monitoring of measures adopted from the Project.

Pursuant to State *CEQA Guidelines* Section 15097, a written monitoring and reporting program has been compiled to verify implementation of adopted mitigation measures. “Monitoring” refers to the ongoing or periodic process of Project oversight provided by the “Responsible Party” listed in the following table. “Reporting” refers to written compliance review that will be presented to the decision-making body or authorized staff person identified in the table below. A report can be required at various stages throughout the Project implementation or upon completion of the mitigation measure. The following table provides the required information which includes identification of the potential impact, various mitigation measures, applicable implementation timing, agencies responsible for implementation, and the monitoring/reporting method for each mitigation measure identified.

The following list clarifies the meaning of each column in the following table:

Impact Category	Identifies a potentially affected resource/environmental condition.
Mitigation Measure	Those measures that will be implemented to minimize potential significant environmental impacts.
Monitoring Phase	The phase of the Project during which the mitigation measure shall be implemented and monitored.
Implementation Timing	The phase of the Project in which implementation and compliance will be monitored.
Responsible Party	Identifies the entity responsible for monitoring implementation of the mitigation measure.
Method of Reporting/Monitoring	Identifies mechanism by which implementation will be verified.

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Mitigation Monitoring and Reporting Program

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
Air Quality	Violate air quality standards, contribute to air quality violation, or result in a cumulatively considerable increase in any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.	MM Air 1: During construction, mobile construction equipment will be properly maintained according to manufacturers' specifications at an off-site location, which includes proper tuning and timing of engines. Equipment maintenance records and equipment design specification data sheets shall be kept on site during construction.	During Construction	Contractor and District	Significant – requires Statement of Overriding Considerations
Air Quality	Violate air quality standards, contribute to air quality violation, or result in a cumulatively considerable increase in any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.	MM Air 2: During construction, all vehicles shall be prohibited from idling in excess of five minutes, both on and off site.	During Construction	Contractor and District	Significant – requires Statement of Overriding Considerations
Air Quality	Violate air quality standards, contribute to air quality violation, or result in a cumulatively considerable increase in any criteria pollutant for	MM Air 3: Construction parking shall be configured to minimize traffic interference.	During Construction	Contractor and District	Significant – requires Statement of Overriding Considerations

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	which the project region is non-attainment under an applicable federal or state ambient air quality standard.				
Air Quality	Violate air quality standards, contribute to air quality violation, or result in a cumulatively considerable increase in any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.	MM Air 4: The Project shall be required by contract specification to include construction equipment engines that meet or exceed Tier 3 standards. <u>Consideration will be given to contractor's that provide proof that SCAQMD's SOON Program (and/or other applicable grant programs) have been applied for funding.</u> Contract specifications shall be included in project construction documents, which shall be reviewed by the City prior to awarding the construction contract. <u>A copy of each unit's certified tier specification, best available control technology (BACT) documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable piece of equipment.</u>	Prior to awarding the construction contract.	Contractor and District	Significant – requires Statement of Overriding Considerations
Air Quality	Violate air quality standards, contribute to air quality violation, or result in a cumulatively considerable increase in any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.	MM Air 5: <u>All dump trucks used for soil hauling during Project construction shall comply with either 2007 or 2010 engine emission standards pursuant to Title 13, Section 2025(d).</u> Contract specifications shall be included in Project construction documents, which shall be reviewed by the City prior to awarding the construction contract.	Prior to awarding the construction contract.	Contractor and District	Significant – requires Statement of Overriding Considerations
Biological	Conflict with the	MM Bio 1: In order to reduce potential impacts to	The riparian	District	Less than

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
Resources	provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	riparian and riverine areas and least Bell's vireo (LBV), the Project shall establish a 77.86-acre riparian corridor (average width of 233 feet) beginning downstream of State Street and extending to the downstream limits of Reach 1. As part of the 77.86-acre riparian corridor, the Project shall create 43.8 acres of riparian habitat suitable for least Bell's vireo nesting, to offset impacts to riparian habitat due to construction and structural maintenance. The created riparian habitat shall consist of cottonwood/willow/mule fat scrub and forest habitats. The riparian habitat shall be created in two strips on either side of the overall riparian corridor, with the middle of the corridor (the low portion of the created channel) left alone for natural recruitment. The created habitat shall include native container plants, cuttings/poles, and/or seed mix throughout the 43.8 acres. The mitigation program shall include the removal of non-native plant species, trash and debris during implementation and in perpetuity. The riparian creation/restoration area shall be monitored and maintained for a minimum of five years, with reports submitted annually, to ensure successful establishment of the habitat to the agreed upon performance standards. Groundwater monitoring wells will be used within the riparian creation/restoration area (Reach 1 and 2) as well as within existing riparian habitat to be avoided (Reach 1). The riparian creation/restoration area shall not be subject to any maintenance for flood control purposes and shall only receive maintenance consistent with a habitat conservation area, such as the removal of non-native plants, trash and debris, and replacement of	corridor shall be established within one year of completion of construction activities		significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		native plant species as necessary to achieve performance standards. The riparian creation/restoration area shall be protected in perpetuity with a conservation easement.			
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	MM Bio 2: In order to reduce potential impacts to riparian and riverine areas and least Bell’s vireo (LBV), the Project shall avoid 38.62 acres of existing riparian habitat within the Limited Maintenance Zones (LMZ) and be protected in perpetuity with a conservation easement. The LMZ areas will not be subject to flood control maintenance, except in emergencies as described in the Project Description. The 38.62 acres of riparian habitat within the LMZ will not be actively enhanced, i.e., it will be allowed to vegetate passively, but it will be subject to the removal of non-native vegetation.	Maintenance of the LMZ will be conducted in perpetuity following construction completion	District	Less than significant
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	MM Bio 3: The construction of the proposed southern levee, together with the direct removal of portions of the existing southern levee, will expand the riverine corridor by approximately 295.86 acres (Figure 6 – Expanded Riparian/Riverine Corridor), which together with the 77.86-acre riparian corridor, 38.62 acres of avoided riparian habitat (LMZ), 7.81 acres of avoided riverine areas (LMZ), and 44.83 acres of temporary impacts to riverine areas, will result in a post-project total of approximately 464.98 acres of riparian/riverine areas as compared with the 122.57 acres of riparian/riverine areas that exists in the Project footprint today.	During construction	District	Less than significant
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan,	MM Bio 4: The Project shall include general enhancement within the overall post-project boundary (Reach 1 and 2) of the San Jacinto River, in perpetuity. Enhancement activities shall include	Management activities will be conducted in perpetuity	District	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	the removal of specified exotic plant species (i.e., woody non-native species), the removal of trash and debris, and the management of non-native bird species (e.g., Brown-headed Cowbirds, European Starlings, and English Sparrows). Enhancement will also occur within Reach 3 (upstream of State Street), to be separately addressed in a long-term maintenance agreement (LTMA) between the District and CDFW.	following construction completion.		
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	MM Bio 5: The Project shall acquire/expand existing LAPM habitat with LTCV within the Project area by approximately 239.9 acres, and implement an adaptive management program of riverine maintenance to minimize impacts to LAPM habitat for a total of 307.94 acres. The program shall include the maintenance of one half of each reach per year, and vegetation maintenance achieved through grazing in lieu of mechanical mowing.	Acquisition of property shall occur prior to construction. Maintenance activities shall be conducted in perpetuity following construction completion.	City of San Jacinto and District	Less than significant
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	MM Bio 6: Acquire 4.7 acres of LAPM refugia habitat. The 4.7-acre area will be managed by the District.	Acquisition of property shall occur prior to construction. Maintenance activities shall be conducted in perpetuity following construction completion.	City of San Jacinto and District	Less than significant
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan,	MM Bio 7: Manage 33.1 acres in the District's Potrero Debris Basin, an additional 49.0 acres associated with an existing RCA easement within Potrero, and the 4.7-acre property for LAPM	Acquisition of property shall occur prior to construction.	City of San Jacinto and District	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	<p>Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.</p>	<p>LTCV/refugia habitat. Management activities for refugia for the benefit of target species should include once-a-year monitoring of vegetation cover and conditions (including native and non-native grasses and shrubs) by a qualified biologist. Maintenance should include the removal of grasses and grass mats, the deposition of sand if necessary, and/or shrub plantings, as needed to provide the appropriate vegetation cover and overall conditions required by LAPM. Dense grass cover can be reduced or essentially eliminated over a relatively short period of time with the use of gramicides (i.e. grass herbicides such as Fusilade and/or Envoy). Potrero Debris Basin is owned by the District and will be managed by the District. The 4.7-acre property will be acquired and managed by the District. Activities within Potrero Debris Basin (including the existing RCA easement) and the 4.7-acre property will be reported to the RCA annually.</p>	<p>Maintenance activities shall be conducted in perpetuity following construction completion.</p>		
<p>Biological Resources</p>	<p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or</p>	<p>MM Bio 8: The District shall manage a 75.5-acre area (the “triangle area”) located between the proposed low flow diversion structure and the western terminus of the proposed southern levee. Management within this area will be limited to grazing.</p>	<p>Maintenance activities shall be conducted in perpetuity following construction completion.</p>	<p>District</p>	<p>Less than significant</p>

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	other approved local, regional, or state conservation plan.				
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	MM Bio 9: The District shall avoid 74.00 acres of LAPM habitat with LTCV within the Project's Limited Maintenance Zone (LMZ) areas. The LMZ areas shall be protected in perpetuity with a conservation easement. During maintenance activities, temporary fencing and/or GPS systems will be used to ensure avoidance of LMZ/Conservation Easement areas.	Maintenance activities shall be conducted in perpetuity following construction completion.	District	Less than significant
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	MM Bio 10: Sandy low slope ramps (Potrero Basin spillway and low flow diversion structure) shall be installed. The existing southern levee affected by erosion due to storm events shall be rebuilt as needed. The ramps and remnant southern levee sections will be maintained in perpetuity. Scattered vegetation will be allowed to grow on the ramps to provide cover for LAPM.	The sandy low slope ramps will be constructed in the last phase of construction and will be monitored and maintained in perpetuity.	Qualified Biologist and District	Less than significant
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	MM Bio 11: A long-term management plan (LTMP) for the in-perpetuity management for all LAPM mitigation lands, including the Potrero Debris Basin, the Driscoll property, the triangle area, and existing/expanded LAPM habitat within the Project footprint shall be developed. Management of lands within the triangle area will be limited to grazing. Management of all remaining lands will include, at a minimum, the management of non-native plant species (methodology, frequency, and disposal to be included in the LTMP); vegetation monitoring protocols (methodology and frequency of data collection to be included in LTMP); vegetation data analysis (methodology and	The Long-Term Management Plan (LTMP) shall be prepared prior to construction start. Management of the properties covered in the LTMP shall be managed in perpetuity in accordance with	Qualified Biologist and District	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		frequency), small mammal monitoring protocols (methodology and frequency of data collection); proposed adaptive management strategies (including when adaptive management will be implemented); and the minimum qualifications of the land management entity proposed to manage the LAPM mitigation lands.	the LTMP.		
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	MM Bio 12: A pre-construction survey will be conducted prior to initiation of project construction activities within suitable habitat of the burrowing owl. Objective 6 of the MSHCP species-specific burrowing owl objectives states that pre-construction presence/absence surveys for the burrowing owl will be conducted where suitable habitat is present. Surveys will be conducted within 30 days prior to disturbance. If burrowing owls are detected, then passive relocation (use of one-way doors and collapse of burrows) will occur outside the nesting season. Take of active nests will be avoided.	Within 30-days prior to construction start	Qualified Biologist and City of San Jacinto	Less than significant
Biological Resources	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.	MM Bio 13: To reduce impacts associated with temporary construction activities on sensitive species and habitats, Standard Best Management Practices and Construction Guidelines, as outlined in Volume I Appendix C and Section 7.5.3 of the MSHCP, respectively, shall be implemented where technically feasible.	Throughout construction	Qualified Biologist and City of San Jacinto	Less than significant
Cultural Resources	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section	MM Cultural 1: Although the technical studies completed for the project determined that it was highly unlikely that the project site contains significant archaeological resources, should any unknown cultural and/or archaeological resources	During Construction	Qualified Archaeologist and City of San Jacinto	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	15064.5 of the <i>CEQA Guidelines</i> .	be accidentally discovered during construction, construction activities shall be moved to other parts of the project site and a qualified archaeologist shall be contacted to determine the significance of these resources. If the find is determined to be an historical or unique archaeological resource, as defined in Section 15064.5 of the <i>CEQA Guidelines</i> , the City shall enter into a Treatment and Disposition Agreement (TDA) with Soboba to address treatment and disposition of archaeological and cultural resources and human remains associated with Soboba. Tribal monitors, including those from Soboba, may be allowed to monitor, at such tribe's sole cost and expense, all grading, excavation, and ground-disturbing activities. Following execution of the TDA by the City and Soboba, the TDA will be incorporated by reference into the construction specifications. Any artifacts collected or recovered shall be cleaned, identified, catalogued, analyzed, and prepared for curation at an appropriate repository with permanent retrievable storage to allow for additional research in the future. Site records or site record updates (as appropriate) shall be prepared and submitted to the Eastern Information Center as a permanent record of the discovery.			
Cultural Resources	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	MM Cultural 2a: Earth-moving activities encountering soils that are identified as Pleistocene age or older alluvium, by the representative of the soils engineer, shall be monitored by a qualified paleontological monitor. Continuous paleontological monitoring should be restricted to undisturbed older alluvium, which might be present below the surface. The monitor	During construction – Grading activities	Qualified Paleontologic Monitor and District	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		should be prepared to salvage fossils as they are unearthed to avoid construction delays. The monitor should also remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall have the authority to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.			
Cultural Resources	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	MM Cultural 2b: All recovered paleontological specimens shall be prepared and stabilized for identification and permanent preservation, including washing of sediment samples to recover small invertebrates and vertebrates, potentially leading to curation in perpetuity in a facility that meets the standards of the State of California, <i>Guidelines for the Curation of Archaeological Collections</i> (OHP 1993) and <i>36 CFR 79</i> . Mitigation of adverse impacts to significant paleontologic resources is not complete until the curation process has been fully completed and documented.	During construction – Grading activities	Qualified Paleontologic Monitor and District	Less than significant
Geology and Soils	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or from being located on a geologic unit or soil that	MM Geo 1: A minimum mandatory removal and replacement of all existing fills and at least the upper 36 inches of existing native soil along the levee alignments shall be completed. The bottom of all sub-excavations shall be observed and approved by the engineering geologist prior to placement of fill to verify the presence of competent material. In addition, any unsuitable fills and/or disturbed soils encountered during construction shall be completely removed and cleaned of significant deleterious materials prior to reusing as compacted fill.	During Construction – Grading activities	Contractor and District	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.				
Geology and Soils		MM Geo 2: Due to the shallow water table, free water may exist in localized excavation areas. The need for dewatering in localized areas shall be anticipated during construction. The contractor shall design and install an appropriate dewatering system during construction, if necessary, and the applicable permit from RWQCB shall be obtained.	During Construction – Grading activities	Contractor and District	Less than significant
Geology and Soils		MM Geo 3: In order to ensure that adequate freeboard is maintained, after a major seismic event the levee top elevations shall be surveyed and the integrity of the concrete liner shall be checked. To ensure that adequate gross stability of the levee embankment is maintained, after major flood episodes the condition of the landside slopes of the concrete liner shall be checked and promptly repaired as necessary.	During Construction – Grading activities	Contractor and District	Less than significant
Hazards/ Hazardous Materials	In the unlikely event unknown hazardous wastes/materials are encountered during construction, any impacts would be mitigated.	MM Hazardous 1: If previously unknown hazardous waste/materials are encountered in the field during construction, ground disturbing activities in the vicinity of the discovery shall cease until a qualified hazardous materials management specialist can assess the potentially hazardous substances and, if necessary, develop appropriate management measures for the treatment and disposal of the materials in accordance with applicable laws and regulations set by the appropriate regulatory agencies.	During construction or ground disturbing activities	District	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
Noise	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	<p>MM Noise 1: To prevent construction-related noise, including that occurring within the City of San Jacinto and unincorporated Riverside County jurisdictions, from disturbing sensitive receptors during the evening hours, the following restrictions shall be observed in accordance with the City of San Jacinto Municipal Code, Section 8.40.090, A & B, which state:</p> <p>A. Weekdays. No person, while engaged in construction, remodeling, digging, grading, demolition, or any other related building activity, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a peace office, on any weekday except between the hours of 7:30 a.m. and 6:00 p.m.; and</p> <p>B. Weekends and Holidays. No person, while engaged in construction, remodeling, digging, grading, demolition or any other related building activity, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a peace office, on any weekend day or any federal holiday.</p>	During Construction	Contractor and District	Less than significant
Noise	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above	<p>MM Noise 2: To minimize noise impacts resulting from poorly tuned or improperly modified vehicles and construction equipment, all vehicles and construction equipment shall be maintained in good condition and in proper tune per</p>	During construction	Contractor and District	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
	levels existing without the project.	manufacturers' specifications, to the satisfaction of the District. Equipment maintenance records and equipment design specification data sheets shall be kept on site during construction. Maintenance records shall be submitted monthly to the District. Compliance with this measure shall be subject to periodic inspections by the District.			
Noise	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	<p>MM Noise 3: To inform potential sensitive receivers of the pending project construction, the District shall:</p> <ul style="list-style-type: none"> a) provide written notification to residents of the Country Lake mobile home parks and two nearby single family residences (or other sensitive receptor(s) at the time of construction) located within 1,400 feet of the project site, 30 days prior to the start of construction. The written notification shall include a tentative construction schedule and contact information for use by the public if specific noise issues arise; and b) prior to commencement of construction, the District shall post contact information on the construction site for use by the public in the event specific noise issues arise. The contact information shall remain in place until construction is complete. 	During construction	Contractor and District	Less than significant
Noise	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	<p>MM Noise 4: To reduce noise impacts associated with temporary diesel- or gasoline-powered generators, and where a portable diesel- or gas-powered generator is necessary, it shall have maximum noise muffling capacity and be located as far as technically feasible from noise sensitive uses.</p>	During construction	Contractor and District	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
Noise	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	MM Noise 5: To minimize or eliminate motor-derived noise from construction equipment, contractors shall utilize construction equipment that is either propane- or electric-powered, when technically feasible.	During construction	Contractor and District	Less than significant
Noise	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	MM Noise 6: To minimize or eliminate noise from portable compressors, generators, and other such equipment, this equipment shall be covered, to the extent that it is technically feasible, with noise-insulating fabric that does not interfere with the manufacturer's guidelines for engine or exhaust operation	During construction	Contractor and District	Less than significant
Noise	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	MM Noise 7: To minimize noise from idling engines, all vehicles and construction equipment shall be prohibited from idling in excess of five minutes, when not in use.	During construction	Contractor and District	Less than significant
Noise	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	MM Noise 8: Temporary noise control barriers (e.g., plywood walls, noise curtains/blankets) shall be utilized to reduce noise impacts when construction takes place near existing residences including two single family residences and the Country Lake Mobile Home Community park, towards the southern end of the project's alignment. To be effective, the barrier/curtain must be located at the top of the highest point between the noise source and receptor, must physically fit in the available space, must completely break the line-of-sight between the noise source and the receptors, must be free of	During construction	Contractor and District	Less than significant

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Impact After Mitigation
		<p>degrading holes or gaps, and must not be flanked by nearby reflective surfaces. Noise barriers must be sizable enough to cover the entire noise source, and extend length-wise and vertically as far as feasibly possible to be most effective. If necessary and technically feasible, noise barriers should be tall enough to provide noise reduction for the upper-most stories of nearby sensitive receptors, though this may not always be achievable with abutting multi-story buildings.</p>			