

9.0 Responses To Comments

The San Jacinto General Plan Draft EIR was circulated for public review for a period of 45 days extending from January 27, 2006 to March 13, 2006. The Draft EIR was distributed to a variety of public agencies and individuals.

In accordance with CEQA Guidelines Section 15088, the City of San Jacinto has evaluated the comments on environmental issues received from those agencies/parties and has prepared written responses to each pertinent comment relating to the adequacy of the environmental analysis contained in the Draft EIR. There has been good faith, reasoned analysis in response to comments, rather than conclusory statements unsupported by factual information.

The agencies, organizations, and interested persons listed on the "Response to Comments Index" submitted comments on the Draft EIR during the public review period. Each comment submitted in writing is included, along with a written response where determined necessary. The individual comments have been given reference numbers, which appear in the right margin next to the bracketed comment. For example, Letter A will have comment numbers A1, A2, etc.

In response to comments received, certain revisions have been made in the EIR. These revisions to the EIR are generally minor text changes that do not constitute significant additional information that changes the outcome of the environmental analysis or require recirculation of the document (Guidelines Section 15088.5). All such changes are noted in the responses to comments. Very minor text changes are generally noted and summarized, while more involved textual changes are reproduced in these responses to comments as a courtesy to the commenter.

The agencies, organizations, and individuals that submitted comments on the Draft EIR are identified in Table 9-1 Responses to Comments Index. The comment letters and responses are provided on the following pages.

**Table 9-1
Responses to Comments Index**

Name	Address	Letter Date	Letter Descriptor	Comment References
State of California Governor's Office of Planning and Research	1400 Tenth St. PO Box 3044, Sacramento, California 95812-3044	March 14, 2006	A	A1
Department of Conservation: Division of Land Resource Protection	801 K Street, MS 18-01, Sacramento, California 95814	March 13, 2006	B	B1-B8
Department of Conservation: Division of Oil, Gas, and Geothermal Resources	5816 Corporate Ave., Suite 200 Cypress, California 90630-4731	February 23, 2006	C	C1-C6
Southern California Association of Governments	818 West Seventh Street, 12 th Floor Los Angeles, California, 90017-3435	March 9, 2006	D	D1-D3
California Regional Water Quality Control Board, Santa Ana Region	3737 Main Street, Suite 500, Riverside, California, 92501-3348	March 7, 2006	E	E1-E20
Riverside County Transportation Commission	Riverside County Regional Complex P.O. Box 12008 Riverside, CA 92502-2208	March 9, 2006	F	F1-F14
Riverside County Waste Management Department	14310 Frederick Street, Moreno Valley, California, 925553	March 15, 2006	G	G1-G7
Riverside County Flood Control and Water Conservation District	801 K Street, MS 12-32, Sacramento, California 95814-3531	March 2, 2006	H	H1-H4
Leibold, McClendon, and Mann for the Soboba Band of Luiseno Indians	23422 Mill Creek Drive, Suite 105 Laguna Hills, California 92653	March 23, 2006	I	I1-I3



STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Arnold
Schwarzenegger
Governor

Sean Walsh
Director

March 14, 2006

RECEIVED
MAR 17 2006

John Freiman
City of San Jacinto
248 East Main Street
San Jacinto, CA 92583

BY:.....

Subject: City of San Jacinto General Plan Update
SCH#: 2001111165

Dear John Freiman:

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 March 13, 2006, 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:

A1

"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,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

RESPONSE TO LETTER A: STATE OF CALIFORNIA GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, MARCH 14, 2006

A1: This letter acknowledges that the DEIR complied with the State Clearinghouse review requirements for draft environmental documents. No further response is required.



DEPARTMENT OF CONSERVATION

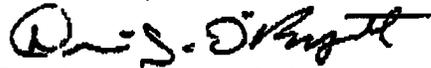
DIVISION OF LAND RESOURCE PROTECTION

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

PHONE 916 / 324-0850 • FAX 916 / 327-9430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

TO: Project Coordinator
Resources Agency

John Frieman
City of San Jacinto
248 East Main Street
San Jacinto, CA 92583

FROM: 
Dennis J. O'Bryant, Acting Assistant Director
Department of Conservation, Division of Land Resource Protection

DATE:
SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SAN
JACINTO GENERAL PLAN UPDATE (GPU) SCH# 2001111165

B1 The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above DEIR addressing adoption and implementation of a comprehensive update to the San Jacinto General Plan and offers the following comments.

Important Farmland Classifications

B2 The DEIR provides descriptions of map categories used on the Division's Riverside County Important Farmland Map. The second paragraph on Page 5.2-2 starting with "Soil that would be classified as Prime Farmland..." should be labeled as the Riverside County definition for Farmland of Local Importance.

Williamson Act Lands and Lands in Agricultural Preserves

B3 The DEIR notes that the proposed GPU does not zone any land for agricultural uses and will allow urban development of areas currently zoned for agricultural uses or under Williamson Act contract. It should be noted that a project is deemed to be of statewide, regional or area-wide significance if it will result in cancellation of a Williamson Act contract for a parcel of 100 or more acres [California Code of Regulations Section 15206(b)(3)].

Project Coordinator and John Frieman
March 13, 2006
Page 2 of 2

B4 | In addition, agricultural preserves are authorized by the Williamson Act, and established by the local government, to designate land qualified to be placed under the Act's 10-year contracts. Agricultural preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use and agricultural preserve land must be restricted by zoning or other means so as not to be incompatible with the agricultural use of contracted land within the preserve (Government Code Section 51230). Therefore, any proposed general plan designation or zoning within agricultural preserves that may preclude agricultural use should be evaluated for appropriateness for inclusion within agricultural preserves.

B5 | If any portions of the planning area are under Williamson Act contract, and any part of the site is to continue under contract after project completion, the DEIR should also discuss the proposed uses for those lands. Uses of contracted land must meet compatibility standards identified in Government Code Sections 51238 - 51238.3. Otherwise, contract termination must occur prior to the initiation of the land use.

B6 | As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). The City or County of jurisdiction must approve a request for contract cancellation, and base that approval on specific findings that are supported by substantial evidence (Government Code Section 51282). If Williamson Act contract cancellation is proposed, we recommend that a discussion of the findings be included in the DEIR. Finally, the notice of the hearing to approve the tentative cancellation, and a copy of the landowner's petition, must be mailed to the Director of the Department of Conservation ten (10) working days prior to the hearing. (The notice should be mailed to Bridgett Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528.)

B7 | The GPU should also contain general information on lands in agricultural preserves and under Williamson Act contract such as a map detailing the location of agricultural preserves and contracted land within each preserve. The DEIR should tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.

B8 | Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or phone (916) 324-0850.

cc: San Jacinto Basin RCD
950 North Ramona Blvd., #6
San Jacinto, CA 92582

RESPONSE TO LETTER B: DEPARTMENT OF CONSERVATION: DIVISION OF LAND RESOURCE PROTECTION, MARCH 13, 2006

- B1:** Comment noted. This introductory comment describes the commenting agency's function and states that the agency has reviewed the EIR. No further response is necessary.
- B2:** The second bullet point on page 5.2-2 has been labeled as "Farmland of Local Importance (Riverside County definition)". This revision does not change the overall analysis, conclusions, or mitigation requirements contained within the EIR.
- B3:** Figure 5.2-1 illustrates the location of agricultural preserves in the Planning Area and Figure 5.2-2 illustrates the area within the Planning Area that is under a Williamson Act contract. Ultimately, the EIR concluded that future development within the Planning Area will affect agricultural resources in the Planning Area, including existing Williamson Act contract lands, and those impacts are significant and unavoidable. This conclusion is not limited to, but does include cancellation of a Williamson Act contract for parcels of 100 acres or more. Cancellation of Williamson Act contracts for parcels of 100 acres or more would be considered a project of Statewide Significance pursuant to State CEQA Guidelines section 15206(b)(3).] As stated on page 5.2.5, "Additional mitigation such as onsite and offsite mitigation of existing farmland converted by the proposed General Plan was considered but found to be infeasible." No change to the EIR is necessary as a result of this comment.
- B4:** All agricultural lands within the Plan area will be converted from agricultural lands to other uses at build out of the General Plan. Therefore, none of the properties currently under Williamson Act contracts or within agricultural preserves will remain under Williamson Act contracts once the project is completed. CEQA analysis conducted as a part of future proposed projects that include the termination of existing Williamson Act contracts will analyze the impacts of terminating Williamson Act contracts. No change to the EIR is necessary as a result of this comment.
- B5:** The project does not designate any future agricultural preserves within the Plan area because all agricultural lands within the Plan area will be converted from agricultural lands to other uses at build out of the General Plan. As stated on page 5.2.5, "Additional mitigation such as onsite and offsite mitigation of existing farmland converted by the proposed General Plan was considered but found to be infeasible." The conversion of these agricultural lands is described as a significant and unavoidable impact.

Consequently, it is likely that existing agricultural preserves will be dissolved in the future. However, dissolution of existing agricultural preserves will not be an activity associated with the proposed General Plan, but will be an action undertaken by individual landowners in the future. Once landowners petition for dissolution of an existing agricultural preserve, notices will be sent to LAFCO and property owners. Therefore, notices related to the dissolution of existing agricultural preserves are not

required as a part of the proposed General Plan. No change to the EIR is necessary as a result of this comment.

- B6:** The project does not propose the termination of existing Williamson Act contracts. The project provides land use designations for future land uses within the Plan area. Williamson Act contracts will be terminated in the future by property owners at a time of their choosing. As stated in the response to comment B4, CEQA analysis conducted as a part of future proposed projects that include the termination of existing Williamson Act contracts will analyze the impacts of terminating Williamson Act contracts. No change to the EIR is necessary as a result of this comment.
- B7:** The locations of agricultural preserves are shown in Figure 5.2-1 and the locations of lands preserved under Williamson Act contracts are shown in Figure 5.2-2. Currently, there are 114.5 acres of agricultural land preserved under Williamson Act contracts. No change to the EIR is necessary as a result of this comment.
- B8:** Comment provides conclusory remarks for the comment letter. No further response is needed.

**DEPARTMENT OF CONSERVATION****DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES**

5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731

PHONE 714/816-6847 • FAX 714/816-6853 • WEB SITE conservation.ca.gov

February 23, 2006

Mr. John Freiman, AICP
City of San Jacinto
248 East Main Street
San Jacinto, California 92583

Subject: Draft Environmental Impact Report for the City of San Jacinto General Plan Update, SCH# 2001111165

Dear Mr. Freiman:

- C1 | The Department of Conservation's (Department) Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California.
- C2 | The proposed project is located beyond the administrative boundaries of any oil or gas field. However, there are three plugged and abandoned wells within or in proximity to the project boundaries. These wells are identified on Division Map W1-7 and records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.
- C3 | Building over or in the proximity of plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.
- C4 | Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

Mr. John Freiman, City of San Jacinto

February 23, 2006

Page 2

C5 To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division's Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

C6 Thank you for the opportunity to comment on the Draft Environmental Impact Report. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

Sincerely,

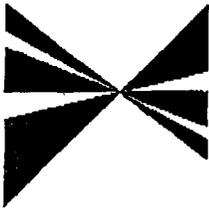


Paul Frost
Associate Oil & Gas Engineer

RESPONSE TO LETTER C: DEPARTMENT OF CONSERVATION: DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES, FEBRUARY 23, 2006

- C1:** Comment noted. This introductory comment states that the agency has reviewed the EIR and describes the commenting agency's function. No further response is needed.
- C2:** Comment noted. The Project being reviewed in this EIR is a General Plan. Future projects that may be affected by these wells, however, will incorporate design measures and mitigation measures in accordance with CEQA to minimize impacts related to these wells. The measures to be considered could include, among others, avoidance, plugging or replugging identified wells, and venting. The City of San Jacinto shall contact your office to obtain a copy of the map detailing the locations of the wells and a copy of the informational packet entitled "Construction Project Site Review and Well Abandonment Procedure" described in the comment letter. The City shall utilize this information in the planning process of future proposed development projects that may be affected by these wells, and will ensure that the Division of Oil, Gas and Geothermal Resources reviews building plans when necessary.
- C3:** See response to comment C2 above.
- C4:** See response to comment C2 above.
- C5:** See response to comment C2 above.
- C6:** Comment provides conclusory remarks for the comment letter. No further response is needed.

SOUTHERN CALIFORNIA



ASSOCIATION OF GOVERNMENTS

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Paul Talbot, Alhambra - Sidney Tyler, Pasadena -
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Angeles

Orange County: Chris Norby, Orange County -
Christine Barnes, La Habra - John Hageman,
Brea - Lou Bone, Tustin - Art Brown, Buena Park
- Richard Chavez, Anaheim - Debbie Coak,
Huntington Beach - Cathryn DeWoux, Laguna
Niguel - Richard Dixon, Lake Forest - Marilyn
Poe, Los Alamitos - Tod Ridgeway, Newport
Beach

Riverside County: Jeff Stone, Riverside County -
Thomas Buckley, Lake Elsinore - Bonnie
Fitzkinger, Moreno Valley - Ron Lovelidge,
Riverside - Greg Peltis, Cathedral City - Ron
Roberts, Temecula

San Bernardino County: Gary Oviit, San
Bernardino County - Lawrence Dale, Borwick -
Paul Eaton, Montclair - Lee Ann Garob, Grand
Terrace - Tim Jasper, Town of Apple Valley - Larry
McCallen, Highland - Deborah Robertson, Bialto
- Alan Wagnier, Ontario

Ventura County: Judy Milkris, Ventura County -
Glen Balena, Simi Valley - Carl Morehouse, San
Muniventura - Toni Young, Port Huemene

Orange County Transportation Authority: Lou
Correa, County of Orange

Riverside County Transportation Commission:
Robin Lowe, Hemet

Ventura County Transportation Commission:
Keith Millhouse, Menapark

9 March 2006

Mr. Tim Hulst
Community Development Director
City of San Jacinto
248 East Main Street
San Jacinto, CA 92583

RE: SCAG Comments on the Draft Environmental Impact Report (DEIR) for the City of
San Jacinto General Plan
SCAG No. I 20060068

Dear Mr. Hulst:

D1 Thank you for submitting the Draft Environmental Impact Report for the City of San Jacinto
General Plan to the Southern California Association of Governments (SCAG) for review
and comment. SCAG's responsibility as the region's clearinghouse per Executive Order
12372 includes the implementation of California Environmental Quality Act (CEQA) §15125
[d]. This legislation requires the review of local plans, projects and programs for
consistency with regional plans.

D2 SCAG staff has evaluated your submission for consistency with the Regional
Comprehensive Plan and Guide (RCPG) and the Regional Transportation Plan (RTP). The
Draft EIR does not yet address SCAG's Notice of Preparation (NOP) response, dated 14
December 2001, which outlined relevant policies and forecasts. We expect the Final EIR to
respond fully to SCAG's published comments. We would appreciate notification of the Final
EIR and a minimum of 45 days to review the document when it becomes available.

D3 A description of the City of San Jacinto General Plan was published in the January 16-31,
2006 Intergovernmental Review Clearinghouse Report for public review and comment.

If you have any questions, please contact me at (213) 236-1851. Thank you.

Sincerely,

Brian Wallace
Associate Regional Planner
Intergovernmental Review

DOCS # 119730v1

RESPONSE TO LETTER D: SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS, MARCH 9, 2006

D1: Comment noted. This introductory comment states that the agency has reviewed the EIR and describes the commenting agency's function. No further response is needed.

D2: We have reviewed the comment and agree that the information requested in the original comment letter should be included in the analysis of the EIR. The Land Use section of the EIR has been updated to include an analysis of the potential for the proposed General Plan to conflict with the policies listed in Southern California Association of Government's (SCAG) response to the Notice of Preparation (NOP), dated 12/14/01. The EIR uses population projections which extend through 2050 in order to provide a comprehensive future growth forecast. Because these projections extend beyond the SCAG 2020 projections requested in the comment letter, the EIR does not use a 2020 population projection for comparison with SCAG 2020 projections.

D3: Comment provides conclusory remarks for the comment letter. No further response is needed.



California Regional Water Quality Control Board
Santa Ana Region



Alan C. Lloyd, Ph.D.
Agency Secretary

3737 Main Street, Suite 500, Riverside, California 92501-3348
 Phone (951) 782-4130 – FAX (951) 781-6288 – TTY (951) 782-3221
<http://www.waterboards.ca.gov/santaana>

Arnold Schwarzenegger
Governor

March 7, 2006

RECEIVED
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Tim Hults, Director
 City of San Jacinto Community Development Dept.
 248 E. Main St.
 San Jacinto, CA 92583

BY:.....

**DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT, CITY OF SAN JACINTO
 GENERAL PLAN UPDATE, RIVERSIDE COUNTY, STATE CLEARINGHOUSE
 NUMBER #200111165**

Dear Mr. Hults:

E1

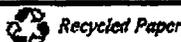
Staff of the Regional Water Quality Control Board, Santa Ana Region (RWQCB), has reviewed the City of San Jacinto (City) Draft Program Environmental Impact Report (DPEIR) for its General Plan update (project). The City is in the process of updating its General Plan for the implementation of development, use of open space, and tiering of projects within its 23.3 square miles of corporate area and 9.5 square miles of Sphere of Influence (SOI). The project anticipates a large population increase resulting in increased residential construction and complete build-out by 2050 (p. 7-1). The following comments should be considered for incorporation into the final PEIR:

E2

1. The expansion of a city carries incremental effects that are "cumulatively considerable" and pose a "potentially significant impact" on the environment. There is widespread experience that an increase of disturbed, developed, and paved areas may substantially impact and impair the beneficial uses of waters of the United States and the state. Three project alternatives (Chapter 6.0) are considered aside from the required "no project" alternative, and each is stated to be "environmentally superior to the proposed project." The three alternatives are characterized, respectively, by 1) a change in preference from a future freeway to "Limited Access Conventional Highway" for State Route 79, 2) preservation of agricultural lands, and 3) clustering of developments in order to reduce overall land and resource disturbance. The final PEIR should discuss how each alternative, as well as the project itself, would impact the water quality standards¹ of the area's surface waters and groundwater management zones listed in the Basin Plan. For example, while the DPEIR does well to address General Plan elements in the Clustered Development Alternative, there is little detail, and no large scale maps of affected areas, indicating the placement of the clusters in relation to drainages and other minor surface waters and their attendant impacts

¹ Water quality standards are water quality objectives, beneficial uses, and an appropriate antidegradation policy. The RWQCB's Water Quality Control Plan for the Santa Ana River Basin (Basin Plan), as amended, contains the water quality standards for the project area.

California Environmental Protection Agency



- E2 Cont. on riparian habitat (WILD, WARM), recreational uses (REC-1, REC-2), agricultural supply (AGR), or the facilitation or hindrance of groundwater recharge (GRW). Such analysis will be valuable when determining and selecting the project alternatives most protective of water quality standards.
- E3 2. Although the three "environmentally superior" alternatives were presented along with the preferred "project," the DPEIR concludes that a Statement of Overriding Consideration will be adopted because there will be significant impacts resulting from the City's growth that cannot be fully mitigated. In particular, the widespread conversion of agricultural land to housing and commercial structures will be a "significant and unavoidable impact" (p. 7-10). We note that surface and groundwater underlying the project area has the AGR beneficial use, and that groundwater in the area has been used extensively for this purpose. Further, we note that as land in the area is converted from agricultural land uses, the need for use of water to support agricultural operations will diminish, although the beneficial use remains, and must continue to be fully protected. Of four possible project options, we believe that the greatest avoidance of water quality impacts that could impair beneficial uses of the area's surface and groundwater would occur with the alternative that preserves agricultural lands.
- E4 The intermittent beneficial uses² listed for the San Jacinto River (SJR), Reaches 4 and 5 (p. 5.8-1), include agricultural supply and are shared with SJR tributary streams also listed in the Basin Plan: Juaro Canyon, Poppet Creek, Protrero Creek, and Bautista Wash. According to the "tributary rule," tributary waters not specifically listed in the Basin Plan have the same water quality standards as the waters to which they are tributary. Further, on January 22, 2004, the Regional Board adopted Resolution No. R8-2004-0001, amending the Basin Plan to establish the San Jacinto Lower Pressure, San Jacinto Upper Pressure, and Canyon groundwater management zones (GMZ) and set appropriate water quality objectives³ (see Comment 14). The above information should be included in the final PEIR.
- E5
- E6 3. We have experience showing that land development, including grading and excavations, on land with historical agricultural, farm and dairy use may result in salts, pesticides, and total nitrogen/phosphorus being mobilized as non-point source (NPS) pollutants. These pollutants have a high potential to be transported and redistributed in an unregulated manner around the San Jacinto River Watershed. The intended plan (HW-2, p. 5.8-8) to reduce nitrate and sediment loading to surface waters from ongoing agricultural operations is commendable. Still, the final PEIR should address basic procedures for the containment of all NPS pollutants during the many anticipated land development

² Agricultural Supply (AGR), Groundwater Recharge (GWR), Water Contact Recreation (REC-1), Non-contact Water Recreation (REC-2), Warm Freshwater Habitat (WARM), and Wildlife Habitat (WILD). Excepted from Municipal Supply (MUN).

³ Total Dissolved Solids and Nitrate-Nitrogen water quality objectives, respectively, in milligrams per liter, for San Jacinto Lower Pressure GMZ (520;1), San Jacinto Upper Pressure GMZ (320;1.4), and Canyon GMZ (230; 2.5).

E6 Cont.

projects that will convert land used for agricultural purposes to urban land uses for which the City will be lead agency (unless another has oversight).

E7

Of the mitigation measures for environmental impacts listed in Table 2-1, most are legal requirements or permit conditions and do not constitute mitigation for impairment to water quality standards (an exception is B-2 for land dedications). Table 2-1 should emphasize that first and foremost, impacts to water quality standards of surface waters of the State, including ephemeral drainages, must be avoided by land development and associated infrastructure construction. Where avoidance is not practicable, impacts to beneficial uses of these waters must be minimized. Such disturbance requires generous, in-kind mitigation (beyond simply the acquisition of permits) that, at a minimum, replaces the full function and value of all impacted water quality standards and results in no net loss of wetlands. The final PEIR should comprehensively and cumulatively address avoidance of, and where necessary, mitigation of, impacts to water quality standards in a program-level manner. The PEIR should direct that when compensating for unavoidable impacts to water quality standards, mitigation must occur in a manner that results in an area-wide system of environmentally functional mitigation sites, rather than in scattered, minimally functional sites.

E8

4. The City's land use policy (Figure 3-2) should involve consultation with the responsible agencies that likely will be issuing permits for projects in the City and SOI. This consultation is necessary to initiate and assure a programmatic approach toward mitigation for those anticipated unavoidable direct and cumulative impacts on water quality beneficial standards that will occur as the general plan is implemented. Permitting agencies include the U.S. Army Corps of Engineers (ACOE)(Clean Water Act Section 404 "dredge and fill" permit), the Regional Board (Section 401 Water Quality Certification of Section 404 permits, or waste discharge requirements), and/or the California Department of Fish and Game (Fish and Game Code Section 1600 Streambed Alteration Agreement), and perhaps others.

E9

5. The Lead Agency for a project that falls under the General Plan and its tiered CEQA process should not finalize its CEQA process until mitigation agreed to between the project proponent and all CEQA Responsible Agencies can be incorporated into the final CEQA document. This consultation process should also be helpful to identify areas of the City where resources that support water quality beneficial uses, such as drainages and recharge areas, should be avoided by development.

E10

6. Major changes in the San Jacinto River floodplain (comparison of Figs. 3-2, Land Use Policy Map, and 5.7-2, Flood Zones) that will require Section 404 permitting and Section 401 Certification include the reconstruction of a levee by the Riverside County Flood Control District to contain runoff from a 100-year storm event, the widening the Ramona expressway, and elements of the Gateway Specific Plan. A hydrology report should address the potential for these projects to cause hydromodification of local tributary drainages in a manner that

E10 Cont.

cumulatively causes them to deteriorate as a result of sedimentation, erosion, scour, channel instability, narrowing of the floodplain, and armoring. Mitigation for hydromodification impacts identified in the hydrology report must be considered in the final PEIR, including localized and regional Best Management Practices (BMPs). The PEIR should include master drainage maps demonstrating how runoff will be transmitted through the City.

E11

7. One aspect of compliance with the Riverside County Areawide Urban Runoff Waste Discharge Requirements⁴ should be added to the Hydrology/Water Quality portion of Table 2-1. The final PEIR should fully reflect that implementation of urban runoff controls and other BMPs will be a crucial part of the City's participation in local municipal compliance with the Regional Board's Total Maximum Daily Loads (TMDLs) for nutrients (phosphorus, nitrogen, and dissolved oxygen) and pathogens (bacteria) entering Canyon Lake. In accordance with Clean Water Act (CWA) Section 303(d), Canyon Lake is listed as impaired by these pollutants. The nutrient TMDL for Canyon Lake is currently under review by the Regional Board. The pathogen TMDL was adopted by Regional Board, and by the Environmental Protection Agency on September 30, 2005. Lake Elsinore, to which Canyon Lake is tributary, is 303(d) listed for nutrients, sediment, and unknown toxicity.

E12

8. The PEIR should encourage development practices and BMPs that utilize the principles of low impact development (LID) as part of a comprehensive, community-wide system for protecting water quality standards. LID makes use of project-level features such as grassed paseos to manage urban runoff quantity and quality while conserving water. LID is among the Ahwahnee Water Principles for Resource Efficient Land Use, adopted in 2005 by the Local Government Commission. The LGC (www.lgc.org) encourages communities to incorporate these principles into general plans. These principles are intended to reverse of the trend of increasingly paved and constructed areas that alter the rate and volumes of surface water runoff and groundwater recharge. The State Water Resources Control Board management has expressed support of the Ahwahnee principles and LID as useful to address the SWRCB's major goals and objectives.

E13

9. The final PEIR must include provisions to advise the City's development, construction and business communities of the need to comply with a National Pollutant Discharge Elimination System (NPDES) permit (waste discharge requirements) for projects that will have dewatering or other wastewater discharges to surface waters of the state. RWQCB Order No. R8-2003-0061, NPDES No. CAG998001, a regional general *de minimus* permit, is available for most such discharges. Order No. R8-2003-0061 may be reviewed under the Adopted Orders link for 2003 permits at the Region 8 website. Waste discharge requirements may also be required for discharge of wastes to land. Further

⁴ RWQCB Order No. R8-2002-0011, NPDES No. CAS 618033. For more information, see http://www.waterboards.ca.gov/santaana/html/riverside_permit.html.

E13 Cont. information can be obtained by contacting the RWQCB Regulations Section staff at (951) 782-4130.

E14 10. The final PEIR should state that when vernal pools are located (western San Jacinto, Fig. 5.4-1) where a land development project may impact them, the RWQCB and California Department of Fish and Game should be notified. Where the ACOE rules that a water body does not fall under their jurisdiction, as is likely for cases of vernal pools or other isolated wetlands in the San Jacinto area, the RWQCB and/or CDFG may still determine that permitting is necessary for protection of waters of the State.

E15 11. The WILD and WARM, and possibly RARE, water quality beneficial uses recognized by the Basin Plan are known to be supported by the network of washes within the City and SOI. Pg. 5.4-1, Biological Resources, lists vernal pools, coastal and valley freshwater marsh, southern cottonwood/willow riparian, open water, riparian forest, and riparian scrub among the area's water-related plant communities. These communities support water quality beneficial uses. The final PEIR should provide direction to land development project proponents to seek opportunities to restore previously impacted plant communities that support water quality beneficial uses. Native vegetation should be protected to the maximum extent possible. Established native riparian vegetation along and within broad floodplains and drainage systems, flanked by adequately vegetated upland buffer areas, will capture storm flows and thereby lessen erosion and sedimentation, consequently protecting water quality standards. Consequently, we encourage the replacement of native vegetation.

E16 12. The final PEIR should reflect that the preservation of all streams and other natural drainage systems, whether perennial or ephemeral, water bodies, and naturally vegetated slopes reduces impacts to water quality and may lessen development's impact on water quality standards. To avoid impacts to the wildlife habitat beneficial use recognized by the Basin Plan, including impeding wildlife movement, roadways should be carried over drainages by bridges or wide, open-bottomed arched culverts. The City's policy of considering wildlife corridors should be supported by measures that require generous mitigation for construction impacts to natural drainages and other surface waters of the state and of the United States. By facilitating wildlife movement through riparian corridors, the Basin Plan's wildlife habitat beneficial uses are served. This policy would lead to streamlining the issuance of Section 401 Certifications or waste discharge requirements by the Regional Board.

E18 13. In order to protect the San Jacinto area's three groundwater management zones, we believe that the final PEIR should lead to a more restrictive General Plan policy for use of on-site subsurface disposal systems, i.e., septic tank installations, than the policy proposed in HW-6, U-2 (Table 2-1, p. 2-30). Development projects that propose to rely on onsite subsurface disposal systems for waste disposal must observe the RWQCB's minimum lot size requirement of one-half acre per subsurface disposal system. Development projects that

E18 Cont.

propose to rely on onsite subsurface disposal systems should be restricted to those to whom sewer service will likely be extended. In such cases, installation of dry sewers should be required. Existing discharges to septic tanks should be connected to new sewer lines when sewers are extended to serve new development.

E19

14. The final PEIR should recommend development project guidelines designed to protect, and if possible improve, the quality of underlying GMZs. An increase in the amount of impervious area covered with pavement, parking lots, or structures will alter the rate and volumes of surface water runoff and groundwater recharge. In contrast, grassed swales and pervious materials designed for these areas will capture, filter, and infiltrate more storm water runoff.

E20

If you have any questions, please contact me at (951) 782-3234, or Glenn Robertson of my staff at (951) 782-3259.

Sincerely,



Mark G. Adelson, Chief
Regional Planning Programs Section

cc: Scott Morgan - State Clearinghouse

Q: Planning/Groberta/Letters/CEQA/DEIR- City of San Jacinto General Plan



RESPONSE TO LETTER E: CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION, MARCH 7, 2006

- E1:** Comment noted. This introductory comment states that the commenting agency has reviewed the EIR and describes some details of the proposed General Plan. No further response is needed.
- E2:** The proposed project and the four identified alternatives do not provide specific project level details associated with future development projects because the project is a General Plan. These details will be addressed in the future as specific development projects are proposed. Therefore, this EIR cannot at this stage provide precise details such as "large scale maps of affected areas, indicating the placement of structures in relation to drainages and other minor surface waters and their attendant impacts on riparian habitat (WILD, WARM), recreational uses (REC-1, REC-2), agricultural supply (AGR), or the facilitation or hindrance of groundwater recharge (GRW)." However, as noted in the Draft EIR, the Clustered Development Alternative would focus higher density residential development along Sanderson Avenue and SR-79. These transportation corridors are illustrated in, among others, Figure 5.13-5, as is the San Jacinto River. Additionally, Figure 5.4-1 illustrates the location of various vegetation communities associated with drainages and surface waters. That figure also displays road-names, facilitating comparison of the location of transportation corridors and surface waters. Finally, the EIR explained that all future development, under the proposed Project or any alternative, would be required to comply with both the City's MS4 permit and the Region 8 Construction Storm Water Permit. Those permits require that developers formulate a Storm Water Pollution Prevention Plan ("SWPPP") prior to any ground disturbance. The SWPPP would identify Best Management Practices that will prevent pollutants from reaching the area's water resources. (EIR, at pp. 5.8-5 to 5.8-8.) No change to the EIR is necessary as a result of this comment.
- E3:** Comment noted. The City acknowledges that the Agricultural Preserve Program is the RWQCB's preferred alternative. However, the City will determine which alternative is ultimately selected. The City has the authority to adopt an alternative that is environmentally inferior if it identifies why the alternative will be selected despite the unmitigable impacts with Findings and Statement of Overriding Considerations. Notably, the significant and unavoidable impact referred to in this comment is to agricultural resources. (EIR, at p. 6-10.) Impacts to groundwater under the proposed Project, however, will be less than significant. (EIR, at p. 5.8-9.) Indeed, Mitigation Measure HW-6 commits the City to incorporating improved open space and preservation areas and quasi-active recreation facilities in groundwater recharge areas. (EIR, at p. 5.8-7.) This mitigation measure, therefore, should limit impervious surfaces to allow groundwater recharge. Also notable is that the EIR concluded that hydrology and water quality impacts under the Agricultural Preservation Alternative would be similar to the proposed General Plan. (EIR, at p. 6-17.) No change to the EIR is necessary as a result of this comment.
- E4:** The following text has been added to page 5.8-1: "Additionally, Juaro canyon, Poppet Creek, Protrero Creek, and Bautista Wash are tributary waters of the San

Jacinto River reaches identified in Table 5.8-1 and therefore are subject to the same water quality standards.” This revision does not change the overall analysis, conclusions, or mitigation requirements contained within the EIR.

- E5:** As the comment notes, the Basin Plan was amended in 2002 to establish the San Jacinto Lower Pressure, San Jacinto Upper Pressure, and Canyon groundwater management zones (“GMZs”). The 2002 amendment to the Basin Plan also set water quality objectives for those GMZs for Total Dissolved Solids and Nitrate-Nitrogen. Implementation of Mitigation Measures HW-1, HW-2, and HW-6 will mitigate impacts related to GMZs. (EIR, at p. 5.8-5 to 5.8-8.) No change to the EIR is necessary as a result of this comment.
- E6:** The type of mitigation requested in this comment is provided for in Mitigation Measure HW-1 on page 5.8-6. Additionally, while mitigation measure HW-1 requires the City and project applicants to adopt the latest technologies in implementing BMPs, effective methodologies currently exist and examples are cataloged in the 2003 Santa Ana Regional Drainage Area Management Plan (DAMP) for the Santa Ana River Watershed. The DAMP was devised to provide urban runoff strategies to implement the regional 2002 Municipal Separate Storm Sewer System (MS4) permit, of which the City is a permittee. Among other measures, the DAMP (1) describes BMPs applicable to public facilities, industrial and commercial projects, construction projects, post-construction source control BMPs, (2) develops enforcement strategies, including inspections and reporting, and (3) emphasizes public education. Thus, the City’s implementation of the DAMP and its MS4 permit are critical elements in its effort to address water quality impacts related to land development. No change to the EIR is necessary as a result of this comment.
- E7:** The following language has been added to Mitigation Measure HW-1: “As specific development projects are implemented, project proponents will be required to consult with relevant agencies such as the U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Game (CDFG).” Consultation with these agencies will produce mitigation measures through defined permitting processes for future specific development projects to address the potential impacts to water resources raised in this comment. This revision does not change the overall analysis, conclusions, or mitigation requirements contained within the EIR.
- E8:** See response to Comment E7 above.
- E9:** See response to Comment E7 above. Additionally, Implementation Program LU-8 of the proposed General Plan states that the City shall “Ensure all projects are reviewed and processed per California Environmental Quality Act (CEQA) Guidelines”. Further, the CEQA Guidelines require that prior to project approval, the Lead Agency shall consult with responsible agencies and trustee agencies regarding, among other topics, appropriate mitigation measures. (State CEQA Guidelines, § 15072, subd. (a) (negative declarations), 15082, subd. (b) (notice of preparation), 15086 (consultation on draft EIR).) These consultation procedures ensure that all

appropriate input is received from responsible and trustee agencies prior to finalizing the CEQA process.

- E10:** As stated on page 5.8-5, “the City shall ensure that all components of the City’s storm drain system potentially affected by existing and future projects conform to the most current Riverside County Flood Control and Water Conservation District master drainage plans and the requirements of the Federal Emergency Management Agency (FEMA)”. Future development associated with the proposed General Plan will analyze potential impacts related to alterations in the San Jacinto River floodplain on a project specific basis. This comment will be forwarded to the Riverside County Flood Control District. No change to the EIR is necessary as a result of this comment.
- E11:** The following text has been added to page 5.8-6: “Additionally, these BMPs shall serve as a part of the City’s participation in local municipal compliance with the RWQCB’s Total Maximum Daily Loads (TMDLs) for nutrients (phosphorus, nitrogen, and dissolved oxygen) and pathogens (bacteria) entering Canyon Lake, which, along with Lake Elsinore (to which it is a tributary) is currently listed as an impaired water body.” The BMPs described in the EIR and elsewhere aim to prevent the movement of potential pollutants, including nutrients and pathogens, into surface and groundwaters. By preventing such transport, the BMPs will protect the water quality of these and other waters. No change to the EIR is necessary as a result of this comment.
- E12:** Mitigation measure HW-1 on page 5.8-6 provides Best Management Practices for compliance with the NPDES. The City may choose to employ the principles of Low Impact Development (LID) in areas where it is appropriate, depending on the specific characteristics of the project site and its proposed development. No change to the EIR is necessary as a result of this comment.
- E13:** The City shall implement the NPDES process under Mitigation Measure HW-1. The City may choose to expand upon its procedures for education and notification of the construction and business communities. However, pursuant to Mitigation Measure HW-1, the City will require the business and construction communities to comply with the NPDES process. No change to the EIR is necessary as a result of this comment.
- E14:** The type of mitigation asked for in this comment is provided by Mitigation Measure B-1, located on page 5.4-19, which “calls for the City to work closely with the RWQCB, U.S. Army Corps of Engineers (ACOE), U.S. Fish and Wildlife Service (FWS), and the California Department of Fish and Game (CDFG) during the discretionary project permitting and CEQA review of any project that may result in the alteration of a stream bed, involve the removal of vegetation in wetland and riparian habitats, disturb Waters of the United States or otherwise impact sensitive biological resources”. No change to the EIR is necessary as a result of this comment.
- E15:** Mitigation Measure B-1 located on page 5.4-19 provides direction for mitigation of impacted plant communities. If plant communities are impacted by future

development associated with the General Plan, mitigation will be required, that may include restoration of previously impacted plant communities that support water quality beneficial uses. However, this mitigation will be developed in consultation with responsible and trustee agencies on a project specific basis as a part of the CEQA process for future development. No change to the EIR is necessary as a result of this comment.

- E16:** Comment noted. The following language has been added to page 5.8-6 as another bullet point example of BMPs to be implemented as a part of Mitigation Measure HW-1: "All streams and other natural drainage systems, whether perennial or ephemeral, water bodies, and naturally vegetated slopes shall be preserved to reduce impacts to water quality". This revision does not change the overall analysis, conclusions, or mitigation requirements contained within the EIR.
- E17:** Potential impacts to wildlife corridors are discussed on page 5.4-20. Mitigation Measures B-1 through B-3 described on page 5.4-23 will mitigate those potential impacts. No change to the EIR is necessary as a result of this comment.
- E18:** The following language has been added to page 5.14-6: Development projects that propose to rely on subsurface disposal systems for waste disposal must observe the RWQCB's minimum lot size requirement of one half acre per subsurface disposal system. Additionally, mitigation Measure U-2 has been amended to state: "The City shall only allow new septic systems for low density projects if they have met the RWQCB's minimum lot size requirement of one half acre per subsurface disposal system, and where sewer connection is infeasible during the development review process."
- E19:** Implementation of Mitigation Measure HW-6 will mitigate impacts related to Groundwater Management zones. Additionally, as stated in the response to Comment 12, the City may choose to employ the principles of LID at lots where it is appropriate, depending on the specifics of the project site.
- E20:** Comment provides conclusory remarks for the comment letter. No further response is needed.



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March 9, 2006

Tim Hults, Principal Planner
City of San Jacinto
Planning Department
201 East Main Street, 3rd Floor
San Jacinto, CA 92583

Subject: Comments to City of San Jacinto General Plan and Draft
Environmental Impact Report (DEIR) for General Plan

Dear Tim:

Thank you for the opportunity to comment on the General Plan (GP) and Draft Environmental Impact Report (DEIR) for the City of San Jacinto. The Riverside County Transportation Commission (RCTC) initially responded to the proposed San Jacinto General Plan on December 20, 2001 and has been working closely with you concerning State Route 79 (SR 79) and the Mid-County Parkway since then. RCTC has the following comments concerning the GP and DEIR:

F1

1. The re-designation of SR 79 from its old alignment on Gilman Springs Road/San Jacinto Avenue should be discussed. No mention of this action by Caltrans is included in the GP or the DEIR.

F2

2. The General Plan Circulation Element still refers to old designations such as Hemet to Corona/Lake Elsinore (HCLE). This transportation corridor should now be referred to as the Mid-County Parkway (MCP).

F3

3. A broader discussion of how the City of San Jacinto participates in funding needed transportation projects should be provided including developer fees, TUMF, etc.

F4

4. The Caltrans Draft Project Study Report (PSR) is referred to at this time. The PSR should be final as we are in the Project Report (PR)/DEIR phase.

F5

5. On Figure C-2 of the GP, Warren Road should be shown as continuous through Esplanade. It should not curve to connect with 7th Street. 7th Street will cross SR 79 with an over-crossing and connect with Warren Road at a 90 degree angle. The interchange of Warren Road and MCP is not drawn correctly and the two alternatives for the MCP are not drawn correctly, either.

Comments to City of San Jacinto General Plan and Draft
Environmental Impact Report (DEIR) for General Plan
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- F6 6. Based on the comparison of the projected traffic volumes of 88,400 to 128,500 ADT for SR 79 in the Build-out horizon of 2050 (page 5.13.17) and the highest capacity for an 8-lane Limited Access Conventional Highway at 81,700 ADT (Table C-1), a freeway alternative is required for SR 79 in the City of San Jacinto. The projected traffic volumes do not support the Limited Access Conventional Highway alternative described in Section 6.2 of the EIR.
- F7 7. In Section 6.2 of the DEIR, Limited Access Conventional Highway assessed in the DEIR notes that this alternative would require a narrower right-of-way than the GP alignment. The typical sections for a Limited Access Conventional Highway shown on Figure 5.13-6 do not meet Caltrans criteria for median width on an expressway. These typical sections also do not provide space for storm water treatment facilities that would be required within the SR 79 right-of-way. Therefore, the premise that the Limited Access Conventional Highway requires a narrower right-of-way than the GP alignment is not valid. Furthermore, it is qualitatively stated in Section 6.2 that this alignment would reduce local traffic, noise, and air quality impacts. However, no analysis is provided of the potential regional or local impacts associated with this alternative. For example, the reduced capacity associated with this alignment could result in an increase in traffic congestion and associated air quality impacts at a regional level. Furthermore, with regard to local impacts, the reduced capacity of SR 79 envisioned under this alternative could result in a diversion of traffic onto local roadways and thereby increase local traffic, noise and air quality impacts. As a result, this alternative may not be considered environmentally superior to the proposed project as stated at the end of this section.
- F8 8. Appendix "C" of the DEIR, the Urban Crossroads Traffic Study, was last updated January 10, 2005. A lot of the data referred to relates to CETAP and the Caltrans draft PSR. Many things have changed recently, especially in regard to SR 79 and the MCP. The more current data should be included in the traffic evaluation.
- F9 9. The discussion of Metro Link service should at a minimum describe the potential for the construction of the Perris Valley Line (PVL) to the City of Perris and ultimately to Hemet and San Jacinto.
- F10 10. Existing State Routes are not clearly identified with coincidental roadways such as Florida Avenue/SR 74 and SR 79/Lamb Canyon Road. The MCP is also identified as the Ramona Expressway in Section 5.13.3. Some information describing where the roadways are coincidental with State Routes should be provided for reader clarification.

Comments to City of San Jacinto General Plan and Draft
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F10a

- a. All maps and drawings should clearly identify the location of the most current MCP and SR 79 alignments.

11. The descriptions for SR 79 and MCP on page C-5 are outdated. Below are suggested revisions to these descriptions.

- a. Realigning SR 79 as a freeway from Gilman Springs Road on the north to Domenigoni Parkway on the south would offer significant traffic capacity and continuity between communities to meet increasing traffic demands in this expanding region of western Riverside County. Improvements to SR 79 north of Gilman Springs Road have been completed, and Caltrans in cooperation with the Riverside County Transportation Department is preparing improvement plans for the widening of SR 79 from Domenigoni Parkway on the north to Thompson Road on the south. As a result of these projects, traffic would be improved between SR 79, SR 74, I-215, I-15, and I-10.

RCTC, in cooperation with Caltrans District 8, the County of Riverside, and the cities of Hemet and San Jacinto, is in the process of preparing an Environmental Impact Statement/Environmental Impact Report and Project Report for the SR 79 Realignment Project from Domenigoni Parkway to Gilman Springs Road. To date, the Project Study Report/Project Development Support, Purpose and Need, and Project Criteria and Alternatives Selection for Preliminary Agreement documents have been completed. The public scoping process has also been completed and RCTC has held numerous public meetings. Based on the conclusions of these items, draft alignment alternatives are currently under technical review. The currently proposed concept for SR 79 in this Circulation Element includes a freeway section in the City of San Jacinto.

F11

- b. The MCP is a proposed 32 mile east-west limited access route for western Riverside County to relieve congestion, improve safety, and help address future traffic demands. The route will connect the San Jacinto area with the Corona area. A study is being prepared to determine feasible alignments for this roadway. The study is being conducted by the RCTC. Draft alignment alternatives are currently under technical review. There are two alternative alignments within the City of San Jacinto and they are shown on Figure C-2. The currently proposed concept for MCP in this Circulation Element includes a freeway section in the City of San Jacinto.

Comments to City of San Jacinto General Plan and Draft
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- F12 12. More discussions on Noise Walls adjacent to SR 79 and the MCP (Freeways) could be provided. As a result of this work, it appears that it would be appropriate for the City of San Jacinto to put a policy in the GP that would restrict new growth or development of noise/vibration sensitive land uses immediately adjacent to either Freeway or Rail corridors unless noise and vibration mitigation is also provided.
- F13 13. RCTC would like the GP and DEIR to emphasize preservation of corridors or pathways for future roadways or transit. A broader description of how the City of San Jacinto would encourage developers to help in the preservation of corridors and assist in funding of transportation improvements that serve their developments should be provided in the GP DEIR.

F14 This concludes RCTC's comments concerning the City of San Jacinto GP and DEIR. Thank you for your consideration. Should you have any questions or require additional information, please contact Ms. Cathy Bechtel concerning the SR 79 or MCP projects and Mr. Sheldon Peterson, concerning the PVL project at (951) 787-7141.

Sincerely,



Hideo Sugita, Deputy Executive Director
Riverside County Transportation Commission

cc: Cathy Bechtel and Stephanie Wiggins (RCTC)
Bill Hughes, G Quintero and Mike Davis (Bechtel)
Project Files

**RESPONSE TO LETTER F: RIVERSIDE COUNTY TRANSPORTATION COMMISSION,
MARCH 9, 2006**

- F1:** The first part of this comment is introductory and states that the commenting agency has reviewed the EIR and describes the role the agency has played in the planning process of the project. No further response is needed.

In 2002, State Route 79 (SR79) was realigned such that it now uses portions of the Ramona Expressway, State Street, Ramona Boulevard and San Jacinto Avenue (reference Recordation of Relinquishment No. 419-R, and CTC Resolution No. R3527, Recorder's Office instrument number 2002-41486). It is proposed that it again be relocated such that it will continue southerly from its entrance into the City via Sanderson Avenue southerly along an alignment yet to be determined. This realignment will not affect the analysis of this EIR. The City has chosen a route as illustrated on the General Plan Land Use Policy Map and Circulation Element as its preferred alignment, but more than one alignment is still under consideration by RCTC.

- F2:** As noted in the comment, the east-west corridor being studied by RCTC and other affected agencies is now known as the Mid-County Parkway (MCP).
- F3:** The following text addressing this comment has been reproduced from the traffic study report, as well as Mitigation Measure T-2 of the EIR and Implementation Program C-2 of the General Plan:

"Projects that propose an increase in currently approved density and intensity of land use, must prepare a traffic analysis that evaluates the long-term impacts of the project, demonstrating that the planned road system can support the proposed project, together with those land uses already allowed in the area. The analysis would project average daily traffic roadway links for the buildout situation of the entire area to demonstrate conformance with the peak hour intersection Level of Service "D" standard.

In addition, any individual development proposal may be required to provide a traffic analysis to assess peak hour impacts at affected intersections, identifying needed mitigation measures to achieve or maintain the peak hour Level of Service "D" standard. Such impacts may be mitigated by construction of all improvements necessary to achieve the target Level of Service, by payment of a fee or fees if an appropriate funding mechanism is in place, or by any other appropriate means. Project traffic mitigation may include, but is not limited to, compliance with standard conditions of approval, or the construction of improvements or payment of fees necessary to mitigate the incremental impact for each development proposal."

Fees that are currently paid by projects in the City of San Jacinto include both Transportation Uniform Mitigation Fees (TUMF) and City specific development impact fees.

- F4:** The reference to the Caltrans Draft Project Study Report (PSR) was accurate at the time the traffic study report was published. As noted in the comment, the PSR has been finalized and RCTC/Caltrans are now in the Project Report (PR) / Draft Environmental Impact Report (DEIR) phase of analysis.
- F5:** The Warren Road/7th Street alignments will be corrected, together with the Warren Road/MCP interchange. The General Plan Land Use Policy Map and the figure(s) in the EIR will be corrected to indicate the two alignments under study by RCTC for MCP.
- F6:** Analysis of traffic conditions that could be expected if an expressway facility is constructed were prepared previously for the City of San Jacinto and were presented in the June 28, 2002 City of San Jacinto General Plan Traffic Study. The updated January 10, 2005 traffic study has been prepared with the assumption that the SR-79 and MCP corridors are built as full freeways (therefore attracting freeway volume levels for 2050 conditions). Further, the EIR described State Route 79 as being classified as a Freeway within the City. (EIR, at p. 5.13-17.) Both the 2002 traffic analysis and more recent analyses prepared by Urban Crossroads, Inc. show that the combination of expressway and planned arterial facilities adequately serve projected traffic volumes with acceptable levels of service at least until 2030. Given the lack of known funding to construct SR-79 and MCP as freeway facilities within the next 25 years (the time frame generally required for General Plan analysis), it may be prudent for the City of San Jacinto to pursue expressway level facilities capable of serving General Plan land uses within this time frame. However, the City General Plan should also anticipate the ultimate freeway facilities along the MCP and SR-79 alignments preferred by the City. Notably, Project impacts to SR-79 will be significant and unavoidable regardless of whether SR-79 is a freeway or an expressway. (EIR, at pp. 5.13-27, 6-14.) Thus, the conclusions in the EIR will not change.
- F7:** Section 6.2 correctly states that less right-of-way would be required for a Limited Access Conventional Highway because freeway ramps and interchanges would not be required, but is incorrect when referring to a narrower right-of-way for the roadway itself. This inaccuracy has been corrected in the Final EIR. This section has been modified in the Final EIR to reflect RCTC's conclusion that the reduced capacity associated with a Limited Access Conventional Highway would likely result in an increase in traffic congestion and associated air quality impacts at a regional level and may also create local traffic, noise and air quality impacts as a result of diverting traffic onto local roadways. The conclusion of this section has also been modified in the Final EIR to indicate that this alternative is not environmentally superior to the proposed project.

Also, see Response To Comment F6 above.

- F8:** The alignment for future SR 79 and alignments for the MCP have been updated to reflect the best information available. The newer data referred to in the comment would not affect the Circulation Element, and as such the January 2005 data is sufficient, because data developed in 2005 is still relevant for future long term

projections related to implementation of the proposed General Plan and its circulation system.

F9: As noted on page 21 of the traffic study report and page C-18 of the General Plan, Metrolink service is anticipated to be extended along the San Jacinto Branch Line to the City of Hemet.

F10: The following text is presented for inclusion in the record in response to Comment 10 from RCTC.

“Florida Avenue is currently designated as State Route (SR)-74 in the vicinity of the City of San Jacinto. Portions of Florida Avenue are also designated as SR-79 under existing conditions. SR-79 in the City of San Jacinto under existing conditions also utilizes portions of San Jacinto Street, Ramona Boulevard, State Street, Ramona Expressway, and Sanderson Avenue. North of Gilman Springs Road (and the City of San Jacinto), SR-79 is located along Lamb Canyon Road.”

F10a: Figure C-2 of the General Plan Circulation Element and Figure 5.13-5 of the Final EIR presents the City’s preferred alignment for the MCP central and SR-79 as a freeway alternative. Figure C-2 of the General Plan Circulation Element and Figure 5.13-5 of the Final EIR have been modified to reflect the three alternative alignments for the MCP.

F11: As acknowledged previously, the descriptions included in the traffic study report are over 1 year old. The suggested language in the comment will be incorporated into page C-5 of the General Plan with the following changes:

a. Realigning SR-79 as a freeway from Gilman Springs Road on the north to Domenigoni Parkway on the south would offer significant traffic capacity and continuity between communities to meet increasing traffic demands in this expanding region of western Riverside County. Improvements to SR-79 north of Gilman Springs Road have been completed, and Caltrans in cooperation with Riverside County Transportation Department is preparing improvement plans for the widening of SR-79 from Domenigoni Parkway on the north to Thompson Road on the south. As a result of these projects, traffic would be improved between SR-79, SR-74, I-215, I-15, and I-10.

RCTC, in cooperation with Caltrans District 8, the County of Riverside, and the cities of Hemet and San Jacinto, is in the process of preparing an Environmental Impact Statement/Environmental Impact Report for the SR-79 Realignment Project from Domenigoni Parkway to Gilman Springs Road. To date, the Project Study Report/Project Development Support, Purpose and Need, and Project Criteria and Alternatives Selection for Preliminary Agreement documents have been completed. The public scoping process has also been completed and RCTC has held numerous public meetings. Based on the conclusion of these items, draft alignment alternatives are currently under technical review. The currently proposed concept for SR-79 in this Circulation Element includes a section of the City of San Jacinto.

b. The MCP is a proposed 32 mile east-west limited access route for western Riverside County to relieve congestion, improve safety, and help address future traffic demands. The route will connect the San Jacinto area with the Corona area. A Study is being prepared to determine feasible alignments for this roadway. The study is being conducted by the RCTC. Draft alignment alternatives are currently under technical review. There are two alternative alignments within the City of San Jacinto, and they are shown on Figure C-2. The currently proposed concept for MCP in the Circulation Element includes a freeway section in the City of San Jacinto.

- F12:** The City's standard policy is to review new development in light of the need to mitigate its impacts. If new sensitive land uses area proposed next to an existing rail/freeway corridor, then sound mitigation will be required as appropriate. The City will also continue to require detailed noise impact analysis for new development projects and roadway construction projects to ensure that appropriate noise mitigation is provided. For new development adjacent to planed roadway corridors, the noise impact studies will address the future worst-case buildout noise levels generated by future at-grade facilities (where vertical and horizontal design features are known). Specific mitigation has been developed to address noise impacts related to vehicular noise is described in Mitigation Measure N-3 of the Final EIR (page 5.10-17) and Implementation Program N-1 of the General Plan.
- F13:** Right-of-way preservation is recognized by the City of San Jacinto as an important step to successful implementation. Figure C-1 of the General Plan Circulation Element and Figure 5.13-6 of the Final EIR show the typical roadway cross-sections for the City of San Jacinto, indicating that the City will preserve rights-of-way by utilizing the dimensions of the roadway cross-sections shown in Figure C-1 of the General Plan Circulation Element. Issues related to funding were discussed previously in the Response To Comment F3.
- F14:** Comment provides conclusory remarks for the comment letter. No further response is needed.



**Riverside County
Waste Management Department**

Hans W. Kernkamp, General Manager-Chief Engineer

March 15, 2006

RECEIVED
MAR 23 2006

Tim Hults, Community Development Director
City of San Jacinto
248 East Main Street
San Jacinto, CA 92583

EY:.....

**RE: San Jacinto Draft General Plan, and San Jacinto General Plan Draft
Environmental Impact Report (DEIR)**

Dear Mr. Hults:

G1 The Riverside County Waste Management Department has received and reviewed the documents referenced above and suggests the following information be revised and/or addressed in both documents:

1. Solid Waste Management/Impacts

Future development within the City of San Jacinto has the potential to impact waste facilities and capacity during construction and upon buildout of the project; as a result, it has the potential to impair the County of Riverside's ability to maintain the State-mandated 50 percent diversion.

G2 a) The following information shall be useful to update the analysis of potential solid waste impacts addressed in the DEIR: Lamb Canyon Landfill is located between the City of Beaumont and City of San Jacinto at 16411 Lamb Canyon Road (State Route 79), with Interstate 10 to the north and Highway 74 to the south. The landfill is owned and operated by Riverside County. The landfill encompasses approximately 1,088 acres, of which 144.6 acres are permitted for waste disposal. The landfill is currently permitted to receive 3,000 tons of refuse per day and has a remaining disposal capacity of approximately 13,330 million tons, as of November 6, 2002. As of January 1, 2006, the landfill has a total remaining capacity of 12,338 million tons. The current landfill remaining disposal capacity is estimated to last until approximately 2016. Further landfill expansion potential exists at the Lamb Canyon Landfill site.

G3 b) The EIR should identify how waste generated by future development within the City of San Jacinto will be handled. Mitigation of project impacts should include recycling measures to reduce waste with special focus given to construction/demolition waste and green waste in common landscape areas. Proponents of future development projects should be encouraged to consider incorporating the following measures to help reduce their projects' potential solid waste impacts and to help in the County's efforts to comply with State law in diverting solid waste from landfill disposal:

- Green waste generated by development projects should be kept separate from other waste types in order that it can be recycled through the practice of grass recycling (where lawn clippings from a mulching type mower are left on the lawn) or onsite composting or directed to local wood grinding and/or composting operations.

Tim Hults, Community Development Director
City of San Jacinto
Draft General Plan, DEIR
March 15, 2006
Page 2

G3 Cont.

- The use of mulch and/or compost in the development and maintenance of landscape areas should be recommended.
- Construction and demolition waste should be reduced and/or diverted from landfill disposal by the use of onsite grinders or by directing the materials to recycling facilities.

For your information, the Department has enclosed a list of recycling centers in the Riverside County.

c) The EIR and General Plan should provide a discussion about the need for development projects to comply with all regulatory requirements regarding solid wastes as per State Model Ordinance, implemented 9/1/94 in accordance with AB 1327, Chapter 18, California Solid Waste Reuse and Recycling Access Act of 1991.

2. Transportation/Traffic

G4

Projected traffic generated by future development projects should include estimates of truck trips attributed to the collection and transportation of waste and recyclables from land uses within the proposed projects.

3. Air Quality

G5

Potential air quality impacts associated with the collection and transportation of solid waste from future development projects (i.e., disposal truck traffic, on a local and cumulative level.) should be analyzed.

4. Hazardous Waste

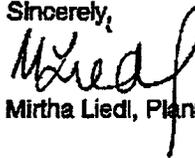
G6

Hazardous waste is not accepted at County landfills. Future land use developments should provide an estimate of the amount of hazardous waste and household hazardous waste, such as paint, that will be generated by the project and how it will be disposed or recycled.

G7

Thank you for the opportunity to comment on the Draft General Plan and DEIR for the city of San Jacinto. If you have any questions, please contact me at 909/486-3284.

Sincerely,



Mirtha Liedl, Planner

Pd# 42119

**RESPONSE TO LETTER G: RIVERSIDE COUNTY WASTE MANAGEMENT DIVISION,
MARCH 15, 2006**

G1: Comment noted. This introductory comment states that the agency has reviewed the EIR. No further response is needed.

G2: The following text has replaced the previous description of Lamb Canyon Landfill on pages 5.14-6 and 5.14-7: "The Lamb Canyon Landfill is located between the City of Beaumont and the City of San Jacinto at 16411 Lamb Canyon Road (State Route 79), with Interstate 10 to the north and Highway 74 to the south. The landfill is owned and operated by Riverside County and encompasses approximately 1,088 acres, 144.6 of which are permitted for waste disposal. The landfill is currently permitted to receive 3,000 tons of refuse per day, and as of November 6, 2002, had a remaining disposal capacity of approximately 13.330 million tons."

Additionally, the following text has replaced the previous discussion of future disposal capacity at the Lamb Canyon Landfill: "As of January 1, 2006, the landfill had a total remaining capacity of 12,338 million tons. The current remaining disposal capacity is estimated to last until approximately 2016. Further landfill expansion potential exists at the Lamb Canyon Landfill site." This revision does not change the overall analysis, conclusions, or mitigation requirements contained within the EIR.

G3: The EIR already includes language to provide for handling waste generated by the project in the future. On page 5.14-8, the EIR states that: "the City shall ensure solid waste collection activities, facility siting and construction of transfer and/or disposal facilities, operation of waste reduction and recycling programs, and household hazardous waste disposal and education programs are consistent with the County Solid Waste Management Plan." This language is also included in the General Plan as Implementation Program CSF-21. Additionally, all future projects subject to CEQA will include review of potential impacts related to solid waste disposal. (Implementation Program LU-8.) Potential mitigation measures could include, among others, separating green waste, using mulch and/or compost in the development, and recycling construction and demolition materials, depending on site conditions and project characteristics. No change to the EIR is necessary as a result of this comment.

G4: The General Plan Traffic Study prepared by Urban Crossroads that is included as Appendix C of this EIR included estimates of automobile and truck trips. The General Plan Traffic Study estimated vehicular trips related to collection and transportation of waste and recyclables through the use of employment variables (e.g. waste collection personnel, landfill and recycling center employees, etc.) that were included as a part of the traffic model. Additional trips related to transportation of waste and recyclables by private citizens are accounted for by the estimated daily trip variables included as a part of the traffic model. No change to the EIR is necessary as a result of this comment.

- G5:** The Air Quality Impact Analysis prepared by Giroux and Associates that is included as Appendix B of this EIR included potential air quality impacts associated with automobile and truck trips. Air quality impacts related to vehicle emissions were based on the General Plan Traffic Study prepared by Urban Crossroads. As described in the response to G4 above, the General Plan Traffic Study has accounted for vehicular trips related to collection and transportation of waste and recyclables. Therefore, the Air Quality Impact Analysis has accounted for air quality impacts related to collection and transportation of waste and recyclables, including solid waste. No change to the EIR is necessary as a result of this comment.
- G6:** Estimates for future hazardous waste and household hazardous waste, such as paint, can not be provided at the project level at this time. Future specific development projects will be required to include CEQA analysis of the impacts related to future hazardous waste and household hazardous waste. Implementation Program LU-8 of the proposed General Plan states that the City shall "Ensure all projects are reviewed and processed per California Environmental Quality Act (CEQA) Guidelines". This will include analyzing impacts related to future hazardous waste and household hazardous waste. No change to the EIR is necessary as a result of this comment.
- G7:** Comment provides conclusory remarks for the comment letter. No further response is needed.

WARREN D. WILLIAMS
General Manager-Chief Engineer

JOHN



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
951.788.9965 FAX
www.floodcontrol.co.riverside.ca.us

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

March 2, 2006

RECEIVED
MAR 06 2006

Mr. Tim Hults
Community Development Director
City of San Jacinto
248 East Main Street
San Jacinto, CA 92583

BY:.....

Dear Mr. Hults:

Re: Draft Environmental Impact
Report for the City of San Jacinto
General Plan Update

H1 This letter is written in response to the Draft Environmental Impact Report (DEIR) for the City of San Jacinto General Plan Update. The proposed project consists of a comprehensive update of the City of San Jacinto General Plan, which serves as a policy guide for determining the appropriate physical development and character of the City. The General Plan is divided into seven elements that together meet the requirements for the seven mandatory elements under State law plus an optional community services and facilities element. The elements that meet the requirements for the seven mandatory elements are: 1) land use; 2) housing; 3) circulation; 4) resource management (meets State requirements for open space and conservation element); 5) noise; and 6) public safety. The proposed project is located in the city of San Jacinto in western Riverside County along the San Jacinto River.

The Riverside County Flood Control and Water Conservation District (District) has the following comments/concerns that should be addressed in the DEIR:

- H2 1. Page 5.7-7 of the DEIR identifies the District's "San Jacinto Regional" and "San Jacinto River" Master Drainage Plans (MDPs) for addressing the drainage and flooding concerns within the City and its sphere of influence. In addition to those above, portions of the District's Northwest Hemet, West Hemet, and Little Lake MDPs are within the project area. Consequently, an exhibit showing the proposed MDP facilities should be included in the DEIR. Copies of the MDPs can be found on the District's website at www.floodcontrol.co.riverside.ca.us. To obtain further information on the MDPs and the proposed District facilities, contact Art Diaz of the District's Planning Section at 951.955.1345.
- H3 2. In general, connections of new stormwater facilities to existing District facilities should be included as part of the CEQA analysis, review and approval process for the associated development. Any work that involves District right of way, easements or facilities will require an encroachment permit from the District. The construction of facilities within road right of way that may impact existing District storm drains should also be coordinated with us. To obtain further information on encroachment permits or existing facilities, contact Ed Lotz of the District's Encroachment Permit Section at 951.955.1266.

H4 Thank you for the opportunity to review the DEIR. It should be noted that a copy of the General Plan was not provided with the DEIR. Please forward a copy of the General Plan and any subsequent environmental documents regarding the project to my attention at this office. Any further questions concerning this letter may be referred to me at 951.955.1233 or Marc Mintz at 951.955.4643.

Very truly yours,

TERESA TUNG
Senior Civil Engineer

c: Art Diaz
Ed Lotz

MAM:mcv
P8\105125

RESPONSE TO LETTER H: RIVERSIDE COUNTY FLOOD CONTROL, MARCH 2, 2006

- H1:** Comment noted. This introductory comment states that the commenting agency has reviewed the EIR and describes some details of the proposed General Plan, and introduces the agencies comments.
- H2:** The second sentence in the second paragraph on page 5.7-7 has been revised to state: "Flood control deficiencies are also identified and improvements are proposed in the County of Riverside Flood Control District Master Drainage Plans and Area Drainage Plans for San Jacinto Regional, ~~and~~ San Jacinto River, Northwest Hemet, West Hemet, and Little Lake." However, a new figure has not been added to the document because it is not necessary to communicate the additional information that has been added. This revision does not change the overall analysis, conclusions, or mitigation requirements contained within the EIR.
- H3:** CEQA analysis of the impacts related to connecting new stormwater facilities to existing facilities will be required for future specific development projects. Implementation Program LU-8 of the proposed General Plan states that the City shall "Ensure all projects are reviewed and processed per California Environmental Quality Act (CEQA) Guidelines". This includes analyzing impacts related to connecting new stormwater facilities to existing facilities and coordinating with applicable responsible and trustee agencies. No change to the EIR is necessary as a result of this comment.
- H4:** Comment provides conclusory remarks for the comment letter. No further response is necessary.

LEIBOLD, McCLENDON & MANN

A PROFESSIONAL CORPORATION

23422 MILL CREEK DRIVE, SUITE 105
LAGUNA HILLS, CALIFORNIA 92653
(949) 457-6300

FAX: (949) 457-6305

STEPHEN M. MILES
Steve@CEQA.com

March 23, 2006

Mr. Tim Hults
Community Development Director
City of San Jacinto
248 East Main Street
San Jacinto, CA 92583

**Re: Comments on City of San Jacinto Draft General Plan Update and
General Plan Draft EIR**

Dear Mr. Hults:

This comment letter is submitted by the Soboba Band of Luiseño Indians (hereinafter, "Soboba Tribe"), a federally recognized Indian tribe and sovereign government. The Soboba Tribe is formally requesting, pursuant to Public Resources Code Section 21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project" or "General Plan Update"), and to be notified of all CEQA notices processed by the City this year. Likewise, the Soboba Tribe is formally requesting, pursuant to Government Code Section 65092, to be notified of all public hearings noticed in accordance with Government Code Sections 65090 and 65091.

11 We submit the following comments on the aforementioned General Plan Update. We have briefly discussed with you the concerns of the Soboba Tribe with respect to General Plan Policies for San Jacinto and this letter is acknowledging our continued interest in being involved with the General Plan Update, and enhancing our relationship with the City of San Jacinto. Additional comments may be submitted directly by Soboba or through their attorneys up until the close of the public hearings for the Project. We request that all such comments be part of the official record for the approval of this General Plan Update and certification of the EIR.

We also request that the City of San Jacinto provide us with copies of all archeological studies, reports, site records, proposed testing plans, and proposed mitigation measures and conditions as soon as they become available for our comment.

**THE LEAD AGENCY MUST INCLUDE AND CONSULT WITH
THE TRIBE IN ITS REVIEW PROCESS**

Federal¹ and California law² expresses an intent that Indian tribes be consulted with regard to issues which impact cultural, historical, archeological and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments such as approval of Specific Plans and EIRs. In this case, it is undisputed that the Project lies within the Luisefio tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable federal and California laws, it is imperative that the City consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the General Plan Update.

PROJECT IMPACTS TO CULTURAL RESOURCES

I1 Cont.

The Soboba Tribe is not necessarily opposed to the General Plan Update or the development projects that will follow this General Plan Update. The Soboba Tribe's primary concerns stem from the Project's likely impacts on Native American cultural resources. The Soboba Tribe firmly believes that by addressing these likely impacts now at the general plan level, irreplaceable resources will not be destroyed by development that proceeds unchecked (as was the case in The Cove Specific Plan). The Soboba Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luisefio village sites and archaeological items which would be displaced by ground-disturbing work on the project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the development and ground disturbing activities. Through the sequencing envisioned by CEQA, "avoidance" is a preferred method of treatment for archeological sites. (Sec. Cal. Pub. Resources Code § 21083.1). Avoidance is also the preferred methodology according to the Soboba Tribe's practices and policies concerning cultural resources.

The Soboba Tribe asserts that the Project area is part of the Soboba Tribe's aboriginal territory, as evidence by the existence of Luisefio place names, rock art pictographs, petroglyphs and extensive artifact records found in the vicinity of the Project. Given this threshold for the scope of Soboba traditional territory, the Soboba Tribe is concerned about the potential impacts to Luisefio/Soboba resources which may

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

² Sec, Cal. Pub. Resource Code § 5097.9 et seq.

occur throughout the Project area. Given all the information, there is a very strong likelihood of locating sub-surface resources during ground disturbing activities.

The Soboba Tribe's knowledge of the continuous occupation of the Luiseño people in this geographical area for thousands of years, through their stories and songs, are cultural evidence that subsurface sites may exist in this Project area. Therefore, the Soboba Tribe requests that in the case of discovery of new or additional sites or resources, that the City re-evaluate the Project impacts to cultural resources and adopt appropriate mitigation measures or policies to best address potential new discoveries. The Soboba Tribe intends to assert its legal rights with respect to additional finds of significant sites or cultural resources which are of sacred and ceremonial significance to the Soboba Tribe and the Soboba Tribe will continue to assert its legal rights to ensure that General Plan Policies, mitigation measures, and conditions of approval are effectively enforced by the City of San Jacinto.

Given that Luiseño cultural resources will likely be affected by the Project, the Soboba Tribe must be allowed to be involved and participate with the City and future project applicants in developing all monitoring and mitigation plans at the project level and consistent with the General Plan Update. Further, given the potential for archaeological resources within the Project area, it is the position of the Soboba Tribe that Soboba tribal monitors should be required to be present prior to and during all ground-disturbing activities conducted in connection with the General Plan Policies, including any archeological testing performed. The Soboba Tribe further believes that agreements regarding appropriate treatment and disposition of cultural resources be drafted and entered into for subsequent project-level entitlements granted by the City.

11 Cont.

Further, the Soboba Tribe believes that if human remains are discovered, State law would apply and that the General Plan Policies and subsequent project-level mitigation measures crafted by the City must account for this. According to California Public Resources Code Section 5097.98, if Native American human remains are discovered, the Native American Heritage Commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. Given the Project's location in Soboba territory, the Soboba Tribe intends to assert its right pursuant to California law with regard to any remains or items discovered in the course of subsequent project-level entitlements authorizing ground disturbing activity. Accordingly, the Soboba Tribe further requests that the City work with the Tribe to draft a model agreement that would address treatment and disposition of any inadvertent discoveries of cultural resources, including human remains, for future project-level entitlements.

In addition, surveys and grading may reveal significant archaeological resources and sites which may be eligible for inclusion in the historic site register, and may contain human remains or sacred items. Therefore, we request that the City commit to evaluating Project environmental impacts to any cultural sites that are discovered during

11 Cont.

archeological testing and grading, and to adopt appropriate mitigation for such sites, in conclusion with the Soboba Tribe.

REQUESTED MODEL MITIGATION MEASURES

The Tribe requests that an appropriate assessment of the archeological and cultural resources within the City of San Jacinto be performed by a qualified archeologist in conjunction with the Soboba Tribe in order to determine the general extent of cultural resources within the City and to continue to evaluate the significance of such resources. Any such testing should involve the Tribe, and all tests to determine general impacts should be completed prior to General Plan Update approval. Further, as cultural resources are encountered at the project level, the Soboba Tribe requests that adequate mitigation be adopted, implemented, and enforced.

For the reasons stated above, the Soboba Tribe requests that the following model mitigation measures be adopted by the City of San Jacinto in conjunction with the General Plan Update. Upon completion of a thorough archeological assessment additional mitigation measures may be necessary for future projects.

12 1. Prior to the issuance of grading permits, Applicant is required to enter into a Treatment and Disposition Agreement ("TDA") with the Soboba Band of Luiseño Indians. The TDA will address the treatment and disposition of cultural resources and human remains that may be uncovered or otherwise discovered during construction and will also establish provisions for tribal monitors.

2. Tribal monitors from the Soboba Band of Luiseño Indians shall be allowed to monitor all grading, excavation and ground-disturbing activities, including further surveys, and shall be compensated by Applicant. The Soboba Tribal monitors will have the authority to temporarily stop and redirect grading activities to evaluate the significance of any archaeological resources discovered on the property, in conjunction with the archeologist, the City, and other applicable responsible or trustee agencies.

3. If human remains are encountered, all activity shall stop and the County Coroner must be notified immediately. All activity must cease until the County Coroner has determined the origin and disposition of said remains. The Coroner shall determine if the remains are prehistoric, and shall notify the State Native American Heritage Commission if applicable. Further actions shall be determined by the desires of the Most Likely Descendent. [*Form MM-3 is consistent with proposed GPU Policy RM-16e*]

4. The landowner agrees to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archeological artifacts that are found on the Project site to the Soboba Band of Luiseño Indians for proper treatment and disposition with appropriate dignity.

5. All sacred sites within the Project area are to be avoided and preserved in perpetuity.

GENERAL PLAN POLICIES AND MITIGATION MEASURES

Resource Management Element Policies [RM-16 column description should be changed from CEQA to Cultural Resources]

RM-16

- h.(1): The City shall conduct records searches through the NAHC and CHRIS to learn whether any cultural places are located on land to be designated as open space. The City shall provide maps of lands proposed as open space to the NAHC and CHRIS, with a request to identify whether there are any cultural resources on the property. Records maintained by NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of cultural resources. Because of associated confidentiality issues, tribes are often the only source of information regarding certain cultural resources.
- h.(2) The City shall request, following contact with the NAHC, that tribes identify the existence of any cultural places or resources on the proposed open space land. The City shall provide the tribe with a sufficiently detailed map of the open space with a concise notice as to why the tribe is being contacted.
- i. Any project that involves earth-disturbing activities shall require evaluation of the site by a City-qualified archaeologist retained by the project applicant, which would include at minimum a NAHC and CHRIS records search, a Phase I walkover survey, and preparation of an archeological report containing the results of this evaluation. If Phase II archeological evaluations are recommended, all such surveys with recommendations shall be completed prior to Project approval.
- j. Any project that involves earth-disturbing activities shall require consultation by the applicant with the Soboba Tribe for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.
- k. Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the County through consultation with the Project Applicant and the Soboba Tribe shall be conditioned for an archeological monitoring and Soboba Tribal monitoring during all ground-disturbing activities.

12 Cont.

12 Cont.

- l. All sacred sites are to be avoided and preserved in perpetuity.
- m. Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the City through consultation with the Project Applicant and the Soboba Tribe will be required to comply with the following mitigation measures, at a minimum:
 - RM MM-1: Prior to the issuance of grading permits, Applicant is required to enter into a Treatment and Disposition Agreement ("TDA") with the Soboba Band of Luiseño Indians. The TDA will address the treatment and disposition of cultural resources and human remains that may be uncovered or otherwise discovered during construction and will also establish provisions for tribal monitors.
 - RM MM-2 If cultural resources are discovered during the project construction (inadvertent discoveries), all work in the area of the find shall cease, and a qualified archaeologist and representatives of the Soboba Tribe shall be retained by the project sponsor to investigate the find, and make recommendations as to treatment and mitigation.
 - RM MM-3 A qualified archaeological monitor will be present and will have the authority to stop and redirect grading activities, in consultation with the Soboba Tribe and their designated monitors, to evaluate the significance of any archaeological resources discovered on the property.
 - RM MM-4 Tribal monitors from the Soboba Tribe shall be allowed to monitor all grading, excavation and groundbreaking activities, including all archaeological surveys, testing, and studies, to be compensated by the developer.
 - RM MM-5 The landowner agrees to relinquish ownership of all cultural resources, including all archaeological artifacts that are found on the Project area, to the Soboba Tribe for proper treatment and disposition.
- n. In the event of the discovery of a burial, human bone or suspected human bone all excavation or grading in the vicinity of the find shall halt immediately and the area of the find shall be protected and the project applicant immediately shall notify the County Coroner of the find and comply with the provisions of Cal. Health and Safety Code Section 7050.5, including Cal. Public Resources Code Section 5097.98, if applicable. In the event that human remains are determined to be Native American human remains the applicant shall consult with the Most Likely Descendant to determine appropriate treatment for the Native American human remains. [*Policy RM-16n. is consistent with Policy RM-16e*]

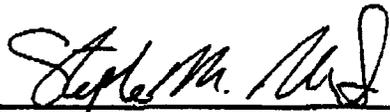
Mr. Tim Hults
March 23, 2006
Page 7

13

The Soboba Tribe looks forward to working together with the City of San Jacinto Planning Department, P&D Consultants, and other interested agencies in protecting the invaluable Luisefio cultural resources found within the boundaries of the City of San Jacinto. If you have any questions, please do not hesitate to contact me at (949) 457-6319 or Harold Arres at (951) 487-8268. Thank you for the opportunity to submit these comments.

Very truly yours,

LEIBOLD, McCLENDON & MANN, P.C.

By: 
Stephen M. Miles

cc: Mr. Harold Arres, Cultural Resources Manager
Ms. Bennae Calac, Cultural Resources Coordinator
Mr. Jeffrey Ballinger, San Jacinto City Attorney

RESPONSE TO LETTER I: LEIBOLD, MCCLEDON, AND MANN FOR THE SOBOPA BAND OF LUISEÑO INDIANS, MARCH 23, 2006

- II:** This portion of the comment letter provides background information necessary to understand the request for additional mitigation measures made later in the letter. The City welcomes the participation of the Soboba Band of Luiseño Indians (“Soboba Tribe”) in the General Plan Update process and its input regarding the potential existence of archeological, historic and other cultural resources (collectively, “cultural resources”) in the planning area. As noted in the EIR, cultural resources have the potential to exist within and throughout the planning area. (EIR, at pp. 5.5-5 to 5.5-8, Figure 5.5-1.) Because implementation of the General Plan could result in potential impacts to cultural resources, the EIR identified mitigation measures to ensure that development pursuant to the General Plan fully accounts for potential impacts to such resources. (EIR, at pp. 5.5-8 to 5.5-10.)

In its introductory remarks, the Soboba Tribe made several requests and comments regarding mitigation for potential impacts to cultural resources. Responses to specific suggested mitigation measures are provided below. However, a response to some of the more general requests is provided here.

First, the Soboba Tribe requests that “in case of discovery of new or additional site or resources, that the City re-evaluate the Project impacts to cultural resources and adopt appropriate mitigation measures or policies to best address potential new discoveries.” Typically, once environmental review has been completed for a project, the lead agency is prohibited from re-opening that review. (State CEQA Guidelines, § 15162, subd. (c).) If, however, new information surfaces prior to the next discretionary approval for that project, the City would evaluate new information to determine what additional review and mitigation might be required. (*Ibid.*) Further, mitigation measure C-1 provides that the City shall develop provisions for the accidental discovery of archeological resources when development proposals are reviewed. (EIR, at p. 5.5-8.) While these provisions can be tailored to the particular site proposed to be developed, the State CEQA Guidelines and the City’s Local CEQA Guidelines provide the minimum provisions for such discoveries. (State CEQA Guidelines, § 15064.5, subd. (e); San Jacinto Local CEQA Guidelines, § 5.13.)

Second, the Soboba Tribe asserts that it must be allowed to participate in developing all monitoring and mitigation plans at the project level. The Soboba Tribe is encouraged to provide any particular information and suggestions regarding such provisions during the development process. Opportunities for participation include the public review process pursuant to CEQA, as well as the SB18 Tribal Consultation process for General Plan amendments.

Third, the Soboba Tribe asserts that Soboba Tribal Monitors should be required to be present prior to and during all ground-disturbing activities. As explained below, the City remains open to discussion of this measure during negotiation of a Treatment and Disposition Agreement.

Fourth, the Soboba Tribe requests that the City work with the Tribe to draft a Treatment and Disposition Agreement (“TDA”). As provided in mitigation measure C-9, the City agrees to work toward a TDA with the Soboba Tribe.

- I2:** The City has reviewed the series of comments raised in the letter and has developed the following mitigation measures to address the concerns raised in the letter. The mitigation measures have been added to Section 5.5 Cultural Resources of the EIR as follows:

- C-8. Prior to approval of any project subject to CEQA that involves earth-disturbing activities, the City shall require the project applicant to commission an assessment of the potential for archeological and cultural resources, to be performed by a qualified archeologist in conjunction with recognized Native American tribes, including the Soboba Band of Luiseno Indians (“Soboba”), in order to determine the presence and extent of any such resources within the project area and evaluate the significance of such resources. The assessment shall include a NAHC and CHRIS records search, a Phase I walkover survey, and preparation of an archeological report containing the results of this assessment. Phase II archeological evaluations will be completed prior to project approval if recommended in the assessment.
- C-9. The City shall enter into a Treatment and Disposition Agreement (“TDA”) with Soboba to address treatment and disposition of archeological and cultural resources and human remains associated with Soboba that may be uncovered or otherwise discovered during construction of projects subject to CEQA within the City. The TDA may establish provisions for tribal monitors. Following execution of the TDA by the City and Soboba, the TDA will be incorporated by reference into individual grading permits for projects within the City that are subject to CEQA.
- C-10. If the archeological/cultural resources assessment described in Mitigation Measure C-8 demonstrates the potential for archeological/cultural resources to occur on the project site, 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, including further surveys. Following the agreement of the City, the designated archeologist, the tribal monitor, and any applicable responsible or trustee agencies, grading, excavation, ground-disturbing activities shall be stopped temporarily and redirected in the event that any archeological/cultural resources are discovered in order to evaluate the significance of any archeological/cultural resources discovered on the property.

Some of the mitigation measures are not accepted verbatim or added to the FEIR because the City has already included mitigation measures that address potential impacts. For example, suggested mitigation measure 3 addresses the potential for human remains to be uncovered. The City notes that mitigation measure C-1 already provides for that potential, as do section 15064.5(e) of the State CEQA Guidelines and section 5.13 of the San Jacinto Local CEQA Guidelines. Other of the measures may be addressed in the TDA if necessary, such as suggested mitigation measure 4 (ownership of cultural resources), or in the cultural resources assessment, such as suggested mitigation measure 5 (avoidance of sacred sites).

Notably, the FEIR concluded that impacts to cultural resources would be less than significant after mitigation. (FEIR, at p. 5.5-10.) These revisions do not change the overall analysis or conclusions contained within the EIR.

- I3** Comment provides concluding remarks for the comment letter. No further response is necessary.