

**San Jacinto Valley Master Drainage Plan
and
San Jacinto Regional Area Drainage Plan Amendment**

**FINAL ENVIRONMENTAL IMPACT REPORT
(SCH No. 2009041077)**

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No federal agencies commented on the DEIR

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1.0 INTRODUCTION

This Final Environmental Impact Report (FEIR), as required pursuant to State *CEQA Guidelines* Sections 15089 and 15132, includes the Draft Environmental Impact Report (DEIR) or a revision thereof, comments and recommendations received on the DEIR, a list of persons, organizations, and public agencies commenting on the DEIR, and the responses of the City of San Jacinto (hereinafter San Jacinto) as Lead Agency to significant environmental points raised in the review and consultation process. A Mitigation Monitoring and Reporting Program (MMRP) is also included to ensure compliance during Project¹ implementation (Public Resources Code Section 21081.6, State *CEQA Guidelines* Section 15097).

INFORMATION ADDED FOLLOWING DISTRIBUTION OF THE DEIR

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

RELATIONSHIP TO THE DEIR

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

CORRECTIONS, ERRATA, AND CHANGES FROM DEIR TO FEIR

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

¹ As described on pages ES-1 and 2.0-1 of the DEIR, “Project” refers to: (i) the proposed revision of the existing San Jacinto Master Drainage Plan (SJMDP) and Northwest Hemet Master Drainage Plan (NW Hemet MDP); preparation of a new master drainage plan for an area to the west and north of the existing plans; and the consolidation the three plans into one new plan named the San Jacinto Valley Master Drainage Plan (SJV-MDP) and (ii) the proposed amendment of the San Jacinto Regional Area Drainage Plan (SJR-ADP) to incorporate the SJV-MDP.

agencies or other commenters, changes in the existing conditions at the site, revised public policies since the DEIR was written, and minor corrections or clarifications.

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

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

Executive Summary

A portion of **Table ES-A, DEIR Impact Summary Matrix/Mitigation Monitoring Program** on page ES-30 of the DEIR, will be modified as follows:

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Table ES-A, DEIR Impact Summary Matrix/Mitigation Monitoring Program²

IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p>	<p>Potentially significant impact</p>	<p>MM Bio 3: Project-specific delineations will be required to determine the limits of the U.S. Army Corp of Engineers (ACOE), RWQCB, and CDFG jurisdiction. Impacts to jurisdictional waters will require authorization by the corresponding regulatory agency. If impacts are indicated, then jurisdictional water will either a) be avoided or b) necessary permits from requisite jurisdictions will be obtained <u>be minimized by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring, the impacted environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; compensating for the impact by replacing or providing substitute resources or environments in addition to obtaining the necessary permits from requisite jurisdictions.</u></p>	<p>Prior to grading permit or start of construction (whichever occurs earlier).</p>	<p>San Jacinto Planning Department and Building Division, Hemet Public Works Department, or RCFCWCD.</p>	<p>Project-specific map of riparian and unvegetated riverine features and approval from a DBESP including appropriate mitigation if avoidance is not feasible.</p>	<p>Less than significant with mitigation</p>

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

IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
		<p>MM Bio 4: The project-specific mapping of riparian and unvegetated riverine features will be required pursuant to Section 6.1.2 of the MSHCP. For areas not excluded as artificially created, the MSHCP requires 100 percent avoidance of riparian/riverine areas. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation to offset the loss of functions and values as they pertain to the MSHCP-covered species. Riparian vegetation will also need to be evaluated for the least Bell’s vireo, southwestern willow flycatcher, and western yellow-billed cuckoo. If suitable habitat is present, focused surveys for the species will be required. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options.</p>				

1.0 Introduction

There are no revisions to this section of the DEIR.

2.0 Project Description

In response to the letter received from the California Regional Water Quality Control Board, Santa Ana Region, **Table 2.0-B, SJV-MDP Facilities Overview** has been modified to distinguish between lined and unlined channels as shown below:

Table 2.0-B, SJV-MDP Facilities Overview

Subarea	Facility Name	Existing, Proposed, Modified, or New	Facility Type		
			Storm Drain	Channel (type)	Basin
City Area	Buena Vista Basin	Existing			✓
City Area	Lyon Avenue Detention Basin	Modified			✓
City Area	Line B	Proposed	✓		
City Area	Line B-1	Proposed	✓		
City Area	Line C (from Buena Vista Basin to Esplanade Avenue)	Existing	✓	✓	
City Area	Line C (extension upstream of Esplanade Avenue to San Jacinto Avenue)	Proposed		✓ (lined)	
City Area	Line C-4	Proposed	✓		
City Area	Line C-5	Proposed	✓		
City Area	Line D (from Buena Vista Basin to Hewitt Street)	Existing	✓		
City Area	Line D (upstream of Hewitt Street)	Proposed	✓		
City Area	Line D-1 (from Line D on Shaver Street to Vernon Avenue)	Existing	✓		
City Area	Line D-1 (extension on 7 th Avenue)	Proposed	✓		
City Area	Line D-2 Extension (Hewitt Street Storm Drain)	Modified	✓		
City Area	Line D-2	Existing	✓		
City Area	Line D-3	Proposed	✓		
City Area	Line D-4 (first portion of 350 feet from Line D)	Existing	✓		
City Area	Line D-4 (extension on 7 th Avenue)	Proposed	✓		

Subarea	Facility Name	Existing, Proposed, Modified, or New	Facility Type		
			Storm Drain	Channel (type)	Basin
City Area	Line E	Existing	✓	✓ (unlined)	
City Area	Line E-1 (stub out)	Existing	✓		
City Area	Line E-1	Proposed	✓		
City Area	Line E-2	Proposed	✓		
City Area	Line E-2a	Proposed	✓		
City Area	Line E-3	Proposed	✓		
City Area	Line E-4	Modified	✓		
City Area	Line E-5	Modified	✓		
City Area	Line E-6	Modified	✓		
City Area	Line F	Existing	✓		
City Area	Line F-2	Existing	✓		
City Area	Line G		✓		
City Area	Line G (downstream portion on Ramona Expressway)	Modified	✓		
City Area	Line G (upstream of Lyon Avenue Basin on De Anza)	Proposed	✓		
City Area	Line G-1	Modified	✓		
City Area	Line G-2	Proposed	✓		
City Area	Line G-3 (3100 feet upstream of San Jacinto Reservoir)	Modified		✓ (lined)	
City Area	Line G-3	Modified	✓	✓ (lined)	
City Area	Line H (southerly of Ramona Expressway)	Proposed	✓		
City Area	Line H (reference Line H MDP)	Proposed		✓ (lined)	
City Area	Line H-1	Proposed	✓		
City Area	Line H-2	Modified	✓		
City Area	Line J (southerly of Ramona Expressway)	Proposed	✓	✓ (lined)	
City Area	Line J (north of Ramona)	Proposed		✓ (unlined)	
City Area	Line J-1	Proposed	✓		
City Area	Line J-2	Proposed	✓		

Subarea	Facility Name	Existing, Proposed, Modified, or New	Facility Type		
			Storm Drain	Channel (type)	Basin
City Area	Line J-3	Modified	✓	✗	
City Area	Line K	Proposed	✓	✗	
City Area	Line V	Modified	✓		
City Area	N Line A-2	Proposed	✓		
City Area	N Line A-3	Proposed	✓		
City Area	N Line B-2	Proposed	✓		
City Area	N Line E (downstream of San Jacinto Reservoir)	Proposed		✓ (unlined)	
City Area	N Line E-2	Modified	✓	✓ (lined)	
City Area	N Line E-2A	Modified	✓		
North Area	Line 1	New		✓ (unlined)	
North Area	Line 2	New		✓ (unlined)	
North Area	Line 3	New		✓ (unlined)	
North Area	Line 4	New	✓	✓ (unlined)	
North Area	Line 5	New	✓		
North Area	Line 6	New	✓	✓ (unlined)	
North Area	Lateral 4A	New	✓	✗	
North Area	North Basin	New			✓
West Area	Line D	New	✓		
West Area	Line W	New		✓ (unlined)	
West Area	Line X	New		✓ (unlined)	
West Area	Lax X-1	New	✓		
West Area	Line Y	New	✓		
West Area	Line Y-1	New	✓		
West Area	Lat Y-1 through Y-13	New	✓		
West Area	Line Z	New	✓		
West Area	Casa Loma Basin	New			✓
West Area	Line D Basin	New			✓

Subarea	Facility Name	Existing, Proposed, Modified, or New	Facility Type		
			Storm Drain	Channel (type)	Basin
West Area	Line E-Y-Z Confluence Basin	New			✓

3.0 Analysis of Environmental Issues

3.1 Aesthetics

There are no revisions to this section of the DEIR.

3.2 Agricultural Resources

There are no revisions to this section of the DEIR.

3.3 Air Quality

There are no revisions to this section of the DEIR.

3.4 Biological Resources

Mitigation measure **MM Bio 3** on page 3.4-40 of the DEIR has been revised as follows:

MM Bio 3: Project-specific delineations will be required to determine the limits of the U.S. Army Corp of Engineers (ACOE), RWQCB, and CDFG jurisdiction. Impacts to jurisdictional waters will require authorization by the corresponding regulatory agency. If impacts are indicated, then jurisdictional waters will either a) be avoided or b) necessary permits from requisite jurisdictions will be obtained be minimized by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring, the impacted environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; compensating for the impact by replacing or providing substitute resources or environments in addition to obtaining the necessary permits from requisite jurisdictions.

3.5 Cultural Resources

There are no revisions to this section of the DEIR.

3.6 Hazards and Hazardous Materials

There are no revisions to this section of the DEIR.

3.7 Hydrology and Water Quality

The discussion of the following threshold analysis commencing on page 3.7-32 of the DEIR has been revised and a new figure has been added to the DEIR as follows:

Threshold: *Place within a 100-year flood hazard area structures which would impede or redirect flood flows.*

Portions of the proposed SJV-MDP will be constructed within mapped 100-year flood hazard areas (see **Figure 3.7-4, Flood Hazards Zone**). However, placement of these flood control facilities within 100-year flood hazard areas is needed due to the relatively flat topography of the Project area, and to contain the 100-year storm flows. The proposed MDP facilities will re-direct sheet flows across the Project area into basins, open channels, and underground storm drains and convey these flows towards the San Jacinto River to the north of the Project. When completed, the proposed drainage system will provide 100-year protection and eliminate the major flood hazards in the Project area (see **Figure 3.7-5, Flood Hazard Zones, Pre- and Post-Project**).

4.0 Consistency with Regional Plans

There are no revisions to this section of the DEIR.

5.0 Mandatory CEQA Topics

There are no revisions to this section of the DEIR.

6.0 References

There are no revisions to this section of the DEIR.

7.0 Acronyms

There are no revisions to this section of the DEIR.

Remainder of page intentionally blank

Insert Figure 3.7-4, Flood Hazards Zone

Insert Figure 3.7-5, Pre- and Post Flood Plain

PUBLIC REVIEW SUMMARY

The EIR process typically consists of three parts: the Notice of Preparation (NOP), DEIR, and FEIR. San Jacinto distributed a NOP on April 14, 2009, to the State Clearinghouse (SCH No. 2009041077), responsible agencies, other public agencies, and interested private organizations, and individuals. Pursuant to State *CEQA Guidelines* Section 15082, recipients of the NOP were requested to provide responses within 30 days after their receipt of the NOP. Copies of both the NOP and comments received by San Jacinto on the NOP are presented in Appendix A of the DEIR.

San Jacinto circulated a DEIR for the San Jacinto Valley Master Drainage Plan (SJV-MDP) and the San Jacinto Regional Area Drainage (SJR-ADP) from May 17, 2010 to June 30, 2010. Notices of Availability of the DEIR were circulated to the State Clearinghouse, responsible agencies, and other interested parties on May 17, 2010.

General public Notice of Availability of the DEIR was also given by publication in the *Press-Enterprise* daily newspaper on May 17, 2010. As required by Public Resources Code Section 21092.3, a copy of the public notice was posted with the Riverside County Clerk on May 17, 2010.

As provided in the public notice and in accordance with State *CEQA Guidelines* Section 21091(d), San Jacinto accepted written comments through June 30, 2010. During the public review period for the Project, San Jacinto received five (5) comment letters from agencies, organizations, and individuals. Subsequent to the close of the public review period, a comment letter was received from the California Regional Water Quality Control Board, Santa Ana Region, in addition to the standard response letter from the State Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, confirming completion of the public review period. All timely comments are listed below; followed by all late comments based on the date of receipt at San Jacinto, then alphabetically.

All comments and Responses to Comments are included in Section 2.0 of this FEIR. In accordance with the provisions of Public Resources Code Section 21092.5, San Jacinto has provided a written response to each commenting public agency no less than 10 days prior to the proposed certification date.

**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES
THAT COMMENTED ON THE DEIR**

Letter/Commentator **Date**

Federal Agencies

No comments were received from Federal Agencies.

State Agencies

- A. Department of Fish and Game 06/25/2010
- B. Department of Toxic and Substance Control..... 06/16/2010

Regional and Local Agencies

- C. Metropolitan Water District of Southern California 05/26/10
- D. Riverside County Fire Department..... 06/09/10

Other Interested Parties

- E. Friends of the Northern San Jacinto Valley 06/24/10

Late Comments Received After the Close of the Public Comment Period

- F. Governor’s Office of Planning and Research,
State Clearinghouse and Planning Unit 07/01/10
- G. California Regional Water Quality Control Board, Santa Ana Region 07/10/10

2.0 RESPONSE TO COMMENTS

Pursuant to State *CEQA Guidelines* Section 15088, the responses to comments presented in this section address specific, relevant comments on environmental issues raised in the submitted comment letters. Complete copies of the original letters, including all attachments, are presented at the end of this section.

RESPONSE TO COMMENTS

FEDERAL AGENCIES

No comment letters were received from federal agencies.

RESPONSE TO COMMENTS

STATE AGENCIES

Response to Comment Letter A
Department of Fish and Game
Dated June 25, 2010

Comment A-1:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the San Jacinto Valley Master Drainage Plan and San Jacinto Regional Area Drainage Plan Amendment. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1).

For this project the Department will be acting as both a Responsible and Trustee Agency. As per section 15096 of the California Environmental Quality Act statute, as a Responsible Agency the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of using a negative declaration or DEIR, and additional alternatives or mitigation measures which the CEQA document should include.

Response to Comment A-1:

The role of California Department of Fish and Game (CDFG) is noted in Section 2.0 – Project Description of the DEIR where it is stated, “A Fish and Game Code Section 1602 Streambed Alteration Agreement will be required if a jurisdictional streambed or stream banks will be altered.” (DEIR, p. 2.0-19) Nonetheless, the comment is noted.

No new environmental issues have been raised by this comment; thus no further analysis is warranted and no modification of the DEIR is required.

Comment A-2:

The City of San Jacinto is proposing to revise the San Jacinto Master Drainage Plan (SJMDP) and Northwest Hemet Master Drainage Plan (NW Hemet MDP), prepare a new master drainage plan for an area to the west and north of the existing plans, and then consolidate the three plans into one plan. The San Jacinto Regional Area Drainage Plan (SJR-ADP) will be amended to incorporate the expanded and revised plan.

The purpose of the proposed project is to control existing flooding conditions from areas planned for development. Stormwater runoff will be taken to retention basins.

The project area is 27.4 square miles bounded by the San Jacinto River to the north, Meridian Street to the east, Florida Avenue to the south and Warren Road to the west. It incorporates land within the City of Hemet, City of San Jacinto and unincorporated Riverside County.

Response to Comment A-2:

The comment, which accurately summarizes the Project, is noted. No new environmental issues have been raised by this comment and no modification of the DEIR is required.

Comment A-3:

The project area includes commercial, residential, public facilities, agricultural land uses and croplands. 160 acres of the project occur in developed areas. Proposed alignments contain approximately 6.38 acres of native riparian vegetation. It is conceivable that other areas of the project contain vernal pools and alkali playa areas. Focus surveys would have to be conducted for narrow endemic plants, in conjunction with the MSHCP requirements.

Response to Comment A-3:

The commenter correctly states the quantity of riparian vegetation, but incorrectly states the quantity of acres of the Project occurring in developed areas. As stated in Section 3.4 – Biological Resources of the DEIR, approximately 60 acres of the surveyed alignments are within developed areas, including residential properties, public facilities, commercial chicken farm and dairy operations, and paved and dirt roads (DEIR, p. 3.4-3).

Regarding focused surveys, the DEIR is a program EIR as defined in Section 15168 of the State *CEQA Guidelines* (DIER, p. 1.0-1). Under the program EIR approach, when individual facilities identified in the SJV-MDP are proposed, San Jacinto, Hemet, and the Riverside County Flood Control and Water Conservation District will be required to examine each facility as required by mitigation measures **MM Bio 4** and **MM Bio 5**. (DEIR, p. 3.4-40–3.4-41). The potential presence of sensitive species, the need for future focused surveys, and the Project’s consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) are discussed in the DEIR in Section 3.4 – Biological Resources.

Regarding vernal pools, alkali playa areas, and focused surveys, the DEIR states the Project area occurs within the San Jacinto Valley Area Plan of the overall MSHCP planning area, with portions occurring within Subunit 4 (Hemet Vernal Pool Areas – East) coinciding with Cell Group V and portions of Cells 2775, 2878, and 3391. However, the majority of the proposed facilities do not occur within a conservation subunit, and the majority of lands within the SJV-MDP are not likely to support vernal pools given their disturbed nature. (DEIR, p. 3.4-29, 3.4-32)

The riparian areas that were mapped, ranged from roadside/agricultural ditches, to ponds and basins, but also included the edge of extensive riparian habitat associated with the San Jacinto River³ (DEIR, p. 3.4-32). While some of the on-site remnant alkali playa areas exhibited evidence of seasonal ponding, at the time of the biologists' surveys there was not enough vegetation to adequately evaluate the features as vernal pools (DEIR, p. 3.4-3). Even so, vertical hydrology is predominately responsible for the maintenance of vernal pools. Any existing vernal pools and associated sensitive species, including those listed in MSHCP Section 6.1.2, will continue to receive local runoff and rainfall, and as a result the Project is not expected to have a significant indirect impact on sensitive plant species in the SJV-MDP Project area or downstream in the San Jacinto River floodplain (DEIR, pp. 3.4-24–3.4-25, 3.4-27).

The SJV-MDP identifies the conceptual location of the proposed drainage facilities. If at the time a specific MDP facility is proposed and the biological survey for that facility indicates that suitable habitat for species listed in MSHCP Section 6.1. occurs within the footprint of the facility, and the facility design does not incorporate avoidance of the suitable habitat, avoidance and minimization measures shall be implemented in accordance with the MSHCP species-specific objectives as required by mitigation measures **MM Bio 4** and **MM Bio 5**. Compliance with these mitigation measures and MSHCP Section 6.1.2 reduces potential impacts to riparian habitats/vernal pools and associated species to less than significant levels (DEIR, p. 3.4-27).

Further, the vernal pools/playa areas known to exist within the boundary of the SJV-MDP include an area designated as Proposed Noncontiguous Habitat Block 6 by the MSHCP. The MSHCP states that the proposed Habitat Block provides preservation value for several special-status vernal pool plant species, including the federally-listed California Orcutt grass, thread-leaved brodiaea, and spreading navarretia; as well as the vernal pool fairy shrimp (*Branchinecta lynchi*). However, it is not clear in the existing records whether one or more of these species have actually been detected within the Project area. Based on a review of existing information, it appears that the MSHCP at least regards these areas as having conservation value for the sensitive vernal pool species. Therefore, as previously indicated, future facility-specific focused surveys will be required during the appropriate season to confirm the presence/absence of the relevant vernal pool plants and listed fairy shrimp as required by mitigation measures **MM Bio 5** and **MM Bio 6**. In the event avoidance of any riparian/riverine areas or vernal pools located within the Project area by a specific facility is infeasible, then a Determination of Biologically Equivalent or Superior Preservation (DBESP) shall be prepared and must be approved by the

³ The areas mapped as containing “riparian” vegetation included areas that do not qualify as MSHCP riparian vegetation because it was artificially created (DEIR, p. 3.4-27).

wildlife agencies taking into account mitigation offered to offset the loss of functions associated with riparian/riverine areas and/or vernal pools as they pertain to the Covered Species.

Regarding focused for narrow endemic plants as required by the MSHCP, the DEIR incorporates mitigation measure MM Bio 6, which requires facility-specific surveys for narrow endemic plants and Criteria Area plants during the appropriate time of the year to determine the presence/absence of all Narrow Endemic Plants and Criteria Area Plants. The DEIR also further identifies the western/central portion of the Project area as coinciding with Narrow Endemic Plant Species Survey Area (NEPSSA) number 3 and identifies the following target species for NEPSSA number 3: Munz's onion (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), Many-stemmed dudleya (*Dudleya multicaulis*), Spreading navarretia (*Navarretia fossalis*), California Orcutt's grass (*Orcuttia californica*), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*). The DEIR further states that at least two of the plants, Munz's onion and many-stemmed dudleya, are not expected to occur within the SJV-MDP area due to a lack of suitable habitat; however, other Narrow Endemic Plants on the list may have the potential to occur based on potentially suitable habitat. Finally, the DEIR concludes that the area of the Project coinciding with Cell Group V will need to be thoroughly evaluated for vernal pool plant species, including the Narrow Endemic Plants that are associated with vernal pools/playas, as required by mitigation measure MM Bio 6. (DEIR, p. 3.4-34).

As discussed above, with the incorporation of the identified mitigation measures, the Project will comply with the requirements of the MSHCP regarding riparian/riverine areas, vernal pools, and narrow endemic plants. (DEIR, p. 3.4-29–3.4-37)

No new environmental issues have been raised by this comment; thus no further analysis is warranted and no modification of the DEIR is required.

Comment A-4:

Specific improvements include: underground storm drains, four detention basins designed to handle 100-year storm events, and maintenance of all the facilities, including earthen channels and basins. Maintenance activities would include removal of sediment, mowing, repair of slopes, repairing access roads and fences, and application of herbicides to control vegetation.

Response to Comment A-4:

The comment, which accurately summarizes the Project is noted. Maintenance of proposed SJV-MDP facilities is discussed on pages ES-11, 2.0-14, 3.3-10, 3.3-13, 3.3-35, 3.3-37, 3.3-41, and 5.0-7, 5.0-10 of the DEIR.

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

Comment A-5:

Department Comments

The Department has the following recommendations that should be addressed in the Final Environmental Impact Report.

1. Identify sources of surface water, including stormwater, to the San Jacinto River that would be diverted by this project;

Response to Comment A-5:

Surface waters in the Project area are identified in Section 3.7 – Hydrology and Water Quality of the DEIR. The San Jacinto River is the main drainage feature in the San Jacinto watershed. Flows in the headwaters of the San Jacinto River are affected by rising groundwater, interflow, and discharge from Lake Hemet. From Lake Hemet, the San Jacinto River continues to Mystic Lake, and occasionally flows reach Canyon Lake and Lake Elsinore (DEIR, p. 3.7-3). Construction of the SJV-MDP facilities will alter the existing drainage pattern by detaining and channelizing sheet flows in the Project area (DEIR, p. 3.7-30); however, because, the San Jacinto River is mainly fed by storm water runoff from rainfall occurring in the nearby foothills of the San Jacinto Mountains, the Project is not diverting surface water. Storm water from low flow events within the boundaries of the proposed SJV-MDP currently pond within low areas and agricultural and roadside ditches or are conveyed via sheet flows or agricultural and roadside ditches to the San Jacinto River (DEIR, pp. 3.7-30, 3.7-31). The facilities identified in the SJV-MDP will detain and channelize storm water runoff prior to discharge into the San Jacinto River.

No new environmental issues have been raised by this comment; thus no additional analysis is warranted and no modification of the DEIR is required.

Comment A-6:

2. Identify areas that would be removed from the 100 year floodplain;

Response to Comment A-6:

Figure 3.7-5, Flood Hazard Zones, Pre- and Post-Project, which is attached at the end of the responses to Comment Letter A, has been added to Section 3.7 – Hydrology and Water Quality of the DEIR. This figure shows the areas that would be removed from the 100-year flood hazard as a result of the completion of the facilities identified in the SJV-MDP. Additionally, the first paragraph under the threshold: *Place within a 100-year flood hazard area structures, which would impede or redirect flood flows* on page 3.7-32 of the DEIR will be modified and a new paragraph added as follows:

Portions of the proposed SJV-MDP will be constructed within mapped 100-year flood hazard areas (see **Figure 3.7-4, Flood Hazards Zone**). However, placement of these flood control facilities within 100-year flood hazard areas is needed due to the relatively

flat topography of the project area, and to contain the 100-year storm flows. The proposed MDP facilities will re-direct sheet flows across the project area into basins, open channels, and underground storm drains and convey these flows towards the San Jacinto River to the north of the project. ~~When completed, the proposed drainage system will provide 100-year protection and eliminate the major flood hazards in the project area.~~

Independently, implementation of the SJV-MDP will reduce the existing FEMA 100-year floodplain by approximately 597 acres within the Project area. However, implementation of the SJV-MDP alone will not provide complete 100-year flood protection within the SJV-MDP area. A portion of the existing 100-year floodplain will remain within the SJV-MDP area south of the existing San Jacinto levees and riverine corridor as shown in **Figure 3.7-5, Flood Hazard Zones, Pre- and Post-Project.** The San Jacinto River Levee Stage 4 project, which is not a part of the Project evaluated in the DEIR, would reduce the existing San Jacinto River floodplain by approximately 1,955 acres within the Project area and provide 100-year flood protection to this area.

No significant environmental effects have been raised by this comment and the above modifications are provided to amplify and clarify the discussion in the DEIR and do not constitute significant new information.

Comment A-7:

3. An analysis of the effect of stormwater runoff retention on the flow regime of the San Jacinto River;

Response to Comment A-7:

As stated in Response Comment A-5, the main source of storm water flow to the San Jacinto River does not come from within San Jacinto but from the San Jacinto Mountains. The Project will not change the flow regime from what currently exists. As discussed in Section 2.0 – Project Description of the DEIR, all of the open channels proposed in the SJV-MDP are intended to carry the runoff from a 100-year frequency storm, most of the underground facilities within road rights-of-way are sized to carry the runoff generated by a 10-year storm event, and during a 100-year storm event, excess flow is expected to be carried in the street section above the facility. Otherwise, underground facilities are sized to convey the 100-year storm runoff. (DEIR, p. 2.0-10)

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

Comment A-8:

4. A discussion of area groundwater recharge projects and how this project interfaces with them;

Response to Comment A-8:

The Initial Study/Notice of Preparation prepared for the Project determined that potential impacts related to groundwater supply and recharge would be less than significant because the proposed MDP would not involve the extraction of groundwater or create a substantial additional of impervious surfaces such that existing areas of groundwater recharge are altered. (DEIR, Appendix A).

Through pilot programs and using temporary facilities, Eastern Municipal Water District (EMWD) has recharged groundwater in the Hemet/San Jacinto area with imported surplus water from Metropolitan Water District of Southern California (MWD) since 1990. In April 2004, EMWD, Lake Hemet Municipal Water District (LHMWD), and the cities of Hemet and San Jacinto executed a Memorandum of Understanding for an Interim Water Supply Plan. The purpose of the plan was to address the deteriorating situation in the Hemet/San Jacinto area by providing recharge of imported water from the State Water Project (SWP) into the aquifer at two sites: the Conjunctive Use Ponds in the Intake portion of the San Jacinto Upper Pressure Management Zone, and the Grant Avenue Ponds in the Canyon Management Zone. From 2004 through 2007, 20,819 acre-feet of imported water from the SWP was recharged into the aquifer. Due to dry conditions, environmental restriction, and the level of demands in its service area, MWD curtailed Replenishment Service effective as of May 1, 2007. Since then, permits to recharge water at the two sites have expired. To replace the temporary recharge facilities, long term facilities are being designed and built as part of the Integrated Recharge and Recovery Program (IRRP), an integral piece of the water management plan and the settlement claims by the Soboba Band of Luiseño Indians. The IRRP initially consists of 35 acres of basins or ponds for recharging water from SWP; three extraction wells; three monitoring wells; modification to two existing pump stations; and pipelines within, and adjacent to, the San Jacinto River.⁴

EMWD is also contributing to the replenishment of the basin by providing recycled water in lieu of groundwater production. The Recycled In-Lieu Program supplies recycled water for agricultural irrigation in-lieu of pumping native groundwater. The project can deliver up to 8,540 acre-feet per year to local agricultural water producers. The project costs are jointly funded by EMWD, LHMWD, and the cities of Hemet and San Jacinto. Agreements that set limits on groundwater production, and provide for a payment of a portion of the operation and maintenance costs have been in place since 2008.⁵

Thus, EMWD is still developing its groundwater recharge program and facilities. Even so, the proposed SJV-MDP facilities are intended to improve storm water and non-storm water drainage

⁴ EMWD, Water Supply Assessment for the Perris Valley Commerce Center Specific Plan, July 6, 2011, p. 11 (Available at EMWD)

⁵ *Id.*

by promoting groundwater recharge, redirecting storm water runoff from agricultural lands and other urban developments, and removal of trash and debris from storm water flows within the Project area (DEIR, p. 3.7-24).

No new environmental issues have been raised by this comment and the information in this response is provided to amplify and clarify the discussion in the Initial Study/Notice of Preparation, which is Appendix A of the DEIR. No additional analysis is warranted and no modification of the DEIR is required.

Comment A-9:

5. A discussion of the groundwater recharge component of the project;

Response to Comment A-9:

As stated in Section 2.0 Project Description in the DEIR on page 2.0-8, “[t]he SJV-MDP proposes a system of open channels, underground storm drains, and four detention basins, the conceptual location of which is presented in **Figure 2.0-2, Proposed Project.**” Groundwater recharge is not a specific goal of this project and will be a beneficial side-effect of collecting runoff into the detention basins.

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

Comment A-10:

6. An analysis of the impact of removing stormwater from the 100 year flood plain on native plants;

Response to Comment A-10:

The impact of removing storm water from the 100-year flood plain on native plants will be minimal. As discussed in the Response to Comment A-6 and shown in **Figure 3.7-5, Flood Hazard Zones, Pre- and Post-Project**, implementation of the SJV-MDP will reduce the existing FEMA 100-year floodplain by approximately 597 acres within the boundary of the SJV-MDP.

Although development within the SJV-MDP Project area will result in changes to the existing local hydrology, local hydrology will not be significantly impacted by construction of the MDP facilities alone. Areas that currently pond or receive sheet flow, will continue to do so during small storm events at the local level. It will be during the larger storm events that storm water will be collected and conveyed through the MDP facilities. Vertical hydrology (rainfall) is predominantly responsible for the maintenance of vernal pools, and existing plant populations in the area. Any existing vernal pools, associated sensitive species, and native plants will continue to receive local runoff and rainfall (DEIR, p.3.4-24 and 3.4-25).

Therefore, it is unlikely that areas with the potential to contain riparian vegetation will be impacted. Potential areas of riparian vegetation were mapped and shown in pink on **Figure 3.4-2, Potential MSHCP Riparian Areas** of the DEIR. **Figure 3.7-5, Flood Hazard Zones, Pre- and Post-Project**, shows that the 100-year floodplain post-Project will still abut potential riparian areas; therefore, the potential riparian areas will still be connected to ground and surface water resources (similar to existing conditions) when a flooding event occurs.

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

Comment A-11:

7. A graphic showing the existing 100 year floodplain and the floodplain following the implementation of the project;

Response to Comment A-11:

Figure, 3.7-5, Flood Hazards Zones, Pre- and Post-Project, has been added to Section 3.7 – Hydrology and Water Quality of the DEIR to show the reclaimed floodplain area after implementation of the Project.

No significant environmental effects have been raised by this comment and information in this response is provided to amplify and clarify the discussion and other than the addition of Figure 3.7-5 does not constitute significant new information.

Comment A-12:

8. An explanation of how this project would control storm waters and not alter the velocity, volume or seasonal flow of the San Jacinto River 100 years floodplain;

Response to Comment A-12:

As stated in Section 3.7 – Hydrology and Water Quality in the DEIR on page 3.7-32 in response to if the Project will significantly alter the flow velocity or volume of storm water runoff in a manner that results in environmental harm:

The proposed SJV-MDP facilities have been designed to convey stormwater flows from areas planned for development within San Jacinto, portions of Hemet, and portions of unincorporated Riverside County. Currently the Project area experiences periodic flooding due to the relatively flat topography of the area and the inadequacy of existing stormwater drainage facilities. The proposed facilities have been designed to attenuate peak-flow rates and create a more efficient stormwater drainage system. The potential increase of the flow velocity within the Project area will be attenuated through the Project basins; therefore, impacts from increased flow velocity are **less than significant**.

Many of the SJV-MDP facilities would be constructed by future development projects within the Project area. As such, future development projects would be conditioned to prepare a site-specific Water Quality Management Plan (WQMP), which includes site design requirements to minimize directly connected impervious surfaces. This requirement to reduce directly connected impervious surfaces will allow for percolation to occur throughout the Project area, as future projects are approved, thus maintaining a more natural runoff rate, once the SJV-MDP is fully constructed. The volume of water within the proposed drainage facilities is not anticipated to increase significantly because future project proponents will be required to comply with the provisions of the Riverside County WQMP, impacts are anticipated to be **less than significant**.

Additionally, as this DEIR provides a program level analysis (DEIR, p. 1.0-1), future individual projects will need to obtain municipal separate storm sewer systems (MS4) permits to help control illegal discharges and connections into storm drains that ultimately discharge into surface waters. Therefore at the program level, compliance with the terms of the MS4 permits and preparation of individual WQMPs for future individual projects will not alter the velocity, volume, or seasonal flow of the San Jacinto River 100-year floodplain.

No new environmental issues have been raised by this comment; thus no additional analysis is warranted and no modification of the DEIR is required.

Comment A-13:

9. A discussion of the relationship between the San Jacinto River Levee Stage 4 Project and this project;

Response to Comment A-13:

The relationship between the San Jacinto River Levee Stage 4 project and the SJV-MDP is discussed in the DEIR in Section 3.7 – Hydrology and Water Quality. The following response amplifies the discussion on the DEIR.

The San Jacinto River Levee Stage 4 project, which consists of: construction of a new southern levee (approximately five miles in length), a floodwall, enhancements to the existing northern levee, excavation under the State Street Bridge, removal of portions of the existing levee, and protection of the Metropolitan Water District's (MWD) underground aqueduct pipelines, is a separate project and is not a part of the SJV-MDP. The San Jacinto Levee Stage 4 project will provide 100-year flood protection for approximately 1,955 acres of existing agriculture, active dairy operations, and roadways as well as existing development. The levee project will reduce the potential for breaches that allow floodwaters to come into contact with dairy wastes which can contaminate local surface waters, will reduce the potential for flooding and disruption of traffic circulation for the major transportation corridors of Ramona Expressway, State Street, and Sanderson Avenue within San Jacinto, and will reduce flooding problems for hundreds of acres

of property and allow San Jacinto to implement its General Plan. A separate EIR is being prepared for the levee project.

The San Jacinto River Levee Stage 4 project has been designed to include connections within the levee structure for SJV-MDP facilities once they are constructed. The proposed southern levee includes connections within the levee itself that will allow storm water and non-storm water flows conveyed from the SJV-MDP facilities to enter through the levee in concrete pipes or box culverts. If the proposed southern levee is constructed these connections will be back headed (blocked) until such time the SJV-MDP facilities (Line H, J and K) are designed and constructed. The SJV-MDP identifies the general type, size, and location of facilities that will connect to the southern levee (DEIR, p. 3.7-24).

Independently, implementation of the SJV-MDP will reduce the existing FEMA 100-year floodplain by approximately 597 acres within the Project area. However, implementation of the SJV-MDP alone will not provide complete 100-year flood protection within the SJV-MDP area. A portion of the existing 100-year floodplain will remain within the SJV-MDP area south of the existing San Jacinto levees and riverine corridor.

No significant environmental effects have been raised by this comment. Because the information in this response amplifies and clarifies the discussion in the DEIR, it does not constitute significant new information or substantial Project changes requiring recirculation as defined by State *CEQA Guidelines* Section 15088.5. No modification of the DEIR is required.

Comment A-14:

10. Subsequent CEQA documents should include biological survey results, impact analyses, mitigation measures to offset identified impacts on biological resources, and maintenance plans.

Response to Comment A-14:

Since the DEIR provides a programmatic level analysis of the SJV-MDP and SJR-ADP Amendment, individual facilities identified in the SJV-MDP will be evaluated at the time as they are proposed to determine if the potential environmental effects were fully evaluated in the DEIR or if an additional facility-specific environmental document is needed (DEIR, p. 1.0-1). Since many of the SJV-MDP facilities may be designed and/or constructed as part of private development projects processed by San Jacinto, Hemet, or Riverside County, this subsequent analysis will be included as part of the environmental process and CEQA process for a development project (DEIR, p. 1.0-1).

The DEIR and MMRP incorporates eight mitigation measures to reduce potential impacts to biological resources to less than significant (DEIR, pp. 3.4-40–3.4-42). Mitigation measure **MM Bio 1** requires a pre-activity field survey and avoidance of active nests, if present, for any SJV-MDP related construction activities that must take place during the nesting/breeding season (February 1 to August 31) (DEIR, p. 3.4-40).

MM Bio 1: In order to avoid violation of the MBTA and California Fish and Game Code, site-preparation activities (removal of trees and vegetation) shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species.

If site-preparation activities are proposed during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits, for private development projects, or prior to construction for public agency contracts, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. If active nests are not located within the Project area and appropriate buffer, 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.

Mitigation measures **MM Bio 2** through **MM Bio 8** (DEIR, pp. 3.4-40–3.4-4) require facility-specific habitat assessments and focused surveys, jurisdictional delineations, mapping and avoidance sensitive plant and animal species. Mitigation measure **MM Bio 3** (DEIR, p. 3.4-40) will be revised as shown below as requested by CDFG.

MM Bio 2: Facility-specific habitat assessments and focused surveys for burrowing owls will be conducted within burrowing owl survey areas. A pre-construction survey for resident burrowing owls will also be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities within those portions of the Project site containing suitable burrowing owl habitat. If ground-disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. Take of active nests shall be avoided. The pre-construction survey and any relocation activity will be conducted in accordance with MSHCP instructions and/or guidelines.

MM Bio 3: Project-specific delineations will be required to determine the limits of the U.S. Army Corp of Engineers (ACOE), RWQCB, and CDFG jurisdiction. Impacts to jurisdictional waters will require authorization by the corresponding regulatory agency. If impacts are indicated, then jurisdictional water will either a) be avoided or b) necessary permits from requisite jurisdictions will be obtained be minimized by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring, the

impacted environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; compensating for the impact by replacing or providing substitute resources or environments in addition to obtaining the necessary permits from requisite jurisdictions.

MM Bio 4: The project-specific mapping of riparian and unvegetated riverine features will be required pursuant to Section 6.1.2 of the MSHCP. For areas not excluded as artificially created, the MSHCP requires 100 percent avoidance of riparian/riverine areas. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options, to offset the loss of functions and values as they pertain to the MSHCP-covered species. Riparian vegetation will also need to be evaluated for the least Bell’s vireo, southwestern willow flycatcher, and western yellow-billed cuckoo. If suitable habitat is present, focused surveys for the species will be required. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options.

MM Bio 5: The project-specific mapping of vernal pools will be required pursuant to Section 6.1.2 of the MSHCP. As noted above, vernal pools (or similar seasonal ponding alkali playa areas) are expected to occur at least in the area comprising Cell Group V, but have the potential to occur elsewhere within the Project area. For areas not excluded as artificially created, the MSHCP requires 100 percent avoidance of vernal pools. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation to offset the loss of functions and values as they pertain to the MSHCP covered species. Vernal pools and other seasonal ponding depressions will also need to be evaluated for Riverside and Vernal pool fairy shrimp.

MM Bio 6: Within areas of suitable habitat associated with the Narrow Endemic Plant Species Survey Area (NEPSSA) and Criteria Area Plant Species Survey Area (CAPSSA), facility-specific focused plants surveys will be required. Including the smooth tarplant mapped as part of this study, the MSHCP requires at least 90 percent avoidance of areas providing long-term conservation value for the NEPSSA and CAPSSA target species. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options. Furthermore, the

smooth tarplant mapped within Cell Group V, is expected to be required for conservation as part of the Cell Group V criteria.

MM Bio 7: Focused surveys shall be conducted within potentially suitable habitat for Chaparral sand-verbena and South coast salt scale by a qualified biologist during the flowering season of these species and prior to construction activities. If special status plant species are found to be present in the footprint, further measures as recommended by a qualified biologist shall be taken to avoid or minimize adverse project effects to these species and their habitat. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation.

MM Bio 8: Focused surveys shall be conducted within potentially suitable habitat for the San Bernardino kangaroo rat and Los Angeles pocket mouse by a qualified biologist during the appropriate season of these species and prior to construction activities. If these species are found to be present in the footprint, occupied habitat shall be fenced and avoided. If occupied habitat cannot be avoided, further measures as recommended by a qualified biologist and in consultation with the California Department of Fish and Game, shall to be taken to avoid or minimize adverse project effects to these species and their habitat.

Therefore, the mitigation measures ensure that subsequent CEQA documentation will include biological surveys with their accompanying mitigation measures, as needed, to offset impacts to biological resources.

No significant environmental effects have been raised by this comment; thus no further analysis is warranted. Other than the revision to the **MM Bio 3** noted above, no additional modification of the DEIR is required.

Comment A-15:

Multiple Species Habitat Conservation Plan (MSHCP)

The project is partially located within the boundary of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to the provisions and policies of that plan. The MSHCP is a Natural Communities Conservation Plan that provides coverage for 146 species and up to 510,000 acres. Participants in the MSHCP are issued take authorization for covered species and do not require Federal or State Endangered Species Act Permits. The City of Riverside is a signatory to the MSHCP Implementing Agreement.

The project area involves Subunits 1 and 4 of the San Jacinto Valley Area Plan. A number of MSHCP Criteria Cells, would potentially be impacted: 2666, 2774, 2775, 2878, 3291, 2363, 2461, 2568, 2674, and 28934. The boundary of the project area is south of the San Jacinto River channel. The document should include an analysis of the effect that the project may have on the Western Riverside Multiple Species Habitat Conservation Plan or on other regional and/or subregional conservation programs. Under Sections 2800-2835

of the California Fish and Game Code, the Department, through the Natural Communities Conservation Planning (NCCP) program is coordinating with local jurisdictions, landowners, and the Federal Government to preserve local and regional biological diversity.

Although the proposed project is within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and could be subject to Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, a Lake and Streambed Alteration Agreement Notification is still required by the Department should the site contain jurisdictional waters. Additionally, the Department's criteria for determining the presence of jurisdictional waters are more comprehensive than the MSHCP criteria in Section 6.1.2. Any mitigation measures required by the resource protection policies of the MSHCP should be included in the CEQA document.

Response to Comment A-15:

The comment regarding the Project being within the boundary of the MSHCP is noted. The comment regarding the City of Riverside being a signatory to the MSHCP Implementing Agreement is also noted; however that comment is not germane to this Project as the City of Riverside is not a responsible agency for implementation of this Project.

The DEIR includes a discussion of the MSHCP in Section 3.4.4 – Biological Resources, Related Regulations (DEIR, pp. 3.4-21–3.4-22) and evaluates the Project's potential to conflict with the MSHCP in Section 3.4.6 – Biological Resources, Environmental Impacts Before Mitigation under the threshold: *The proposed project would conflict with the provision of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan* (DEIR, pp. 3.4-29–3.4-37).

As discussed in Response to Comment A-3, the DEIR provides a programmatic level analysis of the SJV-MDP and SJR-ADP Amendment; therefore, individual facilities identified in the SJV-MDP will be evaluated at the time as they are proposed to determine if the potential environmental effects were fully evaluated in the DEIR or if an additional facility-specific environmental document is needed (DEIR, p. 1.0-1). This subsequent review would include an evaluation of each facility's compliance with the MSHCP, habitat assessment assessments, and focused surveys as required by mitigation measures **MM Bio 2 through MM Bio 8**. (DEIR, pp. 3.4-31–3.4-34 and 3.4-40–3.4-42)

The proposed Project is located within a geographic area covered by the MSHCP. The Project area occurs within the San Jacinto Valley Area Plan of the overall MSHCP planning area. Lines H, K, E-1, and E-4 are within the vicinity of Public/Quasi-Public (PQP) lands and could potentially impact PQP lands. However, the Project is programmatic at this time, and the locations of the drainage facilities are conceptual, that is the specific alignment of an MDP facility could change at final design. If the footprint of an MDP facility alters PQP land in such a manner that the PQP land would no longer contribute to the Reserve Assembly, the proponent of such a facility must provide replacement acreage at a minimum ratio of 1:1 replacement taking into account direct and indirect effects of PQP Lands in one location with PQP Lands in another

location, then the proponent of such facility (e.g. San Jacinto, Hemet, RCFCWCD, or a private developer) will abide by the aforementioned requirements of MSHCP Section 3.2.1. (DEIR, p. 3.4-31)

Approximately 6.38 acres of riparian areas were mapped within the SJV-MDP's conceptual facility alignments, though more, smaller areas may exist within areas that could not be accessed. Project-specific mapping would be required to determine which areas may be subject to MSHCP requirements, and which may not. (DEIR, p. 3.4-32) MSHCP Section 6.1.2, *Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools*, requires habitat assessments (and focused surveys where suitable habitat is present) for riparian bird species with MSHCP survey requirements, including the least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii traillii*), and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). As such, facility-specific mapping of riparian and unvegetated riverine features will be conducted and focused required if suitable habitat is present as set forth in mitigation measure **MM Bio 4**. Mitigation measure **MM Bio 4** also requires either 100 percent avoidance of riparian/riverine areas or, if avoidance is not feasible, the preparation and approval of a DBESP that identifies appropriate mitigation for MSHCP covered species. (DEIR, p. 3.4-31–3.4-34 and 3.4-40–3.4-41)

Consistency with MSHCP Section 6.1.2 also requires future facility-specific focused surveys during the appropriate season to confirm the presence/absence of the relevant vernal pool plants and listed fairy shrimp (see mitigation measures **MM Bio 5 and 6**). If avoidance is infeasible for any riparian/riverine areas or vernal pools located within the Project area, then a DBESP must be approved by the wildlife agencies taking into account mitigation offered to offset the loss of functions associated with riparian/riverine areas and/or vernal pools as they pertain to the Covered Species. (DEIR, pp. 3.4-32–3.4-34 and 3.4-41)

MSHCP Section 6.1.3, *Protection of Narrow Endemic Plant Species*, requires site-specific focused surveys for narrow endemic plant species where appropriate or suitable habitat is present within the NEPSSA. Facility-specific surveys would be required during the appropriate time of the year to determine the presence/absence of all Narrow Endemic Plants and Criteria Area Plants (see **MM Bio 6**). (DEIR, p. 3.4-34)

MSHCP Section 6.1.4, *Guidelines Pertaining to the Urban/Wildlife Interface*, outlines the minimization of indirect effects associated with locating development in proximity to the MSHCP Conservation Area. To minimize these effects, guidelines in MSHCP Section 6.1.4 shall be implemented in conjunction with review of individual public and private development projects in proximity to the MSHCP Conservation Area and address the following: drainage, toxics, lighting, noise, invasive species, barriers, and grading/land development. Portions of the Project area coincide with or occur in proximity to Proposed Noncontiguous Habitat Block 6, Existing Constrained Linkage C, and Proposed Core 5. Through adherence to the guidelines of the MSHCP Section 6.1.4, the Project will minimize indirect effects associated with the development of the SJV-MDP; therefore, the proposed Project is consistent with MSHCP Section 6.1.4 of the MSHCP. (DEIR, pp. 3.4-34-3.4-35)

Portions of the Project area occur within MSHCP survey areas for Narrow Endemic Plants, Criteria Area Plants, the western burrowing owl (*Athene cunicularia hypugaea*), the Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), and San Bernardino kangaroo rat (*Dipodomys merriami parvus*). Within designated Survey Areas, the MSHCP requires habitat assessments, and focused surveys within areas of suitable habitat. With implementation of mitigation measure **MM Bio 8**, the Project will be consistent with MSHCP Section 6.3.2. (DEIR, p. 3.4-35)

MSHCP Section 6.4, *Fuels Management* focuses on hazard reduction for human safety in a manner compatible with public safety and conservation of biological resources. The majority of the proposed facilities are not located directly adjacent to MSHCP Conservation Areas and are surrounded by already developed or highly disturbed lands; however, those facilities located adjacent to MSHCP Conservation Areas will incorporate brush management consistent with the protection of biological resources. Any necessary fuel modification associated with the Project will remain within the Project area. The proposed Project is consistent with MSHCP Section 6.4. (DEIR, p. 3.4-36)

Future development projects within the Project area will be required to comply with all provisions of the National Pollutant Discharge Elimination System (NPDES) permit program, including the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and WQMP, thus potential impacts to receiving waters from future development would be reduced through compliance with the NPDES regulations. The Project is consistent with MSHCP Section 7.5.3 through compliance with NPDES regulations. (DEIR, p. 3.4-37)

The proposed Project is located within the boundary of the Riverside County Habitat Conservation Agency Habitat Conservation Plan (HCP) for the Stephen's kangaroo rat (SKR). The SKR HCP establishes a mechanism for the long-term conservation of the species. Potential impacts to the SKR are mitigated on a regional basis through compliance with the MSHCP and the SKR HCP. As the Project is not in a core reserve, the Project will not conflict with the SKR HCP and impacts are less than significant. (DEIR, p. 3.4-37)

With implementation of mitigation measures **MM Bio 1 through MM Bio 8**, which includes the revised **MM Bio 3** (see [Response to Comment A-14](#)), the Project is consistent with the MSHCP. The proposed Project is not located within any other adopted HCP or NCCP. The proposed Project will not conflict with an approved local, regional, or state conservation plan and potential impacts are less than significant. (DEIR, p. 3.4-37)

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

Comment A-16:

Biological Resources

No focused surveys for sensitive biological resources were conducted. However the species that could potentially be impacted include: the least Bell's vireo, southwestern willow flycatcher, yellow-billed cuckoo, burrowing owl, San Bernardino kangaroo rat, Santa Ana woolly star, smooth tarplant, Coulter's goldfields, Wright's trichocoronis, arroyo toad, Davidson's saltscale, San Jacinto Valley Crownscale, spreading navarretia, vernal barley, mountain plover, vernal pool fairy shrimp, little mousetail, thread-leaved brodiaea, Cooper's hawk, golden eagle, loggerhead shrike, California horned lark, San Diego black-tailed jackrabbit, prairie falcon, Riverside fairy shrimp and vernal pool fairy shrimp, .

The biological issues identified in the MSHCP include: conserving Willow-Domino-Travers soils and the plants dependent upon them, conserving open grassland, maintaining cores for mountain lion, bobcat and San Bernardino kangaroo rat, conserving alkali soils and the plants dependent upon them, conserving vernal pools, conserving vernal pool hydrology, maintaining a core area for vernal pool fairy shrimp and conserving grassland for burrowing owl and mountain plover.

Of particular concern to the Department is land within the floodplain (northwest portion of the project area) that can support alkali playas and the potential impacts of this and future development on them. The existence of vernal playas is dependent upon the area hydrology. The document states that these vernal pools or playas are fed by local runoff and therefore not affected by the project as a whole. However, once the area is taken out of the floodplain then it can be developed and cause interruptions in the area hydrology.

Measures should be taken to conserve areas that can support vernal pools or narrow endemic plants in the floodplain. If the purpose of the project is to remove flooding so that the area can be developed, then this can be considered a growth-inducing impact of the project that should be identified and mitigated through this CEQA document.

Response to Comment A-16:

As discussed in Response to Comments A-3 and A-15, the DEIR provides a programmatic level analysis of the SJV-MDP and SJR-ADP Amendment; therefore, individual facilities identified in the SJV-MDP will be evaluated at the time as they are proposed to determine if the potential environmental effects were fully evaluated in the DEIR or if an additional facility-specific environmental document is needed (DEIR, p. 1.0-1). This subsequent review would include an evaluation of each facility's compliance with the MSHCP, habitat assessment assessments, and focused surveys as required by mitigation measures **MM Bio 2 through MM Bio 8**. (DEIR, pp. 3.4-31–3.4-34 and 3.4-40–3.4-42)

Independently, implementation of the SJV-MDP will reduce the existing FEMA 100-year floodplain by approximately 597 acres within the project area. However, implementation of the SJV-MDP alone will not provide complete 100-year flood protection within the SJV-MDP area. A portion of the existing 100-year floodplain will remain within the SJV-MDP area south of the existing San Jacinto levees and riverine corridor. The San Jacinto River Levee Stage 4 project, which is not a part of this project evaluated in the DEIR, would reduce the existing San Jacinto

River floodplain by approximately 1,955 acres within the project area and provide 100-year flood protection to this area. See **Figure 3.7-5, Flood Hazard Zones, Pre- and Post-Project**.

The San Jacinto River Levee Stage 4 project has been designed to include connections within the levee structure for SJV-MDP facilities once they are constructed. The proposed southern levee includes connections within the levee itself that will allow storm water and non-storm water flows conveyed from the SJV-MDP facilities to enter through the levee in concrete pipes or box culverts. If the proposed southern levee is constructed these connections will be back headed (blocked) until such time the SJV-MDP facilities (Line H, J, and K) are designed and constructed. The SJV-MDP identifies the general type, size, and location of facilities that will connect to the southern levee in Section 3.7 Hydrology and Water Quality in the DEIR on page 3.7-24.

Regarding vernal pools, according to Liebowitz *et. al*, the hydrology of vernal pools is determined by patterns in precipitation and temperature, connections to ground- and surface-water resources, losses from evapotranspiration, and the physical and biotic features (including plant community composition and structure) of pool basins and catchments. Factors related to weather are external to the pools and vary with time; physical site characteristics are intrinsic to each pool, are essentially fixed, and vary spatially among pools.

The hydrology of vernal pools is characterized by both hydroregime, which is the temporal pattern of inundation, drying, and water-level change, and hydroperiod, or the duration of inundation (a component of hydroregime). The physical attributes of pools determine the general length of pool hydroperiod, whereas annual patterns in precipitation and temperature-driven evapotranspiration determine the year-to year variation in hydroregime and hydroperiod.⁶

As stated in Section 3.4 – Biological Resources of the DEIR, “Glenn Lukos conducted general biological surveys and habitat assessments for special-status plants and wildlife for those properties within the Project area where access was granted. For areas with restricted access, assessments were limited to roadside surveys.” (DEIR, p. 3.4-1) The restricted access did not adequately allow for habitat assessments/focused surveys for certain resources, including fairy shrimp, vernal pools, and special-status plants.

As discussed in the DEIR, approximately 6.38 acres of riparian areas were mapped within the SJV-MDP facility alignments, though more, smaller areas may exist within areas that could not be accessed. The riparian areas that were mapped, ranged from roadside/agricultural ditches, to ponds and basins, but also included the edge of extensive riparian habitat associated with the San Jacinto River. Some of the mapped areas qualify as MSHCP Riparian Areas, though others would likely be excluded due to their artificial nature. Project-specific mapping would be required to determine which areas may be subject to MSHCP requirements, and which may not. (DEIR, pp. 3.4-31 to 3.4-34)

⁶ Liebowitz, Scott G.; Brooks, Robert T. 2008. Hydrology and landscape connectivity of vernal pools. Chapter 3. In: Calhoun, Aram J.K.; de Maynadier, Phillip G., eds. Science and Conservation of Vernal Pools in Northeastern North America. CRC Press. Boca Raton, FL: 31-53.

However, the majority of lands within the SJV-MDP are not likely to support vernal pools given their disturbed nature. Vernal pools/playa areas are known to exist within the Project area, including within the area designated as Proposed Noncontiguous Habitat Block 6 (providing preservation value for several special-status vernal pool plant species) by the MSHCP. It is not clear in the existing records whether one or more of these species have actually been detected within the Project area. Future facility-specific focused surveys will be required during the appropriate season to confirm the presence/absence of the relevant vernal pool plants and listed fairy shrimp (**MM Bio 5** and **MM Bio 6**). If avoidance is infeasible for any riparian/riverine areas or vernal pools located within the Project area, then a DBESP must be approved by the wildlife agencies taking into account mitigation offered to offset the loss of functions associated with riparian/riverine areas and/or vernal pools as they pertain to the Covered Species. With the incorporation of mitigation, the Project will comply with the requirements of the MSHCP, and will therefore, be consistent with MSHCP Section 6.1.2.

Growth-inducing impacts were evaluated in Sections 3.8 – Population and Housing of the DEIR and the cumulative environmental effects in Section 5.0 – Mandatory CEQA Topics of the DEIR. The SJV-MDP does not include the construction of new homes or businesses, and therefore will not directly induce substantial population growth in the Project area. However, the proposed Project could indirectly induce growth by removing one potential barrier to growth, by providing planned drainage infrastructure. The General Plans of San Jacinto, Hemet, and Riverside County outline the type of development and growth that will be allowed in the area. Thus, as discussed in Section 3.8 – Population and Housing, potential indirect impacts from development in the Project area are not expected to exceed the potential impacts that have already been disclosed in their General Plan EIRs; yet, because implementation of the proposed Project could indirectly induce substantial population growth in San Jacinto, Hemet, and portions of unincorporated Riverside County, impacts are considered significant and unavoidable as no feasible mitigation exists to reduce or eliminate growth inducement of the Project. (DEIR, pp. 3.8-8 and 5.0-16–5.0-17)

Regarding cumulative environmental effects, the geographic scope analyzed in the DEIR is Riverside County (DEIR, p. 5.0-16). The proposed Project was planned and sized to provide drainage facilities and infrastructure consistent with the General Plan land uses of the Riverside County, San Jacinto, and Hemet General Plans. As discussed in Section 5.0 – Mandatory CEQA Topics, the proposed Project’s potential indirect impacts will not exceed the impacts that have already been addressed during the adoption of the San Jacinto General Plan EIR (May 2006), the Hemet General Plan Final EIR (August 1992), or the Riverside County General Plan Final EIR (October 2003). (DEIR, p. 5.0-16) Nonetheless, there are no mitigation measures that will reduce indirect Project impacts to less than significant levels, and, as stated on pages 3.8-9 and 5.0-17 of the DEIR, adoption of a Statement of Overriding Considerations will be required prior to approval of the Project.

No new environmental issues have been raised by this comment, no additional analysis is warranted, and no modification of the DEIR is required.

Comment A-17

Impacts and Mitigation

Most of the project impacts that occur from implementation of infrastructure improvements will occur within existing roadways and water district properties in urban areas. The project identifies at a conceptual level alignments and locations of drainage facilities. The precise alignments will be determined at the time the individual facility is designed. The plan calls for a system of new storm drain lines, earthen channels and hardened channels. A storm drain line is proposed that runs through the middle of Criteria Cells 2666 and 2774. Other cells that may be impacted by future storm drains include 2363, 2461, 2568, 2674, and 2893. Any focus surveys required by the MSHCP will be required for individual projects. Therefore, the specific impacts and mitigation measures are not defined at this stage. The mitigation measures proposed in the CEQA document at this level should include more global mitigation measures. It is difficult to assess how a program of this scale can affect biological resources because it is based on an incomplete analysis and assumptions. The mitigation measures proposed in this document are project specific, i.e., protection of birds nests, requirements for project-specific jurisdictional delineations, focused surveys and avoidance and minimization measures involved in construction. Other mitigation measures are derived from the resource protection policies of the MSHCP, for instance, protection of endemic plants. However, they do not address what the potential adverse impacts of the overall project would be, particularly since the impacts may occur incrementally over time. The Department recommends a thorough assessment of rare plants and rare natural communities, following the Department's November 2009 guidance for Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document can be found at the following link:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf

The cumulative impacts of this project need to be addressed in this document because project-by-project implementation will not provide for the cumulative impacts of the entire project. In addition, there are other projects in the area that would impact biological resources, including the San Jacinto River Levee Stage 4 project and water conservation projects including the Hemet/San Jacinto Integrated Recharge and Recovery Program. For example, this CEQA document could require that impacts to riparian vegetation and State jurisdictional waters be mitigated at a 3:1 ratio and that mitigation could happen at the project site or at a designated centralized mitigation location.

Response to Comment A-17:

This DEIR is program-level and contains a programmatic analysis in that it has been prepared to analyze a series of actions that can be characterized as one project. While a program DEIR can provide advantages such as analyzing a proposed project more broadly than individual project-level DEIRs, pursuant to State *CEQA Guidelines* Section 15168(c), “subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional

environmental document must be prepared.” Further, a pursuant to State *CEQA Guidelines* Section 15168(d), “[a] program EIR can be used to simplify the task of preparing environmental documents on later parts of program,” and “[p]rovide the basis in an Initial Study for determining whether the later activity may have any significant effects,” as well as “[f]ocus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.”

Mitigation Measures detailed in Section 3.4 Biological Resources of the DEIR are programmatic and outline the steps that may occur if impacts are discovered during project-specific-level habitat assessments. **MM Bio 2** through **MM Bio 6**, which includes revised **MM Bio 3** (see Response to Comment A-14), call for bio surveys, jurisdictional delineations, and so forth, in subsequent (project-level) analyses. Cumulative impacts of the Project are discussed in Section 5.0 Mandatory CEQA Topics of the DEIR on pages 5.0-8 through 5.0-11. Specifically, on page 5.0-10 of the DEIR, it states:

Implementation of the MSHCP will result in cumulatively significant impacts on the Non-Covered Species because the issuance of incidental take permits will remove an impediment to development outside of the MSHCP Conservation Area. Non-Covered Species would receive little or no protection outside the reserves under existing ordinances and regulations. However, within the project area, there are no threatened or endangered species known or likely to be on site, which are not on the 146-species list covered by the MSHCP. Therefore, impacts to Non-Covered species are **cumulatively less than significant**.

The Project will **not cause adverse cumulative effects** related to the reduction of sensitive vegetation communities; as the project is located within the MSHCP Plan Area and the Plan itself is designed to preserve sufficient acreage of the sensitive vegetation communities present in western Riverside County. Similarly, the project will not cause adverse cumulative effects related to interference with the movement of any native resident or migratory fish or wildlife species or obstruction of genetic flow for the identified Planning Species. Part of the purpose and goals of the MSHCP is to use regional planning efforts to assemble a reserve that will preserve contiguous blocks of habitat in large enough areas to ensure that the reserve will allow movement of species and flow of genetic information.

The proposed project will **not cause adverse cumulative impacts** by conflicting with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan or other approved local, regional, or state habitat conservation plan either within or outside of the Plan area. The MSHCP has been written specifically to complement existing HCPs, such as the Stephens’ kangaroo rat long-term HCP. Through compliance with the MSHCP and existing HCPs, local, regional, and state plans, cumulative impacts are considered less than significant.

No new environmental issues have been raised by this comment, no additional analysis is warranted, and no modification of the DEIR is required.

Comment A-18:

Streambed Alteration Agreements and CEQA

The Department is concerned about the continuing loss of jurisdictional waters of the State and the encroachment of development into areas with native habitat values. The CEQA document should contain sufficient, specific, and current biological information on the existing habitat and species at the project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters.

If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation may be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document.

Response to Comment A-18:

As stated in Section 3.4 – Biological Resources Section of the DEIR, “Glenn Lukos conducted general biological surveys and habitat assessments for special-status plants and wildlife for those properties within the Project area where access was granted. For areas with restricted access, assessments were limited to roadside surveys.” (DEIR, p. on page 3.4-1) Moreover, on page 3.4-15 of the DEIR it also states:

The Project area contains numerous drainage and other aquatic features, including various agricultural and non-agricultural roadside ditches, and basins, and the Project will outlet into the San Jacinto River at several locations (see Section 3.7 of this Draft EIR for details). Potentially jurisdictional features were mapped where access was allowed (see Figure 3.4-3, Areas Requiring Jurisdictional Delineation). If the roadside ditches and other ditches are shown to be historic diversions of natural waters, then they could be potentially jurisdictional waters.

However, the majority (if not all) of these ditches may be considered as non-Relatively Permanent Waters, and so these features will need to be evaluated, by facility-specific jurisdictional delineations, to determine if they exhibit a significant nexus to Traditional Navigable Waters, and therefore, jurisdictional themselves. Ditches that are shown to have been wholly excavated in uplands would not be subject to the jurisdiction of the ACOE. Areas supporting hydrophytic vegetation (such as riparian areas identified in Figure 3.4-2) would need to be evaluated to determine whether they satisfy wetland criteria.

Further, on page 3.4-40 of the DEIR, the text has been revised in **MM Bio 3** to read:

MM Bio 3: Project-specific delineations will be required to determine the limits of the U.S. Army Corp of Engineers (ACOE), RWQCB, and CDFG jurisdiction. Impacts to jurisdictional waters will require authorization by the corresponding regulatory agency. If impacts are indicated, then jurisdictional waters will either a) be avoided or b) ~~necessary permits from requisite jurisdictions will be obtained~~ be minimized by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring, the impacted environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; compensating for the impact by replacing or providing substitute resources or environments in addition to obtaining the necessary permits from requisite jurisdictions.

No new environmental issues have been raised by this comment and no modification other than to **MM Bio 3** of the DEIR is required.

Comment A-19:

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

Response to Comment A-19:

See Response to Comment A-18, above.

Comment A-20:

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

- 1) Avoiding the impact altogether by not taking a certain action or parts of an action,
- 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
- 3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
- 4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
- 5) Compensating for the impact by replacing or providing substitute resources or environments.

In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002.

Response to Comment A-20:

As stated in Section 1.0 Introduction of the DEIR on page 1.0-1:

This Draft EIR provides a programmatic level analysis for the proposed Project. Pursuant to Section 15168 of the State CEQA Guidelines, a programmatic level environmental analysis will enable the City to examine the overall effects of the Project and approve the SJV-MDP and SJV-ADP Amendment. Following this approach, when individual facilities are proposed, San Jacinto, Hemet, and RCFCWCD will be required to examine each facility to determine if its effects were fully analyzed in this DEIR or if an additional facility-specific environmental document needs to be prepared, such as an Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, Supplemental EIR, or Subsequent EIR. Since many of the SJV-MDP facilities may be designed and/or constructed as part of private development projects processed by San Jacinto, Hemet, or Riverside County, the facility-specific analysis may be included as part of the environmental documentation and CEQA process for a development project.

The DEIR and MMRP incorporates mitigation measures, **MM Bio 1** through **MM Bio 8** that are appropriate and specific for a programmatic DEIR (DEIR, pp. 3.4-40 through 3.4-42). **MM Bio 1** requires that site preparation activities be avoided during the nesting season; if not feasible, a pre-activity field survey shall be conducted consistent with the requirements of MBTA and CDFG. **MM Bio 2** requires facility-specific habitat assessments, focused surveys for burrowing

owls, and a pre-construction burrowing owl survey consistent with the requirements of the MSHCP. **MM Bio 3** specifies project-specific delineations will be required to determine the limits of the ACOE, RWQCB, and CDFG. If impacts are indicated, then jurisdictional water will be avoided or impacts will be minimized by limiting the degree or magnitude of the action and its implementation; or rectifying the impact by repairing, rehabilitating, or restoring the impact environment; or reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; compensating for the impact by replacing or providing substitute resources or environments in addition to obtaining the necessary permits from requisite jurisdictions. **MM Bio 4** and **5** requires project-specific mapping of riparian, unvegetated riverine features, and vernal pools pursuant to MSHCP. If avoidance is infeasible for any riparian/riverine areas or vernal pools located within the Project area, then a DBESP will require approval including appropriate mitigation. **MM Bio 6** specifies facility-specific focused plant surveys (including smooth tarplant) as a requirement. **MM Bio 7** requires focused surveys shall be conducted within potentially suitable habitat for Chaparral sand-verbena and South coast salt scale by a qualified biologist during the flowering season of these species and prior to construction activities. **MM Bio 8** specifies focused surveys shall be conducted within potentially suitable habitat for the San Bernardino kangaroo rat and Los Angeles pocket mouse by a qualified biologist during the appropriate season and prior to construction activities. Further, the DEIR was circulated for a 30-day review as part of CEQA's public comment process. Thus, there is adequate information in the DEIR for CDFG to fulfill its obligations as a Trustee and Responsible Agency.

With respect to the timing of permit negotiations, applicants can submit Notification of Streambed Alteration with a draft CEQA document (in this instance the DEIR); however, CDFG will not deem the notification complete until the CEQA document is transmitted to the State Clearinghouse, which assigns the document a number at the beginning of the public comment period. Since the DEIR identifies mitigation measures to reduce impacts to less than significant, these mitigation measures are the basis for permit negotiations, and all reasonable actions have been taken by San Jacinto and RCFCWCD to ensure appropriate mitigation is included and made available to the public for review and comment; the public has not been deprived of its right to know and no violation of State *CEQA Guidelines* Section 15002 has occurred.

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

Comment A-21:

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Response to Comment A-21:

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

Insert Figure 3.7-5

Response to Comment Letter B
State of California, Department of Toxic Substances Control
Dated June 16, 2010

Comment B-1:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The City of San Jacinto (San Jacinto) proposes to revise the existing San Jacinto Master Drainage Plan (SJMDP) and Northwest Hemet Master Drainage Plan (NW Hemet MDP); prepare a new master drainage plan for an area to the west and north of the existing plans; and the consolidate the three plans into one new plan: The San Jacinto Valley Regional Area Drainage Plan (SJV-MDP). San Jacinto also proposes amending the San Jacinto Regional Area Drainage Plan (SJR-ADP) to incorporate the new expanded and revised plan. The boundaries of the SJV-MDP, which encompasses approximately 27.4 square miles, is generally bounded by the San Jacinto River to the north, Meridian Street to the east, Florida Avenue to the south, and Warren Road to the west. The SJV-MDP includes land within the cities of San Jacinto and Hemet; in addition to unincorporated Riverside County. Construction of the proposed SJV-MDP facilities will occur in many phases over a period of several years, as development requires and when funding becomes available".

Response to Comment B-1:

Comment accurately states Project. Comment noted. No new environmental issues have been raised by this comment and no modification of the DEIR is required.

Comment B-2:

DTSC provided comments on the project Notice of Preparation of the original draft EIR on May 14, 2009; some of those comments have been addressed in the draft Environmental Impact Report. Please ensure that the following comments will be addressed in the final EIR when and if any hazardous wastes are generated or contamination is found.

- 1) **If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.**

Response to Comment B-2:

As discussed in Section 3.6 – Hazards and Hazardous Materials of the DEIR, the Project as proposed is not expected to result in any releases of hazardous waste that may pose a risk to human health or the environment. Additionally, should any future uses within the proposed Project generate hazardous waste; such hazardous waste will be handled and disposed of in accordance with all appropriate state and federal laws. (DEIR, pp. 3.6-22–3.6-23 and 5.0-13–5.0-15)

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

Comment B-3:

- 2) **If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.**

Response to Comment B-3:

As discussed in Section 3.6 – Hazards and Hazardous Materials of the DEIR, mitigation has been prescribed to address soil and/or groundwater contamination during construction or demolition. Specifically mitigation measure **MM Haz 6**, which states:

If during construction of a specific facility, soil and/or groundwater contamination is suspected, construction in the area of the suspected contamination shall cease and appropriate health and safety measures shall be implemented. The construction contractor shall contact the respective jurisdictional enforcement agency (i.e., San Jacinto, Hemet, Riverside County, RCFCWCD) to obtain the necessary information on appropriate measures and their implementation. The

measures recommended by the applicable enforcement agency will be implemented. (DEIR, pp. 3.6-23)

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

Comment B-4:

- 3) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

Response to Comment B-4:

See Response to Comment B-2. No significant impacts related to hazards and hazardous materials are anticipated from the proposed Project. Additionally, mitigation measures **MM Haz 1 through MM Haz 6** will reduce potential impacts to less than significant levels. (DEIR, p. 3.6-23)

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

Comment B-5:

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov or by phone at (714) 484-5491.

Response to Comment B-5:

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

RESPONSE TO COMMENTS
REGIONAL AND LOCAL AGENCIES

Response to Comment Letter C
Metropolitan Water District of Southern California
Dated May 26, 2010

Comment C-1:

Thank you for your letter dated May 17, 2010, and a map showing the location of your proposed project in the city of San Jacinto.

We reviewed the notice and documentation and determined the proposed Project is not regionally significant to The Metropolitan Water District of Southern California (Metropolitan). Metropolitan does not own or operate any facilities or maintain real estate entitlements within the footprint of the proposed Project; however, we support increased water conservation efforts and encourage projects to include water conservation measures such as using water efficient fixtures, drought-tolerant landscaping, and use of recycled water to offset increases in water use. Additional information on water conservation measures is available on Metropolitan's website at www.bewaterwise.com.

Should there be a change in the scope of the Project, we would appreciate the opportunity to review and comment at that time. If we can be of further assistance, please contact Mrs. Rebecca De Leon at (213) 217-6337.

Response to Comment C-1:

The proposed Project revises the existing San Jacinto Master Drainage Plan and Northwest Hemet Master Drainage Plan into one new plan, the SJV-MDP. The Project consists of storm drains, channels, and basins to transport and store storm water. Therefore, water conservations efforts are not applicable.

However, as discussed in Section 3.7 – Hydrology and Water Quality of the DEIR, there are facilities in the boundaries of the SJV-MDP owned by Metropolitan (DEIR, Figure 3.7-3). These facilities are all large diameter regional facilities located within fee property and conveying water to Metropolitan's treatment plants and member agencies including the Colorado River Aqueduct, Casa Loma Siphons 1 and 2, Casa Loma Canal, San Diego Pipelines 1 and 2, San Diego Canal, Lakeview Pipeline, San Jacinto Pipeline, and the Inland Feeder (DEIR, p. 3.7-12).

In order to avoid potential impacts to water quality within any of Metropolitan's regional water conveyance pipelines, which are located within the Project boundary, future development projects within the SJV-MDP Project boundary shall be required to comply with all of Metropolitan's guidelines for developments in the area of facilities, fee properties, and/or easements. As such, any facilities constructed in proximity to Metropolitan's facilities, will be conditioned to submit detailed plans to Metropolitan for their review and approval. Therefore,

impacts to water quality within Metropolitan’s facilities are anticipated to be less than significant (DEIR, p. 3.7-30).

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

**Response to Comment Letter D
Riverside County Fire Department
Dated June 9, 2010**

Comment D-1:

Thank you for providing the Riverside County Fire Department the opportunity to comment on the San Jacinto Valley Master Drainage Plan and San Jacinto Regional Area Drainage Plan Amendment project.

Response to Comment D-1:

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

Comment D-2:

With respect to the referenced project, the Riverside County Fire Department has the following comments:

The following comments reflect the construction phase of the project.

The proposed project(s) will add to the cumulative adverse affect on the Fire Department's ability to maintain the current level of service. These impacts include fire and medical emergencies as well as public service calls, all due to the increased presence of road maintenance vehicles and potential traffic congestion.

Mitigation measures should be considered in order to help reduce these impacts to a level below significance. Examples of mitigation measures might include:

Costs necessary to maintain the increased level of service may be at least partially offset by taxes acquired by the new construction; however additional funding sources may have to be identified to cover any shortfalls.

In the interest of Public Safety, the project shall provide an Alternate or Secondary Access(s) as stated in the Transportation Department Conditions. Said Alternate or Secondary Access(s) shall have concurrence and approval of both the Transportation and Fire Departments, and shall be maintained throughout any phasing.

This project shall participate in any program required regarding impact fees to fund increased emergency service needs.

The project shall maintain two (2) points of access, via all-weather surface roads, as approved by the Fire Prevention Bureau.

Non fire related medical emergencies could temporary increase within the presence of construction workers and heavy machinery during construction of the project.

Temporary road closures, lane closures, or detour routes may impair response times by the fire department and other emergency service providers.

As with any additional construction within a response area, a “cumulative” increase in requests for service will add to the Fire Department’s ability to provide adequate service.

In addition, provide Fire Department vehicle access roads; unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 902.2.2.1)

Provide access to all fire hydrants along all access routes in the project area and provide and maintain fire department vehicle access roads along the project site.

Construction activities could result in traffic delays that could affect the ability of fire and emergency service units to meet response time goals within the project area.

Mitigation measures should be considered in order to help reduce these impacts to a level below significance.

The California Fire Code outlines fire protection standards for the safety, health, and welfare of the public. These standards will be enforced by the Fire Chief.

Response to Comment D-2:

The proposed Project revises the existing San Jacinto Master Drainage Plan and Northwest Hemet Master Drainage Plan into one new plan, the SJV-MDP. The Project consists of storm drains, channels, and basins to transport and store storm water. The Initial Study/Environmental Checklist prepared and circulated with the Notice of Preparation for public review on the proposed Project (included as Appendix A to the DEIR) concluded that the proposed Project will not result in significant impacts to public services (DEIR, pp. 1.0-8, 1.0-9). As stated in the Initial Study/Environmental Checklist (pp. 29 and 30), the Project is not a development project; therefore, the proposed drainage facilities will not require additional services or extended response times for fire protection services. Further, when constructed, the proposed facilities should reduce the need for fire department resources related to flooding.

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

Comment D-3:

If I can be of further assistance, please feel free to contact me at (951) 940-6349 or e-mail me at jason.neumann@fire.ca.gov.

Response to Comment D-3:

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

RESPONSE TO COMMENTS

OTHER INTERESTED PARTIES

Response to Comment Letter E
Friends of the Northern San Jacinto Valley
Dated June 24, 2010

Comment E-1:

These comments are submitted on behalf of the Friends of the Northern San Jacinto Valley (Friends) on the Draft Environment Impact Report (Draft EIR) for the proposed San Jacinto Valley Master Drainage Plan and San Jacinto Regional Area Drainage Amendment. The Draft EIR for this project must ensure a rigorous and thorough environmental review prior to project approval. The subject California Environmental Quality Act (CEQA) document fails to meet this standard in the analysis of project impacts on Agricultural Resources, Biological Resources, Hydrology and Water Quality, and Public Environmental Controversy.

Response to Comment E-1:

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

Comment E-2:

The Draft EIR Notice of Availability (May 17, 2010) notes: *There are some areas just south of the San Jacinto River that were not included in either of the earlier MDPs. Some of that area is within the existing San Jacinto River floodplain and had been anticipated to remain agricultural lands. However, the construction of the proposed San Jacinto River Stage 4 Levee, which is not a part of the proposed project, would remove a large area from the floodplain and allow development in this area. This proposed MDP will provide a drainage plan for the areas covered by the construction of the San Jacinto River Stage 4 Levee project.* The Friends are particularly concerned as to the proposed MDP adverse CEQA impacts within the existing San Jacinto River floodplain lands as follows:

Response to Comment E-2:

Comment noted. However, independently, implementation of the SJV-MDP will reduce the existing FEMA 100-year floodplain by approximately 597 acres within the Project area as shown in attached Figure 3.7-5, Flood Hazard Zones, Pre- and Post-Project, which is hereby added to Section 3.7 – Hydrology and Water Quality of the DEIR to amplify and clarify the discussion in that section.

Implementation of the SJV-MDP alone will not provide complete 100-year flood protection within the SJV-MDP area. A portion of the existing 100-year floodplain will remain within the SJV-MDP area south of the existing San Jacinto levees and riverine corridor. The San Jacinto River Levee Stage 4 project, which is not a part of this Project evaluated in the DEIR, will

reduce the existing San Jacinto River floodplain by approximately 1,955 acres within the Project area and provide 100-year flood protection to this area..

The San Jacinto River Levee Stage 4 project has been designed to include connections within the levee structure for SJV-MDP facilities once they are constructed. The proposed southern levee includes connections within the levee itself that will allow storm water and non-storm water flows conveyed from the SJV-MDP facilities to enter through the levee in concrete pipes or box culverts. If the proposed southern levee is constructed, these connections will be back headed (blocked) until such time the SJV-MDP facilities (Line H, J, and K) are designed and constructed. The SJV-MDP identifies the general type, size, and location of facilities that will connect to the southern levee in Section 3.7 Hydrology and Water Quality of the DEIR on page 3.7-24.

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

Comment E-3:

Agricultural Resources:

CEQA requires the Draft EIR analyze and consider feasible mitigation measures and project alternatives to avoid or minimize the loss of important agricultural lands that this project and the San Jacinto River Stage 4 Levee project will precipitate. No such analysis of this significant CEQA impact is included in the subject Draft EIR. Instead the Draft EIR arbitrarily concludes: **no feasible mitigation exists to reduce or eliminate the conversation [conversion] of**

Important Farmland to non-agricultural uses. This is an improper implementation of the CEQA and only serves to denigrate the importance of these agricultural lands to the public. Neither, CEQA or the public interest will be served by such a deficient government decision making process.

Response to Comment E-3:

As discussed in Section 3.2 – Agricultural Resources of the DEIR, the SJV-MDP identifies, at a conceptual level, proposed storm drains, channels, and basins, which could be located on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively referred to as Important Farmland) (DEIR, p. 3.2-4–3.2-5). It should be recognized that the proposed storm drains are underground facilities, and as such, will not result in a permanent conversion of Important Farmland, as the facility footprint could be returned to its original condition (DEIR, p. 3.2-12). Nonetheless, direct impacts to agricultural land in the Project area include the conversion of 15 acres of Important Farmland and 6.3 acres of Farmland of Local Importance associated with the construction of the four basins identified in the SJV-MDP and approximately 12 acres of Prime Farmland, 80 acres of Important Farmland, and 30 acres of Farmland of Local Importance associated with the construction of drainage channels which are potentially significant impacts. (DEIR, pp. 3.2-12–3.2-13).

The commenter is incorrect in the assertion that no feasible mitigation measures were considered in the DEIR. Section 3.2.7 – Agricultural Resources, Proposed Mitigation Measures evaluates a reasonable range of possible mitigation measures to eliminate or reduce the Project’s potentially significant impacts on Important Farmland. Mitigation measures were considered but found to be infeasible (DEIR, pp. 3.2-14 through 3.2-18). Therefore, a Statement of Overriding Consideration will be required with respect to loss of farmland.

The viability of a large-scale agriculture in the long term was evaluated in detail on pages 3.2-14 to 3.2-16 in the DEIR for on-site mitigation. However, feasibility of this mitigation is threatened by a variety of economic factors, including increasing operational constraints, land prices, environmental regulation, water supply and costs, property taxes, competition, and growing urbanization. Active private property owner cooperation as well as substantial financial incentives could reduce the impact but not enough to be considered less than significant. Thus permanent on-site mitigation of all impacted existing farmland is infeasible.

Moreover, on-site agricultural use would be inconsistent with the goals and objectives of the adopted General Plans for San Jacinto, Hemet, and Riverside County as evaluated in detail on pages 3.2-16 to 3.2-18 in the DEIR. The projected decline of agricultural designated uses in the Hemet and Riverside County General Plan, and the nonexistence of agricultural designated uses in the San Jacinto General Plan are due to urbanization and the economic viability of long-term agricultural uses. The EIRs prepared for each respective General Plan determined there are no reasonable or feasible mitigation measures to reduce the significant impacts resulting from the loss of agricultural land to a less than significant level.

Therefore, reduction of the drainage facilities included in the Project to retain on-site agricultural uses that would otherwise be impacted by the buildout of the applicable General Plans (i.e., San Jacinto, Hemet, and Riverside County) would impede achievement of the goals and objectives set forth in the General Plans for San Jacinto, Hemet, and Riverside County. For these reasons on-site mitigation is infeasible.

There is no other comparable land planned for agricultural use within San Jacinto or Hemet that would offset the direct impacts from the Project’s drainage facilities or indirect impacts from the conversion of agricultural uses in the Project area. Within the 55,339 acres in the San Jacinto Valley Area Plan, 8,678 acres are within the Agriculture Foundation Component (SJVAP, p. 19) of which 8,358 acres are outside of the Project area, according to Riverside County GIS data.

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

Lastly, as discussed in Section 3.2.7 of the DEIR, even with property owner cooperation, substantial financial incentives, and agricultural conservation programs intended to foster the

short-term benefits of agricultural uses, it is unlikely that long-term agricultural production would be economically viable in the Project area, with or without the Project. Therefore, on-site and off-site mitigation is infeasible. Direct and indirect project impacts would remain significant and a Statement of Overriding Considerations would be required prior to Project approval.

No new environmental issues have been raised by this comment, no additional analysis is warranted, and no modification of the DEIR is required.

Comment E-4:

Biological Resources:

The Draft EIR fails to recognize the project agricultural lands and the impacted San Jacinto River floodplain lands provide significant habitat values for numerous Multiple Species Habitat Conservation Plan (MSHCP) species. The MSHCP, like the Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP), was approved pursuant to the Section 10(a) Incidental Take provisions of the federal Endangered Species Act. The concurrent State of California incidental take permit was approved pursuant to the Natural Community Conservation Plan (NCCP) Act of 1991 (Fish and Game Code Sections 2800-2835). The subject Draft EIR fails to provide an adequate MSHCP species impact analysis and fails to properly consider project alternatives or mitigation measures to avoid or minimize impacts to MSHCP covered species. The Draft EIR instead improperly postpones the MSHCP species impact analysis and consideration of project alternatives and mitigation measures to future survey efforts subsequent to project approval. The issuance of the federal 10(a) incidental take permit (MSHCP Permit) was not intended and cannot circumvent the requirements of CEQA. Moreover, the California NCCP incidental take permit does not exempt a project proposed in a NCCP planning area from full compliance or otherwise alters or affects the applicability of CEQA (Fish and Game Code 2826). The Friends are concerned that the ongoing failure of the City of San Jacinto, the Riverside County Flood Control and Water Conservation District, and other MSHCP permit jurisdictions to properly implement the mandates of CEQA will result in the extinction of numerous MSHCP covered species.

Response to Comment E-4:

Firstly, it should be recognized that this DEIR has been prepared at the program level. The implications of which are stated in Section 1.0 – Introduction :

This DEIR provides a programmatic level analysis for the proposed Project. Pursuant to Section 15168 of the *State CEQA Guidelines*, a programmatic level environmental analysis will enable San Jacinto to examine the overall effects of the Project and approve the SJV-MDP and San Jacinto Regional Area Drainage Plan (SJR-ADP) Amendment. Following this approach, when individual facilities are proposed, San Jacinto, Hemet, and Riverside County Flood Control and Water Conservation District will be required to examine each facility to determine if its effects were fully analyzed in this DEIR or if an additional facility-specific environmental document needs to be prepared, such as an Initial Study leading to

a Negative Declaration, Mitigated Negative Declaration, Supplemental EIR, or Subsequent EIR. Since many of the SJV-MDP facilities may be designed and/or constructed as part of private development projects processed by San Jacinto, Hemet, or Riverside County, the facility-specific analysis may be included as part of the environmental documentation and CEQA process for a development project. (DEIR, p. 1.0-1)

Because the DEIR presents a program-level analysis, the DEIR and MMRP incorporates eight mitigation measures to reduce potential impacts to biological resources to less than significant (DEIR, pp. 3.4-40–3.4-42). Mitigation measure **MM Bio 1** requires a pre-activity field survey and avoidance of active nests, if present, for any SJV-MDP related construction activities that must take place during the nesting/breeding season (February 1 to August 31) (DEIR, p. 3.4-40).

MM Bio 1: In order to avoid violation of the MBTA and California Fish and Game Code, site-preparation activities (removal of trees and vegetation) shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species.

If site-preparation activities are proposed during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits, for private development projects, or prior to construction for public agency contracts, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. If active nests are not located within the Project area and appropriate buffer, 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.

Mitigation measures **MM Bio 2** through **MM Bio 8** (DEIR, pp. 3.4-40–3.4-4) require facility-specific habitat assessments and focused surveys, jurisdictional delineations, mapping and avoidance sensitive plant and animal species. Mitigation measure **MM Bio 3** (DEIR, p. 3.4-40) will be revised as shown below as requested by CDFG.

MM Bio 2: Facility-specific habitat assessments and focused surveys for burrowing owls will be conducted within burrowing owl survey areas. A pre-construction survey for resident burrowing owls will also be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities within those portions of the Project site containing suitable burrowing owl habitat. If ground-disturbing activities in these areas are delayed or

suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. Take of active nests shall be avoided. The pre-construction survey and any relocation activity will be conducted in accordance with MSHCP instructions and/or guidelines.

MM Bio 3: Project-specific delineations will be required to determine the limits of the U.S. Army Corp of Engineers (ACOE), RWQCB, and CDFG jurisdiction. Impacts to jurisdictional waters will require authorization by the corresponding regulatory agency. If impacts are indicated, then jurisdictional water will either a) be avoided or b) necessary permits from requisite jurisdictions will be obtained be minimized by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring, the impacted environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; compensating for the impact by replacing or providing substitute resources or environments in addition to obtaining the necessary permits from requisite jurisdictions.

MM Bio 4: The project-specific mapping of riparian and unvegetated riverine features will be required pursuant to Section 6.1.2 of the MSHCP. For areas not excluded as artificially created, the MSHCP requires 100 percent avoidance of riparian/riverine areas. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options, to offset the loss of functions and values as they pertain to the MSHCP-covered species. Riparian vegetation will also need to be evaluated for the least Bell's vireo, southwestern willow flycatcher, and western yellow-billed cuckoo. If suitable habitat is present, focused surveys for the species will be required. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options.

MM Bio 5: The project-specific mapping of vernal pools will be required pursuant to Section 6.1.2 of the MSHCP. As noted above, vernal pools (or similar seasonal ponding alkali playa areas) are expected to occur at least in the area comprising Cell Group V, but have the potential to occur elsewhere within the Project area. For areas not excluded as artificially created, the MSHCP requires 100 percent avoidance of vernal pools. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation to offset the loss of functions and values as they pertain to the MSHCP covered species. Vernal pools and other seasonal ponding depressions will also need to be evaluated for Riverside and Vernal pool fairy shrimp.

MM Bio 6: Within areas of suitable habitat associated with the Narrow Endemic Plant Species Survey Area (NEPSSA) and Criteria Area Plant Species Survey Area (CAPSSA), facility-specific focused plants surveys will be required. Including the smooth tarplant mapped as part of this study, the MSHCP requires at least 90 percent avoidance of areas providing long-term conservation value for the NEPSSA and CAPSSA target species. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options. Furthermore, the smooth tarplant mapped within Cell Group V, is expected to be required for conservation as part of the Cell Group V criteria.

MM Bio 7: Focused surveys shall be conducted within potentially suitable habitat for Chaparral sand-verbena and South coast salt scale by a qualified biologist during the flowering season of these species and prior to construction activities. If special status plant species are found to be present in the footprint, further measures as recommended by a qualified biologist shall be taken to avoid or minimize adverse project effects to these species and their habitat. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation.

MM Bio 8: Focused surveys shall be conducted within potentially suitable habitat for the San Bernardino kangaroo rat and Los Angeles pocket mouse by a qualified biologist during the appropriate season of these species and prior to construction activities. If these species are found to be present in the footprint, occupied habitat shall be fenced and avoided. If occupied habitat cannot be avoided, further measures as recommended by a qualified biologist and in consultation with the California Department of Fish and Game, shall to be taken to avoid or minimize adverse project effects to these species and their habitat.

Therefore, the mitigation measures ensure that subsequent CEQA documentation will include biological surveys with their accompanying mitigation measures, as needed, to offset impacts to biological resources.

The DEIR includes a discussion of the MSHCP in Section 3.4.4 – Biological Resources, Related Regulations (DEIR, pp. 3.4-21–3.4-22) and evaluates the Project’s potential to conflict with the MSHCP in Section 3.4.6 – Biological Resources, Environmental Impacts Before Mitigation under the threshold: *The proposed project would conflict with the provision of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan* (DEIR, pp. 3.4-29–3.4-37). The DEIR’s discussion is summarized in the following paragraphs.

The Project is within the region covered by the MSHCP. The MSHCP addresses the federal, state, and local mitigation requirements for the Covered Species and their habitats. The provisions of the MSHCP allow for direct, indirect, and cumulative impacts to Covered Species,

regardless of the number of distribution of the species on site. Given that these sensitive species known or potentially occurring within the Project are “adequately conserved Covered Species” pursuant to the MSHCP, potential impacts to such species will not require additional mitigation pursuant to CEQA, as compliance with the MSHCP already provides sufficient mitigation. (DEIR, pp. 3.4-22–3.4-42).

Lines H, K, E-1, and E-4 are within the vicinity of PQP lands and could potentially impact PQP lands. However, the location of these facilities are conceptual at this time. If the footprint of an MDP facility alters PQP land in such a manner that the PQP land would no longer contribute to the Reserve Assembly, the proponent of such a facility must provide replacement acreage at a minimum ratio of 1:1 replacement taking into account direct and indirect effects of PQP Lands in one location with PQP Lands in another location, then the proponent of such facility (e.g. San Jacinto, Hemet, RCFCWCD, or a private developer) will abide by the aforementioned requirements of MSHCP Section 3.2.1. (DEIR, p. 3.4-31)

MSHCP Section 6.1.2, *Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools*, requires habitat assessments (and focused surveys where suitable habitat is present) for riparian bird species with MSHCP survey requirements, including the least Bell’s vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii traillii*), and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). Consistency with MSHCP Section 6.1.2 **requires future facility-specific focused surveys** during the appropriate season to confirm the presence/absence of the relevant vernal pool plants and listed fairy. If avoidance is infeasible for any riparian/riverine areas or vernal pools located within the Project area, then a DBESP must be approved by the wildlife agencies taking into account mitigation offered to offset the loss of functions associated with riparian/riverine areas and/or vernal pools as they pertain to the Covered Species. Additionally, approximately 6.38 acres of riparian areas were mapped within the SJV-MDP facility alignments, though more, smaller areas may exist within areas that could not be accessed. Project-specific mapping would be required to determine which areas may be subject to MSHCP requirements, and which may not. Thus, the Project will be consistent with MSHCP Section 6.1.2.

Pursuant to MSHCP Section 6.1.3, *Protection of Narrow Endemic Plant Species*, **site-specific focused surveys for narrow endemic plant species shall be required** where appropriate or suitable habitat is present within the NEPSSA. Facility-specific surveys would be required during the appropriate time of the year to determine the presence/absence of all Narrow Endemic Plants and Criteria Area Plants (see **MM Bio 6**). Thus, the Project will be consistent with MSHCP Section 6.1.3.

MSHCP Section 6.1.4, *Guidelines Pertaining to the Urban/Wildlife Interface*, outlines the minimization of indirect effects associated with locating development in proximity to the MSHCP Conservation Area. To minimize these effects, guidelines in MSHCP Section 6.1.4 shall be implemented in conjunction with review of individual public and private development projects in proximity to the MSHCP Conservation Area and address the following: drainage, toxics, lighting, noise, invasive species, barriers, and grading/land development. Portions of the Project area coincide with or occur within proximity to Proposed Noncontiguous Habitat Block 6, Existing Constrained Linkage C, and Proposed Core 5. Through adherence to the guidelines of

the MSHCP Section 6.1.4, the Project will minimize indirect effects associated with the development of the SJV-MDP. Thus, the Project will be consistent with MSHCP Section 6.1.4.

Portions of the Project area occur within MSHCP survey areas for Narrow Endemic Plants, Criteria Area Plants, the western burrowing owl (*Athene cunicularia hypugaea*), the Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), and San Bernardino kangaroo rat (*Dipodomys merriami parvus*). Within designated Survey Areas, the MSHCP requires habitat assessments, and focused surveys within areas of suitable habitat, the provisions of which are stipulated in **MM Bio 8**. Thus, the Project will be consistent with MSHCP Section 6.3.2.

MSHCP Section 6.4, *Fuels Management*, focuses on hazard reduction for human safety in a manner compatible with public safety and conservation of biological resources. The majority of the proposed facilities are not located directly adjacent to MSHCP Conservation Areas, and are surrounded by already developed or highly disturbed lands; however, those facilities located adjacent to MSHCP Conservation Areas will incorporate brush management consistent with the protection of biological resources. Any necessary fuel modification associated with the Project will remain within the Project area. Thus, the proposed Project is consistent with MSHCP Section 6.4.

MSHCP Section 7.5.3, *Construction Guidelines*, focuses on construction guidelines for facilities within the criteria area and PQP lands. Future development projects within the Project area will be required to comply with all provisions of the NPDES permit program, including the preparation of a SWPPP and WQMP, thus potential impacts to receiving waters from future development would be reduced through compliance with the NPDES regulations. Thus, the Project is consistent with MSHCP Section 7.5.3.

The proposed Project is located within the boundary of the SKR HCP. The SKR HCP establishes a mechanism for the long-term conservation of the SKR. Potential impacts to the SKR are mitigated on a regional basis through compliance with the MSHCP and the SKR HCP. As the Project is not in a core reserve, the Project will not conflict with the SKR HCP and impacts are less than significant.

With implementation of mitigation measures **MM Bio 1 through MM Bio 8**, including adherence to NPDES regulations, the Project is consistent with the MSHCP and potential impacts are less than significant.

Impacts to Covered Species would not require additional mitigation under CEQA, as mandatory payment of the Mitigation Fee and compliance with the requirements of the MSHCP are intended to provide mitigation under CEQA, National Environmental Policy Act, federal Endangered Species Act, and California Endangered Species Act for impacts to the species and habitats covered by the MSHCP. This arrangement is pursuant to active agreements with the U.S. Fish and Wildlife Service, CDFG and/or any other appropriate participating regulatory agencies and as set forth in the Implementing Agreement for the MSHCP. Therefore, as discussed in the DEIR and summarized in this response, the commenter is incorrect in asserting that the DEIR fails to provide an adequate MSHCP species impact analysis or mitigation

measures to avoid or minimize impacts to MSHCP covered species as the Project complies with MSHCP.

No new environmental issues have been raised by this comment, no additional analysis is warranted, and no modification of the DEIR is required.

Comment E-5:

Hydrology and Water Quality:

Impacts to the Hydrology of the San Jacinto River are of great concern to the Friends as this project and the proposed San Jacinto River Stage 4 Levee project will deliver storm water and pollutants to the floodplain lands comprising the downstream San Jacinto Wildlife Area (SJWA). The project induced storm water flows will necessitate additional floodwater storage capacity on the SJWA and Mystic Lake unless retained on future urban project sites. A hydrology impact of equal importance is the project induced degradation of water quality. Two downstream water bodies (Canyon Lake and Lake Elsinore) were recently designated “Impaired Water Bodies” pursuant to the Federal Clean Water Act. The Santa Ana Regional Water Quality Control Board is currently implementing Total Maximum Daily Load (TMDL) requirements throughout the upper San Jacinto River watershed. The subject CEQA document needs to disclose how this project will impact the TMDL issue. Moreover, the Draft EIR needs to afford the public the opportunity to review the project Water Quality Management Plan and/or Best Management Practices (BMP’s) to be implemented pursuant to obtaining the National Pollutant Discharge Elimination System (NPDES) Permit required for the project.

Response to Comment E-5:

As stated in Response to Comment E-4, above, the DEIR was written as a program-level document per Section 15168 of the State *CEQA Guidelines* (DEIR, p. 1.0-1). DEIR Section 3.7 – Hydrology and Water Quality under the threshold: *After the Project is completed, will it create or contribute urban runoff that would violate any water quality standards or waste discharge requirements, including the terms of the City’s municipal separate storm water sewer system permit*, the DEIR states

The proposed SJV-MDP facilities have been designed to improve stormwater and non-stormwater drainage within the project area by promoting groundwater recharge, redirecting stormwater runoff from agricultural lands and other urban developments, and removal of trash and debris from stormwater flows. Studies have shown that conversion from pre-dominantly agricultural to urban land-uses would likely improve or have no effect on water quality with respect to sediments (Geosyntec, 2008). Most facilities proposed as part of the MDP will not be constructed until such time as future development projects within the project area approved. As such, future development projects within the project area would be conditioned by the City of San Jacinto, the City of Hemet, and/or RCFCWCD to construct those MDP facilities that would be affected by that project. Therefore, the project facilities would not be constructed until such time as future development projects are approved. (DEIR, pp. 3.7-25)

Conditions of approval for development projects would include the preparation of a site-specific WQMP, which would provide for treatment of stormwater and non-stormwater discharge through site design, source control, and/or treatment control BMPs. BMPs typically used to manage urban runoff include controlling roadway and parking lot contaminants by installing filters with oil and grease absorbents at storm drain inlets, cleaning parking lots on a regular basis, incorporating peak-flow reduction and infiltration features (such as grass swales, infiltration trenches, and grass filter strips) into landscaping, and implementing education programs. Since future development projects within the project area will be required to comply with the terms of the WQMP, post construction impacts to water quality standards or waste discharge requirements are expected to be less than significant. No mitigation measures are necessary. (DEIR, pp. 3.7-25–3.7-26)

Further, under the threshold: *Violate any water quality standards or waste discharge requirements* (DEIR, pp. 3.7-28–3.7-30), the DEIR states:

Specific water quality impacts will be further mitigated at the time of facility construction through the ongoing compliance with existing water quality regulatory programs. The proposed facilities shall be constructed in conformance with the RWQCB, NPDES Permit R8-2002-001. This permit regulates flood control facilities operated by the RCFCWCD, among others, within the Santa Ana River Watershed. The Permit requires the RCFCWCD to conduct public education, monitoring, illicit connection/illegal discharge detection and removal, maintenance activities, and coordination with other MS4 operators to ensure that pollutants discharging from MS4 systems are mitigated to the maximum extent practicable. Facilities constructed under the proposed project would be required to comply with this permit. (DEIR, p. 3.7-29)

In addition, any proposed facilities that impact “waters of the United States” or “waters of the State” will be regulated by the RWQCB under Section 401 of the Clean Water Act or the State’s Porter-Cologne Water Quality Control Act. The project also incorporates unlined reaches of channels and basins, which can serve to attenuate peak-flow rates and allow for infiltration of stormwater. Additional water quality control measures may be implemented at the time of construction in order to comply with TMDL requirements established by the RWQCB within the watershed. (DEIR, p. 3.7-29)

Thus, while this Project has been designed to improve storm water and non-storm water drainage and research demonstrates that converting land use from agriculture to urban uses does not increase sedimentation, the issues raised by the comment related to storm water, pollutants, water quality, and associated WQMPs and BMPs will be handled at the facility-specific level. This DEIR provides a program-level analysis of the impacts associated with implementation of the proposed SJV-MDP. As a program-level CEQA document, the DEIR identifies the need for facility-specific implementation of NPDES requirements, including facility-specific SWPPPs and WQMPs. As facilities under this Project will be built out as they are needed, this system will allow for the applicable responsible and trustee agencies to weigh proposals for specific facilities identified in this DEIR against the existing and pressing environmental issues at that specific time, and will include conditioning the facility-specific projects to the BMPs available at that

time, which will likely provide an increased benefit compared to conditioning BMPs at the program level.

No new environmental issues have been raised by this comment, no additional analysis is warranted, and no modification of the DEIR is required.

Comment E-6:

Public Environmental Controversy:

The CEQA review for this project needs to consider that several of the large landowners benefiting from this project and the proposed Mid-County Parkway project and four of the five San Jacinto City Council members are presently under criminal indictment accused of laundering tens of thousands of dollars in campaign funds, as well as tax fraud, bribery and perjury. The currently pending criminal indictments call into question the public benefit of this project and the San Jacinto River Stage 4 Levee project. It appears both of these proposals are being brought forward by the San Jacinto City Council to enrich private landowners in the San Jacinto River floodplain at the expense of the public interest (Agricultural Resources, Biological Resources, Hydrology and Water Quality). We have attached the Sunday, November 22, 2009 (on-line version November 21, 2009, 10:51 p.m.; see link listed below), Press Enterprise newspaper article, “Votes of Indicted San Jacinto Councilman Ayres Benefited Donors” for inclusion in the Administrative Record and are requesting this public environmental controversy be addressed in the CEQA review of this project.

Response to Comment E-6:

As stated in State *CEQA Guidelines* Section 15204(a):

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the **environment** and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR (emphases added).

The alleged public, political controversy stated in the comment is not an environmental issue and has no influence on the environmental effects that will result with implementation of the Project, nor does it suggest alternatives or mitigation measures that will result in any avoidance of the significant environmental effects identified in this DEIR.

The primary purpose of the Project is to revise and consolidate the existing San Jacinto and Northwest Hemet MDPs into a single updated SJV-MDP. The existing MDPs were designed in 1982 (Revised 1990) and 1985 and do not address current flooding needs for the communities of San Jacinto, Hemet, and nearby areas of unincorporated Riverside County. San Jacinto also proposes amending the SJR-ADP to incorporate the new expanded and revised plan.

Additionally, the Mid-County Parkway project does not conflict with the proposed SJV-MDP facilities. Since the SJV-MDP identifies the alignments and locations of drainage facilities at a conceptual level; the precise alignments will be determined at the time the individual facility is designed. The factors for final design of the SJV-MDP facilities will include existing utility locations, proposed development plans (e.g. Mid-County Parkway project), and right-of-way availability. Likewise, the facility sizes identified in the SJV-MDP is preliminary. Final sizing will be determined based on detailed analysis performed at the design stage.

The San Jacinto River Levee Stage 4 project, which is not a part of this Project evaluated in the DEIR, is a San Jacinto public works and public safety project consisting of the construction and subsequent maintenance of a new levee and associated improvements. The San Jacinto River Levee Stage 4 project has been designed (final engineering design) to include connections within the levee structure for SJV-MDP facilities once they are constructed. The proposed southern levee includes connections within the levee itself that will allow storm water and non-storm water flows conveyed from the SJV-MDP facilities to enter through the levee in concrete pipes or box culverts. If the proposed southern levee is constructed these connections will be back headed (blocked) until such time the SJV-MDP facilities (Line H, J, and K) are designed and constructed. The SJV-MDP identifies the general type, size, and location of facilities that will connect to the southern levee in Section 3.7 Hydrology and Water Quality of the DEIR on page 3.7-24.

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

Comment E-7:

Given the CEQA deficiencies identified in the Draft EIR, the document should be withdrawn from further consideration pending preparation of a legally adequate Draft EIR. Upon correction of the CEQA defects a revised Draft EIR should once again be circulated for review by the public and responsible agencies.

Response to Comment E-7:

The DEIR includes a thorough, complete, and careful analysis of all potentially significant impacts resulting from the Project, and San Jacinto (as lead agency) and RCFCWCD and Hemet (As responsible agencies) have imposed all feasible mitigation measures that would reduce the proposed Project’s potentially significant impacts, as required by CEQA. The DEIR and MMRP include over 20 mitigation measures, each of which is fully enforceable as required by CEQA. The MMRP is available in Section 3.0 of the FEIR. Thus, the commenter is incorrect in asserting that the DEIR has CEQA deficiencies.

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

Further, the specific comments raised in this comment letter have been addressed in the previous responses and determined not to present new environmental issues or necessitate a modification of the DEIR. Therefore, recirculation of the DEIR is not warranted.

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

Comment E-8:

Thank you for the opportunity to participate in the CEQA review of the San Jacinto Valley Master Drainage Plan. Please advise the Friends of the availability of subsequent CEQA documents and all public hearings and documents for this important project.

Response to Comment E-8:

Comment noted. The lead and responsible agencies will provide notice of documents and hearings as required by law. No new environmental issues have been raised by this comment and no modification of the DEIR is required.

RESPONSE TO LATE COMMENTS

Response to Comment Letter F
State of California Governor’s Office of Planning and Research
State Clearinghouse and Planning Unit
Dated July 1, 2010

Comment F-1:

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 June 30, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Response to Comment F-1:

The comment acknowledges that San Jacinto has complied with the DEIR review requirements pursuant to CEQA for this Project. Additionally, no comment letters were enclosed with the letter. No further response is necessary.

Response to Comment Letter G
California Regional Water Quality Control Board, Santa Ana Region
Dated July 1, 2010

Comment G-1:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) have reviewed the City of San Jacinto (City) Draft Environmental Impact Report (DEIR) for the proposed San Jacinto Valley Master Drainage Plan (MDP) and San Jacinto Regional Area Drainage Plan (ADP) Amendment. The City proposes this Project to:

- 1) Consolidate the existing San Jacinto MDP and Northwest Hemet MDP, with unincorporated land to the west of both, into a new San Jacinto Valley MDP;
- 2) Develop a 50-mile system of underground storm drains, open lined/unlined channels, and four detention basins in a phased orderly manner, likely with the participation of the City of Hemet and the Riverside County Flood Control & Water Conservation District; and
- 3) Amend the ADP's tax offset mechanism.

The 27.4-square mile Project area is bounded by the San Jacinto River to the north, Meridian Street to the east, Florida Avenue to the south, and Warren Road to the west. Project proponents are planning for future urbanization through this MDP, with the proposed facilities intended to relieve flooding hazards and costs in the area. The system will be constructed around and under the alignment of Highway 79/other roads.

Response to Comment G-1:

The comment accurately summarizes the Project. Comment noted. No new environmental issues have been raised by this comment and no modification of the DEIR is required.

Comment G-2:

Most of the earlier concerns expressed in our May 15, 2009 Notice of Preparation letter (DEIR Section 1.0-7) have been considered by the DEIR, including beneficial uses and Best Management Practices (BMPs), but we request that the DEIR incorporate the following additional comments in order for the Project to best protect water quality standards (water quality objectives and beneficial uses) contained in the Water Quality Control Plan for the Santa Ana River Basin (Region 8 Basin Plan):

1. The drains are meant to mimic existing hydrology so as to not accentuate the velocities of flows consolidating in the San Jacinto River. Therefore, installation will modify several existing lined culverts and channelize unlined washes, with rock protection placed in some of the unlined areas. Table 2.0-B listing the existing,

proposed, modified, and new facilities still has not differentiated the open, earthen channels as requested earlier. Neither 2.0-10 nor Figure 2.0-3 state which will be open channels, of Lines X, W, 4, E, 1, 2, and some of C. Section 2.0 (Project Description) would benefit by discussing the intended construction, within each agricultural ditch and channel, in the manner done in Section 5.0 for the Alternatives considered (and dismissed). All scenarios could be described together in the same section.

Response to Comment G-2:

As requested by the commenter, Table 2.0-B in Section 2.0 – Project Description of the DEIR, on pages 2.0-11 through 2.0-13, has been modified to distinguish between lined and unlined channels.

Table 2.0-B, SJV-MDP Facilities Overview

Subarea	Facility Name	Existing, Proposed, Modified, or New	Facility Type		
			Storm Drain	Channel (type)	Basin
City Area	Buena Vista Basin	Existing			✓
City Area	Lyon Avenue Detention Basin	Modified			✓
City Area	Line B	Proposed	✓		
City Area	Line B-1	Proposed	✓		
City Area	Line C (from Buena Vista Basin to Esplanade Avenue)	Existing	✓		
City Area	Line C (extension upstream of Esplanade Avenue to San Jacinto Avenue)	Proposed		✓ (lined)	
City Area	Line C-4	Proposed	✓		
City Area	Line C-5	Proposed	✓		
City Area	Line D (from Buena Vista Basin to Hewitt Street)	Existing	✓		
City Area	Line D (upstream of Hewitt Street)	Proposed	✓		
City Area	Line D-1 (from Line D on Shaver Street to Vernon Avenue)	Existing	✓		
City Area	Line D-1 (extension on 7 th Avenue)	Proposed	✓		
City Area	Line D-2 Extension (Hewitt Street Storm Drain)	Modified	✓		
City Area	Line D-2	Existing	✓		

Subarea	Facility Name	Existing, Proposed, Modified, or New	Facility Type		
			Storm Drain	Channel (type)	Basin
City Area	Line D-3	Proposed	✓		
City Area	Line D-4 (first portion of 350 feet from Line D)	Existing	✓		
City Area	Line D-4 (extension on 7 th Avenue)	Proposed	✓		
City Area	Line E	Existing		✓ (unlined)	
City Area	Line E-1 (stub out)	Existing	✓		
City Area	Line E-1	Proposed	✓		
City Area	Line E-2	Proposed	✓		
City Area	Line E-2a	Proposed	✓		
City Area	Line E-3	Proposed	✓		
City Area	Line E-4	Modified	✓		
City Area	Line E-5	Modified	✓		
City Area	Line E-6	Modified	✓		
City Area	Line F	Existing	✓		
City Area	Line F-2	Existing	✓		
City Area	Line G		✓		
City Area	Line G (downstream portion on Ramona Expressway)	Modified	✓		
City Area	Line G (upstream of Lyon Avenue Basin on De Anza)	Proposed	✓		
City Area	Line G-1	Modified	✓		
City Area	Line G-2	Proposed	✓		
City Area	Line G-3 (3100 feet upstream of San Jacinto Reservoir)	Modified		✓ (lined)	
City Area	Line G-3	Modified	✓	✓ (lined)	
City Area	Line H (southerly of Ramona Expressway)	Proposed	✓		
City Area	Line H (reference Line H MDP)	Proposed		✓ (lined)	
City Area	Line H-1	Proposed	✓		
City Area	Line H-2	Modified	✓		

Subarea	Facility Name	Existing, Proposed, Modified, or New	Facility Type		
			Storm Drain	Channel (type)	Basin
City Area	Line J (southerly of Ramona Expressway)	Proposed	✓	✓ (lined)	
City Area	Line J (north of Ramona)	Proposed		✓ (unlined)	
City Area	Line J-1	Proposed	✓		
City Area	Line J-2	Proposed	✓		
City Area	Line J-3	Modified	✓		
City Area	Line K	Proposed	✓		
City Area	Line V	Modified	✓		
City Area	N Line A-2	Proposed	✓		
City Area	N Line A-3	Proposed	✓		
City Area	N Line B-2	Proposed	✓		
City Area	N Line E (downstream of San Jacinto Reservoir)	Proposed		✓ (unlined)	
City Area	N Line E-2	Modified	✓	✓ (lined)	
City Area	N Line E-2A	Modified	✓		
North Area	Line 1	New		✓ (unlined)	
North Area	Line 2	New		✓ (unlined)	
North Area	Line 3	New		✓ (unlined)	
North Area	Line 4	New	✓	✓ (unlined)	
North Area	Line 5	New	✓		
North Area	Line 6	New	✓	✓ (unlined)	
North Area	Lateral 4A	New	✓		
North Area	North Basin	New			✓
West Area	Line D	New	✓		
West Area	Line W	New		✓ (unlined)	
West Area	Line X	New		✓ (unlined)	
West Area	Lax X-1	New	✓		

Subarea	Facility Name	Existing, Proposed, Modified, or New	Facility Type		
			Storm Drain	Channel (type)	Basin
West Area	Line Y	New	✓		
West Area	Line Y-1	New	✓		
West Area	Lat Y-1 through Y-13	New	✓		
West Area	Line Z	New	✓		
West Area	Casa Loma Basin	New			✓
West Area	Line D Basin	New			✓
West Area	Line E-Y-Z Confluence Basin	New			✓

Further, as stated in Section 2.0 Project Description of the DEIR on pages 2.0-8 and 2.0-10:

The SJV-MDP proposes two types of open channels, lined and unlined channels.

Lined channels are usually trapezoidal shaped with concrete paving on the sides and bottom. Sides slope upward from the bottom at a rate of one foot vertically for every 1.5 feet horizontally. The SJV-MDP also includes lined facilities with vertical side slopes. The lined channels in the SJV-MDP range in size from a bottom width of two feet to fifteen (15) feet and in depth from four feet to seven feet.

Unlined channels are usually trapezoidal shaped, not paved with concrete, although the SJV-MDP includes some unlined channels that require rock slope protection and have flatter side slopes than lined channels. Side slopes for unlined channels run four feet horizontally for every one-foot of rise, unlined channels are more costly to maintain; thus RCFCWCD restricts the ultimate use of an unlined section to instances where flow velocities are non-erosive. Unlined channels also require additional rights-of-way due to their wider cross sections.

Open channel rights-of-way for both lined and unlined facilities must accommodate the channel footprint plus areas needed for channel maintenance including access roads. Generally, channels with top widths less than 20 feet will require one access road; channels with top widths 20 feet or greater, require two access roads.

Open channels are generally considered the most economically feasible means of transporting large flood flows for any appreciable distance and are used wherever appropriate. In addition to their role as flow conveyors, open channels provide an outlet for the underground facilities proposed in the plans as well as local drainage facilities to be built by developers and others. All of the open channels proposed in the SJV-MDP are intended to carry the runoff from a 100-year frequency storm.

No new environmental issues have been raised by this comment. The modification of Table 2.0-B of the DEIR amplifies and clarifies the Project description and does not

constitute significant new information or substantial Project changes requiring recirculation as defined by State *CEQA Guidelines* Section 15088.5

Comment G-3:

2. The DEIR clearly discusses that such conversions of waters of the U.S. require a Clean Water Act Section 401 Water Quality Certification from the Regional Board and a Section 404 Permit from the U.S. Army Corps of Engineers, or Waste Discharge Requirements (WDRs) from the Regional Board for isolated segments or natural water bodies. However, DEIR p.3.4-17 indicates that this jurisdictional delineation (JD) is not yet finalized, including linear feet and acreage of natural channel to be impacted. The jurisdictional areas are only projected though the depiction on Fig.3.4-3. The pending JD and suggested mitigation should be included in the Final EIR and its summary placed earlier in Project Description, Section 2.0.

For the determination of impacts on beneficial uses (RARE) and potential WDRs, please resolve where the discussed 6.38 ac of patches of native riparian and isolated playa vegetation (smooth tarplant) are located within the proposed or existing drainage alignments, i.e., waters of the state. While vegetational surveys have not defined distinct vernal pools or more than remnants of alkali playa species (smooth tarplant) (DEIR p.3.4-26), we understand that they will be avoided if found (ES-15, 28; DEIR 3.4-27).

Response to Comment G-3:

The DEIR provides a program-level analysis of the proposed Project as discussed in Section 1.0 Introduction of the DEIR, which states:

The DEIR provides a programmatic level analysis for the proposed Project. Pursuant to Section 15168 of the *State CEQA Guidelines*, a programmatic level environmental analysis will enable the City to examine the overall effects of the Project and approve the SJV-MDP and SJR-ADP Amendment. Following this approach, when individual facilities are proposed, San Jacinto, Hemet, and RCFCWCD will be required to examine each facility to determine if its effects were fully analyzed in this DEIR or if an additional facility-specific environmental document needs to be prepared, such as an Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, Supplemental EIR, or Subsequent EIR. Since many of the SJV-MDP facilities may be designed and/or constructed as part of private development projects processed by San Jacinto, Hemet, or Riverside County, the facility-specific analysis may be included as part of the environmental documentation and CEQA process for a development project. (DEIR, p. 1.0-1)

Because the DEIR presents a program-level analysis, the DEIR and MMRP incorporates eight mitigation measures to reduce potential impacts to biological resources to less than significant (DEIR, pp. 3.4-40–3.4-42). Including mitigation measure **MM Bio 3**, which requires facility-specific jurisdictional delineations as follows:

MM Bio 3: Project-specific delineations will be required to determine the limits of the U.S. Army Corp of Engineers (ACOE), RWQCB, and CDFG jurisdiction. Impacts to jurisdictional waters will require authorization by the corresponding regulatory agency. If impacts are indicated, then jurisdictional water will either a) be avoided or b) necessary permits from requisite jurisdictions will be obtained be minimized by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring, the impacted environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; compensating for the impact by replacing or providing substitute resources or environments in addition to obtaining the necessary permits from requisite jurisdictions. (DEIR, p. 3.4-40)

Section 3.4 – Biological Resources of the DEIR does not mention of a pending Jurisdictional Delineation; rather, the DEIR states:

The Project area contains numerous drainage and other aquatic features, including various agricultural and non-agricultural roadside ditches, and basins, and the Project will outlet into the San Jacinto River at several locations (see Section 3.7 of this Draft EIR for details). Potentially jurisdictional features were mapped where access was allowed (see **Figure 3.4-3, Areas Requiring Jurisdictional Delineation**). If the roadside ditches and other ditches are shown to be historic diversions of natural waters, then they could be potentially jurisdictional waters. (DEIR, p. 3.4-15)

However, the majority (if not all) of these ditches may be considered as non-Relatively Permanent Waters (RWPs), and so these features will need to be evaluated, by facility-specific jurisdictional delineations, to determine if they exhibit a significant nexus to Traditional Navigable Waters (TNWs), and therefore, jurisdictional themselves. Ditches that are shown to have been wholly excavated in uplands would not be subject to the jurisdiction of the ACOE. Areas supporting hydrophytic vegetation (such as riparian areas identified in **Figure 3.4-2** would need to be evaluated to determine whether they satisfy wetland criteria (underlined emphasis added). (DEIR, p. 3.4-15)

Approximately 6.38 acres of riparian areas were mapped within the proposed SJV-MDP alignments, though more, smaller areas may exist within areas that could not be accessed (DEIR, p. 3.4-26). When individual SJV-MDP facilities are proposed, facility-specific focused mapping would be required (see mitigation measure **MM Bio 3**) to determine which areas may be subject to MSHCP requirements, and which may not.

Further, Section 3.4 – Biological Resources of the DEIR discloses that, “Glenn Lukos conducted general biological surveys and habitat assessments for special-status plants and wildlife for those

properties within the Project area where access was granted. For areas with restricted access, assessments were limited to roadside surveys” (underlined emphasis added). (DEIR, p. 3.4-1) Location of native riparian and isolated playa vegetation will be ascertained on a project-by-project basis as detailed in mitigation measures **MM Bio 2 through MM Bio 5** as follows:

MM Bio 2: Facility-specific habitat assessments and focused surveys for burrowing owls will be conducted within burrowing owl survey areas. A pre-construction survey for resident burrowing owls will also be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities within those portions of the Project site containing suitable burrowing owl habitat. If ground-disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. Take of active nests shall be avoided. The pre-construction survey and any relocation activity will be conducted in accordance with MSHCP instructions and/or guidelines. (DEIR, p. 3.4-40)

MM Bio 3: Project-specific delineations will be required to determine the limits of the U.S. Army Corp of Engineers (ACOE), RWQCB, and CDFG jurisdiction. Impacts to jurisdictional waters will require authorization by the corresponding regulatory agency. If impacts are indicated, then jurisdictional water will either a) be avoided or b) necessary permits from requisite jurisdictions will be obtained be minimized by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring, the impacted environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; compensating for the impact by replacing or providing substitute resources or environments in addition to obtaining the necessary permits from requisite jurisdictions. (DEIR, p. 3.4-40)⁷

MM Bio 4: The project-specific mapping of riparian and unvegetated riverine features will be required pursuant to Section 6.1.2 of the MSHCP. For areas not excluded as artificially created, the MSHCP requires 100 percent avoidance of riparian/riverine areas. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options, to offset the loss of functions and values as they pertain to the MSHCP-covered species. Riparian vegetation will also need to be evaluated for the least Bell’s vireo, southwestern willow flycatcher, and western yellow-billed cuckoo. If suitable habitat is present, focused surveys for the species will be required. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into

⁷ Mitigation measure **MM Bio 3** will be revised in response to comments received from the California Department of Fish and Game.

habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options. (DEIR, p. 3.4-40–3.4-41)

MM Bio 5: The project-specific mapping of vernal pools will be required pursuant to Section 6.1.2 of the MSHCP. As noted above, vernal pools (or similar seasonal ponding alkali playa areas) are expected to occur at least in the area comprising Cell Group V, but have the potential to occur elsewhere within the Project area. For areas not excluded as artificially created, the MSHCP requires 100 percent avoidance of vernal pools. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation to offset the loss of functions and values as they pertain to the MSHCP covered species. Vernal pools and other seasonal ponding depressions will also need to be evaluated for Riverside and Vernal pool fairy shrimp. (DEIR, p. 3.4-41)

No new environmental issues have been raised by this comment, no further analysis is warranted, and no modification of the DEIR is required.

Comment G-4:

3. If “waste” would be discharged to waters of the state (ES p.13), then a report of Waste Discharge (ROWD) must be submitted at least 180 days before the intended discharge. We prefer to discuss the nature of such wastewater or solid waste during the planning stages in case the discharge may be alleviated. If discharges from dewatering of groundwater or pressure-testing of pipes will occur, during tunneling or pipe-placement excavations, then please contact our office to obtain appropriate permitting coverage.

Response to Comment G-4:

Section 3.7 – Hydrology and Water Quality (DEIR, pages 3.7-25 through 3.7-30), addresses waste discharge during construction and operation. The proposed MDP facilities are intended to improve storm water and non-storm water drainage by promoting groundwater recharge, redirecting storm water runoff from agricultural lands and other urban developments, and removal of trash and debris from storm water flows within the Project area.

With regards to other impacts to hydrology and water quality, mitigation measures are not necessary as implementation of the Project is dependent on the approval of future development projects within the Project area. When individual SJV-MDP facilities are proposed, each facility will be required to comply with the provisions of the NPDES permit program by preparing a site- or facility-specific SWPPP and a WQMP, which will reduce potential impacts related to storm water runoff. Compliance with NPDES requirements will reduce potential impacts to levels that are less than significant. (DEIR, pp. 3.7-28–3.7-31, 3.7-34)

In order to reduce the discharge of expected pollutants into receiving waters during construction of the proposed SJV-MDP facilities, San Jacinto, Hemet, or Riverside County or future development projects in the Project area would be conditioned to construct portions of the SJV-MDP facilities, and would be required to prepare a SWPPP in accordance with the State Water Resources Control Board General Permit for Construction Activities. The General Permit requires the development and implementation of a SWPPP to identify an effective combination of erosion control and sediment control BMPs to minimize or eliminate the discharge of pollutants into receiving waters during construction. In addition, BMPs for managing sources of non-storm water discharges and waste are required to be identified in the SWPPP. Through implementation of the SWPPP for future development projects in the Project area, potential impacts to water quality from project construction would be reduced to a less than significant level (DEIR, p. 3.7-25).

Additionally, conditions of approval for development projects would include the preparation of a site-specific WQMP, which would provide for treatment of storm water and non-storm water discharge through site design, source control, and/or treatment control BMPs. Since future development projects within the Project area will be required to comply with the terms of the WQMP, post construction impacts to water quality standards or waste discharge requirements are expected to be less than significant (DEIR, p. 3.7-25).

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

Comment G-5:

4. The DEIR appears to address hydromodification and other potential impacts to future water quality through the requirement, parcel-by-parcel, for future projects to have Water Quality Management Plans (WQMP), as required by the revised Riverside County General Stormwater Runoff Permit¹. Further, this Permit's Section XII.B requires permittees to develop a Watershed Action Plan to address water quality degradation and hydromodification of streams on a subwatershed/ watershed scale. The Project should include water quality and stream protection considerations in the MDP consistent with the intent of the Watershed Action Plan; such considerations should include identification of stream segments vulnerable to

¹ R8-2010-0033, NPDES No. CAS 618033, adopted on January 29, 2010 for "The Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Incorporated Cities of Riverside County Within the Santa Ana Region, Area-Wide Urban Runoff Management Program."

hydromodification within the drainage area as well as identification of BMPs to be implemented on a watershed/ subwatershed basis, thereby addressing discharges to Clean Water Act Section 303(d) listed water bodies (whether or not with adopted TMDLs).

A key feature of the required Watershed Action Plan (due 2013) is preservation of beneficial uses of the surface waters of the area. The proposed MDP should be planned and implemented to protect, preserve, and/or restore beneficial uses of the groundwaters and surface water drainage features of the area. Beneficial uses for major, and many minor, surface waters and groundwater management zones (GMZs) are listed in the Water Quality Control Plan for the Santa Ana River Basin. Beneficial uses for un-named streams or drainages can be inferred from the beneficial uses assigned to the streams to which they are tributary.

Response to Comment G-5:

As discussed in the Response to Comment G-3, the DEIR provides a program-level analysis of the implementation of the proposed Project as allowed by CEQA. (DEIR, p. 1.0-1) As stated throughout Section 3.7.6 – Hydrology and Water Quality, Environmental Impacts Before Mitigation, the Project and each facility as it is designed and constructed will comply with the requirements of the NPDES permit. The NPDES permit will include water quality and stream protection considerations. Compliance with SWPPPs and WQMPs including BMPs at the facility-specific project-level will protect, preserve, and/or restore beneficial uses of the groundwater and surface drainage features of the area. An NPDES permit specifically restricts pollutants to achieve federal and state mandatory standards for clean water. (DEIR, pp. 3.7-24–3.7-34)

As explained by the United States Environmental Protection Agency:⁸

An NPDES permit will generally specify an acceptable level of a pollutant or pollutant parameter in a discharge (for example, a certain level of bacteria). The permittee may choose which technologies to use to achieve that level. Some permits, however, do contain certain generic ‘best management practices’ (such as installing a screen over the pipe to keep debris out of the waterway).

No new environmental issues have been raised by this comment, no additional analysis is warranted, and no modification of the DEIR is required.

Comment G-6:

If you have any questions, please contact Glenn Robertson at (951) 782-3259, grobertson@waterboards.ca.gov, or me at (951) 782-3234, or madelson@waterboards.ca.gov

Response to Comment G-6:

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

⁸ United States Environmental Protection Agency, NPDES, NPDES Permit Program Basics Frequently Asked Questions, http://cfpub.epa.gov/npdes/faqs.cfm?program_id=45#114, accessed October 4, 2011.

COPIES OF COMMENT LETTERS

3.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with project development. The DEIR for the proposed Walmart Expansion project (hereinafter the “Project”) includes mitigation measures to reduce the potential environmental effects of the Project. CEQA also requires reporting on, and monitoring of, mitigation measures adopted as part of the environmental review process (Public Resources Code Section 21081.6). This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City of Riverside in its implementation and monitoring of measures adopted from the Project.

Pursuant to State *CEQA Guidelines* Section 15097, a written monitoring and reporting program has been compiled to verify implementation of adopted mitigation measures. “Monitoring” refers to the ongoing or periodic process of Project oversight provided by the “Responsible Party” listed in the following table. “Reporting” refers to written compliance review that will be presented to the decision-making body or authorized staff person identified in the table below. A report can be required at various stages throughout the Project implementation or upon completion of the mitigation measure. The following table provides the required information which includes identification of the potential impact, various mitigation measures, applicable implementation timing, agencies responsible for implementation, and the monitoring/reporting method for each mitigation measure identified.

The following list clarifies the meaning of each column in the following table:

Impact Category	Identifies a potentially affected resource/environmental condition.
Mitigation Measure	Those measures that will be implemented to minimize potential significant environmental impacts.
Monitoring Phase	The phase of the Project during which the mitigation measure shall be implemented and monitored.
Implementation Timing	The phase of the Project in which implementation and compliance will be monitored.
Responsible Party	Identifies the entity responsible for monitoring implementation of the mitigation measure.
Method of Reporting/Monitoring	Identifies mechanism by which implementation will be verified.

Mitigation Monitoring and Reporting Program

Air Quality						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/REPORTING METHOD	IMPACT AFTER MITIGATION
<p>Violate any air quality standard or contribute substantially to an existing or projected air quality violation</p> <p>Expose sensitive receptors to substantial pollutant concentrations</p>	<p>Considered significant impact</p>	<p>MM Air 1: During construction, ozone precursor emissions from all vehicles and construction equipment shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications to the satisfaction of the jurisdiction in which the construction is taking place, i.e., San Jacinto Public Works Department, Hemet Public Works Department, Riverside County Department of Building and Safety, or RCFCWCD. Equipment maintenance records and equipment design specification data sheets shall be kept on site during construction. Compliance with this measure shall be subject to periodic verification by the Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD.</p>	<p>Periodically during Construction</p>	<p>Contractor San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD.</p>	<p>Equipment maintenance records and equipment design specification data sheets shall be kept on-site and available for review by the City or SCAQMD during construction.</p>	<p>Less than significant with mitigation</p>
<p>Violate any air quality standard or contribute substantially to an existing or projected air quality violation</p> <p>Expose sensitive receptors to substantial pollutant concentrations</p>		<p>MM Air 2: Signs shall be posted stating that all vehicles are prohibited from idling in excess of five minutes, both on and off site.</p>	<p>Prior to certificate of occupancy</p>	<p>San Jacinto Building and Safety Department, Hemet Public Works Department, or RCFCWCD.</p>	<p>City of San Jacinto shall provide tenants with information regarding this rule.</p>	<p>Less than significant with mitigation</p>

Air Quality						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>Violate any air quality standard or contribute substantially to an existing or projected air quality violation</p> <p>Expose sensitive receptors to substantial pollutant concentrations</p>		<p>MM Air 3: Electricity from power poles shall be used instead of temporary diesel- or gasoline-powered generators to reduce the associated emissions.</p>	<p>Prior to grading permit or start of construction (whichever occurs earlier).</p>	<p>Contractor City of San Jacinto Public Works Department, City of Hemet Public Works Department, or RCFCWCD.</p>	<p>Contractor to show power connection for construction purposes for Building and Safety Department approval.</p>	<p>Less than significant with mitigation</p>
<p>Violate any air quality standard or contribute substantially to an existing or projected air quality violation</p> <p>Expose sensitive receptors to substantial pollutant concentrations</p>		<p>MM Air 4: To reduce construction vehicle (truck) and equipment idling while waiting to enter/exit the site, the contractor shall submit a traffic control plan that will describe in detail safe detours to prevent traffic congestion to the best of the Project's ability, and provide temporary traffic control measures. To reduce traffic congestion, and therefore NO_x, the plan shall include, as necessary, appropriate, and practicable the following: dedicated turn lanes for movement of construction trucks and equipment on and off site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow.</p>	<p>Prior to grading permit or start of construction (whichever occurs earlier).</p>	<p>City of San Jacinto Public Works Department, City of Hemet Public Works Department, or RCFCWCD.</p>	<p>City Building Division to confirm that the Public Works Dept. is satisfied with the Traffic Control Plan.</p>	<p>Less than significant with mitigation</p>

Biological Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.</p> <p>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or establish native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites</p> <p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.</p>	Potentially significant impact	<p>MM Bio 1: In order to avoid violation of the MBTA and California Fish and Game Code, site-preparation activities (removal of trees and vegetation) shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species.</p> <p>If site-preparation activities are proposed during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits, for private development projects, or prior to construction for public agency contracts, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. If active nests are not located within the Project area and appropriate buffer, 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least</p>	Prior to construction (if during February 1 to August 31)	Contractor Qualified Biologist	Project Schedule and pre-activity field survey report.	Less than significant with mitigation

Biological Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
		500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.				
<p>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.</p> <p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.</p>	Potentially significant impact	<p>MM Bio 2: Facility-specific habitat assessments and focused surveys for burrowing owls will be conducted within burrowing owl survey areas. A pre-construction survey for resident burrowing owls will also be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities within those portions of the Project site containing suitable burrowing owl habitat. If ground-disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. Take of active nests shall be avoided. The pre-construction survey and any relocation activity will be conducted in accordance with MSHCP instructions and/or guidelines.</p>	No more than 30 days prior to issuance of grading permit or start of construction (whichever occurs earlier).	San Jacinto Planning Department and Building Division, Hemet Public Works Department, or RCFCWCD Contractor Qualified Biologist	Contractor shall hire a qualified biologist to perform a pre-construction survey. Report shall be provided to the City of San Jacinto Planning Dept and Planning Dept. shall notify the Building Division of compliance prior to issuance of grading permit.	Less than significant with mitigation

Biological Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p> <p>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service</p> <p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.</p>	Potentially significant impact	<p>MM Bio 3: Project-specific delineations will be required to determine the limits of the U.S. Army Corp of Engineers (ACOE), RWQCB, and CDFG jurisdiction. Impacts to jurisdictional waters will require authorization by the corresponding regulatory agency. If impacts are indicated, then jurisdictional water will either a) be avoided or b) necessary permits from requisite jurisdictions will be obtained.</p>	Prior to grading permit or start of construction (whichever occurs earlier).	San Jacinto Planning Department and Building Division, Hemet Public Works Department, or RCFCWCD.	Project-specific map of riparian and unvegetated riverine features and approval from a DBESP including appropriate mitigation if avoidance is not feasible.	Less than significant with mitigation

Biological Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p> <p>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service</p> <p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.</p>	Potentially significant impact	<p>MM Bio 4: The project-specific mapping of riparian and unvegetated riverine features will be required pursuant to Section 6.1.2 of the MSHCP. For areas not excluded as artificially created, the MSHCP requires 100 percent avoidance of riparian/riverine areas. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation to offset the loss of functions and values as they pertain to the MSHCP-covered species. Riparian vegetation will also need to be evaluated for the least Bell’s vireo, southwestern willow flycatcher, and western yellow-billed cuckoo. If suitable habitat is present, focused surveys for the species will be required. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options.</p>	Prior to grading permit or start of construction (whichever occurs earlier).	San Jacinto Planning Department and Building Division, Hemet Public Works Department, or RCFCWCD.	Project-specific map of riparian and unvegetated riverine features and approval from a DBESP including appropriate mitigation if avoidance is not feasible.	Less than significant with mitigation

Biological Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p> <p>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service</p> <p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.</p>	Potentially significant impact	<p>MM Bio 5: The project-specific mapping of vernal pools will be required pursuant to Section 6.1.2 of the MSHCP. As noted above, vernal pools (or similar seasonal ponding alkali playa areas) are expected to occur at least in the area comprising Cell Group V, but have the potential to occur elsewhere within the Project area. For areas not excluded as artificially created, the MSHCP requires 100 percent avoidance of vernal pools areas. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation to offset the loss of functions and values as they pertain to the MSHCP covered species. Vernal pools and other seasonal ponding depressions will also need to be evaluated for Riverside and Vernal pool fairy shrimp.</p>	Prior to grading permit or start of construction (whichever occurs earlier).	San Jacinto Planning Department and Building Division, Hemet Public Works Department, or RCFCWCD.	Project-specific map of vernal pools and approval from a DBESP including appropriate mitigation if avoidance is not feasible.	Less than significant with mitigation

Biological Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.</p> <p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.</p>	Potentially significant impact	<p>MM Bio 6: Within areas of suitable habitat associated with the Narrow Endemic Plant Species Survey Area (NEPSSA) and Criteria Area Plant Species Survey Area (CAPSSA), facility-specific focused plants surveys will be required. Including the smooth tarplant mapped as part of this study, the MSHCP requires at least 90 percent avoidance of areas providing long-term conservation value for the NEPSSA and CAPSSA target species. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation, i.e., on-site or off-site enhancement, restoration, establishment (creation), preservation, payment into habitat mitigation banks or in lieu fee programs, or a combination of one or more of these options. Furthermore, the smooth tarplant mapped within Cell Group V is expected to be required for conservation as part of the Cell Group V criteria.</p>	Prior to grading permit or start of construction (whichever occurs earlier).	San Jacinto Planning Department and Building Division, Hemet Public Works Department, or RCFCWCD. Qualified Biologist	Facility-specific focused plant surveys and approval from a DBESP if avoidance is not feasible.	Less than significant with mitigation
<p>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or</p>	Potentially significant impact	<p>MM Bio 7: Focused surveys shall be conducted within potentially suitable habitat for Chaparral sand-verbena and South coast salt scale by a qualified biologist during the flowering season of these species and prior to construction</p>	Prior to grading permit or start of construction (whichever occurs earlier).	San Jacinto Planning Department and Building Division, Hemet Public Works	Facility-specific focused plant surveys and approval from a DBESP if avoidance is not	Less than significant with mitigation

Biological Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.</p> <p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.</p>		<p>activities. If special status plant species are found to be present in the footprint, further measures as recommended by a qualified biologist shall be taken to avoid or minimize adverse project effects to these species and their habitat. If avoidance is not feasible, then individual projects will require the approval of a DBESP including appropriate mitigation.</p>		<p>Department, or RCFCWCD. Qualified Biologist</p>	<p>feasible.</p>	

Biological Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.</p> <p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.</p>	Potentially significant impact	<p>MM Bio 8: Focused surveys shall be conducted within potentially suitable habitat for the San Bernardino kangaroo rat and Los Angeles pocket mouse by a qualified biologist during the appropriate season of these species and prior to construction activities. If these species are found to be present in the footprint, occupied habitat shall be fenced and avoided. If occupied habitat cannot be avoided, further measures as recommended by a qualified biologist and in consultation with the California Department of Fish and Game, shall to be taken to avoid or minimize adverse project effects to these species and their habitat.</p>	Prior to grading permit or start of construction (whichever occurs earlier).	San Jacinto Planning Department and Building Division, Hemet Public Works Department, or RCFCWCD. Qualified Biologist	Focused surveys.	Less than significant with mitigation

Cultural Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/REPORTING METHOD	IMPACT AFTER MITIGATION
Directly or indirectly, destroy a unique paleontological resource or site, or unique geologic feature.	Potentially significant impact	MM Cultural 1: A paleontological resources field survey (or surveys) shall be completed prior to the earlier of issuance of a grading permit or construction of any SJV-MDP facility subject to further CEQA analysis. If the results of such survey (or surveys) identify the presence of potentially significant paleontological resources, avoidance or other appropriate measures (such as excavation, analysis, and interpretation of resources) potentially leading to curation in perpetuity in a facility that meets the standards of the State of California Guidelines for the Curation of Archaeological Collections (OHP 1993) and 36 CFR 79, shall be implemented.	Prior to issuance of grading permit or construction of any SJV-MDP facility subject to further CEQA analysis.	Proponent of each SJV-MDP facility subject to further analysis. Paleontologist San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD	Completed paleontological report submitted to San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD as appropriate.	
Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5 of the <i>CEQA Guidelines</i> . Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5 of the CEQA	Potentially significant impact	MM Cultural 2a: Prior to the earlier of issuance of a grading permit or construction of any SJV-MDP facility subject to further CEQA analysis, the San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD shall require the Project applicant to commission an assessment of the potential for archeological and cultural resources to be performed by a qualified archaeologist in conjunction	Prior to issuance of grading permit or construction of any SJV-MDP facility subject to further CEQA analysis.	Proponent of each SJV-MDP facility subject to further analysis. Archaeologist San Jacinto Public Works Department, Hemet Public Works Department, or	Completed Phase I assessment and report and, if necessary, completed Phase II evaluation and report.	Less than Significant after mitigation.

Cultural Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
Guidelines.		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 archaeological report containing the results of this assessment. Phase II archaeological evaluations will be completed prior to project approval if recommended in the assessment.		RCFCWCD		

Cultural Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5 of the <i>CEQA Guidelines</i>.</p> <p>Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5 of the <i>CEQA Guidelines</i>.</p>		<p>MM Cultural 2b: The San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD shall enter into a Treatment and Disposition Agreement (TDA) with Soboba to address treatment and disposition of archaeological and cultural resources and human remains associated with Soboba that may be uncovered or otherwise discovered during construction within the jurisdiction of the San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD. The TDA may establish provisions for tribal monitors. Following execution of the TDA by the San Jacinto Public Works Department or Hemet Public Works Department and Soboba, the TDA will be incorporated by reference into individual grading permits for portions of the Project that are within the jurisdiction of San Jacinto Public Works Department or Hemet Public Works Department; TDAs executed between RCFCWCD and Soboba will be incorporated into the construction specifications.</p>	<p>TDA executed prior to the earlier of issuance of grading permits or approval of construction specifications.</p>	<p>San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD Soboba</p>	<p>Executed TDA</p>	<p>Less than Significant after mitigation.</p>
<p>Cause a substantial adverse change in the significance of a historical resource as</p>		<p>MM Cultural 2c: If the archaeological/cultural resources assessment described in MM Cultural</p>	<p>Construction</p>	<p>San Jacinto Public Works Department,</p>	<p>Monitoring report Record of</p>	<p>Less than Significant after mitigation.</p>

Cultural Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
<p>defined in § 15064.5 of the <i>CEQA Guidelines</i>.</p> <p>Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5 of the CEQA Guidelines.</p>		<p>2a demonstrates the potential for archaeological/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 San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD, the designated archaeologist, the tribal monitor, and any applicable responsible or trustee agencies, grading, excavation, ground-disturbing activities shall be halted temporarily, and redirected in the event that any archaeological/cultural resources are discovered, in order to evaluate the significance of said archaeological /cultural resources. Any artifacts collected or recovered shall be cleaned, identified, catalogued, analyzed, and prepared for curation at an appropriate repository with permanent retrievable storage to allow for additional research in the future. Site records or site record updates (as appropriate) shall be prepared and submitted to the Eastern Information Center as a permanent record of the discovery.</p>		<p>Hemet Public Works Department, or RCFCWCD Soboba Contractor</p>	<p>curation</p>	

Cultural Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
Directly or indirectly, destroy a unique paleontological resource or site, or unique geologic feature.	Potentially significant impact	MM Cultural 3: Earth-moving activities encountering soils that are identified as Pleistocene-age or older alluvium, by the soils engineer, shall be monitored by a qualified paleontological monitor. Continuous monitoring shall be restricted to undisturbed older alluvium, which might be present below the surface. To avoid construction delays, the monitor shall be prepared to quickly salvage fossils, as they are unearthed. The monitor shall remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall have the authority to temporarily halt or divert grading equipment to allow for the removal of abundant or large specimens.	Construction start to completion in areas with Pleistocene-age or older alluvium	Project construction manager Qualified paleontological monitor	Paleontological monitoring report shall be submitted San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD as appropriate.	Less than Significant after mitigation.
Directly or indirectly, destroy a unique paleontological resource or site, or unique geologic feature.	Potentially significant impact	MM Cultural 4: All recovered specimens shall be prepared and stabilized for identification and permanent preservation, including the washing of sediment samples to recover small invertebrates and vertebrates.	From specimen discovery to preservation	Project construction manager Qualified paleontological monitor	Evidence of recovery and disposition of specimen shall be submitted San Jacinto Public Works Department, Hemet Public Works	Less than Significant after mitigation.

Cultural Resources						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
					Department, or RCFCWCD as appropriate.	
Directly or indirectly, destroy a unique paleontological resource or site, or unique geologic feature.	Potentially significant impact	MM Cultural 5: Identification and curation of specimens into an established accredited museum repository with permanent retrievable paleontological storage shall be required. Mitigation of adverse impacts to significant paleontological resources is not complete until the curation process has been fully completed and documented.	Construction start to completion	Project construction manager Qualified paleontological monitor	Evidence of recovery and disposition of specimen shall be submitted San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD as appropriate.	Less than Significant after mitigation.
Directly or indirectly, destroy a unique paleontological resource or site, or unique geologic feature.	Potentially significant impact	MM Cultural 6: Preparation of a report of findings with an appended itemized inventory of specimens shall be required. The submittal of the report to the Lead Agency and the curation of recovered specimens into an established, accredited museum repository would signify the completion of the mitigation program.	Construction start to completion	Project construction manager Qualified paleontological monitor	Findings report shall be submitted to San Jacinto Public Works Department, Hemet Public Works Department, or RCFCWCD as appropriate.	Less than Significant after mitigation.

Hazards and Hazardous Materials						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/REPORTING METHOD	IMPACT AFTER MITIGATION
Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment.	Potentially significant impact	MM Haz 1: As part of the final design of each SJV-MDP facility, the design engineer or designee shall check proposed sites for listing on the most recent Hazardous Waste and Substances List provided by the Riverside County Department of Environmental Health pursuant to Section 65962.5 of the Government Code. If the location of said facility is on the Hazardous Waste and Substances List, avoidance of that property or properties will be the first consideration; if avoidance is infeasible, MM Haz 2 shall be implemented.	Prior to approval of the final design for any proposed facility.	Design Engineer or Designee	Hazardous Waste and Substance List shall be submitted to the City of San Jacinto Public Works Dept.	Less than Significant with mitigation
		MM Haz 2: If the selected facility traverses a site listed on the Hazardous Waste and Substances List, and avoidance is not feasible or if there are other indications that a site could be contaminated, a Phase 1 Environmental Site Assessment (ESA) for such facility will be prepared. If the Phase 1 ESA identifies possible contamination along the facility alignment, then all recommended subsurface investigation measures listed in the Phase I ESA will be implemented. Based on subsurface investigations characterizing subsurface contamination, remediation measures	Prior to approval of the final design for any proposed facility.	San Jacinto, Hemet, Riverside County, or Designee	Phase 1 Environmental Site Assessment	Less than Significant with mitigation

Hazards and Hazardous Materials						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
		(such as excavation of contaminated soil, bioremediation, or soil-vapor extraction), shall be implemented for the applicable facility or an alternative facility alignment will be chosen.				
		MM Haz 3: All environmental investigation and/or remediation shall be conducted under a Workplan approved by jurisdictional regulatory agencies overseeing hazardous waste cleanups until the applicable regulatory standard is met.				Less than Significant with mitigation
		MM Haz 4: Prior to any excavation or soil removal on known contaminated sites, or if contaminated soil (i.e., soil with a visible sheen or detectable odor) is encountered, a complete characterization of the soil will be conducted. Appropriate sampling shall be conducted prior to disposal of the excavated soil. If the soil is contaminated, it shall be properly disposed of according to California's Land Disposal restrictions (California Code of Regulations, Chapter 18, Title 22). If site remediation involves the removal of contamination, then contaminated material shall be transported off site by a licensed handler/hauler to a licensed hazardous waste disposal facility.	Construction start to completion	San Jacinto, Hemet, Riverside County, or Construction Contractor	Review or condition of construction specifications	Less than Significant with mitigation
		MM Haz 5: If soil import is required	Construction start to	San Jacinto,	Review or	Less than

Hazards and Hazardous Materials						
IMPACT/THRESHOLD	LEVEL OF IMPACT	MITIGATION MEASURE	IMPLEMENTATION TIMING	RESPONSIBLE PARTY	MONITORING/ REPORTING METHOD	IMPACT AFTER MITIGATION
		for construction of a specific facility, proper sampling shall be conducted prior to the use of such imported soil to make sure that the imported soil is free of contamination.	completion	Hemet, Riverside County, Construction Contractor or Designee	condition of construction specifications	Significant with mitigation
		MM Haz 6: If during construction of a specific facility, soil and/or groundwater contamination is suspected, construction in the area of the suspected contamination shall cease and appropriate health and safety measures shall be implemented. The construction contractor shall contact the respective jurisdictional enforcement agency (i.e., San Jacinto, Hemet, Riverside County, RCFCWCD) to obtain the necessary information on appropriate measures and their implementation. The measures recommended by the applicable enforcement agency will be implemented.				Less than Significant with mitigation