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FINAL
Environmental Impact Report
Rio Vista Specific Plan Project
City of Jurupa Valley, Riverside County, California

State Clearinghouse Number 2018121005

Prepared for:
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Date: May 31, 2024

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SECTION 1: INTRODUCTION

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Jurupa Valley (Lead Agency) has evaluated the comments received on the Rio Vista Specific Plan Project Draft Environmental Impact Report (Draft EIR). Pursuant to CEQA Guidelines Section 15132, this Final EIR includes a list of persons, organizations, and agencies that provided comments on the Draft EIR during the public comment period that ran from October 19, 2023 to January 5, 2024 (Section 3); responses to the comments received regarding the Draft EIR (Section 3); and errata, or revisions to the Draft EIR (Section 4); as well as a Mitigation Monitoring and Reporting Program (MMRP) for use by the City of Jurupa Valley (City) during its review.

This document is organized into three sections:

- **Section 1—Introduction.** Provides an introduction to the Final EIR.
- **Section 2—Master Responses.** Provides a single, comprehensive response to similar comments about a particular topic.
- **Section 3—Responses to Written Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4—Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR Appendices (provided under separate cover)
- Master Responses (Section 2 of this document)
- Responses to Written Comments on the Draft EIR and Errata (Sections 3 and 4 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: MASTER RESPONSES

Master responses address similar comments made by multiple public agencies, businesses, organizations, or individuals through written comments submitted to the City of Jurupa Valley. Master responses are provided in the order in which they are referenced in the responses in Section 3.

2.1 - List of Master Responses

- Master Response 1—The buffer established in the Draft EIR is consistent and sufficient.
- Master Response 2—The natural landscape around the Palmer's oak would be protected.
- Master Response 3—Native American Tribal consultation was completed by the City.
- Master Response 4—Degree of specificity required for response to general comments.
- Master Response 5—CEQA prohibits the inclusion of confidential information in an EIR.
- Master Response 6—Recirculation is not required.

2.2 - Master Responses

A summary of comments related to each Master Response is provided to provide context for the Master Response. The summary is not intended to capture any specific comment in its entirety.

For the specific comments, please refer to the individual letters provided in Section 3 of this Final Environmental Impact Report (Final EIR). Where an individual letter raises environmental issues not fully addressed by the Master Response, additional individual responses are provided.

Master Response 1—The buffer established in the Draft EIR is consistent and sufficient.

Summary of Relevant Comments

Several comments stated that the Draft EIR-identified buffer around the Palmer's oak is inconsistent and insufficient. Numerous comments suggested an increased buffer.

Response

Contrary to several public comments, the Draft EIR does not identify a 150-foot buffer around the on-site Palmer's oak. Mitigation Measure (MM) BIO-5 in the Draft EIR identifies two buffers around the Palmer's oak:

- No project-related construction activities may occur within the tree's mapped limit and the 200-foot buffer, and
- No heavy equipment may operate within 259 feet of the mapped limits of the tree.

It is important to note that the buffer required by MM BIO-5 is measured from the tree's mapped limit. The on-site Palmer's oak consists of a cluster of multiple stems, occupying an area of approximately 70 by 40 feet. The mapped limit is the outer-most perimeter of the area occupied by the tree, and the buffer distance is measured from this outer-most line. As such, as determined by

experts in the field of biology and as explained in the Biological Resources Assessment (BRA),[1] the buffer would be sufficient to prevent any adverse impact to the root system or the branches, and a greater buffer would not offer any additional protections. Furthermore, given the topography of the project site, specifically the area surrounding the tree, a 200-foot buffer is sufficient, as it would not allow any project elements to be constructed within this buffer boundary.

Mitigation under CEQA must have a reasonable relationship, or "nexus," between the project's impacts and the condition imposed by the mitigation measure. *Nollan v. California Coastal Comm'*n (1987) 483 US 825; see also, *Dolan v. City of Tigard* (1994) 512 US 374 (the extent of a development exaction must bear a reasonable relationship to the burden created by the development). Mitigation must be designed to address a physical impact to the environment and is not appropriately applied under CEQA to address economic or social issues. *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1989) 209 CA3d 1502; Public Resources Code Sections 21100(b)(3), 21150; State CEQA Guidelines Section 15126.4(a)(1)(A). Imposing mitigation requirements in excess of a physical impact to the environment is outside the bounds of CEQA. In *Nollan*, the court held that it was unconstitutional for a government entity to require dedication of an easement as a condition of granting a development permit unless substantial relationship exists between the impact of the proposed construction and the permit condition. In *San Franciscans for Reasonable Growth*, a citizens' group challenged the approval of an office tower, arguing that the lead agency should have imposed mitigation measures for impacts on the availability of child care programs. The court concluded that the need for child care facilities was an economic and social effect, and there was no duty under CEQA to require mitigation.

As discussed in the Draft EIR, environmental impacts to the Palmer's oak are fully mitigated with implementation of the buffer required by MM BIO-5, and there is no scientific reason to support an increased buffer (Draft EIR, Section 3.4, Biological Resources, p. 3.4-45). Therefore, there is not a reasonable relationship between an increased buffer and the proposed project's construction or operation impacts that can be addressed by a mitigation measure under CEQA. Furthermore, a greater buffer would have no effect on the subsurface bedrock collection basin that collects water to support the tree (see further discussion on the collection basin in USFW-CDFW-11).

On behalf of the applicant, a vibration prediction study for the area of the Palmer's oak was conducted in May 2023. It concluded that equipment vibrations from the largest piece of equipment at a distance of 259 feet from the tree would not impact the subsurface bedrock that supports the tree (Draft EIR, Section 3.4, Biological Resources, p. 3.4-45).

As determined by the expert Biologists who prepared the BRA, the tree would be protected from temporary disturbance related to construction activities with implemenation of the 259-foot buffer for heavy equipment operations. After construction and once the proposed project is implemented,

[1] The Biological Resources Assessment (BRA) main authors are Leslie Irish and Carla Wakeman. Ms. Irish has multi-disciplinary experience in environmental, engineering, land development and construction management and administration. Ms. Irish has more than 25 years of experience as a Project Manager on public and private NEPA/CEQA projects overseeing the areas of biology, archaeology, paleontology, regulatory services, and State and federal level permit processing. Ms. Wakeman holds a Master's degree in Biology and has over 30 years of experience as a Field Biologist, Ecologist, and Senior Biologist at various public and private organizations. For more detailed information on the credentials of the authors, see their respective CVs attached hereto as Appendix M.

the tree would be protected from project activities with continued implementation of the 200-foot buffer. Although a smaller buffer (Draft EIR Appendix D1 Biological Resources Assessment, MM BIO-3 Palmer's Oak[2]) would be sufficienct to protect the tree's biological functions from potenial impacts consistent with light recreational uses (such as trash disposal and graffiti), in recognition of this specimen's cultural and biological significance, the applicant agreed to an extended buffer as reflected in MM BIO-5. The proposed project also includes approximately 510.8 acres of open space that would not be developed, including several acres in the area surrounding the tree, but would rather be transferred to a City-approved conservation entity and be placed under a deed with restrictions from future development. This open space would consist of a combination of natural open space, revegetated manufactured slopes, and regraded and revegetated slopes. Many of the existing informal trails would remain, and no new trails into the open space would be created (Draft EIR, Section 3.4, Biological Resources, page 3.4-39; Section 3.15, Public Services, page 3.15-15). The area surrounding the on-site Palmer's oak would be designated as OS-C, which precludes development. This designation, along with implementation of MM BIO-5 Palmer's oak, the tree would be protected.

Master Response 2—The natural landscape around the Palmer's oak would be protected.

Summary of Relevant Comments

Several comments requested to protect the Palmer's oak by maintaining the natural landscape around the oak.

Response

The on-site Palmer's oak would be protected by establishing a buffer around it (see Master Response 1). Furthermore, in addition to the buffer, and as shown in the conceptual land use plan, as identified in Draft EIR, Chapter 2, Project Description, Exhibit 2-7, several acres of open space would be preserved in the area surrounding the tree which would be designated as Open Space and would not be developed, thus further protecting the natural landscape around the tree.

Master Response 3—Native American Tribal consultation was completed by the City.

Summary of Relevant Comments

Several comments stated that the on-site Palmer's oak is designated as a Tribal Sacred Land Site.

Response

As described in the Draft EIR Section 3.18, Tribal Cultural Resources, L&L Environmental, Inc. (L&L), acting on behalf to the applicant, sent a Sacred Lands File Search request to the Native American Heritage Commission (NAHC). Following the NAHC response, L&L sent over 20 outreach letters to Tribes and individuals identified by the NAHC. The Gabrieleño Band of Mission Indians–Kizh Nation responded to the outreach letter and identified the Palmer's oak as sacred to the Tribe. In addition, as part Senate Bill (SB) 18 and Assembly Bill (AB) 52 notification, the City reached out to six Tribes identified by the NAHC as having traditional lands or cultural places located within the boundaries of Riverside County or project region. The Gabrieleño Band of Mission Indians–Kizh Nation and the Soboba Band of Luiseño Indians responded, and the City engaged in a long and detailed Tribal

[2] Note that MM BIO-3 in the BRA provided the basis for the more comprehensive MM BIO-5 in the Draft EIR.

consultation process, which included several meetings with Tribal representatives and received proposed mitigation measures from both entities. These Tribal-proposed mitigation measures were incorporated into the Draft EIR as MM TCR-2 through MM TCR 11 (Soboba Band of Luiseño Indians Mitigation) and MM TCR-12 through MM TCR 14 (Gabrieleño Band of Mission Indians–Kizh Nation Mitigation).

Master Response 4—Degree of specificity required for response to general comments.

Summary of Relevant Comments

Several commenters expressed general opposition to the proposed project but did not provide any additional rationale for the opposition on its merits, did not raise any significant environmental issues related to the adequacy of the environmental impact analysis, and/or objected generally regarding the adequacy of the environmental impact analysis but did not provide a specific basis to support the asserted inadequacy.

The comments addressed in this Master Response fall into one of several categories:

1. The comment presents generalized claims challenging the adequacy of the analysis in the Draft EIR, which are not supported by data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts;
2. The comment does not pertain to impacts of the proposed project on the physical environment under the purview of CEQA but instead raises political, social, or economic issues;
3. The comment presents mere unsubstantiated opinions or speculation; or
4. The comment sets forth a personal opinion on the merits of the proposed project but does not raise any significant environmental issues.

The foregoing types of comments received in response to the Draft EIR, are referred to collectively as "general opposition" and are the focus of this Master Response.

Response

Comments on an EIR should focus on the sufficiency of the document's identification and analysis of significant environmental impacts, and the adequacy of measures designed to avoid or mitigate those impacts (CEQA Guidelines § 15204(a)). Reviewers should explain the basis for their comments and provide data, references, or other evidence to support their comments (CEQA Guidelines § 15204(c)).

CEQA requires that the Final EIR address comments submitted during the 45-day public comment period that raise significant environmental issues on the adequacy of the Draft EIR (PRC § 21091(d)(2)(B); CEQA Guidelines § 15088(c)). CEQA considerations are limited to significant issues as these relate to potential adverse physical impacts of the project on the environment (PRC §§ 21060.5, 21068; State CEQA Guidelines § 15064(e)).

The purpose of the public review and comment process on a Draft EIR and the related responses is intended to share expertise, disclose the basis for and methodologies used to complete the Draft EIR's analyses, check for accuracy, detect and correct omissions, discover public concerns, and solicit counter proposals for mitigation and/or alternatives. CEQA Guidelines Section 15204, in part states:

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 the ways in which the significant effects of the project might be avoided or mitigated . . . CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. 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.

b) Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

c) This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.

CEQA does not require that the City respond to all comments on a Draft EIR but only to the significant environmental issues presented (State CEQA Guidelines §§ 15088(c), 15132(d), and 15204(a)). Moreover, the City is not required to conduct every test or perform all research, studies, or experimentation at the commenter's request (PRC § 21091(d)(2)(B); State CEQA Guidelines § 15204(a)). An EIR need not provide all information reviewers request, as long as the report, when looked at as a whole, reflects a good faith effort at full disclosure (State CEQA Guidelines § 15204(a)). As the court stated in *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 CA4th 889, 901, "The level of detail required in a response to a comment depends on factors such as the significance of the issues raised, the level of detail of the proposed project, the level of detail of the comment, and the extent to which the matter is already addressed in the Draft EIR or responses to other comments." Accordingly, a general response to a general comment is sufficient (State CEQA Guidelines § 15088(c)).

Pursuant to CEQA, personal opinions expressing general support for, or opposition to, the proposed project are noted and will be included within the administrative record for the proposed project, but do not require a specific written response if they do not relate to a significant environmental issue that is addressed within the Draft EIR and/or otherwise within the purview of CEQA (State CEQA Guidelines § 15088(a)(c)) See also *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 CA4th 889, 901 ("The level of detail required in a response to a comment depends on factors such as the significance of the issues raised, the level of detail of the proposed project, the level of detail of the comment, and the extent to which the matter is already addressed in the Draft EIR or responses to other comments."); and Kostka and Zischke, Practice Under the California Environmental Quality Act, (Cont.Ed.Bar 2023), § 16.11 E, Specificity Required in Responses).

Likewise, opinions about the general desirability, merits, and/or purely economic, social, or political considerations of the proposed project are not within the purview of CEQA and do not require a specific written response in this Final EIR. In cases where the commenter provides an opinion and/or generalized concerns about the merits of the proposed project but does not challenge the sufficiency of the Draft EIR, the City notes the opinion in this Final EIR for informational purposes. Where a commenter offers unsubstantiated assertions about a significant environmental issue or the adequacy of the Draft EIR, the City notes the assertion in this Final EIR for informational purposes but does not alter or augment the analysis in the Draft EIR, pursuant CEQA Guidelines Section 15204.

The general response reflected in this Master Response is appropriate when a comment falls into one of the four above-referenced categories. While the City does not provide individual responses to each of these general comments in this Final EIR, as noted above, each comment is part of the administrative record on the proposed project and will be forwarded to City decision-makers for consideration as part of the public hearing process on the proposed project. In this regard, the City will review, evaluate, and consider, as determined appropriate, all comments received as part of the decision-making process.

Master Response 5—CEQA prohibits the inclusion of confidential information in an EIR.

Summary of Relevant Comments

Several comments request additional, or more specific, information regarding Tribal Cultural Resources.

Response

The acres in the area generally surrounding the on-site Palmer's oak are considered a Tribal Cultural Resource by the Gabrieleño Band of Mission Indians – Kizh Nation. However, CEQA generally protects against disclosure of confidential information regarding Tribal Cultural Resources. It is a general rule under CEQA that an EIR may not include or publicly disclose information that is subject to disclosure restrictions under the California Public Records Act (Government Code §§ 7920.000–7931.000; State CEQA Guidelines § 15120(d)). The Public Records Act exempts from disclosure records "of Native American graves, cemeteries, and sacred places and records of Native American places, features and objects" described in Public Resources Code Sections 5097.9 and 5097.993, and these confidentiality restrictions have been held to take precedence over CEQA's full disclosure policies (Government Code § 7927.000; *Clover Valley Found. V. City of Rocklin* (2011) 197 CA4th 200, 221). CEQA also specifically protects the confidentiality of information that is provided by a Tribe as part of AB 52. Such information may not be publicly disclosed in a CEQA document or otherwise disclosed to the public without the consent of the Tribe that provided the information (PRC § 21082.3(c–f); Government Code §§927.000 and 7927.005).

The City is unable to provide an unredacted version of Appendix D (Biological Resources) or Appendix E (Cultural Resources). In compliance with State law, the City engaged in consultation with Native American Tribes regarding the proposed project. Public Resources Code Section 21082.3(c)(1) specifically provides that "Any information, including, but not limited to, the location, description, and use of the Tribal Cultural Resources, that is submitted by a California Native American Tribe during the environmental review process shall not be included in the environmental document or

otherwise disclosed by the lead agency or any other public agency to the public, consistent with Sections 7927.000 and 7927.005 of the Government Code, and subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations, without the prior consent of the Tribe that provided the information." At least one Native American Tribe that supplied confidential information contained in these Appendices notified the City they objected to releasing an unredacted version of Appendix D or Appendix E. As such, by law the City cannot release the confidential information contained in Appendix D or Appendix E as they contain information that it obtained through the consultation process with a Native American Tribe and the Tribe has denied consent for disclosure.

Section 3.5, Cultural Resources, Section 3.18, Tribal Cultural Resources, and Section 3.4 Biological Resources, contain sufficient general information to comply with CEQA's mandates to analyze and disclose potential environmental impacts.

Master Response 6—Recirculation is not required.

Summary of Relevant Comments

The City received several comments stating it should revise and recirculate the Draft EIR to incorporate additional information or because a commenter disagreed with a significance conclusion in the Draft EIR or generally opposed the proposed project. This Master Response discusses the standards generally applicable to this issue and applies those standards to the comments requesting recirculation.

Response

The Draft EIR also does not have to be recirculated at the request of a commenter. Under CEQA, recirculation is only required when the lead agency adds "significant new information" to an EIR after the public comment period and prior to certification of the EIR (*Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128). "Information" can include changes in the project or environmental setting, as well as additional data or other information.

CEQA Guidelines Section 15088.5(a) further provides: New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

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

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, the California Supreme Court interpreted this "significant new information" standard and rejected the proposition that "any new information" triggers recirculation; recirculation is intended to be an exception, not the general rule. Recirculation is not required where the new information added to the Draft EIR merely clarifies or amplifies or makes insignificant modifications in an otherwise adequate Draft EIR. In response to certain comments, information was added to the Draft EIR to clarify and issue or expand on a topic. Those revisions are detailed in the Errata.

Recirculation is required only if changes are more than clarification or amplification and rise to the level of significant new information as outlined above. No new significant impacts have been identified in the Final EIR. Although four mitigation measures have been revised and one new mitigation measure has been added, these additional mitigation measures merely further address significant impacts that were already identified in the Draft EIR, and no new or more severe significant impact would result from implementing the additional mitigation measures. Additionally, the process of responding to comments has not resulted in the determination that an environmental impact identified in the Draft EIR has a substantially greater impact than that described in the Draft EIR. No new feasible alternatives have been suggested or added to the Draft EIR. Although additional mitigation measures were added to the Draft EIR, the Lead Agency has incorporated them into the Mitigation Monitoring and Reporting Plan (MMRP), and none of the requirements for recirculation are triggered. Finally, the Lead Agency believes that the Draft EIR is adequate under CEQA. For these reasons, recirculation is not required. None of the revisions included in the Errata rise to the level of significant new information, and therefore, recirculation of the Draft EIR is not required.

SECTION 3: RESPONSES TO WRITTEN COMMENTS

3.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Rio Vista Specific Plan Project Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be crossed-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

Federal Agencies

United States Fish and Wildlife Service and California Department of Fish and Wildlife USFWS-CDFW[1]
Soboba Band of Luiseño Indians..... SOBOBA

State Agencies

California Department of Fish and Wildlife and United States Fish and Wildlife Service USFWS-CDFW[2]
California Department of Transportation, District 8.....CALTRANS

Local Agencies

Riverside Local Agency Formation Commission .....LAFCO

Organizations

Central Coast Heritage Tree Foundation .....CCHTF
Center for Biological Diversity .....CFBD
California Native Plant Society .....CNPS
California Native Plant Society, Riverside/San Bernardino Chapter ..... CNPS-RSB
Conejo Oak Tree Advocates.....COTA
Endangered Habitats League..... EHL
Golden State Environmental Justice Alliance ..... GSEJA
California Native Plant Society, California Wildlife Foundation, Endangered Habitats League, The Wildlands Conservancy/Oak Glen Preserve, CNPS Channel Islands Chapter, Botanic Gardens Conservation International, Center for Biological Diversity, Angels Chapter of Sierra Club ..... MULT-BIO
Sierra Club, Angeles Chapter .....SIERRA
Stand Up for Mother Earth .....SUFME
The Wildland Conservancy .....TWC

Individuals

Santos Amaya ..... AMAYA

[1] The United State Fish and Wildlife Service and the California Department of Fish and Wildlife provided a joint letter.
[2] Ibid.

Humberto D ..... D. HUMBERTO[3]
Barbara Iyer ..... IYER.B
Jennifer Iyer ..... IYER.J
Arne Johanson ..... JOHANSON
Elizabeth Lockhart ..... LOCKHART
Emily O'Neill ..... ONEILL

Letters received after the close of the public review period:

Local Agencies

CAL FIRE–Riverside Unit, Riverside County Fire Department ..... CALFIRE-RCFD

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Jurupa Valley (City), as the Lead Agency, evaluated the comments received on the Draft EIR (State Clearinghouse [SCH] No. 2018121005) for the Rio Vista Specific Plan Project and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

3.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

[3] Comment provided via email did not identify a complete name.

U.S. Fish and Wildlife Service
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262
760-322-2070
FAX 760-322-4648

California Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, California 91764
909-484-0167
FAX 909-481-2945

In Reply Refer To:
FWS/CDFW-WRIV-2024-0019889

December 4, 2023
Sent by email

Mr. Jim Pechous
Principal Planner
8930 Limonite Avenue
Jurupa Valley, CA 92509
jpechous@jurupavalley.org

Subject: Draft Environmental Impact Report, Rio Vista Specific Plan Project, State Clearinghouse No. 2018121005, City of Jurupa Valley

Dear Mr. Pechous:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (CDFW), hereafter referred to jointly as the Wildlife Agencies, received a Draft Environmental Impact Report (EIR) from the City of Jurupa Valley (City) for the Rio Vista Specific Plan Project (Project) of Richland Communities (Project Applicant/Proponent) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1]. The Wildlife Agencies appreciate the opportunity to provide comments and recommendations regarding Project activities that may affect public trust resources. 1

WILDLIFE AGENCIES' ROLES

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.) (FESA). CDFW is a trustee agency under the California Environmental Quality Act (CEQA) and is responsible for ensuring appropriate conservation of fish and wildlife resources including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act, and administers the Natural Communities Conservation Planning Program (NCCP). 2

The Service issued a FESA section 10(a)(1)(B) permit to the City for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) on June 22, 2004. CDFW also issued NCCP Approval and Take Authorizations to the City for the MSHCP as per Section 2800

1 CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

et seq., of the California Fish and Game Code (FGC). The MSHCP established conservation programs to minimize and mitigate habitat loss and the incidental take of covered species in association with future development activities covered by the USFWS and CDFW take permits. The City of Jurupa Valley is an MSHCP Permittee. The Wildlife Agencies request that the City's implementation of the MSHCP for this Project be addressed in the EIR as discussed below. 2 CONT

PROJECT DESCRIPTION AND SUMMARY

Description: The City of Jurupa Valley (City; Lead Agency) and (Project Applicant) are proposing the Rio Vista Specific Plan Project (Project). The proposed Project will construct 1,697 residential dwelling units on 204.4 acres, a Light Industrial and Business Park on 140.3 acres, additional public facilities (including a school and water tanks) on 140.3 acres, 19.6 acres of roads, 18.4 acres of parks and trails, and 9.0 acres for water basins on the 917.3-acre Project site. Approximately 510.8 acres of the Project site will be designated as Open Space.

Location: The Project site is located north of State Route (SR) 60, between Armstrong Road and Rubidoux Boulevard on approximately 917.3 acres in the City of Jurupa Valley, Riverside County, California, in Sections 4 and 9, Township 2 South, Range 5 West U.S. Geological Survey (USGS) Fontana, 7.5-minute topographic quadrangle, California topographic quadrangle map; Assessor's Parcel Numbers 175-080-010 and -021,175-090-001, -002, -003, -004, and -005, 175-100-003, -005, and -006, 175-150-002, 175-160-001 and -005, 177-030-012 and -0014, and 177-040-002 and -008. 3

COMMENTS AND RECOMMENDATIONS

Based on the EIR documents made available by the City for review, the Wildlife Agencies offer the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). 4

Western Riverside County Multiple Species Habitat Conservation Plan

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. 5

The proposed Project occurs within the MSHCP Plan Area and is subject to the provisions and policies of the MSHCP. To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the associated USFWS and CDFW take Permits issued to the City of Jurupa Valley, and the MSHCP Implementing Agreement signed by

the City and the Wildlife Agencies. The City is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency with the MSHCP, as part of the CEQA review, the City should ensure the Project pays the MSHCP's Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP; and demonstrates compliance with: 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP); 2) the Protection of Narrow Endemic Plant Species (Section 6.1.3 of the MSHCP); 3) the Urban/Wildlands Interface Guidelines (Section 6.1.4 of the MSHCP); 4) the Additional Survey Needs and Procedures, specifically the policies set forth for burrowing owl (*Athene cunicularia*) (Section 6.3.2of the MSHCP); and 5) the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP. 5 CONT

Specific Comments

Comment #1: Protection of Riparian/Riverine and Vernal Pool Resources (MSHCP Section 6.1.2)

The procedures described in the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools section of the MSHCP Plan (MSHCP Section 6.1.2) are to ensure that the biological functions and values of these areas are maintained throughout the MSHCP Plan Area (including all areas of the Plan located outside the Criteria Area). Additionally, this process helps identify areas to consider for priority acquisition, as well as those functions that may affect downstream values related to Conservation of Covered Species within the MSHCP Conservation Area. The assessment of riparian/riverine and vernal pool resources may be completed as part of the CEQA review process as set forth in Article V of the State CEQA Guidelines. However, the MSHCP identifies that the U.S. Fish and Wildlife Service and CDFW shall be notified in advance of approval of public or private projects of draft determinations for the biologically equivalent or superior determination findings associated with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policies presented in Section 6.1.2 of the MSHCP (MSHCP Section 6.11). As required by the MSHCP Plan, its Implementation Agreement, and the City's associated take permits from USFWS and CDFW, completion of the DBESP process prior to adoption of the environmental document helps to ensure that the Project will be consistent with the MSHCP Plan, and provides public disclosure and transparency during the CEQA process by identifying the Project impacts and mitigation for wetland habitats and species, a requirement of CEQA Guidelines, §§ 15071, subds.(a)-(e). 6

The MSHCP identifies that assessment of these areas include identification and mapping of riparian/riverine areas and vernal pools. The assessment shall consider species composition, topography/ hydrology, and soil analysis, where appropriate. The documentation for the assessment shall include mapping and a description of the functions and values of the mapped areas with respect to the species identified in Section 6.1.2 of the MSHCP. Factors to be considered include hydrologic regime, flood storage and flood-flow modification, nutrient retention and transformation, sediment trapping and transport, toxicant trapping, public use, wildlife Habitat, and aquatic Habitat.

The MSHCP identifies that for mapped riparian/riverine and vernal pool resources that are not included in the MSHCP conservation area, applicable mitigation under CEQA, shall be imposed

by the Permittee (in this case the Lead Agency). Furthermore, the MSHCP identifies that to ensure the standards in Section 6.1.2 are met, the Permittee shall ensure that, through the CEQA process, project applicants develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to the wetlands mapped pursuant to Section 6.1.2. If an avoidance alternative is not feasible, a practicable alternative that minimizes direct and indirect effects to riparian/riverine areas and vernal pools and associated functions and values to the greatest extent possible shall be selected. Those impacts that are unavoidable shall be mitigated such that the lost functions and values as they relate to Covered Species are replaced as through the Determination of Biologically Equivalent or Superior Preservation (DBESP) process.

The City is required to ensure the Applicant completes the DBESP process prior to completion of the EIR to demonstrate implementation of MSHCP requirements in the CEQA documentation. The Wildlife Agencies appreciate the analysis of impacts provided within the EIR and its General Biological Resource Assessment. However, the MSHCP implementation process is not complete, because a DBESP has not been prepared and submitted to the Wildlife Agencies for review and response for us to determine if the mitigation proposed for the impacts to riparian/riverine resources is biologically equivalent or superior preservation to avoidance. It is not appropriate for the City to adopt the EIR until the DBESP is complete because the City is required to notify the Wildlife Agencies in advance of approval of public and private projects for identified MSHCP activities, such as completion of the DBESP for the riparian/riverine policy (Section 6.11 of the MSHCP). 6 CONT

The Wildlife Agencies request that the City of Jurupa Valley complete the DBESP process, and once the DBESP is complete, then update the EIR with the riparian/riverine mitigation measures identified in the DBESP. This process would demonstrate the Project's consistency with and the City's implementation of the MSHCP.

Comment #2: Impacts to the Jurupa Valley Palmer Oak

Issue: The Project may have a significant impact on the Jurupa Valley Palmer oak (*Quercus palmeri*) of unique biological, regional, and global significance.

Specific Impacts: Project activities, such as grading, cutting, or trenching, could potentially impact the Jurupa Valley Palmer oak through damage from soil compaction, severing of roots, trunk and limb injury, and limb breakage from construction equipment and activities. There is a high potential for indirect permanent impacts by the installation of houses, other buildings, paved surfaces within the vicinity of the oak. Additionally, grading might divert water percolation which currently nourishes the oak's outer root system away from the root system, resulting in a decrease in moisture availability to this prehistoric oak. 7

Why Impacts Would Occur: The EIR identifies that the unique Jurupa Valley Palmer oak, represented by approximately 70 stem clusters forming a dense and homogeneous thicket with dimensions of approximately 25×8 meters and limited to roughly one meter in height, is located on a mountaintop ridge on the Project site. The EIR states that "no project-related construction activities may occur within the tree's mapped limit and the 200-foot buffer". The DEIR indicates that construction activities may occur within 200 to 259 feet of the Jurupa Valley Palmer oak. 8

This has a high potential to fundamentally alter the surrounding environment as well as indirect effects through alterations to decomposition and nutrient cycling, access to water, as well as the abundance of herbivores, pathogens, pollinators, and seed dispersers.

Heavy equipment, storage of supplies and materials, and work activities within or near a tree's dripline (i.e. directly below the canopy) can cause the soil within the root zone to compress and can often limit the availability of air, water, and nutrients to the roots. Soil compaction is greatly increased following an event such as rain or irrigation, when wet or moist soil is compressed by equipment or foot traffic (NPS 2022). Compacted soil is extremely difficult to remedy and can lead to the decline and/or death of a tree. In addition, trucks and other large equipment that strike tree limbs can cause breakage. The loss of limbs through breakage results in two principle impacts to trees: reduced capacity to capture sunlight for photosynthesis through lost foliage, and the opening of branch wounds that expose the tree to damaging insects and diseases. While the loss of smaller limbs and branches may only cause a minimal set-back in the health and vitality of a tree, breakage and/or loss of particularly large limbs can result in tree decline and death. 8 CONT

The Project's proposal to impact the drainages onsite could result in moisture stress as grade changes may potentially lower the water table or divert drainage patterns away from the site. Any changes to the microtopography surrounding the Jurupa Valley Palmer oak could potentially be detrimental to the long-term survival of this individual oak. No studies have been conducted to determine the water source for this tree; it is unknown if the Jurupa Valley Palmer oak is sourcing water (1) from surface flow that will be diverted away from the oak under the proposed Project activities, or if the oak is (2) relying on groundwater resources that may be impacted by grading and Project development, or if the oak (3) is partially sustained by fog drip from fog flowing slowly against the thicket's leaves and stems. Based on our knowledge of the local area, we suspect that fog events on that ridge-top likely happen most often in the Spring months, and secondarily on Winter nights. The harvesting of fog-water during the Spring months may be an important component of the Jurupa Valley Palmer oak's survival strategy, since significant rain events in western Riverside County are limited in most years to the months of November – March; harvesting fog-water during the months of April – June may be an important part of the Oak's moisture-gathering strategy for surviving the generally rainless months of April – October. Buildings, fences, and walls rising equal to or higher than the oak's elevation on the mountain could potentially decrease or prevent future fog flow onto the oak once the Project has been constructed. 9

It is unknown whether the buffer size presented in EIR would be sufficient to ensure the long-term survival of the Jurupa Valley Palmer oak. There was no information provided in the EIR or the appendices on how this buffer distance was calculated or what factors were considered when selecting the chosen buffer distance of only 200 to 259 feet. Also, no information was presented on how the proposed Project impacts would alter the microtopography surrounding the Jurupa Valley Palmer oak and how that would affect its long-term survival through potential changes to air currents, moisture availability, ground water resources, impacts to soil composition, etc. In addition, the EIR does not include a discussion of any of the potential indirect impacts from increased human recreation and activity on the Jurupa Palmer oak through unauthorized public access, domestic animal predation, illegal trespass, increased fire risk, and dumping. 10

The Wildlife Agencies strongly recommend that additional studies be conducted to better understand the potential long-term effects on the Jurupa Valley Palmer oak. 11

Evidence that the Impact Would Be Significant: Palmer oak is a shrub oak species which is sparsely distributed across California and Arizona (as well as distributed slightly into New Mexico, Baja California, and Mexico). It is a species which is in rapid decline, has specialized habitat requirements, and has extremely limited distribution within the MSHCP Plan Area (Beckman et al 2019). Much of this species' distribution is composed of isolated subpopulations that are presumed to be relics from a once-larger range that shrunk as aridity increased after the Pleistocene Ice Ages ended approximately 10,000 years ago. Many of the isolated occurrences north of Riverside County, California, have been found to consist of thickets or groups of oaks made up solely of clones of a single genetically distinct individual. 12

An isolated occurrence of Palmer oak has been identified on the Project site in drier habitat and at a lower altitude than has ever been previously reported for this species (Provance et al. 2000). There is no other record of Palmer oak in the Jurupa Valley area, and local floras do not report this species from any of the surrounding areas, except for a small occurrence on top of the Bernasconi Hills west of the San Jacinto River (Roberts et al. 2004). Based on stems collected from a variety of environmental conditions, it is estimated that the Jurupa Valley Palmer oak is at least 13,000 years old, which likely renders it among the oldest living plant on Planet Earth (May et al. 2009), older than the oldest redwood trees or bristlecone pines, among other notably old plants on Earth.

As trees age they become less able to recover from impacts associated with construction and are more likely to prematurely deteriorate. Due to the age of the Jurupa Valley Palmer oak onsite, it is extremely susceptible to both direct and indirect impacts associated with the Project. 13

Excessive or uncontrolled access within the areas surrounding the oak can result in habitat degradation and disruption of key ecological functions. Both human access and the potential for wildfire ignition from human activity can result in species displacement and invasive species introduction. Human use of and divergence from designated trails can have a significant effect on trailside native communities. Trampling may lead to a reduction in vegetation cover, reduced plant height, a change in predominant growth forms, and a change in composition to favor more resistant species (Goldsmith et al. 1970, Liddle 1975). In addition, human activity is a significant vector for non-native species introductions as invasive species commonly invade disturbed areas such as roads due to recurrent access by humans and the creation of available space (Mack et al. 2000, Tyser and Worley 1992, Knops et al.1995, and Vitousek et al.1997). Trails, including unofficial trails created by uncontrolled access to conservation lands, are also documented to be conduits for weedy annuals that increase fire frequency (Mack et al. 2000, Tyser and Worley 1992, and Knops et al.1995) and are therefore often specifically managed for weeds. 14

Research suggests that this Jurupa Valley Palmer oak is reproducing clonally and is not regenerating enough for eventual replacement (May et al. 2009). Attempts to germinate acorns from the Jurupa Valley Palmer oak in a greenhouse failed, whereas acorns collected from the Garner Valley (San Jacinto Mountains) population demonstrated normal viability under the same horticultural conditions. Therefore, any detrimental impacts to the Jurupa Valley Palmer oak by 15

the Project would result in permanent damage to this slow-growing plant, and the loss of the regenerating portions of the shrub would result in a total loss of this extremely unique Palmer's oak. 15 CONT

Recommended Potentially Feasible Mitigation Measure(s): Based on the insufficient information presented in the EIR and supporting documents, the Wildlife Agencies are unable to recommend potentially feasible mitigation measures at this time. The Wildlife Agencies strongly recommend that additional studies be conducted to better understand the potential long-term effects on the Jurupa Valley Palmer oak. Thus, we recommend that the City remove Mitigation Measure BIO-5 and recirculate the EIR once sufficient information has been obtained.

The Wildlife Agencies recommend that scientific studies be conducted to determine the specific identity and the spatio-temporal distribution of the sources of water for the Jurupa Valley Palmer oak. Specifically, to determine if the oak (1) is sourcing water from surface rain-runoff flows that will be diverted away from the oak under the proposed Project design; or (2) if the oak is relying on groundwater resources that may be impacted by grading and Project development; or (3) if the oak is partially sustained by fog drip from fog flowing slowly against the thicket's leaves and stems. If the studies show that fog is the main source of sustainable water buildings, fences, and walls rising equal to or higher than the oak's elevation on the mountain could potentially decrease or prevent future fog flow onto the oak once the Project has been constructed. Therefore, the Wildlife Agencies recommend that an isotopic discriminant study of the oak's stem water (in the xylem) be performed to help determine what fractions of the oak's moisture are received from fog drip, deep groundwater, and rainfall percolation into the soil, respectively. 16

We further recommend that the studies include a fog drip/fog condensation study of the oak and its ridge-top surroundings to determine if the oak is harvesting fog-water, and how often fog events occur at its location. As mentioned above, we suspect that the harvesting of fog-water during the Spring months may be an important component of the Jurupa Valley Palmer oak's survival strategy. Studies of this type have previously been conducted for native trees and shrubs in California (Ingraham & Matthews 1995; Sawaske & Freyberg 2015; Fischer et al 2016; Evola & Sandquist 2007; Potter 2016; Fischer & Still 2007), so it should be eminently feasible to adapt those studies' equipment and methods and apply them to the situation of the Jurupa Valley Palmer oak.

Comment #3: Coastal California Gnatcatcher

Issue: The Project may have a significant impact on the threatened coastal California gnatcatcher (*Polioptila californica californica),* a Species of Special Concern (SSC) and an ESA-listed species.

Specific impact: Project construction and activities may result in injury or mortality to coastal California gnatcatchers, disrupt natural coastal California gnatcatcher breeding behavior, and reduce reproductive capacity. Also, the Project may impact breeding, wintering, and foraging habitat for the species. Populations of coastal California gnatcatchers have been found to be genetically isolated from other populations within their range. Lack of genetic mixing between 17

other geographical populations is likely due to heightened fragmentation and loss of suitable habitat across their range in southern California (Vandergast 2019). 17 CONT

Why Impacts Would Occur: There are approximately 579.68 acres of potential habitat (brittle bush scrub and California buckwheat scrub) for coastal California gnatcatchers on the Project site and the surrounding 500-foot buffer, which includes the 363 acres set aside for conservation. Therefore, the proposed Project activities would remove 216 acres of coastal California gnatcatcher habitat. This area is occupied by coastal California gnatcatcher; coastal California gnatcatcher (*Polioptila californica californica*), was observed on the Project site during surveys from 2014 through 2018 by L&L Consulting. However, focused surveys for gnatcatchers have yet to be completed.

Surveys for coastal California gnatcatchers are necessary to understand the impacts the Project may have on gnatcatcher nesting habitat and to identify occupied gnatcatcher habitat to meet MSHCP requirements. The coastal California gnatcatcher is listed under the federal Endangered Species Act of 1973 as a threatened species, and the USFWS permit to the City for the MSHCP restricts clearing of coastal California gnatcatcher-occupied habitat during the nesting season: "Clearing of occupied habitat within [Public/Quasi-Public (PQP)] lands and the Criteria Area between March 1 and August 15 is prohibited." (per Condition 5b of the USFWS MSHCP permit). This condition protects gnatcatchers during the nesting season and prevents take of active nests, which if it occurred, would violate federal law (the Migratory Bird Treaty Act). 18

Gnatcatchers are territorial, year-round residents with high-site fidelity, and can be extremely quiet during brooding and therefore difficult to detect when nesting. There must be a clear understanding of habitat use by coastal California gnatcatcher before any vegetation removal or ground disturbance occurs. The Project Applicant cannot rely on nesting bird surveys just prior to grading to determine gnatcatcher use of coastal sage scrub and chapparal on the Project site. The Wildlife Agencies recommend focused surveys to determine coastal California gnatcatcher use of the site within one year of start of Project activities or adherence to the vegetation removal restriction periods in the permits; the emphasis should be on mapping the distribution of gnatcatchers within shrubland habitat across the various seasons of the year.

Evidence Impacts Would Be Significant: The coastal California gnatcatcher is an ESA- listed species and a California SSC. ESA-listed species are considered endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CEQA provides protection not only for State and federally listed species, but for any species including, but not limited to SSC, which can be shown to meet the criteria for State listing. SSC's meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC's could require a mandatory finding of significance (CEQA Guidelines, § 15065). 19

Coastal California gnatcatchers are non-migratory, territorial, and have been found not to disperse far from their natal nests (Bailey 1998; Vandergast 2019). Thus, the preservation of sensitive natural communities which they have been documented to utilize is paramount. 20

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To address the above issues and help the Project applicant avoid unlawfully taking of nesting birds, the Wildlife Agencies request the City include the following mitigation measures in the EIR per below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1"Mitigation Monitoring and Reporting Program".

MM BIO-XX: Prior to grading or other ground-disturbing activities are proposed, a qualified biologist shall survey all potential nesting vegetation within and adjacent to the site for nesting coastal California gnatcatcher. The City of Jurupa Valley (City) shall impose conditions of approval on future grading permits requiring focused surveys to be conducted prior to ground disturbance or discing activities~~.~~ A minimum of twelve (12) surveys shall be conducted at least one week apart to determine the distribution of coastal California gnatcatchers in the Project's anticipated areas of impact on shrublands. Surveys shall be conducted by the Designated Biologist at the appropriate time of day, during appropriate weather conditions. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. Written and mapped qualitative descriptions of plant communities (including dominant species and habitat quality) on and adjacent to the area surveyed will also be provided with survey results to USFWS and California Department of Fish and Wildlife (CDFW), within 45 days following the field surveys, and prior to ground-disturbing activities. The results of the focused surveys shall be provided to the City, CDFW, and USFWS for review and approval prior to commencement of ground-disturbing activities (including, but not limited to, mowing, grubbing, and disking activities). 21

In the event that the focused surveys do not detect the presence of any coastal California gnatcatchers, the habitat will have been confirmed to be unoccupied by coastal California gnatcatchers, and MM BIO-1g has been completed, then ground disturbance or discing may occur during the nesting season (i.e., between March 1 and August 15). In the event that the focused surveys identify the presence of California gnatcatchers, then ground disturbance or discing of the occupied areas shall be prohibited between March 1 and August 15. If an active coastal California gnatcatcher nest is located, the nest site shall be fenced with a buffer of a minimum of 500 feet in all directions, and this area shall not be disturbed until after the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, as confirmed by a qualified biologist. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the nest's precise location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine

status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. Project contractors shall be required to ensure compliance with these requirements and permit periodic inspection of the construction site by City of Jurupa Valley staff or its designee to confirm compliance.

21 CONT

Comment #3: Delhi Sands Flower-Loving Fly

Issue: The Project may impact Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis;* DSF; fly), a federally endangered species.

Specific Impacts: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larvae.

22

Why Impact Would Occur: According to page 58 in Section 3.8.1 of Appendix D *Biological Resources Supporting Information*, Delhi Sands flower-loving flies were observed on the western portion of the site by AMEC biologists in August 2005. Adult flies were observed on four (4) separate dates, and carcasses of dead flies were located on two (2) other dates. All Delhi Sands flower-loving fly observations were made within an approximately 3.73-acre area on the western side of the site, where flat areas containing Delhi series (sandy) soils are present next to a residential area. Surveys were also conducted in 2015 and 2016; however, no individuals were identified during those survey attempts. Direct effects would include the permanent conversion of fly-occupied habitat to Project infrastructure or changes to micro-/local hydrology. Indirect effects on Delhi Sands flower-loving fly during construction would include the accumulation of fugitive dust resulting in degradation of habitat for these invertebrates. In addition, changes to local runoff would have negative effects on the health and vigor of plants and soils that make up suitable habitat.

23

The Project proposes that it would impact 4.87 acres (24.4 percent) of the total 19.97 acres of Delhi soils present within the project site (see L&L BRA Figure 12, included in Appendix D). Of the 3.73 acres of occupied DSF habitat mapped in 2005, 0.84 acres (22.5 percent) will be directly impacted by the construction of the Project. It states that by implementing MM BIO-1b, which "would create a deed restriction of any avoided habitat to prevent future impacts, and species-specific conservation goals for DSF under the MSHCP, Project impacts to DSF would be reduced to less than significant levels."

Evidence Impact Would Be Significant: The Delhi Sands flower-loving fly was listed as an endangered species by the U. S. Fish and Wildlife Service (Service) on September 23, 1993 (58 Federal Register 49881). Take under the ESA is more broadly defined than under CESA. Take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CEQA provides protection for State and federally listed species.

24

The Delhi Sands flower-loving fly is found only in small parts of San Bernardino and Riverside counties at the eastern edge of the Los Angeles Basin in areas of fine sandy soil known as Delhi series sands. While formerly widespread, this habitat has been intensively developed in the past

25

century, primarily for agriculture, though more recently for industry and housing. Only an estimated 2-3% of the original habitat remains undeveloped. As of the establishment of the Recovery Plan for the Delhi Sands flower-loving fly in 1997, only 12 sites were known to be inhabited by the Delhi Sands flower-loving fly, encompassing approximately 450 acres (190 hectares) of suitable habitat (USFWS 1997). The Rio Vista Specific Plan Project is located adjacent to two of these 12 sites and has been documented to be occupied by Delhi Sands flower-loving fly as of 2005. 25 CONT

The EIR has yet to provide any mitigation to offset the Project's anticipated impacts on the endangered Delhi Sands flower-loving fly. Accordingly, the Project would have a substantial adverse effect, either directly or through habitat modifications, on a species identified as federally endangered under the Endangered Species Act. 26

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To address the above issues and help the Project applicant to avoid unlawfully taking Delhi Sands flower-loving flies, the Wildlife Agencies request that the City include the following mitigation measures for DSF in the EIR per the following (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1"Mitigation Monitoring and Reporting Program".

MM BIO-XX: Prior to grading or other ground-disturbing activities, a qualified biologist shall survey all suitable habitat for Delhi Sands flower loving fly (DSF) according to the United States Fish and Wildlife Service (USFWS) survey protocol for this species (1996) as revised by USFWS in 2004. The City of Jurupa Valley (City) shall impose conditions of approval on future grading permits requiring focused surveys to be conducted prior to ground disturbance or discing activities~~.~~ Surveys shall be conducted by the Designated Biologist at the appropriate time of day, and during appropriate weather conditions for DSF flies to be active aboveground. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. Written and mapped qualitative descriptions of plant communities (including dominant species and habitat quality) on and adjacent to the area surveyed will also be provided with survey results to USFWS and California Department of Fish and Wildlife (CDFW), within 45 days following the field surveys, prior to ground disturbing activities. The results of the focused surveys shall be provided to the City, CDFW, and USFWS for review and approval prior to commencement of ground disturbing or discing activities. 27

If the protocol survey determines that some or all of the Delhi sands in the Rio Vista Specific Plan are occupied by the endangered Delhi sands flower-loving fly, then the City should make a determination as to whether or not the MSHCP Plan requires some or all of the occupied areas to be conserved (consistent with DSF conservation strategy "B", the option selected by the City

and the other MSHCP Permittees at the inception of the MSHCP Plan in 2004), and adjust the land use of the fly-occupied areas in the Rio Vista Specific Plan, if needed, to become consistent with DSF conservation strategy "B" in the MSHCP Plan, including the recordation of a conservation easement or transfer of fly-occupied areas to be conserved to a qualified wildlife habitat conservation organization, such as the Western Riverside County Regional Conservation Authority, the San Diego Habitats Conservancy, etc.

27 CONT

Comment #5: Burrowing Owl

Issue: The Project may have a significant impact on burrowing owl (*Athene cunicularia),* a Species of Special Concern (SSC).

Specific Impacts: Project construction and activities may result in injury or mortality of burrowing owl, disrupt natural burrowing owl breeding behavior, and reduce reproductive capacity. Also, the Project may impact breeding, wintering, and foraging habitat for the species. Habitat loss could result in local extirpation of the species and contribute to the ongoing local, regional, and state-wide decline of the burrowing owl.

28

Why Impacts Would Occur: The EIR identifies that protocol burrowing owl focused surveys of the Project site were completed, as described in the *2006 Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* and that no burrowing owls were seen; however, suitable habitat was found. Additional details (the survey dates, times, etc.) were provided regarding the burrowing owl surveys mentioned within the EIR. As specified in the "Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area", a written report must be provided detailing results of the habitat assessment with photographs and indicating whether the project site contains suitable burrowing owl habitat and burrow locations.

29

There is insufficient information provided to determine if the proposed avoidance and minimization measures will mitigate Project impacts below a level of significance. BIO-1i would require a 300-500 foot buffer around occupied burrowing owl burrows, both during the nesting season and outside breeding season, with the precise buffer width to be determined by the surveying biologist. However, the buffer proposed could be an insufficient buffer from occupied burrows and adjacent foraging grounds given the types of disturbance associated with the Project. Burrowing owls can react adversely to low-level disturbances such as vehicle movement in the vicinity, or minimal ground disturbance/excavation (Environment Canada 2009). The Project is proposing a buffer that may be more suitable for low-level disturbances; however, the Project could generate noise and ground vibrations more consistent with medium to high levels of disturbance. Project construction would generate noise and ground vibrations during daytime and nighttime earthmoving activities, demolition, tunneling, spoils hauling, and operation of large machinery. A mere 500-foot buffer from occupied burrows during these types of more intense disturbances could result in burrowing owls abandoning active nests, potentially causing loss of eggs or developing young, and noise could cause birds to avoid suitable nesting habitat. Finally, a buffer would not protect important foraging habitat during the burrowing owl nesting season.

30

Implementation of buffers may not be sufficient to offset potential impacts to burrowing owls, which means that the mitigation proposed would not be effective in reducing the Project's impacts to burrowing owls to the less-than-significant level. Furthermore, CDFW's 2012 Staff Report on Burrowing Mitigation (CDFG 2012) does not support relocating burrowing owls during their breeding season as a mitigation measure. BIO-1i does not provide any performance standards suitable for successfully mitigating impacts on burrowing owl habitat. The mitigation measure proposed in the EIR may not satisfy the CEQA standards for mitigation such that "the formulation of mitigation measures shall not be deferred until some future date" (CEQA Guidelines, § 15126.4). 31

Evidence Impact Would Be Significant: The burrowing owl is a California Species of Special Concern (SSC), which are defined as species, a subspecies, or a distinct population of a species native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; or meets the State definition of threatened or endangered, but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2022b). CEQA provides protection not only for ESA and CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). In addition, migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor. 32

In California, burrowing owls are in decline primarily because of habitat loss due to conversion of their habitat to urban development, supplemented by disease, predation, and drought. Burrowing owls require specific soil and microhabitat conditions, occur in few locations within a broad habitat category of grassland and some forms of agricultural land, require a relatively large home range to support their life history requirements, occur in relatively low numbers, and are semi-colonial.

The Project's impacts on burrowing owls have not been mitigated below a significant level in the EIR. Accordingly, the Project would have a substantial adverse effect, either directly or through

habitat modifications, on a species identified as a candidate, sensitive, or special-status species by the Wildlife Agencies. 32 CONT1

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To avoid take of active burrowing owl burrows (nests), the Wildlife Agencies request the City include the following mitigation measures in the EIR per below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1"Mitigation Monitoring and Reporting Program.

MM-Bio-1i:

A) Prior to the issuance of a grading permit, the Planning Department shall verify that the burrowing owl breeding season protocol survey is not more than one year old. If it is older than one year, an updated breeding season protocol survey for burrowing owl shall be conducted within all suitable burrowing owl habitat on the site and a 150-meter buffer. A copy of the report shall be provided to the Planning Department **and the two Wildlife Agencies** before grading occurs. **If one or more owl-occupied burrows are identified by the breeding season protocol survey, then the Project Applicant shall immediately prepare a Burrowing Owl Protection and Relocation Plan (BOPaRP) for review and approval by USFWS and CDFW, without deferring such preparation to a later time, and the 30-day pre-construction burrowing owl survey will no longer be required. The proposed BOPaRP shall be submitted to the two Wildlife Agencies through the City once the City has reviewed the draft BOPaRP.** 33

b) **If no burrowing owls are detected in the Project vicinity by the most recent breeding-season burrowing owl protocol survey, then, p**rior to the issuance of a grading permit, a pre-construction burrowing owl ~~clearance~~ survey **in accordance with the March 2006 Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan Area** shall be conducted **by a qualified biologist** no more than 30 days before ground or vegetation disturbance**, including grubbing, tree removal, or site watering.** The surveys shall be conducted as close to the actual construction initiation date as possible. **In addition, a preconstruction survey for burrowing owl shall be conducted within 3 days prior to initiation of Project activities and reported to CDFW. Additionally, if ground-disturbing activities occur, but the site is subsequently left without further disturbance for more than 30 days, a pre-construction survey shall again be necessary to reconfirm that burrowing owls have not colonized the site since it was last disturbed.**

If no burrowing owls are observed during all the surveys, site preparation and construction activities may begin.

If **burrowing owls are detected by the pre-construction survey**, the Biologist shall notify **the City of Jurupa Valley, the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) field office in**

Palm Springs with written notification sent within 48 hours of detecting the burrowing owls. If owl-occupied burrows are identified on an implementing Project site during the pre-construction survey, the Project Applicant shall not commence activities until the City receives CDFW and USFWS approval of a Burrowing Owl Protection and Relocation Plan, as described below.

If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl **Protection and Relocation** Plan**.** A copy of the plan shall be provided to the Planning Department.

The BOPaRP shall be implemented prior to any construction activities that may disturb burrowing owls. Mitigation shall be based on the following goals and requirements in the Multiple Species Habitat Conservation Plan (MSHCP):

1. If the site contains or is part of an area supporting less than 35 acres of suitable habitat or the survey reveals that the site and the surrounding area supports fewer than three pairs of burrowing owls, on-site burrowing owls shall be passively or actively relocated following accepted protocols.

~~2. Occupied nests shall be avoided during the nesting season (February 1-August 31) along with a buffer of 300–500 feet dependent upon the level of disturbance surrounding the burrow.~~

~~3. Burrow exclusion shall be utilized outside of the nesting season by installing a one-way door in burrow openings. Burrows shall be closed following verification they are empty through site monitoring and scoping.~~

4. If the project site (including adjacent areas) supports three or more pairs of burrowing owls, supports greater than 35 acres of suitable habitat, and is noncontiguous with MSHCP Conservation Area lands, at least 90 percent of the area with long-term conservation value and burrowing owl pairs shall be conserved on-site.

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CONT

The qualified biologist and **the** Project Applicant shall coordinate with the City, CDFW, and USFWS to develop a Burrowing Owl **Protection and Relocation** Plan to be approved by CDFW and USFWS prior to commencing Project activities. The **Burrowing Owl Protection and Relocation Plan** shall describe **the Project's** proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions **to protect burrowing owls from harm and to maintain their survival and numbers in the MSHCP Plan Area**. The **Burrowing Owl Protection and Relocation Plan** shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls, or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management

activities for relocated owls shall also be included in the **Burrowing Owl Protection and Relocation Plan**. The City will implement the **Burrowing Owl Protection and Relocation Plan** following CDFW and USFWS review and approval.

If burrowing owls are observed within Project Site(s) during Project implementation and construction, the Project Applicant shall notify the Wildlife Agencies immediately in writing within 48 hours of detection. A Burrowing Owl Plan will be submitted to the Wildlife Agencies for review and approval within two weeks of detection and no Project activities will occur within 1,000 feet of the burrowing owls' burrows until the Wildlife Agencies approves the Burrowing Owl Protection and Relocation Plan. The City shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Protection and Relocation Plan.

33 CONT

A final **survey** report shall be prepared by a qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report will be submitted to the City and the Wildlife Agencies within 30 days of completion of the survey for mitigation monitoring compliance record keeping.

Comment #6: Nesting Birds, Eggs, and Nestlings

Issue: The Project may have a significant impact on nesting birds, including Species of Special Concern and fully protected species, that are subject to Fish and Game Code section 3513 and the Migratory Bird Treaty Act of 1918.

34

Specific Impact: Project implementation could result in the loss of nesting and/or foraging habitat for passerine and raptor species from the removal of vegetation onsite.

Why Impacts Would Occur: Project activities could result in temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season of nesting birds could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from road use, generators, and heavy equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009), and songbird abundance and density was significantly reduced in areas with high levels of noise (Bayne et al. 2008). Additionally, noise exceeding 70 dB(A) may affect feather and body growth of young birds (Kleist et al. 2018). In addition to construction activities, residential development and increased human presence in the Project site could contribute to nesting bird impacts.

35

The timing of the nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). The Wildlife Agencies have observed that changing climate conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. The Wildlife Agencies recommend the completion of nesting bird survey

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regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests. 36 CONT

The duration of a pair to build a nest and incubate eggs varies considerably, therefore, the Wildlife Agencies recommend surveying for nesting behavior and/or nests and construction within three days prior to start of Project construction to ensure all nests on site are identified and to avoid take of nests. Without appropriate species-specific avoidance measures, biological construction monitoring may be ineffective for detecting nesting birds. This may result in Take of nesting birds. Project ground-disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat. 37

Evidence Impacts Would Be Significant: It is the Project proponent's responsibility to avoid Take of all nesting birds. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. These regulations apply anytime nests or eggs exist on the Project site. 38

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To address the above issues and help the Project applicant avoid unlawfully taking of nesting birds, the Wildlife Agencies request the City include the following mitigation measures in the EIR per below, and also included in Attachment 1"Mitigation Monitoring and Reporting Program.

> **Mitigation Measure 1g:** To prevent impacts to nesting birds (including raptors), clearing or other work in native habitats shall be avoided during the nesting season ~~(January 1 through September 15)~~. If work cannot be avoided during this timeframe, a nesting bird survey shall be conducted by a qualified Biologist within 3 days prior to ~~issuance of a grading or building permit~~ **site preparation activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation)**. **The survey results shall be provided to the City's Planning Department and the Project Applicant shall adhere to the following:** 39
>
> 1. **Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and**

minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.

2. **Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.**

If no nesting birds are observed during the survey, site preparation and construction activities may begin. If **an active nest or** nesting birds are present, ~~a Nesting Bird Plan shall be developed and implemented The Nesting Bird Plan shall include appropriate measures such as establishment and maintenance of a buffer area while the nest is active. The size of the buffer area shall be defined by a qualified Biologist based on the specific nesting species, as defined below~~**. avoidance buffers shall be implemented as determined by a qualified biologist and approved by the City of Jurupa Valley, based on their best professional judgement and experience** in accordance with the Migratory Bird Treaty Act (MBTA) regulations and the California Fish and Wildlife Code **Sections 3503, 3503.5, and 3513. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. The qualified biologist shall halt all construction activities within proximity to an active nest if it is determined that the activities are harassing the nest and may result in nest abandonment or take.**

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Active bird nests shall be mapped utilizing a handheld Global Positioning System (GPS), getting as close as possible without disturbing the nest, ~~and a buffer shall be flagged around the nest (300 feet for non-raptors, 500 feet for raptor nests, or as determined by the Biologist).~~ **The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the qualified biologist until nestlings have fledged and dispersed or it is confirmed that the nest has been unsuccessful or abandoned.** Construction shall not be permitted within buffer areas while the nest continues to be active. Once fledging has occurred or the nest otherwise becomes inactive, no further avoidance shall be required. An active nest is defined as a nest that is being built or in use as part of the reproductive process, including a nest with eggs, chicks, or dependent juveniles. **The qualified biologist shall also have the authority to require implementation of avoidance measures related to noise, vibration, or light pollution if indirect impacts are resulting in harassment of the nest. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a**

report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.

The qualified biologist shall also have the authority to require implementation of avoidance measures related to noise, vibration, or light pollution if indirect impacts are resulting in harassment of the nest. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.

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Comment #7: Crotch's Bumble Bee

Issue: The Project may impact Crotch's bumble bee (*Bombus crotchii*).

Specific Impacts: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

40

Why Impact Would Occur: According to page 57 in Section 3.8.1 of Appendix D Biological Resources Supporting Information, Crotch's bumble bee was observed on the Project site during the 2005 biological surveys conducted by AMEC and focused surveys have yet to be conducted. Direct effects also include the permanent conversion of occupied habitat to project infrastructure or changes to micro/local hydrology. Indirect effects on Crotch's bumble bee during construction would include the accumulation of fugitive dust resulting in degradation of habitat for these invertebrates. In addition, changes to local runoff would have negative effects on the health and vigor of plants that make up suitable habitat.

41

The Project proposes MM BIO-1k to mitigate the Project's impact. However, the Project's impact on Crotch's bumble bee has yet to be mitigated below a level of significance. MM-BIO 1k does not provide performance criteria or action(s) to meet those performance criteria to compensate for the loss of Crotch bumble bee habitat (CEQA Guidelines, § 15126.4).

42

Evidence Impact Would Be Significant: The California Fish and Game Commission accepted a petition to list Crotch bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch bumble bee is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch bumble bee has a State ranking of S1/S2. This means that the Crotch bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch bumble bee is also listed as an invertebrate of conservation priority under the Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFW 2017). The Project's impact on Crotch bumble bee has yet to be mitigated. Accordingly, the Project continues to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW.

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Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To address the above issues and help the Project applicant avoid unlawfully taking of Crotch's bumble bee, the Wildlife Agencies request the City include the following mitigation measures in the EIR per below (edits are in strikethrough and **bold**), and also included in Attachment 1"Mitigation Monitoring and Reporting Program".

Mitigation Measure BIO-1k: Because of suitable habitat within the project site, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with Crotch's bumble bee behavior, **as approved by CDFW**, and life history conduct surveys **in accordance with any Crotch's bumble bee survey protocol provided by CDFW** to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1. Surveys should be conducted within the project site and areas adjacent to the project site where suitable habitat exists. If a colony is present, a 100-foot avoidance buffer shall be established. Survey results, including negative findings, should be submitted to the California Department of Fish and Wildlife (CDFW) prior to project-related vegetation removal and/or ground-disturbing activities. If a survey finds that a Crotch's bumble bee ~~colony~~ is present on the project site or **Crotch's bumble bee are observed during Project activities**, the project Biologist shall consult with CDFW. **The qualified biologist should identify the location of all nests in or adjacent to the Project site. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take.** If the proposed project impacts Crotch's bumble bee, an Incidental Take Permit from the CDFW shall be obtained **pursuant to Fish and Game Code section 2081 subdivision (b)** and/or other mitigation shall be implemented as required by the CDFW. 44

Any floral resource associated with Crotch's bumble bee that will be removed or damaged by the Project should be replaced at no less than 2:1. Floral resources should be replaced as close to their original location as is feasible. If active Crotch's bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.

Comment #8: Impacts to Rare and Species of Special Concern

Issue: The Project identified a total of one special-status plant species and 9 special-status wildlife species onsite during the various biological surveys. An additional two special-status plant species and 18 special-status wildlife species were described as having moderate to high potential to occur within the Project site. CDFW is concerned that the proposed mitigation may not provide enough specificity to sufficiently avoid or minimize impacts to California Species of Special Concern (SSC). 45

Specific Impact: The EIR and supporting Appendix B identify the Project site has confirmed occurrences of Plummer's mariposa lily (*Calochortus plummerae*), Cooper's hawk (*Accipiter cooperii*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Lawrence's goldfinch (*Spinus lawrencei*), northern harrier (*Circus hudsonius*), great egret (*Ardea alba*), Costa's hummingbird (*Calypte costae*), red-diamond rattlesnake (*Crotalus ruber*), orange-throated whiptail (*Aspidoscelis hyperythra*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) within the Project site. Direct impacts to SSCs could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat. 45 CONT

Why Impacts Would Occur: Without appropriate species-specific avoidance measures, biological construction monitoring may be ineffective for detecting SSC. This may result in trampling or crushing of SSC. Demolition and paving after false negative conclusions may trap wildlife hiding under refugia and burrows. Project ground-disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat. 46

Evidence Impacts Would Be Significant: CEQA provides protection not only for state and federally listed species, but for any species including but not limited to California Species of Special Concern which can be shown to meet the criteria for State listing. These Species of Special Concern meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065). 47

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1 and 2: To address the above issues and help the Project applicant avoid unlawfully take of nests and eggs, CDFW requests the City include the following mitigation measures in the EIR per below (edits are in strikethrough and **bold**), and also included in Attachment 1"Mitigation Monitoring and Reporting Program". 48

MM BIO-XX: Scientific Collecting Permit – The City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate SSC wildlife and rare plants, and to avoid harm or mortality in connection with Project construction and activities.

MM BIO-1h Biological Monitoring and Clearance Surveys: Prior to issuance of a grading permit, ~~an engagement letter from~~ a qualified Biologist **with experience surveying for each of the following species shall be retained: Cooper's hawk (*Accipiter cooperii*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Lawrence's goldfinch (*Spinus lawrencei*), northern harrier (*Circus hudsonius*), great egret (*Ardea alba*), Costa's hummingbird (*Calypte costae*), red-diamond rattlesnake (*Crotalus ruber*), orange-throated whiptail (*Aspidoscelis* 49

hyperythra), **and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*). Prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct surveys for where suitable habitat is present. Project related activities include construction, equipment and vehicle access, parking, and staging. Focused surveys should consist of daytime surveys and nighttime surveys no more than one month from the start of any ground-disturbing activities. The surveys should include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. The survey should be conducted so that 100 percent coverage of the project site and surrounding areas is achieved. In addition, resumes/and or statements of qualifications** shall be provided to the City by the applicant identifying one or more qualified Biological Monitors that will be assigned to the project to monitor construction activities. Monitors shall be responsible for ensuring that impacts to special-status species, native vegetation, wildlife habitat, jurisdictional waters, and sensitive or unique biological resources are avoided to the extent possible.

The City in consultation with a qualified biologist should prepare a Workers Environmental Awareness Program (WEAP) training **prior to implementation of Project ground-disturbing activities.** Monitors shall ~~also~~ conduct ~~Workers Environmental Awareness Program (~~WEAP~~)~~ training to inform construction personnel of applicable mitigation measures and permit conditions, and any potential for **infraction and should include effective, specific, enforceable, and feasible actions. The qualified biologist should have prepared maps showing locations where SSC were detected and share this information to workers as part of training. The qualified biologist shall meet with the construction crew at the project site at the onset of construction to educate the construction crew on the following: 1) a review of the project boundaries; 2) all special-status species that may be present, their habitat, and proper identification; and 3) the specific mitigation measures that will be incorporated into the construction effort. The qualified biologist should communicate to workers that upon encounter with a SSC, work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, should immediately report the incident to the qualified biologist and/or onsite representative identified in the worker training.** The Biological Monitor shall submit a weekly report to the City inspector, and shall promptly identify any concerns or violations, as needed.

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A Biological Monitor shall be present during initial site clearing activities (vegetation clearing, soil preparation, and ground disturbance), during work adjacent to avoided Delhi soils and jurisdictional waters and Multiple Species Habitat Conservation Plan (MSHCP) Riparian/Riverine habitat, and at appropriate intervals throughout construction to ensure compliance with mitigation measures and regulatory permit conditions.

In addition, a qualified Biologist shall conduct clearance surveys for special-status plant or wildlife resources within or adjacent to the project disturbance area within three calendar days prior to initial vegetation clearing and ground disturbance, including fence installation. **Daily biological monitoring should be conducted during any activities involving vegetation clearing or modification of natural habitat. Surveys for SSC should be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC should be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers should be advised to work with caution near flagged areas. If SSC is encountered, qualified biologist should safely protect or relocate the animal per relocation and handling protocols.**

If any special-status plants or wildlife are found, the Biologist shall take appropriate action as defined in the MSHCP, mitigation measures, permit conditions, and regulations. **The qualified biologist should use visible flagging to mark the location where SSC was detected. The qualified biologist should take a photo of each location, map each location, and provide the specific species detected at that location.** ~~Federal, State, and local agencies shall be consulted as needed and appropriate. If needed, an avoidance buffer shall be established to protect the resource until this action has been completed~~**. The qualified biologist should provide a summary report of SSC surveys to the City before any Project-related ground-disturbing activities. The CDFW should be notified and consulted regarding the presence of any special-status wildlife species found on site during surveys. If an Endangered Species Act-listed species is found prior to or during grading of the site, the USFWS should also be notified. If any special-status or listed species are/have been observed on or in proximity to the Project site, Permittee shall submit California Natural Diversity Data Base (CNDDB) forms and maps to the CNDDB within five working days of the sightings. Additional avoidance and minimization measures may need to be developed with CDFW/USFW.**

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Where applicable, wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the grading limits). Special status wildlife should be captured only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols should be implemented during project construction and activities/biological construction monitoring. The City/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and relocation procedures. Only a USFWS approved biologist should be authorized to capture and relocate ESA-listed species. A relocation plan should be submitted to CDFW and USFWS for review and comment prior to implementing Project-related ground-disturbing activities.

If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. The qualified biologist should contact the USFWS, CDFW, and the City by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report should be sent to the City, CDFW, and USFWS (as appropriate) within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Monitoring and survey activities shall be documented, and, **summaries shall be submitted on a monthly basis during periods of Project activity until Project completion or monitoring is complete. Monitoring reports of any passively relocated species shall also be included.** At the conclusion of project construction activities, **a final construction report shall be submitted to CDFW and the City at least two weeks after the Project is fully completed including color photographs of before and after Project-related activities, including the surrounding staging areas. The construction report at a minimum shall contain pre- Project photographs, total amount of area impacted post-Project, post-Project photographs, and biological survey notes (including construction monitoring).** ~~a~~**A**ll monitoring reports and communications shall be retained in project files to allow review by the lead agency and ~~w~~**W**ildlife ~~a~~**A**gencies, ~~if requested~~.

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MM BIO-XX: Plummer's Mariposa Lily Mitigation: **Prior to issuance of a grading permit, a botanist experienced in identifying *Calochortus* species in the field shall map the locations of the Plummer's mariposa lilies (*Calochortus plummerae*) inside the Project's anticipated permanent and temporary impact areas during the month of June (the month when the species is detectable and identifiable in the field), and the Project shall immediately remove the Plummer's mariposa lilies from the impact areas via hand excavation, and transport them to a nursery specializing in the cultivation of native California plants, where the mariposa lilies shall be cared for until cooler weather in Autumn. The salvaged mariposa lilies shall be planted into suitable habitat inside the Project's conservation areas between October and December (the precise timing shall be determined by the horticulturalists at the native plant nursery, but shall be selected to minimize the mortality rate of the transplanted mariposa lilies). The receptor areas shall only consist of areas which will be placed into permanent conservation or is currently conserved via a conservation easement or transfer of title by the Project, and which shall be maintained in perpetuity by a qualified habitat maintenance organization such as the Western Riverside County Regional Conservation Authority, or the San Diego Habitats Conservancy, etc.**

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Comment #9: Noise Pollution

51

Issue: Construction may result in substantial noise through road use, equipment, and other Project-related activities.

Specific Impacts: The proposed Project activities may result in a substantial amount of noise through road use, equipment, and other project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 dB (Barber et al. 2009). 51 CONT

Why Impact Would Occur: Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator prey relationships as many nocturnal animals such as bats and owls primarily use auditory cures (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). 52

Evidence Impact Would Be Significant: Construction may result in substantial noise through road use, equipment, and other Project-related activities. The EIR (Section 3.13-18) states construction noise would occur due to the use of equipment that includes a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels, but includes no analysis of the impacts of construction noise on biological resources. The EIR indicates noise levels have the potential to reach 67 to 85 dBA during the hours when construction is permitted, which exceeds exposure levels that may adversely affect wildlife species. In addition, there is no analysis provided to analyze the effect of potential blasting that may be utilized during construction. The Wildlife Agencies are concerned about impacts to wildlife from noise generated during Project activities. 53

Per the MSHCP, wildlife adjacent to MSHCP Conservation Areas should not be subject to noise that would exceed residential noise standards. However, MM BIO-1f only has the generic language from the MSHCP and does provide specific details on the types of measures that will be implemented to reduce noise impacts to the adjacent Conservation Area. CDFW recommends that MM BIO-1f is revised to provide specific measures to address noise impacts from the development to reduce edge effects from noise on the adjacent Conservation area. These measures should establish existing noise levels in the Conservation Area and post-project monitoring to evaluate the noise levels in the Conservation Area during construction and after the Project is complete. 54

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To address the above issues and help the Project applicant avoid impacts from noise, CDFW requests the City include the following mitigation measures in the EIR per below (edits are in strikethrough and **bold**), and also included in Attachment 1“Mitigation Monitoring and Reporting Program”. 55

MM BIO-XX:: Prior to approval of the Final Design, a Noise plan shall be submitted to the City of Jurupa Valley for review and approval. Proposed The Noise Plan shall identify noise generating land uses that may affecting the MSHCP Conservation Area and shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The Noise Plan shall include monitoring during construction and post-project to demonstrate noise levels in the Conservation Area do not exceed residential standards. If noise standards are exceeded, the Project Applicant is responsible for immediate implementation of remedial actions to reduce noise levels to acceptable levels.

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Comment #10: Lighting and Light Pollution

Issue: Artificial lighting that does not conform to wildlife-friendly lighting guidelines often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife.

Specific Impacts: Artificial lighting and the resulting light pollution alter ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; and the detection of resources and natural enemies and navigation (Gatson et al. 2013). Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Further, many of the effects of artificial nighttime lightning on population- or ecosystem-level processes are still poorly known.

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Why Impact Would Occur: The EIR identifies that light and glare from interior and exterior building lighting, safety and security lighting, and vehicular traffic accessing the site will occur once the site is in operation and would introduce a new source of light into the adjacent Conservation Area. Nighttime lighting has the potential to indirectly affect wildlife use and activity in adjacent Conservation Area. Shielded lighting will produce a glow, and with enough lights, may increase the ambient light level in the area at night. Species may be subject to increased predation from diurnal predators foraging for longer periods due to light from the adjacent development as well as increased visual acuity of nocturnal predators. The EIR does not identify species that may be more vulnerable to increased predation from increased visibility and other impacts of adjacent lighting.

57

The EIR identifies that the proposed Project would be developed in accordance with the MSHCP requirements and that must comply with the City's requirements that lighting be restricted to the Project site through shielding and directing light downward. However, the EIR provides limited detail on shielded lighting in MM BIO-1f and lacks specific, technical details on the type of lighting along the Conservation Area boundary. The EIR does not provide data on existing

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ambient lighting conditions and does not analyze the impacts of the lighting on the adjacent Conservation Areas. The EIR does not contain any measure that could be sufficient to offset the impacts of Project-related lighting on the Conservation Area. To ensure that any building, traffic, or parking area lighting would not significantly impact species within the Conservation Area and would comply with MSHCP urban wildlife interface guidelines, the Wildlife Agencies recommend the Project is conditioned to provide a Lighting Plan that identifies existing ambient lighting conditions, analyzes the lighting impacts on the adjacent conservation area, and demonstrates that the proposed lighting plan will not significantly increase the lighting on the Conservation Area. 58 CONT

Evidence Impact Would Be Significant: A significant source of artificial nighttime lighting with the potential to impact wildlife in adjacent conservation areas may come from lighting associated with the Project. Although the CEQA document indicates that all lightning will be shielded and directed away from wildlife areas, the Wildlife Agencies recommend that lightning analysis before Project construction and operations is needed to determine that existing lighting levels and to demonstrate that potential lightning impacts to wildlife using adjacent conserved area will be less than significant. To determine if artificial nighttime lighting associated with Project construction and operations will result in minimal to no increase from existing lighting levels to all areas of Conservation Area, the Wildlife Agencies recommend that lighting and glare impacts are evaluated before, during, and after Project construction and operations. The Wildlife Agencies request the inclusion of the following new measures in the DEIR: 59

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To address the above issues and help the Project applicant avoid impacts from light and light pollution, CDFW requests the City include the following mitigation measures in the EIR per below (edits are in strikethrough and **bold**), and also included in Attachment 1"Mitigation Monitoring and Reporting Program".

MM BIO-XX: To reduce nighttime artificial lighting-related impacts to wildlife using conservation areas, the Project shall take lightning measurements before, during, and post construction operations to determine impacts of nighttime artificial lightning on adjacent conservation areas and the wildlife it supports. To protect wildlife using conserved areas, project construction and operations shall result in not net increase to pre-construction ambient night-time levels to all areas of conservation areas. If light or glare impacts to conservation areas exceed this threshold, the Project shall make changes to their operations and/or adopt landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all conserved. 60

Additional Recommendations

Weed Management Plan. A weed management plan should be developed for the Project site and implemented during the duration of this long-term Project. On-going soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native 61

weeds should be prevented from becoming established. The Projects site should be monitored via mapping for new introductions and expansions of non-native weeds. 61 CONT

Mitigation and Monitoring Reporting Plan

The Wildlife Agencies recommends updating the EIR's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, the Wildlife Agencies have provided comments and recommendations to assist the City in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation, monitoring, and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). The City is welcome to coordinate with the Wildlife Agencies to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), the Wildlife Agencies have provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment 1). 62

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. 63

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.) 64

CONCLUSION

The Wildlife Agencies appreciate the opportunity to comment on the EIR for the Rio Vista Specific Plan Project, State Clearinghouse No. 2018121005 to assist in identifying and mitigating Project impacts on biological resources. Wildlife Agencies personnel are available for consultation regarding biological resources and strategies to minimize impacts. The Wildlife 65

Agencies request that the City of Jurupa Valley address their comments and concerns prior to adoption of the EIR for the Project.

If you have any questions or comments regarding this letter, and to schedule a meeting, please contact James Thiede of the Service at james_thiede@fws.gov or Katrina Rehrer of CDFW at katrina.rehrer@wildlife.ca.gov.

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Sincerely,

Digitally signed by ROLLAND WHITE
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DocuSigned by:
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Rollie White
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Palm Springs Fish & Wildlife Office

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

The Wildlife Agencies recommend the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM)		**Timing**	**Responsible Party**
Coastal California Gnatcatcher	**MM BIO-XX**: Prior to grading or other ground-disturbing activities are proposed, a qualified biologist shall survey all potential nesting vegetation within and adjacent to the site for nesting coastal California gnatcatcher. The City of Jurupa Valley (City) shall impose conditions of approval on future grading permits requiring focused surveys to be conducted prior to ground disturbance or discing activities. A minimum of twelve (12) surveys shall be conducted at least one week apart to determine the distribution of coastal California gnatcatchers in the Project's anticipated areas of impact on shrublands. Surveys shall be conducted by the Designated Biologist at the appropriate time of day, during appropriate weather conditions. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. Written and mapped qualitative descriptions of plant communities (including dominant species and habitat quality) on and adjacent to the area surveyed will also be provided with survey results to USFWS and California Department of Fish and Wildlife (CDFW), within 45 days following the field surveys, and prior to ground-disturbing activities. The results of the focused surveys shall be provided to the City, CDFW, and USFWS for review and approval prior to	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	commencement of ground-disturbing activities (including, but not limited to, mowing, grubbing, and disking activities). In the event that the focused surveys do not detect the presence of any coastal California gnatcatchers, the habitat will have been confirmed to be unoccupied by coastal California gnatcatchers, and MM BIO-1g has been completed, then ground disturbance or discing may occur during the nesting season (i.e., between March 1 and August 15). In the event that the focused surveys identify the presence of California gnatcatchers, then ground disturbance or discing of the occupied areas shall be prohibited between March 1 and August 15. If an active coastal California gnatcatcher nest is located, the nest site shall be fenced with a buffer of a minimum of 500 feet in all directions, and this area shall not be disturbed until after the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, as confirmed by a qualified biologist. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the nest's precise location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. Project contractors shall be required to ensure compliance with these requirements and permit periodic inspection of the construction site by City of Jurupa Valley staff or its designee to confirm compliance.		
Delhi Sands Flower Loving Fly	**MM BIO-XX**: Prior to grading or other ground-disturbing activities, a qualified biologist shall survey all suitable habitat for Delhi Sands flower loving fly (DSF) according to the United States Fish and Wildlife Service (USFWS) survey protocol for this	Prior to commencing ground- or vegetation	Project Proponent

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	species (1996) as revised by USFWS in 2004. The City of Jurupa Valley (City) shall impose conditions of approval on future grading permits requiring focused surveys to be conducted prior to ground disturbance or discing activities. Surveys shall be conducted by the Designated Biologist at the appropriate time of day, and during appropriate weather conditions for DSF flies to be active aboveground. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. Written and mapped qualitative descriptions of plant communities (including dominant species and habitat quality) on and adjacent to the area surveyed will also be provided with survey results to USFWS and California Department of Fish and Wildlife (CDFW), within 45 days following the field surveys, prior to ground disturbing activities. The results of the focused surveys shall be provided to the City, CDFW, and USFWS for review and approval prior to commencement of ground disturbing or discing activities. If the protocol survey determines that some or all of the Delhi sands in the Rio Vista Specific Plan are occupied by the endangered Delhi sands flower-loving fly, then the City should make a determination as to whether or not the MSHCP Plan requires some or all of the occupied areas to be conserved (consistent with DSF conservation strategy "B", the option selected by the City and the other MSHCP Permittees at the inception of the MSHCP Plan in 2004), and adjust the land use of the fly-occupied areas in the Rio Vista Specific Plan, if needed, to become consistent with DSF conservation strategy "B" in the MSHCP Plan, including the recordation of a conservation easement or transfer of fly-occupied areas to be conserved to a qualified wildlife habitat conservation organization, such as the Western Riverside County Regional Conservation Authority, the San Diego Habitats Conservancy, etc.	disturbing activities	

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Burrowing Owl	MM-Bio-1i: A) Prior to the issuance of a grading permit, the Planning Department shall verify that the burrowing owl breeding season protocol survey is not more than one year old. If it is older than one year, an updated breeding season protocol survey for burrowing owl shall be conducted within all suitable burrowing owl habitat on the site and a 150-meter buffer. A copy of the report shall be provided to the Planning Department and the two Wildlife Agencies before grading occurs. If one or more owl-occupied burrows are identified by the breeding season protocol survey, then the Project Applicant shall immediately prepare a Burrowing Owl Protection and Relocation Plan (BOPaRP) for review and approval by USFWS and CDFW, without deferring such preparation to a later time, and the 30-day pre-construction burrowing owl survey will no longer be required. The proposed BOPaRP shall be submitted to the two Wildlife Agencies through the City once the City has reviewed the draft BOPaRP. b) If no burrowing owls are detected in the Project vicinity by the most recent breeding-season burrowing owl protocol survey, then, prior to the issuance of a grading permit, a pre-construction burrowing owl survey in accordance with the March 2006 Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan Area shall be conducted by a qualified biologist no more than 30 days before ground or vegetation disturbance, including grubbing, tree removal, or site watering. The surveys shall be conducted as close to the actual construction initiation date as possible. In addition, a preconstruction survey for burrowing owl shall be conducted within 3 days prior to initiation of Project activities and reported to CDFW. Additionally, if ground-disturbing activities occur, but the site is subsequently left without further disturbance for more than	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

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	30 days, a pre-construction survey shall again be necessary to reconfirm that burrowing owls have not colonized the site since it was last disturbed. If no burrowing owls are observed during all the surveys, site preparation and construction activities may begin. If burrowing owls are detected by the pre-construction survey, the Biologist shall notify the City of Jurupa Valley, the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) field office in Palm Springs with written notification sent within 48 hours of detecting the burrowing owls. If owl-occupied burrows are identified on an implementing Project site during the pre-construction survey, the Project Applicant shall not commence activities until the City receives CDFW and USFWS approval of a Burrowing Owl Protection and Relocation Plan, as described below. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Protection and Relocation Plan. A copy of the plan shall be provided to the Planning Department. The BOPaRP shall be implemented prior to any construction activities that may disturb burrowing owls. Mitigation shall be based on the following goals and requirements in the Multiple Species Habitat Conservation Plan (MSHCP): 1. If the site contains or is part of an area supporting less than 35 acres of suitable		

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	habitat or the survey reveals that the site and the surrounding area supports fewer than three pairs of burrowing owls, on-site burrowing owls shall be passively or actively relocated following accepted protocols. 2. If the project site (including adjacent areas) supports three or more pairs of burrowing owls, supports greater than 35 acres of suitable habitat, and is noncontiguous with MSHCP Conservation Area lands, at least 90 percent of the area with long-term conservation value and burrowing owl pairs shall be conserved on-site. The qualified biologist and the Project Applicant shall coordinate with the City, CDFW, and USFWS to develop a Burrowing Owl Protection and Relocation Plan to be approved by CDFW and USFWS prior to commencing Project activities. The Burrowing Owl Protection and Relocation Plan shall describe the Project's proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions to protect burrowing owls from harm and to maintain their survival and numbers in the MSHCP Plan Area. The Burrowing Owl Protection and Relocation Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls, or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Protection and Relocation Plan. The City will implement the		

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	Burrowing Owl Protection and Relocation Plan following CDFW and USFWS review and approval. If burrowing owls are observed within Project Site(s) during Project implementation and construction, the Project Applicant shall notify the Wildlife Agencies immediately in writing within 48 hours of detection. A Burrowing Owl Plan will be submitted to the Wildlife Agencies for review and approval within two weeks of detection and no Project activities will occur within 1,000 feet of the burrowing owls' burrows until the Wildlife Agencies approves the Burrowing Owl Protection and Relocation Plan. The City shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Protection and Relocation Plan. A final survey report shall be prepared by a qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report will be submitted to the City and the Wildlife Agencies within 30 days of completion of the survey for mitigation monitoring compliance record keeping.		
Nesting Birds	**Mitigation Measure 1g**: To prevent impacts to nesting birds (including raptors), clearing or other work in native habitats shall be avoided during the nesting season. If work cannot be avoided during this timeframe, a nesting bird survey shall be conducted by a qualified Biologist within 3 days prior to site preparation activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation). The survey results shall be provided to the City's Planning Department and the Project Applicant shall adhere to the following:	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

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	1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures. 2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If no nesting birds are observed during the survey, site preparation and construction activities may begin. If an active nest or nesting birds are present, avoidance buffers shall be implemented as determined by a qualified biologist and approved by the City of Jurupa Valley, based on their best professional judgement and experience in accordance with the Migratory Bird Treaty Act (MBTA) regulations and the California Fish and Wildlife Code Sections 3503, 3503.5, and 3513. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. The qualified biologist shall halt all		

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	construction activities within proximity to an active nest if it is determined that the activities are harassing the nest and may result in nest abandonment or take. Active bird nests shall be mapped utilizing a handheld Global Positioning System (GPS), getting as close as possible without disturbing the nest. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the qualified biologist until nestlings have fledged and dispersed or it is confirmed that the nest has been unsuccessful or abandoned. Construction shall not be permitted within buffer areas while the nest continues to be active. Once fledging has occurred or the nest otherwise becomes inactive, no further avoidance shall be required. An active nest is defined as a nest that is being built or in use as part of the reproductive process, including a nest with eggs, chicks, or dependent juveniles. The qualified biologist shall also have the authority to require implementation of avoidance measures related to noise, vibration, or light pollution if indirect impacts are resulting in harassment of the nest. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping. The qualified biologist shall also have the authority to require implementation of avoidance measures related to noise, vibration, or light pollution if indirect impacts are resulting in harassment of the nest. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.		

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Crotch's Bumble Bee	**Mitigation Measure BIO-1k**: Because of suitable habitat within the project site, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with Crotch's bumble bee behavior, as approved by CDFW, and life history conduct surveys in accordance with any Crotch's bumble bee survey protocol provided by CDFW to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1. Surveys should be conducted within the project site and areas adjacent to the project site where suitable habitat exists. If a colony is present, a 100-foot avoidance buffer shall be established. Survey results, including negative findings, should be submitted to the California Department of Fish and Wildlife (CDFW) prior to project-related vegetation removal and/or ground-disturbing activities. If a survey finds that a Crotch's bumble bee ~~colony~~ is present on the project site or Crotch's bumble bee are observed during Project activities, the project Biologist shall consult with CDFW. The qualified biologist should identify the location of all nests in or adjacent to the Project site. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take. If the proposed project impacts Crotch's bumble bee, an Incidental Take Permit from the CDFW shall be obtained pursuant to Fish and Game Code section 2081 subdivision (b) and/or other mitigation shall be implemented as required by the CDFW. Any floral resource associated with Crotch's bumble bee that will be removed or damaged by the Project should be replaced at no less than 2:1. Floral resources should be replaced as close to their original location as is feasible. If active Crotch's bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

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	planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.		
Species of Special Concern	**MM BIO-XX:** Scientific Collecting Permit – The City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate SSC wildlife and rare plants, and to avoid harm or mortality in connection with Project construction and activities.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent
Species of Special Concern	**MM BIO-1h Biological Monitoring and Clearance Surveys:** Prior to issuance of a grading permit, a qualified Biologist with experience surveying for each of the following species shall be retained: Cooper's hawk (*Accipiter cooperii*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Lawrence's goldfinch (*Spinus lawrencei*), northern harrier (*Circus hudsonius*), great egret (*Ardea alba*), Costa's hummingbird (*Calypte costae*), red-diamond rattlesnake (*Crotalus ruber*), orange-throated whiptail (*Aspidoscelis hyperythra),* and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*). Prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct surveys for where suitable habitat is present. Project related activities include construction, equipment and vehicle access, parking, and staging. Focused surveys should consist of daytime surveys and nighttime surveys no more than one month from the start of any ground-disturbing activities. The surveys should include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. The survey	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

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	should be conducted so that 100 percent coverage of the project site and surrounding areas is achieved. In addition, resumes/and or statements of qualifications shall be provided to the City by the applicant identifying one or more qualified Biological Monitors that will be assigned to the project to monitor construction activities. Monitors shall be responsible for ensuring that impacts to special-status species, native vegetation, wildlife habitat, jurisdictional waters, and sensitive or unique biological resources are avoided to the extent possible. The City in consultation with a qualified biologist should prepare a Workers Environmental Awareness Program (WEAP) training prior to implementation of Project ground-disturbing activities. Monitors shall conduct WEAP training to inform construction personnel of applicable mitigation measures and permit conditions, and any potential for infraction and should include effective, specific, enforceable, and feasible actions. The qualified biologist should have prepared maps showing locations where SSC were detected and share this information to workers as part of training. The qualified biologist shall meet with the construction crew at the project site at the onset of construction to educate the construction crew on the following: 1) a review of the project boundaries; 2) all special-status species that may be present, their habitat, and proper identification; and 3) the specific mitigation measures that will be incorporated into the construction effort. The qualified biologist should communicate to workers that upon encounter with a SSC, work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, should immediately report the incident to the qualified biologist and/or onsite representative identified in the worker training. The Biological Monitor shall submit a weekly report to		

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	the City inspector, and shall promptly identify any concerns or violations, as needed. A Biological Monitor shall be present during initial site clearing activities (vegetation clearing, soil preparation, and ground disturbance), during work adjacent to avoided Delhi soils and jurisdictional waters and Multiple Species Habitat Conservation Plan (MSHCP) Riparian/Riverine habitat, and at appropriate intervals throughout construction to ensure compliance with mitigation measures and regulatory permit conditions. In addition, a qualified Biologist shall conduct clearance surveys for special-status plant or wildlife resources within or adjacent to the project disturbance area within three calendar days prior to initial vegetation clearing and ground disturbance, including fence installation. Daily biological monitoring should be conducted during any activities involving vegetation clearing or modification of natural habitat. Surveys for SSC should be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC should be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers should be advised to work with caution near flagged areas. If SSC is encountered, qualified biologist should safely protect or relocate the animal per relocation and handling protocols. If any special-status plants or wildlife are found, the Biologist shall take appropriate action as defined in the MSHCP, mitigation measures, permit conditions, and regulations. The qualified biologist should use visible flagging to mark the location where SSC was detected. The qualified biologist should take a photo of each location, map each location, and provide the specific species		

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	detected at that location. The qualified biologist should provide a summary report of SSC surveys to the City before any Project-related ground-disturbing activities. The CDFW should be notified and consulted regarding the presence of any special-status wildlife species found on site during surveys. If an Endangered Species Act-listed species is found prior to or during grading of the site, the USFWS should also be notified. If any special-status or listed species are/have been observed on or in proximity to the Project site, Permittee shall submit California Natural Diversity Data Base (CNDDB) forms and maps to the CNDDB within five working days of the sightings. Additional avoidance and minimization measures may need to be developed with CDFW/USFW. Where applicable, wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the grading limits). Special status wildlife should be captured only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols should be implemented during project construction and activities/biological construction monitoring. The City/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and relocation procedures. Only a USFWS approved biologist should be authorized to capture and relocate ESA-listed species. A relocation plan should be submitted to CDFW and USFWS for review and comment prior to implementing Project-related ground-disturbing activities. If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the		

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	qualified biologist should be notified, and dead or injured wildlife documented immediately. The qualified biologist should contact the USFWS, CDFW, and the City by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report should be sent to the City, CDFW, and USFWS (as appropriate) within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death. Monitoring and survey activities shall be documented, and, summaries shall be submitted on a monthly basis during periods of Project activity until Project completion or monitoring is complete. Monitoring reports of any passively relocated species shall also be included. At the conclusion of project construction activities, a final construction report shall be submitted to CDFW and the City at least two weeks after the Project is fully completed including color photographs of before and after Project-related activities, including the surrounding staging areas. The construction report at a minimum shall contain pre- Project photographs, total amount of area impacted post-Project, post-Project photographs, and biological survey notes (including construction monitoring). All monitoring reports and communications shall be retained in project files to allow review by the lead agency and Wildlife Agencies.		
Species of Special Concern	**MM BIO-XX: Plummer's Mariposa Lily Mitigation**: Prior to issuance of a grading permit, a botanist experienced in identifying *Calochortus* species in the field shall map the locations of the Plummer's mariposa lilies (*Calochortus plummerae*) inside the Project's anticipated permanent and temporary impact areas during	Prior to commencing ground- or vegetation	Project Proponent

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	the month of June (the month when the species is detectable and identifiable in the field), and the Project shall immediately remove the Plummer's mariposa lilies from the impact areas via hand excavation, and transport them to a nursery specializing in the cultivation of native California plants, where the mariposa lilies shall be cared for until cooler weather in Autumn. The salvaged mariposa lilies shall be planted into suitable habitat inside the Project's conservation areas between October and December (the precise timing shall be determined by the horticulturalists at the native plant nursery, but shall be selected to minimize the mortality rate of the transplanted mariposa lilies). The receptor areas shall only consist of areas which will be placed into permanent conservation or is currently conserved via a conservation easement or transfer of title by the Project, and which shall be maintained in perpetuity by a qualified habitat maintenance organization such as the Western Riverside County Regional Conservation Authority, or the San Diego Habitats Conservancy, etc.	disturbing activities	
Noise Pollution	**MM BIO-XX:** Prior to approval of the Final Design, a Noise plan shall be submitted to the City of Jurupa Valley for review and approval. Proposed The Noise Plan shall identify noise generating land uses that may affecting the MSHCP Conservation Area and shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The Noise Plan shall include monitoring during construction and post-project to demonstrate noise levels in the Conservation Area do not exceed residential standards. If noise standards are exceeded, the Project Applicant is responsible for immediate implementation of remedial actions to reduce noise levels to acceptable levels.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

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Light Pollution	**MM BIO-XX**: To reduce nighttime artificial lighting-related impacts to wildlife using conservation areas, the Project shall take lightning measurements before, during, and post construction operations to determine impacts of nighttime artificial lightning on adjacent conservation areas and the wildlife it supports. To protect wildlife using conserved areas, project construction and operations shall result in not net increase to pre-construction ambient night-time levels to all areas of conservation areas. If light or glare impacts to conservation areas exceed this threshold, the Project shall make changes to their operations and/or adopt landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all conserved.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

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Federal Agencies

United States Fish and Wildlife Service and California Department of Fish and Wildlife (USFWS-CDFW)

Response to USFWS-CDFW-1
The introductory paragraph, identifying the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) as the Wildlife Agencies and acknowledging the Wildlife Agencies' receipt of the Draft EIR, does not raise any specific environmental issues related to the Draft EIR or proposed project; as such, no further response is required.

Response to USFWS-CDFW-2
The comment provides introductory information, identifies the Wildlife Agencies' roles, and requests that the City's implementation of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) for this proposed project be addressed in the Draft EIR as further discussed in the comment letter. No further response is required.

Response to USFWS-CDFW-3
No response is required to the summary of project description, including land uses and acreages, and project location, including identification of United States Geological Survey (USGS) quadrangles and Assessor's Parcel Numbers (APNs).

Response to USFWS-CDFW-4
The comment that the Wildlife Agencies offer the comments and recommendations, editorial comments, or other suggestions does not require a response.

Response to USFWS-CDFW-5
The comment states that the proposed project needs to demonstrate consistency with the MSHCP.

The comment provides a general summary of requirements under the MSHCP. An MSHCP Consistency Analysis is included in the Biological Resources Assessment (BRA) (Appendix D1 of the Draft EIR, dated September 2023, pages 107 to 112) to demonstrate consistency with the MSHCP.

Specifically, the comment states that the Draft EIR should demonstrate compliance with five MSHCP items identified in the comment. These items are listed below, along with the reference to the relevant discussion in Appendix D1:

1) Compliance with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP) is discussed in Appendix D1, Section 7.2 Impacts to Riparian/Riverine or Vernal Pools;
2) Protection of Narrow Endemic Plant Species (Section 6.1.3 of the MSHCP) is discussed in Appendix D1, Section 7.3.2 Narrow Endemic Plants;
3) Compliance with the Urban/Wildlands Interface Guidelines (Section 6.1.4 of the MSHCP) is discussed in Appendix D1, Section 7.4 Urban/Wildlands Interface;

4) Additional Survey Needs and Procedures, specifically the policies set forth for burrowing owl (*Athene cunicularia*) (Section 6.3.2 of the MSHCP) is discussed in Appendix D1, Section 7.3.1 Burrowing Owl; and

5) Best Management Practices (BMPs) and the siting, construction, design, operation, and maintenance guidelines, as set forth in Section 7.0 and Appendix C of the MSHCP, are discussed below.

   - Biological Monitoring and Workers Environmental Awareness Program (WEAP) training (MSHCP Appendix C, BMPs 1, 4, and 10): addressed through Mitigation Measure (MM) BIO-1d (Wildlife Hazards) and MM BIO-1h (Biological Monitoring and Clearance Surveys).
   - Fencing impact areas and limiting disturbance to native vegetation (MSHCP Appendix C, BMPs 3, 11, and 14): addressed through MM BIO-1a (Flag or Fence Impact Areas), MM BIO-1b (Conserve Open Space), MM BIO-1f (Urban/Wildlands Interface), and MM BIO-1h (Biological Monitoring and Clearance Surveys) and through implementation of Project Design Features (PDFs).
   - Exotic species control (MSHCP Appendix C, BMP 12): addressed through MM BIO-1e (Invasive Plants) and MM BIO-1f (Urban/Wildlands Interface) and through implementation of PDFs.
   - Water pollution, erosion control, and avoiding impacts to streambeds and riparian habitat (MSHCP Appendix C, BMPs 2, 4, 5, 6, 7, 8, and 9): addressed through MM BIO-1f (Urban/Wildlands Interface), MM BIO-1h (Biological Monitoring and Clearance Surveys), MM BIO-2a (MSHCP Riparian/Riverine Habitat), MM BIO-2b (Stormwater Pollution Prevention Plan), MM BIO-3a (RWQCB Jurisdictional Areas), and MM BIO-3b (CDFW Jurisdictional Areas) and through implementation of PDFs.

Response to USFWS-CDFW-6
The comment states that preparation of a Determination of Biologically Equivalent or Superior Habitat (DBESP) is required. The comment also refers to projection of riparian/riverine vernal pool resources.

DBESP is part of the regulatory permitting process and is not required to be attached to the Draft EIR. See Response to USFW-CDFW-5.

Impacts to riparian/riverine vernal pool resources is discussed in Appendix D1, Section 7.2 Impacts to Riparian/Riverine or Vernal Pools.

Response to USFWS-CDFW-7
Impacts to the Palmer's oak, such as those suggested in the comment (soil compaction, severing of roots, truck and limb injury, and limb breakage from construction equipment and activities), would be avoided by prohibiting project-related construction activities from occurring within the tree's mapped limit and the 200-foot buffer. This includes, but is not limited to, staging of supplies and equipment, vegetation removal, grading, stockpiling, paving, and any other activity related to development of the proposed project. In addition, no heavy equipment may operate within 259 feet of the mapped limits of the tree. As stated in MM BIO-5 Palmer's Oak, the buffer would be measured from the mapped limit of the tree.

Response to USFWS-CDFW-8
It is important to distinguish that while the majority of construction activity is prohibited within 200 feet of the tree's mapped limit as described in Response to USFWS-CDFW-7, MM BIO-5 clearly states that heavy equipment would not operate in the 259-foot distance. It is heavy equipment repeated driving, rather than temporary materials staging, that has the potential for compacting soil and impacting the subsurface bedrock (which stores and provides water to the tree). The 259-foot buffer for heavy equipment provides adequate mitigation for potential impacts (see Master Response 1, The buffer established in the Draft EIR is consistent and sufficient). Absence of heavy equipment within the 259-foot buffer surrounding the tree would prevent potential damage to tree limbs and associated breakage resulting from heavy equipment operations because there would not be heavy equipment in the vicinity of the tree.

Furthermore, causing damage to the tree is illegal regardless of the proposed project. Per Public Resources Code Section 5097.993, unlawfully and maliciously excavating, removing, destroying, or defacing a Native American historic, cultural, or sacred site is a misdemeanor and is punishable by imprisonment in county jail for up to one year, by a fine not to exceed ten thousand dollars ($10,000), or by both.

Response to USFWS-CDFW-9
The comment's statement that impact the drainages on-site may potentially lower the water table or divert drainage patterns away from the site and therefore affect the Palmer's oak on-site is negated by two studies which are discussed in the Draft EIR, page 3.4-45. First, a hydrogeologic investigation of the on-site hill where the tree is growing concluded that vegetation there is likely supported by annual rainfall and water stored in near-surface fractures since depth to groundwater at this location is greater than 90 feet below ground surface. Therefore, the groundwater is not likely to be sufficient to support the oak tree. Second, a Biological Review of Palmer's Oak memorandum used ground-penetrating radar (GPR) to conclude that planar or basin-shaped depressions in subsurface bedrock, at a depth of approximately 2 meters, form a collection basin for water in a manner that provides water to sustain the tree beyond periods of major rainfall.

The two studies demonstrate that the tree's water supply is not dependent on groundwater, surface flows or fog drip.

Furthermore, the on-site Palmer's oak is located on a hill with the nearest delineated stream (labeled D2 in Appendix D1 Figure 8) over 1,000 feet and downhill from the tree. As such impacts to this stream would not affect the water supply for the tree.

Response to USFWS-CDFW-10
The vibration prediction study, provided in Appendix D5, concluded that 259 feet is the buffer required to ensure heavy construction equipment operations would not impact the bedrock that stores water to supply the tree. Master Response 1, The buffer established in the Draft EIR is consistent and sufficient, explains both the 200-foot and the 259-foot buffers.

The tree location and several acres in its surrounding area would be designated Open Space and no construction—including grading—would occur there. The total Open Space area would be 510.8

acres. Without grading activities, the microtopography surrounding would not change, therefore not causing changes to air currents, moisture availability, ground water resources, etc., as the comment suggests.

Unauthorized public access, illegal trespass, and dumping cannot be controlled or predicted and may occur even without project development, and it is assumed that users would adhere to applicable laws and regulations (such as Public Resources Code [PRC] § 5097.993, discussed in Response to USFWS-CDFW-8). The proposed project would not exacerbate fire risk, as discussed in the Draft EIR pages 3.20-11 through 3.20-13. Instead, with development of roads to allow better emergency access if wildfire poses a risk to the tree, impacts related to fire would be reduced with implementation of the proposed project.

Response to USFWS-CDFW-11
As the comment implicitly acknowledged, three studies were undertaken to understand potential project effects on the Palmer's oak, and they are discussed in the Draft EIR, Section 3.4 Biological Resources.

1. A hydrogeologic investigation of the hill where the tree is growing was conducted in January 2022. It aimed to identify the water source that allows the tree to grow at that location. According to the hydrogeologic investigation, groundwater level maps indicate that regional groundwater levels in the alluvium and surficial deposits are much lower than the elevation of the project site and the hill and is not likely to support the tree. A field investigation conducted as part of the hydrogeologic investigation concluded that vegetation in the tonalite is likely supported by annual rainfall and water stored in near-surface fractures since depth to groundwater in the fractured tonalite at this location is greater than 90 feet below ground surface. This water is not likely to be sufficient to support the oak tree.
2. A Biological Review of Palmer's Oak memorandum was prepared in July 2023 based on field work conducted in August and November 2022. This review included a GPR study which detected planar or basin-shaped depressions in subsurface bedrock to a depth of approximately 2 meters in several location in the study area. These features appear to confirm the hypothesis that the shape of subsurface bedrock collects and perches water in a manner that provides water to sustain the Palmer's oak beyond periods of major rainfall.
3. A vibration prediction study for the area of the Palmer's oak was conducted in May 2023. It concluded that equipment vibrations from the largest piece of equipment at a distance of 259 from the tree would not impact the subsurface bedrock that supports the tree.

Combined, these three studies identify the water supply mechanism that supports the Palmer's oak and identifies measures to ensure it remains intact.

The Palmer's oak would be avoided in accordance with MM BIO-5, which fully mitigates the potential for long-term impacts. Moreover, approximately 510.8 acres of the project site would be preserved as open space, managed by a City-approved conservation entity, and placed under a deed with restrictions from future development. This would reduce long-term effects and ensure protection of the Palmer's oak located on-site. Specifically, no grading would occur, thus not

affecting the microtopography surrounding the tree and not resulting in soil compaction. The development of the project site would not conflict with any other local policies or ordinances protecting biological resources. Therefore, the implementation of the proposed project would not cause or contribute to any significant long-term effects.

Response to USFWS-CDFW-12
The comment's summary of Palmer's oak distribution and the age and rarity of the individual found on the project site is not disputed; no response is required.

Response to USFWS-CDFW-13
The comment's statement that older trees are more susceptible to construction-related impacts is not disputed. However, the comment's statement that the Palmer's oak on-site would be susceptible to impacts associated with the proposed project is addressed by MM BIO-5 (Palmer's Oak), which would ensure a buffer from heavy equipment operations and from project development. In addition, the tree is located in an area that is proposed for Open Space land use.

Response to USFWS-CDFW-14
The comment's statement that uncontrolled access to the area surrounding the on-site Palmer's oak can result in habitat degradation and disruption of key ecological functions is addressed by MM BIO-5 (Palmer's Oak), which would ensure a 200-foot buffer from any project development and a 259-foot buffer from heavy equipment.

Response to USFWS-CDFW-15
The comment's statement that detrimental impacts to the on-site Palmer's oak could result in permanent damage to this slow-growing plant and the loss of the regenerating portions of it are not refuted. However, implementation of MM BIO-5 (Palmer's Oak) would ensure a buffer from heavy equipment operations and from project development. In addition, the tree is located in an area that is proposed for Open Space land use.

Response to USFWS-CDFW-16
The comment states because of insufficient information in the Draft EIR about the on-site Palmer's oak, the Wildlife Agencies cannot recommend feasible mitigation measures without additional studies, and they recommend that the City remove MM BIO-5 (Palmer's Oak) and recirculate the EIR once sufficient information has been obtained.

As discussed in Response to USFWS-CDFW-11, three studies were conducted to understand the on-site Palmer's oak, its ecology, and its water supply. Together, these studies provide a comprehensive evaluation of potential temporary and long-term impacts to the tree.

As described in Response to USFWS-CDFW-9, these studies refute the comment's speculation that the tree's water supply source is surface flow that will be diverted by project construction, or that groundwater resources supporting the tree may be impacted by grading and project development, or that fog drip from fog flowing slowly against the thicket's leaves and stems supports the tree. Furthermore, Response to USFWS-CDFW-11 concludes that the water source for the tree is a subsurface water basin that keeps water available for the tree.

Response to USFWS-CDFW-17
The comment states that the proposed project may result in impacts to coastal California gnatcatcher and its habitat.

Coastal California gnatcatcher is a covered species under the MSHCP and associated take permits. The proposed project is consistent with the requirements of the MSHCP regarding coastal California gnatcatcher (Draft EIR, page 3.4-30).

However, the MSHCP does not cover impacts to nesting birds, including coastal California gnatcatcher. MM BIO-1g (Nesting Birds) in the Draft EIR requires avoiding work during the nesting season (January 1 to September 15) or conducting nesting bird surveys and establishing appropriate avoidance buffers around active nests. With implementation of MM BIO-1g, impacts to nesting coastal California gnatcatcher (if any are present) would be avoided and minimized. See Response to USFWS-CDFW-39.

Response to USFWS-CDFW-18
The comment states that there is suitable habitat for coastal California gnatcatcher on the project site and that the species has been observed on the project site, but focused surveys for gnatcatcher have not been done. The USFWS permit for the MSHCP restricts clearing of habitat occupied by coastal California gnatcatcher during the nesting season (March 1 to August 15) in Public/Quasi-Public (PQP) lands and the Criteria Area.

The MSHCP does not require focused surveys for coastal California gnatcatcher on the project site. The project site is not within PQP lands or the Criteria Area and the restriction on clearing during the gnatcatcher nesting season is not applicable. Nonetheless, development projects within the plan area would further avoid and minimize impacts to coastal California gnatcatcher through conservation of open space, as required by MM BIO-1b, implementation of nesting bird surveys and avoidance, as required by MM BIO-1g, and biological monitoring and clearance surveys, as required by MM BIO-1h.

Response to USFWS-CDFW-19
The comment states that coastal California gnatcatcher is a federally listed species and a California Species of Special Concern.

This information is stated in the BRA (Appendix D1 of the Draft EIR, page 59) and in the Draft EIR (page 3.4-17).

Response to USFWS-CDFW-20
The comment states that preservation of natural communities that support coastal California gnatcatcher is paramount.

Coastal California gnatcatcher is a covered species under the MSHCP and associated take permits. The MSHCP conserves habitat for coastal California gnatcatcher in the MSHCP Reserves and allows take of habitat for development projects that are in compliance with the requirements of the MSHCP. The proposed project is consistent with the requirements of the MSHCP regarding coastal California gnatcatcher (Draft EIR, page 3.4-30).

Response to USFWS-CDFW-21
The comment proposes a mitigation measure to include pre-construction surveys for nesting coastal California gnatcatcher, 12 focused surveys for coastal California gnatcatcher, written and mapped descriptions of plant communities, prohibiting ground disturbance in the occupied area from March 1 to August 15, and 500-foot fenced buffers around active coastal California gnatcatcher nests.

MM BIO-1g (Nesting Birds) in the Draft EIR requires avoiding work during the nesting season (January 1 to September 15) or conducting nesting bird surveys and establishing appropriate avoidance buffers around active nests (see Response to USFWS-CDFW-39). As discussed in the BRA, flagging of buffers, along with monitoring, is adequate to avoid encroachment (Draft EIR Appendix D1, Section 4.1 Vegetation Communities). Installing fencing around a buffer would create unnecessary disturbance.

The MSHCP does not require focused surveys for coastal California gnatcatcher on the project site. The project site is not within PQP lands or the Criteria Area and the restriction on clearing during the gnatcatcher nesting season (March 1 to August 15) is therefore not applicable. Compliance with the requirements of the MSHCP for California gnatcatcher is required as a condition of project approval. Compliance with the MSHCP provides full mitigation for the proposed project's impacts on MSHCP covered species. The additional proposed mitigation is not required to comply with the MSHCP and is therefore unnecessary.

Written descriptions of vegetation communities are provided in the Draft EIR (pages 3.4-9 through 3.4-12). Written descriptions and mapping of vegetation communities are provided in the BRA (Appendix D1 of the Draft EIR, pages 33 through 40).

Response to USFWS-CDFW-22
The comment states that the proposed project may impact Delhi Sands flower-loving fly (DSF) and its habitat.

This information is disclosed in the Draft EIR (page 3.4-30). DSF is a covered species under the MSHCP and associated take permits. Moreover, the proposed project is consistent with the requirements of the MSHCP regarding DSF.

Response to USFWS-CDFW-23
The comment states that DSF was observed on the project site in 2005 but surveys in 2015/2016 were negative. The proposed project would impact 4.87 acres (24.4 percent) of the Delhi soils on the project site and 0.84 acre (22.5 percent) of the occupied DSF habitat mapped in 2005. Project impacts include habitat loss, changes to hydrology, and fugitive dust.

Project impacts to DSF are disclosed in the Draft EIR (pages 3.4-30 and 3.4-48). Consistent with MSHCP requirements for conservation of DSF habitat, MM BIO-1b (Conserve Open Space) conserves open space on the project site, including DSF habitat. Over 75 percent of the Delhi soils on the project site and over 77 percent of the 2005 occupied habitat will be deed restricted with ownership transferred to a City-approved conservation entity.

The proposed project would comply with the MSHCP Urban/Wildland Interface guidelines regarding drainage. MM BIO-2b, Stormwater Pollution Prevention Plan, includes measures required through the National Pollutant Discharge Elimination System (NPDES) requirements, to ensure that the quantity and quality of runoff discharged to open space area is not altered in an adverse way when compared with existing conditions (Draft EIR page 3.4-49). Additional information regarding hydrology is provided in the Hydrology and Water Quality section of the Draft EIR (pages 3.10-1 through 3.10-24).

Fugitive dust rates could increase during clearing as a result of vehicle and machinery use and exposure of soils. Implementation of MM BIO-1d (Wildlife Hazards), which limits vehicle speeds on unpaved roads within the project site to 15 miles per hour (mph), would help reduce fugitive dust. Air quality regulations also govern emissions of fugitive dust (Draft EIR, Section 3.3 Air Quality, page 3.3-28, MM AIR-1a, and Plans, Policies, and Programs [PPP] 3.3-1).

Response to USFWS-CDFW-24
The comment states that DSF is a federally endangered species and summarizes take under the Endangered Species Act.

This information is provided in the BRA (Appendix D1 of the Draft EIR, page 58) and the Draft EIR (pages 3.1-1 and 3.4-17).

Response to USFWS-CDFW-25
The comment states that the proposed project is adjacent to occupied habitat and DSF occupied the project site (as of 2005).

Similar background information is provided in the BRA (Appendix D1 of the Draft EIR, Pages 58 through 59) and the Draft EIR (Pages 3.4-17 through 3.4-19).

Response to USFWS-CDFW-26
The comment states that the Draft EIR does not provide mitigation to offset impacts to DSF.

The Draft EIR does provide mitigation for DSF consistent with MSHCP requirements (see Response to USFWS-CDFW-27). MM BIO-1b (Conserve Open Space) in the Draft EIR conserves open space on the project site, including DSF habitat. Over 75 percent of the Delhi soils on the site and over 77 percent of the 2005 occupied habitat will be deed restricted with ownership transferred to a City-approved conservation entity.

Response to USFWS-CDFW-27
The comment proposes a mitigation measure to include an additional protocol survey for DSF prior to ground disturbance, conservation of occupied habitat consistent with MSHCP DSF conservation strategy “B,” and a conservation easement or transfer of occupied habitat to a conservation entity.

Protocol surveys for DSF were conducted in 2015/2016 with negative results. Under the MSHCP, an additional DSF protocol survey is not required (Draft EIR, page 3.4-30). Under MSHCP Objective 1B for DSF (MSHCP page 9-31), “Once two years of surveys have been conducted, no further surveys

shall be required. If the project site is determined to be occupied, 75 percent of the mapped Delhi soils on-site will be conserved."

MM BIO-1b (Conserve Open Space) in the Draft EIR conserves open space on the project site, including DSF habitat, with deed restrictions and ownership transferred to a City-approved conservation entity. Over 75 percent of the mapped Delhi soils (DSF habitat) on the site will be conserved. This complies with MSHCP requirements for DSF. The MSHCP provides full mitigation for the proposed project's impacts on MSHCP covered species and, therefore, the mitigation measure proposed in the comment is unnecessary.

Response to USFWS-CDFW-28
The comment states that the proposed project may impact burrowing owl and its habitat.

As stated in the Draft EIR (page 3.4-24), there is potentially suitable habitat for burrowing owl on the project site but no burrowing owls were found during protocol surveys. MM BIO-1i (Burrowing Owl) provides mitigation as required by the MSHCP for impacts to burrowing owl.

Response to USFWS-CDFW-29
The comment states that protocol surveys for burrowing owl were done and a written report must be provided.

The BRA (Appendix D1 of the Draft EIR) includes the written report detailing the burrowing owl surveys and results (BRA pages 21–24 and 69).

Response to USFWS-CDFW-30
The comment states that a buffer of 500 feet from occupied burrowing owl burrows, as required by MM BIO-1i (Burrowing Owl), may be insufficient to prevent impacts.

The CDFW recommends site-specific monitoring to inform development of buffers and provides general guidelines for buffers of 50 to 500 meters (164 to 1,640 feet) depending on time of year, level of disturbance, and sensitivity of the owls. See Response to USFWS-CDFW-33.

Response to USFWS-CDFW-31
The comment states that the burrowing owl mitigation measure proposed in the Draft EIR may not satisfy CEQA standards for mitigation.

See Response to USFWS-CDFW-33.

Response to USFWS-CDFW-32
The comment states that that burrowing owl is a California Species of Special Concern and that the proposed project's impacts on burrowing owl have not been mitigated below a significant level in the Draft EIR.

See Response to USFW-CDFW-33.

Response to USFWS-CDFW-33
The comment proposes a mitigation measure to include preparation of a Burrowing Owl Protection and Relocation Plan if burrowing owls are found during a protocol survey conducted within one year prior to issuance of a grading permit. This proposed measure also includes a pre-construction burrowing owl survey within 30 days prior to ground or vegetation disturbance, an additional pre-construction survey within 3 days prior to initiation of project activities, and an additional pre-construction survey if the site is disturbed but then left undisturbed for more than 30 days. The proposed measure also includes an avoidance buffer of 1,000 feet from occupied burrows.

In response to this comment and to make the mitigation measure in the Draft EIR more inclusive and more specific, the revisions as suggested by the commenter are made to MM BIO-1i as detailed in the Errata. Under *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 C4th 1112 (*Laurel Heights II*) and CEQA Guidelines Section 15088.5(a)(3), when information added to the Final EIR consists of a suggested alternative or mitigation measure, recirculation is required only if the alternative or mitigation measure meets all of the following criteria (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330):

- It is feasible;
- It is considerably different from the alternatives or already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

Recirculation is required only if *each* of the above tests is met. Where, as here, the suggested revisions to MM BIO-1i are adopted, recirculation is not required. Because this revision is accepted and it clarifies an existing mitigation measure, and the Draft EIR's impact conclusions remain the same, it does not represent a significant change to the Draft EIR. No other changes to the Draft EIR are required in response to this comment.

Response to USFWS-CDFW-34
The comment states that the proposed project could result in loss of nesting and foraging habitat for birds.

As stated in the Draft EIR (page 3.4-32), development of the project site could result in the loss of potential foraging and/or nesting habitat for birds. Implementation of MM BIO-1b (Conserve Open Space) would ensure the proposed project would avoid and conserve 427 acres of habitat for nesting birds on the site.

Response to USFWS-CDFW-35
The comment states that the proposed project could result in impacts to nesting birds through habitat loss, noise, and human presence.

Potential impacts are discussed in depth in the Draft EIR and administrative record. See Responses to USFWS-CDFW-34, USFWS-CDFW-51, and USFWS-CDFW-55.

Response to USFWS-CDFW-36
This comment notes that the nesting season varies due to many factors and recommends that a nesting bird survey be completed regardless of time of year.

See Response to USFWS-CDFW-39.

Response to USFWS-CDFW-37
The comment states that nesting bird surveys are recommended within 3 days prior to start of project activities. The comment alleges that the proposed project may impact nesting birds through habitat loss, death, or injury.

See Responses to USFWS-CDFW-34 and USFWS-CDFW-39.

Response to USFWS-CDFW-38
The comment summarizes some of the Fish and Game Code regulations that protect nesting birds.

This information is provided in the BRA (Appendix D1 of the Draft EIR, page 198).

Response to USFWS-CDFW-39
The comment proposes revision of MM BIO-1g (Nesting Birds).

In response to this comment and to make the mitigation measure in the Draft EIR more inclusive and more specific, the suggested revisions are made to MM BIO-1g, as identified in the Errata section. Because this revision is accepted and it clarifies an existing mitigation measure, it does not represent a significant change to the Draft EIR. No other changes to the Draft EIR are required in response to this comment.

Response to USFWS-CDFW-40
The comment states that the proposed project may impact Crotch's bumble bee through habitat loss and death or injury.

This information is disclosed in the Draft EIR (page 3.4-31). Implementation of MM BIO-1k (Crotch's Bumble Bee) would avoid and minimize impacts to Crotch's bumble bee.

Response to USFWS-CDFW-41
The comment states that Crotch's bumble bee was observed on the project site in 2005 and focused surveys have not been conducted. Impacts to Crotch's bumble bee include habitat loss, changes to hydrology and runoff, and fugitive dust.

The Crotch's bumble bee observation from 2005 is disclosed in the Draft EIR (pages 3.4-19 through 3.4-20). CDFW Streambed Alteration Agreement No. EPIMS-RIV-28674-R6 for the proposed project included requirements for Crotch's bumble bee habitat mapping (Measure 2.10) and surveys (Measure 2.11). Subsequently, a habitat assessment and focused survey report was prepared in January 2024.[4] This report is included in Appendix M to this Final EIR. As described in this report,

[4] L&L Environmental. Inc. 2024. Crotch's Bumble Bee Habitat Assessment and Focused Visual Survey, Rio Vista, Specific Plan 16001, Jurupa Valley, Riverside County, California. January.

focused surveys for Crotch's bumble bee were conducted in 2023 with negative results. MM BIO-1k (Crotch's Bumble Bee) provides mitigation for impacts to Crotch's bumble bee.

MM BIO-1b (Conserve Open Space) conserves open space on the project site, including potential Crotch's bumble bee habitat. See Response to USFWS-CDFW-23 regarding hydrology and fugitive dust.

Response to USFWS-CDFW-42
The comment states that MM BIO-1k does not mitigate impacts to Crotch's bumble bee below a level of significance.

As stated in the Draft EIR (page 3.4-31), MM BIO-1k (Crotch's Bumble Bee) requires the project proponent to coordinate with CDFW to determine whether an Incidental Take Permit is required. If a permit is required, it would be obtained prior to the start of construction. With implementation of MM BIO-1k (Crotch's Bumble Bee) and MM BIO-1b (Conserve Open Space) and any additional mitigation required under the Incidental Take Permit (if any), impacts to Crotch's bumble bee would be less than significant. See Response to USFWS-CDFW-44.

Response to USFWS-CDFW-43
The comment states the conservation status of Crotch's bumble bee and states that the proposed project would have a substantial adverse effect on Crotch's bumble bee.

See Responses to USFWS-CDFW-42 and USFWS-CDFW-44.

Response to USFWS-CDFW-44
The comment proposes a revision of MM BIO-1k (Crotch's Bumble Bee).

In response to this comment, and to make the mitigation measure in the Draft EIR more inclusive and more specific, all of commenter's suggested revisions, with the exception of replacing floral resources to be managed in perpetuity (which is unnecessary to mitigate the proposed project's impact to a less than significant level), are incorporated into MM BIO-1k as identified in the Errata section. Because this revision is accepted and it clarifies an existing mitigation measure, it does not represent a substantive change to the Draft EIR. No other changes to the Draft EIR are required in response to this comment.

Crotch's bumble bees utilize common wildflowers as food sources[5] and these floral resources are present throughout conserved areas of the project site. With implementation of MM BIO-1b (Conserve Open Space), Crotch's bumble bee habitat and floral resources would be conserved and managed by a City-approved conservation entity.

[5] The Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and the Center for Food Safety (Xerces). 2018. A Petition to the State of California Fish and Game Commission to List the Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. October 16. Website: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161902&inline. Accessed April 18, 2024.

Response to USFWS-CDFW-45
The comment states that Species of Special Concern may be impacted by project activities. Mitigation may not sufficiently avoid or minimize impacts to Species of Special Concern including injury/mortality and loss of habitat.

See Response to USFWS-CDFW-49.

Response to USFWS-CDFW-46
The comment states that biological monitoring may be ineffective for detecting Species of Special Concern. This may result in impacts including injury/mortality as well as loss of habitat.

See Response to USFWS-CDFW-49.

Response to USFWS-CDFW-47
The comment states that, under CEQA Guidelines Section 15065, California Species of Special Concern meet the CEQA definition of rare, threatened, or endangered species and take of any California Species of Special Concern could require a mandatory finding of significance.

California Species of Special Concern may meet the definition of rare, threatened, or endangered species, as set forth in CEQA Guidelines Section 15380.

Under CEQA Guidelines Section 15065, "A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. . . . The project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species. . . ."

An EIR has been prepared for the proposed project consistent with CEQA.

Response to USFWS-CDFW-48
The comment proposes a mitigation measure to require the qualified Biologist to obtain a Scientific Collection Permit/handling permit for wildlife Species of Special Concern and rare plants.

The California Code of Regulations Section 650 regarding Scientific Collection Permits states, "Except as otherwise authorized by the Fish and Game Code or regulations adopted pursuant thereto, it shall be unlawful for any person or entity to take and/or possess live or dead wildlife, or parts thereof in any part of the State of California, for scientific, educational, and/or propagation purposes except as authorized by a permit issued by the department pursuant to this Section."

The qualified Biologist would handle wildlife only as needed to move the animal out of harm's way or, if injured, to transport it to a wildlife rehabilitator, or possibly to remove a carcass from roads or work areas. This does not appear to be covered under the regulation regarding Scientific Collection Permits. The Biologist would not have any other need to handle or temporarily possess wildlife and would not conduct scientific research, education, or propagation.

Section 650 does not address rare plants and refers to Section 786.9 of the California Code of Regulations, which states: "(1) Except as provided in (2) below, the department may issue permits or memorandums of understanding that authorize rare plant impacts for scientific, educational or management purposes pursuant to either Fish and Game Code Sections 1002, 1002.5 and 1003 and Section 650(a) of these regulations, or Fish and Game Code subdivision (a) of Section 2081. The choice between using Fish and Game Code Sections 1002, 1002.5 and 1003 and Section 650(a) of these regulations, or Fish and Game Code subdivision (a) of Section 2081 shall be made by the department. (2) Where propagation is being conducted for scientific, educational or management purposes, a permit will be issued as described in this subdivision (c). All other rare plant propagation shall be permitted under (b) above."

Rare plants would be handled only if required for salvage and relocation (see MM BIO-1c [Special-status Plants] and Response to USFWS-DCFW-50). It is unclear how possessing handling permits would avoid and minimize impacts to wildlife Species of Special Concern or rare plants. Accordingly, the proposed mitigation measure is rejected with respect to requiring the qualified Biologist to possess a handling permit.

Response to USFWS-CDFW-49
The comment proposes a revision of MM BIO-1h (Biological Monitoring and Clearance Surveys) to include additional pre-construction survey, monitoring, and WEAP requirements.

In response to this comment and to make the mitigation measure in the Draft EIR more inclusive and more specific, the suggested revisions are made to MM BIO-1h, with the exception of requiring the qualified Biologist to possess a handling permit (see Response to USFWS-CDFW-48), as identified in the Errata section. Because this revision is accepted and it clarifies an existing mitigation measure, it does not represent a substantive change to the Draft EIR. No other changes to the Draft EIR are required in response to this comment.

Response to USFWS-CDFW-50
The comment proposes a mitigation measure to include mapping and salvage of all Plummer's mariposa lilies in project impact areas, caring for the lilies at a native plant nursery, and planting them in conserved areas of the site.

Plummer's mariposa lily is a covered species under the MSHCP and associated take permits and it is considered adequately conserved (Biological Resources Supporting Information, Appendix D, D.1, page 80). Therefore, under the MSHCP, no additional mitigation is required for impacts to Plummer's mariposa lily. This mitigation measure is unnecessary.

Response to USFWS-CDFW-51
The comment states that the proposed project construction may result in substantial noise that may adversely affect wildlife.

As addressed in the Draft EIR (pages 3.4-48–3.4-51), Section 6.1.4 of the MSHCP presents guidelines to minimize indirect effects of projects adjacent to MSHCP Conservation Areas that might adversely affect biological resources within the MSHCP Conservation Area, including noise.

The proposed project would incorporate landscape elements, including trees, shrubs, and groundcover, which would assist in noise reduction in native habitats adjacent to the project site. Noise levels within the project site following development are not expected to exceed residential noise standards. See Response to USFWS-CDFW-55.

Response to USFWS-CDFW-52
The comment lists ways in which anthropogenic noise can affect wildlife.

The comment is noted; no response is required.

Response to USFWS-CDFW-53
The comment states that project construction may result in substantial noise that may adversely affect wildlife species.

In response to this comment, MM BIO-1l is incorporated into the EIR. See Response to USFWS-CDFW-55. In addition, as discussed in the BRA (Appendix D1) MSHCP Consistency Analysis, Section 7.4.5 Noise, the proposed project would incorporate landscape elements, including trees, shrubs, and groundcover, which would further reduce noise in native habitats adjacent to the project site. Noise levels created on the project site following development are not expected to exceed residential noise standards.

Response to USFWS-CDFW-54
This comment states that MM BIO-1f does not provide details on measures that will be implemented to reduce noise impacts in the conservation area.

See Response to USFWS-CDFW-55.

Response to USFWS-CDFW-55
The comment proposes a mitigation measure to include preparation of a Noise Plan and noise monitoring and minimization measures.

To ensure impacts are reduced to the greatest extent feasible, the following mitigation measure, based on the language provided in the comment letter, is added.

MM BIO-1l Prior to approval of the Final Design, a Noise Plan shall be submitted to the City of Jurupa Valley for review and approval. The proposed Noise Plan shall identify noise generating land uses that may affecting the Multiple Species Habitat Conservation Plan (MSHCP) Conservation Area and shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The Noise Plan shall include monitoring during construction and post-project to demonstrate noise levels in the Conservation Area do not exceed residential standards. If noise standards are exceeded, the project applicant is responsible for immediate implementation of remedial actions to reduce noise levels to acceptable levels.

Response to USFWS-CDFW-56
The comment states that artificial lighting that does not conform to wildlife-friendly lighting guidelines may adversely affect wildlife. The comment lists potential impacts of artificial lighting on wildlife.

The comment is does not identify any project specific impacts and is noted; no response is required.

Response to USFWS-CDFW-57
The comment states that project lighting has the potential to affect wildlife use and activity in conserved areas. The EIR does not identify species that may be more vulnerable to increased predation due to lighting.

It is acknowledged that light spill into conserved areas may impact wildlife and MM BIO-1f (Urban/Wildlands Interface) has been proposed to avoid and minimize this impact. Per CEQA Guidelines Section 15204 regarding EIR comments, lead agencies are not required to conduct every study or provide all information requested by commenters. An analysis of the specific wildlife that may be more vulnerable to increased predation due to light spill would not result in further reductions to potential impacts and as such is excessive and unnecessary.

Response to USFWS-CDFW-58
The comment states that MM BIO-1f lacks technical details on the type of light to be used and the Draft EIR does not provide data on ambient lighting conditions or analyze the impacts of lighting on conservation areas. A Lighting Plan should be prepared to identify existing lighting conditions, analyze lighting impacts, and demonstrate that the proposed project will not significantly increase lighting in the conservation areas.

As addressed in the Draft EIR (pages 3.4-48–3.4-51), Section 6.1.4 of the MSHCP presents guidelines to minimize indirect effects of projects adjacent to MSHCP Conservation Areas that might adversely affect biological resources within the MSHCP Conservation Area, including lighting. The proposed project will incorporate measures to meet MSHCP Urban/Wildlands Interface guidelines and requirements for the Open Space areas of the proposed project.

The proposed project would also comply with applicable requirements and policies of the City of Jurupa Valley. Outdoor lighting of residences within the project site would be designed so that all direct beams would be confined to dwelling sites. Lighting would not intrude into avoided or adjacent Open Space areas. Street lighting, parking lot lighting, and other project-related illumination sources would be positioned, directed, and shielded to avoid “light spill” into conserved areas. Through the implementation of these PDFs, potential impacts of lighting on conserved areas would be less than significant. No additional mitigation is required to comply with the MSHCP.

Response to USFWS-CDFW-59
The comment states that lighting and glare impacts should be evaluated before, during, and after project construction and operations.

See Response to USFWS-CDFW-58.

Response to USFWS-CDFW-60
The comment proposed a mitigation measure to avoid impacts from light and light pollution.

See Response to USFWS-CDFW-58.

Response to USFWS-CDFW-61
The comment states that a weed management plan should be developed, to include weed monitoring and mapping.

The BRA (Appendix D1 of the Draft EIR, pages 118 –123) provides a list of all plant species observed on the site and indicates which are non-native. Of the 196 plant species observed on the site, 63 (32 percent) are non-native.

MM BIO-1e (Invasive Plants) provides measures to avoid and minimize the introduction and spread of non-native plants including avoiding the use of invasive plants in landscaping, washing heavy equipment before bringing it on-site, using only certified weed-free straw, mulch, or similar products, using only native species in erosion control seeding, and maintaining staging areas free of invasive plants.

This mitigation is sufficient to avoid and minimize the introduction and spread of invasive plants and no additional mitigation is warranted.

Response to USFWS-CDFW-62
A Mitigation and Monitoring Reporting Plan (MMRP) has been prepared for the proposed project and is part of the Final EIR. This MMRP includes the following agency-recommended mitigation measures:

- Revisions to MM BIO-1g, Nesting Birds
- Revisions to MM BIO-1h, Biological Monitoring and Clearance Surveys, with the exception of requiring the qualified Biologist to possess a handling permit
- Revisions to MM BIO-1i, Burrowing Owl
- Revisions to MM BIO-1k, Crotch's Bumble Bee, with the exception of replacing floral resources with management in perpetuity
- New MM BIO-1l, Noise Plan

As stated in the comment, mitigation measures would be fully enforceable through permit conditions, agreements, or other legally binding instruments.

Response to USFWS-CDFW-63
The comment states that special-status species detected during surveys must be reported to the California Natural Diversity Database (CNDDB).

The BRA (Appendix D1 of the Draft EIR, pages 136–157) includes copies of CNDDB forms that were submitted to CDFW for detections of special-status species during surveys.

Response to USFWS-CDFW-64
The comment states that assessment of environmental document filing fees is necessary.

The comment is acknowledged; no response is required.

Response to USFWS-CDFW-65
The concluding paragraph is acknowledged; no response is required.

Response to USFWS-CDFW-66
The comment includes a proposed MMRP with all the mitigation measures provided in the comments above, as well as timing and responsible party for each mitigation measure.

An MMRP has been prepared for the proposed project and is part of the Final EIR. The language of the proposed mitigation measures has been addressed in comments above (Responses to USFWS-CDFW-21, USFWS-CDFW-,27, USFWS-CDFW-33 USFWS-CDFW-39, USFWS-CDFW-44, USFWS-CDFW-49, USFWS-CDFW-55, USFWS-CDFW-58, USFWS-CDFW-60, and USFWS-CDFW-61), and edits have been incorporated in the Errata section of this Final EIR and in the MMRP, as appropriate. None of the edits result in the need for recirculation of the Draft EIR.

The Responsible Party for each mitigation measure would be the City of Jurupa Valley in its capacity as the Lead Agency for the proposed project. While the project applicant is responsible for implementation of the MMRP (such as recruiting and paying a Biological Monitor),the Lead Agency is responsible for ensuring compliance with the mitigation measures.

Soboba Band of Luiseño Indians (SOBOBA)

Tribal comments on the Draft EIR were received as part of Assembly Bill (AB) 52 Tribal Consultation and are, therefore, confidential. In response to the Tribe's comments, and as a result of consultation, several mitigation measures related to Cultural Resources and to Tribal Cultural Resources were revised. The revisions are shown in the Errata section of this Final EIR. The actual comment letter is not provided to maintain confidentiality as required under AB 52.

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State Agencies

California Department of Fish and Wildlife (USFWS-CDFW)

Responses to this comments letter are provided under Federal Agencies.

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DEPARTMENT OF TRANSPORTATION
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PLANNING (MS 722)
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Make Conservation
A California Way of Life.

November 30, 2023

Riv-60-9.555 (Rubidoux Blvd)
MA16045/Specific Plan# SP16001
SCH# 2018121005

City of Jurupa Valley
Planning Department
8930 Limonite Avenue
Jurupa Valley, CA 92509

Jim Pechous
Principal Planner

Notice of Availability, Draft Environmental impact Report
Rio Vista Specific Plan Amendment

Mr. Pechous,

The Rio Vista Specific Plan Amendment (SP16001) replaces Specific Plan No. 243 originally approved by the County of Riverside in 1992, prior to the City's incorporation in 2011. Draft Environmental Impact Report (DEIR) prepared by FirstCarbon Solutions, dated October 19, 2023, updates impact analysis and mitigation alternatives previously identified with SP 243 approval. 1

In our capacity as a Responsible Agency under the California Environmental Quality Act (CEQA)we have completed our review of the October 19, 2023 DEIR and have identified no direct impacts to State Route 60 right-of-way (R/W) requiring mitigation. However, future encroachment into SR-60 R/W for utility facility connections appears possible.

In the event such encroachment is determined necessary, issuance of a Caltrans Encroachment Permit will be required. Compliance to applicable Highway Design Standards, construction policies and practices will be required as a condition of Caltrans permit plan approval and permit issuance. Application procedures may include a requirement to submit updated studies or analysis that support the future encroachment effort. 2

General information regarding Caltrans Encroachment Permit requirements is available at:

Caltrans Encroachment Permit Office
464 W. Fourth Street, 9th Floor
San Bernardino, CA 92401
(909) 383-4526
http://www.dot.ca.gov/hq/traffops/developserv/permits/

3

We appreciate the opportunity to offer comments concerning the Rio Vista Specific Plan and the DEIR. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 806-3957 for assistance.

Sincerely,

Rosa F. Clark

ROSA F. CLARK
Office Chief
Local Development Review

2

California Department of Transportation, District 8 (CALTRANS)

Response to CALTRANS-1

The introductory paragraph, referencing the proposed project and the Draft EIR, does not require a response.

Response to CALTRANS-2

The City notes Caltrans's conclusion that the proposed project would have "no direct impacts to State Route (SR) 60 right-of-way requiring mitigation." Caltrans's statement, in its capacity as a Responsible Agency, that in the event that encroachment into the SR-60 right-of-way is determined necessary, issuance of a Caltrans Encroachment Permit will be required, is acknowledged and no further response is required. In addition, Caltrans's statement that further compliance with applicable standards, policies, and practices would be required and that updated studies or analysis would be required to support the future encroachment effort is also noted and no further response is required.

Response to CALTRANS-3

The concluding paragraph, noting Caltrans contact for information regarding Caltrans Encroachment Permit requirements, is acknowledged and no further response is required.

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RIVERSIDE LAFCO

November 6, 2023 *via electronic mail*

Jim Pechous, Principal Planner, City of Jurupa Valley
Community Development Department
8930 Limonite Avenue
Jurupa Valley, CA 92509

RE: Rio Vista Specific Plan Project (MA 16045) Draft Environmental Impact Report (EIR), State Clearinghouse No. 2018121005

Dear Mr. Pechous,

The Riverside Local Agency Formation Commission (LAFCO) appreciates the opportunity to provide comments on the Rio Vista Specific Plan Draft EIR under consideration by the City of Jurupa Valley (City). Below are comments relative to LAFCO's role in the annexation process for the Rubidoux Community Services District (RCSD) noted on Pages 3.11-40 and 3.11-41, and additional comments. 1

Page 3.11-40 Sub-Heading Rubidoux Community Services District

The wording in the first paragraph would indicate that submittal of the remaining items listed on Page 3.11-41 (Table 3.11-6) would constitute what could be considered "automatic approval" of the annexation to RCSD. This is incorrect.

The submittal of the remaining items, subject to the review of LAFCO staff for completeness and accuracy, would allow the annexation application to be deemed complete for processing and scheduled for a public hearing before the LAFCO Commission for consideration. The LAFCO Commission has sole authority to approve, approve with conditions, or deny an annexation application. This paragraph should be clarified in the EIR to ensure that the process for annexation is factually presented. 2

Page 3.11-41 Table 3.11-6 Total Dissolved Solids (TDS) Compliance

In review of the EIR, there appears to be no discussion regarding the long-standing issue with RCSD's struggle with meeting TDS compliance standards for wastewater being generated, due to the groundwater in the basin. This has been an ongoing issue with the City of Riverside over several years, as RCSD's wastewater treatment takes place at the Riverside Regional Water Quality Treatment Plant (RRWQTP) located within the City of Riverside. The proposed project as specified will be utilizing this same treatment plant. 3

Rio Vista Specific Plan (MA 16045)
Page Two

A LAFCO Commission policy in place for a number of years specifies that no proposed annexations into RCSD for new development will be considered unless RCSD is able to ensure that the TDS standards are met for that project for wastewater sent to the RRWQTP. It is LAFCO's understanding that RCSD has been working on a plan to resolve this situation, however, it is unknown if that issue has been resolved within their system, or if the Proposed Rio Vista project is providing any mitigation to ensure those standards are met. 3 CONT

It is highly recommended that this item be discussed in the EIR as this issue could impact the potential annexation to RCSD.

Fire and Solid Waste Services

Although the EIR discusses these services in the appropriate sections of the document, there is no mention that these services are actually provided via contracts with RCSD. RCSD is the agency provider for those services within their district. As these services are also subject to a successful annexation to RCSD, the requirement for annexation for providing these services should be referenced in the EIR. 4

As noted, the project as proposed cannot move forward if approval by the City is granted, unless annexation into RCSD for the services noted is completed. The EIR should emphasize the importance of meeting the requirements for completing the annexation process.

Please feel free to contact us with any questions you may have on these comments.

Sincerely,

Gary Thompson
Executive Officer
(951) 369-0631

cc: Joe Perez, Community Development Director

Local Agencies

Riverside Local Agency Formation (LAFCO)

Response to LAFCO-1
This introductory comment does not raise any questions regarding the Draft EIR or the proposed project, and no further response is required.

Response to LAFCO-2
This comment states that the Draft EIR should be clarified to indicate that receipt of the items identified in Table 3.11-6 would not constitute an automatic approval of the annexation to the Rubidoux Community Services District (RCSD) but rather would allow the annexation application to be deemed complete. Clarifying language has been added as explained in the Errata.

Response to LAFCO-3
This comment requests a discussion regarding Total Disolved Solids (TDS) be included. TDS is discussed in Section 3.10 Hydrology and Water Quality). According to the 2020 Annual Report of Santa Ana River Water Quality prepared by the Santa Ana Watershed Project Authority, the average TDS concentration for the samples collected from Reach 4 of the Santa Ana River (within which the project site is located) was 525 milligrams per liter (mg/L) which complies with the applicable water quality objective of 550 mg/L. See Draft EIR, Section 3.10 at page 3.10-3.

RCSD is coordinating with the Riverside Water Quality Control Plant (RWQCP) (formerly known as RRWQTP) to resolve the TDS compliance concern prior to final project approval.

Response to LAFCO-4
This comment notes that the Draft EIR discusses provision of services in the appropriate sections of the document. Additionally, the comment states that the Draft EIR should identify whether services are provided via contracts with RCSD.

The majority of the project site is already within the RCSD service area. The areas that are not currently within the RCSD service area would need to be annexed into it to ensure services. The area to be annexed is shown on Figure 1 and includes Planning Area (PA) 10, PA 11, portions of PA 12, PA 13, PA 15, portions of PA 16, portions of PA 21C, all of 21d, PA 21D, and a small portion of PA 21E.

The RCSD would provide water, wastewater, streetlights, solid waste collection, and fire protection services to the proposed project.

Figure 1: Proposed Rubidoux Community Service District Annexation Map

CAL FIRE – RIVERSIDE UNIT
RIVERSIDE COUNTY FIRE DEPARTMENT

BILL WEISER - FIRE CHIEF
Office of the County Fire Marshal
4080 Lemon Street, 10th Floor, Riverside, CA 92501
(951) 955-4777 www.rvcfire.org

January 29, 2024

City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Richland Communities
3161 Michelson DR Unit: Suite 425
Irvine, CA 92612

Re: FPEIR2100207 / MA16045 / SP16001 – Rio Vista Draft Environmental Impact Report – Fire Planning corrections

The Riverside County Fire Department – Fire Planning Division reviews proposed developments throughout the jurisdiction of the Riverside County Fire Department service areas and evaluates these proposed developments for compliance with department standards affected by response times, location of existing fire stations and equipment, as well as the expected increase in requests for service as affected by such proposed developments. 1

Below are the specific corrections and comments imposed upon the current review and submittal.

The Riverside County Fire Department provides cooperated integrated regional fire protection services to the City of Jurupa. The three closest Riverside County Fire Department Fire / City Stations by distance and time as follows: 2

> Fire Station 38 – 5721 Mission Blvd. Riverside, CA. It is approximately 2.18 miles away and has an approximate response drive time of 4.16 minutes.
>
> Fire Station 18 – 7545 Mission Blvd. Riverside, CA. It is approximately 2.42 miles away and has an approximate response drive time of 3.91 minutes.
>
> Fire Station 17 – 10400 San Sevaine Way Mira Loma, CA. It is approximately 6.28 miles away and has an approximate response drive time of 8.65 minutes.

Adverse Impacts

This project will contribute to a cumulative adverse impact on the fire department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased number of structures, traffic, and population. 3

Unacceptable Fire Response Distance and Time

Riverside County Fire Department provides cooperative integrated regional fire protection services to the project area. The nearest Riverside County Fire Station is outside the acceptable response distance and travel time to all or a portion of the project. It is recommended that these issues be discussed with the fire department operations staff to ensure that all hazards are mitigated, and response needs are met. 4

Increase Workload to the Fire Station Service Area

This project will add to the workload of the closest fire station, which is operating at or exceeding optimal workload capacity. We recommend that this issue be discussed with the fire department operations staff to ensure that all hazards are mitigated, and response needs are met. 5

Fire Mitigation– Funds for Fire Response Equipment

Mitigation for these issues shall include providing additional funds and contributions to the purchase of fire response equipment to ensure that all hazards are mitigated, and response needs have been met. Timing and payment arrangements shall be approved by the Riverside County Fire Department. 6

Fire Mitigation– Ongoing Fire Funds

While Development Impact Fees (DIF) apply to this project, these fees assist in the initial one-time mitigation for capital projects. As a general note, considering ongoing governmental funding challenges facing most agencies, we encourage your administrative staff and legislative bodies to review and determine if revenue enhancement mitigations are necessary for ongoing fiscal impacts to our operational services. For example, a developmental agreement for a community service district. 7

Please see the below listed corrections:

1. Throughout the EIR document, replace “CAL FIRE” with “Riverside County Fire Department “when giving reference to the services provided for the project. 8
    a. *CAL FIRE may specifically be of reference when referring to the projects Wildland Urban Interface compliances.

2. Page 3.15-11 –A paragraph giving reference to Fire Station 38 response time, City General Plan requirements, mitigations, and Program CSSF 2.2 require adjustment.
    a. Through other communications and evaluations, it was determined that the calculated response times from Station 38 exceeds thresholds established by the Fire Department, based on the project densities. 3/5/2021 Letter to the City of Jurupa Valley identified that several mitigations would be required in addition to participating in the Development Impact Fee payments. This includes:
        i. Work with Rubidoux CSD {Responsible entity for providing Fire Protection} to develop a benefit assessment district to fund the necessary equipment and staffing,
        ii. Delivery of a squad fire apparatus to placed and staffed additionally out of Fire Station 38 with 2-person staffing at a time agreed upon...
        iii. *This EIR document shall give comment to the fact that the project area will be Annexed into the Rubidoux Community Services District which will provide the project with Fire Protection Services. Rubidoux CSD is also the entity to obtain DIF-Fire Service for the project.
        iv. *This EIR Document shall identify a "Significant Impact" and outline the 2 points mentioned above as means of agreed upon mitigation, so as to reduce the impacts to "Less than significant impact."

9

3. Page 3.15-17 “Fire Protection Facilities” may need to be updated based on comments above for Page 3.15-11.

10

4. Page 3.17-22 “Impact Analysis”, Paragraph 3 –Project access exceeds the 4.0-minute response time threshold established by the Fire Department for the project density. A "Significant Impact" is present and requires mitigations that were conditioned/discussed.

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5. Page 3.20-3 “Fire Protection and Emergency Medical Services”–and subsections require updating.
    a. Update this element to reference that the project will be annexed into the Rubidoux Community Services District which is the responsible entity for providing Fire Protection services to the project site. Rubidoux CSD contracts services with Riverside County Fire Department and funds the equipment and staffing located at Fire Station 38 exclusively.

12

6. Page 5-32 “Public Services”-Impacts to fire service response times have been identified as "Significant Impact" and require mitigations.

13

If we can be of further assistance, please feel free to contact the Riverside County Fire Department, Office of the Fire Marshal, Fire Planning Division at (951) 955-4777 or rvcfireplanning@fire.ca.gov.

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Respectfully,

Kevin Shin

Deputy Fire Marshal
Fire Planning Division

the northwestern part of the project site, near PA 7; and a third at Paramount Drive in the southern part of the project site, near PA 21E with direct access to PA 1. Access roads are shown in Chapter 2, Project Description, Exhibit 2-7.

As shown in Table 3.15-1, the Riverside County Fire Department Station that would provide service to the proposed project is Station No. 38, located at 5721 Mission Boulevard. This station is equipped with one Type 1 Engine and is staffed by three personnel, 24 hours per day.[23]

According to CAL FIRE, "Station 38 is approximately a 5-minute response from the Rio Vista project site."[24] The City General Plan considers the proposed project as planned growth within the City. The General Plan EIR[25] stated that future development under the General Plan would be required to be designed, constructed, and operated per applicable fire prevention/protection standards established by the City. It further stated that all new development would be required to pay Development Impact Fees (DIF) to the City, concluding that there would be no significant impacts related to fire protection from implementation of the General Plan. Finally, the General Plan identifies the need for expanding public service by establishing Program CSSF 2.2, which would ensure the provision of sufficient public facilities and services prior to, or concurrently with, new development.

The proposed project would be required by the City to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. In addition, the proposed project would be required to comply with Municipal Code Chapter 3.75 and pay the City's DIF, which would ensure that the proposed project provides fair share funds for the provision of additional public services, including equipment and personnel for fire protection services, that the proposed project would utilize.[26]The addition of equipment to Station 38 could be accommodated within the existing facility and does not require the alteration or construction of new facilities. 15

As such, construction of new or physically altered facilities would not be required, and impacts would be less than significant.

Level of Significance

Less than significant impact.

Through other communications and evaluations, it was determined that the calculated response times from Station 38 exceeds thresholds established by the Fire Department, based on the project densities. 3/5/2021 Letter to the City of Jurupa Valley identified that several mitigations would be required in addition to participating in the Development Impact Fee payments. This includes: (1) Work with Rubidoux CSD {Responsible entity for providing Fire Protection} to develop a benefit assessment district to fund the necessary equipment and staffing, (2) Delivery of a Squad fire apparatus to placed and staffed additionally out of Fire Station 38 with 2-person staffing at a time agreed upon...
*This EIR document shall give comment to the fact that the project area will be Annexed into the Rubidoux Community Services District which will provide the project with Fire Protection Services. Rubidoux CSD is also the entity to obtain DIF-Fire Service for the project.
*This EIR Document shall identify a "Significant Impact" and outline the 2 points mentioned above as means of agreed upon mitigation, so as to reduce the impacts to "Less than significant impact."

[23] Reinerston, Adria. Deputy Fire Marshal, Office of the Fire Marshal, California Department of Forestry and Fire Protection (CAL FIRE)/Riverside County Fire Department. Personal communication: email. February 2, 2022.
[24] Ibid.
[25] LSA. 2017, City of Jurupa Valley 2017 General Plan Final Environmental Impact Report, SCH #2016021025. April 17.
[26] Jurupa Valley Municipal Code. Chapter 3.75 Development Impact Fee. Website: https://library.municode.com/ca/jurupa_valley/codes/municipal_code?nodeId=TIT3REFI_CH3.75DEIMFE. Accessed February 4, 2022.

the project site's 20th Street western access point and approximately 3 miles (driving distance) south of the project site's 20th Street eastern access point.

The General Plan considers the proposed project as planned growth within the City. Furthermore, at final buildout, the proposed project is expected to have up to 6,296 residents, accounting for approximately 5 percent of the General Plan's population forecast, which anticipates a City population of 126,000 person by 2035. In addition, the proposed project's expected population would account for approximately 0.2 percent of the Southern California Association of Governments' (SCAG) 2045 Riverside County population forecast of 3,252,000 persons.

Furthermore, the General Plan EIR prepared in 2016[33] stated that General Plan policies regarding public services are designed to ensure that the City would have adequate services into the future as the City grows and development and increases in population occur, which would require additional public services. The Final EIR further states that these policies focus on making sure the City has adequate public services in the future, including libraries.

The proposed project would be required to comply with Municipal Code Chapter 3.75, Development Impact Fee, and pay the City's DIF, which would ensure that the proposed project provides fair share funds for the provision of additional public services, including library services, that the proposed project would utilize.[34] As such, impacts would be less than significant.

Level of Significance

Less than significant impact.

May need to be updated/adjusted based on resolution of comments on Sheet 3.15-11

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3.15.6 - Cumulative Impacts

The geographic scope of the cumulative public services analysis is the service area of each of the providers serving the proposed project. Because of differences in the nature of the public service topical areas, they are discussed separately.

Fire Protection Facilities

The geographical scope of the cumulative public services analysis is the boundaries of Riverside County Fire Department.). Cumulative development in the surrounding area would be expected to increase the permanent residents and daytime population, which includes employees and visitors/patrons. The cumulative increase in population could in turn result in an increased demand for fire protection facilities. Similarly, the proposed business park and industrial land use could result in increased demand for fire protection.

To help offset the increased demand, the cumulative projects would be required to pay all applicable fees to the Riverside County Fire Department and CalFire. All developments would also be required to adhere to the California Fire Code, Part 9 of the California Building Standards Code (CBC) in terms of

[33] LSA. 2017, City of Jurupa Valley 2017 General Plan Final Environmental Impact Report, SCH #2016021025. April 17.
[34] Jurupa Valley Municipal Code. Chapter 3.75 Development Impact Fee. Website: https://library.municode.com/ca/jurupa_valley/codes/municipal_code?nodeId=TIT3REFI_CH3.75DEIMFE. Accessed February 4, 2022.

Project Design Features

There are no PDFs applicable to the proposed project related to emergency access.

Impact Analysis

Factors such as the number of access points, roadway width, and proximity to fire stations determine whether a project provides sufficient emergency access.

The proposed project would include two public access points, one at 20th Street at the eastern portion of the project site, between PAs 13 and 16, and a second at 20th Street at the western portion of the site, near PAs 2, 3, and 4. In addition, there would be three emergency vehicle access points: one at PA 7 in northwest corner of the project site via Rorimer Drive, a second at PA 10 in northeast corner via Alicante Avenue, and one at PA 1 in southwest area of the project site via Paramount Drive (access roads are shown in Exhibit 2-6). As such, area-wide emergency vehicle access would be provided by the main roadway network within the project site. The precise design and alignment of the proposed project's internal roadways would be determined with implementation of Tentative Tract Maps and would be reviewed for consistency with applicable design standards, including adequate access and roadway widths, at the time of approval. Furthermore, development within the project site would be required to comply with the City's congestion management practices to reduce traffic impacts during construction and operation. Consequently, any development under the proposed project would be required to comply with guidelines for emergency and fire vehicle access.

As discussed in Section 3.15, Public Services, Riverside County Fire Stations No. 18 and No. 38 are nearest to the project site. Station No. 18, West Riverside Station, is located approximately 2.8 miles (driving distance) west of the project site's emergency vehicle access on Paramount Drive and approximately 2.2 miles (driving distance) southwest of the 20th Street project site entrance. Station No. 38, Rubidoux Station, is located approximately 1.1 miles (driving distance) south of the project site's emergency vehicle access on Paramount Drive. As such, the proposed project is located within sufficient proximity to fire stations enabling sufficient emergency access. Therefore, impacts related to emergency access would be less than significant.

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Level of Significance

Less than significant.

Project access exceeds the 4.0-minute response time threshold established by the Fire Department for the project density. A "Significant Impact" is present and requires mitigations that were conditioned/discussed.

3.17.6 - Cumulative Impacts

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact with respect to traffic. This analysis then considers whether incremental contribution of impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for the proposed project's cumulative effects to rise to the level of significance.

The geographic context for this analysis includes the City, as well as the City of Fontana and portions of unincorporated San Bernardino County, as identified in Table 3-1, Cumulative Projects.

Replace "CAL FIRE" with "Riverside County Fire Department" Throughout document, except when referencing Wildland Fire commentary and appropriate.

eam that flow for only a short period of time) with a total of 19 ithin the project site.[8, 9]

d by urban features, both residential and industrial, that could provide fire, such as SR-60, the Santa Ana River, Armstrong Road, and Rubidoux Avenue.

Fire Protection and Emergency Medical Services

Southern California and Riverside County

CAL FIRE is responsible for fire protection and stewardship of over 31 million acres of California's privately owned wildlands. CAL FIRE also provides varying levels of emergency services in 36 of the California's 58 counties via contracts with local governments. Because of the Department's size and major incident management experience, it is often asked to assist or take the lead in disasters.[10] In December 2017, a series of wildfires occurred in Southern California, resulting in extensive property damage. In July 2018, the Cranston Fire wildfire occurred in Riverside, burning over 13,000 acres and destroying 12 structures.[11] In 2020, the Southern California Apple Fire and El Dorado Fire wildfires resulted in extensive burned areas and damage to structures.

City of Jurupa Valley

According to the General Plan, the Riverside County Fire Department, in cooperation with CAL FIRE, provides fire protection services to the City. This includes full-service municipal and wildland fire protection, emergency medical response, technical rescue services, and response to hazardous materials discharges.[12] Riverside County Fire Department consists of 15 battalions that staff and operate 101 fire stations.[13]

Project Site

The project site is vacant and undeveloped with no existing fire protection or emergency medical services facilities on-site. As shown in Table 3.15.1 (refer to Section 3.15 Public Services), Riverside County Fire Department operates four fire stations within the City. Fire Stations 18 and 38, operated by Battalion 14, are the nearest to the project site.

Update this element to reference that the project will be annexed into the Rubidoux Community Services District which is the responsible entity for providing Fire Protection services to the project site. Rubidoux CSD contracts services with Riverside County Fire Department and funds the equipment and staffing located at Fire Station 38 exclusively.

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[8] Hillman Consulting, 2017. Phase I Environmental Site Assessment Rio Vista Rubidoux, California. March 27.
[9] L&L Environmental, Inc. 2022. Revised Updated Biological Resources Assessment, Jurisdictional Delineation, MSHCP Narrow Endemic Plant, Burrowing Owl Breeding Season, and Two-Year Delhi Sands Flower-Loving Fly Focused Surveys, Rio Vista, Specific Plan 16001, Jurupa Valley, Riverside County, California. January.
[10] California Department of Forestry and Fire Protection (CAL FIRE). 2021. About Us. Website: https://www.fire.ca.gov/about-us/. Accessed February 22, 2022.
[11] California Department of Forestry and Fire Protection (CAL FIRE). 2022. Cranston Fire. Website: https://www.fire.ca.gov/incidents/2018/7/25/cranston-fire/. Accessed February 1, 2022.
[12] City of Jurupa Valley 2017. 2017 General Plan. September.
[13] Riverside County Fire. 2021. Riverside County Fire Stations. Website: https://www.rvcfire.org/resources/fire-stations. Accessed January 22, 2022.

a.) Impede emergency egress for fire safety staffing/personnel, equipment, and apparatus; nor
b.) Hinder evacuation from fire, including potential blockage of stairways or fire doors.

- Proposed development in Hazardous Fire areas shall provide secondary public access, unless determined unnecessary by CAL FIRE or City Building Official.

change to Riverside County Fire Department

CSSF 1.24 **Adjacent Natural Vegetation.** Development that adjoins large areas of native vegetation will require drought tolerant landscaping that blends with the natural vegetation to the greatest extent possible.

CSSF 1.26 **Gas Shutoff.** Require automatic natural gas shutoff earthquake sensors in high-occupancy industrial and commercial facilities and encourage their installation in all residences.

CSSF 1.28 **Fire Protection Master Plan.** Continue to utilize the Riverside County Fire Protection Master Plan and Jurupa Emergency Response Plan as the base documents to implement the goals and objectives of the Community Safety Element.

CSSF 1.29 **Water Resources.** Encourage and, as resources allow, support efforts to utilize existing water bodies, tanks, and water wells in the City for emergency fire suppression water sources.

CSSF 1.30 **Brush Clearance.** Utilize ongoing brush clearance fire inspections to educate homeowners on fire prevention tips.

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City of Jurupa Valley Local Hazard Mitigation Plan

The LHMP was prepared by the City in order to identify the potential hazards in the City, review and assess past disasters, estimate the probability of future disaster occurrences, and set goals to mitigate potential risks to people and property due to natural and man-mad hazards. The LHMP identifies the risk of wildfires in the City, which are most likely to occur within the Santa Ana Riverbed that runs to the southwest of the project site in the southern portion of the City. The LHMP further identifies the City's Department of Public Works as responsible for any mitigation actions that would involve retrofitting infrastructure to prevent fire.[16]

City of Jurupa Valley Emergency Operations Plan

The City's EOP addresses the planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies in or affecting the City. It describes the operations of the City's EOC, which is the central management entity

[16] City of Jurupa Valley Emergency Services. 2018. Local Hazards Mitigation Plan. January 1. Website: https://www.jurupavalley.org/DocumentCenter/View/990/2018-Local-Hazard-Mitigation-Plan_Jurupa-Valley?bidId=. Accessed March 3, 2022.

whereas the proposed project would construct 140.3 acres of light industrial and business park uses. As there would be no traffic associated with these uses, the alternative's operational traffic noise impacts would be substantially reduced as compared to the proposed project. The adoption of MM NOI-1b would ensure that stationary sources associated with this alternative's land uses are reviewed and designed to be in compliance with the City's General Plan policies, which would result in less than significant impacts.

As noted earlier, construction of the alternative would ultimately require similar types of construction equipment and activities as the proposed project. Therefore, potential construction-related vibration impacts would also be similar. The adoption of MM NOI-2 would ensure that future projects in proximity of off-site structures are required to prepare "Construction Vibration Reduction Plans" that identify and commit to specific construction techniques capable of reducing vibration impacts to less than significant levels.

Regarding operational vibration impacts, this alternative does not propose the types of land uses that are associated with the generation of substantial, permanent sources of groundborne vibration. Therefore, operations of the alternative would also be expected to result in less than significant vibration impacts.

In summary, with the adoption of MM NOI-1 and NOI-2, the alternative's noise and vibration-related impacts would be similar to the proposed project and less than significant with mitigation incorporated.

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Population and Housing

As noted in this Draft EIR, the proposed project's impacts related to population and housing would be less than significant without mitigation with respect to growth inducement, and it would have no impact with respect to housing displacement or replacement housing.

Under the Develop the 2017 Proposed Land Use Plan Alternative, the targeted number of housing units would be reduced from 1,697 to 1,299. Therefore, the potential for direct and indirect population growth under this alternative would be reduced as compared to the proposed project, and projected employment growth would also be lower than the proposed project. Similar to the proposed project, this alternative would not displace people or housing. However, because this alternative would not include Light Industrial/Business Park uses, this alternative would not meet the project objective of providing economic growth and employment opportunities with the City by authorizing the development of light industrial and business park land uses. Therefore, similar to the proposed project, impacts would be less than significant under this alternative.

Public Services

Impacts to fire service response times have been identified as "Significant Impact" and require mitigations.

As noted in this Draft EIR, the proposed project's impacts related to public services would be less than significant without mitigation.

As compared to the proposed project, the 2017 Proposed Land Use Plan Alternative would result in fewer dwelling units and none of the Light Industrial/Business Park uses, the same number of school

CAL FIRE–Riverside Unit, Riverside County Fire Department (CALFIRE-RCFD)

Response to CALFIRE-RCFD-1
The introductory paragraph, the Riverside County Fire Department's (RCFD) role in reviewing proposed developments throughout its jurisdiction, does not raise any specific environmental issues related to the Draft EIR or proposed project; as such, no further response is required.

Response to CALFIRE-RCFD-2
This comment lists the three RCFD Fire/City stations closest to the project site with the associated distance and response drive time. No response is required, although it should be noted that these stations are listed in the Draft EIR Section 3.15 Public Services, Table 3.15-1: RCFD Fire Stations in Jurupa Valley. The Impact Analysis for Threshold PUB-1, page 3.15-11, also relays information that was provided by CAL FIRE/RCFD about Station 38. Note that the 2.18 miles distance from Station 38 to the project site referenced in the comment is incorrect. The Draft EIR identifies the driving distance from Station 38 to the project site's Emergency Vehicle Access (EVA) on Paramount Drive to be 1.1 miles, which is the correct distance. This distance is more accurate than the 2.18 miles cited in the comment, further reducing the estimated drive time.

Response to CALFIRE-RCFD-3
The comment states that the proposed project would contribute to a cumulative adverse impact related to RCFD's ability to provide an acceptable level of service.

Unlike the construction of a new facility or alteration of an existing facility, increases in response times does not create an "environmental impact that CEQA requires a project proponent to mitigate." See *City of Hayward v. Board of Trustees of Cal.State Universit*y (2015) 242 CA4th833, 843. Consistent with this principle, Draft EIR Section 3.15 Public Services, evaluates impacts to public services and public facilities. While additional equipment may be required to meet the demand of the proposed project, such equipment would be accommodated in the existing facility at Station 38 (Draft EIR, page 3.15-11), and construction of a new additional facility would not be required. The proposed project's incremental contribution to cumulative demands on fire protection services is fully addressed in the Draft EIR (Draft EIR, pages 3.15-17–19). The City collects Development Impact Fees (DIF) from developers of new housing units, as well as commercial, office, retail, and industrial development. With payment of DIF, the proposed project, in combination with future development, would not be anticipated to result in the need for new or physical improvements to existing fire protection services (Draft EIR, pages 3.15-10 and 3.15-11); therefore, there would be no construction of such new improvements that could cause significant cumulative impacts to the physical environment. Potentially increased response times also do not affect evacuation times or related impacts in the event of a wildfire. Thus, all impacts in this section remain less than significant.

Response to CALFIRE-RCFD-4
The comment states that the commenter believes that the nearest fire station is outside the acceptable response distance and travel time to a portion of the project and recommends a discussion between the City and the RCFD be held to discuss this concern.

RCFD Station 38 is the nearest station to the project site and is 1.1 mile away from the Paramount Drive EVA entrance. See Response to CALFIRE-RCFD-2. Furthermore, the project would not trigger the need for a new fire station, nor would it require physical improvements to existing facilities.

Response to CALFIRE-RCFD-5
The comment states that the proposed project will add to the workload of the closest fire station, which is operating at or exceeding optimal workload capacity. The comment also recommends a discussion between the City and the RCFD be held to discuss this concern.

Increase in workload does not create an adverse physical environment impact such as the construction of a new or altering an existing facility would create. See *City of Hayward v. Board of Trustees of Cal. State University* (2015) 242 CA4th 833, 843. As discussed in the Draft EIR, Draft EIR Section 3.15 Public Services, while additional equipment or personnel may be required to meet the demand of the proposed project, it would be accommodated in the existing facility at Station 38, and construction of a new facility would not be required.

On April 24, City representatives participated in a conference call with RCFD representatives. As discussed during this meeting, in 2020, the City commissioned the Development Impact Fee Calculation and Nexus Report[6] (Nexus Study) which analyzed Fire Department needs and the City determined that the DIF was sufficient to cover the incremental increases in fire safety needs generated by new residents and businesses. The Nexus Study considered the increase in new residences in the City and fire safety needs and based the future uses on the growth anticipated in General Plan growth estimates, which included the proposed project. The Nexus Study also identified the facility, vehicle, and staffing needs to service the future residents and businesses. Because the proposed project was already accounted for in the residential assumptions of the Nexus Study which led to the fire safety funding portion of the DIF, the DIF sufficiently mitigates for the increased fire safety demand generated by the residential uses. In addition, the proposed project would pay the nonresidential fire safety DIF to mitigate for any incremental increase in fire safety services. RCFD has not performed its own Nexus Study to determine that additional funding is needed beyond the DIF; therefore, the DIF is sufficient and no additional funding is necessary.

In addition to the DIF discussed above, payment of the Development Agreement Annual Public Safety Benefit Contribution would include fire protection and paramedic services (people and equipment).[7] This fee will supplement funds from the DIF that would be allocated to fire protection and paramedic services; therefore, the additional funding requested by RCFD to mitigate any demand for fire protection and paramedic services from the proposed project is not necessary.

Response to CALFIRE-RCFD-6
The comment states that the Draft EIR should include mitigation that would provide additional funds for the purchase of fire response equipment.

[6] Revenue and Cost Specialists, LLC. 2020. Development Impact Fee Calculation and Nexus Report for the City of Jurupa Valley, California. May. Website: https://jurupavalley.org/DocumentCenter/View/1676/Jurupa-Valley-DIF-Final-5-29-20-Draft-PDF. Accessed April 26, 2024.

[7] The annual Public Safety Benefit Contribution may be used for the following services: (1) police protection services; (2) fire protection services; (3) ambulance and paramedic services; and (4) acquisition of land and construction of public safety facilities.

RCFD is included in the Development Agreement for the proposed project. While additional staff is requested, this change would not result in an adverse physical environmental impact as it would not require the construction of a new facility or alteration of an existing one.

On April 24, City representative attended a conference call with RCFD representatives to discuss RCFD concerns related to the proposed project, including funding for additional fire response equipment. See Response to CALFIRE-RCFD-5.

Response to CALFIRE-RCFD-7
The comment notes that while DIF would apply to the proposed project, these fees provide initial one-time capital support. The comment encourages the City to review options potential ongoing fiscal support, such as a Development Agreement for a community service district.

RCFD is included in the Development Agreement for the proposed project. See Response to RCFD-5.

Response to CALFIRE-RCFD-8
The comment states that throughout the document, "CAL Fire" should be replaced with Riverside County Fire Department" when referring to the services provided for the proposed project.

CAL FIRE is referenced in the document in direct quotes of General Plan policies (for example, General Plan CSSF 1.5 in Section 3.7 Geology and Soils, or General Plan CSSF 1.25 in Section 3.9 Hazards and Hazardous Materials, or in quoting the Rio Vista Specific Plan on page 3.9-21), in quotes from the California Health and Safety Code (for example, Section 13100.1 in Section 3.15 Public Services), and in quotes from the Rio Vista Specific Plan (for example, pages 3.9-21 and 3.9-22 in Section 3.9 Hazards and Hazardous Materials). It is also referenced when discussing fire hazards, in the general discussion in Section 3.15 Public Services (Introduction and Environmental Setting), page 3.15-1, and in Section 3.20 Wildfire (when referring to federal regulations).

CAL FIRE would be removed from the Draft EIR in the two locations listed below, and as shown in the Errata section:

- Section 3.9 Hazards and Hazardous Materials, Cumulative Impacts, page 3.9-24: In addition, a provision will be required to ensure that adequate fire protection service through agreements with Riverside Fire Department, ~~CAL FIRE~~/Riverside County Fire Department, and local law enforcement and fire departments.
- Section 3.15 Public Services, Threshold PUB-1 Impact Analysis, page 3.15-11: According to ~~CAL FIRE~~ RCFD, "Station 38 is approximately a 5-minute response from the Rio Vista project site."

Response to CALFIRE-RCFD-9
This comment lists corrections to a paragraph on page 3.15-11 that references Fire Station 38 response time, City General Plan requirements, mitigation, and Program CSSF 2.2.

The information regarding Fire Station 38 response time was provided by RCFD. The paragraph on page 3.15-11 referenced in the comment does not list additional mitigation measures but rather compliance with existing requirements. Please also refer to Response to CALFIRE-RCFD-12.

Response to CALFIRE-RCFD-10
The comment requests updates to the Cumulative Impacts discussion of Fire Protection Facilities based on the updates to the paragraph on page 3.15-11 requested in Comment CALFIRE-RCFD-9.

Response to CALFIRE-RCFD-11
The reference to a 4-minute response time is not the applicable City threshold for the proposed project. Further, the response time from Station 38, stated by the commenter, is incorrect and based on the incorrect assumption that the station is more than double its actual distance to the project site (see Response to CALFIRE-RCFD-2). The City's local significance threshold related to fire protection specifically states that a project would have a potential significant impact if a project would increase response times in the project area "to the degree that new or altered fire facilities are required to meet the response times" (Draft EIR, 3.15-9). The increase in response times related to the proposed project does not create, nor does the comment allege, an adverse impact to the physical environment requiring the construction of a new or altering an existing facility would create. *City of Hayward v. Board of Trustees of Cal. State University* (2015) 242 CA4th 833, 943. As explained in Section 3.15, the City would require the proposed project to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. In addition, the proposed project would comply with Municipal Code Chapter 3.75 and pay the City's DIF to ensure that the proposed project provides fair share funds for the provision of additional public services, including equipment and personnel for fire protection services, that the proposed project would utilize. The addition of equipment to Station 38 could be accommodated within the existing facility and does not require the alteration or construction of new facilities. As such, construction of new or physically altered facilities would not be required Draft EIR, 3.15-11.

Therefore, the conclusion of the Impact Analysis on page 3.17-22 (Section 3.17 Transportation, Threshold TRANS-4) is correct, and the requested revision to the Draft EIR is not required.

Response to CALFIRE-RCFD-12
Section 3.20 Wildfire, Environmental Setting, Fire Protection and Riverside County discussion will be modified as shown below to address the project site's annexation into the Rubidoux CSD. See Also Errata section.

Fire Protection and Emergency Medical Services

Southern California and Riverside County

CAL FIRE is responsible for fire protection and stewardship of over 31 million acres of California's privately owned wildlands. CAL FIRE also provides varying levels of emergency services in 36 of California's 58 counties via contracts with local governments. <u>In Riverside County, fire protection services are provided by RCFD, in cooperation with CAL FIRE.</u> Because of the Department's size and major incident management experience, it is often asked to assist or take the lead in disasters. In December 2017, a series of wildfires occurred in Southern California, resulting in extensive property damage. In July 2018, the Cranston Fire wildfire occurred in Riverside, burning over 13,000 acres and destroying 12 structures. In 2020, the Southern California Apple Fire and El Dorado Fire wildfires resulted in extensive burned areas and damage to structures.

City of Jurupa Valley

According to the General Plan, the Riverside County Fire Department, in cooperation with CAL FIRE, provides fire protection services to the City. This includes full-service municipal and wildland fire protection, emergency medical response, technical rescue services, and response to hazardous materials discharges. Riverside County Fire Department consists of 15 battalions that staff and operate 101 fire stations.

Project Site

The project site is vacant and undeveloped with no existing fire protection or emergency medical services facilities on-site. As shown in Table 3.15.1 (refer to Section 3.15 Public Services), Riverside County Fire Department operates four fire stations within the City. Fire Stations 18 and 38, operated by Battalion 14, are the nearest to the project site.

The project site would be annexed into the Rubidoux Community Services District (Rubidoux CSD), which is the responsible entity for providing fire protection services to the project site. Rubidoux CSD contracts services with Riverside County Fire Department and funds the equipment and staffing located at Fire Station 38 exclusively.

Response to CALFIRE-RCFD-13
Increase in response time does not create an environmental impact such as the construction of a new or altering an existing facility could create. See Response to CALFIRE-RCFD-3. Therefore, the proposed project's impacts related to public services, as shown on page 5-32 (Chapter 5 alternatives to the proposed project) is correct, and the requested revision to the Draft EIR is not required.

Response to CALFIRE-RCFD-14
The concluding paragraph, which provides contact information for the Deputy Fire Marshall, does not require a response.

Response to CALFIRE-RCFD-15
See Response to CALFIRE-RCFD-9.

Response to CALFIRE-RCFD-16
See Response to CALFIRE-RCFD-10.

Response to CALFIRE-RCFD-17
See Response to CALFIRE-RCFD-11.

Response to CALFIRE-RCFD-18
See Response to CALFIRE-RCFD-12.

Response to CALFIRE-RCFD-19
The requested replacement of "CAL FIRE" with RCFD cannot be made as this is a direct quote from the General Plan; General Plan policy cannot be modified in the EIR. See Response to CALFIRE-RCFD-8.

Response to CALFIRE-RCFD-20
See Response to CALFIRE-RCFD-13.

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From:	Kelly Reed Daulton
To:	Jim Pechous
Cc:	Amanda Smith; Dana Tryde; Angela Moskow
Subject:	Please plan protections for the Jurupa Oak
Date:	Friday, December 8, 2023 8:48:48 AM

City of Jurupa Valley Planning Department
Jim Pechous, Principal Planner
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509 Submitted via email to: jpechous@jurupavalley.org

Dear Mr. Pechous:

We are writing you to express our deep concern with the current land-use plan and mitigation measures included in the recently released Draft Environmental Impact Report (DEIR) for the Rio Vista Specific Plan. This Specific Plan proposes to develop the natural landscape surrounding the Jurupa (Hurungna) Oak, an ancient tree which is estimated to be over 13,000 years old, making it the oldest known tree/shrub in California and among the oldest on earth. Furthermore, the hilltop where the ancient Jurupa oak stands is designated as a sacred land site by the Tongva people. The DEIR states that development for "light industrial" will occur within "259 feet" of the western side of the small hilltop on which the oak stands. Mitigation measures described in the DEIR restrict construction equipment to a mere "150 feet" from the oak. This inconsistency in buffer distance is problematic and the distances are insufficient. Neither a "259 feet" nor a "150 feet" buffer pays acceptable respect to the ancient oak and sacred nature of the site or to the long-term survival of the Jurupa Oak. 1 2 3

We are requesting that the City reassess the current landscape plan and identify alternative project options that ensure better protection for our state's oldest oak and respect for Tongva sacred lands. Specifically, we encourage the City to work with local conservation groups and Tribal members to 1) remove or relocate the 146-acre light industrial/business park component of the Specific Plan and retain this area as conserved land to connect the surrounding ridgelines and protect the oak's groundwater connections, 2) designate this area as the "Jurupa (or Hurungna) Oak Preserve," and 3) to take measures to ensure the oak's protection from people, pets, etc. 4

Please incorporate our comments in the official record for this project.

Thank you,
Kelly Reed Daulton
Amanda Smith
Dana Tryde
for the Central Coast Heritage Tree Foundation in Templeton, CA 93465

Central Coast Heritage Tree Foundation
Founded 2018
We are a fiscally sponsored non-profit organization
www.centralcoastheritagetreefoundation.org

Organizations

Central Coast Heritage Tree Foundation (CCHTF)

Response to CCHTF-1
The comment expresses general concern that the proposed project would develop the natural landscape surrounding the on-site Palmer's oak.

See Master Response 2, the natural landscape around the Palmer's oak would be protected. See Master Response 4, Degree of specificity required for response to general comments.

Response to CCHTF-2
The comment states that the hilltop where the Palmer's oak grows is designated a sacred land site by the Tongva people.

See Master Response 3, Native American Tribal consultation was completed by the City consistent with CEQA's requirements.

Response to CCHTF-3
The comment refers to alleged inconsistency and insufficient buffer distance.

See Master Response 1, The buffer established in the Draft EIR is consistent and sufficient, and Master Response 2, The natural landscape around the Palmer's oak would be protected.

Response to CCHTF-4
The comment states that the on-site Palmer's oak area is sacred land.

See Master Response 3, The City worked with Native American Tribes to address protections for sacred lands. The Native American Tribal consultation was completed by the City and Tribal representatives.

The comment suggests the 146-acres of proposed Light Industrial/Business Park be relocated and the area remain undeveloped in order to protect the tree and its surrounding ridgeline and groundwater connections.

The Light Industrial/Business Park is located over 300 feet from the tree, complying with Draft EIR MM BIO-5, Palmer's Oak. The area surrounding the on-site Palmer's oak would be designated as OS-C, which precludes development. This designation, along with implementation of MM BIO-5 Palmer's Oak, the tree would be protected.

As discussed in the Draft EIR, Section 3.4 Biological Resources, the on-site Palmer's oak is not supported by groundwater. See Response to USFWS-CDFW-11.

The comment also suggests the consideration of alternatives to the proposed project where the 146-acre light industrial component of the proposed project is removed and replaced with the creation of a "Jurupa Oak Preserve." Although alternatives to a project must be considered even if they would impede, to some degree, the attainment of project objectives or be more costly (CEQA Guidelines § 15126.6(b)), the range of alternatives addressed in an EIR need not be exhaustive and is governed by

a "rule of reason," which requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Of the alternatives considered, the EIR need examine in detail only those that the lead agency determines could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. An alternative that eliminates light industrial and business park uses and replaces it with a "conserved land" would not meet four of the project objectives. It would not provide for a mixture of residential, light industrial, and business park land uses that are marketable and financially feasible within the City's evolving economic profile; it would not provide economic growth and employment opportunities with the City by authorizing the development of light industrial and business park land uses at a sufficient scale to attract financially stable, long-term tenants and fund the necessary proposed critical infrastructure improvements that will serve Rio Vista and the greater Jurupa Valley community; it would not provide a Specific Plan that allows for a range of industrial uses, research and development uses, business park, and other nonresidential uses that would encourage private capital investment sufficient to support the significant public infrastructure improvements proposed on the project site. The comment also suggests designating the area surrounding the tree as a preserve.

Designating the area around the tree as a preserve would not provide any additional protection for the resource (see Master Response 1, The buffer established in the Draft EIR is consistent and sufficient). The project site is already located within the area covered by the Western Riverside County MSHCP. The nearest MSHCP-conserved lands are located in the Jurupa Hills approximately 1.03 miles to the west of the project site and are not contiguous with the project site. Finally, the comment suggests that measures are taken to ensure the tree is protected from people and pets.

The Draft EIR discussion under Threshold BIO-6 (page 3.4-50) states that exclusion fencing to control human and domestic animal access into open space areas "would adhere to MSHCP requirements, would be permanent, and would be maintained in perpetuity." As noted above, the area around the on-site Palmer's oak would be designated as OS-C, which precludes development. Additionally, management of "edge effects" under the MSHCP Urban/Wildland Interface Guidelines would reduce and minimize indirect impacts, such as those associated with the introduction of domesticated animals, to the extent possible. (See Draft EIR, page 3.4-44.) It is reasonable to assume that these requirements, as well as other applicable laws, such as requiring pets to be leashed, would be enforced, protecting the tree from pets. Moreover, the Native American Historic Resource Protection Act establishes a misdemeanor for unlawfully and maliciously excavating upon, removing, destroying, injuring, or defacing a Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register of Historic Resources (PRC § 5097.993). Additionally, other measures (such as fencing or signage) that would typically be used to protect a biological resource, could, in this instance, result in greater harm to the cultural significance of the resource by alerting bad actors to its location. The City has committed to maintaining the confidentiality of the tree's location, which necessarily precludes certain measures such as fencing or signage.

CENTER for BIOLOGICAL DIVERSITY Because life is good.

via email

January 3, 2024

Jim Pechous, Principal Planner
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, California 92509
jpechous@jurupavalley.org

RE: Comments on Draft Environmental Impact Report (EIR) for the Rio Vista Specific Plan (MA16045)

Dear Mr. Pechous,

These comments are respectfully submitted on behalf of the Center for Biological Diversity on the Draft Environmental Impact Report ("DEIR") on the environmental effects associated with the Rio Vista Specific Plan (MA16045) ("Proposed Project"). The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. These comments are submitted on behalf of the Center's 1.7 million staff, members, and supporters throughout California and beyond, many of whom live throughout southern California and enjoy visiting, studying, photographing, and hiking in the open spaces of Riverside County, including the areas on and around the proposed project site in Jurupa Hills. 1

The Proposed Project would replace the existing Rio Vista Specific Plan No. 243 approved by the County of Riverside in 1992 with a new Rio Vista Specific Plan proposed by the City of Jurupa Valley. While we support updating outdated specific plans to current standards in general, the DEIR does not adequately analyze or mitigate the Proposed Project's impacts on biological resources. 2

The DEIR must remedy the deficiencies identified below and recirculate a revised DEIR.

I. THE DEIR'S ANALYSIS OF AND MITIGATION FOR THE PROJECT'S IMPACTS TO BIOLOGICAL RESOURCES IS INADEQUATE.

A. The Analysis of and Mitigation for Impacts to California's Oldest Known Living Organism – the Jurupa Oak - is Inadequate.

In 2009, a clonal Palmer's oak plant (*Quercus palmeri*), also known as the Jurupa Oak, on the Proposed Project site was identified as a Pleistocene relict clone with a minimum age of 13,000 years old (May et al. 2009). Its "morphological homogeneity, high rates of acorn abortion, and abundant evidence of resprouting following fire" suggested that the plant might belong to a single clone which was further confirmed by allozyme analysis (Ibid). Estimates of age were based on average annual growth from the number of annual growth rings present over a given distance in individual cross-sections as well as growth rates estimated from stems collected 3

Ileene Anderson, Senior Scientist/California Deserts Director
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www.BiologicalDiversity.org

at two additional Palmer oak sites in Garner Valley and near Aguanga (Ibid). The average growth rate was determined to be 0.96 mm per year, providing a minimum age estimate of approximately 13,000 years (Ibid). This estimate took into account wide range of growth conditions in order to be most accurate (Ibid).

The Jurupa Oak is an irreplaceable state, national and international treasure because of its longevity under different climatic conditions over at least the last 13,000 years (Johnson 2019). All conceivable measures must be taken to preserve it. It deserves the highest protections afforded to other iconic ancient plants including the Bristlecone pines, the giant Sequoias, coastal Redwoods, and the Joshua trees, all of which have strong habitat protections despite the fact that they are far more numerous than the singular Jurupa Oak. 3 CONT

While we appreciate that the DEIR intentionally omits the specific location of the Jurupa Oak in order to help ensure that it has some protection from potential collection and vandalization, the proposed avoidance and minimization measures in the DEIR for the proposed project falls well short of what is needed to protect this ancient plant in perpetuity. 4

Increasing development, climate change, increasing drought and wildfires, invasive species that adversely affect fire dynamics, and other threats have threatened and continue to threaten this plant's very existence. 5

Direct impacts to the Jurupa Oak are only analyzed for the construction phase (see below). Other direct impacts to the Jurupa Oak from the proposed housing, warehouses and commercial space that would surround the oak are not well identified or analyzed in the DEIR. These impacts include but are not limited to increases air pollution, potential water pollution from modification of on-site drainage, recreation including off-road vehicles, bouldering, and even pruning of this world-famous oak for souvenirs. Other potential impacts include ongoing trash dumping, increased introduction of non-native invasive species and increased fire frequency from on and off-site activities. These impacts from the proposed development need to be included and analyzed in a revised EIR. 6

The DEIR refers to Appendix D as the basis for the proposed avoidance/minimization actions and setbacks for the Palmer's oak during construction. Because Appendix D is confidential due to cultural concerns, the revised DEIR must discuss the reasoning for the recommendations that construction can occur within 200 feet of the plant and that heavy equipment must remain only 259 feet from the plant in order to avoid damage to the Oak. It is unclear how that small of a buffer will provide adequate protection, particularly during the most ecologically/geologically destructive phase of the development when earth-moving is occurring. The geological formations that sustain the Oak—including at elevations above the Oak and around the ridge where the Oak is located—are vulnerable to damage from the grading of the proposed project site and forever altering the sustaining formations. 7

The hydrology report identifies that the oak appears to rely on perched water collected in subsurface rocks from precipitation events instead of groundwater (at 3.4-45) which states:

> "ground-penetrating radar (GPR) study which detected planar or basin-shaped depressions in subsurface bedrock to a depth of approximately 2 meters in several location in the study area. These features appear to confirm the hypothesis that the shape 8

of subsurface bedrock collects and perches water in a manner that provides water to sustain the Jurupa Oak beyond periods of major rainfall."

Altering the existing hydrology above and around the ridge where the Oak grows through proposed grading of the landscape in those areas will likely alter the hydrology that the Oak relies on. In order to preserve the hydrology that the Oak depends on, the whole natural watershed for the Oak needs to be protected. By ensuring that the local hydrology that sustains the perched water collected in the subsurface rocks from precipitation, it will help to assure that the Oak remains extant. The reserve must include all of the watershed that supplies water to the Oak. By protecting the watershed, the ridges, geological formations, and hydrology that has supported the oak through tens of thousands of years will remain intact. We request that a revised DEIR include a protected watershed of the of the Jurupa Oak as a feasible alternative. Ultimately, the conservation area of the Jurupa Oak should be designated with reserve-level management by an experienced conservation organization and funded by a robust endowment created through the proposed project entitlement process. 8 CONT

The DEIR fails to identify how it unequivocally meets the requirements of the 2017 City of Jurupa Valley General Plan's Policies COS 1.2 and COS 1.3. COS 1.2 "encourages the protection of "significant" trees with an emphasis on "California native" trees, within the City" and COS 1.3 states "Maintain and conserve superior examples of vegetation, including: agricultural wind screen plantings, street trees, stands of mature native and non-native trees, and other features of ecological, aesthetic, and conservation value." Certainly the 13,000+ year old Jurupa Oak, the oldest living tree in California, qualifies as "significant" native tree and a "superior example of vegetation". The proposed project must fully protect the Oak and the ecological processes that sustain it. 9

The DEIR also fails to identify and analyze indirect impacts to the Jurupa Oak. For example, during the construction phase, the proposed project site grading will create dust that will settle on the Jurupa Oak's leaves and reduce its photosynthesis, respiration, and transpiration capacities and allow the penetration of phytotoxic gaseous pollutants (Farmer 1993). Ultimately dust results in decreased plant productivity, harming the tree. Dust deposition may be already occurring to the Jurupa Oak from existing dust sources (cement quarry, adjacent developments) and adding a new dust source may further impact the Jurupa Oak's productivity. This indirect impact needs to be analyzed and mitigated in a Revised DEIR. 10

The scientific literature has documented the economic benefits of preserving oaks and open space specifically in western Riverside County (Standiford and Scott 2001). The revised DEIR needs to incorporate these economic benefits in today's dollars not only of preserving the Oak, but of the larger open space (watershed) that supports the Oak. 11

B. The DEIR Does Not Adequately Address Impacts to the Federally Endangered Delhi Sands Flower-Loving Fly 12

The proposed project site includes Delhi sands habitat for the federally endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis)* along most all of the western edge of the Proposed Project. The species was surveyed for and located on site in 2005, with

negative surveys in 2015 and 2016 (DEIR at 3.4-18). The Proposed Project occurs within the Jurupa Recovery Unit (Mattoni et al. 1997).

The most recent Five-year Review for the Delhi Sands flower-loving fly (U.S Fish and Wildlife Service; 2021) notes that the range of the species remains the same as when the species was listed with one exception:

> "One exception to this is the recent observation south of the Southridge/Teledyne Core in the Jurupa RU (Figure 1). This observation illustrates two important pieces of new information: possible occupancy of lands contiguous with conserved areas not identified as DSF habitat (it was not mapped as such in existing databases), and ongoing threats to habitat from development..."

12 CONT

These important findings potentially mirror the proposed project area, where adjacent open-space areas which may not be the fly's habitat, may still provide important benefits to the fly. Ongoing development in and around Delhi Sands flower-loving fly habitat is a significant threat to the species, including this proposed project.

13

U.S. Fish and Wildlife Service's Five-year Review (Ibid) also makes three recommendations applicable to this proposed project:

- Protect as much remaining habitat as possible including small parcels that act as "stepping stones" linking core areas for dispersal.
- Explore methods to restore/enhance habitat to reclaim former and degraded habitat.
- Minimize ongoing habitat degradation by reducing disking of native vegetation, removal of nonnative vegetation cover, and prevent dumping in native habitat.

14

U.S. Fish and Wildlife Service's recent recovery plan amendment for the Delhi Sands flower-loving fly Recovery Plan states "there is more potential for identification of new sub-populations, restoration, and reintroduction than previously outlined." (U.S Fish and Wildlife Service; Institute for Conservation Research- San Diego Zoo 2019). Because of the extremely limited amount of Delhi Sands that remain undeveloped, and the relatively recent use of the substrate documented in on the proposed project site in 2005, the project should avoid the remaining Delhi Sands, and incorporate mechanisms to restore habitat and reintroduce the Delhi Sands flower-loving fly back onto the site.

15

C. The DEIR Does Not Adequately Address Impacts to the the State Candidate Endangered Crotch's Bumblebee

With the Crotch's bumblebee being identified on site (DEIR at 3.4-30), the DEIR fails to adequately analyze the direct and indirect impacts to the bumblebee from the construction and subsequent development of the project or the numerous indirect impacts from the development once it is constructed. While Mitigation Measure BIO-2 (Conserve Open Space) proposes to conserve approximately 366 acres of sage scrub and about 38 acres of non-native grasslands that are potentially suitable habitat for this species, the DEIR fails to analyze or identify the amount of habitat that will be disturbed. We request that a revised EIR provide additional information on the total amount of habitat found on site and how many acres of habitat will be conserved and developed as part of the project. Additional analyses of indirect impacts including but not limited to status of insecticide use in the developed areas that could drift into conserved areas,

16

impacts from vegetation clearance for fire safety requirements, potential for roadkill from increased vehicles on site, and other indirect impacts need to be included. The revised DEIR also needs to include feasible avoidance and minimization measure to reduce impacts. 16 CONT

Based on the lack data on the amount of Crotch's bumblebee habitat present on site and analyses of impacts to the Crotch bumblebee from the construction and ultimate development of the project and because the Crotch bumblebee is not a covered species under the Western Riverside MSHCP, the DEIR is deeply flawed in concluding that impacts are less than significant (DEIR at 3.4-31). 17

D. The DEIR Does Not Adequately Address Impacts to the Federally-Threatened California Gnatcatcher

With California gnatcatcher documented on site from 2014 through 2018 (DEIR at 3.4-16), it is unclear how much habitat for the gnatcatcher is present on site. While the DEIR identifies the project as proposed "avoids approximately 363 acres of coastal sage scrub and 63 acres of chaparral and grasslands combined" (DEIR at 3.4-17), this acreage and mix of plant communities is likely the "open space" component of the project which is unbuildable. The DEIR needs to include additional conservation goals and objectives, including a conservation easement mechanism and endowment for management in order to maintain the coastal sage habitat for the California gnatcatcher and other rare species that rely on this habitat type. 18

The California gnatcatcher is a covered species under the Western Riverside MSHCP and is considered a "Covered Species Adequately Conserved" under the MSHCP when fully implemented. In the most recent report on the status of the Western Riverside MSHCP for 2021 (Western Riverside County Regional Conservation Authority 2022), the Rough Step Analysis Unit 1 which includes the proposed project area requires 930 acres of coastal sage scrub and 180 acres of grasslands to be conserved within Unit 1. As of 2021, only 491 acres of coastal sage scrub (53%) and 10 acres of grasslands (.05%) have been conserved in this unit (Ibid). As such, it is unclear how the Proposed Project is consistent with the MSHCP. 19

E. The DEIR Fails to Adequately Identify and Analyze Direct and Indirect Impacts to Other Species.

The DEIR fails to adequately analyze the direct, indirect, and cumulative impacts of the Proposed Project on the environment. The City must look at avoidance, minimization and reasonable mitigation measures to avoid impacts in the DEIR but failed to do so here. Even in those cases where the extent of impacts may be somewhat uncertain due to the complexity of the issues, the City is not relieved of its responsibility to discuss avoidance through alternatives, minimization or mitigation of reasonably likely impacts at the outset. A revised DEIR must require full mitigation for the project's permanent, temporary, direct, and indirect impacts over the timeframe of the proposed project's construction and operation. 20

i. Burrowing Owl

For example, while the DEIR states that no burrowing owls were identified on site (DEIR at 3.4-24), it did acknowledge that "Approximately 75.2 acres of suitable burrowing owl habitat 21

was identified within the project site of 150-meter buffer zone" and that "open habitats and small rodent burrows within the project site" were present (Ibid). Because burrowing owls disperse across the landscape, the DEIR should require that contemporary burrowing owl surveys be conducted no more than 14 days before initiation of site preparation or grading activities, and a second survey will be completed within 24 hours of the start of site preparation or grading activities. If burrowing owls are located on site, a Burrowing Owl Translocation plan should be required and 3:1 acres of conserved:impacted mitigation be required. The revised DEIR needs to analyze and address these issues. This requirement would facilitate the (Western Riverside County Regional Conservation Authority (2022) recommendation that "Additional land that supports Burrowing Owls may also need to be acquired" (at pg. 8-28). 21 CONT

F. The DEIR Fails to Adequately Identify and Analyze Direct and Indirect Impacts to Wildlife Connectivity.

The DEIR includes a section on wildlife connectivity that acknowledges the importance of connectivity (DEIR at 3.4-25). Wildlife connectivity is one issue that the Western Riverside MSHCP did not adequately focus on during the planning effort, resulting in core and satellite areas that are not well connected. For example in the Rough Step Analysis Unit 1, the Proposed Project is within 1,600 feet of Criteria Cells 21, 22 and 55 to the east of the Proposed Project area and within 800 feet of Criteria Cells 11 and 55 to the west of the proposed project area. Yet the DEIR fails to actually provide any wildlife connectivity between the two identified Criteria Cell areas. While connectivity on the south side of the project faces some currently existing significant obstacles in connecting the Proposed Project site to the Santa Ana River and Criteria Cell 187, the revised EIR must include requirements to <u>not add additional obstacles</u> into that very narrow connection. Future actions outside of the proposed project area and additional conservation investments may rectify the current wildlife movement obstacles in this area and provide for eventual improved wildlife connectivity. 22

II. Conclusion

While the DEIR provides some data and analyses regarding biological impacts from the Proposed Project, it still fails to provide comprehensive analyses of the impacts or adopt alternatives that mitigate those impacts. 23

Thank you for the opportunity to submit these comments. Please feel free to reach out with any questions. Please include me on the list of interested public for all notices associated with this project.

Sincerely,

Ileene Anderson
Senior Scientist
Center for Biological Diversity

J.P. Rose
Policy Director & Senior Attorney
Urban Wildlands Program
Center for Biological Diversity

cc:
Karin Cleary-Rose, USFWS karin_cleary-rose@fws.gov
Heidi Calvert, CDFW Heidi.Calvert@wildlife.ca.gov

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Center for Biological Diversity (CFBD)

Response to CFBD-1
The introductory paragraph, describing the commenting agency and its purpose, does not raise any specific environmental issues related to the Draft EIR or proposed project; as such, no further response is required.

Response to CFBD-2
The comment describing the history of the Rio Vista Specific Plan is noted and does not require a response.

The comment's claim that the Draft EIR does not adequately analyze or mitigate the proposed project's impacts are addressed below.

Response to CFBD-3
The comment's statement regarding the on-site Palmer's oak's uniqueness and estimated age and the need to protect the tree is noted. No response is required.

Response to CFBD-4
The comment states that the proposed avoidance and minimization measures in the Draft EIR for the proposed project falls well short of what is needed to protect on-site Palmer's oak in perpetuity.

MM BIO-1b (Conserve Open Space) requires that open space areas on-site would be deed restricted and ownership would be transferred to a City-approved local conservation entity. As such, the conservation easement would ensure protection of the tree in perpetuity.

Furthermore, the Draft EIR discussion under Threshold BIO-6 (page 3.4-50) states that exclusion fencing to control human and domestic animal access into open space areas "would adhere to MSHCP requirements, would be permanent, and would be maintained in perpetuity."

Response to CFBD-5
The comment's statement regarding potential threats to the on-site Palmer's oak is noted. No response is required.

Response to CFBD-6
The comment states that while the Draft EIR analyzed construction impacts, it did not identify or analyze operational impacts well. The comment further lists several potential operational impacts that should be addressed in a revised EIR. These potential impacts are addressed below.

- Increased air pollution. Operational air quality is discussed in Section 3.3 Air Quality of the Draft EIR, concluding that even with implementation of MM AIR-1a through MM AIR-1d, the impacts would be significant and unavoidable. However, the Palmer's oak is located on a hill, above from the proposed light industrial and business park uses, and even farther from proposed residential uses with medium density or higher.
- Potential water pollution from modification of on-site drainage. Water quality is discussed in Section 3.10 Hydrology and Water Quality of the Draft EIR, concluding that project impacts would be less than significant. Specifically, the analysis under Threshold HYD-1 Surface and Groundwater Quality concludes impacts would be less than significant.

- Recreation, including off-road vehicles, bouldering, and even pruning of this world-famous oak for souvenirs. These activities are illegal regardless of the proposed project. See, e.g., Public Resources Code Section 5097.993. (Unlawfully and maliciously excavating, removing, destroying or defacing Native American historic, cultural or scared site is a misdemeanor and punishable by imprisonment in the county jail for up to one year, by a fine not to exceed ten thousand dollars ($10,000), or by both.) It is, therefore, reasonable to assume that laws would continue to be enforced and would be more likely to be enforced after approval and development of the proposed project, where access will be more restricted and more heavily monitored. Recreation is discussed in Section 3.16 Recreation of the Draft EIR, concluding that project impacts would be less than significant.
- Ongoing trash dumping. Trash dumping is prohibited in the City and punishable by a fine not exceeding one thousand dollars ($1,000) or 6 months in jail, or both, for repeat offenses. Municipal Code Section Sec. 11.70.010. Unauthorized illegal trash dumping cannot be controlled or predicted and may occur even without project development. Furthermore, as part of a planned development, trash receptacle and trash enclosures would be available for residential, light industrial, and business park uses.
- Increased introduction of non-native invasive species. As required by MM BIO-1e (Invasive Plants), invasive plant species would not be allowed for landscaping, and none of the approved landscaping materials would be species that are listed in the California Invasive Plant Council Inventory (cal-ipc.org), Section 6.1.4 of the MSHCP, or Table 6-2 of the MSHCP.
- Increased fire frequency from on and off-site activities. Wildfire risks are analyzed in Section 3.20 Wildfire of the Draft EIR, concluding that project impacts would be less than significant. Non-project-related off-site activities are not controlled by the proposed project and do not require analysis in the Draft EIR.

Response to CFBD-7
The comment states that it is unclear how the buffer would provide adequate protection to the on-site Palmer's oak, particularly during the most ecologically/geologically destructive phase of the development when earthmoving is occurring.

The Draft EIR includes a vibration prediction study, provided in Appendix D5. This study concluded that heavy equipment vibrations from the largest piece of equipment at a distance of 259 feet from the tree would not impact the subsurface bedrock that supports the tree. See Master Response 2, The buffer established in the Draft EIR is consistent and sufficient, for further discussion of the buffer distance.

Furthermore, the tree location and its surrounding area would be designated Open Space and no construction—including earthmoving activities—would occur there.

Response to CFBD-8
The on-site Palmer's oak is located on a hill in an area designated as Open Space under the proposed project. No grading is proposed in this Open Space-designated area. With no development in this area, hydrology patterns would not be altered by the proposed project. Furthermore, the hydrogeological investigation determined that groundwater at this location is greater than 90 feet

below ground surface and that this water is not likely to be sufficient to support the oak tree. Impacts to the watershed would not affect the water source for the tree as it is not dependent on groundwater. With respect to the Palmer's oak, construction and operation of the proposed project would not adversely impact the subsurface bedrock collection basin that collects water to support the tree (see further discussion on the collection basin in Response to USFW-CDFW-11).

A project alternative or mitigation measure that protects the watershed in which the tree is located would not reduce any identified significant impacts and, therefore, lacks the required nexus to require the creation of an endowment.

The comment also suggests that a conservation area be designated around the tree and that should be managed by "an experienced conservation organization and funded by a robust endowment created through the proposed project entitlement process."

MM BIO-1b (Conserve Open Space) would ensure that all areas on the project site designated as Open Space, including the area surrounding the tree, would be deed restricted and ownership would be transferred to a City-approved conservation entity.

Response to CFBD-9
Consistency with General Plan Policies COS 1.2 and COS 1.3 is demonstrated in the Draft EIR in Table 3.11-5: General Plan Consistency Analysis. The discussion of COS 1.3 in the Draft EIR is updated to clarify that the on-site Palmer's oak is located within the preserved area (see Errata section of this EIR).

Response to CFBD-10
Potential indirect impact on the on-site Palmer's oak from fugitive dust is addressed in MM AIR-1a (Draft EIR pages 3.3-40 and 3.3-41), which lists measures to reduce construction-related criteria pollutant emissions, including limitations on grading activity to reduce fugitive dust. In addition, and as discussed in the Draft EIR on page 3.3-44, the proposed project would be required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, "Fugitive Dust." Rule 403 requires implementing best available dust control measures during construction activities that generate fugitive dust, such as earthmoving and stockpiling activities, grading, and equipment travel on unpaved roads. Finally, MM BIO-1d (Wildlife Hazards) (Draft EIR page 3.4-34), includes the provision to limit vehicle travel on unpaved roads within the project site to 15 miles per hour (mph), contributing to the reduction in fugitive dust (see SCAQMD Rule 403 discussion in the Draft EIR, Section 3.3 Air Quality, page 3.3-28).

Response to CFBD-11
Economic benefit is not an environmental consideration. Under Public Resources Code Sections 21100 and 21151, an EIR is required for projects that "may have a significant effect on the environment." The phrase "significant effect on the environment" is limited to substantial, or potentially substantial, adverse changes in physical conditions within the area as defined in Public Resources Code Section 21060.5. In Section 21060.5, "environment" is defined as the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. See also CEQA Guidelines Section 15360. As a result of this statutory mandate, effects that are subject to

review under CEQA must be related to a change to the physical environment (CEQA Guidelines § 15358(b)). Therefore, a discussion of the possible economic benefits of open space is not required in an EIR. However, this comment is part of the record and will be considered by the decision-makers.

Response to CFBD-12
The comment states that the project site includes Delhi Sands habitat and that DSF was found there in 2005. Surveys for DSF on the project site in 2015/2016 were negative. The most recent USFWS 5-year review for DSF[8] notes possible occupancy of lands not identified as DSF habitat (not mapped as such in existing databases).

The information regarding DSF habitat and survey results is stated in the BRA (Appendix D1 of the Draft EIR, pages 58 and 59) and in the Draft EIR (page 3.4-17–3.4-19).

The referenced USFWS (2021)[9] was reviewed to address Comments CFBD-12 through CFBD-15. The sentence immediately after the passage quoted in the comment in USFWS (2021) states: "However, the available Delhi Sands soil GIS layers are generally considered incomplete or inaccurate in places and flies have been found outside of its boundaries. . . ." Therefore, USFWS (2021) concluded that occurrences of DSF outside of identified DSF habitat is attributed to incomplete or inaccurate mapping of Delhi Sands soil. The 2015/2016 DSF survey conducted by L&L included a habitat assessment for DSF. The assessment found that suitable habitat for DSF on the project site was consistent with the mapped extent of Delhi soils. Areas of the project site outside of mapped Delhi soils do not provide habitat to support DSF.

Response to CFBD-13
The comment states that the findings in USFWS (2021) (see Comment CFBD-12) indicate that adjacent Open Space areas which may not be the DSF's habitat may still provide important benefits to the fly. The comment alleges that development in and around DSF habitat is a threat to the species.

As noted in Response to CFBD-12, occurrences of DSF outside of identified DSF habitat is attributed to incomplete or inaccurate mapping of Delhi Sands soil. The 2015/2016 DSF survey conducted by L&L included a habitat assessment for DSF. The assessment found that suitable habitat for DSF on the project site was consistent with the mapped extent of Delhi soils. Areas of the project site outside of mapped Delhi soils do not provide habitat to support DSF.

It is acknowledged that development in DSF habitat may impact the species. However, the project site is within the covered area of the MSHCP and DSF is a covered species under the MSHCP and associated take permits. The MSHCP has established requirements for conservation of DSF: "Once two years of surveys have been conducted, no further surveys shall be required. If the project site is determined to be occupied, 75 percent of the mapped Delhi soils on-site will be conserved." (MSHCP page 9-31). Moreover, the proposed project would adhere to MSHCP requirements.

[8] United States Fish and Wildlife Service (USFWS). 2021. 5-Year Review: Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*). Carlsbad Fish and Wildlife Office. Website: https://ecosphere-documents-production-public.s3.amazonaws.com/sams/public_docs/species_nonpublish/3499.pdf. Accessed May 15, 2024.
[9] Ibid.

Although DSF surveys in 2015/2016 were negative, the Draft EIR includes MM BIO-1b (Conserve Open Space), which conserves open space on the project site, including DSF habitat. Over 75 percent of the mapped Delhi soils on the site and over 77 percent of the 2005 DSF-occupied habitat will be deed restricted with ownership transferred to a City-approved conservation entity. This is consistent with MSHCP requirements. Accordingly, the Draft EIR appropriately concludes that impacts are less than significant with implementation of MM BIO-1b, which would create a deed restriction of any avoided habitat to prevent future impacts and species-specific conservation goals for DSF under the MSHCP.

Response to CFBD-14
The comment quotes some recommendations from USFWS (2021) to protect remaining DSF habitat, explore methods to restore/enhance habitat, and minimize habitat degradation.

As noted in Response to CFBD-13, the proposed project's mitigation will conserve the majority of the potential DSF habitat on the site, consistent with MSHCP requirements. The land will be transferred to a conservation entity and this entity would then be responsible for managing the habitat. The conservation entity would be responsible for ensuring compliance with all applicable laws and regulations, including addressing any recommendations from USFWS and other regulatory agencies. The conservation entity would follow standard professional land conservation practices.

Response to CFBD-15
The comment states that the proposed project should avoid the remaining Delhi Sands and incorporate mechanisms to restore habitat and reintroduce DSF back onto the site.

As noted in Response to CFBD-13, the proposed project would conserve the majority of potential DSF habitat on the site, consistent with MSHCP requirements. The land would be transferred to a conservation entity and this entity would then be responsible for managing the habitat. With implementation of MM BIO-1b, which would create a deed restriction of any avoided habitat to prevent future impacts and species-specific conservation goals for DSF under the MSHCP, project impacts to DSF would be reduced to less than significant levels.

Response to CFBD-16
The comment states that the Draft EIR fails to adequately analyze direct and indirect impacts to Crotch's bumble bee and alleges that the Draft EIR fails to identify the amount of habitat that will be disturbed. The comment alleges that the Draft EIR needs to include avoidance and minimization measures to reduce impacts as well as additional analyses of indirect impact. The comment further requests a revised EIR to include this information.

The BRA (Appendix D1 of the Draft EIR, Table 6, page 76) contains the information regarding acreage requested by the commenter. It lists and quantifies the vegetation communities present on the project site, including the acreages that will be disturbed and avoided. MM BIO-1k (Crotch's Bumble Bee) includes avoidance and minimization measures to reduce impacts to Crotch's bumble bee, including surveys and incidental take permitting and associated mitigation as required by CDFW. MM BIO-1b (Conserve Open Space) conserves 366 acres of sage scrub and approximately 38 acres of non-native grasslands that are potentially suitable habitat for Crotch's bumble bee. This information was available during the public comment period and a revised EIR is not required.

As stated in Response to USFWS-CDFW-41, no Crotch's bumble bees were observed on-site during the 2023 surveys. However, there is potential for this species to occur at the project site, so potential impact could occur. MM BIO-1b (Conserve Open Space) would ensue the conservation of 510.8 acres and would reduce potential impacts to this species through conservation of habitat. MM BIO-1k (Crotch's Bumble Bee) requires pre-construction surveys. If this species in found on-site during these surveys, CDFW would be involved and provide direction, and an Incidental Take Permit (ITP) may be required.

Furthermore, the Streambed Alteration Agreement with CDFW includes several measures regarding Crotch's bumble bee to ensure the protection of this species from impacts. Specifically, Measure 2.11.5 includes provisions in the event an overwintering or dead Crotch's bumble bee is observed on-site during vegetation removal and ground clearing activities, including immediately stopping work and establishing a 100-foot Environmentally Sensitive Area boundary.

Response to CFBD-17
The comment states that the Draft EIR is deeply flawed in concluding that impacts to Crotch's bumble bee are less than significant.

The Draft EIR's conclusion is based on substantial evidence in the record. MM BIO-1k (Crotch's Bumble Bee) includes avoidance and minimization measures to reduce impacts to Crotch's bumble, bee including surveys and incidental take permitting and associated mitigation as required by CDFW. MM BIO-1b (Conserve Open Space) conserves 366 acres of sage scrub and approximately 38 acres of non-native grasslands that are potentially suitable habitat for this species. With implementation of these measures, impacts to Crotch's bumble bee would be less than significant.

Response to CFBD-18
The comment states that it is unclear how much habitat for coastal California gnatcatcher is present on the project site. The comment alleges that the Draft EIR needs to include additional conservation goals and objectives, including a conservation easement mechanism and endowment for management, in order to maintain the coastal sage habitat for the California gnatcatcher and other rare species that rely on this habitat type.

The BRA (Appendix D1 of the Draft EIR, Table 6, page 76) lists and quantifies the vegetation communities present on the site including 714 acres of sage scrub. The Draft EIR (page 3.4-17) states that the proposed project avoids 363 acres of coastal sage scrub. MM BIO-1b (Conserve Open Space) in the Draft EIR conserves open space on the project site, including 363 acres of coastal sage scrub. Open space will be deed restricted with ownership transferred to a City-approved conservation entity. This entity would then be responsible for managing the habitat.

Coastal California gnatcatcher is a covered species under the MSHCP and associated take permits. The MSHCP conserves habitat for coastal California gnatcatcher in the MSHCP Reserves and allows take of habitat for development projects that are in compliance with the requirements of the MSHCP. The proposed project would adhere to MSHCP requirements.

Response to CFBD-19
The comment states that the MSHCP requires 930 acres of coastal sage scrub and 180 acres of grasslands to be conserved in Rough Step Unit 1, which includes the project site. As of 2021, only 491 acres of coastal sage scrub and 10 acres of grasslands have been conserved. As such, it is unclear that the proposed project is consistent with the MSHCP.

Rough Step is a tool used to measure the performance of the MSHCP and ensure that conservation efforts are in balance with development within potential areas of conservation. The 2022 Annual Report for the MSHCP (RCA 2022; the most recent annual report available)[10] states that all vegetation categories and Delhi soils in Rough Step Unit 1 are "in" Rough Step (i.e., consistent with conservation requirements). Since the area that includes the project site is "in" Rough Step, it is consistent with the MSHCP.

Response to CFBD-20
The comment states that the Draft EIR fails to adequately analyze the direct, indirect, and cumulative impacts of the proposed project on the environment. The City must look at avoidance, minimization, and reasonable mitigation measures to avoid impacts in the Draft EIR but failed to do so here.

The Draft EIR provides an analysis of impacts and reasonable mitigation measures for biological resources present or potentially present on the site consistent with MSHCP and CEQA requirements. The comment alleges generally that the City must consider reasonable mitigation measures; however, the comment does not suggest any specific mitigation measures for analysis. A lead agency need not respond to general suggestions for mitigating an environmental impact that are not concrete or specific to the proposed project. *Santa Clarita Org. for Planning the Env't v. City of Santa Clarita* (2011) 197 CA4th 1042.

Response to CFBD-21
The comment states that no burrowing owls were identified on the project site but suitable burrowing owl habitat is present. The Draft EIR should require that burrowing owl surveys be conducted no more than 14 days before initiation of site preparation or grading activities and a second survey completed within 24 hours of the start of site preparation or grading activities. If burrowing owls are located on-site, a Burrowing Owl Translocation plan should be required and 3:1 acres of conserved:impacted mitigation be required.

Results of burrowing owl surveys are stated in the BRA (Appendix D1 of the Draft EIR, page 69) and the Draft EIR (page 3.4-24).

Burrowing owl is a covered species under the MSHCP and associated take permits. MM BIO-1i (Burrowing Owl) requires a pre-construction survey within 30 days prior to the start of ground or vegetation disturbance. If burrowing owls are present, the measure includes additional mitigation as required by the MSHCP including preparation of a mitigation plan. This mitigation is consistent with the requirements of the MSHCP (see Response to USFWS-CDFW-33).

[10] Western Riverside County Regional Conservation Authority (RCA). 2022. Multiple Species Habitat Conservation Plan Annual Report 2022. Website: https://www.wrc-rca.org/document-library/annual-reports/. Accessed May 16, 2024.

Response to CFBD-22
The comment states that the Draft EIR fails to provide connectivity between the project site and Criteria Cells 21, 22, and 55 (1,600 feet to the east of the project site), Criteria Cells 11 and 55 [*sic*] (800 feet to the west of the project site), and the Santa Ana River and Criteria Cell 187.

The MSHCP identifies connectivity areas through designation of Criteria Cells. There are no Criteria Cells on the project site and therefore no MSHCP requirement to provide connectivity between cells. There is also no feasible opportunity for connectivity between conserved open space areas on the project site and the Criteria Cells noted in the comment.

A review of the MSHCP Information Tool (https://www.wrc-rca.org/rcamaps/) finds that Criteria Cells 21, 22, and 55 are separated from the project site by existing development, including residential areas, a solar facility, and Rubidoux Boulevard. In addition, all three of these cells are developed and have little or no remaining native habitat.

Cells 11 and 50 (not 55) are to the west of the site in Cell Group G. These cells are separated from the project site by existing residential areas. Cell 50 is entirely developed with no remaining native habitat. Cell 11 is about 50 percent developed with native habitat remaining in the northern portion. The MSHCP criteria for this Cell Group (consisting of Cells 8, 9, 11, 48, 49, 50, and 80) are conservation of coastal sage scrub habitat with connectivity to Cell Group F to the west (the project site is to the east of this Cell Group) and conservation of 10 to 20 percent of the Cell Group focusing in the northwestern portion of the Cell Group. Cell 11 is in the northeastern portion of the Cell Group; although native habitat is present in this cell, it does not require conservation under the MSHCP criteria for the Cell Group.

Cell 187 and the Santa Ana River are over 4,000 feet from the project site. This area is mostly occupied by existing residential and industrial developments and SR-60.

Response to CFBD-23
The comment's concluding statement that the Draft EIR fails to provide comprehensive analyses of the impacts or adopt alternatives that mitigate those impacts is addressed in responses to Comments CFBD-4 through CFBD-22.

From: Brendan Wilce
To: Jim Pechous
Cc: Nicholas Jensen
Subject: Rio Vista Specific Plan DEIR
Date: Tuesday, November 21, 2023 9:49:14 AM

Dear Mr. Pechous,

I am writing to request a redacted version of Appendix D of the Biological Resources Supporting Information regarding the ancient Palmer's oak on the Rio Vista Specific Plan. The DEIR states that the images and location of the oak have been made confidential to protect the tree, however all information regarding the potential impacts to the oak and an analysis showing that the proposed buffers for the oak have also been redacted from the DEIR. While we understand the confidentiality of the location, there is no president for the redaction of the analysis of the oak that would help us determine if sufficient analysis was done to ensure the avoidance of impacts, or that a 150' buffer would be sufficient for the protection of the oak. Please provide a copy of Appendix D of the Biological Resources Supporting Information, I am not requesting that the location or images of the Palmer's oak be included. If the images and location cannot be easily removed from the appendix we would treat this information as confidential, the mission of our organization is the protection of California's native flora, and we understand the risk of making location data of special status plants generally available. Thank you for your consideration of this request. 1

Sincerely,

Brendan Wilce (He/Him)
Conservation Program Coordinator
California Native Plant Society
2707 K Street, Suite 1
Sacramento, CA 95816

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California Native Plant Society (CNPS)

Response to CNPS-1

The comment states that while redacting the location of the on-site Palmer's oak from Appendix D of the Draft EIR is understood, information regarding the potential impacts to the tree and analysis showing that the proposed buffers should be made available. The comment requests a copy of Appendix D.

See Master Response 5, CEQA prohibits the inclusion of confidential information in an EIR. In addition, please note the availability of the following information.

The publicly circulated Appendix D of the Draft EIR includes the following documents and omissions:

- Appendix D.1, Biological Resources Assessment, is included in full, with the exception of its own Appendix D which includes a map and photographs of the Palmer's oak. This portion of the BRA must remain confidential as it could disclose the location of a Tribal resource. However, the omission of the location and photographs of the tree does not affect the completeness of the analysis.
- Appendix D.2, Jurisdictional Delineation, is included in full (although it is understood that this appendix is not challenged).
- Appendix D.3, Hydrogeologic Investigation, is redacted from the Draft EIR because it contains multiple location references, photographs, and other materials which could disclose the location of a Tribal resource. However, the findings of this appendix are listed in the Draft EIR Section 3.4 Biological Resources, page 3.4-45. See also Response to USFWS-CDFW-11.
- Appendix D.4, Biological Review of Palmer's Oak, is redacted from the Draft EIR because it contains multiple location references, photographs, and other materials which could disclose the location of a Tribal resource. However, the findings of this appendix are listed in the Draft EIR Section 3.4 Biological Resources, page 3.4-45. See also Response to USFWS-CDFW-11.
- Appendix D.5, Vibration Prediction Study, is included in full, with the exception a map that identifies the location of the study. This map must remain confidential as it could disclose the location of a Tribal resource. However, the omission of the location of the tree does not affect the completeness of the analysis.

Please note that the 150-foot buffer referenced in the comment is inaccurate, see Master Response 1, The buffer established in the Draft EIR is consistent and sufficient.

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Jim Pechous
City of Jurupa Valley Planning Department
8930 Limonite Avenue
Jurupa Valley, CA 92509
Submitted Electronically to Jpechous@jurupavalley.org

January 4, 2024

Re: Rio Vista Specific Plan Draft Environmental Impact Report

Dear Mr. Pechous,
Thank you for the opportunity to provide comments on the Draft Environmental Impact Report ("DEIR") for the Rio Visita Specific Plan in accordance with the California Environmental Quality Act ("CEQA"). The following comments are submitted on behalf of the Riverside/San Bernardino Chapter of California Native Plant Society ("CNPS").

CNPS is a non-profit environmental organization with 13,000 members in 35 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, communities, and local planners to advocate for well-informed policies, regulations, and land management practices. 1

In our review of the DIER, we offer the following comments, questions, and recommendations:

1. Land Use Plan Rationale

Prior to our offering of questions and comments pertinent to specific sections of the DEIR, it is important to establish a chronological record to provide a proper context and timeline for the comments that will be offered. The Rio Visita Specific Plan traces its roots back over 30 years and we highlight key significant events that occurred within this span of time below: 2

- **1992** - Prior to the formation of the City of Jurupa Valley, the Rio Vista Specific Plan was adopted and development entitlements granted by the County of Riverside.
- **1998** – A local botanist, Mitch Provance, discovered (or rediscovered) the Jurupa Palmer's oak, the only known member of the species (*Quercus palmeri*) to occur within a 25-mile radius.
- **2009** – After years of study and interest, the oak became known as the "Jurupa Oak" and it was determined to be approximately 13,000 – 18,000 years old, making it the oldest living plant in California and the 4th oldest clonal tree in the world.[1]
- **2011** - The City of Jurupa Valley officially incorporated
- **2023** – The City of Jurupa Valley released the current version of the Rio Vista Specific Plan DEIR, 31 years after the original approval and 25 years after the Jurupa Oak's discovery. In DEIR, the Jurupa Oak is referred to simply as the "Palmer's oak", providing no hint to its exceptional status.

The chronological bulleted list of events above offers revealing insight as to how the current proposed land use designation has come to be and the planning oversights that have resulted.

[1] May, M, et al. A Pleistocene Oak Persisting in Southern California. PLoS One, 2009. Accessed from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2796394/

Specifically, we highlight that the 1992 land use concept was put forward prior to the discovery and age determination of the Jurupa Oak which occurred in 1998 and 2009 respectively. However, the land use concept for which the current DEIR has been created, more or less mirrors the impact footprint of the 1992 plan with no additional considerations made despite the incredibly important discovery of the Jurupa Oak. The total lack of incorporation of open space preservation in the areas immediately surrounding the oak or inclusion of an additional buffer is altogether shortsighted given the cultural, biological, and aesthetic resource that is the Jurupa Oak. Did the City/Project Applicant consider amending the project footprint around the Jurupa oak rather than continuing forward with a similar development footprint as the 1992 plan with respect to the Jurupa Oak's location? Why was there no explanation about the discovery of this extraordinary resource and no attempt to provide a specific project alternative that would provide superior protection the Jurupa Oak? 3

2. Failure to Adequately address Impacts to the Jurupa Oak and MM BIO - 5

MM BIO – 5 of DEIR includes the following two statements in support of the assertion that, *The Palmer's Oak would be avoided in accordance with MM- BIO-5*: (1) *No project-related construction activities may occur within the tree's mapped limit and the 200-foot buffer* and (2) *In addition, no heavy equipment may operate within 259 feet of the mapped.* (DEIR p. 3.4-46). For visual reference 200 feet is the equivalent length of 80 walking steps or approximately 12 midsize cars lined up along a curb. Though the DEIR states that hydrogeologic investigations related to the water source that is sustaining the Oak were conducted, nowhere in the DIER is it stated how this buffer distance was determined nor is there any scientific justification for the buffer determination. It is important to note that water source is only one of a multitude of factors that possibly contribute to the Jurupa Oak's continued survival. These factors may include mechanisms related to fungal mycorrhizal relationships, changes in the cracks and fissures in rocks traversed by deep roots that could affect extraction of rock water, effect of microclimate (which would be altered by introducing light reflecting white warehouse rooftops), and so on. The DEIR actually makes the following omission with regard to Special-status plants (though the DEIR incorrectly discounts the Jurupa Oak as special status in this context because *Quercus palmeri*, as a species is not listed: 4

> *Indirect Impacts to Special-status Plants*
> *No special-status plant species are known to occur within the avoided portions of the survey area or immediately adjacent to the survey area; however, if a previously unknown special-status botanical species were present, impacts could potentially occur as a result of chemical emissions, fugitive dust, human presence, and invasive species. Increases of chemical emissions and fugitive dust during clearing would be temporary. Release of chemical emissions from vehicles and machinery would increase during clearing; however, due to the size of the project site and open area, emissions would disperse. Impacts of chemical emissions after clearing are not expected to increase substantially over current levels*. (DEIR p. 3.4-29)

What is the rationale for the buffer distance determination? Is the 200-foot buffer distance solely based on vibration and hydrogeologic studies or does this number also include indirect impacts associated with proximity to development (invasive species of plants, pathogenic fungi and bacteria, etc), altered fire regime and so on? Considering the 30-year history of this development plan, it appears that the buffer distance was determined in 1992 (prior to the

knowledge of the Jurupa Oak's existence) with the original land use maps and then incorporated post-hoc into the current land use plan of this DEIR. Did the consultant merely work backwards from the pre-conceived development footprint to arrive at this buffer distance? Again, the subject here is biological anomaly; the oldest living plant in California and the fourth oldest clonal tree on the planet. Does the 200-foot buffer guarantee the continued existence of the oak in the face of all foreseeable direct and indirect risks associated with the development?

Given the great importance of the Jurupa Oak, its estimated age, its continued survival as a relict species, the geographic context of the project, the complicated subterranean hydrological interactions, and potential other unknown associations, it is our conclusion that the 200-foot buffer is clearly arbitrarily derived and insufficient. Supplemental versions of the DEIR should draw a much larger buffer distance that is supported with a guaranteed absence of direct, indirect, and associated potential impacts. Using a watershed boundary for example, rather than an arbitrary footage, would be a substantially less capriciously derived buffer distance.

4 CONT

3. Insufficient Disclosure of Environmental Studies

Section D.4 – Biological Review of the Palmer's Oak and Section D.5 – Vibration Prediction Study were removed from the publicly available version of the DEIR. The DEIR states in sections D.4 and D.4 of the Biological Technical Section that, *a copy of confidential Appendix D is on file with the City of Jurupa Valley and is available to qualified professionals upon request*. Several requests were made to the City for full or redacted versions of the documents by several different individuals affiliated with the California Native Plant Society to no avail. Email and verbal correspondence with City of Jurupa Valley staff indicated that a redacted version would be available for review, however, at the close of this comment period, no such documents have been made available for review nor has the City made any clear attempt to make redacted versions available. Under CEQA, the City will be required to make these documents available and re-circulate the DEIR.

5

4. Insufficient Project Alternatives Analysis

The DEIR identifies and makes assessments of three alternatives in Chapter 5 of DEIR: (1) no project, (2) no project, develop the approved specific plan alternative {approved by Riverside County in 1992} (herby referred to at the "1992 Specific Plan") and (3) develop the 2017 land use plan alternative.

The primary legal purpose of an EIR's discussion of alternatives and mitigation measures under CEQA is to identify ways to minimize or avoid potential significant environmental impacts and not to simply put forward different alternatives with no reference to specific impacts of concern. (See *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.*). The DEIR has essentially put forward two no-project alternatives (one of which cannot even be considered an alternative under CEQA which will be discussed below) and none of which address potential significant impacts in any kind of meaningful way with respect to the Jurupa Oak or any significant impacts of concern at all. **The preparers of the DEIR simply put forward older versions of this project as alternatives to the current project, rather than assess actual impacts of the proposed project**

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and determine alternatives in a forward direction. The prepares of the DEIR were driving in the wrong direction down a one-way street with respect to alternatives analysis.

To more directly address the No Project, develop the 1992 Specific Plan Alternative, the following paragraphs explain why this alternative does not constitute an actual alternative under CEQA:

> The 1992 Specific Plan is a *different* plan, but it cannot be considered an alternative under CEQA Guidelines because it does not aim to mitigate or avoid significant impacts of the proposed project that were assessed in the current version of the DEIR. To the contrary, the 1992 plan is an environmentally inferior proposal altogether (see table 5.2 of the DEIR). Logically, how could a project proposed in 1992 address impacts that were identified in the most recent environmental studies (2023), other than in a happenstance, post-hoc fashion? 'CEQA and the Guidelines are replete with references to the need for a discussion of project alternatives. Section 21002.1, subdivision (a) provides, "The purpose of an environmental impact report is to **identify** the significant effects of a project on the environment, *to identify alternatives to the project,* and to indicate the manner in which those significant effects can be mitigated or avoided."' [*Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal.3d 376, 400 (Cal. 1988)].
>
> The DEIR also incorrectly asserts that the 1992 Specific Plan could be developed with no further analysis of its own. In discussing the 1992 Approved Plan as an alternative, Section 5.3 of the DEIR is excerpted as follows:
>
> > *Under the No Project, Develop the Approved Specific Plan Alternative, the project site would be developed in accordance with the existing Rio Vista Specific Plan No. 243 that was approved by the County of Riverside on April 14, 1992 (1992 Specific Plan). Under this scenario, up to 1,697 homes, a 5-acre commercial site, two elementary schools, three neighborhood parks, and a 14-acre equestrian center would be developed. An area of natural open space, encompassing 405 acres would be included as well.* (DEIR 5-13)
>
> As was previously mentioned, but worth reiterating, the approved 1992 Specific Plan is now 31 years old, was adopted prior to the discovery and age determination of the Jurupa Oak, and was never approved by the City of Jurupa Valley. In California, the transfer of land use authority from a county to a newly incorporated city can have implications for previously approved entitlements. Generally, when a new city is formed and incorporates an area that was previously under county jurisdiction, it assumes responsibility for land use planning and entitlements within its boundaries and clearly the City inherits the planning authority over the project area. There is a serious legal question surrounding the validity of the 1992 entitlement that will need to be determined should the City adopt this "alternative".
>
> Not only did the DEIR fail to propose any actual project alternatives, but also failed to elaborate on alternatives, **not previously proposed projects**, that were considered. CEQA requires that, *the EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were*

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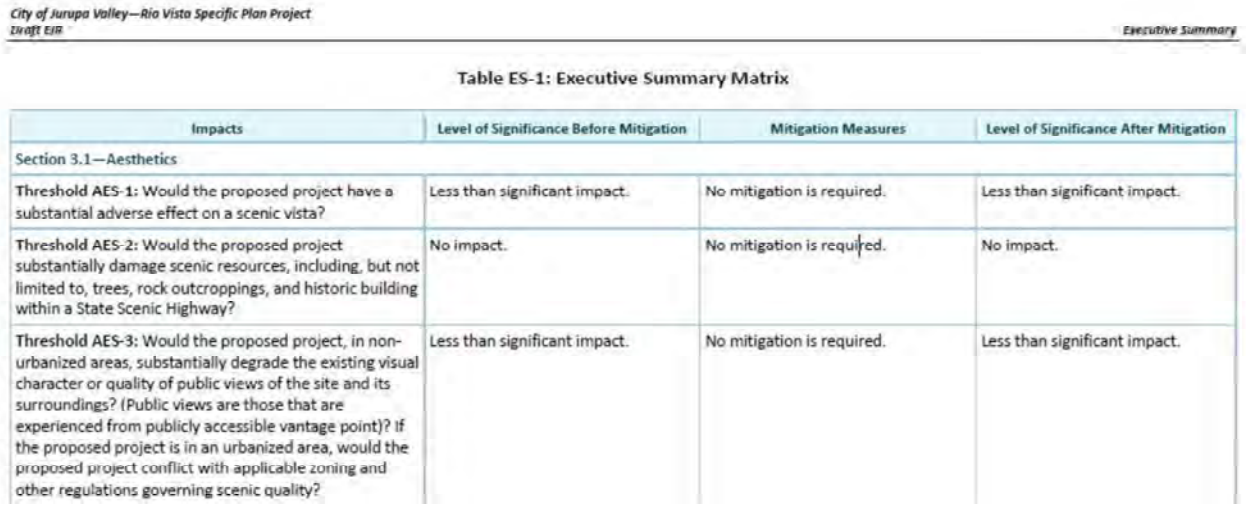
CONT

considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. 14 Cal Code Regs §15126.6(c). Unfortunately, the DEIR is completely vacant of any additional considerations on this point constituting a further legal failure of CEQA compliance with respect to project alternatives. 6 CONT

Given that the proposed project is planned to be built alarmingly close to the Jurupa Oak, a unique one of a kind, cultural, biological, and aesthetic resource, why was there no alternative(s) that discussed a larger (greater than 200 feet) buffer distance which would without question mitigate significant concerns about the long-term viability of the Oak and cultural impacts with respect to Indigenous Americans and Sacred Lands within the Project Area? 7

5. Failure to Identify Significant Environmental Impacts

The *Table ES-1: Executive Summary Matrix* of the DEIR summarizes all <u>significant impacts</u> and mitigation measures that were identified during the study and preparation of the DEIR. A sample excerpt from the DEIR displaying the first rows of the table is pasted below for reference. 8



City of Jurupa Valley—Rio Vista Specific Plan Project *Executive Summary*
Draft EIR

Table ES-1: Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.1—Aesthetics			
Threshold AES-1: Would the proposed project have a substantial adverse effect on a scenic vista?	Less than significant impact.	No mitigation is required.	Less than significant impact.
Threshold AES-2: Would the proposed project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?	No impact.	No mitigation is required.	No impact.
Threshold AES-3: Would the proposed project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point)? If the proposed project is in an urbanized area, would the proposed project conflict with applicable zoning and other regulations governing scenic quality?	Less than significant impact.	No mitigation is required.	Less than significant impact.

In determining what constitutes a "significant impact" under the language of CEQA, the preparers used the Appendix G Checklist[2] for determination of thresholds of significance for potential environmental impacts identified during the preparation of an EIR. To clarify the function of Appendix G, the checklist's intended purpose is to assist lead agencies in preparing an <u>initial study and determining whether to adopt a negative declaration or to prepare an EIR</u>. Appendix G criteria should not be necessarily be appealed to in rationalizing thresholds of significance (See Romnger v. County of Colusa (2014) 229 Ca4th 690, 713. San Francisco Baykeeper, Inc. v State Lands Comm'n (2015)242 CA4th2020,227). Though Appendix G criteria 8 CONT

[2] CEQA Appendix G, https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/ab52/final-approved-appendix-G.pdf

can be a useful reference for navigating thresholds of significance, it is not the end all be all to determining significant impacts. The opening note of CEQA Appendix G reads:

> "Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of the impacts and do not necessarily represent thresholds of significance."

Significance standards are subject to reasonable arguments and science-based approaches and in this case the DEIR failed to identify a number of substantial environmental impacts including aesthetic, biological, and cultural impacts. The Rio Vista Specific Plan project area provides haven to the oldest living plant in California and the simple application of applying Appendix G criteria to determine impacts does not suffice. 8 CONT

If there is substantial evidence in the record to support that the project would have a substantial impact and a fair argument can be made, then the impact is considered significant. Using too narrow of or arbitrary versions of standards of significance with respect to biological as well as other categories of impact has already been determined to be adequate grounds for legal challenge and should be avoided. (See *Endangered Habitats League v County of Orange* (2005) 131 CA4th 777, 793)

6a. Significant impacts associated with building light industrial buildings within proximity to California's oldest plant

As has already been discussed, this project intends to construct light industrial buildings within 259 feet of the Jurupa Oak, the oldest known plant in the state of California, the fourth oldest living clonal tree on the planet, and a one-of-a-kind biological marvel. In assessing significant impacts to the Jurupa Oak and the natural lands that surround the Oak, the preparers of the DEIR make reference to Appendix G criteria and two City policies (COS 1.2 and COS 1.3) that encourage protection of "significant trees". The resulting determination in the DEIR stated that a 259-foot buffer distance mitigated the "potential impact" to the Jurupa Oak to "less than significant". In this very unique case, a fair argument standard is a far more appropriate mechanism for determining significance as opposed to Appendix G, the shortcomings of which have already been discussed. We contend that the removal of the broader natural landscape surrounding the oak (beyond the 259-foot buffer) consisting of native plants, large rock outcroppings, indigenous sacred lands, and archaeological remains is a component of the Oak's existence and the inherent biological, cultural, education, aesthetic, and historical value that it has to the people of California as well as the people of Jurupa Valley. To further develop the immediate lands to west of the Jurupa Oak will strand this plant to a small hilltop amongst a sea of warehouse and business park rooftops. We recommend that significance thresholds for impacts to the natural lands surrounding the oak be re-assessed and mitigation measures incorporated to ensure that the visual character and natural context of the California's oldest tree be protected for future generations. 9

6b. Significant impacts associated with aesthetics

The DEIR entirely fails to adequately assess aesthetic impacts. The proposed development footprint travels across and over one of the major unobstructed ridgelines connecting Rattlesnake Mountain (1,604 feet) and Pepe's Peak (1,739 feet), in Jurupa Valley (See photos 10

below). However, the DEIR concludes that impacts would be "less than significant". The following paragraph is excepted from the DEIR:

> *Scenic vistas as seen from publicly accessible areas within the project site would change in that lower-lying areas, outside the OS-C designated areas, would be developed with various land uses and densities. Development within the project site area would be regulated by the Rio Vista Specific Plan Design Guidelines and the Municipal Code regarding building height limitations and would therefore not include new development that would obstruct views from Rattlesnake Mountain and Pepe's Peak. As viewed from on-site publicly accessible trails, this development would be consistent with other existing development in the City's lower-lying hillside areas. Furthermore, views of the development would be viewed at a distance and as a part of, and consistent with, the overall mix of urban and undeveloped lands typical in the City. For these reasons, scenic views from on-site trails would not be significantly impacted by the proposed project. Therefore, the proposed project would not obstruct scenic views or scenic vistas as viewed from the project site and impacts would be less than significant.* (DEIR p. 3.1-13)

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Table ES-1 from the DEIR that summarizes four identified potential impacts and Appendix G thresholds is excerpted below:

Table ES-1: Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.1—Aesthetics			
Threshold AES-1: Would the proposed project have a substantial adverse effect on a scenic vista?	Less than significant impact.	No mitigation is required.	Less than significant impact.
Threshold AES-2: Would the proposed project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?	No impact.	No mitigation is required.	No impact.
Threshold AES-3: Would the proposed project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point)? If the proposed project is in an urbanized area, would the proposed project conflict with applicable zoning and other regulations governing scenic quality?	Less than significant impact.	No mitigation is required.	Less than significant impact.
Threshold AES-4: Would the proposed project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant impact.	No mitigation is required.	Less than significant impact.
Cumulative Impact	Less than significant impact.	No mitigation is required.	Less than significant impact.

The following is also excerpted from the DEIR and highlights several conflicts with current General Plan:

> *Enhancing aesthetic experiences for residents and visitors to the City and to Riverside County is essential to preserving the visual character of Jurupa Valley. The General Plan considers the following to be valuable open space resources in the City:*
>
> *1. Santa Ana River and adjacent riparian corridors with natural banks and vegetation.*
> *2. Natural and manmade creeks, arroyos, lakes, groundwater, and other water bodies.*
> *3. Wetlands and vernal pools.*

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*4. **Jurupa Mountains and Pedley Hills.***
5. Undeveloped land within the City's limits not intended for urban uses.
*6. **Grassland communities and woodlands.***
*7. **Wildlife habitat and corridors for the health and mobility of individuals and of the species.***
*8. **Habitats of species listed as threatened or endangered by State or federal governments.***
9. Prime agricultural soils and economically viable farmland.
*10. **Hills, ridgelines,** box canyons**, scenic rock outcroppings, and other significant land features.***
11. Unique plant and animal communities, including "species of local concern."[3]

11 CONT

The DIER puts forward visual simulations in Appendix B that showcase visual impacts while standing in proximity to the project area; however, there is no consideration or simulation provided that discusses visual impacts to other areas of the City or Riverside County for that matter. Clearly (with reference to our photos below), visual impacts to scenic resources were not properly identified, analyzed, or discussed, nor adequate mitigation measures incorporated. This project is also clearly in conflict with the City general plan with respect to several of the bullet points above (especially #s 4, 6, 7, 8, and 10). We recommend revising this section of the DEIR to make a more thorough assessment of visual impacts across the southwestern neighborhoods, roadways, and recreation areas of Jurupa Valley.

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CONTINUE TO NEXT PAGE

[3] City of Jurupa Valley. 2017. Jurupa Valley General Plan. Website: https://www.jurupavalley.org/DocumentCenter/View/217/2017-Master-General-Plan-PDF. Accessed December 1, 2021.

Above/Below: Photos showing visual impact footprint from surrounding areas southwest of the project area. This project footprint which was georeferenced using GIS imagery maps clearly impacts a visual ridgeline.

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CONT

Above: The development footprint from open space areas within the project that are set aside to "preserve views" and provide recreational opportunities.

Again, given the prominence of this ridgeline we cite the City general plan which was also included in the text of the DEIR:

> *Scenic resources in the City generally include natural areas that are visible to the public, natural landmarks,* ***hills and mountain peaks, ridgelines,*** *floodplains and stream channels, agricultural fields, mature trees and agricultural windbreaks, riparian woodlands, and other prominent or unusual landscape features.* ***Scenic backdrops include hillsides and ridges that rise above or adjacent to urban or rural areas or highways.*** *Scenic vistas are points or corridors that are accessible to the public and that provide a view of scenic areas and/or landscapes*.[4]

12 CONT

6c. Significant and Cumulative Impacts to Sensitive Wildlife and Plant Species

The most recent biological surveys documented 10 special status wildlife species present throughout the project area and one (1) special status plant species. The Biological Appendix D additionally stated that the project would significantly impact wildlife corridors, nesting bird habitat and breeding (through removal of 426 acres of natural nesting habitat), as well as the only two known populations of the rare (and beautiful) Plummer's mariposa lily (*Calochortus plummerae*)(photo included below), East of Sierra Ave within the Pedley and Jurupa Hills. This project would remove both documented populations from the area and constrict the overall range of this species. The proposed mitigations measures to address these impacts in MM Bio-

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[4] City of Jurupa Valley. 2017. Jurupa Valley General Plan. Website: https://www.jurupavalley.org/DocumentCenter/View/217/2017-Master-General-Plan-PDF. Accessed December 1, 2021.

1a- 1k are inadequate and the DEIR lacks a thorough analysis of cumulative and permanent impacts to critical wildlife and plant species. For example MMBIO- 1b reads:

> ***MM BIO-1b Conserve Open Space***
> *Prior to recordation of the final map, those areas of the project site not impacted by the proposed project footprint, including Riparian/Riverine and Delhi sands, shall be designated as open space. The open space areas shall be deed restricted, and ownership shall be transferred to a City-approved local conservation entity prior to recordation of the final map.*

This mitigation measure is incredibly vague and fails in several respects:

(1) MM-Bio 1 fails to identify the total acreage that will be designated for wildlife habitat and the quality of that habitat to support species.
(2) MM -Bio 1 also fails to incorporate adequate conservation measures. In addition to deed restricting the land designated as open space, endowment funding should be provided for perpetuity maintenance and management of conserved open spaces and management should be carried out under a Long-Term Management Plan by a qualified conservation entity. Simply transferring the land to another entity does not provide adequate mitigation for impacts because it does not ensure that the habitat quality and ability to support species is maintained in perpetuity. Why not require recording of a Conservation Easement? Again, we reiterate that the determination of significant biological impacts need not be restricted by Appendix G criteria.

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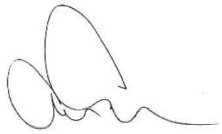
CONT

Below: Plummers Mariposa Lily documented within the project footprint

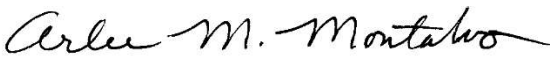
Thank you for the opportunity to make comments on this project. We look forward to working with you in helping to create more vibrant and well planned communities.

Sincerely,

Aaron Echols, Conservation Chair, Riverside/San Bernardino Chapter, California Native Plant Society



Arlee M. Montalvo, Chapter President, Riverside/San Bernardino Chapter, California Native Plant Society



California Native Plant Society, Riverside/San Bernardino Chapter (CNPS-RSB)

Response to CNPS-RSB-1
This introductory comment does not raise any environmental issues concerning the Draft EIR or the proposed project; therefore, no further response is necessary.

Response to CNPS-RSB-2
This comment sumarizes a series of events. None of these events raise any specific concerns or issues related to the proposed project or the Draft EIR and no further response is required. Please see Master Response 4 regarding responses to general comments.

Response to CNPS-RSB-3
This comment also questions the proposed project design and asks whether an alternative that considers a greater buffer around the Palmer's aak was considered. Please refer to Master Response 1 regarding the buffer. With mitigation, impacts to the tree would be less than significant. As explained in Master Response 1 and in the Draft EIR, a greater buffer would not offer any additional protections or further mitigation for the Palmer's oak. Furthermore, the tree is located in an area that would be surrounded by several acres designated as Open Space. Finally, while the comment refers to the 1992 land use concept, the analysis in the Draft EIR is based on current data and studies and does not refer in any way to 1992 data.

Response to CNPS-RSB-4
Please refer to Master Response 1 regarding the buffer. With mitigation, impacts would be less than significant. As explained in that response and in the Draft EIR, a greater buffer would not offer any additional protections or further mitigation for the Palmer's oak.

Establishing a public space, such as a preserve where the public would have access to the area closer to the tree, would provide less protection than the 200-foot buffer required under MM BIO-5.

Therefore, there is no reasonable relationship or nexus to support using the entire watershed as a buffer as suggested in the comment. The Draft EIR, including all supporting documents in the adminsitrative record, adequately address potential impacts to the Palmer's oak and associated mitigation. As discussed in the Draft EIR Section 3.4 Biological Resources, three studies were undertaken to understand potential project effects on the Palmer's oak. See Response to CFBD-8 and Response to USFWS-CDFW-11.

The comment also suggests that introducing light reflecting off white warehouse rooftops may be a potential factor that could impact the tree's survival. This is entirely speculative and the commenter does not provide any basis for the suggestion. There is no evidence that oak trees are affected by glare or increased light from development. Oaks are known to sunburn when new areas are exposed to sun following trimming or limb shedding,[11] which would not occur under the proposed project. In addition, the Palmer's oak is on a north-facing slope and the development is west and south of the hill where it is located, further reducing the potential for light and glare impact from project elements on the tree. The proposed project would be required to comply with standards and

[11] Johnson, S. G. and Gustafson, S.S., California Oak Foundation. Undated. Oak Tree Care Website: https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=3802. Accessed April 18, 2024.

requirements in the most recent version of the California Building Standards Code (CBC) to prevent light spillover effects.

The comment questions whether indirect impacts associated with proximity to development, such as invasive plant species and pathogenic fungi and bacteria, were considered in determining the buffer distance. Oak trees can become infected with fungi through insects or wounds to the trees[12] and susceptibiliy can be increased during drought (note that too much water can cause problems as well). There is no indication that the proposed project would contribute to drought or an increase in water. It is unclear how land development to the west and south of the hill where the tree is lcoated could contribute to fungi infestation.

Regarding invasive species, the MSHCP prohibits the use of invasive species within or adjacent to open space/Conservation Areas. In addition, the Draft EIR MM BIO-1e (Invasive Plants) prohibits installaion of invasive species in landscaping throughout the proposed proejct and requires complinace with the MSHCP guidelines and requirements related to invasive plant species. Furthermore, the on-site Palmer's oak is located on a north-facing slope and the development is primarily west or south of it. Winds in the project site area blow primarily from the north and those winds traverse largely developed lands to the north and east of the hill and the tree. It is therefore unlikely that invasive plant species would increase near the tree to any great degree as a result of the proposed project.

The comment does not provide any specific information or evidence to support the claims that would warrant a more detailed response than what is provided here.

Response to CNPS-RSB-5

This comment requests access to confidential documents. Please refer to Master Response 5. CEQA protects against disclosure of confidential information regarding Tribal Cultural Resources. An EIR may not include or publicly disclose information that is protected against disclosure under the California Public Records Act and these confidentiality restrictions have been held to take precedence over CEQA's full disclosure policies.

Response to CNPS-RSB-6

This comment alleges that the alternatives analysis is insufficient and that Alternative 2 is not adequate because it does not reduce any impacts compared to the proposed project. This is inaccurate.

First, it is appropriate to consider an approved plan as a no-project alternative. When a project involves a proposed change to an existing specific plan, a decision to reject the project would leave the existing plan in place. In such a situation, it is appropriate to define the no-project alternative as a continuation of the approved plan. The EIR's discussion of the no-project alternative then compares the impacts of the change that would result from approval of the proposed project with the impacts that would occur if the existing plan remained unchanged (State CEQA Guidelines §15126.6(e)(3)(A)). Moreover, Alternative 2 does reduce potential signficant impacts as complared

[12] Pavlik, B.M., P.C. Muick., S.G. Johnson, and M. Popper. 2002. Oaks of California. Pages 70–71. Cachuma Press and the California Oak Foundation.

to the proposed project, even if it does not reduce those impacts to below a level of significance. As explained in the Draft EIR, compared with the proposed project, air quality emissions may be reduced under Alternative 2, the No Project, Develop the Approved Specific Plan Alternative, largely due to reduced mobile emissions generated by the reduced amount of commercial and industrial uses. See Draft EIR, Chapter 5 Alternatives to the Proposed Project, page 5-15; Table 5-1: Summary of Project Alternatives. Operation of this alternative may also have a somewhat reduced energy usage and emissions because of the reduced commercial/industrial uses the emissions estimated to occur from this alternative which would translates to a significant reduction in truck trips. Finally, as discussed in the Draft EIR, potential impacts associated with Alternative 2 consider the existing baseline (as of 2021), including the Palmer's oak, and not limited to the analysis associated with the prior certified 1992 EIR. Therefore, Alternative 2 is appropriately discussed as a potential alternative to the proposed project.

Response to CNPS-RSB-7

The comment suggests that an alternative considering a larger buffer be considered. Please refer to Master Response 1. As explained in Master Response 1 and the Draft EIR, the tree is fully protected with the buffer identified in MM BIO-5 and a greater buffer will not provide any additional protection for the tree.

Response to CNPS-RSB-8

This comment raises general objections to using Appendix G as a basis for thresholds of significance. In accordance with Section 15064.7, the City of Jurupa Valley adopted local CEQA Guidelines. The City's local CEQA Guidelines are based, in part, on the CEQA checklist included in Appendix G of the State CEQA Guidelines. This is consistent with established practice and supported by caselaw. Many lead agencies use the standards in Appendix G as a basis for defining standards of significance in an EIR. See *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 CA5th 160, 192; *City of Hayward v. Board of Trustees of Cal. State Univ.* (2015) 242 CA4th 833, 841; *Oakland Heritage Alliance v. City of Oakland* (2011) 195 CA4th 884, 896; and *Eureka Citizens for Responsible Gov't v. City of Eureka* (2007) 147 CA4th 357.

Response to CNPS-RSB-9

While compliance with MM BIO-5 would theoretically allow construction of project elements in the 250–259 feet range, the project design (Draft EIR, Exhibit 2-7, Conceptual Land Use Plan) does not include construction of light industrial buildings within 259 feet of the on-site Palmer's oak. Accordingly, the analysis in the Draft EIR regarding visual character is accurate. As noted in this section, the proposed project does not propose development in the OS-C areas and would retain the existing unimproved character. This is consistent with General Plan Policy ME 8.37 and therefore does not result in a significant impact. See discussion under Threshold AES-3 in the Draft EIR.

Response to CNPS-RSB-10

This comment alleges possible aesthetic impacts and quotes from the Draft EIR. However, this general comment does not raise any specific concerns related to the analysis in the Draft EIR or explain the existence of a specific significant impact. Please refer to Master Response 4. The Draft EIR throughly addressed potential impacts related to ridgelines in the evaluation under Thresholds AES-1 through AES-4. Draft EIR, 3.1-9–3.1-26. Furthermore, scenic resources listed in the General

Plan, such as ridgelines and floodplains, are not present in the project site and would, therefore, not be impacted. Draft EIR, 3.1-27. No further response is required.

Response to CNPS-RSB-11
This comment identifies an exerpt from the Draft EIR and does not idenify any specific concerns related to the proposed project or the Draft EIR. No further response is required.

Response to CNPS-RSB-12
The comment states that visual simulations were done from locations close to the project site and did not consider impacts to other areas of the City or Riverside County.

The selected locations for the visual simulation were intended to give an overview of the proposed project. The selected view simulation locations were intended to display the relationship between the existing surrounding communities and the development. In addition, locations were selected to show where the Rio Vista community would be visible from public roads that would be more heavily traveled.

The comment's assertion that the proposed project would impact Rattlesnake and Pepe's peaks and ridgelines is incorrect. As shown in the Draft EIR Appendix B and discussed in the Draft EIR Section 3.1 Aesthetics, Threshold AES-1, urban development proposed as a part of the project would be situated in lower elevation areas, avoiding the prominent on-site peaks, including Rattlesnake Mountain and Pepe's Peak. In addition, the proposed project would not substantially block or alter public views of the project site as seen from City-designated scenic corridors or roadways identified by General Plan Figure 4-23 because of distance from and intervening features between the scenic corridors and roadways and the preservation of undeveloped lands within the project site.

Further, the current General Plan and Specific Plan accounted for development a larger area than the proposed project impacts. The proposed project's consistency with the City's General Plan policies related to project design, visual character, scenic quality, and scenic vistas is provided in Table 3.1-1. Draft EIR, Section 3.1 Aesthetics, pages 3.1-17–3.1-23.

Response to CNPS-RSB-13
The comment states that proposed MM BIO-1a through MM BIO-1k are inadequate and that the Draft EIR lacks a thorough analysis of cumulative and permanent impacts to critical wildlife and plant species. The comment gives MM BIO-1b (Conserve Open Space) as an example.

While the language of MM BIO-1b does not identify the acreage to be conserved, it does state that the measure applies to all Open Space. The Draft EIR includes multiple references to the area to be designated OS-C as 510.8 acres—for example, Chapter 2 Project Description, Table 2-1: Specific Plan Land Use Summary (page 2-3); and Section 3.4 Biological Resources, Threshold BIO-2 (page 3.4-39), among others. In fact, the Threshold BIO-2 discussion specifically states the acreage subject to MM BIO-1b. (Note that the acreage in the Threshold BIO-2 discussion erroneously states the acreage to be 510.5 acres instead of 510.8 acres. This minor typographical error is clarified in the Errata section). See Master Response 4 regarding responses to general comments.

Janet Miller Wall
Conejo Oak Tree Advocates
1901 Tamarack St.
Thousand Oaks, CA 91361-1841
walljanetm@gmail.com
November 21, 2023

City of Jurupa Valley Planning Department
Jim Pechous, Principal Planner
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Submitted via email to: jpechous@jurupavalley.org

Dear Mr. Pechous:

Conejo Oak Tree Advocates, Thousand Oaks, CA advocates for all heritage oak trees in our wonderful country. Trees that have survived for centuries deserve so much respect from us. It is our responsibility to care and protect them in every way possible. 1

Therefore, I am writing you to express deep concern with the current land-use plan and mitigation measures included in the recently released Draft Environmental Impact Report (DEIR) for the **Rio Vista Specific Plan**. This Specific Plan proposes to develop the natural landscape surrounding the Jurupa (*Hurungna*) Oak, an ancient tree which is estimated to be over 13,000 years old, making it the oldest known tree/shrub in California and among the oldest on earth. Furthermore, the hilltop where the ancient Jurupa oak stands is designated as a sacred land site by the Tongva people. The DEIR states that development for "light industrial" will occur within "259 feet" of the western side of the small hilltop on which the oak stands. Mitigation measures described in the DEIR restrict construction equipment to a mere "150 feet" from the oak. This inconsistency in buffer distance is problematic and the distances are insufficient. Neither a "259 feet" nor a "150 feet" buffer pays acceptable respect to the ancient oak and sacred nature of the site or to the long-term survival of the Jurupa Oak. 2 3 4

I am requesting that the City reassess the current landscape plan and identify alternative project options that ensure better protection for our state's oldest oak and respect for Tongva sacred lands. Specifically, I encourage the City to work with local conservation groups and Tribal members to 1) remove or relocate the 146-acre light industrial/business park component of the Specific Plan and retain this area as conserved land to connect the surrounding ridgelines and protect the oak's groundwater connections, 2) designate this area as the "Jurupa (or *Hurungna*) Oak Preserve," and 3) to take measures to ensure the oak's protection from people, pets, etc. 5

Please incorporate my comments in the official record for this project.

Very truly yours,

Janet Miller Wall
for Conejo Oak Tree Advocates

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Conejo Oak Tree Advocate (COTA)

Response to COTA-1
The introductory comment identifies COTA as advocating heritage oak trees. No response is required.

Response to COTA-2
See Master Response 1 and Master Response 2, the natural landscape around the Palmer's oak would be protected.

Response to COTA-3
See Master Response 3, Native American Tribal consultation was completed by the City.

Response to COTA-4
See Master Response 1, the buffer established in the Draft EIR is consistent and sufficient.

Response to COTA-5
See Response to CCHTF-4.

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ENDANGERED HABITATS LEAGUE
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE

November 22, 2023

Jim Pechous, Principal Planner
City of Jurupa Valley Planning Department
8930 Limonite Avenue
Jurupa Valley, CA 92509
jpechous@jurupavalley.org

RE: Draft Environmental Impact Report (DEIR) for the Rio Vista Specific Plan

Dear Mr. Pechous:

Endangered Habitats League (EHL) appreciates the opportunity to comment on the DEIR for this project. For your reference, EHL is a Southern California regional conservation group dedicated to ecosystem protection and sustainable land use. We served on the Advisory Committee for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). 1

EHL writes to express strong objections to the current land-use plan and mitigation measures. While MSHCP compliance addresses impacts to biological resources on a regional scale, it does not address cultural and historic resources. Such resources, like the oldest tree in the entire State of California, the 13,000 year old Jurupa Oak onsite, require separate analysis. 2 Furthermore, the hilltop where the ancient Jurupa oak stands is designated as a sacred land site by the Tongva people. 3

While we concur with the DIER's goal of "avoidance" of the Jurupa Oak, this has not been realized from cultural, aesthetic, and historic standpoints, due to the proximity of development. 4 Further, there is no assurance that groundwater connections will be retained with intrusion by development into drainages defined by ridgelines. 5 No chances should be taken with this tree yet impacts are unmitigated. Nor has the sacred site been protected to the satisfaction of the responsible Tribal interests. 6

EHL requests that fully compensatory mitigation occur to historic and cultural resources by markedly increasing the buffer around the Jurupa Oak. The proposed light industrial uses should be relocated or redesigned to create a larger and hydrologically intact area of protection. 7 Mitigation measures should also include fencing or other barriers to prevent trampling of the root system.

If the City creates a formal Heritage Oak Preserve, it will reap the long-term economic benefits of tourism and establish a unique educational resource and source of community pride. 8

Yours truly,

Dan Silver
Executive Director

Endangered Habitat League (EHL)

Response to EHL-1
The introductory comment identifies EHL as a Southern California regional conservation group. No response is required.

Response to EHL-2
This comment expresses general opposition to the proposed project. See Master Response 4, Degree of specificity required for response to general comments.

The Palmer's oak is discussed in detail in the Draft EIR. The Palmer's oak would be avoided in accordance with MM BIO-5, Palmer's Oak. Moreover, the Palmer's oak is located in an area designated as an Open Space Conservation area, approximately 200 feet away from the area designated for development. See also Master Response 3, Native American Tribal consultation was completed by the City consistent with CEQA's requirements. In addition, based on a vibration prediction study prepared for the area of the Palmer's oak (Appendix D), and as required by MM BIO-5, heavy equipment would not be operating within 259 feet of the tree to prevent potential impact from equipment vibration to the subsurface bedrock that supports the ancient tree. See Draft EIR, Section 3.4 Biological Resources, page 3.4-15, and pages 3.4-44–3.4-46. As discussed in the Draft EIR Section 3.4 Biological Resources, three studies were undertaken to analyze the Palmer's oak and potential project effects on it. See Response to USFWS-CDFW-9 and USFWS-CDFW-11 and Master Response 1, The buffer established in the Draft EIR is consistent and sufficient for discussion of the 200- and 259-foot buffers.

Response to EHL-3
This comment does not identify any potential environmental concerns with the project or the Draft EIR. See Master Response Master Response 3, Native American Tribal consultation was completed by the City.

Response to EHL-4
Potential impacts to the Palmer's oak would be avoided by designation of the area around it as Open Space-Conservation (OS-C), which does not allow construction, and by implementation of MM BIO-5 which would establish a buffer around the tree. Furthermore, cultural and historic impacts are discussed in the Draft EIR Section 3.5 Cultural Resources; Tribal cultural impacts are discussed in the Draft EIR Section 3.18 Tribal Cultural Resources; and Aesthetics impacts are discussed in the Draft EIR Section 3.1 Aesthetics. See also Master Response 1, The buffer established in the Draft EIR is consistent and sufficient.

Response to EHL-5
As discussed in the Draft EIR, Section 3.4 Biological Resources, the on-site Palmer's oak is not supported by groundwater. See Response to USFWS-CDFW-11.

Response to EHL-6
The comment raises a concern regarding unmitigated impacts to the Palmer's oak and regarding Tribal interests.

MM BIO-5 is intended to mitigate impacts to the Palmer's oak. See Master Response 3, Native American Tribal consultation was completed by the City.

Response to EHL-7
Historic and cultural resources, including associated mitigation, are discussed in the Draft EIR Section 3.5 Cultural Resources. As discussed in the Draft EIR, Section 3.4 Biological Resources, the on-site Palmer's oak is not supported by groundwater; see Response to USFWS-CDFW-11.

Barriers to protect the Palmer's oak during construction are addressed by MM BIO-1a (Flag or Fence Impact Area) which would require all designated conservation areas within the project site boundary to be clearly flagged or fenced prior to grading or vegetation clearing to prevent incursion into sensitive habitats. This would be required for all areas that are identified as OS-C on Exhibit 2-7 of the Draft EIR, which includes the area surrounding the tree. Once the project is built, and as discussed in the Chapter 2 Project Description, page 2-8, fences and walls would generally be installed along the perimeter boundaries of residential PAs that interface with open space, roads, parks, or off-site land uses. This would provide additional protection to the OS-C area surrounding the tree. Please refer to Master Response 1 for additional discussion regarding the buffer.

The hydrogeological Investigation prepared for the location of the on-site Palmer's oak concluded that groundwater at that location is at 90 feet below ground surface. The Biological Review of Palmer's Oak memorandum identifies the subsurface bedrock collection basin that holds water to support the tree. See Response to USFWS-CDFW-11. Implementation of MM BIO-5 (Palmer's Oak) would provide protection for this basin.

Response to EHL-8
The Draft EIR evaluated a reasonable range of alternatives. The Draft EIR evaluates alternatives (and the No Project Alternative), which aim to reduce significant impacts of the proposed project while meeting most of the basic objectives of the project. The creation of a formal preserve would result in similar impacts to those described in the No Project Alternative.

The Palmer's oak is located in an area designated under the proposed project as OS-C. MM BIO-1b (Conserve Open Space) requires that on-site open space areas would be deed restricted and ownership would be transferred to a City-approved local conservation entity. As such, the conservation easement would ensure protection of the tree in perpetuity. The proposed project would also be required to follow applicable MSHCP requirements.

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December 4, 2023

Jim Pechous
Principal Planner
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, California 92509

VIA EMAIL TO:
jpechous@jurupavalley.org

SUBJECT: COMMENTS ON RIO VISTA SPECIFIC PLAN EIR (SCH NO. 2018121005)

Dear Mr. Pechous,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Rio Vista Specific Plan project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. 1

1.0 Summary

The project proposes a new Rio Vista Specific Plan to replace the existing Rio Vista Specific Plan No. 243 approved by the County of Riverside in 1992 that was subsequently adopted by the City of Jurupa Valley upon the City's incorporation. The new Rio Vista Specific Plan proposes a mixed industrial and residential community. Specifically, the proposed Rio Vista Specific Plan consists of Very Low Density Residential (VLDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Highest Density Residential (HHDR), Light Industrial and Business Park, a public K-8 educational facility, open space and recreation areas, and circulation improvements on a 917.3 acre site. 2

The Specific Plan is divided into 21 Planning Areas and includes the following major land use components:

- 1,697 dwelling units (du) on 204.4 acres, which matches the existing Rio Vista Specific Plan No. 243, yielding an average density of 1.8 du per acre (du/acre).

- 1,269,774 square feet of Light Industrial building square footage on 58.3 acres.
- 1,428,768 square feet of Business Park building square footage on 82.0 acres.
- 510.8 acres of natural open space.
- 14.3 acres of recreational amenities.
- 13.4 acres for a new public K-8 school.

Eleven PAs are planned for residential development. PA 18 is reserved for public school development by Jurupa Unified School District (JUSD). If the JUSD does not proceed with the development of a school, PA 18 would be available for recreational, commercial, or residential development under its Medium Density Residential (MDR) land use designation. Additionally, within the Light Industrial or Business Park areas, Riverside Community College District (RCCD) intends to construct and operate the Inland Empire Technical Trade Center (IETTC) in PA 14 and PA 16. The IETTC would employ approximately 300 full- and part-time employees and serve approximately 13,000 students (full- and part-time and remote students), The IETTC would include nine buildings with a total footprint of approximately 391,476 square feet (included in the Light Industrial and Business Park maximum square feet described above), to accommodate classrooms, outdoor lab space, parking, and student and staff services (library, cafeteria, etc.). 2 CONT

The following discretionary actions are necessary to implement the proposed project:

1. Specific Plan No. 16001 to replace the existing Rio Vista Specific Plan No. 243.
2. General Plan Amendment No. 16001 to make the Specific Plan and General Plan land uses consistent, and to allow the establishment of a mixed-use (industrial, residential, and commercial) community
3. Change of Zone No. 16003 to allow for adoption of a Zoning Ordinance for the project and to modify the zone from SP No. 243 to a new SP Zone.
4. Development Agreement No. 16001 between the applicant and the City that sets the required community benefits the applicant will provide and the flexibility in the Municipal Code and protection of the approvals through the duration of the development agreement.
5. Tentative Tract Maps (TTM 37074 and TTM 38639) that subdivides individual residential lots for planning areas PA 4, 5 and 6 and creates a financing map for the Specific Plan area.

2.0 Project Description

The EIR does not include the proposed Rio Vista Specific Plan document as an attachment for public review. The new Rio Vista Specific Plan would include permitted uses and development standards such as maximum height, floor area ratio, parking requirements, and other items that 3

contribute directly to the analysis of environmental impacts. Additionally, the Development Agreement between the applicant and the City that sets the required community benefits the applicant will provide and the flexibility in the Municipal Code and protection of the approvals through the duration of the development agreement is not included for public review. The Development Agreement listing the required community benefits that the applicant will provide also contributes directly to the analysis of environmental impacts. Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the Rio Vista Specific Plan and Development Agreement contribute directly to analysis of the problem at hand. The EIR must be revised and recirculated to include the Rio Vista Specific Plan document and the Development Agreement for public review in order to comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). 3 CONT

3.3 Air Quality, 3.6 Energy, and 3.8 Greenhouse Gas Emissions

Please refer to attachments from SWAPE for a complete technical commentary and analysis. 4

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. According to CalEnviroScreen 4.0[1], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6065040101)

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[2], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project s census tract (6065040101) ranks worse than 99% of the rest of the state in overall pollution burden. The proposed project's census tract and surrounding community, including residences adjacent to the north, east, west, and south, bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 97th percentile for ozone burden, the 93rd percentile for PM 2.5 burden, the 69th percentile for diesel particulate matter burden, and the 65th percentile for traffic impacts. All of these environmental factors are attributed to heavy truck/trailer activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[3]. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of 5

[1] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[2] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[3] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone

health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer[4]. 5 CONT

The census tract ranks in the 95th percentile for contaminated drinking water. Poor communities are exposed to contaminants in their drinking water more often than people in other parts of the state[5]. 6

The census tract also ranks in the 95th percentile for solid waste facility impacts and 97th percentile for hazardous waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilites are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations[6]. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people[7]. 7

The census tract also bears more impacts from cleanup sites than 90% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water[8].. The census tract also ranks in the 88th percentile for toxic releases. People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident[9]. 8

Further, the census tract is a diverse community including 76% Hispanic and 10% African-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 89% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community has a high rate of poverty, meaning 60% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care[10]. Poor communities are often located in areas with high levels of pollution[11]. Poverty can cause stress that weakens the immune system and causes people to 9

[4] OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter
[5] OEHHA Contaminated Drinking Water https://oehha.ca.gov/calenviroscreen/drinking-water
[6] OEHHA Solid Waste Facilities https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities
[7] OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities
[8] OEHHA Cleanup Sites https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites
[9] OEHHA Toxic Releases https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities
[10] OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
[11] Ibid.

become ill from pollution[12]. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 72nd percentile for incidence of cardiovascular disease and 62nd percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 72% of the census tracts speak little to no English and faces further inequities as a result.

Additionally, the proposed project's census tract (6065040101) and the census tracts adjacent to the project site (6071004003 (north), 6065040102 (west), 6065040301 (south), 6065040204 (south), 6071004004 (east), and 6065030104 (east)) are identified as SB 535 Disadvantaged Communities[13]. This indicates that cumulative impacts of development and environmental impacts in the area are disproportionately impacting these communities. The EIR does not discuss that the project site and surrounding area are disadvantaged communities and does not utilize this information in its analysis. The EIR has not considered the environmental impacts in relation to the SB 535 status of the project census tract and surrounding area. The negative environmental, health, and quality of life impacts of the warehousing and logistics industry in the area have become distinctly inequitable. The severity of environmental impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR. 9 CONT

The State of California lists three approved compliance modeling softwares[14] for non-residential and multi-family buildings: CBECC-Com, EnergyPro, and IES VE; three approved compliance modeling softwares are listed for single-family residential buildings: CBECC-Res, EnergyPro, and Right-Energy. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project s significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project s significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software. 10

[12] Ibid.
[13] OEHHA SB 535 Census Tracts https://oehha.ca.gov/calenviroscreen/sb535
[14] California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

3.11 Land Use and Planning

The project faces significant inconsistency with State Housing Element Law. Pursuant to Government Code Section 65863[15], a jurisdiction shall ensure that its housing element sites inventory "can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584" and "at no time…shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households." Further, this Section states the following:

"No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

(A) The reduction is consistent with the adopted general plan, including the housing element.

(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction s share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction s share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level."

The City's adopted 2021-2029 Housing Element[16] identifies all APNs comprising the project site as part of its identified sites inventory to accommodate its RHNA allocation. This identification is noted in Appendix A – Specific Plan Capacity and Vacant Sites Inventory within the Housing Element document. Table A-1 2021-2029 Projected Specific Plan Development within the Housing Element indicates the existing Rio Vista SP area will accommodate 440 moderate income housing units within PA 4 and PA 11. The EIR does not state, discuss, analyze, or provide any meaningful evidence that the proposed project will provide at least 440 moderate income housing units.

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[15] Government Code Section 65863
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65863
[16] Jurupa Valley 6th Cycle (2021-2029) Adopted Housing Element
https://www.jurupavalley.org/DocumentCenter/View/2268/Preliminary-Revised-Jurupa-Valley-HEU-4-20-22-rev-CLEAN

Additionally, Figure A-3 from the Housing Element depicted below demonstrates that many of the Planning Areas in the proposed SP have changed, including the residential density for each SP. Table 5.40: Proposed Rio Vista Specific Plan Amendment (2021) Anticipated Build-Out 2021-2029 within the Housing Element states that PA 4 and PA 11 will provide 440 moderate income multi-family housing units in order for the City to accommodate its RHNA.

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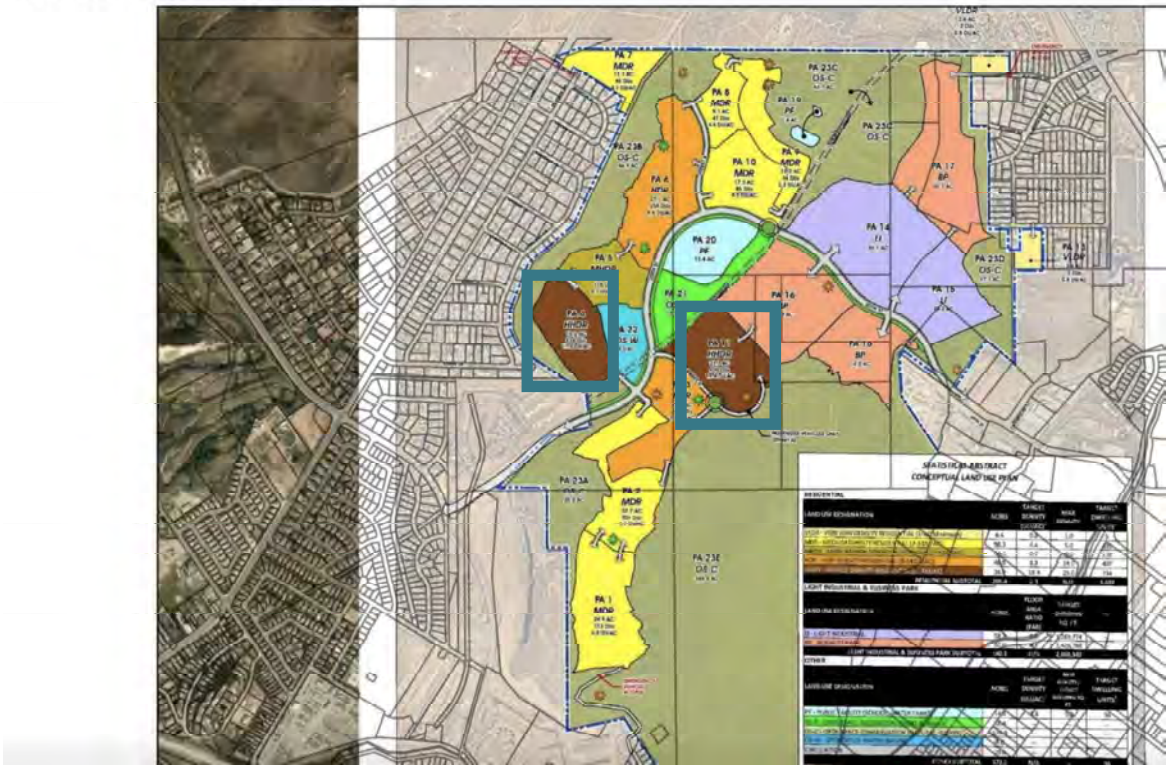
Notably, PA 4 and PA 11 within Figure A-3 from the Housing Element have changed significantly from the document and analysis approved by the State of California Department of Housing and Community Development (HCD). These PAs are of the highest level of concern because the HCD certified Housing Element states that they will accommodate 440 moderate income units.

City of Jurupa Valley

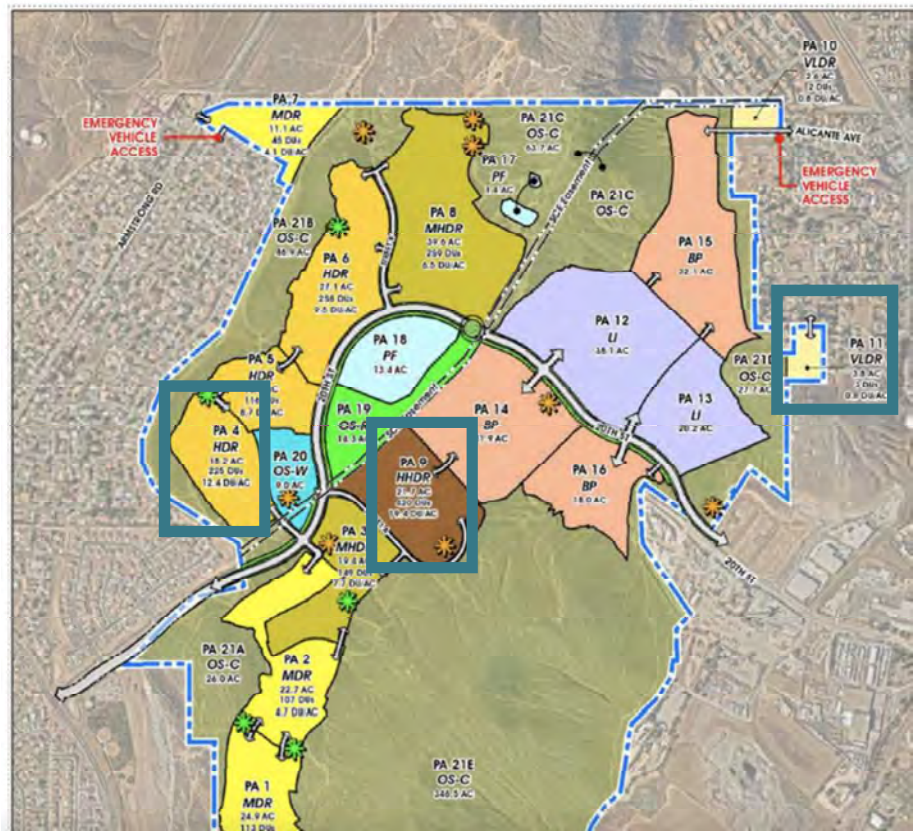
Figure A-3 Rio Vista Specific Plan



12
CONT

As shown below in Exhibit 3: Land Use Map from the EIR, the density of PA 4 has been reduced from HHDR to HDR, PA 11 is now titled PA 9, and the revised location of PA 11 has a reduced density of VLDR. All of these changes are not consistent with the General Plan, including the Housing Element.

Exhibit 3: Land Use Map



12 CONT

Table A-2 Specific Plans with Remaining Residential Capacity within the City's Housing Element provides the following calculations regarding the sites available to accommodate the City's RHNA:

PA 4: Highest Density Residential (HHDR)
Maximum Density: 25.0
Assumed Density: 18.4
Total Units: 314 Moderate Income

PA 11: Highest Density Residential (HHDR)
Maximum Density: 25.0
Assumed Density: 18.4
Total Units: 420 Moderate Income
Total RVSP Affordable Housing Units = 734 Moderate income units

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RVSP Affordable Housing Units to be constructed by 2029 HE projection period: 440 moderate income units

Table 2-1: Specific Plan Land Use Summary within the EIR provides the following information regarding PA 4 and PA 11:

PA 4: High Density Residential (HDR)
Density Range: 8.0-14.0
Target Density: 12.4
Target Units: 225
Maximum Units: 455

PA 11: Very Low Density Residential (VLDR)
Density Range: 2.0
Target Density: 0.8
Target Units: 3
Maximum Units: 3

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CONT

Notably, the EIR's density range and target density for both PA 4 and PA 11 are well below the capacity assumptions and calculations within the Housing Element to demonstrate that the City can accommodate its RHNA, including affordable housing units. The EIR has not provided any analysis to demonstrate that the remaining sites identified in the City's Housing Element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the jurisdiction s share of the regional housing need pursuant to Government Code Section 65584 through the end of the 2021-2029 planning period. The EIR has not demonstrated that the City's adopted Housing Element can accommodate at all times throughout the planning period its remaining unmet share of the regional housing need, including that of the moderate income units calculated for RVSP PA 4 and PA 11. The EIR must be revised to include a finding of significance because it has not demonstrated that the City can continue to accommodate its RHNA following the potential approval of the proposed project and the proposed project is not in compliance with the City's HCD Certified Housing Element. Any revisions to the Housing Element's sites identified to accommodate the RHNA, including location, density, and ability to accommodate moderate income units, must be part of a General Plan Amendment to modify the Housing Element, which must be subsequently submitted to HCD for review and certification. The revised Housing Element must be submitted to HCD for review and certification prior to adoption/approval of the proposed project in order to demonstrate the project will have less than significant impacts.

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Table 3.11-5: General Plan Consistency Analysis does not provide a consistency analysis for all applicable General Plan goals, policies, and programs. The EIR does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project has significant potential to conflict with many of these items and is directly inconsistent with several items due to significant and unavoidable cumulatively considerable impacts to Air Quality and GHG emissions, including but not limited to the following from the General Plan:

1. Goal AQ 1 Works with regional, sub-regional, and state agencies to protect and improve air quality and reduce greenhouse gas emissions.
2. Goal AQ 2 Helps protect its residents, and especially senior citizens, youth and other sensitive receptors, from toxic air pollution.
3. Goal AQ 3 Works to reduce emissions from stationary and mobile sources.
4. Policy AQ 4.3 Electric Service Units. Require the installation and use of electric service units at truck stops and distribution centers for heating and cooling truck cabs, and particularly for powering refrigeration trucks, in lieu of idling of engines for power.
5. Policy AQ 2.1 Site Plan Designs. Require City land use planning efforts and site plan designs to protect people and land uses sensitive to air pollution, using barriers and/or distance from emissions sources, and protect sensitive receptors from polluting sources, wherever possible.
6. Policy AQ 3.4 Emissions Mitigation. Require every project to mitigate any of its anticipated emissions that exceed allowable levels as established by the SCAQMD, the US EPA, and CARB, to the greatest extent possible.
7. Policy AQ 6.12 Housing Types. Provide for a variety of housing types that support a local market for a skilled professional and management labor pool when approving new residential developments.
8. Environmental Justice Element: City of Jurupa Valley Community Values Statement. We value the health, well-being, safety, and livability of all our communities and strive to distribute public benefits and resources equitably. We endeavor to enhance underserved communities so that all residents can thrive and share in a high quality of life.
9. Environmental Justice Element Primary Goal. Ensure environmental equity for all persons, regardless of race, color, national origin, or income, and establish and maintain an open and inclusionary public decision-making process.
10. Environmental Justice Element Goal EJ 1: An open and transparent public process that improves the quality of life relative to a cleaner and healthier environment.
11. Environmental Justice Element Goal EJ 3: A reduction in disproportionate environmental burdens affecting low-income and minority populations.
12. Environmental Justice Element Goal EJ 5: Healthy and affordable housing opportunities for all segments of the community.

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13. Policy EJ 2.1 Separation of Land Uses. Require that proposals for new sensitive land uses are located adequate distances from freeways and major roadways based on an analysis of physical and meteorological conditions at the project site.
14. Policy EJ 2.2 Sensitive Land Use Buffers. Require that proposals for new sensitive land uses incorporate adequate setbacks, barriers, landscaping, or other measures as necessary to minimize air quality impacts.
15. Policy EJ 2.3 School Buffers. Provide adequate buffers between schools and industrial facilities and transportation corridors.
16. Policy EJ 2.5 Residential Buffers. Require that zoning regulations provide adequate separation and buffering of residential and industrial uses.
17. Policy EJ 2.8 Separation of Uses. Build new sensitive land uses with sufficient buffering from industrial facilities and uses that pose a significant hazard to human health and safety. The California ARB recommends that sensitive land uses be located at least 1,000 feet from hazardous industrial facilities.
18. Policy EJ 4.2 Air Pollution. Require new housing proposals in areas subject to unhealthful air quality to incorporate setbacks, barriers, landscaping, ventilation systems, or other measures to ensure that air pollution does not affect the residents.
19. Housing Element Goal HE 1: Encourage and, where possible, assist in the development of quality housing to meet the City's share of the region's housing needs for all income levels and for special needs populations.
20. Housing Element Goal HE 2: Conserve and improve the housing stock, particularly housing affordable to lower income and special housing needs households.
21. Policy HE 1.1 Regional Housing Needs Allocation. Changes to the General Plan and the Zoning Ordinance and Map shall provide and/or maintain sufficient land at appropriate densities to meet the City's Regional Housing Needs Allocation for the 2021-2029 Planning Period.
22. Policy HE 1.4 Housing Diversity. Encourage the development of diverse housing types and housing densities to best meet the needs of the community.
23. Policy HE 1.6 Availability of Suitable Sites. Ensure the availability of suitable sites for the development of affordable housing to meet the needs of all household income levels, including special needs populations.
24. Policy HE 1.14 Development Within Density Range. Encourage development at the upper limits of the applicable general plan density range to increase housing choice in the City.
25. Policy ME 1.1.2 Mobility Corridors. Require that the City s mobility corridors: (2) Maintain at least a Level of Service (LOS) D or better at all intersections, except where flexibility is warranted based on a multi-modal LOS evaluation, or where LOS E is deemed appropriate to accommodate complete streets/multi-modal facilities.

15
CONT

26. Policy ME 2.1.2 Roadway System. Require that the City s mobility corridors: (2) Maintain at least a Level of Service (LOS) D or better at all intersections, except where flexibility is warranted based on a multi-modal LOS evaluation, or where LOS E is deemed appropriate to accommodate complete streets/multi-modal facilities.
27. Policy ME 2.3. Development Project Impacts. Require development projects to analyze potential off-site traffic impacts and related environmental impacts through the CEQA process and to mitigate adverse impacts to less-than significant levels.

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Appendix J: Transportation Supporting Information provides a LOS analysis and concludes that implementation of the proposed project has both direct significant effects and cumulative effects. Table 36. Specific Plan Project Impact Summary within Appendix J lists the following transportation facilities that will operate at deficient levels per the applicable thresholds:

#	Intersection	Location	Impact
4	Sierra Ave/Jurupa Ave	Fontana	Cumulative
7	Valley Way/SR-60 WB Off Ramp	JV/Caltrans	Cumulative
9	SR-60 EB Ramps/Mission Blvd	JV/Caltrans	Cumulative
15	Cedar Ave/Orange St	San Bernardino County	Direct
16	Cedar Ave/Slover Ave	San Bernardino County	Direct
17	Cedar Ave/Santa Ana Ave	San Bernardino County	Cumulative
18	Cedar Ave/Jurupa Ave	San Bernardino County	Cumulative
22	Rubidoux Blvd/SR-60 WB Off Ramp	JV/Caltrans	Cumulative
23	Rubidoux Blvd/SR-60 WB On Ramp	JV/Caltrans	Cumulative
24	Rubidoux Blvd/SR-60 EB Ramps	JV/Caltrans	Cumulative
26	Market St/SR-60 WB Ramps	Riverside/Caltrans	Cumulative
27	Market St/SR-60 EB Ramps	Riverside/Caltrans	Cumulative
	Roadway Segments		
2	Sierra Ave: Jurupa Ave to Armstrong Rd	Fontana/Caltrans	Cumulative
7	Cedar Ave: I-10 EB Ramps to Slover Ave	San Bernardino County	Cumulative

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10	Cedar Ave: Jurupa Ave to 7th St	San Bernardino County	Cumulative
11	Cedar Ave:7th St to El Rivino Rd	San Bernardino County	Cumulative

16 CONT

Table 37. Specific Plan Fair Share within Appendix J provides a list of proposed improvements and the project associated percentage of new traffic at deficient intersections, Caltrans facilities, and roadway segments. It must be noted that the impacts to several deficient intersections (as shown above) are under jurisdiction of Caltrans, Fontana, San Bernardino County, and/or Riverside. Any improvements planned/constructed or in-lieu fees/fair share fees paid for Caltrans, Fontana, San Bernardino County, and/or Riverside transportation facilities are beyond the control/scope of the lead agency and there is no evidence that mitigation will be implemented. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. None of the improvements required are listed as part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by Caltrans, Fontana, San Bernardino County, and/or Riverside. Any improvements recommended or fees paid to mitigate impacts for Caltrans, Fontana, San Bernardino County, and/or Riverside transportation facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by Caltrans, Fontana, San Bernardino County, and/or Riverside has not been provided. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold A and Land Use and Planning Impact Threshold B because it is not consistent with the following General Plan items:

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1. Policy ME 1.1.2 Mobility Corridors. Require that the City s mobility corridors: (2) Maintain at least a Level of Service (LOS) D or better at all intersections, except where flexibility is warranted based on a multi-modal LOS evaluation, or where LOS E is deemed appropriate to accommodate complete streets/multi-modal facilities.
2. Policy ME 2.1.2 Roadway System. Require that the City s mobility corridors: (2) Maintain at least a Level of Service (LOS) D or better at all intersections, except where flexibility is warranted based on a multi-modal LOS evaluation, or where LOS E is deemed appropriate to accommodate complete streets/multi-modal facilities.

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3. Policy ME 2.3. Development Project Impacts. Require development projects to analyze potential off-site traffic impacts and related environmental impacts through the CEQA process and to mitigate adverse impacts to less-than significant levels. 20

The EIR provides general statements of information regarding the proposed SP16001 and General Plan Amendment/Zone Change that are required for the project to proceed. The EIR relies upon the statement that, "When a project itself entails amendments to the general plan designations or zoning, inconsistency with the existing designations or zoning is an element of the project itself, which then necessitates a legislative policy decision by the agency and does not signify a potential environmental effect" to conclude the project will have less than significant impacts. There is no meaningful analysis regarding the significant and unavoidable impacts of the proposed project and the associated inconsistencies with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. For example, the proposed project is inconsistent with the AQMP, exceeds the SCAQMD Threshold for Greenhouse Gas Emissions and cumulative GHG emissions, and does not meet SB 743 requirements for VMT reductions. All of these items are plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The EIR must be revised to analyze the proposed project in the context of its significant and unavoidable impacts. 21

Further, Table 3.11-2: Connect SoCal Consistency Analysis finds that the project is consistent with all goals of Connect SoCal, resulting in less than significant impacts. However, the EIR does not provide any meaningful supporting evidence within SCAG's 2020-2045 Connect SoCal RTP/SCS to support this conclusion, in violation of CEQA's requirements for meaningful disclosure (CEQA § 21003(b)). Due to errors in modeling and modeling without supporting evidence (as noted throughout this comment letter and attachments) and the EIR's determination that the project will have significant and unavoidable impacts to Air Quality (project level and cumulatively considerable: inconsistency with AQMP and sensitive receptors exposure to TACs), Greenhouse Gas Emissions (Project-level Conflict with SCAQMD Threshold for Greenhouse Gas Emissions and cumulative GHG emissions), and Transportation (VMT), the proposed project is directly inconsistent with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. The EIR must be revised to include finding of significance due to inconsistency with the 2020-2045 RTP/SCS Connect SoCal document. 22

The EIR finds that the project will not result in cumulative impacts because "Development projects in the City, the County of Riverside, and the southwestern portion of the County of San Bernardino would be required to demonstrate consistency with all applicable City or County General Plan and Municipal/Ordinance Code requirements. In addition, development would be required to 23

demonstrate consistency with Connect SoCal and SCAG s RTP/SCS. This would ensure that these future projects comply with applicable planning regulations." However, this statement is erroneous and misleading to the public and decision makers given the ability of an applicant to request a lead agency to amend its General Plan even if it results in significant and unavoidable impacts and adopt a statement of overriding considerations. The proposed project presents the lead agency with this scenario. The EIR does not provide this information for analysis or discussion. The EIR must be revised to include this analysis and a finding of significance regarding cumulative impacts. 23 CONT

The EIR concludes that the project will not have significant land use and planning impacts because, "With the proposed General Plan Amendment and rezoning, the proposed project would be consistent with the General Plan and Municipal Code as well as Connect SoCal." The EIR relies upon approval of the General Plan Amendment and Zone Change itself for consistency with both the Municipal Code and the General Plan. This conclusion is illogical and does not provide any meaningful evidence to support this conclusion. Reliance upon the GPA/ZC itself for project consistency with policies, regulations, and documents adopted for the purpose of avoiding environmental impacts circumvents the requirement to provide an adequate environmental analysis of the compatibility of the project proposal with the applicable regulations. As a result of the GPA/ZC to accommodate the proposed project, the proposed project will generate significant and unavoidable impacts to Air Quality (project level and cumulatively considerable: inconsistency with AQMP and sensitive receptors exposure to TACs), Greenhouse Gas Emissions (Project-level Conflict with SCAQMD Threshold for Greenhouse Gas Emissions and cumulative GHG emissions), Transportation (VMT), Historic Resources (project-level and cumulative impacts), Archeological Resources (project-level and cumulative impacts), and Tribal Cultural Resources (project-level and cumulative impacts). Therefore, the EIR must be revised to state that the project is not consistent with the existing General Plan/Zoning/Specific Plan designations and include a finding of significance. 24 25 26

3.14 Population and Housing

The EIR utilizes uncertain and misleading language which does not provide any meaningful analysis of the project's construction or operations employment generation or housing demand. There is no discussion regarding the location of available and qualified workers to staff the industrial/business park/warehousing portions of the project site. There is also no discussion regarding the location of available and qualified workers for construction of the proposed project. In order to comply with CEQA's requirements for meaningful disclosure, the EIR must provide an accurate estimate of construction and operations employees generated by the proposed project. It must also provide demographic and geographic information on the location of qualified workers 27 28

to fill these positions. Additionally, an estimate of the number of workers relocating to the City as a result of the project should be provided utilizing existing housing vacancy rates in the City. 28 CONT

The EIR provides a calculation of the employees generated by the proposed project "Using a standard light industrial/business park employment rate of one employee per 1,000 square feet, the proposed project would create an estimated 2,700 jobs." However, the EIR does not provide a source for the "standard" light industrial/business park employment rate of one employee per 1,000 square feet, which does not comply with CEQA's requirements for meaningful disclosure and adequate informational documents. This is notably egregious as the City's General Plan provides employment generation rates as follows:

Business park = 1 employee per 800 square feet
Industrial = 1 employee per 1,200 square feet 29

Applying these ratios results in the following calculation:

Business Park: 1,428,768 sf / 800 = 1,786

Light Industrial: 1,269,774 s sf / 1,200 = 1,059

Total: 2,845 employees

SCAG adopted 2045 growth projections as part of the 2020 RTP/SCS (Connect SoCal) on September 3, 2020. SCAG's Connect SoCal Demographics and Growth Forecast[17] notes that Jurupa Valley will add 4,200 jobs between 2016 - 2045. Utilizing the correctly applied methodology from the General Plan calculation of 2,845 employees, the project represents 67.7% of Jurupa Valley's employment growth from 2016 - 2045. A single project accounting for this amount of the projected growth within Jurupa Valley over 29 years represents a significant amount of growth. The EIR must be revised to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed SCAG's employment and/or population growth forecast. Additionally, given that the project requires a General Plan Amendment, Zone Change, and adoption of a new Specific Plan to proceed, it is clear that the growth generated by the proposed project was not planned for in the City's General Plan or its EIR. This is particularly obvious as the existing RVSP does not permit industrial or business park uses. 30

[17] SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020 https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growth-forecast.pdf?1606001579

A revised EIR must also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed SCAG and/or the General Plan employment or population growth forecast for the City. For example, other recent industrial projects such as Agua Mansa Specific Plan (3,815 employees), BRE Space Center (1,797 employees), Rubidoux Commerce Center (1,093 employees), and The District at Jurupa Valley Specific Plan (3,779 employees) will generate at minimum 10,484 employees. Combined with the proposed project's 2,845 employees, these five projects alone will generate 13,329 employees. This represents more than triple the City's job growth over 29 years accounted for by only five recent projects. This total increases exponentially when commercial development activity and other industrial projects are added to the calculation. A revised EIR must be prepared to include this information for analysis and also include a cumulative development analysis of projects approved since 2016 and projects in the pipeline" to provide analysis regarding the General Plan growth estimates and/or SCAG's growth forecasts. 31

3.17 Transportation

Appendix J: Transportation Supporting Information provides a LOS analysis and concludes that implementation of the proposed project has both direct significant effects and cumulative effects. Table 36. Specific Plan Project Impact Summary within Appendix J lists the following transportation facilities that will operate at deficient levels per the applicable thresholds: 32

#	Intersection	Location	Impact
4	Sierra Ave/Jurupa Ave	Fontana	Cumulative
7	Valley Way/SR-60 WB Off Ramp	JV/Caltrans	Cumulative
9	SR-60 EB Ramps/Mission Blvd	JV/Caltrans	Cumulative
15	Cedar Ave/Orange St	San Bernardino County	Direct
16	Cedar Ave/Slover Ave	San Bernardino County	Direct
17	Cedar Ave/Santa Ana Ave	San Bernardino County	Cumulative
18	Cedar Ave/Jurupa Ave	San Bernardino County	Cumulative
22	Rubidoux Blvd/SR-60 WB Off Ramp	JV/Caltrans	Cumulative
23	Rubidoux Blvd/SR-60 WB On Ramp	JV/Caltrans	Cumulative
24	Rubidoux Blvd/SR-60 EB Ramps	JV/Caltrans	Cumulative
26	Market St/SR-60 WB Ramps	Riverside/Caltrans	Cumulative

27	Market St/SR-60 EB Ramps	Riverside/Caltrans	Cumulative
	Roadway Segments		
2	Sierra Ave: Jurupa Ave to Armstrong Rd	Fontana/Caltrans	Cumulative
7	Cedar Ave: I-10 EB Ramps to Slover Ave	San Bernardino County	Cumulative
10	Cedar Ave: Jurupa Ave to 7th St	San Bernardino County	Cumulative
11	Cedar Ave:7th St to El Rivino Rd	San Bernardino County	Cumulative

32 CONT

Table 37. Specific Plan Fair Share within Appendix J provides a list of proposed improvements and the project associated percentage of new traffic at deficient intersections, Caltrans facilities, and roadway segments. It must be noted that the impacts to several deficient intersections (as shown above) are under jurisdiction of Caltrans, Fontana, San Bernardino County, and/or Riverside. Any improvements planned/constructed or in-lieu fees/fair share fees paid for Caltrans, Fontana, San Bernardino County, and/or Riverside transportation facilities are beyond the control/scope of the lead agency and there is no evidence that mitigation will be implemented. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. None of the improvements required are listed as part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by Caltrans, Fontana, San Bernardino County, and/or Riverside. Any improvements recommended or fees paid to mitigate impacts for Caltrans, Fontana, San Bernardino County, and/or Riverside transportation facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by Caltrans, Fontana, San Bernardino County, and/or Riverside has not been provided. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold A and Land Use and Planning Impact Threshold B because it is not consistent with the following General Plan items:

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4. Policy ME 1.1.2 Mobility Corridors. Require that the City s mobility corridors: (2) Maintain at least a Level of Service (LOS) D or better at all intersections, except where flexibility is warranted based on a multi-modal LOS evaluation, or where LOS E is deemed appropriate to accommodate complete streets/multi-modal facilities.

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5. Policy ME 2.1.2 Roadway System. Require that the City s mobility corridors: (2) Maintain at least a Level of Service (LOS) D or better at all intersections, except where flexibility is warranted based on a multi-modal LOS evaluation, or where LOS E is deemed appropriate to accommodate complete streets/multi-modal facilities.
6. Policy ME 2.3. Development Project Impacts. Require development projects to analyze potential off-site traffic impacts and related environmental impacts through the CEQA process and to mitigate adverse impacts to less-than significant levels.

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Notably, Appendix J: Transportation Supporting Information analyzes "up to 559,310 feet (sf) of Business Park" uses. The EIR states that the project proposes 1,428,768 sf of Business Park uses. Therefore, the analysis in Appendix J (LOS and VMT) and the EIR have misrepresented the proposed project and the EIR must be revised to accurately analyze the whole of the project, including 1,428,768 sf of Business Park uses in order to comply with CEQA's requirements for meaningful disclosure and adequate informational documents.

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The EIR has also underreported the quantity VMT generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a distribution facility, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's actual VMT generated is more significantly inconsistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

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The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. The EIR has not provided any exhibits depicting the available truck/trailer turning radius at the intersection of the project driveways and adjacent streets to determine if there is enough space available to accommodate heavy truck maneuvering. There are also no exhibits depicting emergency vehicle access. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared for the proposed project with this analysis in order to provide an adequate and accurate environmental analysis.

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Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersections of the project driveways and adjacent streets. Sight distance is the continuous length of street ahead visible to the driver. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. A revised EIR must be prepared with this analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements. 38

4.2 Growth Inducing Impacts and 4.3 Significant Irreversible Environmental Changes

The EIR relies upon erroneous Energy modeling to determine that the project will meet sustainability requirements. As noted above, the EIR did not model the project's energy consumption in compliance with Title 24 modeling software. Further, the EIR states here that "While a large commitment to nonrenewable resources would be required, the proposed project would use the energy efficiently and would not result in the wasteful use of energy," without providing meaningful evidence to support this claim. The EIR does not discuss the project's significant and unavoidable impacts to Air Quality (project level and cumulatively considerable: inconsistency with AQMP and sensitive receptors exposure to TACs), Greenhouse Gas Emissions (Project-level Conflict with SCAQMD Threshold for Greenhouse Gas Emissions and cumulative GHG emissions), Transportation (VMT), Historic Resources (project-level and cumulative impacts), Archeological Resources (project-level and cumulative impacts), and Tribal Cultural Resources (project-level and cumulative impacts) or the project's required changes in land use designations (General Plan Amendment, Change of Zone, adoption of new Specific Plan). The EIR must be revised to include a finding of significance due to the project's significant and unavoidable cumulatively considerable Air Quality, Greenhouse Gas Emissions, Historic Resources, Archeological Resources, Tribal Cultural Resources, and Transportation impacts and direct contribution to climate change. 39 40 41

The EIR does not adequately discuss or analyze the commitment of resources is not consistent with regional and local growth forecasts. Notably, the project is not consistent with the AQMP and exceeds the General Plan's buildout scenario for Light Industrial and Business Park uses. A revised EIR must also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to analyze if the project will exceed SCAG and/or the General Plan employment or population growth forecast for the City. For example, other recent industrial projects such as Agua Mansa Specific Plan (3,815 employees), BRE Space Center (1,797 employees), Rubidoux Commerce Center (1,093 employees), and The District at Jurupa Valley Specific Plan (3,779 employees) will generate at minimum 10,484 employees. Combined with the 42 43

proposed project's 2,845 employees, these five projects alone will generate 13,329 employees. This represents more than triple the City's job growth over 29 years accounted for by only five recent projects. This total increases exponentially when commercial development activity and other industrial projects are added to the calculation. A revised EIR must be prepared to include this information for analysis and also include a cumulative development analysis of projects approved since 2016 and projects in the pipeline" to provide analysis regarding the General Plan growth estimates and/or SCAG's growth forecasts.

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CONT

The EIR does not meaningfully discuss or analyze the project's required land use designation changes (General Plan Amendment, Change of Zone, adoption of new Specific Plan) to accommodate the introduction of Light Industrial and Business Park uses on the project site. This increases the developable Light Industrial and Business Park area of the City without providing any information or analysis on the buildout conditions of the General Plan. The growth generated by the proposed project was not anticipated by the General Plan, RTP/SCS, or AQMP. A revised EIR must be prepared with a finding of significance.

The EIR does not discuss or analyze the project's compliance with the General Plan's Land Use Buildout Scenario. Table 2.3: Non-Residential Land Use Statistics and Buildout Projections of the General Plan provides the following maximum buildout conditions by the 2035 horizon year for the following land use designations:

Business Park
5,099,134 square feet
6,374 employees

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Light Industrial
14,855,702 square feet
12,380 employees

Since the project requires a General Plan Amendment, Zone Change, and adoption of a new Specific Plan to accommodate the proposed mix of land uses (including the introduction of light industrial and business park uses), the General Plan and its EIR did not analyze the buildout of this area with light industrial and business park floor area. Further, the proposed project's 1,428,768 square feet of business park area represents 28% of the General Plan buildout for this land use designation. The proposed project's 1,269,774 square feet of business park area represents 8.5% of the General Plan buildout for this land use designation. These are significant to be attributed to a single project and since they were not accounted for in the General Plan and its EIR, it represents an increase of 28% in the light industrial land use floor area and 8.5% of the business park land use floor area above the buildout scenario. The EIR has not demonstrated that the proposed project

is within the General Plan buildout scenario, including all cumulative development constructed, approved projects not yet constructed, and "projects in the pipeline." A revised EIR must be prepared to include this analysis in order to provide an adequate and accurate environmental analysis.

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5.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required No Project, No Build alternative and only two others- Develop Approved Specific Plan Alternative and Develop the 2017 Proposed Land Use Plan Alternative. The EIR does not evaluate a reasonable range of alternatives as only two alternatives are analyzed beyond the statutorily required No Project/No Build alternative. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a project that eliminates all of the proposed project's significant and unavoidable impacts to less than significant levels, and a project with a thoughtfully designed mix of uses that provides affordable housing and local-serving commercial uses that results in less than significant VMT, GHG, and Air Quality impacts.

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Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

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Sincerely,

Gary Ho
Blum, Collins & Ho LLP

Attachments:
1. SWAPE Technical Analysis

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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December 1, 2023

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Subject: Comments on the Rio Vista Specific Plan Project (SCH No. 2018121005)

Dear Mr. Ho,

We have reviewed the October 2023 Draft Environmental Impact Report ("DEIR") for the Rio Vista Specific Plan Project ("Project") located in the City of Jurupa Valley ("City"). The Project proposes to construct up to 1,697 dwelling units, 1,269,775-square-feet ("SF") of industrial space, and 1,428,768-SF of business park space on a 917.3-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's air quality and greenhouse gas impacts. As a result, emissions impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality and greenhouse gas impacts that the project may have on the environment. 47

Air Quality

Failure to Implement All Feasible Mitigation to Reduce Emissions

The DEIR concludes that the Project's operational air quality emissions would be significant-and-unavoidable. Specifically, the DEIR estimates that the Project's operational VOC, NO_x, and CO emissions would exceed the applicable South Coast Air Quality Management District ("SCAQMD") thresholds (see excerpts below) (p. 3.3-49, Table 3.3-11). 48

Table 3.3-11: Specific Plan Buildout (Year 2034) Net Daily Operational Emissions

Category	Daily Operational Emissions (Pounds per Day)					
	ROG	NOx	CO	SO_2	PM_{10}	$PM_{2.5}$
Area	204.93	1.62	140.38	0.01	0.78	0.78
Energy	3.94	35.26	26.08	0.21	2.72	2.72
Transportation	83.33	221.11	1,020.05	3.50	416.34	113.34
Total	**292.20**	**257.99**	**1,186.51**	**3.72**	**419.84**	**116.84**
SCAQMD Thresholds	55	55	550	150	150	55
Exceeds Threshold?	**Yes**	**Yes**	**Yes**	**No**	**Yes**	**Yes**

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As such, the DEIR concludes that the Project's operational air quality impacts would be significant-and-unavoidable. Specially, the DEIR states:

> "To reduce emissions from the operation of future projects envisioned in the proposed project, MM AIR-1e through MM AIR-1i are required to reduce emissions to the extent feasible, in combination with the existing General Plan policies and programs that also apply to the project. However, due to the magnitude of emissions generated by residential, office, institutional, commercial, and industrial land uses proposed as part of the project, no mitigation measures are available that would reduce cumulative impacts below SCAQMD's thresholds. Therefore, despite adherence to the applicable mitigation measures, Impact AIR-2 would remain significant and unavoidable" (DEIR, p. 3.3-50).

However, while we agree that the Project would result in significant air quality impacts, the DEIR's assertion that this impact is significant-and-unavoidable is unreliable. According to CEQA Guidelines § 15096(g)(2):

> "When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."[1]

The DEIR is required under CEQA to implement all feasible mitigation to reduce impacts to a less-than-significant level. While the DEIR implements Mitigation Measure ("MM") AQ-1 through MM-AQ-13, the DEIR fails to implement *all* feasible mitigation (p. 3.3-40 – 3.3-43). Therefore, the DEIR's conclusion that

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[1] "Cal. Code Regs. tit. 14 § 15096." California Legislature, *available at:* https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-7-eir-process/section-15096-process-for-a-responsible-agency.

Project's air quality emissions would be significant-and-unavoidable is unsubstantiated. To reduce the Project's air quality impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." The Project should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

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CONT

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would result in net annual greenhouse gas ("GHG") emissions of 90,620.26 metric tons of carbon dioxide equivalents per year ("MT CO_2e/year") (p. 3.8 - 21, Table 3.8-3).

Table 3.8-3 Total and Net Annual Operational Phase GHG Emissions at Buildout

Source Category	Emissions with Proposed Project Buildout (MT CO_2e)
Area Sources	29.46
Energy Usage	20,313.14
Mobile	53,570.46
Solid Waste	4,310.25
Water and Wastewater	6,059.95
Amortized Construction[1]	6,337
Annual Total[2]	90,620.26
Service Population (Residents + Employees)	8,436
Emissions Per Service Population	10.74
Threshold	4.1
Threshold Exceeded?	Yes

Notes:
MT CO_2e = metric tons of carbon dioxide equivalent
[1] Construction greenhouse gas emissions are amortized over the 30-year life of the project.
[2] Figures may not appear to add exactly due to rounding.
Source: CalEEMod Output (see Appendix C)

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As such, the DEIR concludes that the Project would result in a significant-and-unavoidable GHG impact, stating:

> "Even with the implementation of MM GHG-1 through MM GHG-3, due to the size of the proposed development and potential emissions of GHGs from project construction and operation, the impacts of the proposed project are significant and unavoidable" (p. 4.7-30).

However, while we agree that the Project would result in a significant GHG impact, the DEIR's assertion that this impact is significant-and-unavoidable is unreliable. As previously discussed, according to CEQA Guidelines § 15096(g)(2):

> "When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."

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As indicated above, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation measures are considered. While the DEIR incorporates GHG MM-1 through GHG MM-4, there are additional measures that the DEIR fails to consider (p. 3.8-21). To reduce the Project's GHG impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." The Project should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project would result in potentially significant air qualityand GHG impacts that should be mitigated further. As such, in an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. Therefore, to reduce the Project's emissions, we recommend consideration of SCAG's 2020 *RTP/SCS* PEIR's Air Quality Project Level Mitigation Measures ("PMM-AQ-1") and Greenhouse Gas Project Level Mitigation Measures ("PMM-GHG-1"), as described below: [2]

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SCAG RTP/SCS 2020-2045
Air Quality Project Level Mitigation Measures – PMM-AQ-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:
a) Minimize land disturbance.
c) Cover trucks when hauling dirt.
d) Stabilize the surface of dirt piles if not removed immediately.

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[2] "4.0 Mitigation Measures." Connect SoCal Program Environmental Impact Report Addendum #1, September 2020, available at: https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocal_addendum_4_mitigationmeasures.pdf?1606004420, p. 4.0-2 – 4.0-10; 4.0-19 – 4.0-23; See also: "Certified Final Connect SoCal Program Environmental Impact Report." Southern California Association of Governments (SCAG), May 2020, *available at:* https://scag.ca.gov/peir.

e) Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.
f) Minimize unnecessary vehicular and machinery activities.
g) Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.
h) Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.
k) Ensure that all construction equipment is properly tuned and maintained.
m) Provide an operational water truck on-site at all times. Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas. Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.
n) Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
p) As appropriate require that portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, obtain CARB Portable Equipment Registration with the state or a local district permit. Arrange appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site.
r) Projects located within the South Coast Air Basin should consider applying for South Coast AQMD "SOON" funds which provides funds to applicable fleets for the purchase of commercially available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles.
s) Projects located within AB 617 communities should review the applicable Community Emissions Reduction Plan (CERP) for additional mitigation that can be applied to individual projects.
t) Where applicable, projects should provide information about air quality related programs to schools, including the Environmental Justice Community Partnerships (EJCP), Clean Air Ranger Education (CARE), and Why Air Quality Matters programs.
u) Projects should work with local cities and counties to install adequate signage that prohibits truck idling in certain locations (e.g., near schools and sensitive receptors).
y) Projects that will introduce sensitive receptors within 500 feet of freeways and other sources should consider installing high efficiency of enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.
z) Develop an ongoing monitoring, inspection, and maintenance program for the MERV filters.
aa) Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities.
bb) The following criteria related to diesel emissions shall be implemented on by individual project sponsors as appropriate and feasible: - Diesel nonroad vehicles on site for more than 10 total days shall have either (1) engines that meet EPA on road emissions standards or (2) emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85% - Diesel generators on site for more than 10 total days shall be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%. - Nonroad diesel engines on site shall be Tier 2 or higher. - Emission control technology shall be operated, maintained, and serviced as recommended by the emission control technology manufacturer. - Diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 ppm or less. - The construction contractor shall maintain a list of all diesel vehicles, construction equipment, and generators to be used on site. The list shall include the following: i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment.

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ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation.
iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.

- The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.
- The contractor shall maintain a monthly report that, for each on road diesel vehicle, nonroad construction equipment, or generator onsite, includes:
  i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date.
  ii. Any problems with the equipment or emission controls.
  iii. Certified copies of fuel deliveries for the time period that identify:
    1. Source of supply
    2. Quantity of fuel
    3. Quantity of fuel, including sulfur content (percent by weight)

cc) Project should exceed Title-24 Building Envelope Energy Efficiency Standards (California Building Standards Code). The following measures can be used to increase energy efficiency:

- Provide pedestrian network improvements, such as interconnected street network, narrower roadways and shorter block lengths, sidewalks, accessibility to transit and transit shelters, traffic calming measures, parks and public spaces, minimize pedestrian barriers.
- Provide traffic calming measures, such as:
  i. Marked crosswalks
  ii. Count-down signal timers
  iii. Curb extensions iv. Speed tables
  iv. Raised crosswalks
  v. Raised intersections
  vi. Median islands
  vii. Tight corner radii
  viii. Roundabouts or mini-circles
  ix. On-street parking
  x. Chicanes/chokers
- Create urban non-motorized zones
- Provide bike parking in non-residential and multi-unit residential projects
- Dedicate land for bike trails
- Limit parking supply through:
  i. Elimination (or reduction) of minimum parking requirements
  ii. Creation of maximum parking requirements
  iii. Provision of shared parking
- Require residential area parking permit.
- Provide ride-sharing programs
  i. Designate a certain percentage of parking spacing for ride sharing vehicles
  ii. Designatfing adequate passenger loading and unloading and waiting areas for ride-sharing vehicles
  iii. Providing a web site or messaging board for coordinating rides
  iv. Permanent transportation management association membership and finding requirement.

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Greenhouse Gas Project Level Mitigation Measures – PMM-GHG-1

In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:
b) Reduce emissions resulting from projects through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines.
c) Include off-site measures to mitigate a project's emissions.
d) Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to: i. Deployment of zero- and/or near zero emission technologies; ii. Use lighting systems that are energy efficient, such as LED technology; iii. Use the minimum feasible amount of GHG-emitting construction materials; iv. Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production; v. Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse; vi. Incorporate design measures to reduce energy consumption and increase use of renewable energy; vii. Incorporate design measures to reduce water consumption; viii. Use lighter-colored pavement where feasible; ix. Recycle construction debris to maximum extent feasible; x. Plant shade trees in or near construction projects where feasible; and xi. Solicit bids that include concepts listed above.
e) Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following: i. Promote transit-active transportation coordinated strategies; ii. Increase bicycle carrying capacity on transit and rail vehicles; iii. Improve or increase access to transit; iv. Increase access to common goods and services, such as groceries, schools, and day care; v. Incorporate affordable housing into the project; vi. Incorporate the neighborhood electric vehicle network; vii. Orient the project toward transit, bicycle and pedestrian facilities; viii. Improve pedestrian or bicycle networks, or transit service; ix. Provide traffic calming measures; x. Provide bicycle parking; xi. Limit or eliminate park supply; xii. Unbundle parking costs; xiii. Provide parking cash-out programs; xiv. Implement or provide access to commute reduction program;
f) Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network;
g) Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations; and

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h) Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that: i. Provide car-sharing, bike sharing, and ride-sharing programs; ii. Provide transit passes; iii. Shift single occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services; iv. Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle; v. Provide employee transportation coordinators at employment sites; vi. Provide a guaranteed ride home service to users of non-auto modes.
i) Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;
j) Land use siting and design measures that reduce GHG emissions, including: i. Developing on infill and brownfields sites; ii. Building compact and mixed-use developments near transit; iii. Retaining on-site mature trees and vegetation, and planting new canopy trees; iv. Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.
k) Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities. The measures provided above are also intended to be applied in low income and minority communities as applicable and feasible.
m) Encourage telecommuting and alternative work schedules, such as: i. Staggered starting times ii. Flexible schedules iii. Compressed work weeks
n) Implement commute trip reduction marketing, such as: i. New employee orientation of trip reduction and alternative mode options ii. Event promotions iii. Publications
p) Implement school pool and bus programs
q) Price workplace parking, such as: i. Explicitly charging for parking for its employees; ii. Implementing above market rate pricing; iii. Validating parking only for invited guests; iv. Not providing employee parking and transportation allowances; and v. Educating employees about available alternatives.

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These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation.

As it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045, we emphasize that the energy mix that will charge the batteries and power electrical equipment must be 100% renewable energy resources. Until the feasibility of charging the batteries with renewable energy resources only is evaluated, the Project should not be approved. 54

A revised EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible. 55

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties. 56

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV
Attachment B: Paul Rosenfeld CV

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

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With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

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- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

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Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

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Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.,** 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

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Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

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Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

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Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

Attachment B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
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Attn: Paul Rosenfeld, Ph.D.
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Office: (310) 452-5555
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Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

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Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* **233,** 171.

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

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Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

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Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

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Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

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Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

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Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

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UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

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In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

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CONT

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al.cvs. Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

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In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al vs. CNA Insurance Company et al.
Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" Defendant.
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No. 1923
Rosenfeld Deposition 11-17-2017

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In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintifs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No. RG14711115
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No. LALA002187
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No. 4980
Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case No. CACE07030358 (26)
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In the County Court of Dallas County Texas
Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.
Case No. cc-11-01650-E
Rosenfeld Deposition: March and September 2013
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In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
Civil Action No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants
Civil Action No. CV 2008-2076
Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.
Case No. 2:07CV1052
Rosenfeld Deposition July 2009

Golden State Environmental Justice Alliance
Green Jobs & Clean Communities
P.O. Box 79222
Corona, CA 92877

March 12, 2024
Jim Pechous
City of Jurupa Valley
jperchous@jurupavalley.org

Re: Rio Vista Specific Plan Project, SCH Number 2018121005

Dear Mr. Pechous:

On behalf of the Golden State Environmental Justice Alliance ("GSEJA"), I am writing to you regarding the Rio Vista Specific Plan Project, SCH Number 2018121005 (the "Project").

GSEJA is withdrawing its comment letter and opposition to the Project. The Project's developer has addressed GSEJA's concerns about environmental mitigation.

Sincerely,

Joe Bourgeois
Executive Director

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Golden State Environmental Justice Alliance (GSEJA)

On March 12, 2024, Joe Bourgeois, Executive Director of Golden State Environmental Justice Alliance (GSEJA), submitted a letter withdrawing the prior letter dated December 4, 2023. The letter states that GSEJA is withdrawing its comment letter and opposition to the proposed project because GSEJA's concerns regarding environmental mitigation had been addressed. Although GSEJA's concerns have been addressed, and no further issues have been identified, the prior comment letter is part of the record and proceedings, and responses to the prior comments are provided below.

Response to GSEJA-1

Please see Master Response 4 regarding general comments. The introductory paragraph does not raise any specific environmental issues related to the project and does not require a response. See Master Response 4, Degree of specificity required for response to general comments.

Response to GSEJA-2

The comment reiterates Project Description detail from the Draft EIR. No response is required.

Response to GSEJA-3

This comment alleges that the Draft EIR should be recirculated to include the Rio Vista Specific Plan and Development Agreement as attachments.

CEQA requires a project description to identify, to the extent known by the lead agency, the permits and other approvals required to implement the project (CEQA Guidelines § 15124). It does not, however, require the applications for such approvals or documents associated with such approvals to be included in, or attached to, an EIR. (*Native Sun/Lyon Communities v. City of Escondido* (1993) 15 CA4th 892, 909: "it was not necessary for the Development Agreement to be analyzed in the environmental impact report since CEQA does not require that an analysis be made of each and every activity carried out in conjunction with a project"; listing agreement as proposed approval was adequate.) See also, *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 CA5 281, 291 [EIR is sufficient if it makes reference to a required Development Agreement to alert persons interested in the document to its relevance, but need not include the Development Agreement]. Additionally, even where a lead agency fails to include reference to, or discussion of, a Development Agreement, that error is not prejudicial. See *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 CA4th 899.

Here, both the Notice of Availability and Section 2.4.1 of the Draft EIR expressly identify the required approvals and permits, including the Development Agreement. Consistent with the court's finding in *Native Sun*, the EIR gave adequate notice of the existence of the Development Agreement and provided a means for determining the terms of that document. To the extent the Specific Plan and/or the Development Agreement, or other approvals or permits, could result in physical impacts to environment, those effects are analyzed in the Draft EIR. Impacts related to permitted uses and development standards such as maximum height, and floor area ratio are discussed in Section 3.11 Land Use and Planning, of the Draft EIR. Case law recognizes that parking impacts are not necessarily environmental impacts (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 CA4th 656, 697). There is no evidence that parking would contribute to

environmental effects; therefore, the comment related to parking is not applicable to the CEQA analysis.

Moreover, it is important to note that the Development Agreement is a contract between the City and Developer entered into as a condition of project approval and has not yet been finalized. Accordingly, the terms of a Development Agreement are routinely negotiated concurrently with the environmental review process and finalized prior to project approval, making inclusion of such a contract that is still being negotiated in the Draft EIR speculative.

Response to GSEJA-4
The comment refers the readers to the attachments to the GSEJA letter for a complete technical commentary and analysis.

The comments in the attachments are addressed in Response to GSEJA-47 through Comment GSEJA-57. No additional response is required.

Response to GSEJA-5
The comment is incorrect in stating that the EIR does not include analysis of relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. Specifically, in response to the comments made about ozone, diesel particulate matter, and truck traffic's contribution to these impacts, these are addressed in detail in Section 3.3 Air Quality of the Draft EIR.

The comment is correct in describing the characteristics of the site with respect to CalEnviroScreen scores, which is not intended to determine the level of impact to the environment for CEQA purposes. The California Office of Environmental Health Hazard Assessment (OEHHA) developed CalEnviroScreen as part of California Environmental Protection Agency's (Cal/EPA) environmental justice program. CalEnviroScreen is being used to identify communities that face multiple burdens of pollution and socioeconomic disadvantage. This information helps Cal/EPA to prioritize its work in the State's most burdened communities.

As stated by Cal/EPA,[13] CalEnviroScreen is used for:

- Identifying California's most environmentally burdened and vulnerable communities.
- Assisting Cal/EPA's boards and departments with decisions, such as prioritizing resources and cleanup activities. Disadvantaged communities in California are targeted for investment of proceeds from the State's Cap-and-Trade Program. Cal/EPA designated census tracts with the highest CalEnviroScreen scores as disadvantaged communities for investing cap-and-trade proceeds.
- Guiding Cal/EPA's Environmental Justice Task Force and other State entities in allocating grants and in other decisions.

[13] California Environmental Protection Agency (Cal/EPA). CalEnviroScreen 3.0 Factsheet. Website: https://oehha.ca.gov/media/downloads/calenviroscreen/fact-sheet/ces30factsheetfinal.pdf. Accessed May 15, 2024.

As it applies to CEQA, Cal/EPA advises that:

- The CalEnviroScreen Tool scoring results are not directly applicable to the cumulative impacts analysis required under CEQA.
- Information provided by this tool cannot be used as a substitute for an analysis of the cumulative impacts of any specific project for which an environmental review is required by CEQA.
- The tool assesses environmental factors and effects on a regional or community-wide basis and cannot be used in lieu of performing an analysis of the potentially significant impacts of any specific project.[14]

A lead agency under CEQA must determine independently whether a proposed project's impacts may be significant under CEQA based on the evidence before it, using its own discretion and judgment. The tool's results are not a substitute for this required analysis. This tool considers some social, health, and economic factors that may not be relevant when doing an analysis under CEQA. The tool's output should not be used as a focused risk assessment of a given community or site. It cannot predict or quantify specific health risks or effects associated with cumulative exposures identified for a given community or individual.

For the reasons stated above, the CalEnviroScreen scores are not considered as thresholds of significance adopted per CEQA Guidelines Section 15064.7. Notwithstanding, the Draft EIR addresses all applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, including the impacts on disadvantaged communities. (Refer to Draft EIR Sections 3.3 Air Quality, 3.8 Greenhouse Gas Emissions, 3.9 Hazards and Hazardous Materials, 3.10 Hydrology and Water Quality, 3.11 Land Use and Planning, 3.13 Noise, 3.17 Transportation, and 3.19 Utilities and Service Systems, Chapter 4 Other CEQA Considerations, and Chapter 5 Alternatives.)

Response to GSEJA-6
The comment expresses an understanding of the CalEnviroScreen score for contaminated drinking water and is informational in nature. It does not raise a concern regarding the adequacy of the EIR. No further response is necessary.

Response to GSEJA-7
The comment expresses an understanding of the data presented in CalEnviroScreen for solid waste and hazardous waste facilities and is informational in nature. It does not raise a concern regarding the adequacy of the EIR. No further response is necessary.

[14] California Office of Environmental Health Hazard Assessment (OEHHA). 2013. Cal/EPA Releases Nation's First Comprehensive Statewide Screening Tool-CalEnviroScreen 1.0. April 23. Website: https://oehha.ca.gov/calenviroscreen/press-release/press-release-calenviroscreen/calepa-releases-nations-first. Accessed April 25, 2024.

Response to GSEJA-8
The comment expresses an understanding of the data presented in CalEnviroScreen for cleanup sites and is informational in nature. It does not raise a concern regarding the adequacy of the Draft EIR. No further response is necessary.

Response to GSEJA-9
The first part of the comment describes an understanding of the data presented in CalEnviroScreen for diverse communities and is informational in nature. No further response is necessary.

The part of the comment regarding Senate Bill (SB) 535, the Draft EIR Exhibit 3.3-1 CalEnviroScreen Attributes for Project Site, describes the pollution burden for the project site for informational purposes. The following clarifying text is added for context and will be included in the Errata section:

> As shown in Exhibit 3.3-1, the CalEnviroScreen identifies the project site as "High Pollution-Low Population" and describes the level of pollution burden by a scoring system used to identify communities that face multiple burdens of pollution and socioeconomic disadvantage. This information helps Cal/EPA to prioritize its work in the State's most burdened communities. This score is not intended to be used for CEQA purposes.

With respect to the part of the comment about the project site being under a SB 535 designation, as stated by the OEHHA, "Disadvantaged communities in California are specifically targeted for investment of proceeds from the State's Cap-and-Trade Program. These investments are aimed at improving public health, quality of life and economic opportunity in California's most burdened communities, and at the same time, reducing pollution that causes climate change. The investments are authorized by the California Global Warming Solutions Act of 2006 (AB 32, Nunez 2016)".[15]

As detailed in the consistency analysis for impacts on disadvantaged communities, please refer to Sections 3.3 Air Quality, 3.8 Greenhouse Gas Emissions, 3.9 Hazards and Hazardous Materials, 3.10 Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13 Noise, 3.17 Transportation, and 3.19 Utilities and Service Systems, Chapter 4 Other CEQA Considerations, and Chapter 5 Alternatives, which address the proposed project impacts under adopted CEQA thresholds of significance that apply to SB 535 communities as well as the City as whole.

Response to GSEJA-10
The California Emissions Estimator Model (CalEEMod) is a Statewide land use emissions computer model designed to provide a uniform platform to calculate construction and operational emissions from land use development projects. CalEEMod was developed for the California Air Pollution Control Officers Association (CAPCOA) in collaboration with the California Air Districts. The model is a comprehensive tool for quantifying air quality impacts from land use projects located throughout California and can be used for a variety of situations where an air quality analysis is necessary, such as preparing CEQA or National Environmental Policy Act (NEPA) documents, conducting pre-project planning, and verifying compliance with local air quality rules and regulations.[16] CalEEMod was

[15] California Environmental Protection Agency (Cal/EPA). 2022. SB 535 Disadvantaged Communities (2022 Update). Website: https://oehha.ca.gov/calenviroscreen/sb535. Accessed May 15, 2024.
[16] California Air Pollution Control Officers Association (CAPCOA). CalEEMod User Guide. Page 1. Website: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf. Accessed April 18, 2024.

updated in 2022 and includes the gas and electric utility emissions factors pursuant to the location of the proposed project, as well as building energy zones. The 2022 CalEEMod update generates default electricity and natural gas consumption that consider Title 24 standards.[17]

California Building Energy Code Compliance (CBECC) software is approved specifically for Title 24 compliance; however, it is used to confirm that a final building design (with detailed information included in its construction drawings) is Title 24 compliant. The final designs and construction drawings are not available for the proposed project and are not typically prepared until after a proposed development project is approved/entitled.

Accordingly, the Draft EIR and underlying technical studies correctly use CalEEMod to estimate energy demand based on average intensity factors for similar land use types. Since the occupants of the proposed project's buildings are unknown at this time, and information about the future building users' energy use is also not available at this time, it is appropriate to rely upon the CalEEMod default assumptions which have been derived by CAPCOA. There is no requirement in CEQA to show specific compliance with 2022 Building Energy Efficiency Standards based on conceptual building designs that are proposed at the entitlement stage of a project's approval process. This will be a requirement pursuant to State law prior to issuance of each building permit and verified by the City's Building and Safety Department. No further response is needed.

Response to GSEJA-11
The proposed project is not inconsistent with State Housing Element Law.

The proposed project would provide needed housing options in the City to support planned population growth. The proposed project includes 11 PAs for residential development. Within these PAs, the proposed project would provide up to 1,697 housing units, including very low density, medium density, medium high density, and very high-density housing products, which would help to support the housing needs of the City consistent with City's Regional Housing Needs Allocation (RHNA). Consistent with the Housing Element Update, the Draft EIR projects that by 2029, approximately 60 percent, or 1,081 of the proposed 1,697 housing units would be built. Of these proposed 1,081 housing units, 578 are expected to be in the RHNA "Above Moderate Income" category, and 440 are expected to be in the RHNA "Moderate Income" category.

However, the proposed project is not required to mandate development of moderate income housing. RHNA quantifies the need for housing within each jurisdiction during specified planning periods. RHNA does not necessarily encourage or promote growth but rather allows communities to anticipate growth so that collectively the region and subregion can grow in ways that enhance quality of life, improve access to jobs, promotes transportation mobility, and addresses social equity and fair share housing needs. As such, there is no requirement in RHNA that requires individual development projects to provide affordable housing.

[17] California Air Pollution Control Officers Association (CAPCOA). CalEEMod User Guide Appendix D Technical Source Documentation for Emissions Calculations. Page D-11. Website: https://www.caleemod.com/documents/user-guide/05_Appendix%20D.pdf. Accessed April 18, 2024.

Response to GSEJA-12
The proposed project is consistent with the Housing Element and no amendments are required. It is important to note that the proposed project was anticipated and evaluated in the Housing Element rather than the approved Specific Plan. See Housing Element Table 5.40: Proposed Rio Vista Specific Plan Amendment (2021) Anticipated Build-Out 2021-2029 and Table 5.46: Progress in Meeting 6th Cycle Regional Housing Need Allocation. PA 11 as identified in the Housing Element (see e.g., Figure A-3), is PA 9 in the proposed project (see Figure II-1).

Response to GSEJA-13
The comment misleadingly focuses on only the proposed project's PA's 4 and 11 in identifying potential dwelling unit target numbers. The proposed project includes 11 PA's planned for residential development, including PA 9, which was identified as PA 11 in the Housing Element. To appropriately compare the proposed project to the Housing Element, at a minimum, PA 9 must be included.

The proposed project includes five residential densities, as described below:

- **Very Low Density Residential–VLDR** (Target Density: 0.8 dwelling units per acre (du/acre); Maximum Density 2.0 du/acre; Total Acres: 6.4): The proposed project provides for a target of 5 homes at a density of 0.8 du/acre and a maximum of 5 homes at a density of 2.0 du/acre within PA 10 and PA 11.
- **Medium Density Residential–MDR** (Target Density: 4.5 du/acre; Maximum Density 5.0 du/acre; Total Acres: 58.7): The proposed project provides for a target of 265 homes at a density of 4 du/acre and a maximum of 295 homes at a density of 5.0 du/acre within PA 1, PA 2, and PA 7.
- **Medium High Density Residential–MHDR** (Target Density: 6.9 du/acre; Maximum Density 8.0 du/acre: Total Acres: 59.0): The proposed project provides for a target of 408 homes at a density of 6.9 du/acre and a maximum of 472 homes at a density of 8.0 du/acre within Planning Areas 3 and 8.
- **High Density Residential–HDR** (Target Density: 10.2 du/acre; Maximum Density: 14.0 du/acre; Total Acres: 58.6): The proposed project provides for a target of 599 homes at a density of 10.2 du/acre and a maximum of 1,021 homes at a density of 14.0 du/acre within Planning Areas 4, 5, and 6.
- **Highest Density Residential–HHDR** (Target Density: 19.4 du/acre; Maximum Density; 25.0 du/acre; Total Acres: 21.7): The proposed project provides for a target of 420 homes at a density of 19.4 du/acre and a maximum of 543 homes at a density of 25.0 du/acre within PA 9.

Notably, PA 9 alone identifies a target of 420 units with a HHDR designation, which is identical to the target identified in the Housing Element where the same area was previously identified as PA 11. Therefore, the proposed project is in alignment with the Housing Element. When the capacity assumptions and targets for all Planning Areas are considered, the proposed project has adequate sites to meet the City's RHNA.

Response to GSEJA-14
The proposed project does not result in a revision of the Housing Element's sites available to meet RHNA. Please refer to Response to GSEJA-13. Additionally, the Housing Element specifically considered the proposed project rather than the approved Specific Plan when evaluating housing. See Chapter 5 Alternatives to the Proposed Project, page 5-70, Housing Element, 2021-2029.

Response to GSEJA-15
Perfect consistency is not required in an EIR's evaluation of land use plans. When evaluating a proposed project's consistency with applicable plans, CEQA does not require strict consistency with every policy or with all aspects of a plan. The Draft EIR is only required to discuss potential inconsistencies that are related to physical environmental issues. Courts have consistently recognized that a lead agency has significant discretion when evaluating consistency. "[G]eneral and specific plans attempt to balance a range of competing interests. It follows that *it is nearly, if not absolutely, impossible for a project to be in perfect conformity* with each and every policy set forth in the applicable plan. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan" (emphasis added, *Sierra Club v. County of Napa* (2004) 121 CA4th 1490, 1510-1511). It also follows then, that even though a project may– or likely will– deviate from some particular provisions of a plan, if it remains consistent with that plan as demonstrated on an overall basis, the lead agency is within its discretion to make a consistency finding and courts will defer to the lead agency's regarding any determination.

The Draft EIR meets the requirements of CEQA Guidelines Section 15125(d). For the proposed project, the Draft EIR focused on consistency with policies that would be potentially impacted by the proposed project as detailed in Table 3.11-5. Consistency with relevant General Plan and other land use policies are discussed in Section 3.11 Land Use and Planning and demonstrated in Table 3.11-5. Identified Goals are generally citywide expressions of community values, and as such, are not typically implemented at a project level. Policies are specific statements that guide decision-making. Accordingly, individual projects are more likely to demonstrate consistency with applicable policies. As shown in Table 3-1, below, the proposed project is consistent with all applicable policies. While the comment lists several goals and policies, it fails to identify any specific grounds for conflict or identify any potential environmental issues. Nonetheless, as demonstrated in Table 3-1, below, the proposed project is consistent with each of the policies identified by the commenter. Additionally, the proposed project does not interfere with any of the citywide goals included in the General Plan.

Table 3-1: Response to GSEJA-15

Element	Policy		Consistency Determination
	No.	Text	
Air Quality	Goal AQ 1	Works with regional, subregional, and State agencies to protect and improve air quality and reduce greenhouse gas emissions.	**Consistent:** As explained above, Goals are general statements of the City's values and are not applicable on a project level. However, the proposed project would further this Goal. The proposed project requires the implementation of Plans,

Element	Policy		Consistency Determination
	No.	Text	
			Policies, and Programs (PPP) to reduce impacts related to air quality. PPP 3.3-1 – PPP 3.3-6 are designed to demonstrate compliance with various South Coast Air Quality Management District (SCAQMD) and State regulations and initiatives related to air quality.
	Goal AQ 2	Helps protect its residents, and especially senior citizens, youth and other sensitive receptors, from toxic air pollution.	**Consistent:** As explained above, Goals are general statements of the City's values and are not applicable on a project level. However, the proposed project would further this Goal. The proposed project includes PPP 3.3-2, which requires compliance with California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025, "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles" and California Code of Regulations Title 13, Division 3, Chapter 10, Article 1, Section 2485, "Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling." The proposed project design includes buffers and setbacks between residential areas and other land uses, such as schools and parks where sensitive receptors may be located and proposed commercial or industrial land uses in the planning area. High-density residential neighborhoods located near transit and the support of alternative modes of transportation, reduce Vehicle Miles Traveled (VMT) on a per capita basis, helping to reduce the exposure of sensitive receptors to emissions from mobile sources. Furthermore, the Draft Environmental Impact Report (Draft

Element	Policy		Consistency Determination
	No.	Text	
			EIR) includes mitigation measures to reduce emissions of and exposure to toxic air contaminants from construction and operation, including MM AIR-1a through MM AIR-1i and MM AIR-3a through MM AIR-3c. Refer to Section 3.3 Air Quality for further discussion.
	Goal AQ 3	Works to reduce emissions from stationary and mobile sources.	**Consistent**: As explained above, Goals are general statements of the City's values and are not applicable on a project level. However, the proposed project would further this Goal. The project design includes high-density development that would help reduce VMT per capita. This project would reduce air quality impacts by reducing mobile source emissions associated with the proposed project's operation. Additionally, the General Plan would apply to the proposed project, including policies aimed at reducing VMT and/or direct emissions. For example: General Plan Policy ME 3.36, Bicycle Improvements Conditionally Required requires the construction or rehabilitation of bicycle facilities improvements as a condition of approving new development, per Zoning Ordinance standards; AQ 2.2 Pollution Control Measures strongly encourage the use of pollution control measures such as landscaping, vegetation and other materials that trap particulate matter or control pollution; AQ 3.4 Emissions Mitigation requires every project to mitigate any of its anticipated emissions that exceed allowable levels as established by the SCAQMD, the EPA, and California Air Resources Board (ARB), to the greatest extent possible; and EJ 2.14 Truck Idling seeks the necessary funding and resources to enforce the Statewide idling limit of five minutes for

Element	Policy		Consistency Determination
	No.	Text	
			heavy-duty diesel vehicles with a Gross Vehicle Weight Rating (GVWR) of 10,000 pounds or more.
	Policy AQ 4.3	**Electric Service Units.** Require the installation and use of electric service units at truck stops and distribution centers for heating and cooling truck cabs, and particularly for powering refrigeration trucks, in lieu of idling of engines for power.	**Consistent:** This Draft EIR evaluates project-related operational emissions and incorporates relevant General Plan policies that will reduce air quality impacts in the operational analysis. Refer to Section 3.3 Air Quality for further discussion.
	Policy AQ 2.1	**Site Plan Designs.** Require City land use planning efforts and site plan designs to protect people and land uses sensitive to air pollution, using barriers and/or distance from emissions sources, and protect sensitive receptors from polluting sources, wherever possible.	**Consistent:** The proposed project sets forth development standards and design guidelines that include measures to promote land use compatibility between different land uses and reduce exposure to air pollution. Refer to Section 3.3 Air Quality for further discussion.
	Policy AQ 3.4	**Emissions Mitigation**. Require every project to mitigate any of its anticipated emissions that exceed allowable levels as established by the South Coast Air Quality Management District [SCAQMD], the [United States Environmental Protection Agency] EPA, and [California Air Resources Board] ARB, to the greatest extent possible.	**Consistent:** This Draft EIR evaluates project-related construction and operational emissions and sets forth mitigation measures to reduce impacts. Refer to Section 3.3 Air Quality for further discussion.
	Policy AQ 6.12	**Housing Types.** Provide for a variety of housing types that support a local market for a skilled professional and management labor pool when approving new residential developments.	**Consistent:** The proposed project would develop up to 1,697 dwelling units including very low density, medium density, medium high density, and very high-density housing products.
Environmental Justice Element	City of Jurupa Valley Community Values Statement	**Environmental Justice.** We value the health, well-being, safety, and livability of all our communities and strive to distribute public benefits and resources equitably. We endeavor to enhance underserved communities so that all residents can thrive and share in a high quality of life.	**Consistent:** The proposed project would facilitate new housing options, including very low density, medium density, medium high density, and very high-density housing products, employment, educational, and recreational opportunities while also providing essential infrastructure. This would promote regional economic prosperity through new capital

Element	Policy		Consistency Determination
	No.	Text	
			investment, expansion of the tax base, and the creation of new jobs.
	Primary Goal	Ensure environmental equity for all persons, regardless of race, color, national origin, or income, and establish and maintain an open and inclusionary public decision-making process.	**Not applicable on a project level.**
	Goal EJ 1	Ensure an open and transparent public process that improves the quality of life relative to a cleaner and healthier environment.	**Not applicable on a project level.**
	Goal EJ 3	Ensure a reduction in disproportionate environmental burdens affecting low-income and minority populations.	**Not applicable on a project level.**
	Goal EJ 5	Ensure healthy and affordable housing opportunities for all segments of the community.	**Consistent:** The proposed project would support healthy and equitable communities by including a mix of use and densities (e.g., residential, light industrial, business park, school, recreation, etc.) that provide housing, employment, education, and recreational opportunities.
	Policy EJ 2.1	**Separation of Land Uses.** Require that proposals for new sensitive land uses are located adequate distances from freeways and major roadways based on an analysis of physical and meteorological conditions at the project site.	**Consistent:** Future development under the proposed project would be subject to the latest adopted edition of the California Building Standards Code (CBC). Additionally, future development would comply with the General Plan and Specific Plan design guidelines.
	Policy EJ 2.2	**Sensitive Land Use Buffers.** Require that proposals for new sensitive land uses incorporate adequate setbacks, barriers, landscaping, or other measures as necessary to minimize air quality impacts.	**Consistent:** The proposed project sets forth development standards and design guidelines that include measures to promote land use compatibility between different land uses. Additionally, the proposed project design includes buffers and setbacks between residential areas and other land uses, such as schools and parks where sensitive receptors may be located, and proposed commercial or industrial land uses in the

Element	Policy		Consistency Determination
	No.	Text	
			planning area. High-density residential neighborhoods located near transit and the support of alternative modes of transportation, reduce VMT on a per capita basis, helping to reduce the exposure of sensitive receptors to emissions from mobile sources.
	Policy EJ 2.3	**School Buffers.** Provide adequate buffers between schools and industrial facilities and transportation corridors.	**Consistent:** The proposed project sets forth development standards and design guidelines that include measures to promote land use compatibility between different land uses. The proposed project would locate the light industrial and business park uses adjacent to existing uses along 20th Street and Rubidoux Boulevard. The residential and school uses would be located away from these uses and buffered by open space and other uses.
	Policy EJ 2.5	**Residential Buffers.** Require that zoning regulations provide adequate separation and buffering of residential and industrial uses.	**Consistent:** The proposed project would locate light industrial and business park uses adjacent to similar existing uses along 20th Street and Rubidoux Boulevard. The proposed project sets forth development standards and design guidelines that include measures to promote land use compatibility between different land uses.
	Policy EJ 2.8	**Separation of Uses.** Build new sensitive land uses with sufficient buffering from industrial facilities and uses that pose a significant hazard to human health and safety. The California ARB recommends that sensitive land uses be located at least 1,000 feet from hazardous industrial facilities.	**Consistent:** The proposed project sets forth development standards and design guidelines that include measures to promote land use compatibility between different land uses.
	Policy EJ 4.2	**Air Pollution.** Require new housing proposals in areas subject to unhealthful air quality to incorporate setbacks, barriers, landscaping, ventilation systems, or other measures to ensure that air pollution does not affect the residents.	**Consistent:** MM Air-3a shall require minimum distances (i.e., setbacks) between potentially incompatible land uses. Refer to Section 3.3 Air Quality for further discussion.

Element	Policy		Consistency Determination
	No.	Text	
Housing	Goal HE 1	Encourage and, where possible, assist in the development of quality housing to meet the City's share of the region's housing needs for all income levels and for special needs populations.	**Consistent:** As explained above, Goals are general statements of the City's values and are not applicable on a project level. However, the proposed project would further this Goal. Five categories of residential development intensity are proposed which provide a range of housing options at multiple income points.
	Goal HE 2	Conserve and improve the housing stock, particularly housing affordable to lower income and special housing needs households.	**Consistent:** As explained above, Goals are general statements of the City's values and are not applicable on a project level. However, the proposed project would further this Goal. Five categories of residential development intensity are proposed which provide a range of housing options at multiple income points.
	Policy HE 1.1	**Regional Housing Needs Allocation.** Changes to the General Plan and the Zoning Ordinance and Map shall provide and/or maintain sufficient land at appropriate densities to meet the City's Regional Housing Needs Allocation for the 2021-2029 Planning Period.	**Consistent:** As shown in Table 3.14-4, the City's Regional Housing Needs Allocation (RHNA) Allocation determined that there is a need for 4,497 housing units in order to meet the City's housing needs. The proposed project would provide up to 1,697 housing units, which would help to support the housing needs of the City consistent with City's RHNA Allocation.
	Policy HE 1.4	**Housing Diversity.** Encourage the development of diverse housing types and housing densities to best meet the needs of the community.	**Consistent:** See Table 2-1: Specific Plan Land Use Summary. The proposed project provides a range of home types to appeal to a variety of family sizes, household incomes, and lifestyle preferences. Planning Areas 1 through 9 provide for the residential neighborhoods, consisting of attached and detached single-family/multi-generational homes with target densities ranging from 4.1 dwelling units per acre (du/acre), in PA 7, to 19.4 du/acre, in PA 9. Additionally, Planning Areas 10 and 11 provide for homes with minimum 1.0-acre lots, at a target density of 0.8 du/acre.

Element	Policy		Consistency Determination
	No.	Text	
	Policy HE 1.6	**Availability of Suitable Sites.** Ensure the availability of suitable sites for the development of affordable housing to meet the needs of all household income levels, including special needs populations.	**Consistent:** Guiding principles of the proposed project include providing for a mix of housing options at all income levels. Additionally, the proposed project includes Mixed-Use land use designations, with residential areas located near existing transit, service amenities, areas of employment, and recreational areas.
	Policy HE 1.14	**Development Within Density Range.** Encourage development at the upper limits of the applicable general plan density range to increase housing choice in the City.	**Consistent:** The proposed project provides for up to 1,697 dwelling units (du) on 204.4 acres, which matches the existing Rio Vista Specific Plan No. 243, yielding an average density of 1.8 du/acre. The majority of the residential Planning Areas target development at the upper limits of the density range. See Table 2-1.
Mobility	Policy ME 1.1.2	**Mobility Corridors.** Require that the City's mobility corridors: (2) Maintain at least a Level of Service (LOS) D or better at all intersections, except where flexibility is warranted based on a multimodal LOS evaluation, or where LOS E is deemed appropriate to accommodate complete streets/multimodal facilities.	**This policy is not applicable to the Draft EIR.** LOS is no longer applicable in a CEQA context as it is no longer considered an environmental impact. In December 2018, Senate Bill (SB) 743 (State CEQA Guidelines § 15064.3) was implemented. Under SB 743, as of July 1, 2020, localities are required to rely on VMT instead of traffic delay as the primary metric for evaluating transportation impacts in CEQA documents.[18]
	Policy ME 2.1.2	**Roadway System.** Require that the City's mobility corridors: (2) Maintain at least a Level of Service (LOS) D or better at all intersections, except where flexibility is warranted based on a multimodal LOS evaluation, or where LOS E is deemed appropriate to accommodate complete streets/multimodal facilities.	**This policy is not applicable to the Draft EIR.** LOS is no longer applicable in a CEQA context as it is no longer considered an environmental impact.
	Policy ME 2.3	**Development Project Impacts**. Require development projects to	**Consistent:** This Draft EIR evaluates VMT and impacts to transit, bicycle,

[18] The existence of automobile delay impacts, or the adequacy of an Level of Service (LOS) analysis, is not a basis under CEQA for challenging an EIR (*Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43CA5th 609, 624).

Element	Policy		Consistency Determination
	No.	Text	
		analyze potential off-site traffic impacts and related environmental impacts through the CEQA process and to mitigate adverse impacts to less than significant levels.	and pedestrian facilities. This Draft EIR sets forth mitigation as appropriate. Refer to Section 3.17 Transportation for further discussion.

Response to GSEJA-16
The comment states that Appendix J includes Table 36: Specific Plan Project Impact Summary identifying all of the intersections that will operate at deficient levels per the applicable thresholds. Additionally, Table 37: Specific Plan Fair Share identifies the percentage of trips at the deficient intersections attributed to the proposed project.

This comment is informative in nature and does not bring up any deficiencies in the Draft EIR that would require recirculation. Therefore, no further response is warranted.

Response to GSEJA-17
The comment states that in lieu fees/fair share payments in outlaying jurisdictions outside of the City of Jurupa Valley's control cannot prove that mitigation will actually be implemented. Therefore, the mitigation measures are not adequate as there is no evidence that the mitigation measures within the adjacent jurisdictions would be implemented.

SB 743 was passed in 2013, stating that transportation impacts analyzed in CEQA are to utilize Vehicle Miles Traveled (VMT) to determine the level of significance and environmental impacts. SB 743 also stated that Level of Service (LOS) and other similar metrics will no longer constitute a significant environmental effect under CEQA. The recommended improvements in Table 36 and Table 37 specifically relate to maintaining an acceptable LOS at the deficient intersections. As these deficiencies are no longer considered an environmental impact in a CEQA context, these are not considered mitigation measures. The mitigation measures proposed from Section 3.17 Transportation, page 3.17-19 to page 3.17-20 are related to VMT, the appropriate metric for analyzing transportation environmental impacts, and are all within the jurisdictional power and responsibilities of the City. Therefore, no changes to the Draft EIR would be required and recirculation would not be required.

Response to GSEJA-18
The comment states that the Draft EIR must be revised and recirculated to include LOS as a cumulatively considerable significant impact because the project conflicts with Transportation Impact Threshold A and Land Use and Planning Impact Threshold B and General Plan Policy ME 1.1.2 Mobility Corridors.

SB 743 was passed in 2013, stating that transportation impacts analyzed in CEQA are to utilize VMT to determine the level of significance and environmental impacts. SB 743 also stated that LOS and other similar metrics will no longer constitute a significant environmental effect under CEQA.

Therefore, including LOS deficiencies as a cumulatively considerable significant impact would be inappropriate and inconsistent with SB 743 and Section 15064.3 of the CEQA Guidelines. Therefore, the Draft EIR would not require an update and recirculation would not be required.

Response to GSEJA-19
The comment continues the argument that the Draft EIR must be revised and recirculated to include LOS as a cumulatively considerable significant impact and states the language from General Plan Policy ME 2.1.2 Roadway System.

See Response to GSEJA-18.

Response to GSEJA-20
The comment continues the argument that the Draft EIR must be revised and recirculated to include LOS as a cumulatively considerable significant impact and states the language from Policy ME 2.1.2 Roadway System.

See Response to GSEJA-18.

Response to GSEJA-21
Contrary to the commenter's assertions, the proposed project's impacts related to the Air Quality Management Plan (AQMP), SCAQMD greenhouse gas (GHG) thresholds, and SB 743 are discussed thoroughly in Section 3.3 Air Quality, Section 3.8 Greenhouse Gas Emissions, and Section 3.17 Transportation. These sections also discuss the mitigation measures in place to reduce these impacts. The proposed mitigation measures would not reduce project impacts to less than significant; therefore, the Draft EIR appropriately identified these impacts as significant and unavoidable.

The CEQA Guidelines do not mandate a specific location in the EIR for the plan inconsistency analysis. See Section 15125(b). Accordingly, it is within the Lead Agency's discretion to determine an appropriate approach to analysis. As explained in Section 1.3 Organization of the Draft EIR, the Land Use and Planning chapter addresses the potential land use impacts associated with division of an established community and consistency with relevant adopted plans, including the City of Jurupa Valley General Plan and City of Jurupa Valley Municipal Code. The Draft EIR specifically explains that consistency with AQMP, SCAQMD GHG thresholds, and SB 743 are addressed in their respective sections and readers are referred to those sections (See Section 3.11 Land Use and Planning, page 3.11-5 Approach to Analysis), while Section 3.11, Land Use and Planning focuses on land use plans that are not already addressed elsewhere.

Therefore, the Draft EIR provided meaningful analysis related to the proposed project's consistency with AQMP, SCAQMD GHG thresholds, and SB 743. No further response is needed.

Response to GSEJA-22
The Connect SoCal Plan outlines several performance measures along with a "plan vs. no plan" analysis to evaluate whether it will reach the stated goals while also accommodating economic and population growth. The "plan vs. no plan" (baseline) analysis determines how well the Connect SoCal Plan will do to connect transportation, land use and sustainable communities to meet overall

goals of the plan (such as reducing GHG's and improving air quality) and compares how the region would perform with or without implementation of the Connect SoCal Plan. The analysis shows that implementation of the Connect SoCal Plan would reduce VMT per capita, reduce travel delays per capita, and would improve public health as opposed to business-as-usual development of the region. According to the baseline analysis, the efficiencies of the Connect SoCal Plan– including reductions in VMT and travel delays– would result in reductions of reactive organic gases (ROG), carbon monoxide (CO), and particulate matter 2.5 micrometers or less in diameter ($PM_{2.5}$) emissions, as well as meeting GHG reduction goals for 2020 and 2035.[19] These reductions would occur *with* land development and economic/population growth by implementing development that is more efficient, walkable, and transit oriented in nature.

As noted in the Draft EIR, the proposed project demonstrates consistency with the Connect SoCal Plan to accommodate growth in a sustainable manner and promote reductions in per capita VMT and GHG emissions and general improvements in air quality over business-as-usual by: (1) locating jobs next to housing; (2) locating schools and recreational opportunities next to housing; (3) completing the missing link in 20th Street, allowing for shorter and more direct trips; and (4) developing new buildings that adhere to the latest adopted energy efficiency standards. See Draft EIR, Section 3.11 Land Use and Planning, pages 3.11-7–3.11-12, and Table 3.11-3. As described in Table 3.11-2, the proposed project is consistent with the Connect SoCal Goals. Specifically, the proposed project would be consistent with Goal 5 because it would promote reductions in greenhouse gas emissions and improvements in air quality. The proposed project would be consistent with Goal 6 because it would include a mix of use and densities (e.g., residential, light industrial, business park, school, recreation, etc.) that provide housing, employment, education, and recreational opportunities while supporting sustainable communities. The proposed project would address Goal 7 by preserving the most rugged areas as open space, not placing new development in flood plains, and developing new buildings that adhere to the latest adopted energy efficiency standards. The Connect SoCal Plan does not assume zero-emission development in its analysis and does not hold development projects to that standard to demonstrate consistency.

Furthermore, demonstrating consistency with every goal of the Connect SoCal Plan is not a requirement of CEQA, and there is no justification validating the commenter's statement that the significance findings of the EIR must be revised. No further response is needed.

Response to GSEJA-23
The commenter suggests that the cumulative analysis is in error because future projects could include general plan amendments. However, the detail required for a cumulative impact analysis is based on reasonableness and practicality. CEQA does not require the EIR to speculate about whether a General Plan Amendment would be proposed in the future as part of a cumulative project that has not yet been proposed. To the extent any amendments are incorporated as part of any past, present or reasonably foreseeable cumulative project, those amendments are reflected in the cumulative projects and the lead agency would be required to demonstrate the project's overall consistency

[19] Southern California Association of Governments (SCAG). 2024–2050 Regional Transportation Plan/ Sustainable Communities Strategy. Page 188-189. Website: https://scag.ca.gov/sites/main/files/file-attachments/23-2987-connect-socal-2024-final-complete-040424.pdf?1712261565. Accessed April 18, 2024.

with planning documents. However, future projects that may include an unknown amendment are too speculative to address.

CEQA also affords discretion to a lead agency to determine consistency with its own planning documents. Under the Planning and Zoning Law (Government Code §§ 65000–66499.58), strict conformity with all aspects of a general plan is not required. A lead agency may determine that a proposed project is consistent with the local general plan if it furthers one or more policies and does not obstruct other policies. Land use plans reflect a range of competing interests and include provisions for approving amendments when necessary. A project should be compatible with the plan's overall goals and objectives but need not be in perfect conformity with every plan policy. Accordingly, a lead agency is within its discretion to determine that a General Plan Amendment included as part of a project would not result in a conflict with the general plan.

Response to GSEJA-24
The commenter alleges that the proposed project results in a significant and unavoidable impact to land use and planning because the proposed project includes a General Plan Amendment and Zone Change that establish consistency with both the General Plan and the Municipal Code. However, the comment fails to explain how the proposed project is inconsistent with any plan, policy, or regulation "adopted for the purpose of avoiding or mitigating an environmental effect" as required by threshold LU-2 for a finding of significance. Instead, the proposed project, including the proposed General Plan Amendment, would futher project objectives to "Protect valuable scenic resources within large expanses of open space, thereby preserving Rio Vista's character and identity and the surrounding region." As discussed in Section 3.11 Land Use and Planning of the Draft EIR, and as shown in Table 3.11-4, approval of the proposed General Plan Amendment would actually reduce the area within the project site that is designated for residential uses from 512.8 acres to 204.4 acres while increasing public uses area (open space and public facilities) from 399.7 acres to 572.6 acres. Accordingly, the Draft EIR appropriately determined that the proposed project would have less than significant impacts related to land use plans, policies and regulations. Environmental impacts related to air quality, greenhouse gas emissions, and transportation are fully evaluated as seperate topics and are discussed in Section 3.3 Air Quality, Section 3.8 Greenhouse Gas Emissions, and Section 3.17 Transportation of the Draft EIR, respectively.

The comment suggests that because the Draft EIR considers implementation of policies and actions to amend the General Plan as part of the project considered in the environmental analyses, significant impacts are not adequately disclosed. Considering a General Plan Amendment as part of a project is no different that considering any other design features of a project such as incorporation of open space or specific amenities. Essentially, these comments appear to suggest that the Draft EIR should have analyzed the proposed allowed development seperately from the policy framework. This approach would ignore essential elements of the proposed project associated with implementation of the proposed General Plan Amendment and zoning updates and would have ignored the environmental reduction achieved by proposed policies. This runs contrary to State CEQA Guidelines Section 15004(b), and the California Governor's Office of Planning and Research (OPR) General Plan Guidelines regarding integration of CEQA into the planning processes and, specifically, development of general plan policies.

Response to GSEJA-25
In contrast to the comment's statement that project-level and cumulative impacts related to Historic Resources, Archaeological Resources, and Tribal Cultural Resources, these are fully addressed in the Draft EIR.

Historic Resources and Archaeological Resources are discussed in Section 3.5 Cultural Resources of the Draft EIR. Specifically, project-level impacts are discussed in Section 3.5.5 Project Impacts and Mitigation Measures, page 3.5-26–35; cumulative impacts are discussed in Section 3.5.6 Cumulative Impacts, page 3.5-35 and 3.5-36.

Tribal Cultural Resources are discussed in Section 3.18 Tribal Cultural Resources of the Draft EIR. Specifically, project-level impacts are discussed in Section 3.18.5 Project Impacts and Mitigation Measures, page 3.18-15–21; cumulative impacts are discussed in Section 3.18.6 Cumulative Impacts, page 3.18-21–23.

Response to GSEJA-26
The commenter does not identify an specific information that would require significant revisions of the Draft EIR. See Master Response 6, Recirculation is not required.

Response to GSEJA-27
As indicated in Section 4.2 Growth Inducing Impacts of the Draft EIR, the California Employment Development Department (EDD) estimated that the combined labor force for the City of Jurupa Valley and the adjacent City of Riverside totaled 212,500 as of August 2022. This indicates that the local labor force is sufficiently large for construction and to fill the proposed project's new employment opportunities of 2,700 (see Section 3-14 Population and Housing) without needing to attract workers from outside the region.

Furthermore, the proposed project's light industrial and business park uses would buildout over a period of years, if not decades. Thus, there would not be a sudden need for workers for construction or to fill the new employment opportunities. The current unemployment rate as of February 2024 in the Riverside County is 5.6 percent, or approximatley 65,000 individuals being unemployed.[20] Based on the above unemployment data, the proposed project's demand for short-term construction employees throughout the buildout of the Specific Plan would be filled by the local labor pool and no further analysis is required. The General Plan Housing Element (incorporated by reference into the Draft EIR, Section 1.4) contains detailed information regarding jobs by industry and by occupation in the City (e.g., City of Jurupa Valley Housing Element, Table 5.8).

The environmental effects (i.e., air pollutant and GHG emissions associated with VMT for worker trips) associated with employees have been accounted for throughout the Draft EIR—for example within the proposed project's air quality and greenhouse gas emission analyses. In this case, because the exact locations of where workers trips would originate are too speculative to identify precicely, the analyses assumed a default worker trip as detailed in Appendix J, Transportation Supporting Information. The proposed project does not involve any specialized construction methods that

[20] California Employment Development Department (EDD). 2024. Riverside County Profile. Website: https://labormarketinfo.edd.ca.gov/cgi/databrowsing/localAreaProfileQSResults.asp?selectedarea=Riverside+County&selectedindex=33&menuChoice=localAreaPro&state=true&geogArea=0604000065&countyName=. Accessed April 18, 2024.

would require specialized construction workers to be sourced outside of the region, nor are specialized employment opportunities anticipated at buildout.

Additionally, the number of jobs identified in the Draft EIR is an estimate as the exact future end-users are unknown and cannot be known at this time. Thus the number of jobs that the proposed project would generate cannot be precisely determined. Based off these employment generation estimates, the Draft EIR concluded that the proposed project could generate approximately 3,786employees, which is line with growth projections in the City's General Plan and SCAG 2020-2045 Regional Transportation Plan/Sustainable Communities Strategey (RTP/SCS). Draft EIR, Section 3.3 Air Quality, page 3.3-39. These growth projections were based on existing and planned land use patterns, which assumed that the project site would be developed, in part, for industrial and employment generating uses. Moreover, the City has long been identified as an area having a low jobs-to-housing ratio (i.e., an area that has more potential workers living in a community than there are jobs for them), resulting in high numbers of residents commuting out of the region for work. Although these conditions can be attributed to a number of factors, the most notable variable in the jobs-to-housing ratio is the lack of job growth in the region. AllTransit explores metrics that reveal the social and economic impact of transit, specifically looking at connectivity, access to jobs, and frequency of service. As detailed in the Housing Element of the General Plan, Jurupa Valley has an AllTransit Performance Score of 3.6 (out of 10), indicating a low combination of trips per week and number of jobs accessible by transit. According to AllTransit, 44,758 jobs are accessible within a 30-minute transit commute on average for households and 33,103 workers accessible within a 30-minute transit commute of an employer in Jurupa Valley. In comparison, Riverside County has an AllTransit Performance Score of 3.3, indicating an even lower combination of trips per week and number of employment opportunities accessible to transit. General Plan Goal AQ-4 states that the City seeks to employ measures to improve the jobs/housing balance and reduce commuting time. A low jobs-to-housing ratio can result in adverse environmental and economic effects on local communities. For example, long-distance commutes result in increased traffic and air quality and greenhouse gas emissions. By developing an employment generating use, the proposed project would further Goal AQ-4, provide job opportunities for those living in the area that may currently commute out of the area for work, and/or help to reduce the commute time of Jurupa Valley residents by providing new opportunities closer to home.

Moreover, the applicable threshold of significance with regard to population and housing raises the question whether a project would result in substantial unplanned population growth such that new housing would be required and the construction of such housing would result in environmental effects. Given the size of the available workforce and the current unemployment numbers in the City and the region, there is no evidence that the proposed project would necessitate the construction of more housing units than anticipated as a result of employment opportunities associated with the project. Furthermore, as of 2021, the housing vacancy rate in the City was 4.7 percent, or approximately 1,337 vacant housing units.[21] As such, the Draft EIR adequately and accurately

[21] Southern Association of Governments (SCAG). 2021. Pre-certified Local Housing Data for the City of Jurupa Valley. April. Website: https://scag.ca.gov/sites/main/files/file-attachments/jurupa-valley-he-0421.pdf?1620795795. Accessed April 19, 2024.

describes potential environmental effects associated with construction workers and construction of the project as well as operation.

Response to GSEJA-28
See Response to GSEJA-27. As explained above, the City finds that there are sufficient workers in the local labor pool to meet the proposed project's demands, as such the proposed project would not be growth inducing. Accordingly, there is no requirement to discuss the housing vacancy rate in the City.

Response to GSEJA-29
The comment does not raise a concern related to a potential adverse physical impact to the environment. See Response to GSEJA-1.

Response to GSEJA-30
The Draft EIR did not identify unplanned employment growth, even if it is large and represents a high percentage of the City's total employment growth. See further discussion in Response to GSEJA-31 below.

Response to GSEJA-31
This comment expresses a concern regarding the Draft EIR's cumulative impact analysis. Riverside County adopted the existing Rio Vista Specific Plan in 1992, which was incorporated into the 2017 City of Jurupa Valley General Plan after incorporation of the planning area into the City boundaries. The land use assumptions and associated population and employment forecasts that were included in the 1992 Rio Vista Specific Plan were included in the General Plan. Draft EIR, 3.3-39. Therefore, these projects constructed since 2017, as well as the projects identified in Table 3-1, are considered in the cumulative analysis. The Draft EIR addressed findings of significance with regard to the proposed land use changes in the Land Use and Planning chapter of the Draft EIR and within Chapter 4 Other CEQA Considerations. Cumulative impacts were discussed for each resource topic and a comprehensive list of cumulative projects was compiled. While the proposed project would generate a substantial number of jobs, an increase in employment does not necessarily result in environmental impacts. The County's jobs-to-housing ratio demonstrates there are insufficient jobs for the number of residents residing in the local area.[22] See Riverside County General Plan–Environmental Impact Report–Volume 1, Table 5.B–Jobs-to-Housing Ratios. Implementation of the proposed project is anticipated to help improve the jobs-to-housing ratio, thereby reducing the need for County residents to travel outside of the region for employment. Thus, it is not anticipated that the jobs that would be created by the proposed project would result in a substantial increase in unplanned growth within the City or County. Furthermore, under existing conditions the project site is planned for development with urban level uses. The Draft EIR made the appropriate findings regarding the proposed project's significant and unavoidable impact determinations and feasible mitigation measures were applied where available. While the Draft EIR acknowledges that the proposed project would generate a substantial number of jobs, this comment does not identify any deficiencies in the analysis that was presented in the Draft EIR that would result in potentially

[22] See, e.g., County of Riverside Comprehensive Economic Development Strategy 2019-2024 Five Year Plan 2023 Annual Update "This region is experiencing rapid population growth, and the development of quality jobs is needed to increase the jobs-to-housing balance." Website: https://rivcoed.org/sites/g/files/aldnop126/files/2023-04/2023%20COUNTY%20OF%20RIVERSIDE%20COMPREHENSIVE%20ECONOMIC%20DEVELOPMENT%20STRATEGY.pdf. Accessed April 26, 2024.

significant environmental impacts. Moreover, on March 12, 2024, the commenter withdrew its comment letter stating that, "The Project's developer has addressed GSEJA's concerns about environmental mitigation." Finally, there is no requirement under CEQA to geographically locate potential future employees or residents for any proposed development projects. As this comment does not identify any specific deficiencies with the analysis presented in the Draft EIR that would result in potential environmental impacts, no revisions have been incorporated as part of this Draft EIR pursuant to this comment.

Response to GSEJA-32
The comment states that Appendix J includes Table 36: Specific Plan Project Impact Summary, identifying all of the intersections that will operate at deficient levels per the applicable thresholds. Additionally, Table 37: Specific Plan Fair Share identifies the percentage of trips at the deficient intersections attributed to the proposed project.

This comment is informative in nature and does not bring up any deficiencies in the Draft EIR that would require recirculation. Therefore, no further response is warranted.

Response to GSEJA-33
The comment states that in lieu fees/fair share payments in outlaying jurisdictions outside of the City's control cannot prove that mitigation will actually be implemented. Therefore, the mitigation measures are not adequate as there is no evidence that the mitigation measures within the adjacent jurisdictions would be implemented.

SB 743 was passed in 2013, stating that transportation impacts analyzed in CEQA are to utilize VMT to determine the level of significance and environmental impacts. SB 743 also stated that LOS and other similar metrics will no longer constitute a significant environmental effect under CEQA. The recommended improvements in Table 36 and Table 37 specifically relate to maintaining an acceptable LOS at the deficient intersections. As these deficiencies are no longer considered an environmental impact in a CEQA context, these are not considered mitigation measures. The mitigation measures proposed from page 3.17-19 to page 3.17-20 are related to VMT, the appropriate metric for analyzing transportation environmental impacts, and are all within the jurisdictional power and responsibilities of the City. Therefore, no changes to the EIR would be required and recirculation would not be required.

Response to GSEJA-34
The comment states that the Draft EIR must be revised and recirculated to include LOS as a cumulatively considerable significant impact because the proposed project conflicts with Transportation Impact Threshold A and Land Use and Planning Impact Threshold B and with General Plan Policy ME 1.1.2 Moblilty Corridors, Policy ME 2.1.2 Roadway System, and Policy ME 2.3 Development Project Impact.

See Response to GSEJA-18.

Response to GSEJA-35
Th comment states that the Draft EIR underestimated trips due to the fact that the Traffic Study analyzed 559,310 square feet of business park uses and that the project description states the

project proposes 1,428,768 square feet of business park uses, not leading to meaningful disclosure and adequate informational documents.

The business park use is proposed for PA 14, PA 15, and PA 16, with the Trade School (inclusive of the business park use) potentially proposed for PA 14 and PA 16 (Draft EIR, Section 2.0 Project Description), leaving just PA 15 for the rest of the business park land use. Utilizing the 0.4 floor area ratio (FAR) allowed for business park use for PA 15 (39 percent of the acreage of Planning Areas 14-16), the proposed Business Park land use would total 559,310 square feet (Appendix J1, page 1), with the rest of the area utilized by the Trade School.

Response to GSEJA-36
The comment states that the Draft EIR has underreported the quantity of VMT generated by the proposed project operations. The comment provides speculative narrative absent supporting analysis contending that "[t]he project's actual VMT generated is more significantly inconsistent with the significance threshold VMT."

The statements in this comment are incorrect. To comply with CEQA, the City has adopted and implemented Traffic Impact Analysis Guidelines–Methodologies and Requirements for General Plan Compliance Analysis and CEQA VMT Analysis (November 2020) (1) (City Guidelines).[23] Note that these Guidelines take truck/trailer and delivery van trips into consideration. The City Guidelines comply with and support the intent and purpose of SB 743. Under California Code of Regulations Section 15064.3. (b)(4): "A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's VMT and may revise those estimates to reflect professional judgment based on substantial evidence." Trip generation estimates and VMT analyses presented in the Draft EIR have been completed consistent with the City's VMT methodologies and protocols.

Substantial evidence supporting the proposed project's potential VMT impacts is presented in the Draft EIR Section 3.17 Transportation and Appendix J Transportation Supporting Information, J.2–Vehicle Miles Traveled Analysis. In contrast, the comment's unsupported narrative does not comprise substantial evidence. See CEQA Guidelines 15384 (a) SUBSTANTIAL EVIDENCE: "Argument, speculation, unsubstantiated opinion or narrative . . . does not constitute substantial evidence."

It is noted further that, as provided at CEQA Guidelines Section 15204, "CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors [such as the analysis requested by the commentor]. 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." Here, the City, in its capacity as the Lead Agency, has made such an effort at full disclosure of the proposed project's traffic/transportation impacts. The analysis is supported by the City's professional experience with similar developments and is substantiated by quantified analysis provided by the proposed project traffic engineering experts.

[23] Rio Vista Specific Plan Amendment Vehicle Miles Traveled (VMT) Analysis (Urban Crossroads). May 31, 2023. EIR Appendix J. 2.

Based on the analysis presented in the Draft EIR and the discussions presented in this response, the proposed project complies with CEQA and SB 743 VMT analysis mandates and guidelines. The proposed project would not result in VMT impacts substantially different from or greater than those considered and addressed in the Draft EIR. Findings and conclusions of the Draft EIR are not affected. No revisions to the Draft EIR are required.

Response to GSEJA-37
In contrast to the comment's statement that the Draft EIR has not adequately analyzed the proposed project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses or the proposed project's potential to result in inadequate emergency access, the Draft EIR addresses these items in Section 3.17 Transportation, Threshold TRANS-3. Specifically, the Draft EIR states that precise design and alignment of the proposed project's roadways would be determined with implementation of Tentative Tract Maps and would be reviewed for consistency with applicable Improvement Standard Drawings for Road Standards (maintained by the Public Works Department) at that time. As a part of future individual project approval within the project site, the City Traffic Engineering Division would conduct a review, ensuring that no hazardous transportation design features would be introduced. Future project compliance with the proposed Rio Vista Specific Plan would ensure hazards would not occur due to incompatable uses. Furthermore, in contrast to the comment's statement that there are also no exhibits depicting EVA, Exhibit 2-7 Conceptual Land Use Plan identifies the three proposed EVA points.

Response to GSEJA-38
In contrast to the comment's statement that the Draft EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersections of the project driveways and adjacent streets, the Draft EIR states in Section 3.17 Transportation, Thresohld TRANS-3, that the precise design and alignment of the proposed project's roadways would be determined with implementation of Tentative Tract Maps and would be reviewed for consistency with applicable Improvement Standard Drawings for Road Standards (maintained by the Public Works Department) at that time and that the the City Traffic Engineering Division would conduct a review, ensuring that no hazardous transportation design features would be introduced.

Response to GSEJA-39
This has been addressed in Response to GSEJA-10.

Response to GSEJA-40
The Draft EIR includes ample evidence supporting the statement that the proposed project would use energy efficiently and would not result in wasteful use of energy. Section 3.6 Energy of the Draft EIR outlines the measures and policies applicable to the proposed project to reduce energy consumption, including required compliance with the City's energy efficiency standards based on California Title 24 energy efficiency standards. Energy conservation measures as part of the City's energy efficiency standards include required solar systems on low-rise residential buildings, as well as a broad set of efficiency requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. The Draft EIR also outlines the numerous emission reduction measures included in the City's General Plan–which development projects are required to comply

with–as well as the Western Regional Council of Governments Subregional Climate Action Plan, which apply to the proposed project and reinforce the State standards, including measures to promote increased densities, mixed use, electric vehicle usage, and improved circulation to reduce VMT and energy consumption. Finally, the Draft EIR states that: "Additionally, plans submitted for building permits of development projects in the project area would be required to include verification demonstrating compliance with the Building and Energy Efficiency Standards in effect at the time building permits are issued. The proposed project would also be required to adhere to the provisions of CALGreen, which established planning and design standards for sustainable site development, energy efficiency (beyond the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. Furthermore, compliance with recommended mitigation for potential air quality and GHG impacts included as part of this EIR would reduce energy usage from the proposed project by requiring energy efficiency measures that go beyond the Title 24 and CALGreen standards, including the use of energy efficient building design and materials and EV infrastructure. Even though the proposed project would increase the consumption of electricity and natural gas resources, the proposed project would not increase demand such that Southern California Edison (SCE) or Southern California Gas Company (SoCalGas) would need to plan for new regional electricity or natural gas facilities, the construction of which could cause significant environmental effects" (Draft EIR, Section 3.6 Energy, page 3.6-12).

Therefore, the Draft EIR properly concluded the proposed project's impact related to efficient energy use would be less than significant. No further response is needed.

Response to GSEJA-41
This comment raises general allegations of insufficiencey. See Response to GCEJA-1. The proposed project throughly discusses all potential environmental impacts. Please refer to Responses to GSEJA-24 and GSEJA-25.

Response to GSEJA-42
This comment serves as an introduction to Comment GSEJA-43. Cumulative impacts are addressed throughout the Draft EIR. See, e.g., 3.3-39, 3.3-44 through 3.3-51, 3.3-62, and 3.3-67. Consistency with the AQMP is thoroughly analyzed in the Draft EIR. Please refer to Response to GSEJA-21 and Response to GSEJA-43. Potential air quality impacts associated with full buildout of the proposed project are evaluated and disclosed in the Draft EIR Section 3.8. The Draft EIR discloses that because other projects within the South Coast Air Basin (SoCAB) also have the potential to conflict with the AQMP, the proposed project's impacts due to a conflict with the AQMP would be cumulatively considerable. As noted in the Draft EIR, compliance with MM AIR-1a and MM AIR-1d would assist in reducing emissions from construction equipment associated with the buildout of the proposed project. Implementation of MM AIR-1e through MM AIR-1i, as well as MM GHG-1a, MM GHG-1b, and MM GHG-1c, will help to reduce cumulative GHG impacts from future project operations to the extent feasible. No further response is needed.

Response to GSEJA-43
Riverside County adopted the existing Rio Vista Specific Plan in 1992, which was incorporated into the 2017 City of Jurupa Valley General Plan, after incorporation of the planning area into the City boundaries. The land use assumptions and associated population and employment forecasts that

were included in the 1992 Rio Vista Specific Plan were included in the General Plan (Draft EIR, Section 3.3 Air Quality, page 3.3-39). Therefore, these projects constructed since 2017, as well as the projects identified in Table 3-1 (Draft EIR, Chapter 3, Environmental Impact Analysis, pages 3-7–3-10) are considered in the cumulative analysis. Given unemployment in the County, a more robust employment growth does not result in significant impact. Increasing job opportunities would reduce VMT as people would be able to work close to their homes and not commute outside the City. Furthermore, increasing job opportunities within the City would allign with General Plan Policy AQ-4, which aims to improve the jobs/housing balance and recue commuting time. This would be an overall project benefit to the City.

Response to GSEJA-44

Riverside County adopted the existing Rio Vista Specific Plan in 1992, which was incorporated into the 2017 City of Jurupa Valley General Plan after incorporation of the planning area into the City boundaries. The land use assumptions and associated population and employment forecasts that were included in the 1992 Rio Vista Specific Plan were included in the General Plan. Draft EIR, Section 3.3 Air Quality, page 3.3-39. Accordingly, anticipated growth associated with the Rio Vista Specific Plan was considered in the General Plan. One of the project objectives, as identified by the City, is to provide employment opportunites. The proposed project is in alignment with General Plan Policy AQ-4, which aims to improve the jobs/housing balance and reduce commuting time. As stated in Response to GSEJA-43, a more robust employment growth does not result in significant impact. See Response to GSEJA-35 for discussion of alleged discrepancies in square footage.

Response to GSEJA-45

The comment claims that the Draft EIR fails to discuss an adequate number of alternatives. No set number of alternatives is necessary to constitute a legally adequate range of alternatives in an EIR. California courts have consistently held that the lead agency has the discretion to determine how many alternatives will constitute a reasonable range. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 C3d 553, 566; *Save Our Access–San Gabriel Mountains v. Watershed Conserv. Auth.* (2021) 68 CA5th 8, 32; *San Franciscans for Livable Neighborhoods v. City & County of San Francisco* (2018) 26 CA5th 596, 636; *Mount Shasta Bioregional Ecology Ctr. v. County of Siskiyou* (2012) 210 CA4th 184, 199.

The commenter does not propose any specific alternatives for consideration. Instead a general suggestion is made to consider “development of the site with a project that eliminates all of the proposed project’s significant and unavoidable impacts to less than significant levels, and a project with a thoughtfully designed mix of uses that provides affordable housing and local-serving commercial uses that results in less than significant VMT, GHG, and Air Quality impacts.” However, to reduce all impacts to less than significant levels, the area of project ground disturbance would have to be reduced to such a small scale that none of the project objectives could be achieved. For example, with MM AIR-1a through 1d, the proposed project would exceed SCAQMD’s project-level ROG and GHG project-level significance thresholds by 3 times and 30 times, respectively. To avoid these impacts, the proposed project would need to drastically scale down by 30 times to avoid GHG impacts and 5 times to avoid air quality impacts.

A small scale project that avoids all VMT, GHG and Air Quality impacts would not provide economic growth and employment opportunities at a sufficient scale to attract financially stable, long-term tenants and fund the necessary proposed critical infrastructure improvements that will serve Rio Vista and the greater Jurupa Valley community. Moreover, such a small project would not be financially feasible for a developer or be compatible with the General Plan's vision for City development and growth.

Response to GSEJA-46
This comment provides concluding remarks and requests that the City add the commenter to the City's public interest list. The comment is noted and the City has added the commenter to its list of parties to be notified regarding the proposed project. The comment does not identify specific areas where the Draft EIR is inadequate; therefore, no further response is required.

Response to GSEJA-47
The comment serves as an introduction to the attached Soil/Water/Air Protection Enterprise (SWAPE) letter, purports to summarize the proposed project, and summarizes the conclusion of the letter. The comment does not raise any specific issues concerning the adequacy of the Draft EIR. Please refer to Response to GSEJA-1 regarding the level of response required for general comments.

Response to GSEJA-48
The comment notes that the proposed project's operational air quality emissions would be significant and unavoidable according to the Draft EIR. The Draft EIR incorporated all feasible mitigation measures in combination with existing General Plan policies and programs that also apply to the project; however, air quality impacts would remain significant and unavoidable. No further response is required.

Response to GSEJA-49
The comment claims that the Draft EIR's conclusion that operational air quality impacts are significant and unavoidable is unsubstantiated because the Draft EIR fails to implement all feasible mitigation to reduce significant and unavoidable impacts. However, the commenter does not propose or identify any feasible mitigation measures that are not already included in the Draft EIR as mitigation or as relevant General Plan policies that also apply to the proposed project. The commenter did not provide justification for the claim that the Draft EIR fails to implement all feasible mitigation measures. See Response to GSEJA-53 for further discussion.

Response to GSEJA-50
Commenter notes that the proposed project's operational GHG emissions would be significant and unavoidable according to the Draft EIR. The Draft EIR incorporated all feasible mitigation measures in combination with existing General Plan policies and programs that also apply to the project; greenhouse gas impacts would remain significant and unavoidable. No further response is required.

Response to GSEJA-51
Commenter claims that the Draft EIR's conclusion that operational GHG impacts are significant and unavoidable is unsubstantiated because the Draft EIR fails to implement all feasible mitigation to reduce significant and unavoidable impacts. However, the commenter does not propose or identify any feasible mitigation measures that are not already included in the Draft EIR as mitigation or as

relevant General Plan policies that also apply to the proposed project. The commenter did not provide justification for the claim that the Draft EIR fails to implement all feasible mitigation measures. See Response to GSEJA-53 for further discussion.

Response to GSEJA-52
Commenter claims that the proposed project would result in potentially significant air quality and GHG impacts that should be mitigated further. The commenter provided a list of mitigation measures. However, the commenter did not identify or propose any mitigation measures that are not already encompassed in the Draft EIR as feasible mitigation measures or as General Plan policies that also apply to the proposed project and are therefore included in the emissions analysis. The commenter did not provide justification for the claim that the air quality and GHG impacts can or should be mitigated further.

Also, the City notes that CEQA does not require adoption of every imaginable feasible mitigation measure. CEQA's requirement applies only to feasible mitigation that will "substantially lessen" a project's significant effects (PRC § 21002). In reviewing CEQA cases, courts have explained that a lead agency's "duty to condition project approval on incorporation of feasible mitigation measures only exists when such measures would [avoid or] 'substantially lessen' a significant environmental effect" (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 CA3d 1502, 1519). "Thus, the agency need not, under CEQA, adopt every nickel and dime mitigation scheme brought to its attention or proposed in the project EIR" (ibid.). Rather, an EIR should focus on mitigation measures that are feasible, practical, and effective (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 CA4th 342, 365). As discussed, the mitigation measures suggested by commenter are already included in the environmental analysis in the Draft EIR.

No further response is needed.

Response to GSEJA-53
Table 3-2, below, details the suggested mitigation measures and reasons why commenter-suggested mitigation could not be feasibly implemented and/or would not substantially lessen any identified significant impact, as applicable.

Table 3-2: Response to GSEJA-53

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
SCAG RTP/SCS 2020-2045 Air Quality Project Level Mitigation Measures–PMM-AQ-1		
a)	Minimize land disturbance.	The proposed project would preserve 510.8 acres of open space which would not be disturbed. The proposed project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementing best available dust control measures during construction activities that generate fugitive

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
		dust, such as earthmoving and stockpiling activities, grading, and equipment travel on unpaved roads. Several specific control measures in Rule 403 directly relate to minimizing land disturbance, such as: 01-1; 01-02; and 04-01. Therefore, this suggested mitigation measure is not considerably different from existing regulation and mitigation measures already evaluated in the Draft EIR.
c)	Cover trucks when hauling dirt.	The proposed project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementing best available dust control measures during construction activities that generate fugitive dust, such as earthmoving and stockpiling activities, grading, and equipment travel on unpaved roads. Control measure 09-01 directly relates to covering trucks when hauling materials. Therefore, this suggested mitigation measure is not considerably different from existing regulation and mitigation measures already evaluated in the Draft EIR.
d)	Stabilize the surface of dirt piles if not removed immediately.	The proposed project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementing best available dust control measures during construction activities that generate fugitive dust, such as earthmoving and stockpiling activities, grading, and equipment travel on unpaved roads. Several specific control measures in Rule 403 directly relate to stabilizing surfaces, such as: 02-01; 02-02; 02-03; and 14-1. Therefore, this suggested mitigation measure is not considerably different from existing regulation and mitigation measures already evaluated in the Draft EIR.
e)	Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.	The proposed project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementing best available dust control measures during construction activities that generate fugitive dust, such as earthmoving and stockpiling activities, grading, and equipment travel on unpaved roads. Control measure 19-2 in Rule 403 directly relates to limiting vehicular travel to established unpaved surfaces and 19-1 requires soil stabilization. Therefore, this suggested mitigation measure is not considerably different from existing regulation and mitigation measures already evaluated in the Draft EIR.

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
f)	Minimize unnecessary vehicular and machinery activities.	This measure is not specific enough to include as a mitigation measure in the Draft EIR and as such would not be feasible. In addition, it is reasonable to assume that in the ordinary course of construction, vehicular and machinery activities would be as efficient as possible for financial reasons. The suggested mitigation would not clearly lessen any significant environmental impacts.
g)	Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the Roadway.	The proposed project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementing best available dust control measures during construction activities that generate fugitive dust, such as earthmoving and stockpiling activities, grading, and equipment travel on unpaved roads. Control measure 03-2 in Rule 403 requires the use of sweeping and water spray to clear forms (of fugitive dust). The proposed project is also required to comply with the provisions of South Coast Air Quality Management District Rule 1186 "PM_{10} Emissions from Paved and Unpaved Roads and Livestock Operations." Therefore, this suggested mitigation measure is not considerably different from existing regulation and mitigation measures already evaluated in the Draft EIR.
h)	Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.	The proposed project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementing best available dust control measures during construction activities that generate fugitive dust, such as earthmoving and stockpiling activities, grading, and equipment travel on unpaved roads. Control measure 10-1 in Rule 403 directly relates to landscaping as a means of stabilizing soils, materials and slopes. Therefore, this suggested mitigation measure is not considerably different from existing regulation and mitigation measures already evaluated in the Draft EIR.
k)	Ensure that all construction equipment is properly tuned and maintained	Construction equipment is subject to emission standards established by the United States Environmental Protection Agency (EPA) and the California Air Resources Board (ARB).[24] Further, as part of MM AIR-1d, the project applicant shall submit documentation to the City of Jurupa Valley that demonstrates that all off-road construction equipment in excess of 50 horsepower is equipped

[24] California Air Resources Board. Fact Sheet: Added Vehicle Restrictions and Tier Phase-Out Requirements. Website: https://ww2.arb.ca.gov/resources/fact-sheets/fact-sheet-added-vehicle-restrictions-and-tier-phase-out-requirements. Accessed April 18, 2024.

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
		with engines meeting the EPA Tier IV Final off-road engine emission standards or cleaner. This measure is not specific enough to include as a mitigation measure in the Draft EIR, and as such would not be feasible. In addition, it is reasonable to assume that in the ordinary course of construction, construction equipment would be keep in proper conditions to ensure they run as efficiently as possible for financial reasons. The suggested mitigation would not clearly lessen any significant environmental impacts.
m)	Provide an operational water truck on-site at all times. Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas. Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway	The proposed project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementing best available dust control measures during construction activities that generate fugitive dust, such as earthmoving and stockpiling activities, grading, and equipment travel on unpaved roads. Several specific control measures in Rule 403 directly relate to watering surfaces to minimize dust, such as: 01-01, 01-02, 01-03, 05-01, 05-02, 12-1, 12-2, and 12-3. Therefore, this suggested mitigation measure is not considerably different from existing regulation and mitigation measures already evaluated in the Draft EIR.
n)	Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators	The proposed project involves land use designation changes and does not propose or approve any individual development. Although the general location and type of development within the plan area can be anticipated, until the City receives a development application, the exact location, type of development, and potential impacts are too speculative to be determined. Therefore, it is speculative to assume that existing power sources would be available adjacent to all construction-site or that it would be a feasible mitigation measure to be applied to all future implementing projects.
p)	As appropriate require that portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, obtain ARB Portable Equipment Registration with the State or a local district permit. Arrange appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site	This measure is not specific enough to include as a mitigation measure in the Draft EIR, and as such would not be feasible. Also, the commenter did not explain how this is a feasible mitigation measure that would clearly lessen any significant environmental impacts.
r)	Projects located within the South Coast Air Basin should consider applying for South Coast AQMD "SOON" funds which provides	All implementing projects would comply with the State's requirements regarding electrification of Heavy Heavy-Duty (HHD) fleets. The ARB regulates

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
	funds to applicable fleets for the purchase of commercially available low-emission heavy-duty engines to achieve near-term reduction of NO_x emissions from in-use off-road diesel vehicles.	emissions from HHD vehicles at the State level to meet the State's emission goals. Trucks used for operations would be required to meet EPA and ARB regulatory requirements that will put more alternatively fueled and clean trucks onto the road. The trucks which meet the new ARB Heavy-Duty Low NO_X Omnibus Regulation, and new federal Heavy-Duty Engine and Vehicle Standards will have significantly decreased particulate emissions from today's diesel trucks. Likewise, all on-site service equipment will meet applicable Statewide regulations. The suggested mitigation would not clearly lessen any significant environmental impacts.
s)	Projects located within AB 617 communities should review the applicable Community Emissions Reduction Plan (CERP) for additional mitigation that can be applied to individual projects.	The proposed project is not located within an Assembly Bill (AB) 617 community and this measure is therefore not applicable.
t)	Where applicable, projects should provide information about air quality related programs to schools, including the Environmental Justice Community Partnerships (EJCP), Clean Air Ranger Education (CARE), and Why Air Quality Matters programs,	The commenter did not justify or explain how this measure is applicable to the proposed project or how this measure would substantially lessen environmental impacts. No further response is required.
u)	Projects should work with local cities and counties to install adequate signage that prohibits truck idling in certain locations (e.g., near schools and sensitive receptors).	MM AIR-1f requires that industrial projects in the planning area shall place signs that identify the ARB anti-idling regulations prior to the issuance of a Certificate of Occupancy for each industrial building. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for trucks drivers to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and (3) telephone numbers of the building facilities manager and ARB to report violations. Project applicants shall submit plans (1) identifying the location of the signs, (2) required details of the signs that meets this mitigation measure, and (3) dimensions of the sign prior to the issuance of any building permit for each industrial building. The project is also required to comply with California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025, "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles" and California Code of Regulations Title 13, Division 3, Chapter 10,

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
		Article 1, Section 2485, "Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling." Therefore, this suggested mitigation measure is not considerably different from existing regulation and mitigation measures already evaluated in the Draft EIR.
y)	Projects that will introduce sensitive receptors within 500 feet of freeways and other sources should consider installing high efficiency of enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.	New construction is subject to the latest CBC which require heating, ventilation, and air conditioning (HVAC) with MERV-13 filters or more efficient. Therefore, all residential projects implemented under the proposed Specific Plan would include MERV-13 filters. This suggested mitigation measure is not considerably different from existing regulation.
z)	Develop an ongoing monitoring, inspection, and maintenance program for the MERV filters.	The proposed project involves land use changes and does not propose or approve any individual development. It is unknown whether the future residential units would be rental or for-sale units. For for-sale units, neither the lead agency nor the future project applicants have the control to require ongoing monitoring, inspection, and maintenance program for MERV filter that could require entering the occupants' private properties. This suggested mitigation measure is too speculative to include as a feasible mitigation measure.
aa)	Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities.	The commenter did not justify or explain how this measure is applicable to the proposed project or how this measure would substantially lessen environmental impacts. No further response is required.
bb)	The following criteria related to diesel emissions shall be implemented on by individual project sponsors as appropriate and feasible: - Diesel nonroad vehicles on-site for more than 10 total days shall have either (1) engines that meet EPA on road emissions standards or (2) emission control technology verified by EPA or ARB to reduce PM emissions by a minimum of 85 percent. - Diesel generators on-site for more than 10 total days shall be equipped with emission control technology verified by EPA or ARB to reduce PM emissions by a minimum of 85 percent.	The suggested measure is not materially different from an identified mitigation measure in the Draft EIR, nor would it clearly lessen the significant environmental impact. MM AIR-1d requires, as part of a standard grading permit submittal, that the project applicant submit documentation to the City of Jurupa Valley that demonstrates that all off-road construction equipment in excess of 50 horsepower is equipped with engines meeting the EPA Tier IV Final off-road engine emission standards or cleaner. The construction contractor shall maintain records concerning its efforts to comply with this requirement during construction, including equipment lists. If engines that comply with Tier IV Final off-road emission standards are not commercially available,

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
	- Nonroad diesel engines on-site shall be Tier 2 or higher. - Emission control technology shall be operated, maintained, and serviced as recommended by the emission control technology manufacturer. - Diesel vehicles, construction equipment, and generators on-site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 ppm or less. - The construction contractor shall maintain a list of all diesel vehicles, construction equipment, and generators to be used on-site. The list shall include the following: i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment. ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/ARB verification number/level, and installation date and hour-meter reading on installation date. - The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on-site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities. - The contractor shall maintain a monthly report that, for each on road diesel vehicle, nonroad construction equipment, or generator on-site, includes:	then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier IV Interim) available. The project is also required to comply with California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025, "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles" and California Code of Regulations Title 13, Division 3, Chapter 10, Article 1, Section 2485, "Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling."

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
	i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date. ii. Any problems with the equipment or emission controls. iii. Certified copies of fuel deliveries for the time period that identify: 1. Source of supply 2. Quantity of fuel 3. Quantity of fuel, including sulfur content (percent by weight)	
cc)	Project should exceed Title-24 Building Envelope Energy Efficiency Standards (California Building Standards Code). The following measures can be used to increase energy efficiency: - Provide pedestrian network improvements, such as interconnected street network, narrower roadways and shorter block lengths, sidewalks, accessibility to transit and transit shelters, traffic calming measures, parks and public spaces, minimize pedestrian barriers. - Provide traffic calming measures, such as: i. Marked crosswalks ii. Count-down signal timers iii. Curb extensions iv. Speed tables iv. Raised crosswalks iv. Raised intersections v. Median islands vi. Tight corner radii vii. Roundabouts or mini-circles ix. On-street parking x. Chicanes/chokers - Create urban non-motorized zones - Provide bike parking in nonresidential and multi-unit residential projects - Dedicate land for bike trails - Limit parking supply through: i. Elimination (or reduction) of minimum parking requirements ii. Creation of maximum parking requirements iii. Provision of shared parking - Require residential area parking permit. - Provide ride sharing programs i. Designate a certain percentage of parking spacing for ride sharing vehicles	The suggested measure is not materially different from an identified mitigation measure in the Draft EIR, nor would it clearly lessen the significant environmental impact. The proposed project design includes high-density development and alternative transportation infrastructure, such as bicycle and pedestrian paths, that would reduce VMT and reliance on fossil fuel burning vehicles. Energy efficiency measures included in Project Design Features (PDFs) and Plans, Policies, and Programs (PPPs), and utilization of renewable energy sources such as solar on residential buildings, will serve to reduce GHG emissions from the proposed project. Specifically, PPP 3.8-1 requires that the City's Building and Safety Department ensure that the proposed project is designed, constructed, and operated to meet or exceed the incumbent CCR Title 24 Energy Efficiency Standards and Title 24 CALGreen Standards, which will serve to reduce GHG emissions from the proposed project. Furthermore, PPP 3.8-2 City of Jurupa Valley requires that the proposed project comply with the water efficient landscaping requirements included in the City's Municipal Code, which reduces GHGs associated with watering landscaping. MM TRANS-2a which would require a transportation demand management program to reduce VMT, MM TRANS-2b, which would require a school carpool program, and MM TRANS-2c and MM TRANS-2d, which would require street and transit access improvements.

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
	ii. Designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles iii. Providing a web site or messaging board for coordinating rides iv. iv. Permanent transportation management association membership and finding requirement.	
SCAG RTP/SCS 2020-2045 Greenhouse Gas Project Level Mitigation Measures–PMM-GHG-1		
b)	Reduce emissions resulting from projects through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines	The suggested measure is not materially different from an identified mitigation measure in the Draft EIR, nor would it substantially lessen the significant environmental impact. MM GHG-1a requires future implementing projects that are subject to CEQA to perform detailed GHG emissions impact analysis and, if project impacts exceed latest SCAQMD GHG thresholds, implement mitigation measures to the maximum extent feasible. Furthermore, MM GHG-1b requires buildings in the project area shall be designed to provide CALGreen Standards with Leadership in Energy and Environmental Design (LEED®) features for potential certification and will employ energy and water conservation measures in accordance with such standards. In addition, MM GHG-1c requires all major appliances (dishwashers, refrigerators, clothes washers, and dryers) within proposed buildings to be provided/installed are Energy Star-certified appliances or appliances of equivalent energy efficiency.
c)	Include off-site measures to mitigate a project's emissions.	Because of the programmatic nature of the proposed project, it is not feasible to calculate the off-site measures needed to offset the proposed project's GHG emissions. MM GHG-1a requires future development projects to identify project-level GHG impacts and reduce the impacts to the greatest extent feasible. Off-site measures may be used as a feasible mitigation strategy at that time, if needed and deemed feasible and necessary.
d)	Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of	The suggested measure is not materially different from an identified mitigation measure in the Draft EIR, nor would it substantially lessen the significant environmental impact.

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
	projects to minimize GHG emissions, including but not limited to: i. Deployment of zero- and/or near zero-emission technologies; ii. Use lighting systems that are energy efficient, such as LED technology; iii. Use the minimum feasible amount of GHG-emitting construction materials; iv. Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production; v. Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse; vi. Incorporate design measures to reduce energy consumption and increase use of renewable energy; vii. Incorporate design measures to reduce water consumption; viii. Use lighter-colored pavement where feasible; ix. Recycle construction debris to maximum extent feasible; x. Plant shade trees in or near construction projects where feasible; and xi. xi. Solicit bids that include concepts listed above.	Furthermore, the following PPPs apply to the proposed project and are considered in the operational GHG emissions analysis: PPP 3.8-1 Before issuing a building permit, the Building and Safety Department will ensure that the proposed project is designed, constructed, and operated to meet or exceed applicable CCR Title 24 Energy Efficiency Standards and CCR Title 24 CALGreen Standards. PPP 3.8-2 As required by Municipal Code Section 9.283.010, Water Efficient Landscape Design Requirements, before the approval of landscaping plans, the project proponent shall prepare and submit landscape plans that demonstrate compliance with this section. MM GHG-1a requires future implementing projects that are subject to CEQA to perform detailed GHG emissions impact analysis and, if project impacts exceed latest SCAQMD GHG thresholds, implement mitigation measures to the maximum extent feasible. Furthermore, MM GHG-1b requires buildings in the project area shall be designed to provide CALGreen Standards with LEED® features for potential certification and will employ energy and water conservation measures in accordance with such standards. In addition, MM GHG-1c requires all major appliances (dishwashers, refrigerators, clothes washers, and dryers) within proposed buildings to be provided/installed are Energy Star-certified appliances or appliances of equivalent energy efficiency.
e)	Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following: i. Promote transit-active transportation coordinated strategies; ii. Increase bicycle carrying capacity on transit and rail vehicles; iii. Improve or increase access to transit; iv. Increase access to common goods and services, such as groceries, schools, and day care; v. Incorporate affordable housing into the project;	The proposed project design includes high-density development and alternative transportation infrastructure, such as bicycle and pedestrian paths, that would reduce VMT and reliance on fossil fuel burning vehicles. MM TRANS-2a would require a transportation demand management program to reduce VMT, MM TRANS-2b would require a school carpool program, and MM TRANS-2c and MM TRANS-2d would require street and transit access improvements. The suggested measure is not materially different from an identified mitigation measure in the Draft EIR, nor would it clearly lessen the significant environmental impact.

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
	vi. Incorporate the neighborhood electric vehicle network; vii. Orient the project toward transit, bicycle and pedestrian facilities; viii. Improve pedestrian or bicycle networks, or transit service; ix. Provide traffic calming measures; x. Provide bicycle parking; xi. Limit or eliminate park supply; xii. Unbundle parking costs; xiii. Provide parking cash-out programs; xiv. xiv. Implement or provide access to commute reduction program.	
f)	Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network.	The proposed project design includes high-density development and alternative transportation infrastructure, such as bicycle and pedestrian paths, that would reduce VMT and reliance on fossil fuel burning vehicles. The suggested measure is not materially different from an identified mitigation measure in the Draft EIR.
g)	Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations.	The proposed project design includes high-density development and alternative transportation infrastructure, such as bicycle and pedestrian paths, that would reduce VMT and reliance on fossil fuel burning vehicles. MM TRANS-2a would also require a transportation demand management program to reduce VMT which addresses the comments. The suggested measure is not materially different from an identified mitigation measure in the Draft EIR, nor would it clearly lessen the significant environmental impact.
h)	Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that: i. Provide car-sharing, bike sharing, and ride sharing programs; ii. Provide transit passes; iii. Shift single-occupancy vehicle trips to carpooling or vanpooling, for example providing ride matching services; iv. Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle; v. Provide employee transportation coordinators at employment sites;	MM TRANS-2a which would require a transportation demand management program to reduce VMT. The suggested measure is not materially different from an identified mitigation measure in the Draft EIR, nor would it clearly lessen the significant environmental impact.

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
	vi. vi. Provide a guaranteed ride home service to users of non-auto modes.	
i)	Designate a percentage of parking spaces for ride sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles.	MM TRANS-2a would require a transportation demand management program to reduce VMT. The suggested measure is not materially different from an identified mitigation measure in the Draft EIR, nor would it clearly lessen the significant environmental impact.
j)	Land use siting and design measures that reduce GHG emissions, including: i. Developing on infill and brownfields sites; ii. Building compact and mixed-use developments near transit; iii. Retaining on-site mature trees and vegetation, and planting new canopy trees; iv. Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.	The suggested measure is not materially different from existing regulation, Project Design Features, and identified mitigation measures in the Draft EIR. The proposed project would develop a master planned community on an infill site within the city limits consisting of residential uses of various densities, light industrial uses, a public K-8 educational facility, open space and recreation areas, and circulation improvements. The proposed project promotes infill and mixed-use development. In addition, the General Plan Land Use Element policy LUE 11.11 requires development projects to include landscaping in all site areas, including street trees, parking lots, setback areas, open spaces, and other exterior use areas. Landscaping shall include trees, shrubs and ground covers, and an automatic, water-conserving irrigation system, and shall be designed and maintained in accordance with City Landscape Standards. In addition, a priority should be placed on preserving mature trees in place wherever possible. Where mature trees must be removed, they shall be replaced with an equivalent number of large trees of the same or compatible species. Furthermore, several regulations govern diversion of solid waste, such as SB 1383 (Statewide reduction of organic waste disposal by 75 percent by January 2025) and AB 341 (requires all businesses and public entities that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units to recycle).
k)	Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities. The measures provided above are also intended to be applied in low income and minority communities as applicable and feasible.	The commenter did not justify or explain how this measure is applicable to the proposed project or how this measure would substantially lessen environmental impacts. No further response is required.
m)	Encourage telecommuting and alternative work schedules, such as:	MM TRANS-2a requires a transportation demand management program to reduce VMT. The suggested

No.	Commenter–Suggested Mitigation Measure	Measure or Policy that Addresses Comment/Explanation
	i. Staggered starting times ii. Flexible schedules iii. iii. Compressed work weeks	measure is not materially different than identified mitigation measures in the Draft EIR.
n)	Implement commute trip reduction marketing, such as: i. New employee orientation of trip reduction and alternative mode options ii. Event promotions iii. iii. Publications	MM TRANS-2a requires a transportation demand management program to reduce VMT. The suggested measure is not materially different than identified mitigation measures in the Draft EIR.
p)	Implement school pool and bus programs	MM TRANS-2a requires a transportation demand management program to reduce VMT. The suggested measure is not materially different than identified mitigation measures in the Draft EIR.
q)	Price workplace parking, such as: i. Explicitly charging for parking for its employees; ii. Implementing above market rate pricing; iii. Validating parking only for invited guests; iv. Not providing employee parking and transportation allowances; and v. v. Educating employees about available alternatives.	MM TRANS-2a requires a transportation demand management program to reduce VMT. The suggested measure is not materially different than identified mitigation measures in the Draft EIR.

Response to GSEJA-54

This comment states the proposed project should not be approved without considering the feasibility of on-site renewable energy production based on the States targets for renewable energy production for 2045. The EIR considered feasibility of renewable energy production on the project site. MM AIR-1h would require electric vehicle charging to be provided as specified in Section A4.106.8.2 (Residential Voluntary Measures) of the CALGreen Code. MM AIR-1f would require the construction of all buildings to facilitate sufficient electric charging for trucks to plug in, in anticipation of future technology that allows trucks to operate partially or completely on electricity. Further, MM GHG-1 requires future residential development to shall install solar photovoltaic (PV) panels or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, that would provide 100 percent of the expected building load.

This comment does not identify any deficiencies in the analysis for the proposed project. No further response is required.

Response to GSEJA-55

This comment provides concluding remarks summarizing previous comments regarding mitigation measures. As explained above, the Draft EIR incorporates all feasible mitigation measures and recirculation is not required. Please see Master Response 6, Recirculation is not required.

Response to GSEJA-56

This comment provides a disclaimer claiming limited knowledge of the proposed project and the limits of SWAPE's analysis. The City notes that during the public review period, the Draft EIR, including the technical appendices and documents incorporated by reference, were available for review at several City facilities. The Draft EIR and technical appendices were also available online throughout the public review period. The comment does not address any inadequacies of the EIR and not further response is required.

Response to GSEJA-57

The comment, which includes the resumes of the consultants which provided the technical support for this letter, does not require a resposne.

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January 5, 2024

City of Jurupa Valley Planning Department
Jim Pechous, Principal Planner
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Submitted via email to: jpechous@jurupavalley.org

Re: Comments on Rio Vista Specific Plan Draft EIR

Dear Mr. Pechous:

Thank you for the opportunity to comment on the Rio Vista Specific Plan Draft Environmental Impact Report (DEIR). The following comments are submitted on behalf of the California Native Plant Society (CNPS), the California Oaks Program of California Wildlife Foundation, the International Oak Society, Endangered Habitats League, the Wildlands Conservancy, the CNPS Channel Islands Chapter, the Center for Biological Diversity, Angeles Chapter of Sierra Club, and Botanic Gardens Conservation International (BGCI). 1

CNPS is a non-profit environmental organization with over 12,500 members in 36 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. We work closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land 2

management practices.

California Wildlife Foundation is committed to conserving, restoring, and maintaining habitats and corridor linkages throughout the state to ensure the biological diversity of species over time. California Wildlife Foundation's California Oaks program works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing plant and wildlife habitat, and sustaining cultural values.

The International Oak Society is a nonprofit organization dedicated to collaboration for the conservation, study, and appreciation of oaks (genus *Quercus*) around the world. The society was founded in 1992 and has since grown to become a global network of oak enthusiasts, including scientists, academics, conservationists, horticulturists, and amateurs who share a passion for these magnificent trees and shrubs and their essential roles in natural ecosystems and the human landscape.

Endangered Habitats League is a Southern California conservation group dedicated to ecosystem protection and sustainable land use for the benefit of all the region's inhabitants.

The Wildlands Conservancy is the West Coast's largest private non-profit conservation land management organization, managing 25 preserves comprising more than 200,000 acres in California, Oregon and Utah — all free and open to the public.

The Sierra Club's mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

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CONT

Botanic Gardens Conservation International is a membership organization representing a network of more than 850 botanic gardens in over 120 countries, including the largest and most influential gardens in the sector. Our mission is to accelerate effective conservation of global plant diversity. BGCI coordinates a suite of Global Conservation Consortia, which catalyze groups of institutions and experts to collaboratively develop and implement comprehensive strategies to prevent extinction of priority threatened plant groups such as Oaks. Primary objectives include coordinated *in situ* and *ex situ* conservation efforts and dissemination of species recovery knowledge.

The Channel Islands Chapter of the California Native Plant Society covers Ventura and Santa Barbara counties and represents approximately 360 primary members.

The Center for Biological Diversity has 1.7 million members and supporters worldwide, including in Kern County. The Center's mission is Saving Life On Earth because we believe that the welfare of human beings is deeply linked to nature — to the existence in our world of a vast diversity of wild animals and plants. Because diversity has intrinsic value, and because its loss impoverishes society, we work to secure a future for all species, great and small, hovering on the brink of extinction. We do so through science, law, and creative media, with a focus on protecting the lands, waters, and climate that species need

to survive. We want those who come after us to inherit a world where the wild is still alive. 2 CONT

Our organizations are writing primarily to communicate deficiencies of the DEIR regarding assessment of project impacts on the ancient Palmer's oak (*Quercus palmeri*), which is also known as the Jurupa oak or Hurunga oak, growing on the project site. This oak is of international, historic, environmental, and cultural importance. Our work builds on efforts to secure protection for the oak begun by T. Robert Przeklasa, PhD, who collaborated with the research team that calculated that the tree is at least 13,000 years old[1]. As a result of these efforts, the oak and surrounding and was designated as a sacred site by the California Native American Heritage Commission as a sacred site. Unfortunately, these important Tribal lands are now threatened by development proposed in this project. 3

The DEIR does not meet the intent of the California Environmental Quality Act (CEQA) in that it does not analyze alternatives that would lessen the potential environmental and cultural impacts of the project on the ancient oak. Further, the DEIR clearly states (e.g., ES-5) that future development will likely result in significant cultural impacts on the Palmer's oak. All information regarding the impacts to the Pleistocene era Palmer's oak found on the project site has been redacted, which does not allow us to evaluate potential project impacts on this tree. We strongly urge the planning department to release a supplementary or revised DEIR containing additional alternatives and any analysis done to show that the proposed mitigation would be sufficient to ensure the preservation of the Palmer's oak. 4

Jurupa oak analyses are incomplete

The Palmer's oak that is found on the project site is a relict of the plant communities that were present in this area thousands of years ago. It is one of the few remaining Palmer's oaks in the area. Since the last ice age warmer and dryer climatic conditions have driven this species to cooler and wetter habitats than are now found in Jurupa Valley. The conditions that have allowed this individual to persist for over 13,000 years are largely unknown and the risk of any disturbance to the unique environment that supports this tree is of great concern. 5

The discussion in the DEIR of the hydrogeologic investigation of the oak's subsurface water sources and the hypothesis that the oak is not supported by groundwater but instead by water stored in near-surface fractures is speculative and should be supported by much greater analysis. It is not infeasible for a 13,000-year-old tree to have deep roots and adaptation strategies to access deep water. Oaks can have very deep roots and are known to hydraulically redistribute deep groundwater to shallow soils. Our team has been in communication with the University of California researchers who published the *PLOS ONE* article that estimated the oak's age and colleagues of theirs (University of California, Riverside [UCR] Professor Louis Santiago and UCR Professor Michael Allen). They argue that the only scientifically defensible method to determine if the tree is using groundwater is to conduct an isotope source water study using 2H and 180 isotope analyses. Further, we contacted Melissa M. Rohde, PhD, Principle of Rohde Environmental Consulting, who suggests that the isotope source water study should be conducted over multiple seasons for 1-3 years because groundwater reliance can vary over time. 6

The DEIR indicates that the location and images of the oak were omitted to ensure that the tree 7

[1] May, M.R., Provance, M.C., Sanders, A.C., Ellstrand, N.C. and Ross-Ibarra, J., 2009. A Pleistocene clone of Palmer's oak persisting in southern California. *PLOS One*, *4*(12), p.e8346.

remains protected. However, as discussed above, in addition to the location, all information regarding the oak and the analysis of potential impacts have been redacted, not allowing experts, or the public the ability to provided comments or recommendations regarding the impacts to the oak or measures to reduce these impacts. We have requested that this appendix be provided to us, with the location and images redacted, to aid in our analysis of the project impacts to the Palmer's oak. As of December 19th, the City was still working with Tribes to determine whether providing redacted biological information is possible. While we support the confidentiality of Appendix E and the location of the Palmer's oak, we feel that the analysis used to determine that the proposed mitigation would be sufficient to protect the oak should be disclosed. As this information was not made available by the close of the comment period, we would request that the supplemental or revised DEIR include Appendix D of the Biological Resources Supporting Information with the location and images redacted. 7 CONT

The project design features indicate that the project would include 510.8 acres of preserved open space and that transferring this open space to a City-approved conservation entity would ensure the protection of the Palmer's oak. This statement is misleading, as the protected area proposed for the oak is 27.7 acres and would not be connected to the remaining 483.1 acres of preserved open space, but instead would be encroached upon by proposed light industrial, business park, and medium-density residential development. The 200-foot buffer area proposed for the Palmer's oak described in MM BIO-5 appears to allow ground disturbance that could affect the slope that the oak is found on. We recommend the development and analysis of an additional alternative that would provide a larger buffer around the Palmer's oak, including the 44-acre sacred site designated by the California Native American Heritage Commission and the interconnection of open space preserves to allow wildlife movement and genetic flow in a supplemental or revised DEIR. To preserve the oak and the associated Tribal cultural resources, the area surrounding the oak should not have public access and should have a robust protection plan. 8

The language in the DEIR allows for many different entities to be considered to manage the open spaces. Mitigation measure BIO-1b does not offer clear guidance of the requirements for a conservation agency to take over ownership of the open spaces. We recommend that requirements for City-approved conservation entities be outlined in the supplemental or revised DEIR. When considering an irreplaceable one-of-a-kind botanical resource, the task to manage the open spaces and protect the Palmer's oak should not be delegated to an entity that has not demonstrated the ability to manage land and protect sensitive botanical and cultural resources. Specifically, we are concerned that a Homeowners Association, as suggested in MM BIO-2 of the Biological Resources Supporting Information, may not be an appropriate entity to manage the protection of this resource. 9

Alternatives

The DEIR should have included the analysis of alternatives that would have reduced the environmental and cultural impacts of this project on the ancient oak. An alternative that allowed for a larger buffer around the Palmer's oak and included contiguous open space throughout the eastern portion of the project area should have been analyzed to determine if this lower impact alternative could achieve the objectives of the project. Additionally Alternative 3 is not a viable alternative as it would not be possible to approve a land use plan that was not previously analyzed. CEQA requires that an EIR examines a reasonable range of alternatives, *see Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 [" 'One of [an EIR's] major functions . . . is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.' "].) According to CEQA § 21002.1 (a) "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, 10

to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." We do not feel that the alternatives included in this analysis meet the purpose of an EIR.

We recommend an open space alternative be analyzed. This alternative would include the proposed land use designations for medium and high density residential, and for other land use designations, but would amend the conceptual land use plan to designate lands proposed for light industrial, business park, and very low-density housing as protected land use. The 20th Street access to the east side of the property could be replaced with a gated access route intended for emergency ingress/egress. This alternative would provide connectivity between the open spaces on the project site while providing a suitable buffer to ensure the preservation of the Palmer's oak. 10 CONT

Mitigation Measures

MM BIO-1b should be amended to require that open space preserves in the project area are interconnected to other open spaces. This should also include criteria for selecting a conservation agency that would take over management of the open space and include management requirements for the open spaces and the Palmer's oak. 11

MM BIO-1b should be amended to require that recipient sites for salvaged material and propagules be monitored in perpetuity. 12

MM BIO-1e should include the list of native landscaping materials recommended for use within the project site and not defer the development of this list until after project approval. 13

MM-BIO-1e should be amended to require that any erosion control planting or seeding shall consist of native plant seed collected on or adjacent to the project site, or plants grown in a nursery setting from this seed. 14

Organization of the DEIR

Much of the relevant information needed to analyze this project was not incorporated adequately into the body of the DEIR, requiring the reader to go back and forth between the DEIR and the appendices to determine the baseline conditions used for environmental analysis, *See generally San Joaquin Raptor Rescue* (2007) 149 Cal.App.4th 645, 659 (EIR should not force public and decision makers to "sift through obscure minutiae or appendices" to determine the "fundamental baseline assumptions" used for the environmental analysis). While not all information from the appendices needs to be included in the DEIR, the supplementary or revised DEIR for this project should include sufficient information to understand the existing conditions and potential impacts of the project without the need to reference the appendices. 15

In conclusion, we recommend that a supplemental or revised DEIR be prepared for this project, containing a redacted version of the analysis of the Palmer's oak, additional analysis of alternatives to include interconnected protected land to provide a larger buffer for the Palmer's oak, and to ensure that the water source sustaining the oak and any other potential impacts to the oak are adequately analyzed. Thank you for the opportunity to comment on this project and please contact us if you have any questions. 16

Sincerely,

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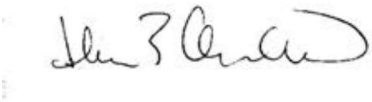

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A Pleistocene Clone of Palmer's Oak Persisting in Southern California

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Abstract

Background

The distribution of Palmer's oak (*Quercus palmeri* Engelm.) includes numerous isolated populations that are presumably relicts of a formerly larger range that has contracted due to spreading aridity following the end of the Pleistocene.

Principal Findings

We investigated a recently discovered disjunct population of Palmer's oak in the Jurupa Mountains of Riverside County, California. Patterns of allozyme polymorphism, morphological homogeneity, widespread fruit abortion, and evidence of fire resprouting all strongly support the hypothesis that the population is a single clone. The size of the clone and estimates of annual growth from multiple populations lead us to conclude that the clone is in excess of 13,000 years old.

Conclusions

The ancient age of the clone implies it originated during the Pleistocene and is a relict of a vanished vegetation community. Range contraction after climate change best explains the modern disjunct distribution of *Q. palmeri* and perhaps other plants in California.

Citation: May MR, Provance MC, Sanders AC, Ellstrand NC, Ross-Ibarra J (2009) A Pleistocene Clone of Palmer's Oak Persisting in Southern California. PLoS ONE 4(12): e8346. https://doi.org/10.1371/journal.pone.0008346

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Competing interests: The authors have declared that no competing interests exist.

Introduction

Numerous woody species of plants in the southwestern United States exhibit scattered distributions characterized by small, isolated populations, often occurring in suboptimal habitats [1]. One explanation for these scattered distributions is range contraction resulting from spreading aridity and increased temperatures following the end of the last glacial period in the late Pleistocene [2]. One species that demonstrates this scattered distribution is Palmer's Oak (*Quercus palmeri* Engelm., = *Q. dunnii* Kellogg). Palmer's Oak is a xerophytic evergreen shrub or small tree of *Quercus* section Protobalanus. *Q. palmeri* exhibits a disjunct distribution, with populations in Arizona and California completely separated by the Mojave and Sonoran deserts. In California, populations of *Q. palmeri* are extensive in the eastern Peninsular Range of Riverside and San Diego counties, but elsewhere are typically small and separated from neighboring populations by many kilometers (Fig. 1). The species ranges from northern Baja California to north of the San Francisco Bay region. Known occurrences in California are usually between 900 and 1500 m in elevation on the desert slopes of the Transverse and Peninsular Ranges, with scattered outposts in the South Coast Ranges and southeastern Sierra Nevada Mountains. Populations are typically associated with mesic sites in the arid interior, though many occur at the margins of springs and on deep soils in montane valleys.

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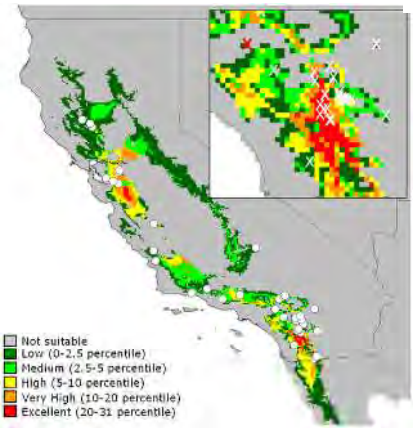

Figure 1. Map of the studied population of *Q. palmeri*.
White dots and 'X's represent known occurrences of *Q. palmeri* throughout California; the red 'X' in the insert represents the location of the Jurupa population. Percentiles are the two-tailed probability of suitability given 19 bioclimatic parameters.
https://doi.org/10.1371/journal.pone.0008346.g001

An isolated occurrence of *Q. palmeri* was recently discovered in the Jurupa Mountains of Southern California (34.033°N, 117.391°W, elevation 366 m), in drier habitat and at a lower altitude than previously reported for this species [3]. The bulk of the stems at the Jurupa site are in a narrow gulch between two large granite boulders on a relatively steep north-facing slope at an elevation of about 400 m, in a coastal sage scrub community. There is no other record of *Q. palmeri* in the Jurupa area, and local floras do not report this species from any of the surrounding areas, except for a recent discovery in the Bernasconi Hills west of the San Jacinto River [4]. At the Jurupa site, *Q. palmeri* is represented by approximately 70 stem clusters forming a dense and homogeneous thicket with dimensions of approximately 25×8 m and limited to roughly 1 m in height by some combination of strong northerly winds, drought, and fire [3]. Patterns of stem emergence and high stem density make it difficult to determine the number of distinct individuals at the site by observation alone.

When first observed, morphological homogeneity, high rates of acorn abortion, and abundant evidence of resprouting following fire suggested that all stems of *Q. palmeri* at this location might belong to a single clone. Evidence for clonal propagation has been suspected in other occurrences of *Q. palmeri* [5], and it is possible that many of the smaller, isolated populations of *Q. palmeri* are in fact single clones [6]. We present allozyme data confirming the clonal nature of the stand at Jurupa, as well as indirect estimates of the age of the clone that suggest its persistence since the Pleistocene.

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Methods

Individual stems in the Jurupa population were tagged and numbered. Vouchers of the population were deposited in the UCR Herbarium. Plants were examined for maturing fruits and new growth eight times over a six year period. Comparative specimens were collected from larger, actively reproducing, Californian populations of *Q. palmeri* in Garner Valley (33.575°N, 116.6°W, elevation 1440 m) and a location near Aguanga (33.483°N, 116.75°W, elevation 1265 m). Evidence of root sprouting or rhizome formation in the Jurupa stand was sought by excavation of the soil at the base of several stems.

Allozyme Electrophoresis

Newly mature leaf tissue was collected from across the Jurupa site, including 32 of the roughly 70 stem clusters, ensuring inclusion of all potential clonal groupings. Leaf tissue was also sampled from fifteen well-spaced trees and shrubs among the thousands of *Q. palmeri* present in the Garner Valley population. Collections were immediately taken to the laboratory for protein extraction.

Protein was extracted from leaf samples using liquid nitrogen and a modified version of the extraction buffer of Mitton *et al.* [7]. The resulting extract was then absorbed onto paper wicks, which were stored at −80°C for later use. Starch gel protein electrophoresis using three different buffer systems resolved a total of 11 loci. A modified morpholine-citrate buffer system [8] resolved 4 loci: leucine aminopeptidase (LAP), malate dehydrogenase (MDH), Shikimate dehydrogenase (SKDH), and fluorescent esterase (FE). A discontinuous lithium hydroxide-borate buffer system [9] resolved 4 loci: menedione reductase (MNR), two phosphoglucoisomerase (PGI) loci, and triose phosphate isomerase (TPI). Finally, a pH 6 histidine-citrate buffer system [10] resolved 3 loci: two phosphoglucomutase (PGM) loci, and uridine-5′-diphosphatase (UDP). Both PGM loci were dropped from the analysis due to poor quality bands and inconsistent banding patterns among replicates. Specimens of the related Golden Oak (*Q. chrysolepis* Liebm.) were analyzed alongside *Q. palmeri* to confirm the similarity of banding patterns to those reported by Montalvo *et al.* [11].

Age Estimation

Excavations at the Jurupa site failed to produce any significant amounts of old, dead wood. This absence of old material, likely due to termite activity, made it impossible to determine the age of the putative clone directly by means of radiocarbon dating. Instead, we counted annual growth rings in multiple stem cross-sections to determine average annual growth rate. Transverse sections of 10 dead stems and 1 live branch were collected from different locations within the Jurupa site. Cross-sections were air-dried, finely sanded, and in some cases stained to make annual growth rings visible. Ring counts and diameters were estimated manually from

digital images of the sections (Fig. 2, additional images available at http://www.rilab.org/treering/treering.html). Average annual growth rate was determined from the number of annual growth rings present over a given distance in individual cross-sections. Growth rates were similarly estimated from stems collected at two additional sites in Garner Valley and near Aguanga.

Figure 2. Cross-sections of *Q. palmeri* stems.
Ring counts were made from high-resolution images of cross sections of each stem. Scale is in millimeters. Example stem sections, from left to right: Jurupa Mountains, Aguanga, Garner Valley.
https://doi.org/10.1371/journal.pone.0008346.g002

Environmental Suitability

We gathered occurrence data for *Q. palmeri* from herbarium databases available at Calflora (http://www.calflora.org/) and the Consortium of California Herbaria (http://ucjeps.berkeley.edu/consortium/). We used these occurrence data to perform ecological niche modeling in the software package DIVA-GIS [12], using data on 19 bioclimatic variables drawn from Worldclim [13] and elevation data from The Shuttle Radar Topography Mission [14].

Results

Genotypic data from nine allozyme loci for approximately half of the stems at the Jurupa site strongly support the conclusion that the stand is a single clone. All nine loci showed identical banding patterns in every stem analyzed. Most loci revealed single-band patterns consistent with homozygous genotypes, but two of the loci (FE and PGI) revealed a two-band pattern suggestive of fixed heterozygosity. Comparisons to variation observed in individuals from the Garner Valley population and samples of *Q. chrysolepis* reinforce these data, as each of the homozygous loci in the Jurupa population was observed to be polymorphic in other samples, and both of the fixed heterozygous loci were seen to segregate in a normal Mendelian fashion (data not shown). While high levels of homozygosity may simply represent elevated inbreeding (as demonstrated by a study of Wollemi pine, *Wollemia nobilis* [15]), the observation of fixed heterozygous genotypes is extremely unlikely except in a clonal population. Even under the best circumstances (when allele frequencies are equal and mating is random), the probability that 32 individuals would be heterozygous at a given locus is vanishingly small ($<3\times10^{-10}$). There is thus little chance the various stems at Jurupa represent genetically different individuals.

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Morphological homogeneity of the Jurupa stand supports the genetic data. Overall growth form and leaf morphology is strikingly uniform throughout the site, and the vast majority of stems appeared relatively healthy. Stem clusters closely resemble those reported from other small, isolated populations of *Q. palmeri* from northern parts of California [5, 16, Sanders, personal observation]. All stems in the Jurupa site were in flower when discovered. Despite prolific flowering, however, we found virtually no evidence of sexual reproduction: tiny, aborted acorns were abundant in the leaf litter, and over the course of many visits to the site spanning more than six years we observed no seedlings and only four mature acorns. Attempts to germinate acorns from the Jurupa site in a greenhouse failed, whereas acorns collected from the Garner Valley population demonstrated normal viability under the same conditions (data not shown). We also noted significant signs of recent fire damage at the Jurupa site, including fire-killed stems up to 1 m tall. Several scorched trunks were evident in the center of the largest clump of individuals, and smaller pieces of carbonized material were found throughout the site. No evidence of adventitious shoot production from roots or of production of rhizomes was observed in the Jurupa population. New shoots following fire appear to be essentially vertical and grow from existing buds from the root crown at the base of burned stems.

If *Q. palmeri* at the Jurupa site represents a single asexually reproducing clone expanding only by secondary growth in stem thickness due to crown resprouting after fire, comparison of the diameter of the clone to measurements of annual growth provides a means of estimating the age of the clone. Making the conservative assumption that the progenitor individual originated at the center of the current Jurupa site, the clone must have grown at least 12.5 m (half the longest axis) in a single direction. We estimated the age of the clone under two different growth rate scenarios: 1) average growth rate observed using stems at the Jurupa site, taken to represent the growth rate of *Q. palmeri* in poor conditions; and 2) average growth rate observed across all three populations sampled, assumed to represent a wide range of growth conditions. If only stems from the Jurupa site are included, we estimate an average annual growth rate of 0.8±0.02 mm per year, resulting in an age range of approximately 15,600±2,500 years. The average annual growth rate determined from all stems collected from all populations was 0.96 mm per year, providing a minimum age estimate of approximately 13,000 years–this is our most realistic estimate of the age of the clone, since it takes into account a wide range of growth conditions.

Ecological niche modeling of altitudinal and bioclimatic data linked to 44 known occurrences of *Q. palmeri* in California demonstrates that the Jurupa Mountains site is suboptimal for growth of *Q. palmeri* (Fig. 1). Most notably, the Jurupa site has the highest mean annual temperature and the second-lowest mean annual precipitation of all of the sampled occurrences (Fig. 3).

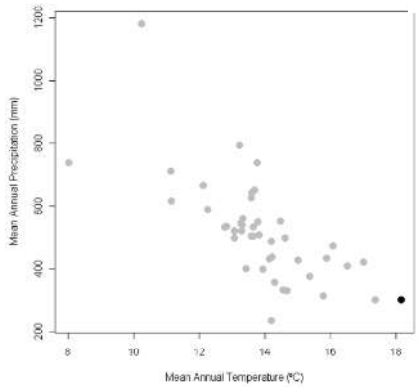

Figure 3. Comparison of mean annual temperature and mean annual precipitation among occurrences of *Q. palmeri*.
The black dot represents the *Q. palmeri* at the Jurupa Mountains site. The Jurupa site is outside the one-tailed 95% confidence interval for both variables.
https://doi.org/10.1371/journal.pone.0008346.g003

Discussion

Data from allozyme analysis, combined with morphological and phenological observation, provide clear evidence that the Jurupa population of *Q. palmeri* is a single clone. Samples taken from all of the spatially distinct clumps of individuals, including nearly half of the stem clusters in the stand, show no genotypic variation at 9 allozyme loci, including fixed heterozygosity at two loci. The stand exhibited morphological uniformity and a multi-stem, clumped growth form, facts that Tucker *et al.* associate with clonality in *Q. palmeri* populations in northern California [5]. This inference is reinforced by the frequency of acorn abortion and the extreme rarity of mature acorns found in the population: oaks, like most predominantly outcrossing plants, are expected to suffer loss of productivity when clone density is high [17]. In marked contrast to the frequent fruit abortion in the Jurupa population, an extensive population in Garner Valley produces large numbers of viable acorns. Several other populations of *Q. palmeri* exhibit characteristics suggestive of clonal growth [5], and it has been suggested that many of the smaller, disjunct populations are single clones [6]. The data presented here are the first, however, to substantiate clonal growth in *Q. palmeri*.

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We measured average annual growth rates in stems of the Jurupa clone and in stems of some of the most favorable sites known to us, with the idea of estimating clonal age by comparing annual growth to the size of the clone. The large populations of *Q. palmeri* in Garner Valley and near Aguanga doubtless represent populations growing under something close to optimal conditions for the species. We assume that the current average growth rate at the Jurupa site, where only a single clone survives at an extraordinarily low and dry site for the species, must represent something close to the slowest growth rates normally exhibited by the species. Our most realistic estimate, based on stems collected from a variety of environmental conditions, is that the clone is at least 13,000 years old.

Sources of error in our estimates of the age of the Jurupa clone fall broadly into two categories: the mode and rate of clonal growth, and the size of the clone. Other forms of clonal growth, such as root sprouting or rhizome formation, could result in higher rates of clone diameter growth, making our estimate of the average annual increment too low and our estimate of the time required for the clone to spread to its present dimensions too great. Other oak species are known to spread rhizomatously [18] or by root sprouting [19]; the well-studied *Q. chrysolepis*, a close relative of *Q. palmeri*, is known to spread by root sprouting [20], but regrowth after fires has only been observed via crown resprouting [21], [22], and extensive observation of clones of this species show no evidence for any other form of growth [11]. Moreover, our excavations at the Jurupa site offered no evidence for either rhizomatous expansion or root sprouting. Our estimation also assumes that crown resprouts occur in all directions after a fire, such that the clonal axis is representative of the path of clonal spread. If crown resprouting is inconsistent, however, the spread of the clone need not be linear and our age calculations would be underestimates. Anomalous growth rates could also have the effect of biasing our estimates in either direction: poor growth conditions, for example, could result in narrow annual growth rings, leading to an overestimation of the age, but could also result in a complete lack of growth in some years, biasing our estimate downward.

In addition to variability in growth form, the exact size of the clone and the position of the original ramet could also influence age estimation. Noticeable fragmentation and considerable dead wood at the top of the ridge suggests the Jurupa clone may once have extended over the ridge top or elsewhere out of the relatively well-protected gully to which it is now restricted. Perhaps the most significant source of error in our estimations comes from our assumption that the progenitor individual originated in the center of the current clone. If the position of this original ramet were anywhere else–potentially even outside the current stand–our estimates would be considerably lower than the clone's true age. In fact, both competitive and environmental effects have been shown to act to limit clone size in other tree species [23], and these limitations likely result in underestimation of clone age [24]. Because of these many sources of error–particularly the unknown position of the original ramet and the effects of ecological limitations on stand spread, which result in potentially significant and unknowable underestimates of clone age–we stress that our estimates of age are not absolute, but represent a minimum age for the Jurupa clone.

Our age estimates place the original germination of the Jurupa stand of *Q. palmeri* and the beginning of clonal spread in the late Pleistocene. There is no climatological evidence to suggest that conditions at the glacial maximum were such that *Q. palmeri* could not have grown in the Jurupa Mountains during the late Pleistocene. The maximum extent of local glaciation during the last 30,000 years was on the upper slopes of San Gorgonio Mountain [25], 90 km northeast and 2,000 m higher in altitude than the Jurupa site. In fact, the period from 25,000–40,000 years ago supported a diverse woodland flora at Rancho La Brea, about 100 km to the west,

including *Cupressus, Pinus*, *Sequoia, Juglans* and *Quercus* [26], suggesting that conditions were then more favorable for growth of *Q. palmeri* at a locality that is today quite similar in climate to the Jurupa Mountains. Pollen records from packrat middens show that *Q. palmeri* occurred in the Mojave Desert at an elevation of 850 m starting 9,500 years ago, replacing the previously dominant *Pinus monophylla* [27], which today occurs at a mean altitude higher than *Q. palmeri*. The mean elevation of occurrence of other woody plant species in Southern California, including *Q. chrysolepis*, has been shown to increase in response to climatic warming [2]. It is thus reasonable to assume that *Q. palmeri* existed at lower elevations in the past than it does today. The fact that the Jurupa clone currently exists at a lower elevation in a drier, hotter habitat than the rest of the species is therefore consistent with our estimated age.

We propose that this stand of *Q. palmeri* is a relict of an ancient population that has persisted in the Jurupa Mountains despite warming since the last glacial period. Our findings are not without precedent, as ancient clones have been identified in other woody taxa [28]–[30], including a nearly 12,000 year old clone of creosote (*Larrea tridentata* Coville) found in the Mojave Desert [31]. Nonetheless, our 13,000 year estimate for the age of the Jurupa clone places it among the oldest of living plants.

Finally, we have proposed that warming since the last glacial period has pushed the ideal elevation of *Q. palmeri* higher, leaving behind the small, disjunct populations scattered around California today. Our findings at Jurupa suggest that cloning may be a significant contributor to the persistence of these disjunct populations. Numerous other woody shrubs in the southwest share such disjunct distributions and patterns of growth [1], and it is thus tempting to speculate that disjunct populations of many of these other species may consist of extremely long-lived clones as well.

Acknowledgments

We would like to thank Steve Boyd for assistance in the field, Lesley Blancas and Janet Clegg for help with allozyme analysis, Craig Provance and Jim May for their assistance in sample preparation, and Herby Wahlberg and X anonymous reviewers for helpful discussion.

Author Contributions

Conceived and designed the experiments: MCP ACS NCE JRI. Performed the experiments: MCP ACS JRI. Analyzed the data: MRM JRI. Contributed reagents/materials/analysis tools: NCE. Wrote the paper: MRM MCP ACS NCE JRI.

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Multiple Biological Resources Organizations (MULT-BIO)

Response to MULT-BIO-1
This comment provides information regarding the commenter and does not raise any issues related to the Draft EIR or the proposed project. No further response is required.

Response to MULT-BIO-2
This comment provides information regarding the commenter and does not raise any issues related to the Draft EIR or the proposed project. No further response is required.

Response to MULT-BIO-3
This comment indicates the commerter's general objections. Please see Master Response 4.

Response to MULT-BIO-4
This comment provides a general summary of the issues and concerns raised in the letter. Please see Response to MULTI-BIO-6 through Response to MULTI-BIO-15.

Response to MULT-BIO-5
This comment describes the Palmer's oak and does not raise any issues related to the Draft EIR or the proposed project. No further response is requried.

Response to MULT-BIO-6
This comment concerns the hydrogeologic investigation in the Draft EIR. The Hydrogeologic Investigation that concluded that groundwater at the site of the Palmer's oak is 90 feet below ground surface was conducted by Stetson Engineers, Inc., an engineering firm with over 65 years of experience as water resources specialists. This study is summarized in the Draft EIR and in Response USFWS-CDFW-11. See Draft EIR, 3.4-45. The comment further states that the conclusion that the tree is supported by water stored in a subsurface basin is speculative. On the contrary, the conclusion is supported by facts. This conclusion is based on a GPR study that is summarized in the Draft EIR and in Response USFWS-CDFW-11. Furthermore, the comment's claim that the oak tree could have deep roots that reach groundwater is speculative and is not substantiated in the comment. As described in the hydrogeologic investigation, groundwater at the location of the tree is found at 90 feet below ground level; however, the soil beneath the tree at a depth of 35 to 700 feet below ground level is granite. It is unlikely that tap roots could penetrate through bedrock to reach the groundwater.

Regardless of the water source–and even in the unlikely and highly speculative event that groundwater is delivered to the tree via roots that penetrate bedrock through 90 feet or via water stored in a near-surface catch basin–the proposed project, with the buffer limitation imposed by MM BIO-5 (Palmer's Oak), would not impact the tree's water supply. In fact, the 259-foot buffer where heavy equipment operations would be prohibited, would also protect the speculative deep roots from vibration and impact in the unlikely event that they might have penetrated through cracks in the bedrock. Because the proposed project would not impact the tree's water source, an isotope water source study is unnecessary. CEQA does not require that an agency conduct every recommended test and perform all recommended research in evaluating a project's environmental impacts (State CEQA Guidelines § 15204(a)). CEQA recognizes that the lead agency has the responsibility and discretion to decide the appropriate way to investigate and evaluate the project's

significant environmental impacts. See, e.g., *Gray v. County of Madera* (2008) 167 CA4th 1099 (A lead agency is not required to accept a regulatory agency's recommendation that further studies be undertaken); *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 410, 415 ("A project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information" . . . however, "It is not for them to design the EIR"); *Tiburon Open Space Comm. v. County of Marin* (2022) 78 CA5th 700, 754–55; *Save Panoche Valley v. San Benito County* (2013) 217 CA4th 503, 524. *Bay Area Citizens v. Association of Bay Area Gov'ts* (2016) 248 CA4th 966, 1017; *Society for Cal. Archaeology v. County of Butte* (1977) 65 CA3d 832; see also *Association of Irritated Residents v. County of Madera* (2003) 107 CA4th 1383, 1396; *Cadiz Land Co. v. Rail Cycle* (2000) 83 CA4th 74, 102; and *Riverwatch v. County of San Diego* (1999) 76 CA4th 1428, 1447. Accordingly, assertions that impacts might be analyzed a different way or that other studies might provide additional information do not provide a basis for challenging the EIR. Although further investigation might be helpful, that does not make the requested study legally necessary.

Testimony or reports by experts supporting a finding that a project's impacts will be insignificant constitutes substantial evidence supporting the agency's conclusions. State CEQA Guidelines 15063(a)(3). See *Jensen v. City of Santa Rosa* (2018) 23 CA5th 877, 889; *Schenck v. County of Sonoma* (2011) 198 CA4th 949; *Uhler v. City of Encinitas* (1991) 227 CA3d 795, 805. Professional knowledge and judgment was applied in preparing these studies.

The analysis in a CEQA document is not required to be perfect, and disagreement among experts does not make an EIR inadequate. Section 15151 of the CEQA Guidelines states that "an EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

The City has the discretion to weigh the evidence when considering the adequacy of an EIR and to decide whether to accept it. It is within the City's discretion to adopt the environmental conclusions reached by the experts that prepared the EIR even though others may disagree with the underlying data, analysis, or conclusions. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 408; *State Water Resources Control Bd. Cases* (2006) 136 CA4th 674, 795. Discrepancies in results arising from different methods for assessing environmental issues do not undermine the validity of the EIR's analysis as long as a reasonable explanation supporting the EIR's analysis is provided. *Planning & Conserv. League v. Castaic Lake Water Agency* (2009) 180 CA4th 210, 243.

Response to MULT-BIO-7
The comment acknowledges the importance of protecting the confidentiality of information related to the location of the Palmer's oak, but requests access to additional information. The City cannot provide information to the public that would disclose the location of a cultural resource. Please see Master Response 5.

Response to MULT-BIO-8
This comment suggests the development of an alternative with a larger buffer. As discussed in the Draft EIR, environmental impacts to the Palmer's oak are fully mitigated with implementation of the buffer required by MM BIO-5, and there is no scientific reason to support an increased buffer. Please see Master Response 1, Response to EHL-8, and Response to MULT-BIO-11.

As described in Master Response 1 (The buffer established in the Draft EIR is consistent and sufficient) and Master Response 2 (The natural landscape around the Palmer's oak would be protected), the buffer area and Open Space designation in the area around the tree are sufficient for protection of the tree. Furthermore, there are no marked trails in the proximity of the tree.

Response to MULT-BIO-9
This comment suggests revision to MM BIO-2 (Conserve Open Space), as set forth Appendix D of the Draft EIR, regarding requirements for a conservation agency. Please see Response to MULTI-BIO-11. Note that the MM BIO-2 in the BRA (Appendix D) is MM BIO-1b (Conserve Open Space) in the Draft EIR.

Response to MULT-BIO-10
This comment requests discussion of an "open space alternative" and states that the commenter does not feel that the alternatives included in the analysis meet the purpose of an EIR. Please see Response to SUFME-9.

Response to MULT-BIO-11
The comment states that MM BIO-1b should be amended to require that open space Preserves in the project site area are interconnected to other open spaces. This should also include criteria for selecting a conservation agency that would take over management of the open space and include management requirements for the open spaces and the Palmer's oak.

The proposed project is within the area covered by the Western Riverside MSHCP. The MSHCP identifies connectivity areas through designation of Criteria Cells. There are no Criteria Cells designated on the project site and therefore no MSHCP requirement to provide connectivity between cells. Open space areas on the project site are isolated from other conserved open space by existing or planned development and there is no opportunity for connectivity.

MM BIO-1b (Conserve Open Space) requires that ownership of open space areas on the project site be transferred to a local conservation entity approved by the City (Draft EIR, Section 3.4 Biological Resources, page 3.4-33). The mitigation measure in the Draft EIR does not designate the Homeowner's Association (HOA) as owner or manager of the open space areas.

Response to MULT-BIO-12
The comment states that MM BIO-1b [*sic*] should be amended to require that recipient sites for salvaged material and propagules be monitored in perpetuity.

It is assumed that this comment refers to MM BIO-1c (Special-status Plants) rather than MM BIO-1b (Conserve Open Space). Monitoring is intended to determine whether salvaging plants or propagules has been successful. The applicable plants are mesa horkelia (*Horkelia cuneata var. puberula*), a

perennial herb, and Robinson's pepper-grass (*Lepidium virginicum var. robinsonii*), an annual herb. Monitoring of herbaceous plants is typically done annually for 5 years and this is sufficient to determine whether the plant or propagule salvage has been successful or if adaptive management or other measures are warranted to fulfill mitigation requirements.[25] There is no justification for monitoring in perpetuity.

Response to MULT-BIO-13
The comment states that MM BIO-1e should include the list of native landscaping materials recommended for use within the project site and not defer the development of this list until after project approval.

As stated in MM BIO-1e (Invasive Plants), native landscaping materials shall be selected for their compatibility with the unique natural environment in the area and will exclude invasive plant species listed in the California Invasive Plant Council Inventory (cal-ipc.org) or Section 6.1.4 of the MSHCP. The purpose of this mitigation is to prevent the introduction and spread of invasive plants. Including a list of native landscaping materials in the mitigation measure is unnecessary to achieve this mitigation. Such a list would be extremely long. It would be up to the landscape architect to determine the species to be planted, as long as they are not on the MSHCP or the cal-ipc lists stated above.

Response to MULT-BIO-14
The comment states that MM BIO-1e should be amended to require that any erosion control planting or seeding shall consist of native plant seed collected on or adjacent to the project site or plants grown in a nursery setting from this seed.

MM BIO-1e (Invasive Plants) states that any erosion control planting or seeding shall consist of native species, native seed mix, or other ecologically appropriate, non-invasive plants. The purpose of this mitigation is to avoid and minimize the introduction and spread of invasive plants. Using only seeds collected from the site is unnecessary to achieve this mitigation.

Response to MULT-BIO-15
The comment alleges that information from the appendices is not adequately incorporated into the Draft EIR; however, it does not provide any specific examples. Baseline conditions are thoroughly explained in Section 3.4.3 Environmental Setting of the Draft EIR.

Response to MULT-BIO-16
This comment provides concluding remarks and summarizes prior comments addressed above. No further response is required.

[25] Environmental Planning Group, LLC. 2021. Special-status Plant Salvage and Relocation Plan. March. Website: https://ia.cpuc.ca.gov/environment/info/aspen/elm/plans/special-status_plant_salvage_and_reloc_plan_508.pdf. Accessed April 19, 2024.

Response to MULT-BIO-17

This comment includes a 2009 scientific article by Michael R. May et al. This article was reviewed as part of preparation of the Biological Review of the Palmer's Oak memorandum and is heavily cited in this report. No further response is required.

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Jurupa Valley, CA 92509

Submitted via email to: jpechous@jurupavalley.org

From: Angeles Chapter of Sierra Club

Re: Comments on Rio Vista Specific Plan /DEIR

Date Jan. 5, 2024

To: Whom It May Concern:

The San Gabriel Valley Task Force thanks the City of Jurupa Valley for the opportunity to comment on the Rio Vista Specific Plan DEIR. The San Gabriel Valley Task Force of the Angeles Chapter of the Sierra Club was established in 1999 to seek ways to create a more livable environment for Southern California residents while preserving or improving natural habitat and ecosystems. Since that time, we have worked to create projects that promote protection of the natural environment while promoting low impact outdoor recreation in the valleys, and mountains of Southern California. 1

We have been following this project for several years and have evaluated the recently released the Rio Vista Specific Plan MA 16045. We understand the proposed project is a new Rio Vista Specific Plan to replace the existing Rio Vista Specific Plan No. 243 approved by Riverside County in 1992. The new proposed project involves a master-planned community consisting of the following major land use components on the 917.3 acres: 2

- Up to 1,697 dwelling units (du) on 204.4 acres, which matches the existing Rio Vista Specific Plan No. 243, yielding an average density of 1.8 du per acre (du/acre).
- 1,269,774 square feet of Light Industrial building square footage on 58.3 acres.
- 1,428,768 square feet of Business Park building square footage on 82.0 acres.
- 510.8 acres of natural open space.
- 14.3 acres of recreational amenities.
- 13.4 acres for a new public K-8 school.

We also understand that a "Specific Plan" describes implementation of the division and for future development and any amendments necessary for and/or changes in Zoning to allow the proposed land uses of the Specific Plan. In contrast, aa DEIR is required to meet the California Environmental Quality Act followed by a FEIR with required sections to determine impacts of projects with significant environmental impacts.

2 CONT

With these constraints and with the desire to preserve and protect areas as habitat, as open space for recreation, and to protect areas of cultural or historical value, we offer the following comments.

Comments:

- We thank the City for extending the comment period for the Rio Vista Specific Plan to January 5, 2024 whereas when first released, the due date for comment was Dec. 1, 2023. Sierra Club, along with other environmentally focused organizations, felt this date needed to be extended since two required parts of the document—Biological Resources and Cultural Resources were missing for public review and deemed "confidential". This will be discussed later in our comments.

3

We are focusing our comments on preservation of the Jurupa Oak (*Quercus palmeri)*, an 13,000-18,000-year-old oak clone on the project site. The preservation of the Jurupa Oak, also known as the Hurunga Oak, must be addressed in public discussions of both of these appendices since the site is recognized as a sacred site by the State of California having been designated by the California Native Heritage Commission as sacred site NHC-123. In addition, this tree is also a treasure of California as it is its oldest plant, a treasure of our nation as its oldest oak, and to the world as the 3rd or 4th oldest plant in the world.

The current development map indicates the oak will be encircled by "light industrial" isolated on approximately 20-30 acre island of "conservation space". "Heavy equipment will come within 150 feet of the oak and the impacts will come within 259 feet of the oak".

4

We believe this is unacceptable for the preservation of the oak. No evidence of any studies relating to local water movements or nutrient flows that supply the clone are included in the DEIR. The use of heavy equipment so close to the oak could induce changes in the pathways of water and nutrients that sustain the oak. Potential impacts from these activities must be addressed in the DEIR and future FEIR to allow evaluation—not in "confidential" appendices.

Appendix D (Biological resources and E (Cultural resources) remain "Confidential" due to concerns about protection of the oak site located on the project property. No information was provided on either of these resources as required by CEQA.

5

It is of interest to the general public of the United States and the broader world.
The oak, is a remnant of the Pleistocene flora during which the climate was more moist than at present. How has this plant survived? Where do its moisture and nutrients come from? The confidential appendices do not allow the neither the public nor experts to evaluate impact of the proposed project. We reviewed the Geotechnology report included in the DEIR and it did not indicate any studies of the sources of water for the oak that could be evaluated by experts in the fields related to the oak and its needs.

6

We recognize that Native American sites are specially treated in environmental documents in California. Locations may be kept secret in order to protect sites from destruction, vandalism and looting.

In order to properly evaluate the DEIR, Sierra Club submitted a formal Public Records Request on November 21, 2023 to access the two appendices that were designated "Confidential. **We received a denial the same day** with an explanation that related only to Appendix E (Cultural Resources) and how these are may remain confidential in CEQA documents. However there is little information on requirements needed for survival of the oak. There is no information on studies about the requirements of the plant , how those are being met today, and how the proposed project might impact it. 7

We agree that the locations should remain secret for protection. The City had indicated they were preparing redacted reports that could be evaluated by a panel of experts and stakeholders. This has not occurred. They indicate that tribal consultations are occurring. However, we have contacted a representative of the local tribal group and he indicates that nothing, indeed, has occurred

It is impossible to evaluate the environmental impacts associated with this project without information on what , if any, studies that were conducted to verify project's potential impacts on the oak. This delays the ability of the public and interested stakeholders to critically evaluate this project as CEQA requires.

♦We also have been very concerned about the general lack of public transparency about this project by the City of Jurupa Valley. The Rio Vista Specific Plan became available to the public on Oct. 19, 2023 after a long history of earlier documents. Sierra Club also notes that the project was released as a "specific plan" rather than as a draft environmental report (DEIR). A DEIR or a Negative Declaration of some type is a critical part of meeting requirements of the California Environmental Quality Act. In contrast, it is stated in in the City's document that that a "specific plan" is to evaluate a project for conformance with the City's General Plan. "Specific Plans are plans pertaining to areas or projects within the City. A specific plan is a tool for the systematic implementation of the general plan. It effectively establishes a link between implementing policies of the general plan and the individual development proposals in a defined area. A specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development from the type, location and intensity of uses to the design and capacity of infrastructure; from the resources used to finance public improvements to the design guidelines of a subdivision". **Specific plans do not necessarily meet the requirements of CEQA.** 8

- We wondered at the outset of our evaluation about compliance with the demands of the California Environmental Quality Act and found this document was lacking in several ways.
  1. A FEIR must include discussion of reasonable alternatives to the proposed plan. These were not included. What actions, mitigations, avoidances could reduce the impacts of the proposed project? An EIR must include a discussion of a "No Action" alternative—what impacts would occur should this project does not go forward. This is missing. 9
  2. Inclusion of redacted versions of the Appendices D and E must be included so the public and interested stakeholders can evaluate the project properly. 10
  3. Because of these omissions, the DEIR should be reissued before a Final EIR report is finalized, so that the DEIR can be evaluated properly as a guide to completion of the FEIR . A new comment period must be included. 11
  4. We have also been dismayed at the lack of communication and transparency with the public so far. In one instance a meeting at which the project was to be discussed with the public, even stakeholders learned of it accidently accidently the web. The City must hold community meetings, preferably hybrid, in-person and virtual, at a convenient time for the public to attend prior to the development of the final environmental impact report and during a new comment period for the Specific Plan/ DEIR. 12

Suggested Alternatives and Actions

- The DEIR should be resubmitted with the missing information in Appendices D and E with redacted cultural and biological resources included for public review that includes information on studies done to determine requirements of the oak to be preserved. A new comment period should be designated to a review by the public and stakeholders prior to development of the FEIR 13

- A discussion of possible alternatives including one that would, by elimination of development in the vicinity of the oak, allow contiguous open space extending from the oak into the open space in the southern part of the proposed project. 14

- Discuss capable and reasonable options for management of the open space area. In an earlier version of the Specific Plan, a possible management solution suggested was a homeowners association. **This is a totally unacceptable option.** The management must have demonstrated capability to care for the sensitive issues exhibited by this project over a long period of time. 15

Respectfully submitted

Joan Licari, D.Env.
Chair, San Gabriel Valley Task Force
Angeles Chapter of Sierra Club
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Sierra Club, Angeles Chapter(SIERRA)

Response to SIERRA-1
This comment provides information regarding the commenter and does not raise any issues related to the Draft EIR or the proposed project. No further response is required.

Response to SIERRA-2
This comment summarizes the commenters understanding of the project and is noted.

Response to SIERRA-3
This comment acknowledges that the City extended the public comment period beyond the CEQA required 45 days. No response is required.

Response to SIERRA-4
This comment states that the buffer around the Palmer's oak is insufficient and that impacts should be further discussed. Please see Master Response 1 regarding the sufficency of the buffer required by MM BIO-5. Please see Response to USFWS-CDFW-9 and Response to USFWS-CDFW-11 regarding hydrogeology and potential impacts to the Palmer's oak.

Response to SIERRA-5
This comment acknolwedges that Appendix D and Appendix E are confidential and asserts that CEQA requires their disclosure. However, CEQA specifically does not require the disclosure of confidential information. Please see Master Response 5.

Response to SIERRA-6
Please see Response to USFWS-CDFW-9 and Response to USFWS-CDFW-11 regarding hydrogeology and potential impacts to the Palmer's oak. As explained in Master Response 5, the information requested by commenter is confidential and, as such, cannot be shared with the public.

Response to SIERRA-7
Please see Responses to USFWS-CDFW-9 and USFWS-CDFW-11 regarding hydrogeology and potential impacts to the Palmer's oak. As explained in Master Respoonse 5, the information requested by commenter is confidential and, as such, cannot be shared with the public.

Response to SIERRA-8
The comment asserts that the project was released as a Specific Plan rather than an EIR. A project is seperate from its environmental review. The City both proposed a Specific Plan and, separately, prepared an EIR to evaluate the Specific Plan. The Specific Plan does not purport to be an EIR, nor does the EIR purport to be a Specific Plan, as alleged by commenter. The Draft EIR is a separate environmental document. The Draft EIR contains all the elements required by CEQA and complied with noticing and posting requirements. The public comment period was noticed for 45 days as required by CEQA, beginning October 19, 2023, and, originally closing at 5:00 p.m. on December 4, 2023. Subsequently, the City voluntarily extended the public comment period to January 5, 2024, for a total public comment period of 78 days.

Both documents, the Rio Vista Speicific Plan and the Draft EIR that evaluates its potential impacts, are available to the public at City Hall as well as at the following website in the folder labeled "MA16045 Rio Vista Specific Plan": https://www.jurupavalley.org/DocumentCenter/Index/68.

Response to SIERRA-9
This comment alleges that the Draft EIR is deficient because it does not include a "no action" alternative. "No action" is a term used with respect to NEPA and as such does not directly apply to this project under CEQA. Rather CEQA requires an analysis of a "no project" alternative. State CEQA Guidelines 15126.6. Two different "no project" alternatives were discussed in the Draft EIR, both of which fully comply with CEQA's requirements. Alternative 1, the No Project, No Build Alternative discusses what would happen if the proposed project does not move forward and no development of any kind occurs. Alternative 2, No Project, Develop Approved Specific Plan, discusses what would happen if the project site were developed in accordance with the existing plans. Accordingly, the Draft EIR fully complies with CEQA's requirements.

Response to SIERRA-10
This comment requests copies of confidential appendixes. Please see Master Response 5.

Response to SIERRA-11
This comment states that the Draft EIR should be reissued to address the concerns expressed in Responses to SIERRA-1 through SIERRA-10. See Master Response 6, which clarifies why recirculation of the Draft EIR is not required.

Response to SIERRA-12
As indicated in the published Public Notice of Preparation (NOP), a public Scoping Meeting was held on December 14, 2021. Notice of this meeting was made in accordance with all applicable requirements. On November 26, 2021, the City published notification in the local newspaper, The Press-Enterprise, of the availability of the NOP and of the Scoping Meeting. Additionally, notification of the NOP availability was mailed on November 26, 2021 (distribution list is included in Appendix N of this Final EIR), and notification of the Scoping Meeting was mailed on December 3, 2021. As such, the NOP complied with noticing and posting requirements. The public comment period was noticed for 30 days as required by CEQA, beginning December 6, 2022, and closing at 5:00 p.m. on January 4, 2022.

No agencies or members of the public attended the meeting, and three comment letters were received from State agencies. (No comment letters were received from members of the public.) See Appendix A to the Draft EIR.

Response to SIERRA-13
This comment suggests that the Draft EIR should be resubmitted, including Appendices D and E, and that a public comment period should be designated. See Master Response 6, which clarifies why recirculation of the Draft EIR is not required, and Master Response 5, which explains that CEQA prohibits the inclusion of confidential information in an EIR.

Response to SIERRA-14
The comment suggests inclusion of an alternative that would eliminate development in the vicinity of the Palmer's oak.

Under the proposed project, the area surrounding the oak tree would be designated OS-C; no development would take place in this area. Additionally, the Draft EIR considered the No Project, No

Build Alternative, under which the elements of the proposed Rio Vista Specific Plan would not be constructed on the project site and no other development would be approved. Under the No Project, No Build Alternative, the existing 17 vacant parcels would remain vacant and the proposed roads and additional infrastructure, such as water and sewer improvements, would not be developed. Additionally, all existing vegetation and riparian/riverine habitat would remain on-site and grading would not take place. See Draft EIR, Section 5.5, Alternative 1—No Project, No Build. Accordingly, this alternative provides an analysis of conditions if no development were to occur in the vicinity of the Palmer's oak.

Response to SIERRA-15
The comment states that management of the open space by an HOA is not acceptable.

The Draft EIR does not include any reference to an HOA as managing the open space. As stated in MM BIO-1b (Conserve Open Space), MM BIO-1f (Urban/Wildlands Interface), and MM BIO-5 (Palmer's Oak), responsibility for the preservation and management of the OS-C areas, including where the Palmer's tree is located, would be transferred to a City-approved conservation entity. The City would be required to consider eligibility (see below) of the potential conservation agency to hold a conservation easement prior to assigning it. Note that the MM BIO-2 in the BRA (Appendix D) is MM BIO-1b (Conserve Open Space) in the Draft EIR.

Civil Code Section 815, *et seq.* authorize the voluntary transfer of conservation easements to qualified nonprofit organizations for the purposes of retaining land predominantly in its natural, scenic, historical, agricultural, forested, or open space condition. Civil Code Section 815.3 identifies the entities and organizations that are authorized to hold conservation easements. A conservation easement over the land in question may only be conveyed to an organization or entity identified in Civil Code Section 815.3.

Note that MM BIO-1b states that the Open Space would be managed by a "City-approved local conservation agency" (Draft EIR, Section 3.4 Biological Resources, page 3.4-33). The City determined that the conservation agency to hold the conservation easement is not required to be a local one, and the word "local" in this context has been removed from the Draft EIR in several locations as identified in the Errata section of this Final EIR.

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SENT VIA EMAIL ONLY

January 4, 2024

Jim Pechous, Principal Planner
City of Jurupa Valley Planning Department
8930 Limonite Avenue, Jurupa Valley, CA 92509
Email: jpechous@jurupavalley.org

RE: Rio Vista Specific Plan - Draft EIR - MA16045/Specific Plan No. SP16001

Dear Mr. Pechous:

I am submitting comments on the Draft Environmental Impact Report ("DEIR") for the above referenced project as follows:

1. Palmer's Oak.

My main concern with this project is the failure to adequately protect the Palmer's Oak, also referred to as the Juruapa Oak, Hurunga Oak, or Hurungna Oak, (the "Oak"). The age and significance of the Palmer's Oak was discovered in 2009. This is new information that was not available in 1992 when the original Environmental Impact Report was approved and so must be analyzed anew under CEQA Sections 21166 and 15162. 1

A. Age and Rarity of Palmer's Oak

The Palmer's Oak, estimated to have been living on the site since the Pleistocene Epoch 13,000 years ago, is a unique archaeological resource that also meets the criteria of a historical resource under CEQA Guidelines 10564.5. The Oak is extremely rare and if lost cannot be replaced; there is no possible mitigation for the loss of such an ancient organism. Therefore, it must be protected to the fullest extent. The project, as proposed, does not fully protect the Oak and further protection must be provided. 2

B. Mitigation/Buffer Zone

Buffers are important for preserving the integrity and natural function of individual species and habitats. A primary objective of buffers is to provide conditions where an organism's normal behavior patterns are disturbed as little as possible. The buffer is meant to create a zone where there will be little or no human activity and to protect the habitat area from adverse environmental impacts caused by development. 3

The DEIR states that no development would be within 150-200 feet of the Oak (there are inconsistencies within the DEIR concerning the distance) and that no heavy equipment would operate within 259 feet. Such a narrow buffer is insufficient to ensure survival of such a unique and rare orgaism. A buffer of 200 feet is not even equivalent to half a football field. Moreover, it is uncertain whether that 200 feet is measured down the hillside where the Oak sits or "as the crow flies." To ensure survival of and to prevent harm to the Oak, a buffer of at least 3,000 feet should be maintained to the west and south and no development should be permitted in the small planning area east of the Oak. 3 CONT

The project purportedly includes the grading down and elimination of the hilltop ridge to the west and adjacent of where the Oak sits.[1] The DEIR does not specifically address this issue, but this magnitude of geological destruction in such close proximity to the Oak has the potential to harm the Oak and should be discussed. 4

The assertions in the DEIR that development or vibrations so near the Oak will not harm it are, despite tests conducted, speculative. The assertion in the DEIR that the Oak is not dependent on underground water also amounts to speculation. The use of the words "not likely" in describing the activities' harm to the Oak are indicative of their speculative nature. Can the applicant state with absolute certainty that the Oak will not be harmed by the activities? I do not believe it can. There is no room for uncertainty in this circumstance; there is no room for speculation in protection this ancient treasure. It must be protected. Period. 5

2. Alternatives

The discussion of alternatives in the DEIR is insufficient in its failing to analyze a reasonable range of project alternatives. It failed to consider any potentially feasible alternatives that would avoid or significantly limit the potentially devastating environmental impact of the project on the Palmer's Oak. 6

Section 15126.6(c) of CEQA Guidelines state that an EIR must "describe a range of reasonable alternatives to the project. which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project..." The DEIR lists 3 alternatives: 1) No project; 2) The approved specific plan project from 1992; and 3) The plan specified in the unapproved draft environmental impact report of 2017. 7

Alternative 2 clearly cannot be considered a sufficient alternative since the age and character of the Palmer's Oak was unknown in 1992 when that plan was approved. As such, Alternative 2 would contain no special protection for the Oak as a historical resource. Alternative 3, although conceived after discovery of the age of the Palmer's Oak, also failed to provide any mention of this important artifact. Further, the builds of both Alternatives 2 and 3, despite not containing light industrial and business park provisions, are far too similar to the current proposed project to contribute to a "range" of alternatives as required by CEQA. Ironically, both were rejected because they did not meet the objectives of inclusion of light industrial and business park land uses. Why was there not an alternative that included those land uses? Why was there not an alternative included that fully protects the Palmer's Oak? 8 9

1 *Jurupa City Council Staff Report, 11/7/2019* - The report describes grading of the ridge for unapproved distribution warehouse construction, but ostensibly the same grading plans are in place for the current project.

CEQA Guidelines 15126.6(b) states that "because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project...which are capable of avoiding or substantially lessening any significant effects of the project, *even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.*" [Emphasis added] It may well be that fully protecting the Palmer's Oak will be more costly or will impede to some degree attainment of all the project's objectives, however, given the rarity and age of the Oak, such an alternative should be considered. 10

3. DEIR Inconsistencies.

There are conflicts in the DEIR concerning the Oak. It appears to be analyzed under the biology section where it is referred to as Palmer's Oak. It then appears to be analyzed again with different parameters under Tribal Cultural section where it is referred to as the Hurunga Oak. Both sections give differing descriptions of the handling of the tree and the inconsistencies need to be cleared up. 11

The Oak should have a buffer minimum of at least 3,000 feet to ensure the Oak remains unscathed. 12

4. Prior EIR

There is some concern that because a specific plan was previously approved in 1992, the decision-making agency may be inclined to approve the current plan without considering and analyzing ALL of the environmental impacts of the current project or merely reapprove the prior EIR. It should be noted that the underlying policy of CEQA is to ensure that the long-term protection of the environment is the guiding criterion in public decision and the balance between competing concerns rests with the decision-making agency itself, whose consideration cannot be merely a "post hoc rationalization" of a decision already made. (*Mount Sutro Defense Committee v. Regents of University of California (1978)*) Therefore, the fact that there has already been approval of a prior project in 1992 cannot bar compliance with the provisions of CEQA concerning alternatives and the decision-making agency cannot merely rubber stamp the current project in its similarities to the prior approved project or arbitrarily reapprove the 1992 plan. 13

5. Aesthetics.

Jurupa Valley General Plan COS 9.4 and COS 9.5 both emphasize the importance of maintaining views in Jurupa Valley. While more importance may be placed on vistas impacting scenic corridors, it is clear that COS 9.4 and 9.5 apply to other areas as well. Appendix B provides simulation photos of the views from Rouner Dr (View Sim 1), Tarragona Dr (View Sim 2), and Alicante Ave (View Sim 3). Based on these photos, it's obvious that views from the nearby residential neighborhood will be greatly degraded by the proposed project. Surely the these residents do not want their views changed from hills to warehouses? 14

Additionally, the DEIR mentions 20th St, I-60, Canal St., and Armstrong Rd in its discussion of aesthetics and views, but offers no simulations for these viewpoints. 15

The negative impact to the views could be greatly improved by moving the project further west away from the residential area. Doing so would also allow more room for the Palmer's Oak to thrive. 16

Conclusion

Based on the foregoing comments, the defects described should be corrected and the project revised accordingly. 17

Thank you for your time and consideration.

Sincerely,

Ruth Brissenden, J.D.
Stand Up For Mother Earth

Stand Up for Mother Earth (SUFME)

Response to SUFME-1
The comment states that the proposed project would not protect the on-site Palmer's oak. It further indicates that the significance of this tree was not known when the 1992 EIR was approved, so must be analyzed anew.

As discussed in the Draft EIR Sections 3.1 Aesthetics, 3.4 Biological Resources, and in Appendix D Biological Resources Supporting Information, and in accordance with CEQA's requirements, three studies were undertaken to understand potential project effects on the Palmer's oak; see Response to USFWS-CDFW-11. The baseline used for the analysis of environmental impacts under CEQA reflects the conditions present at the time the NOP)for this Draft EIR was published on December 6, 2021. The potential impacts of the proposed project are compared against the existing baseline conditions for each environmental resource. Potential adverse environmental impacts associated with the Palmer's oak are evaluated in the Draft EIR and administrative record, the analysis does not depend on the prior 1992 certified EIR, and, accordingly, neither Public Resources Code 21166 nor State CEQA Guidelines Section 15162 are applicable.

Response to SUFME-2
The comment states that because of the Palmer's oak's uniqueness, it must be protected, but that the proposed project would not fully protect it.

Potential adverse environmental impacts associated with the Palmer's oak are evaluated in the Draft EIR Section 3.3. Under the proposed project, the area surrounding the Palmer's oak would be designated as OS-C, which precludes development. In addition, implementation of MM BIO-5 (Palmer's Oak) would ensure construction and operation buffers around the tree to ensure its protection. Please refer to Master Response 1 for more discussion regarding the buffers.

Response to SUFME-3
See Master Response 1, The buffer established in the Draft EIR is consistent and sufficient.

Response to SUFME-4
The comment raises a concern regarding grading of hilltops adjacent to the Palmer's oak and states that this concern was not addressed in the Draft EIR.

As discussed in the Draft EIR Section 3.4, Biological Resources, a vibration study concluded that potential impacts from heavy equipment operations during construction, including grading activities, would be less than significant if a 259 feet distance from the tree is maintained. Implementation of MM BIO-5 would ensure this buffer is maintained.

As discussed in the Draft EIR Section 3.4, Biological Resources, the on-site Palmer's oak is not supported by groundwater so would not be affected by geological changes that are not directly underneath it. See Response to USFWS-CDFW-11

Response to SUFME-5
The comment states that the Draft EIR's vibration calculations and its conclusion that the tree does not depend on groundwater are speculative.

The vibration study was conducted by Qtative Development Solutions, a consulting firm with expertise in grading analysis and construction management, among others, and with Engineers on its staff. The data is presented in Appendix D.5 of the Draft EIR and is summarized in Response USFWS-CDFW-11.

The Hydrogeologic Investigation that concluded that groundwater at the site of the Palmer's oak is 90 feet below ground surface was conducted by Stetson Engineers, Inc. and engineering firm with over 65 years of experience as water resources specialists. This study summarized in Response USFWS-CDFW-11.

Testimony or reports by experts supporting a finding that a project's impacts will be insignificant constitutes substantial evidence supporting the agency's conclusions (State CEQA Guidelines §15063(a)(3)). See *Jensen v. City of Santa Rosa* (2018) 23 CA5th 877, 889; *Schenck v. County of Sonoma* (2011) 198 CA4th 949; *Uhler v. City of Encinitas* (1991) 227 CA3d 795, 805. Professional knowledge and judgment was applied in preparing these studies.

Response to SUFME-6
The comments states that the Draft EIR does not analyze a reasonable range of project alternatives and that it does not consider a feasible alternative that would avoid or limit impacts to the Palmer's oak.

No set number of alternatives is necessary to constitute a legally adequate range of alternatives in an EIR; see Response to GSEJA-45.

As discussed in the Draft EIR Chapter 5 Alternatives to the Proposed Project, under the No Project, No Build Alternative, the proposed project would not be developed. The existing 17 vacant parcels would remain vacant, and no development of any kind would occur. The informal, unpaved trails and dirt roads located throughout the site would remain in their current condition, and no changes to land use designation would take place and there would be no significant unavoidable impacts to cultural or Tribal resources. Alternatives 2 and 3, as discussed in Chapter 5 Alternatives to the Proposed Project, as well as the proposed project, designate the area surrounding the tree as Open Space, precluding project development in that area.

Response to SUFME-7
The comment states that Alternative 2 cannot be considered a sufficient alternative since the uniqueness of the Palmer's Oak was unknown in 1992 when that Specific Plan was approved, which means it did not include special protection for the tree.

Any project, whether the proposed one or Alternative 2, would be required to comply with all applicable policies and regulations. This would include mandatory compliance with General Plan Policy COS 1.2 Protection of Significant Trees, Policy COS 1.3 Other Significant Vegetation. AS discussed in the Draft EIR Section 3.4 Biological Resources, Impact Analysis for Threshold BIO-5, the on-site Palmer's oak tree qualifies for protection under these policies. Additionally, as discussed in the Draft EIR, potential impacts associated with Alternative 2 consider the existing baseline (as of 2021), including the Palmer's oak, and not limited to the analysis associated with the prior certified 1992 EIR. See Response to SUFME-2.

Response to SUFME-8
The comment states that Alternative 3 does not mention the Palmer's oak. Although Alternative 3 does not explicitly discuss the Palmer's oak, it does state that while there would be more open space under this alternative, development would still require ground-disturbing activities, tree removal, and clearing of vegetation, similar to that of the proposed project. Accordingly, the Draft EIR discloses that, "the mitigation measures that would be implemented under the proposed project to reduce these impacts would also need to be implemented under this alternative" (Draft EIR, Chapter 5 Alternatives to the Proposed Project, page 5-27). Therefore, potential impacts and mitigation under Alternative 3 are addressed in the discussion of the proposed project's impacts.

Additionally, any project, whether the proposed one or Alternative 3, would be required to comply with all applicable policies and regulations, including those that protect significant trees and significant vegetation. See Response to SUFME-7.

Response to SUFME-9
The comment states that Alternatives 2 and 3 are too similar to the current proposed project to contribute to a "range" of alternatives and were both rejected because they did not meet the objectives of inclusion of light industrial and business park land uses. The Draft EIR should have included an alternative that included those land uses and that fully protects the Palmer's oak.

The Draft EIR evaluated a reasonable range of alternatives. The Draft EIR evaluates alternatives (and the No Project Alternative), which aim to reduce significant impacts of the proposed project while meeting most of the basic objectives of the project (See Response to EHL-8, Response to CCHTF-4, and Response to GSEJA-45). Alternative 2 is an appropriate consideration, in part, because it represents an approved land use plan and it reduces potential significant impacts as compared to the proposed project, even if it does not reduce those impacts to below a level of significance. As explained in the Draft EIR, compared with the proposed project, air quality emissions may be reduced under Alternative 2, the No Project, Develop the Approved Specific Plan Alternative, largely due to reduced mobile emissions generated by the reduced amount of commercial and industrial uses. See Draft EIR Chapter 5 Alternatives to the Proposed Project, page 5-15, Table 5-1: Summary of Project Alternatives. Operation of this alternative may also have a somewhat reduced energy usage and emissions because of the reduced commercial/industrial uses the emissions estimated to occur from this alternative which would translates to a significant reduction in truck trips. Therefore, Alternative 2 is appropriately discussed as a potential alternative to the proposed project.

Alternative 3 reduces potential air quality, GHG, hydrology and water quality, transportation, and utilities and service systems impacts as compared to the proposed project. Specifically, it would reduce air quality and transportation impacts to below a level of significance (Draft EIR Chapter 5 Alternatives to the Proposed Project, page 5-15, Table 5-1: Summary of Project Alternatives). As evaluated in the Draft EIR in Chapter 5, these alternatives present a range of different land uses and designs.

The comment is incorrect when it alleges that no alternative fully protects the Palmer's oak. Under the proposed project, the Palmer's oak would be avoided, preserved, and protected in accordance with MM BIO-5 (Palmer's Oak). Based on the current design of the proposed project, the Palmer's

oak is located in an area designated as an Open Space-Conservation area, approximately 200 feet away from the area designated for development. Additionally, under the No Project, No Build Alternative, there would be no development or ground-disturbing activity and the Palmer's oak would not be impacted. For Palmer's oak protection, see Responses to SUFME-7 and SUFME-8.

Response to SUFME-10
The comment states that the selected alternative should be the one that best protects the Palmer's oak, even if it is more costly or does not attain some of the proposed project's objectives.

As explained in Master Response 1, the tree is fully protected with the buffer identified in MM BIO-5 and an alternative that precludes development, such as Alternative 1, No Project, Bo Build, would not provide additional protection for the tree.

With the designation of the area surrounding the Palmer's oak as OS-C and implementation of MM BIO-5 (Palmer's Oak), the proposed project would offer the same protection of the tree as would Alternatives 2 and 3.

Response to SUFME-11
The comment alleges that it is confusing to use "Palmer's oak" for the biological analysis and "Hurunga Oak" for cultural resources analysis and that the conclusions of the two analyses are different.

The two terms are used to refer to two different focuses of analysis. Palmer's oak is the common name for the oak species scientifically referred to as *Quercus palmeri*. The analysis in the Draft EIR Section 3.4 Biological Resources uses this term and focuses on potential adverse physical impacts to a specific individual tree specimen. "Hurunga Oak" is the cultural name of the same individual tree, and this term is used in Section 3.5 Cultural Resources and Section 3.18 Tribal Cultural Resources.

The Cultural Resources and Tribal Cultural Resources analyses consider not only the tree itself but the entire Hurunga Oak sacred site, which is over 4 acres (and including the approximately 70-by-40-foot area comprising the mapped limits of the individual tree specimen discussed in Section 3.4). While MM BIO-5 would protect the tree and impacts would be less than significant with mitigation, development of the proposed project would encroach into the sacred site and would result in unmitigatable impacts. Because of the two different and distinct areas of focus (an individual tree specimen versus a larger cultural area) evaluated in the Draft EIR, it is reasonable and supported to have different conclusions.

Additionally, the proposed project would offer the same protection as the No Project alternative assuming all federal, State, and local regulations are adhered to.

Response to SUFME-12
See Master Response 1, The buffer established in the Draft EIR is consistent and sufficient. Furthermore, a 3,000-foot buffer, as suggested by the comment, would not provide any additional protection to the Palmer's oak. In contrast, the proposed project has extensively evaluated the potential impacts to the tree and identified feasible and adequate mitigation.

Response to SUFME-13
The comment states that the fact that the proposed project was approved in 1992 cannot bar compliance with the provisions of CEQA concerning alternatives and that the City decision-makers cannot merely rubber stamp the current proposed project in its similarities to the prior approved project or arbitrarily reapprove the 1992 plan.

The commenter's opposition to the 1992 Rio Vista Specific Plan is noted. Potential impacts of implementing the 1992 Specific Plan are addressed in the Draft EIR and are not limited to the analysis in the certified 1992 EIR. As discussed in the Draft EIR, potential impacts associated with Alternative 2 consider the existing baseline (as of 2021), including the Palmer's oak, and not limited to the analysis associated with the prior certified 1992 EIR. See Response to SUFME-2.

Response to SUFME-14
The comment states that the visual simulations prepared for the proposed project identify impacts to views from residential neighborhoods.

Appendix B of the Draft EIR provides visual simulations from adjacent residential neighborhoods. Simulations from the viewpoints listed in the comment (viewpoints 1, 2, and 3) show that visual resources, as identified by the General Plan, are not degraded. The Draft EIR Section 3.1 Aesthetics, Impact Analysis for Threshold AES-1, concludes that the proposed project's urban development would be situated in lower elevation areas, avoiding the prominent on-site peaks including and other prominent visual features.

Response to SUFME-15
The comment states that the visual simulations prepared for the proposed project did not analyze impacts to views locations that are discussed in the Draft EIR, specifically 20th Street, SR-60, Canal Street, and Armstrong Road.

The General Plan identifies scenic resources relevant to the project site to include hills and mountain peaks and ridgelines. Based on this identification, City-designated scenic resources located within the project site include Rattlesnake Mountain (1,604 feet) and Pepe's Peak (1,739 feet). Furthermore, as shown on Exhibit 2-7, approximately 510 acres of the project site would be designated as OS-C, including Rattlesnake Mountain and Pepe's Peak. Therefore, both would be preserved and views of these peaks would not be impeded by the proposed project (Draft EIR Section 3.1 Aesthetics, page 3.1-21).

Response to SUFME-16
The comment states that the negative impact to the views could be improved by moving the project further west, away from the residential area, and that this would also allow more area for protection of the Palmer's oak.

The area immediately west of the project site is already developed. Consideration of alternative sites must take into consideration the feasibility of acquiring and developing these alternate sites. Undeveloped land within the City is either designated as Open Space Conservation or is already approved for development of specific approved projects. Furthermore, no other undeveloped location in the City is large enough to accommodate the proposed project.

Response to SUFME-17
The comment states that the proposed project should be revised to correct the deficiencies described in the letter.

As discussed in Response to SUFME-2 through SUFME-16, potential project impacts have been fully analyzed in the Draft EIR and appropriate mitigation offered, and sufficient alternatives have been discussed.

THE WILDLANDS CONSERVANCY

Behold the Beauty

January 5, 2024

Jim Pechous
City of Jurupa Valley Planning Department
8930 Limonite Avenue
Jurupa Valley, CA 92509

Submitted Electronically to Jpechous@jurupavalley.org

Re: Rio Vista Specific Plan Draft Environmental Impact Report

Dear Mr. Pechous,

Please find detailed below these comments submitted on behalf of The Wildlands Conservancy on the Rio Vista Specific Plan Draft Environmental Impact Report (DEIR). The Wildlands Conservancy is California's largest private, non-profit land conservation organization, maintaining 25 preserves comprising more than 200,000 acres of natural lands throughout the State, as well as in Oregon and Utah. TWC maintains preserves in San Diego, Orange, Riverside and San Bernardino Counties, hosting tens of thousands of visitors each year. All preserves are open free to the public. TWC also operates the largest outdoor education program in the State, hosting more than 20,000 K-12 students annually.

Personally, aside from my position as Conservation Director for The Wildlands Conservancy, I am a professional botanist, with more than 45 years of experience working with rare, threatened and endangered species. I served on the San Bernardino County Planning Commission for six years and have worked in the environmental planning industry for most of my professional life, including several years as a Senior Environmental Scientist with Michael Brandman Associates—the predecessor environmental consulting firm to what is now FirstCarbon Solutions—the preparers of the Rio Vista Specific Plan DEIR . I am a Professor Emeritus at the University of Redlands, where I taught botany and life science courses, as well as Environmental Impact Assessment—focusing on implementation of the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) for 25 years.

Our comments are focused on the presence of the Jurupa Oak on the Rio Vista Specific Plan property and the inadequacy of the DEIR to fully assess potential adverse impacts to this ancient specimen, and the failure of the DEIR to consider project alternatives that could reduce those impacts to non-significant levels.

1

The Jurupa Oak, a clonal specimen referred to simply as "Palmer's Oak" in the DEIR, is California's oldest living organism at 13,000-18,000 years old (May et al. 2009). The age of the Jurupa Oak has been determined by means of detailed allozyme genetic analysis, positively identifying the clone of shrubby oaks as a single individual, which has spread via vegetative sprouts since the end of the last Ice Age. Using dendrochronological evidence of 10 dead stems and one live branch of the "tree", together with comparable dendrochronologies of Palmer oaks from the Garner Valley and Aguanga areas, an average growth rate of 0.96mm per year was established. Applying that growth rate to the long axis of the clone, an age range of 13,000-18,000 years was estimated. (ibid.) It should be noted that the older estimate is based on the slower growth rate of the Jurupa oak itself, at 0.8mm/year, which is plausible given the drier, warmer site conditions at the Jurupa site compared with the Garner Valley and Aguanga locations. Using the more conservative age estimate, at 13,000 years old, the Jurupa Oak is nearly three times older than the ancient Methuselah bristlecone pine—the oldest known non-clonal organism on Earth for which reliable age has been established. 2

Redaction of the Environmental Assessments pertaining to the Jurupa Oak

While it is not without precedent to redact specific location data of sensitive resources from public documents, the redaction of any information or environmental assessments of the Jurupa Oak renders review of the adequacy of mitigation measures pertaining to the oak very difficult. Despite requests by several highly qualified professional scientific organizations, such as the California Native Plant Society, not even botanical professionals or other academic institutions have been allowed to review the redacted materials, rendering independent assessments of the adequacy of mitigation measures impossible. 3

It is our position that the City should designate a group of professional botanists and environmental scientists to independently review the redacted materials pertaining to the Jurupa Oak (excluding sensitive Cultural Resources materials or reports).

Development of the Specific Plan, as proposed, conflicts with Policies COS 1.2 and COS 1.3 of the City General Plan

The DEIR gives the "Palmer's oak" brief mention in one paragraph on page 225 of the DEIR, and goes on to acknowledge the fact that the oak meets the criteria of significance as defined in the City's own General Plan in accordance with policies COS 1.2—Protection of Significant Trees; and COS 1.3—Other Significant Vegetation (pgs. 254-255), concluding that development of the Specific Plan could result in "Potentially significant [adverse] impact[s]". 4

Proposed Mitigation Measure BIO-5 in the DEIR does not reduce potential impacts of the Project on the Jurupa Oak to Levels of Non-significance.

The DEIR then proposes Mitigation Measure BIO-5: "Prior to the recordation of the Final Map, a lettered open space lot shall be identified to avoid the Palmer's oak and a minimum of 200 feet beyond its mapped limits…" "No project-related construction activities may occur within the tree's mapped limit and the 200-foot buffer. This includes, but is not limited to, staging of supplies and equipment, vegetation removal, grading, stockpiling, paving, and any other activity related to development of the proposed project." 5

Establishment of an open space lot with a minimum setback of 200 feet does not render potential adverse impacts to less than significant levels. There is no analysis of potential adverse impacts resulting in alteration of the hydrology or geohydrology that has sustained the Jurupa Oak for millennia, let alone indirect impacts of increased temperatures from adjacent rooftops and pavement, fugitive dust which reduces photosynthesis, or invasive species on disturbed soils in and around the Open Space lot. The placement of the Open Space lot boundary almost exactly circumscribes the 200-feet setback from the oldest living organism in North America.

The City must designate a Responsible Conservation Entity to Oversee the Palmer's Oak Open Space Area.

The DEIR continues in MM-BIO-5: "A City-approved local conservation entity shall be responsible for maintenance of the natural open space areas, which includes the area of the Palmer's oak, and it would monitor the health of this tree. The area surrounding the Palmer's oak would be designated as a preserve with limited public access. In addition, no heavy equipment may operate within 259 feet of the mapped limits of the tree."

6

TWC is concerned that the conservation entity must be well qualified to assess, monitor and maintain suitable habitat conditions to sustain the Jurupa Oak. We are concerned when we read in the Biological Assessment Report, Appendix D, prepared by L&L Environmental, Inc., that, "open space areas shall be deed restricted prior to issuance of a grading permit, and ownership will be transferred to the Regional Conservation Authority (RCA), City-approved local conservation entity, **or the Homeowner's Association (HOA)** [emphasis added] at the time of the recordation of the final map. If transferred to the HOA, the HOA shall manage the open space areas according to the Covenants, Codes, and Restrictions, which shall restrict future impact and uses of open space areas."

HOAs are ill-equipped and lack any biological resource management expertise to adequately oversee sensitive resources, such as the Jurupa Oak. It is our recommendation that a special Land Trust entity, including botanical authorities from nearby academic institutions, such as U.C. Riverside and Pomona College/California Botanic Garden, must be established to oversee the Jurupa Oak Open Space lot prior to Final Recordation of the Specific Plan. 6 CONT

The DEIR does not present a range of Project Alternatives that may adequately reduce adverse impacts on the Jurupa Oak, while still maintaining the overall goals of the City General Plan.

As required under the auspices of the CEQA, an EIR must present and analyze project alternatives that may reduce adverse impacts of the proposed project. The No Project Alternative is a standard one in any environmental impact assessment. In this DEIR, the No Project—No Build Alternative is evaluated, but generally declined because it does not meet development goals of the General Plan:

"This alternative would not advance the approved 1992 Rio Vista Specific Plan nor the current General Plan, and it would be inconsistent with the City's established and proposed vision for the future. This alternative would only meet the objective of protecting valuable scenic resources within large expanses of open space, thereby preserving Rio Vista's character and identity and the surrounding region. However, this open space would not be managed or available for public use. Therefore, this alternative would be environmentally inferior to the proposed project." (pg. 683) 7

The DEIR presents only two other alternatives: Alternative 2—No Project, Develop the Approved Specific Plan, and Alternative 3—Develop the 2017 Proposed Land Use Plan. Under Alternative 2, the project site would be developed in accordance with the existing Rio Vista Specific Plan No. 243 that was approved by the County of Riverside on April 14, 1992. This plan would still allow development of 1,697 homes, five acres of Commercial, an Equestrian Center and other amenities; but this plan was adopted prior to the discovery of the Jurupa Oak and does not address potential adverse impacts of the project on the oak or other sensitive biological resources. Furthermore, Specific Plan No. 243 is so long out of date that a revised DEIR would be required in any case if the plan were to go forward.

Alternative 3—development of the 2017 proposed land use plan—is also not a reasonable alternative in that the plan was never approved and never went through a CEQA environmental assessment process.

Clearly, a range of other project alternatives can be conceived that would not represent significant adverse environmental impacts to the Jurupa Oak, while still meeting the overall objectives of the 8

General Plan and the proposed Specific Plan by providing a range of residential and other land use amenities to the City and community of Jurupa Valley. These alternatives should include the following:

- Consideration of joining the Open Space designation around the Jurupa Oak with the main Open Space designations along the Rio Vista ridge.
- Consideration of an alternative that would provide additional setbacks from the Jurupa Oak Open Space area, more than just the 200-feet minimal buffer presently proposed.

8 CONT

In any development scenario, the land management entity that will ultimately oversee the monitoring and maintenance of the oak and its surrounding habitat must include professional biological resource managers. We strongly recommend that a Conservation Easement be recorded over the Jurupa Oak Open Space area, and have it conveyed to a responsible land management entity, such as the local Resource Conservation District, together with an adequate endowment to ensure monitoring and preservation of the oak in perpetuity.

9

Finally, we hope that the City of Jurupa Valley shares our concern and appreciation for the unique oak that exists within the City's bounds. It is a remarkable organism—having survived freezing post-Ice Age times to today's increasingly hot, dry climate, fires and droughts—and yet it persists, tucked into the rocks of the Jurupa Hills—one of the oldest living beings on Earth. The Jurupa Oak should be an emblem of the City—of endurance and perseverance—as it looks out over its namesake valley.

10

Thank you for the opportunity to provide these comments on the Rio Vista Specific Plan and Draft Environmental Impact Report.

Sincerely,

THE WILDLANDS CONSERVANCY
Dr. Timothy Krantz
Conservation Director
THE WILDLANDS CONSERVANCY/OAK GLEN PRESERVE
39611 Oak Glen Road, Building 12
Oak Glen, CA 92399
(909) 797-8507
tim.k@wildlandsconservancy.org

OUR DUAL MISSION

To preserve the beauty and biodiversity of the earth and to provide programs so that children may know the wonder and joy of nature.

"REVERENCE FOR LIFE." - ALBERT SCHWEITZER

The Wildland Conservancy (TWC)

Response to TWC-1
The introductory paragraphs describe The Wildlands Conservancy's mission, detail their Conservation Director's professional background, and state that the organization's comments on the Draft EIR focus on the on-site Palmer's oak. No response is required.

Response to TWC-2
The comment's summary of the on-site Palmer's oak's age does not raise any issues related to the proposed project or the Draft EIR; no response is required.

Response to TWC-3
See Master Response 5, CEQA prohibits the inclusion of confidential information in an EIR.

Response to TWC-4
This comment repeats the Draft EIR statement that the on-site Palmer's oak is subject to General Plan Policies COS1.2 and COS 1.3. No response is required.

However, contrary to the comment's characterization that the tree is given only a "brief mention" in the Draft EIR, on page 225 (Section 3.4 Biological Resources, page 3.4-15), a detailed discussion on pages 3.4-44 through 3.4-45 describe the three investigations that were conducted to evaluate potential impacts to the tree, leading to the substantiated conclusions that impacts to the tree would be less than significant with implementation of MM BIO-5 (Palmer's Oak).

Response to TWC-5
See Response to USFWS-CDFW-11 for discussion of geology and hydrogeology and the reasoning behind the determination of the buffers listed in MM BIO-5 (Palmer's Oak). See Master Response 1 for discussion of the adequacy of the proposed buffer.

Response to TWC-6
During preparation of the Draft EIR, the City determined that the HOA is not qualified to hold and maintain the open space on-site. Therefore, the mitigation proposed in the BRA was revised, and the Draft EIR states that the responsibility for the preservation and management of the OS-C areas, including where the Palmer's tree is located, would be transferred to a City-approved local conservation entity (MM BIO-1b, MM BIO-1f, and MM BIO-5). The City would be required to consider eligibility and of the potential conservation agency to hold a conservation easement prior to assigning it. Note that the MM BIO-2 in the BRA (Appendix D) is MM BIO-1b (Conserve Open Space) in the Draft EIR.

Response to TWC-7
This comment lists the three project alternatives discussed in the Draft EIR. Potential impacts of implementing the Alternative 2, No Project, Develop the Approved Specific Plan, are addressed in the Draft EIR and are not limited to the analysis in the certified 1992 EIR. As discussed in the Draft EIR, the land uses identified in the approved Specific Plan were used as the basis for describing this alternative; however, potential impacts associated with Alternative 2 consider the existing baseline (as of 2021), including the Palmer's oak, and not limited to the analysis associated with the prior certified 1992 EIR. See Response to SUFME-2. Additionally, the fact that Alternative 3, Develop the

2017 Proposed Land Use Plan, did not complete a prior environmental review does not impact its effectiveness as an alternative to the proposed project. CEQA does not require that alternatives undergo separate environmental review or be an approved plan. Alternative 3 is evaluated for potential environmental impacts in Section 5.7 of the Draft EIR.

Response to TWC-8
The Draft EIR evaluated a reasonable range of alternatives. See Response to EHL-8, Response to CCHTF-4, and Response to GSEJA-45.

Response to TWC-9
The comment's suggestion that a conservation easement be recorded and conveyed to a responsible land management entity is noted. As stated in the Draft EIR (MM BIO-1b, MM BIO-1f, and MM BIO-5), OS-C areas, including where the Palmer's oak tree is located, would be transferred to a City-approved local conservation entity. The City would be required to consider eligibility and of the potential conservation agency to hold a conservation easement prior to assigning it.

Response to TWC-10
The concluding paragraph reiterates the uniqueness of the on-site Palmer's oak. No response is required.

From: Santos Amaya
To: Chris Barajas; Jim Pechous; Rod Butler
Subject: PUBLIC COMMENT
Date: Wednesday, November 8, 2023 2:31:25 PM

Hello All,

I am someone who is from the Inland Empire and I have seen how much development has happened without much care to preserving the natural landscape around us and cohabitating with it. I understand that the money coming from development and warehouse companies is appealing, but it is important to balance this with environmental preservation. 250 FEET BETWEEN THE OAK AND DEVELOPMENT IS NOT ENOUGH. This is California's oldest living tree. That is something special deserving to be celebrated and highlighted in Jurupa's heritage, not something destroyed. I urge you not to only protect this tree, but to also consider keeping the natural landscape in the designs you are approaching. There are so many resources on California Native Landscaping and water wise landscaping that you can find and if you implement the current landscape you'd save yourself to much money and continue to protect California's biodiversity. I urge you to make the correct choice and have Jurupa be known for more than just development and habitat destruction.

1

2

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Individuals

Santos Amaya (AMAYA)

Response to AMAYA-1
See Master Response 1, the buffer established in the Draft EIR is consistent and sufficient. See Master Response 4, Degree of specificity required for response to general comments, regarding commenter's general opposition to the proposed project.

Response to AMAYA-2
See Master Response 2, the natural landscape around the Palmer's oak would be protected.

The Rio Vista Specific Plan (SP 16001) includes specific landscape design guidelines and standards for both public and private areas. These would include use of native and appropriate non-native drought-tolerant species, use of invasive plants would be prohibited, installation of underground irrigation system, compliance with the City of Jurupa Valley Ordinance Chapter 9.283, Water Efficient Landscape Design Requirements where aboveground irrigation system is required, and encouragement of the use of water-conserving systems such as drip irrigation and moisture sensors.

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From: humberto_d@rocketmail.com
To: Jim Pechous
Subject: CA OLDEST living oak
Date: Tuesday, November 28, 2023 5:55:03 PM

The city of Jurupa Valley intends on stranding the OLDEST living tree/shrub in California,the Jurupa Palmer's Oak, on a small hilltop to be surrounded by warehouses with unknown impacts.

1

The Jurupa Oak is estimated to be 13,000 years old, is designated as a Sacred Land Site of the Tongva People, and is the only individual of its species for over 25 miles in all directions.

I am writing to let you know that the proposed 259 foot distance between the oak and the Rio Vista development edge I'd not nearly enough. We owe much more to our states OLDEST living oak.

2

Thank you

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Humberto D. (D.HUMBERTO)

Response to D.HUMBERTO-1
The comment states that the on-site Palmer's oak would be stranded by being located on a small hilltop surrounded by warehouses with unknown impacts.

Under the proposed project, the area immediately surrounding the tree would be designated as Open Space-Conservation. As shown in the Draft EIR Chapter 2 Project Description, Exhibit 2-7, Conceptual Land Use Plan, the surrounding land uses would be Very Low Density Residential, Business Park, and Light Industrial. The edge of the proposed Light Industrial, which may include the development of warehouses, is located approximately 380 feet from the tree, complying with Draft EIR MM BIO-5 (Palmer's Oak). Potential project impacts have been discussed in detail in the Draft EIR Sections 3.1 through 3.20.

See Master Response 3, Native American Tribal consultation was completed by the City regarding the Native American reference in the comment.

Response to D.HUMBERTO-2
See Master Response 1, the buffer established in the Draft EIR is consistent and sufficient.

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Barbara Iyer
8525 Red Mesa Dr.
Jurupa Valley, CA, 92509-3011
hm: 951-685-8087
bjiyer@aol.com

Jan. 3, 2024

Jim Pechous, Principal Planner
City of Jurupa Valley
Community Development Department
8930 Limonite Ave.
Jurupa Valley, CA92509
Phone:951.322.6464
Fax: 925.655.2758
Email: jpechous@jurupavalley.org

Dear Mr. Pechous,

I am concerned about future water availability for Rio Vista and the current community as mentioned in the Rio Vista DEIR Referring to page 625, section 3.19.2 1

The current rate of increase of AFY is given as 3 percent. Under that rate the ground water basins would be depleted by 2050 if there is no flow in the Santa Ana River for 8 years. But the rate of increase will be greater if Rio Vista is built. That should be factored in. 2

The DEIR does not clearly state that the water in the basins depends on precipitation in the watershed, especially snow in the mountains. The state water project (distributed by Western Municipal) depends on snow in the sierras. If the climate warms there will be less snow. The long term climate predictions are for more heat and less predictable rainfall. If the basins run dry where will Rio Vista get its water? If they get low will Rio Vista be competing with us for water? The DEIR does not deal with predicted severe water scarcity. The DEIR should take into account the effect of climate change on future water availability in our city. 3

Thank you for your consideration. I know that planning for our city is a challenging job in these times as development rolls over our semi rural community. I appreciate your efforts in guiding the development for the good of the community. 4

Sincerely,

Barbara Iyer

Barbara Iyer

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Barbara Iyer (IYER.B)

Response to IYER.B-1
The comment introduces a general concern about water availability, which is discussed in detail below in Responses to IYER.B-2 and IYER.B-3.

Response to IYER.B-2
The comment states that the water usage rate cited in the Draft EIR does not include potential use by the proposed project.

RCSD can extract groundwater from the Riverside South Groundwater Basin without restrictions until the combined water storage credit of the Colton, Riverside North, and Riverside South Groundwater Basins are depleted. It was anticipated that the cost of the replenishment would be allocated to all groundwater extractors, including RCSD(Draft EIR, Section 3.19 Utilities and Service Systems, page 3.19-1). As stated in the Draft EIR on page 3.19-2, "[e]ven after the available credit is depleted, RCSD [Rubidoux Community Services District] can continue to extract groundwater from the Riverside South Groundwater Basin; however, RCSD could be subject to payment of its share of the cost of groundwater replenishment to maintain pumping to meet future water demand." This quote from the Draft EIR is based on Appendix K to the Draft EIR, page III-9.Furthermore, as stated in the Draft EIR impact analysis for Threshold UTIL-1 (pages 3.19-11 through 3.19-12), the Water Supply Assessment (WSA) prepared for the proposed project estimated the proposed project's demand for water to be approximately 963.86 acre-feet per year (AFY). The analysis further states that "[t]he area designated for the proposed project was identified in RCSD's 2020 UWMP [Urban Water Management Plan] with an annual water demand of approximately 2,000 AFY, which exceeds the currently estimated demand of the proposed project, which is less than 1,000 AFY." Therefore, the Draft EIR takes into account future potential water use by the proposed project.

Response to IYER.B-3
The proposed project is planned and accounted for in the City's General Plan and other planning documents such as RCSD 2020 UWMP. Future potential changes in climate, reduced snowfall, and water scarcity would need to be addressed on a larger regional, or even State, level. Climate change is addressed in the General Plan Draft EIR, Section 4.7 Greenhouse Gas Emissions and Climate Change. Climate change is also discussed in the Draft EIR, Section 3.8 Greenhouse Gas Emissions. Water analysis and future multiple dry years is addressed in the Draft EIR, Section 3.10 Hydrology and Water Quality.

Response to IYER.B-4
The concluding paragraph does not raise any environmental issues regarding the proposed project or the Draft EIR, and no further response is required.

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Jennifer Iyer
8525 Red Mesa Dr.
Jurupa Valley, CA, 92509-3011
cell: 951.321.0878
jennysita.iyer@gmail.com

Jan. 4, 2024

Jim Pechous, Principal Planner
City of Jurupa Valley
Community Development Department
8930 Limonite Ave.
Jurupa Valley, CA 92509
Phone: 951.322.6464
Fax: 925.655.2758
Email: jpechous@jurupavalley.org

Dear Mr. Pechous,

I am a life-long Jurupa Valley resident and I have several concerns related to the draft Environmental Impact Report for the Rio Vista Specific Plan. 1

Biological Resources Data omission

First and foremost, the lack of disclosure of studies in Appendix D – Biological Resources makes it impossible for the public to determine if indeed MM BIO-5's (Chapter 3.4-46) 200-foot buffer is enough to protect the ancient Palmer's Oak. 2

Did the vibration studies take into account that Jurupa Hills granite is notorious in this area for cracking? It was this omission decades ago that led to the Stringfellow Acid Pits poisoning my community, and costing the government (taxpayers) billions of dollars. It was a government agent who said the granite was sound in the Stringfellow case; you'll understand why I would like to see the data this time around. 3

Fool me once, shame on you, fool me twice, shame on me.

The appendix notes a copy of the confidential information "is available to qualified professionals upon request" so I understand why you ignored my Dec. 27, 2023 emailed request for the data. But, the city has failed to provide said documents after more than a month to members of the California Native Plant Society and the Sierra Club. These are groups with professionals who would be able to evaluate the data. 4

Chapter 3.7-2 of the DEIR notes the "bedrock units have numerous fractures" and the Qtative letter in Appendix D notes "the project is proposing to potentially blast 125,000 cubic yards in AC1." There is no publicly available map in this document showing where AC1 is located. Chapter 3.7-12-13 of the DEIR notes "the project site would require extensive grading due to the relatively mountainous and hilly topography, and cut slopes will be "excavated" at "up to 120 feet in height." Also, "In areas with isolated rock outcrops or loose rocks, it may be possible to remove or break individual rocks and remove the hazard." 5

This is more than the usual grading, and the general public has no way of finding out if the magnitude of ground disturbance was taken into consideration when the mitigation measure to protect the Palmer's Oak was formulated. 5 CONT

REMEDY: The DEIR process should be at least paused until outside groups, such as Sierra Club and the California Native Plant Society, with qualified professionals, requesting the documents receive them and have time to FULLY evaluate the data.

All missing portions of Appendix D: Biological Resources Supporting Information should be shared with appropriate parties mentioned above. This includes D.1 Biological Resources Assessment; D.3 Hydrologic Investigation; D.4 Biological Review of Palmer's Oak; and D.5 Vibration Prediction Study. 6

When it is a matter of life and death for one of the oldest organisms on the planet, a second opinion should be welcomed.

Evaluation of Alternatives – More Data Needed

To fully evaluate alternatives, details are needed about Alternative 3's proposed land uses in Chapter 5.

Maps representing the other two alternatives are available; why was a map for Alternative 3 left out? 7

REMEDY: A map for Alternative 3 should also be included.

Taxpayers, voters and neighbors, not just City Officials, have a right to relevant data so that informed decisions can be made.

Evaluation of Alternatives – Project Objectives

In assessing the Environmentally Superior Alternative (Chapter 5.8) alternatives should not be evaluated by Project Objectives that were created for this project. It is a given that the other alternatives won't hit as many marks as the project the objectives were made for.

For instance, employment opportunities could be found and expanded upon in the adjacent Agua Mansa area instead of in the project area. 8

REMEDY: Either a less biased way of evaluating alternatives should be found – perhaps something from the City's General Plan; or the more environmentally-friendly alternatives should not be dismissed for meeting fewer Project Objectives than the proposed project.

Summary of impacts is contradictory/misleading

In Chapter 4-1 the DEIR notes "the following environmental topics addressed in the Draft EIR were determined to be less than significant, or could be reduced to less than significant levels with mitigation measures:" listing Cultural Resources and Tribal Cultural Resources among those topics. 9

But several times the document says, more or less that development under the proposed project "would likely result in the alteration to two historically significant areas within the

project site, Hurunga Oak and Rattlesnake Mountain (Junā'av), which would constitute a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. Therefore impact to historic resources would be significant." (Chapters ES-5, 3.5-29, and 5-4)

On page 3.5-27 the document adds to the above text that "It is likely that these impacts may not be mitigated or reduced to a level less than significant." 9 CONT

REMEDY: Cultural Resources and Tribal Cultural Resources should be listed under "significant and unavoidable impacts" and not "less than significant" in summaries.

Distinction needed between impacts to Hurunga Oak site and Palmer's Oak

It is unclear how the project would have a less than significant impact with mitigation on the "Palmer's Oak" (biological resource), yet impacts on the "Hurunga Oak site" (cultural and tribal cultural resource) would lead to a "substantial adverse change" that "may not be mitigated or reduced to a level less than significant" as noted above.

Adding to the confusion, MM CUL-1a (pages 3.5-27-28) makes it sound like the Hurunga Oak area IS the tree. "Direct or indirect impacts to the Hurunga Oak Native American sacred area (MRN45) resulting from the proposed Project that may lead to its decay or death..." 10

REMEDY: An explanation of the differences between the "Palmer's Oak" and the "Hurunga Oak site" is needed given the huge difference between the stated impacts.

Unclear what Hurunga Oak mitigation work has already been done

In MM-CUL-1a (pages 3.5-27-28) one requirement is "Prior to the issuance of a grading permit, the project proponent shall complete a scientific assessment of the Hurunga Oak Native American sacred area to determine, the project's potential to disturb or disrupt, though direct or ihdirect impacts, the unique conditions that have allowed the oak tree to survive in this location for more than 10,000 years. A scientific specialist with qualifications approved by the City, shall perform the assessment using noninvasive methods to avoid or minimize direct or indirect impacts to the Hurunga Oak during the assessment. The specialist shall delineate the area contributing to the support of the Hurunga Oak; including, as appropriate, hydrology, topography, root system, microhabitat, etc. The project proponent shall avoid impacts within the boundary of the delineated area through project design (e.g., reducing or limiting the construction footprint)." 11

Has this work already been completed, and is that data located in the confidential parts of the Biological Resources appendix?

If not, this seems like very important information that should be included in an EIR and used to make sensible plans long before a grading permit is about to be issued. At the point of permit issuance City Leaders have already approved plans, and momentum would likely be too strong to make changes if the data suggested changes were necessary.

REMEDY: If the above requirement has not already been completed, it should be completed at an earlier stage so City Leaders have this data in hand when making any decisions.

If the above requirement has already been completed, that should be noted in this section.

City Leaders, voters, taxpayers and neighbors have a right to relevant data before informed decisions are expected to be made. 11 CONT

Inadequate information on tribe with largest interest in project area

To end, I circle back to the first peoples to live in this valley that I now call home. Just two paragraphs on the Gabrieleño people under the Cultural Resources ethnographic setting (Chapter 3.5-9) seems intentionally slighting, as other tribes with less claims to the project area have several times the context included in this report.

This robs the reader of a good background for the claims of the Gabrieleño Band of Mission Indians–Kizh Nation who will lose sacred ancestral space if this project is built (the "significant and unavoidable impacts" mentioned several times above).

Some of this information might be available in Appendix E: Cultural Resources and Tribal Cultural Resources Supporting Information, but that's not available to members of the public who have a right to understand the ramifications of this project.

REMEDY: While it is understandable that the appendix contains sensitive information, more background on the peoples whose heritage and future are being impacted most should be made in the publicly available portion of the report. A great place to start is the book "The First Angelinos: The Gabrielino Indians of Los Angeles" by William McCawley. This book includes highly localized information about the tribe and the Jurupa Hills (pages 49-50), including how the city of Jurupa Valley likely owes its name to their language. 12

Or check out "Appendix E- Final Cultural, Tribal, Historic, Paleontological Records Check and Survey" for The Shops at Jurupa Valley environmental review, which should be on file with the city. Pages 13 and 14 are a wealth of information of the first peoples of the Rio Vista Specific Plan project area.

Better yet: ask the tribe, if you haven't already.

Neighbors, voters and taxpayers have a right to know more about what would be lost culturally so that informed decisions can be made.

Sincerely,

Jennifer Iyer

Jurupa Valley resident

Jennifer Iyer (IYER.J)

Response to IYER.J-1
No response is required for the introductory paragraph.

Response to IYER.J-2
See Master Response 1, The buffer established in the Draft EIR is consistent and sufficient. Please refer to Master Response 5 for an explanation of CEQA's prohibition against disclosing confidential information.

Response to IYER.J-3
The vibration study was conducted by Qtative Development Solutions, a consulting firm with expertise in grading analysis and construction management, among others, and with Engineers on its staff. It is reasonable to assume that professional knowledge and judgment was applied in preparing the study. Their analysis determined that based on the locations of grading and blasting, and the distances of those activities from the environmentally sensitive site of the Palmer's oak, the proposed project would not cause vibration that will impact the environmentally sensitive site. They determined that assuming the conservative 150-pound charge weight and using the closest distance of 259 lineal feet, blasting would create a peak partial velocity to 1.21 inches per second (ips), which is well under the U.S. BLM 8507 standards for safe vibrations of 2 ips.[26] The data is presented in Appendix D.5 of the Draft EIR.

According to the hydrogeologic investigation, Cretaceous-aged tonalite and granodiorite (granite) intruded the metamorphic complex approximately 100 million years ago (mya) and predominate the region today. Within the vicinity of the project site, tonalite is a part of the basement complex and is considered non-water bearing; although it may transmit water through secondary porosity developed from fractures that occur after emplacement. A thin veneer of Pleistocene-aged (less than 2 mya) old alluvial fan deposits overlie the tonalite sequence throughout much of the project area. The old alluvial fan deposits are described as sandy to pebbly and cobbly, containing clay, and are reportedly underlain by unconsolidated cobbly alluvium. The Pleistocene old alluvial fan deposits within the project site may be water bearing based on local rainfall and hydrologic conditions.[27] This report contains multiple location identifiers that could disclose the location of the tree, which is considered a Tribal Cultural Resource, and was therefore not included with the Draft EIR.

Response to IYER.J-4
See Master Response 5, CEQA prohibits the inclusion of confidential information in an EIR.

Response to IYER.J-5
The map originally included with Qtative's report could not be included in the Draft EIR as it would identify the location of the Palmer's oak. See Master Response 5, CEQA prohibits the inclusion of confidential information in an EIR. However, under the proposed project, the area where the tree is located would be designated OS-C, which would prohibit development, and no grading would occur in that area. Additionally, the Geotechnical Review determined that compliance with the recommendations provided in the report would reduce potential rockfall impacts to below a level of

[26] Qtative Development Solutions. 2023. Rio Vista Grading and ESA Preservation. May 3.
[27] Stetson Engineers, Inc. 2022. Technical Memorandum 11192021, Hydrogeologic Investigation at Rio Vista Project Site, City of Jurupa Valley, California. January 18.

significance (Draft EIR, Section 3.7 Geology and Soils, page 3.7-13). In addition, compliance with existing regulations would further reduce potential impacts. For example, Municipal Code requirements identified in the Geotechnical Review include provision of debris catchment basins where canyons and reentrants descend to the area of the development, as well as construction of debris deflection/impact walls or earthen berms at the base of natural slopes adjacent to the development. The design and construction of the improvements at the project site would also be subject to the mandatory requirements and standards of the City of Jurupa Valley's building code, which establishes specific site investigation requirements for hillside development to reduce risks from landslides, rock falls, and debris flows (Draft EIR, Section 3.7 Geology and Soils, page 3.7-13). The City also requires geological and geotechnical investigations for any structures whose damage could cause secondary hazards in areas with potential for earthquake-induced liquefaction, landslides, or settlement. The vibration prediction study, provided in Appendix D5, concluded that 259 feet is the buffer required to ensure heavy construction equipment operations would not impact the bedrock that stores water to supply the tree.

Therefore, the Draft EIR concluded that with adherence to the California Building Code (as stated in PPP 3.7-1 and as required by Municipal Code Section 8.70.070), impacts would be less than significant.

Response to IYER.J-6
The publicly circulated Appendix D of the Draft EIR includes the following documents and omissions:

Appendix D.1, Biological Resources Assessment, is included in full with the exception of its own Appendix D which includes a map and photographs of the Palmer's oak. This portion of the BRA must remain confidential as it could disclose the location of a Tribal resource. However, the omission of the location and photographs of the tree does not affect the completeness of the analysis.

Appendix D.2, Jurisdictional Delineation, is included in full (although it is understood that this appendix is not challenged).

Appendix D.3, Hydrogeologic Investigation, is redacted from the Draft EIR because it contains multiple location references, photographs, and other materials which could disclose the location of a Tribal resource. However, the findings of this appendix are listed in the Draft EIR Section 3.4 Biological Resources, page 3.4-45. See also Response USFWS-CDFW-11.

Appendix D.4, Biological Review of Palmer's Oak, is redacted from the Draft EIR because it contains multiple location references, photographs, and other materials which could disclose the location of a Tribal resource. However, the findings of this appendix are listed in the Draft EIR Section 3.4 Biological Resources, page 3.4-45. See also Response USFWS-CDFW-11.

Appendix D.5, Vibration Prediction Study, is included in full, with the exception of a map that identifies the location of the study. This map must remain confidential as it could disclose the location of a Tribal resource. However, the omission of the location of the tree does not affect the completeness of the analysis.

See also Master Response 5, CEQA prohibits the inclusion of confidential information in an EIR.

Response to IYER.J-7
Alternative 3 is based on a previous proposed version of the Rio Vista Specific Plan, one that was not pursued further, and the description of the Alternative is sufficient to evaluate the potential impacts. Regardless, and as requested in the comment, a map of this alternative is presented in Figure 2. The details of this alternative are described in the Draft EIR Chapter 5, Alternatives to the Proposed Project, page 5-25 (Section 5.7, Alternative 3—Develop the 2017 Proposed Land Use Plan). An EIR's discussion and analysis of alternatives need not be exhaustive. Text discussing the alternatives selected for evaluation, along with a comparative matrix, is sufficient. *Sierra Club v. City of Orange* (2008) 163 CA4th 523, 547. Additionally, courts have held that an EIR's evaluation of an alternative does not require the preparation of design plans or architectural drawings of alternatives, and it is appropriate to rely on estimates of square footage. *Los Angeles Conservancy v. City of W. Hollywood* (2017) 18 CA5th 1031, 1038.

Response to IYER.J-8
The comment suggests that evaluation of project alternatives should take project objectives into consideration. There is no requirement that EIR evaluate the necessity or appropriateness of the project objectives identified by a lead agency.

Instead, the identification and formulation of a proposed project's underlying purpose is the role of the decision-makers. CEQA recognizes that a lead agency has broad discretion to formulate project objectives. *California Oak Found. v. Regents of Univ. of Cal.* (2010) 188 CA4th 227, 276 ("CEQA does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives"). While a lead agency may not provide an artificially narrow definition of the project's objectives, "a lead agency may structure its EIR alternatives analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal." In *re Bay-Delta Programmatic Envt'l Impact Report Coordinated Proceedings* (2008) 43 C4th 1143, 1166. Here, the underlying purpose of the proposed project is to "establish a mixture of residential and employment generating land uses arranged in a functional and efficient manner which complements the surrounding community and provides convenient access to the nearby regional circulation system." This cannot be achieved by shifting employment opportunities to another area. Doing so would fundamentally change the underlying purpose of the proposed project.

Objections regarding the underlying purpose and objectives of the proposed project will be part of the record considered by the decision-makers in evaluating whether to approve the proposed project.

Response to IYER.J-9
Cultural Resources and Tribal Cultural Resources are listed in the Draft EIR as having significant unavoidable impacts in multiple locations:

Executive Summary, pages ES-5 and ES-6.
Executive Summary Table ES-1: Executive Summary Matrix, pages ES-13 and ES-21.
Section 3.5 Cultural Resources, Impact Analysis for Threshold CUL-1, pages 3.5-27 and 3.5-29.
Section 3.5 Cultural Resources, Impact Analysis for Threshold CUL-2, pages 3.5-30 and 3.5-33.

Section 3.5 Cultural Resources, Cumulative Impacts, page 3.5-36.
Section 3.18 Tribal Cultural Resources, Impact Analysis for Thresholds TCR-1 and TCR-2, pages 3.18-17, 3.18-18, and 3.18-21.
Section 3.18 Tribal Cultural Resources, Cumulative Impacts, pages 3.18-22 and 3.18-23.
Chapter 5, Alternatives to the Proposed Project, 5.2 Significant Unavoidable Impacts, pages 5-2, 5-3, and 5-4.
Chapter 5, Alternatives to the Proposed Project, Table 5-2: Summary of Alternative Impacts, pages 5-35 and 5-36.

The listing of Cultural Resources and Tribal Cultural Resources in Chapter 4 as having less than significant impact is corrected in the Errata section.

Response to IYER.J-10
The comment alleges that using "Palmer's oak" for biological resources analysis and "Hurunga Oak" for cultural resources analysis is confusing and that the conclusions of the two analyses are different.

See Response to SUFME-11.

The comment also provides an excerpt from MM CUL-1a. The full language of MM CUL-1a provides steps to be taken to ensure the continued existence of the tree (by which decay or death would be avoided). Development within the surrounding area of the on-site Palmer's oak may negatively affect the tree. However, the proposed project would designate that area as OS-C, precluding any development around the tree. Furthermore, implementation of MM BIO-5 would ensure a buffer is always maintained around the tree.

Response to IYER.J-11
As discussed in the Draft EIR Section 3.4 Biological Resources, three studies were undertaken to understand potential project effects on the Palmer's oak. The study referenced in MM CUL-1a is one of three studies used to formulate mitigation related to the Palmer's oak. See Response to USFWS-CDFW-11.

Response to IYER.J-12
As stated in the comment, the Draft EIR provides background information on the Gabrieleño Band of Mission Indians–Kizh Nation Mitigation. The Draft EIR is intended as a guidance documents for City decision-makers to evaluate environmental impacts of the proposed project. Cultural and historical background of the Native American Tribe is not needed for this evaluation beyond what is provided in the Draft EIR.

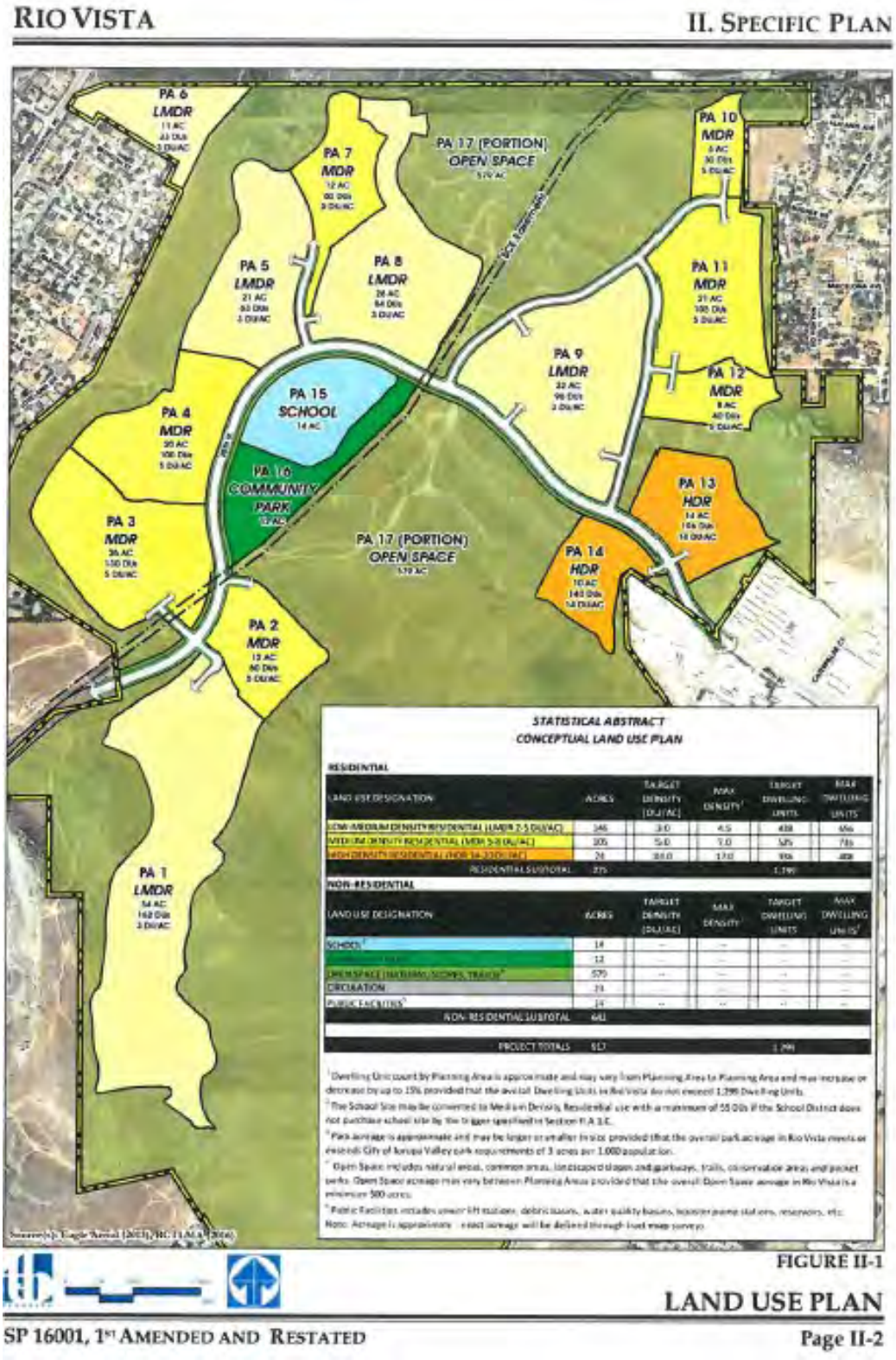

Figure 2: Alternative 3 (2017 Proposed Land Use Plan)

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From: Arne Johanson
To: Jim Pechous
Subject: Jurupa/Hurunga Oak
Date: Tuesday, November 21, 2023 12:08:34 PM

City of Jurupa Valley Planning Department
Jim Pechous, Principal Planner
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

November 21, 2023

Dear Mr. Pechous,

I am requesting that the City reassess the current landscape plan and identify alternative project options that ensure better protection for our state's oldest oak and respect for Tongva sacred lands. Specifically, I encourage the City to work with local conservation groups and Tribal members to 1) remove or relocate the 146-acre light industrial/business park component of the Specific Plan and retain this area as conserved land to connect the surrounding ridgelines and protect the oak's groundwater connections, 2) designate this area as the "Jurupa (or *Hurungna*) Oak Preserve," and 3) to take measures to ensure the oak's protection from people, pets, etc. 1 2

Oak trees are very susceptible to injury and death from soil disturbance and/or hydrology changes. The proposed industrial area /business park can make either or both possible. Why would anyone take that risk with such a unique and special tree?! 3

I want to express deep concern with the current land-use plan and mitigation measures included in the recently released Draft Environmental Impact Report (DEIR) for the **Rio Vista Specific Plan**. It is no coincidence that people from around the nation are concerned with the DEIR which states that development for "light industrial" will occur within "259 feet" of the western side of the small hilltop on which the oak stands. Mitigation measures described in the DEIR restrict construction equipment to a mere "150 feet" from the oak. This inconsistency in buffer distance is problematic and the distances are insufficient. Neither a "259 feet" nor a "150 feet" buffer pays acceptable respect to the ancient oak and sacred nature of the site or to the long-term survival of the Jurupa Oak. This is a national and world treasure and should be treated as such! 4

Please incorporate my comments in the official record for this project.

Arne Johanson
600 Meadowlark Road
Jackson, Wyoming 83001
858-759-4769

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Arne Johanson (JOHANSON)

Response to JOHANSON-1
The comment requests that the City reassess the current landscape plan and identify alternative project options that ensure better protection of the on-site Palmer's oak and respect for Tongva sacred lands.

The proposed project involves the development of a mixed-used community under a Specific Plan. As such, detailed site plans, including landscaping plans, would be prepared as each PA is being planned for development. However, as shown in the Draft EIR Exhibit 2-7 Conceptual Land Use Plan, the Palmer's oak is located in an area that would be designated OS-C. OS-C areas would remain undeveloped and would therefore not include landscaping.

With designation of the area surrounding the tree as OS-C, which does not permit development, and with implementation of MM BIO-5 (Palmer's Oak), the tree would be protected. Furthermore, project alternatives are discussed in the Draft EIR Chapter 5, Alternatives to the Proposed Project.

See Master Response 3, Native American Tribal consultation was completed by the City.

Response to JOHANSON-2
See Master Response 3, Native American Tribal consultation was completed by the City regarding consultation with Tribal representatives.

The project site is located within the area covered by the Western Riverside County MSHCP. The nearest MSHCP-conserved lands are located in the Jurupa Hills approximately 1.03 miles to the west of the project site and are not contiguous with the project site.

The Light Industrial/Business Park is located approximately 380 feet from the tree, complying with Draft EIR MM BIO-5 (Palmer's Oak).

As discussed in the Draft EIR, Section 3.4 Biological Resources, the on-site Palmer's oak is not supported by groundwater. See Response to USFWS-CDFW-11.

The area surrounding the on-site Palmer's oak would be designated as OS-C, which precludes development. This designation, along with implementation of MM BIO-5 (Palmer's Oak), the tree would be protected.

It is reasonable to assume that laws, such as requiring pets to be leashed, would to be enforced, protecting the trees from pets. See Response to CCHTF-4 for additional discussion regarding protections in existing laws.

Response to JOHANSON-3
The comment states that the proposed industrial area/business park could result in soil disturbance and/or hydrology changes that could impact the tree.

As discussed in the Draft EIR Section 3.4 Biological Resources, three studies were undertaken to understand potential project effects on the Palmer's oak. Implementation of MM BIO-5 (Palmer's

Oak) would ensure a buffer from heavy equipment operations and from project development. In addition, the tree is located in an area that is proposed for Open Space land use.

See Response to USFWS-CDFW-11.

Response to JOHANSON-4

See Master Response 1, The buffer established in the Draft EIR is consistent and sufficient.

From: ealockhart@outlook.com
To: Jim Pechous
Subject: Rio Vista Specific Plan DEIR
Date: Monday, November 6, 2023 6:46:33 PM

Dear Mr. Pechous:

I would like to voice support for the conservation of the Palmer's oak that is threatened by the Rio Vista development. Not only is the oak part of a sacred site to the Gabrielino, it is living history. Americans have been trampling on the history of Native Americans, as well as tearing down trees and forests without a thought, for far too long. Please do the right thing and provide this tree and sacred site the respect and courtesy of at least 1500 feet of buffer for the oak, as well as restricted development to protect its growth.

1

Sincerely,
Elizabeth Lockhart
PO Box 521
Montrose, CA 91020

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Elizabeth Lockhart (LOCKHART)

Response to LOCKHART-1

See Master Response 1, The buffer established in the Draft EIR is consistent and sufficient.

See Master Response 2, The natural landscape around the Palmer's oak would be protected.

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From: Emily O"Neill
To: Chris Barajas; Jim Pechous; Rod Butler
Subject: California's oldest living oak
Date: Wednesday, November 29, 2023 11:37:04 AM

The city of Jurupa Valley intends on stranding the OLDEST living tree/shrub in California, the Jurupa Palmer's Oak, on a small hilltop to be surrounded by warehouses with unknown impacts. 1

The Jurupa Oak is estimated to be 13,000 years old, is designated as a Sacred Land Site of the Tongva People, and is the only individual of its species for over 25 miles in all directions. 2

I am writing to let you know that the proposed 259 foot distance between the oak and the Rio Vista development edge is not nearly enough. We owe much more to our states OLDEST living oak. 3

Thank you
Emily O'Neill

Sent from my iPhone

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Emily O'Neill (ONEILL)

Response to ONEILL-1
See Response to D.Humberto-1.

Response to ONEILL-2
See Master Response 3, Native American Tribal consultation was completed by the City.

Response to ONEILL-3
See Master Response 1, The buffer established in the Draft EIR is consistent and sufficient.

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SECTION 4: ERRATA

The following are revisions to the Draft EIR for the Rio Vista Specific Plan Project. These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

4.1 - Changes in Response to Specific Comments

Executive Summary, Table ES-1 Executive Summary Matrix

Page ES-12, Section 3.4—Biological Resources

As described below for Section 3.4 Biological Resources, and in response to Comment USFWS-CDFW-55, the following mitigation is added.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.5—Cultural Resources			
Threshold BIO-1: Would the proposed project 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 Wildlife or United States Fish and Wildlife Service?	Potentially significant impact.	MM BIO-1a, MM BIO-1b, MM BIO-1c, MM BIO-1d, MM BIO-1e, MM BIO-1f, MM BIO-1g, MM BIO-1h, MM BIO-1i, MM BIO-1j, ~~and~~ MM BIO-1k, and MM BIO-1l.	Less than significant impact.

Page ES-13, Section 3.5—Cultural Resources

As described below for Section 3.5 Cultural Resources, and in response to the Soboba Band of Luiseño Indians comments as part of AB 52 Tribal Consultation, several mitigation measures are removed as shown below.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section 3.5—Cultural Resources			
Threshold CUL-2: Would the proposed project	Potentially significant impact.	Implement MM CUL-1a, MM CUL-1b, MM CUL-1c,	Significant and unavoidable impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		and MM CUL-1d. MM CUL-2a, MM CUL-2b, ~~MM CUL-2c,~~ MM CUL-2d, MM CUL-2e, MM CUL-2f, MM CUL-2g, and MM CUL-2h.	
Threshold CUL-3: Would the proposed project disturb human remains, including those interred outside of formal cemeteries?	Potentially significant impact.	MM CUL-3a~~ and MM CUL-3b~~.	Significant and unavoidable impact.
Cumulative Impact	Potentially significant impact.	Implement MM CUL-1a, MM CUL-1b, MM CUL-1c, and MM CUL-1d, MM CUL-2a, MM CUL-2b~~, MM CUL-2c,~~ MM CUL-2d, MM CUL-2e, MM CUL-2f, MM CUL-2g, MM CUL-2h, and MM CUL-3a~~, and MM CUL-3b~~.	Significant and unavoidable impact.

Page ES-21, Section 3.18—Tribal Cultural Resources

As described below for Section 3.18 Tribal Cultural Resources, and in response to the Soboba Band of Luiseño Indians comments as part of AB 52 Tribal Consultation, several mitigation measures are removed as shown below. In addition, please note that the Tribal Cultural Resources sections was misnumbered in the Draft EIR and are now corrected.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section ~~3.17~~3.18—Tribal Cultural Resources			
Threshold TCR-1: Would the proposed project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	Potentially significant impact.	Implement MM CUL-1a, MM CUL-1b, MM CUL-1c, and MM CUL-1d, MM CUL-2a, MM CUL-2b, ~~MM CUL-2c,~~ MM CUL-2d, MM CUL-2e, MM CUL-2f, MM CUL-2g, MM CUL-2h, and MM CUL-3a~~, and MM CUL-3b~~. MM TCR-1a, MM TCR-1b, MM TCR-2, MM TCR-3, MM TCR-4, MM TCR-5, ~~MM TCR-6, MM TCR-7, MM TCR-8, MM TCR-9, MM TCR-10, MM~~	Significant and unavoidable impact.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		~~TCR-11,~~ MM TCR-12, MM TCR-13, and MM TCR-14.	
Threshold TCR-2: Would the proposed project cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?	Potentially significant impact.	Implement MM CUL-1a, MM CUL-1b, MM CUL-1c, and MM CUL-1d, MM CUL-2a, MM CUL-2b, ~~MM CUL-2c,~~ MM CUL-2d, MM CUL-2e, MM CUL-2f, MM CUL-2g, MM CUL-2h~~,~~ and MM CUL-3a~~, and MM CUL-3b~~. MM TCR-1a, MM TCR-1b, MM TCR-2, MM TCR-3, MM TCR-4, MM TCR-5, ~~MM TCR-6, MM TCR-7, MM TCR-8, MM TCR-9, MM TCR-10, MM TCR-11,~~ MM TCR-12, MM TCR-13, and MM TCR-14.	Significant and unavoidable impact.
Cumulative Impact	Potentially significant impact.	Implement MM CUL-1a, MM CUL-1b, MM CUL-1c, and MM CUL-1d, MM CUL-2a, MM CUL-2b, ~~MM CUL-2c,~~ MM CUL-2d, MM CUL-2e, MM CUL-2f, MM CUL-2g, MM CUL-2h, MM CUL-3a~~, and MM CUL-3b~~. MM TCR-1a, MM TCR-1b, MM TCR-2, MM TCR-3, MM TCR-4, MM TCR-5, ~~MM TCR-6, MM TCR-7, MM TCR-8, MM TCR-9, MM TCR-10, MM TCR-11,~~ MM TCR-12, MM TCR-13, and MM TCR-14.	Significant and unavoidable impact.

Page ES-22, Section 3.17—Transportation

Inaccurate numbering to the Transportation section in Table ES-1 is corrected.

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Section ~~3.18~~3.17—Transportation			

Section 2.2.1 Proposed Project, Open Space

Page 2-6

As part of Response to SIERRA-8, the City determined that the conservation agency to hold the conservation easement is not required to be a local one, and the word "local" in this context is removed:

> The project site would contain approximately 510.8 acres of open space, consisting of a combination of natural open space, revegetated manufactured slopes, and regraded and revegetated slopes. Many of the existing informal trails would remain, and no new trails into the open space would be created. A City-approved ~~local~~ conservation entity would be responsible for maintenance of the natural open space areas, which are currently designated as Open Space Conservation Habitat and Open Space Recreation (Section 2.1.5 above and Exhibit 2-5), and under the proposed project would be designated Open Space Conservation (Exhibit 2-7).

Section 3.1, Air Quality, 3.3.3 Existing Air Quality Conditions

Page 3.3-17

In response to Comment GSEJA-9, the following clarifying text is added for context:

> As required by General Plan Policy EJ 1.11 Environmental Screening, Exhibit 3.3-1 shows the existing CalEnviroScreen attributes related to Ozone, fine particulate matter ($PM_{2.5}$), and diesel particulate matter (DPM).
>
> As shown in Exhibit 3.3-1, the CalEnviroSceen identifies the project site as "High Pollution-Low Population" and describes the level of pollution burden by a scoring system used to identify communities that face multiple burdens of pollution and socioeconomic disadvantage. This information helps Cal/EPA to prioritize its work in the State's most burdened communities. This score is not intended to be used for CEQA purposes.

Section 3.4 Biological Resources, 3.4.5 Project Impacts and Mitigation Measures

Threshold BIO-1, Page 3.4-33

MM BIO-1b has been revised to clarify the land use designation of open space that is subject to this mitigation. Other references in the Draft EIR to this mitigation measure or to the 510.8 acres to be subject to this mitigation identify the area as having a land use designation of Open Space-Conservation (OS-C). This revision is a minor typographical clarification to the document and does not change the significance of any of the environmental issue conclusions.

In addition, as part of Response to SIERRA-8, the City determined that the conservation agency to hold the conservation easement is not required to be a local one, and the word "local" in this context is removed.

MM BIO-1b Conserve Open Space

Prior to recordation of the final map, those areas of the project site not impacted by the proposed project footprint, including Riparian/Riverine and Delhi sands, shall be designated as ~~open space~~ Open Space-Conservation (OS-C). The ~~open space~~ OS-C areas shall be deed restricted, and ownership shall be transferred to a City-approved ~~local~~ conservation entity prior to recordation of the final map.

Section 3.4 Biological Resources, 3.4.5 Project Impacts and Mitigation Measures

Threshold BIO-1, Page 3.4-35

As part of Response to SIERRA-8, the City determined that the conservation agency to hold the conservation easement is not required to be a local one, and the word "local" in this context is removed.

MM BIO-1f Urban/Wildlands Interface

As the approximately 510.8 acres of open space may be transferred to a City-approved ~~local~~ conservation entity, the project shall incorporate design measures to ensure compliance with Multiple Species Habitat Conservation Plan (MSHCP) Urban/Wildlands Interface guidelines and requirements. These measures, as listed in Section 6.1.4 of the MSHCP, shall address Drainage, Toxics, Lighting, Noise, Barriers, Access, Pets, and Grading/Land Development.

Section 3.4 Biological Resources, 3.4.5 Project Impacts and Mitigation Measures

Threshold BIO-1, Page 3.4-35

MM BIO-1g has been revised to include additional details in response to environmental impacts already identified in the Draft EIR. The addition of the requested language does not change the significance conclusions previously disclosed. Accordingly, the revisions to the existing mitigation measure may be adopted without triggering recirculation (14 CCR § 15088.5(a)).

In response to Comment USFWS-CDFW-39, the language of MM BIO-1g (Nesting Birds) is revised as follows:

MM BIO-1g Nesting Birds

To prevent impacts to nesting birds (including raptors), clearing or other work in native habitats shall be avoided during the nesting season ~~(January 1 through September 15)~~. If work cannot be avoided during this timeframe, a nesting bird survey shall be conducted by a qualified Biologist within 3 days prior to ~~issuance of a grading or building permit~~ site preparation activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation). The survey results shall be provided to the City's Planning Division and the project applicant shall adhere to the following:

1. The project applicant shall designate a Biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.
2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.

If no nesting birds are observed during the survey, site preparation and construction activities may begin. If an active nest or nesting birds are present, ~~a Nesting Bird Plan shall be developed and implemented~~ avoidance buffers shall be implemented as determined by the Designated Biologist and approved by the City of Jurupa Valley, based on their best professional judgment and experience in accordance with the Migratory Bird Treaty Act (MBTA) regulations and the California Fish and Wildlife Code Sections 3503, 3503.5, and 3513. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. The Designated Biologist shall halt all construction activities within proximity to an active nest if it is determined that the activities are harassing the nest and may result in nest abandonment or take. ~~The nesting bird plan prior to issuance of a grading or building permit. to the Nesting Bird Plan shall include appropriate measures such as establishment and maintenance of a buffer area while the nest is active. The size of the buffer area shall be defined by a qualified Biologist based on the specific nesting species, as defined below.~~

Active bird nests shall be mapped utilizing a handheld Global Positioning System (GPS), getting as close as possible without disturbing the nest~~, and a buffer shall be flagged around the nest (300 feet for non-raptors, 500 feet for raptor nests, or as determined by the Biologist)~~. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the Designated Biologist until nestlings have fledged and dispersed or it is confirmed that the nest has been unsuccessful or abandoned. Construction shall not be permitted within buffer areas while the nest continues to be active. Once

fledging has occurred or the nest otherwise becomes inactive, no further avoidance shall be required. An active nest is defined as a nest that is being built or in use as part of the reproductive process, including a nest with eggs, chicks, or dependent juveniles. The Designated Biologist shall also have the authority to require implementation of avoidance measures related to noise, vibration, or light pollution if indirect impacts are resulting in harassment of the nest. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.

The Designated Biologist shall also have the authority to require implementation of avoidance measures related to noise, vibration, or light pollution if indirect impacts are resulting in harassment of the nest. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.

Section 3.4 Biological Resources, 3.4.5 Project Impacts and Mitigation Measures

Threshold BIO-1, Page 3.4-36

In response to Comment USFWS-CDFW-49, the language of MM BIO-1h (Biological Monitoring and Clearance Surveys) is revised as shown below. The addition of the requested language does not change the significance conclusions previously disclosed. Accordingly, the revisions to the existing mitigation measure may be adopted without triggering recirculation (14 CCR § 15088.5(a)).

Note that as discussed in Section 3 Response to Written Comments, revisions are made with the exception of requiring the Designated Biologist to possess a handling permit.

MM BIO-1h Biological Monitoring and Clearance Surveys

Prior to issuance of a grading permit, ~~an engagement letter from~~ a qualified Biologist with experience surveying for each of the following species shall be retained: Cooper's hawk (*Accipiter cooperii*), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Lawrence's goldfinch (*Spinus lawrencei*), northern harrier (*Circus hudsonius*), great egret (*Ardea alba*), Costa's hummingbird (*Calypte costae*), red-diamond rattlesnake (*Crotalus ruber*), orange-throated whiptail (*Aspidoscelis hyperythra),* and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*). Prior to commencing any project-related ground-disturbing activities, the qualified Biologist should conduct surveys for where suitable habitat is present. Project-related activities include construction, equipment and vehicle access, parking, and staging. Focused surveys should consist of daytime surveys and nighttime surveys no more than one month from the start of any ground-disturbing activities. The surveys should include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. The survey should be conducted so that 100 percent coverage of

the project site and surrounding areas is achieved. In addition, resumes/and or statements of qualifications shall be provided to the City by the applicant identifying one or more qualified Biological Monitors that will be assigned to the project to monitor construction activities. Monitors shall be responsible for ensuring that impacts to special-status species, native vegetation, wildlife habitat, jurisdictional waters, and sensitive or unique biological resources are avoided to the extent possible.

~~Monitors shall also conduct~~ The City in consultation with the Designated Biologist should prepare a Workers Environmental Awareness Program (WEAP) training prior to implementation of project ground-disturbing activities. Biological Monitors shall conduct WEAP training to inform construction personnel of applicable mitigation measures and permit conditions, and any potential for infraction and should include effective, specific, enforceable, and feasible actions. The qualified Biologist should have prepared maps showing locations where Species of Special Concern (SSC) were detected and share this information to workers as part of training. The qualified Biologist shall meet with the construction crew at the project site at the onset of construction to educate the construction crew on the following: (1) a review of the project boundaries; (2) all special-status species that may be present, their habitat, and proper identification; and (3) the specific mitigation measures that shall be incorporated into the construction effort. The qualified Biologist should communicate to workers that upon encounter with an SSC, work must stop, a qualified Biologist must be notified, and work may only resume once a qualified Biologist has determined that it is safe to do so. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, should immediately report the incident to the qualified Biologist and/or on-site representative identified in the worker training. The Biological Monitor shall submit a weekly report to the City inspector, and shall promptly identify any concerns or violations, as needed.

A Biological Monitor shall be present during initial site clearing activities (vegetation clearing, soil preparation, and ground disturbance), during work adjacent to avoided Delhi soils and jurisdictional waters and Multiple Species Habitat Conservation Plan (MSHCP) Riparian/Riverine habitat, and at appropriate intervals throughout construction to ensure compliance with mitigation measures and regulatory permit conditions.

In addition, a qualified Biologist shall conduct clearance surveys for special-status plant or wildlife resources within or adjacent to the project disturbance area within three calendar days prior to initial vegetation clearing and ground disturbance, including fence installation. Daily biological monitoring should be conducted during any activities involving vegetation clearing or modification of natural habitat. Surveys for SSC should be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC should be conducted in the areas flagged in earlier surveys before construction and activities may occur in or

adjacent to those areas. Work may only occur in these areas after a qualified Biologist has determined it is safe to do so. Even so, workers should be advised to work with caution near flagged areas. If SSC is encountered, a qualified Biologist should safely protect or relocate the animal per relocation and handling protocols.

If any special-status plants or wildlife are found, the Biologist shall take appropriate action as defined in the MSHCP, mitigation measures, permit conditions, and regulations. The qualified Biologist should use visible flagging to mark the location where SSC was detected. The qualified Biologist should take a photo of each location, map each location, and provide the specific species detected at that location. ~~Federal, State, and local agencies shall be consulted as needed and appropriate. If needed, an avoidance buffer shall be established to protect the resource until this action has been completed.~~ The qualified Biologist should provide a summary report of SSC surveys to the City before any project-related ground-disturbing activities. The California Department of Fish and Wildlife (CDFW) should be notified and consulted regarding the presence of any special-status wildlife species found on-site during surveys. If an Endangered Species Act-listed species is found prior to or during grading of the site, the United States Fish and Wildlife Service (USFWS) should also be notified. If any special-status or listed species are/have been observed on or in proximity to the project site, permittee shall submit California Natural Diversity Database (CNDDB) forms and maps to the CNDDB within 5 working days of the sightings. Additional avoidance and minimization measures may need to be developed with the CDFW/USFW.

Where applicable, wildlife should be protected, allowed to move away on its own (noninvasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on-site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the grading limits). Special-status wildlife should be captured only by a qualified Biologist. The qualified Biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols should be implemented during project construction and activities/biological construction monitoring. The City/qualified Biologist may consult with the CDFW/USFWS to prepare species-specific protocols for proper handling and relocation procedures. Only a USFWS approved Biologist should be authorized to capture and relocate Endangered Species Act-listed species. A relocation plan should be submitted to CDFW and USFWS for review and comment prior to implementing project-related ground-disturbing activities.

If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified Biologist should be notified, and dead or injured wildlife documented immediately. The qualified Biologist should contact the USFWS, CDFW, and the City by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report should be sent to the City, CDFW, and USFWS (as

appropriate) within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Monitoring and survey activities shall be documented, and~~,~~ summaries shall be submitted on a monthly basis during periods of project activity until project completion or monitoring is complete. Monitoring reports of any passively relocated species shall also be included. ~~at~~ At the conclusion of project construction activities, a final construction report shall be submitted to CDFW and the City at least two weeks after the proposed project is fully completed including color photographs of before and after project-related activities, including the surrounding staging areas. The construction report at a minimum shall contain pre-project photographs, total amount of area impacted post-project, post-project photographs, and biological survey notes (including construction monitoring). ~~all~~ All monitoring reports and communications shall be retained in project files to allow review by the lead agency and ~~wildlife agencies, if requested~~ Wildlife Agencies.

Section 3.4 Biological Resources, 3.4.5 Project Impacts and Mitigation Measures

Threshold BIO-1, Page 3.4-37

MM BIO-1i has been revised to include additional details in response to environmental impacts already identified in the Draft EIR. The addition of the requested language does not change the significance conclusions previously disclosed. Accordingly, the revisions to the existing mitigation measure may be adopted without triggering recirculation (14 CCR § 15088.5(a)).

In response to Comment USFWS-CDFW-33, the language of MM BIO-1i (Burrowing Owl) is revised as follows:

MM BIO-1i Burrowing Owl

a) Prior to the issuance of a grading permit, the Planning Division ~~Department~~ shall verify that the burrowing owl breeding season protocol survey is not more than one year old. If it is older than one year, an updated breeding season protocol survey for burrowing owl shall be conducted within all suitable burrowing owl habitat on the site and a 150-meter buffer. A copy of the report shall be provided to the Planning Division ~~Department~~ and to the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) (jointly referred to as the Wildlife Agencies) before grading occurs. If one or more owl-occupied burrows are identified by the breeding season protocol survey, then the project applicant shall immediately prepare a Burrowing Owl Protection and Relocation Plan (BOPaRP) for review and approval by USFWS and CDFW, without deferring such preparation to a later time, and

the 30-day pre-construction burrowing owl survey shall no longer be required. The proposed BOPaRP shall be submitted to the two Wildlife Agencies through the City once the City has reviewed the Draft BOPaRP.

b) If no burrowing owls are detected in the project vicinity by the most recent breeding season burrowing owl protocol survey, then, prior ~~Prior~~ to the issuance of a grading permit, a pre-construction burrowing owl ~~clearance~~ survey in accordance with the March 2006 Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Plan Area shall be conducted by a qualified Biologist no more than 30 days before ground or vegetation disturbance, including grubbing, tree removal, or site watering. The surveys shall be conducted as close to the actual construction initiation date as possible. In addition, a pre-construction survey for burrowing owl shall be conducted within 3 days prior to initiation of project activities and reported to CDFW. Additionally, if ground-disturbing activities occur, but the site is subsequently left without further disturbance for more than 30 days, a pre-construction survey shall again be necessary to reconfirm that burrowing owls have not colonized the site since it was last disturbed.

   If no burrowing owls are observed during all the surveys, site preparation and construction activities may begin.

   If ~~present~~ burrowing owls are detected by the pre-construction survey, the Biologist shall notify the Planning Division ~~Department~~ and consult with local and State agencies, as appropriate, and develop a mitigation plan. A copy of the plan shall be provided to the City of Jurupa Valley Planning Division ~~Department~~, the CDFW, and the USFWS field office in Palm Springs with written notification sent within 48 hours of detecting the burrowing owls. If owl-occupied burrows are identified on an implementing project site during the pre-construction survey, the project applicant shall not commence activities until the City receives CDFW and USFWS approval of a Burrowing Owl Protection and Relocation Plan, as described below.

   If owl presence is difficult to determine, a qualified Biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The on-site qualified Biologist shall verify the nesting effort has finished according to methods identified in the Burrowing Owl Protection and Relocation Plan. A copy of the plan shall be provided to the Planning Division.

   The ~~mitigation plan~~ BOPaRP shall be implemented prior to any construction activities that may disturb burrowing owls. Mitigation shall be based on the following goals and requirements in the MSHCP:

   1. If the site contains or is part of an area supporting less than 35 acres of suitable habitat or the survey reveals that the site and the surrounding area supports fewer than three pairs of burrowing owls, on-site burrowing owls shall be passively or actively relocated following accepted protocols.

~~2. Occupied nests shall be avoided during the nesting season (February 1-August 31) along with a buffer of 300 – 500 feet dependent on the level of disturbance surrounding the burrow.~~

~~3. Burrow exclusion shall be utilized outside of the nesting season by installing a one-way door in burrow openings. Burrows shall be closed following verification they are empty through site monitoring and scoping.~~

~~4.~~2. If the project site (including adjacent areas) supports three-or more pairs of burrowing owls, supports greater than 35 acres of suitable habitat, and is noncontiguous with MSHCP Conservation Area lands, at least 90 percent of the area with long-term conservation value and burrowing owl pairs shall be conserved on-site.

The qualified Biologist and the project applicant shall coordinate with the City, CDFW, and USFWS to develop a Burrowing Owl Protection and Relocation Plan to be approved by CDFW and USFWS prior to commencing project activities. The Burrowing Owl Protection and Relocation Plan shall describe the project's proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions to protect burrowing owls from harm and to maintain their survival and numbers in the MSHCP Plan Area. The Burrowing Owl Protection and Relocation Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls, or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Protection and Relocation Plan. The City shall implement the Burrowing Owl Protection and Relocation Plan following CDFW and USFWS review and approval.

If burrowing owls are observed within project site(s) during project implementation and construction, the project applicant shall notify the Wildlife Agencies immediately in writing within 48 hours of detection. A Burrowing Owl Plan shall be submitted to the Wildlife Agencies for review and approval within 2 weeks of detection and no project activities shall occur within 1,000 feet of the burrowing owls' burrows until the Wildlife Agencies approves the Burrowing Owl Protection and Relocation Plan. The City shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Protection and Relocation Plan.

A final survey report shall be prepared by a qualified Biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report shall be submitted to the City and the Wildlife Agencies within 30 days of completion of the survey for mitigation monitoring compliance record keeping.

Section 3.4 Biological Resources, 3.4.5 Project Impacts and Mitigation Measures

Threshold BIO-1, Page 3.4-38

In response to Comment USFWS-CDFW-44, the language of MM BIO-1k (Crotch's Bumble Bee) is revised as shown below. The addition of the requested language does not change the significance conclusions previously disclosed. Accordingly, the revisions to the existing mitigation measure may be adopted without triggering recirculation (14 CCR § 15088.5(a)).

Note that as discussed in Section 3 Response to Written Comments, revisions are made with the exception of replacing floral resources with management in perpetuity.

MM BIO-1k Crotch's Bumble Bee

Because of suitable habitat within the project site, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with Crotch's bumble bee behavior, as approved by the California Department of Fish and Wildlife (CDFW), and life history conduct surveys in accordance with any Crotch's bumble bee survey protocol provided by CDFW to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1. Surveys should be conducted within the project site and areas adjacent to the project site where suitable habitat exists. If a colony is present, a 100-foot avoidance buffer shall be established. Survey results, including negative findings, should be submitted to the ~~California Department of Fish and Wildlife (~~CDFW~~)~~ prior to project-related vegetation removal and/or ground-disturbing activities. If a survey finds that a Crotch's bumble bee ~~colony~~ is present on the project site or Crotch's bumble bee are observed during project activities, the project Biologist shall consult with CDFW. The qualified Biologist should identify the location of all nests in or adjacent to the project site. If project activities could result in disturbance or potential take, the qualified Biologist, in coordination with the CDFW, should expand the buffer zone as necessary to prevent disturbance or take. If the proposed project impacts Crotch's bumble bee, an Incidental Take Permit from the CDFW shall be obtained pursuant to Fish and Game Code Section 2081 subdivision (b) and/or other mitigation shall be implemented as required by the CDFW.

Section 3.4 Biological Resources, 3.4.5 Project Impacts and Mitigation Measures

Threshold BIO-1, Page 3.4-38

In response to Comment USFWS-CDFW-55, new mitigation measure MM BIO-1l (Noise Plan) is added as follows. The addition of the requested mitigation does not change the significance conclusions previously disclosed. Accordingly, the additional mitigation measure may be adopted without triggering recirculation (14 CCR § 15088.5(a)(3)).

MM BIO-1l Noise Plan

Prior to approval of the Final Design, a Noise Plan shall be submitted to the City of Jurupa Valley for review and approval. Proposed The Noise Plan shall identify noise generating land uses that may affecting the Multiple Species Habitat Conservation Plan (MSHCP) Conservation Area and shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The Noise Plan shall include monitoring during construction and post-project to demonstrate noise levels in the Conservation Area do not exceed residential standards. If noise standards are exceeded, the project applicant is responsible for immediate implementation of remedial actions to reduce noise levels to acceptable levels.

Section 3.4 Biological Resources, 3.4.5–Project Impacts and Mitigation Measures

Threshold BIO-2, Page 3.4-39

The area to be protected under MM BIO-1b was erroneously referred to as 510.5 acres instead of 510.8 acres in the impact discussion regarding sensitive natural communities or riparian habitat. This revision is a minor typographical clarifications to the document, and does not change the significance of any of the environmental issue conclusions.

Sensitive Natural Communities Implementation of the proposed project would result in the permanent loss of approximately 477 acres of habitat. The 477 acres of impacted habitat add to the reduction in availability of nest/den sites and foraging habitats for species that utilize shrublands, grasslands, and disturbed habitats. With implementation of MM BIO-1b (Conserve Open Space), approximately ~~510.5~~ 510.8 acres of habitat would be preserved as open space, managed by a City-approved conservation entity, and deed restricted as open space and would be available to support plant and wildlife species that utilize the site. MM BIO-1a (Flag or Fence Impact Areas) and MM BIO-1h (Biological Monitoring and Clearance Surveys) would ensure that construction activities do not encroach on avoidance areas. With implementation of MM BIO-1a, MM BIO-1b, and MM BIO-1h, impacts to common vegetation communities on the project site would be adverse, but less than significant.

Section 3.4 Biological Resources, 3.4.5 Project Impacts and Mitigation Measures

Threshold BIO-5, Page 3.4-46

As part of Response to SIERRA-8, the City determined that the conservation agency to hold the conservation easement is not required to be a local one, and the word “local” in this context is removed.

MM BIO-5 Palmer’s Oak

Prior to the recordation of the Final Map, a lettered open space lot shall be identified to avoid the Palmer’s oak and a minimum of 200 feet beyond its mapped

limits, as mapped in the Revised Updated Biological Resources Assessment, Jurisdictional Delineation, Multiple Species Habitat Conservation Plan (MSHCP) Narrow Endemic Plant, Burrowing Owl Breeding Season, and Two-year Delhi Sands Flower-loving Fly Focused Surveys for Rio Vista, Specific Plan 16001, Jurupa Valley, Riverside County, California, prepared by L&L Environmental, Inc. in December 2016 and most recently updated in September 2023. No project-related construction activities may occur within the tree's mapped limit and the 200-foot buffer. This includes, but is not limited to, staging of supplies and equipment, vegetation removal, grading, stockpiling, paving, and any other activity related to development of the proposed project. A City-approved ~~local~~ conservation entity shall be responsible for maintenance of the natural open space areas, which includes the area of the Palmer's oak, and it would monitor the health of this tree. The area surrounding the Palmer's oak would be designated as a preserve with limited public access. In addition, no heavy equipment may operate within 259 feet of the mapped limits of the tree.

Section 3.4 Biological Resources, 3.4.5 Project Impacts and Mitigation Measures

Threshold BIO-6, Page 3.4-46

As part of Response to SIERRA-8, the City determined that the conservation agency to hold the conservation easement is not required to be a local one, and the word "local" in this context is removed.

The project site contains Riparian/Riverine and Delhi sands habitat. Impacts to these habitats may require compensatory mitigation under MSHCP requirements. However, with the implementation of MM BIO-1b, which requires the project applicant to set aside portions of the project site as conservation land, the majority of the Riparian/Riverine and Delhi sands habitat present on-site shall be designated as open space, which would not be impacted by future development. These open space areas shall not be developed, but rather be preserved as open space, managed by a City-approved conservation entity, and placed under a deed with restrictions from future development. The did restriction would be established prior to issuance of a grading permit, and responsibility for managing this area would be entrusted to a City-approved ~~local~~ conservation entity which shall manage the open space areas and shall restrict future impact and uses of open space areas. With the implementation of these avoidance and preservation measures, the development of the project site would have a less than significant impact.

Section 3.4 Biological Resources, 3.4.5 Project Impacts and Mitigation Measures

Threshold BIO-6, Conservation Areas/Reserve Assembly, Page 3.4-47

As part of Response to SIERRA-8, the City determined that the conservation agency to hold the conservation easement is not required to be a local one, and the word "local" in this context is removed.

The project site contains Riparian/Riverine and Delhi sands habitat. Impacts to these habitats may require compensatory mitigation under MSHCP requirements. However, with

the implementation of MM BIO-1b, which requires the project applicant to set aside portions of the project site as conservation land, the majority of the Riparian/Riverine and Delhi sands habitat present on-site shall be designated as open space, which would not be impacted by future development. These open space areas shall not be developed, but rather be preserved as open space, managed by a City-approved conservation entity, and placed under a deed with restrictions from future development. The did restriction would be established prior to issuance of a grading permit, and responsibility for managing this area would be entrusted to a City-approved ~~local~~ conservation entity which shall manage the open space areas and shall restrict future impact and uses of open space areas. With the implementation of these avoidance and preservation measures, the development of the project site would have a less than significant impact.

Section 3.5 Cultural Resources, 3.5.2 Environmental Setting

Ethnographic Setting, Pages 3.5-8 through 3.5-13

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made in the Cultural Resources section of the Draft EIR.

~~Ethnographic Setting~~

~~Cahuilla~~

~~The ethnohistory of the Cahuilla Indians is documented in academic studies, mission records, and major published sources. The San Gorgonio Pass, Coachella Valley, and Santa Rosa and San Jacinto mountains were occupied by the Cahuilla people at the time of Spanish arrival in 1769. By the early 1800s, the Cahuilla had expanded into northern Riverside County. The Cahuilla were organized into at least 12 differed patrilineal clans, which owned large spans of territory that included multiple ecological zones at high and low elevations. This allowed the Cahuilla people to exploit a wide range of plant and animal resources in different seasons. Cahuilla groups are often distinguished by the topographic region (i.e., desert, mountain, and pass) in which they established permanent settlements.~~

~~Desert Cahuilla settlements congregated around the shoreline of ancient Lake Cahuilla as well as near the mouth of canyons and valleys in areas that could supply many of their food resources within a 5-mile area. As the lake receded, the Cahuilla moved their villages and adapted their subsistence practices. Pass Cahuilla also established settlements in or near the mouths of canyons and valleys. Mountain Cahuilla occupied settlements between 3,000 and 5,000 feet in the San Jacinto and Santa Rosa Mountains.~~

~~Cahuilla clans operated within a hierarchical politico-religious structure, each with one or more ceremonial units that served as a "symbolic representation of the sociopolitical reality of the group." These groups were part of a ritual congregation connecting autonomous groups to the broader sociopolitical, religious, and economic networks.~~

~~The Cahuilla were hunter gatherers for the most part and may have incorporated agriculture into their subsistence foci prior to European contact. Among the animals the Cahuilla hunted were Pronghorn sheep, mule deer, rabbits, squirrels, chipmunks, desert tortoise, rats, and mice. The~~

~~Cahuilla often organized communal rabbit hunts prior to ceremonial gatherings to provide food for guests and participants. When available, the Cahuilla also hunted fish and birds along the shoreline of ancient Lake Cahuilla.~~

~~Cahuilla material culture included an array of utilitarian and ceremonial objects. Cahuilla were well known for their woven baskets. They were also expert potters and used ceramics to craft many different items for storage, cooking, and other uses. Stone and wood implements were integral to daily Cahuilla life. Wooden mortars and pestles were used to process mesquite beans and other seeds and plant materials as were stone manos and pestles used with stone mortars, metates, and bedrock slicks. Cryptocrystalline and microcrystalline silicates, metavolcanics, and obsidian, among other stone materials, were worked into knives, blades, scrappers, and projectile points to tip wood arrows. Wood was utilized for bow construction, pestles and mortars, arrow shafts, throwing sticks, digging sticks, and flutes. The Cahuilla also utilized various parts of animals (e.g., bone and tendons) and plants (e.g., mescal fiber sandals) in everyday life. Ceremonial objects included shell beads, feathers, gourd rattles, crystals, wands, and various items that made up the ceremonial bundle.~~

~~Gabrieleño~~

~~The arrival of Spanish explorers and the establishment of missions and outposts during the eighteenth century ended the prehistoric period in California. At this time, traditional Gabrieleño society fragmented in the face of foreign diseases and extrication of local Native American groups into the Spanish Missions at San Gabriel and San Juan Capistrano. Bean and Smith believe the Gabrieleño population is impossible to accurately estimate at the time of Spanish arrival but suggest there may have been more than 100 mainland villages, with an average population of 50-200 people per village (i.e., 5,000 to 20,000 people). By 1800, many Gabrieleño people had died or were subjugated under Spanish rule.~~

~~The Gabrieleño were one of the most influential and powerful Native American groups in Southern California. They were a chief-oriented society of semisedentary to sedentary hunter-gatherers. The society exhibited ranked individuals, possibly chiefs, who possessed a much higher level of economic power than unranked persons. Influenced by coastal and interior environmental settings, their material culture was quite elaborate and consisted of well-made wood, bone, stone, and shell items. The Inland Gabrieleño lived in primary villages occupied year-round, supplemented by seasonal gathering camps. Their living structures were large, domed, and circular thatched rooms that may have housed multiple families. Other structures included sweathouses and ceremonial structures. The subsistence economy included a variety of plants and animals, including deer, piñon nuts, and acorns. Acorns were used as trade items for marine resources acquired by coastal groups and other goods, such as obsidian, offered by desert groups.~~

~~Luiseño~~

~~The term Luiseño originated as a description of the native peoples associated with Mission San Luis Rey near Oceanside who shared a similar language, culture, and religious worldview. The Luiseño refer to themselves as Payómkawichum, meaning people of the west (R. Basquez, personal communication April 1, 2014) derived from the word Payómkawic (i.e., westerner [Harrington 1933]). They were distinguished by name from their neighbors west of the Santa Ana Mountains who were brought under the influence of Mission San Juan Capistrano (i.e., Juaneños or~~

~~Acjachemen; 'Axátcmeyam) but shared closely related dialects, culture, and religious customs, leading others to argue that the Payómkawichum and 'Axátcmeyam represented one ethnic nationality. As succinctly stated in recent ethnographic work among the Luiseño, the "anthropological characterization of Luiseño history and geography . . . differs considerably from the Luiseño's own understanding of their origins as explained by the Luiseño Origin Story, or story of creation."~~

~~The Luiseño were a patrilineal society, meaning property, rights, and leadership positions were inherited through the father. The Luiseño also practiced a form of patrilocality, in which related males lived in clusters within a village, while females were either married in or married out of the family. The Luiseño did not maintain moieties, at least not the Coyote and Wildcat moieties common among neighboring groups like the Cahuilla and Serrano, although White suggested that a type of ceremonial moiety system was in place prior to Spanish arrival.~~

~~Luiseño territory was divided into a system of village complexes, village territories, and villages. The village complex, which was like a city, contained multiple villages or neighborhoods, each with their own village territory. The Pechanga Tribe has identified several large village complexes in neighboring areas, including *Sóovamay* centered in Diamond and Domenigoni valleys; *Qaxáalku,* southeast of Lake Matthews; *Paxávxa* in Temescal Canyon; *Páayaxchi* at Lake Elsinore; and *Téemeku* in Temecula.~~

~~Areas within a village territory were connected by trails and pathways, all of which communicated information, both public and private, to the Luiseño. A similar system of trails connected village territories and village complexes to one another and emphasized important concepts of community and commonwealth. Oxendine, White, and others recognized the existence of Luiseño settlement land use patterns within historic village territories; future archaeological research in the project site region may determine just how far back these patterns can be traced into prehistory.~~

~~The Luiseño were, for the most part, hunters, collectors, and harvesters who utilized available resources within their village territories while also maintaining usufruct rights to gather from other village territories. Most food resources were gathered within close proximity to the village, but during certain seasons the family group would move to the coast for marine resources or into the mountains for acorns and deer. This allowed the Luiseño to obtain resources from a variety of ecological zones, which supplied food in all seasons. Environmental niches of particular importance within the project site would have included Riversidian sage scrub and riparian plant communities.~~

~~The Luiseño hunted small and large game, including various hare and rabbit, woodrat, mice, ground squirrels, quail, doves, ducks, and other birds, and both antelope and deer. Tree squirrels, most reptiles, and predators such as coyotes, mountain lions, and bobcats were avoided as food resources, except possibly during lean times. Insects were also available as food resources. Luiseño hunting technology employed for small and large game included throwing sticks; the bow and arrow, typically with a wood or bone point; snares; traps; slings; decoys; disguises; and hunting blinds. Fire also assisted in communal rabbit drives. Many villages also had access to creeks and rivers, and nets, traps, spears, hooks and lines, and poisons were used to catch fish.~~

~~As in most of California, acorns were a major staple, but the roots, leaves, seeds, and fruit of many other plants also were used. Roots and shoots of various types were gathered from marshes and wetlands. Seeds from various grasses and scrub plants such as buckwheat also played an important role in the aboriginal diet and were available for harvest from summer through fall. Certain mushrooms and tree fungi supplemented the diet and were considered delicacies. Teas were made from a variety of floral resources and were used for medicinal cures as well as for beverages. Tobacco and datura were sacred plants used for rituals and medicine.~~

~~Plant and animal processing activities required portable and/or stationary ground stone tools. Bedrock mortars (BRMs) were fixed locations on the landscape utilized in communal, family, and private resource processing settings. They were most populated with slicks, but also contained basin metates and mortars that were worked into the outcrop surface or placed within natural depressions. BRMs were used in tandem with manos and pestles. Portable ground stone tools are sometimes found in association with BRMs but are more commonly associated with village sites, other habitation sites, and resource processing locations that did not contain bedrock outcrops (i.e., complex lithic scatters).~~

~~Most Luiseño houses were conical and partially subterranean; however, during the nineteenth century some had rectangular houses. The dwellings were made of locally available material, such as reeds, brush, or bark. Occupants entered using a door at the side of the shelter, which was sometimes accessed through a short tunnel. Smoke from a central fireplace rose through a hole in the center of the roof. Domestic chores, such as cooking, eating, and social interaction, often occurred under a brush-covered ramada that stood near the house. Earth-covered sweat houses for purification and curing rituals, ceremonial houses with fenced areas, and granaries for food storage were found in most villages.~~

~~***Serrano***~~
~~The history of the Serrano Indians is retained in the oral history of their surviving members. It is also documented in ethnographic studies, historic diaries, mission records, and published sources. The following is a summary of Serrano ethnohistory.~~

~~The Serrano refer to themselves collectively as *Maringayam* in Morongo dialect, which included the *Tumukvayam* in Banning Water Canyon and *Tamianutcem* at Twentynine Palms, or *Maara'yam* in the dialect of the San Manual Indian Reservation in Highland, California. Serrano Traditional Use Area encompasses the San Bernardino Mountains extending south into the Yucaipa Valley, west to the Antelope Valley, east to Twentynine Palms and north of Barstow. The Serrano argued the limits of their traditional territory in a Claims Case against the United States in the 1950s. While Bean and Vane note the territorial description was and remains controversial, they opted to use the description in their study of ethnohistory in Joshua Tree National Park because it was agreed upon by the tribes themselves. The Serrano traditional territory identified in the Claims Case against the United States did not include the Jurupa area, though the Serrano may have occupied the area during the Mexican Period succeeding the Gabrieleño and/or Luiseño.~~

~~The Serrano were organized into two territorial exogamous totemic moieties known as *Tuktum* (Coyote) and *Wahilyam* (Wildcat) and were composed of more than a dozen autonomous clans~~

~~divided into smaller patrilineal bands that occupied defined territories. The Serrano sociopolitical, religious, and ceremonial institutions, including exogamous marriage between clans/moieties and the periodic mourning ceremony, promoted reciprocity between clans. Trade and exchange were also important and allowed for resources available in one ecological zone to be distributed to another. The Serrano's practice of reciprocity and the distribution of resources from one ecological zone operated within a broader mutual interdependence network that promoted group unity and survivability.~~

~~The Serrano practiced a semisedentary lifestyle moving among occupation sites to take advantage of seasonally available resources. Principal villages where larger corporate groups gathered were occupied in the winter, and in some cases year-round, with seasonal camps occupied by smaller bands during the spring, summer, and fall. Many of the principal villages correspond to place names provided by Serrano Indians and recorded in the Franciscan mission sacramental registers.~~

~~Serrano dwellings were used primarily for sleeping and included a central hearth for heat. Most cooking and other residential chores occurred outside in the open or under a ramada-like structure. Serrano material culture included tools and implements for hunting, gathering, and processing food as well as food storage. Common tools included manos and metates, mortars and pestles, knives, scrapers, bows and arrows tipped with stone, bone, and wood tips, ceramic and stone bowls, baskets, and bone implements (e.g., spoons, awls, or stirrers). Other items of Serrano material culture included musical instruments such as rattles and flutes, pipes, strands of shell, stone, and bone beads, abalone shell compacts, and shell and stone pendants.~~

~~Flora utilized by the Serrano included acorns, seeds, piñon nuts, bulbs, tubers, shoots, roots, chia, berries, cacti fruit, and mesquite. Game animals primarily exploited by the Serrano included mountain sheep, antelope, deer, rabbits, small rodents, birds, among which quail were the most desired, and sometimes fish. Bow and arrow were the most common hunting implements but curved throwing sticks, traps, snares, and deadfalls were also used. Communal hunts for deer and rabbits were sometimes held, often in association with Serrano ceremonies. Meats were generally baked in earthen ovens or boiled in watertight baskets containing water, meat, and hot stones. Meat was sometimes parched by tossing it along with hot coals in shallow trays. Bones were often boiled to extract nutritious marrow and blood was consumed hot or cold. Surplus meats were dried for future use. Serrano men were primarily responsible for the hunting.~~

~~The Spanish incursion devastated indigenous populations in Southern California, but some Serrano survived for many years. This was due to a combination of the ruggedness of the terrain in the far eastern San Bernardino Mountains and Mojave Desert and their dispersed populations. During the Mexican Period and into the American Period, Serrano Indians and their neighbors were often targeted and attacked in retribution for the attacks on livestock and ranches by bands of marauders.~~

~~In 1866, three cowboys were murdered at Las Flores Ranch by a group of Chemehuevi or Paiute Indians. In retaliation, a group of American settlers living in the San Bernardino Valley formed a militia and attacked the neighboring Serrano Indians. During a 32-day campaign, most of the Native Americans living in the valley, foothills and mountains were driven from their homes or killed. Some Serrano followed Chief Antonio Sever and worked for the local ranchers in the valley while most~~

~~followed *Yuhaaviatam* clan leader Santos Manuel out of the mountains and into the foothills near Highland. This location became the San Manuel Band of Mission Indians Reservation, which was established by Presidential Order in 1891.~~

Section 3.5 Cultural Resources, 3.5.2 Environmental Setting

Native American Heritage Commission Record Search, Page 3.5-18

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made in the Cultural Resources section of the Draft EIR.

~~Native American Heritage Commission Record Search~~

~~L&L submitted a Sacred Lands File Search request to the Native American Heritage Commission (NAHC) on April 11, 2019. The NAHC responded on April 29, 2019, stating the results were positive for Sacred Sites and recommended the Gabrieleño Band of Mission Indians–Kizh Nation be contacted for more information. Furthermore, the NAHC recommended contacting additional local tribes who may have information on Native American cultural resources in the project site and provided a list of names. On March 5, 2015, six scoping letters were sent to the Tribes and individuals originally identified by the NAHC. On May 1, 2019, an additional 20 scoping letters were sent to Tribes and individuals. For additional information about tribal consultation, please refer to Section 3.18, Tribal Cultural Resources.~~

Section 3.5 Cultural Resources, 3.5.5 Project Impacts and Mitigation Measures

Threshold CUL-1, Pages 3.5-27 through 3.5-29

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made to Cultural Resources Mitigation Measures.

Mitigation Measures

MM CUL-1a **<u>Protection of the Hurunga Oak</u>**

The Hurunga Oak<u>, also known as the Palmer's oak (*Quercus palmeri*),</u> is both a historic resource and a historic tribal cultural resource<u>, as defined by Public Resources Code Section 21074 (a) (1) (A). It is called the "Hurunga Oak" by the Gabrieleño Band of Mission Indians–Kizh Nation</u>. Direct or indirect impacts to the Hurunga Oak<u>, located within a portion of the</u> Native American sacred area (MRN 45)<u>,</u> resulting from the proposed project that may lead to its decay or death would constitute a significant impact on the environment ~~that may not be mitigated or reduced to a level less than significant~~. To ensure the continued existence of the Hurunga Oak ~~Native American sacred area~~, the following steps shall be taken in accordance with City of Jurupa Valley General Plan Policy COS 7.1:

- The project proponent shall design the project to avoid direct impacts to the Hurunga Oak ~~Native American sacred area as delineated on the Sacred Lands File by~~ <u>in coordination with</u> the Gabrieleño Band of Mission Indians–Kizh Nation. <u>Additionally, because the Hurunga Oak (aka Palmer oak) is also a sensitive biological resource, the avoidance area shall include the area identified in MM</u>

BIO-5. ~~If complete avoidance of the area delineated on the Sacred Lands File is not feasible, the project proponent shall minimize impacts within the boundary of the sacred area through project design (e.g., reducing or limiting the construction footprint) and prepare a Cultural Resources Impact Mitigation Plan (CRIMP) to include specific actions for this Environmentally Sensitive Area (ESA) [See MM CUL-8]. The project design and CRIMP shall be developed in coordination with the City and Gabrieleño Band of Mission Indians–Kizh Nation.~~

- ~~Prior to the issuance of a grading permit, the project proponent shall complete a scientific assessment of the Hurunga Oak Native American sacred area to determine, the project's potential to disturb or disrupt, though direct or indirect impacts, the unique conditions that have allowed the oak tree to survive in this location for more than 10,000 years. A scientific specialist with qualifications approved by the City, shall perform the assessment using noninvasive methods to avoid or minimize direct or indirect impacts to the Hurunga Oak during the assessment. The specialist shall delineate the area contributing to the support of the Hurunga Oak; including, as appropriate, hydrology, topography, root system, microhabitat, etc. The project proponent shall avoid impacts within the boundary of the delineated area through project design (e.g., reducing or limiting the construction footprint). A CRIMP will be developed by the project Archaeologist to include specific actions for avoidance of this Environmentally Sensitive Area (ESA) [See MM CUL-8]. The CRIMP shall be circulated to the City and Gabrieleño Band of Mission Indians–Kizh Nation for review and comment.~~

MM CUL-1b **Rattlesnake Mountain (Junā'av) Park Site**

The following measures/conditions will be required to reduce the project's potential direct, indirect, and cumulative impact on Rattlesnake Mountain (*Junā'av*) Ethnographic Area in accordance with the City of Jurupa Valley General Plan Policies COS 7.1, COS 7.2, COS 7.5, COS 7.7, COS 7.8, COS 7.9, and Program COS 7.1.4.

- The project proponent shall name one of its dedicated open space parks Junā'av Park and commission the production of an informational kiosk that will be installed in the park. Installation shall occur prior to the approval/sign off of the landscape and irrigation systems within the park. The kiosk shall include photos and/or illustrations and a narrative description of the Rattlesnake Mountain (*Junā'av*) Ethnographic Area and its contribution to the cultural heritage of the local indigenous population. The information presented on the kiosk shall be developed in coordination with the City and the consulting Native American Tribes.

MM CUL-1c **California Department of Parks and Recreation 523D District Record Form for Junā'av Ethnographic Area**

Prior to the issuance of a grading permit, the project proponent shall hire a qualified Archaeologist identified on the County of Riverside's Cultural Resource Consultant

List which is used by the City of Jurupa Valley (Project Archaeologist), to ~~prepare~~ provide evidence that a California Department of Parks and Recreation (DPR) 523D District Record Form for *Junā'av* Ethnographic Area has been completed that identifies contributing and noncontributing resources, describes its historic function or use, and includes a narrative description and narrative statement of significance in accordance with pertinent guidelines. This measure shall be done in conjunction with MM CUL-2b.

MM CUL-1d **Rattlesnake Mountain [Junā'av], Jurupa Hills [Sokáva], etc. Educational Booklet**

Prior to the issuance of a grading permit, the project proponent shall hire a qualified Archaeologist identified on the County of Riverside's Cultural Resource Consultant List which is used by the City of Jurupa Valley (Project Archaeologist), to conduct archival research and prepare an educational booklet for the public that describes Jurupa (*Hurúpa*/ *Hurú'ŋa*/ *Húutsuvaxpa'*/*Haránka*) and its various ethnographic areas (e.g., Rattlesnake Mountain [*Junā'av*], Jurupa Hills [*Sokáva*], etc.) that contribute to the cultural heritage of indigenous population(s) and Jurupa's local history. The project proponent shall circulate the booklet to the Native American Tribes who participated in the AB 52 consultation process for review and comment prior to publication if requested. The project proponent shall make the booklet available to the City of Jurupa Valley, and provide the local public libraries, government buildings, etc., with copies and potentially on the City's website.

Section 3.5 Cultural Resources, 3.5.5 Project Impacts and Mitigation Measures

Threshold CUL-2, Pages 3.5-30 through 3.5-33

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made to Cultural Resources Mitigation Measures.

Mitigation Measures

MM CUL-2a **Photogrammetric Documentation and Viewshed Analysis**

Prior to the issuance of a grading permit, the project proponent shall hire a qualified Archaeologist identified on the County of Riverside's Cultural Resource Consultant List which is used by the City of Jurupa Valley (Project Archaeologist), to provide evidence that a close range photogrammetric documentation and viewshed analysis (i.e., direct line of sight and 180-degree viewsheds) of all prehistoric sites within the project's direct impact area through the completion of field work. The results of the analysis, including all photos and figures, shall be presented in a technical report attached to the data recovery report. Final reports must be submitted by the Project Archaeologist to the City, project proponent, consulting Native American Tribes, the Eastern Information Center (EIC) located on the campus of the University of California, Riverside, and the South Central Coastal Information Center (SCCIC) located on the campus of California State University, Fullerton prior to final building

inspection and approval (see MM CUL–2f below). The reports shall be transmitted by U.S. Mail, return receipt requested.

MM CUL-2b **Archaeological Phase II Testing and Data Recovery**

Prior to the issuance of a grading permit, the project proponent shall hire a qualified Archaeologist identified on the County of Riverside's Cultural Resource Consultant List which is used by the City of Jurupa Valley (Project Archaeologist), to conduct Phase II testing and a data recovery program, if avoidance is not feasible, through the completion of field work to City of Jurupa Valley standards. Based on the current project design, the testing and data recovery (as needed) will apply to 13 impacted archaeological resources within the project's direct impact area, and any additional resources within 100 feet of the project impact limits. In addition, surface collection of the four prehistoric isolates that fall within the project's direct impact area (33-024196 [MRN 33], 33-024772 [MRN 36], 33-024774 [MRN 38], and 33-024775 [MRN 39]) shall be included in the data recovery plan. If the project design changes, the sites that are impacted may correspondingly change (see MM CUL-2h below).

The Phase II testing and data recovery program shall include preparation of a testing and data recovery plan, completion of testing and data recovery field work, archival research, lab analysis of artifacts recovered, preparation of a data recovery report, and curation of archaeological materials in a local museum or repository or an agreement that artifacts/materials shall be buried within a designated conservation area within the project area limits. The data recovery plan must include an archaeological research design for prehistoric archaeological resources that presents specific research domains/themes of interest, offer questions that shall be investigated through archaeological research and analysis, and identify data requirements necessary to address those questions. The plan shall also include, at a minimum, the following: site descriptions, background contexts, field methods, lab methods, reporting requirements, and a curation agreement with a local repository or a repatriation agreement with consulting ~~tribal groups~~ Native American Tribes. The plan shall be prepared by the ~~project~~ Project Archaeologist and circulated for review and comment to the consulting Native American ~~tribe~~ Tribes and the City prior to implementation.

~~**MM CUL-2c** If the proposed development is located within waters of the US, the project archaeologist acting on behalf of the proponent shall consult with the U.S Army Corps of Engineers (USACE) and the State Historic Preservation Office (SHPO) under Section 106. The project archaeologist shall provide the city with a letter report that includes documentation by the USACE that waters of the US are not present within the project site or that known resources are not present within mapped waters of the US.~~

MM CUL-2d **Cultural Resources Management Plan**

Prior to the issuance of a grading permit, the project proponent shall hire a qualified Archaeologist identified on the County of Riverside's Cultural Resource Consultant List which is used by the City of Jurupa Valley (Project Archaeologist), to prepare, in consultation with the consulting Native American Tribes, the contractor, and the City, a Cultural Resources ~~Impact Mitigation~~ Management Plan (~~CRIMP~~CRMP), to address the details, timing and responsibility of all archaeological and Tribal cultural activities that shall occur on the project site ~~include specific actions for Environmentally Sensitive Areas (ESAs), that applies to the entire project area~~. A consulting Native American Tribe is defined as a Tribe that initiated the AB 52 Tribal consultation process for the project, has not opted out of the AB 52 consultation process, and is engaged in or has completed AB 52 consultation with the City as provided for in California Public Resources Code Section 21080.3.2(b)(1) of AB 52. Details in the ~~The~~ CRMP shall include: ~~a brief description of the cultural resources present, standards and specifications for ESA and the avoided archaeological sites (14 sites currently lie outside of the project design impact area), as well as any resources that fall within 100 feet of the project impact limits. The CRIMP shall reference the Project Specifications, maps and figures and depict the location of ESA and avoided site(s). The CRIMP shall detail the fencing to be required in relation to all avoided culturally sensitive areas, the project's direct impact area and installation location of the fencing. These along with specific treatment measures will ensure the project shall have no impact on the avoided resources.~~

a) Project description and location;
b) Project grading and development scheduling;
c) Roles and responsibilities of individuals on the proposed project;
d) The pre-grading meeting and Cultural Resources Worker Sensitivity Training details;
e) The protocols and stipulations that the contractor, City, consulting Native American Tribe(s) and Project Archaeologist shall follow in the event of inadvertent cultural resources discoveries, human remains/cremations, sacred and ceremonial items, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.
f) The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items.
g) Contact information of relevant individuals for the proposed project.

~~Also included shall be a discussion of key personnel and their specific roles and responsibilities, archaeological monitoring requirements and methods, pre-construction field surveys to identify known and unknown cultural resources, a discussion of archaeological resource classes that may be encountered during construction, and protocols for identifying, evaluating, treating, and curating archaeological resources that may be encountered. The plan submitted to the City~~

~~and consulting Native American tribe(s) via email or other electronic format for review and comment.~~

MM CUL-2e **Archaeological Monitoring During Ground Disturbance**

Prior to the issuance of a grading permit or any permit authorizing ground disturbance, the project proponent shall provide a copy an engagement letter with a ~~A~~ qualified Archaeologist, identified on the County of Riverside's Cultural Resource Consultant List which is used by the City of Jurupa Valley (Project Archaeologist), ~~will~~ to oversee ~~implementation of the Cultural Resources Impact Mitigation Plan (CRIMP)~~ archaeological and Native American monitoring (per MM TCR-1a and MM TCR-1b)~~.~~ ~~This includes archaeological and Native American monitoring~~ on a full-time basis for all grading and ground-disturbing activities until the ~~project~~ Project Archaeologist in coordination with the consulting Tribe(s) and the City determines that resources are not likely to be encountered. ~~The Archaeologist shall also oversee the cultural resource sensitivity training for construction personnel (i.e., Worker Environmental Awareness Program [WEAP]).~~ Should any cultural resources be discovered during ground disturbance ~~implementation of the CRIMP~~, the Monitor(s) shall be authorized to temporarily halt all construction-related activities within a 100-foot radius of the discovery while the resource is recorded onto appropriate California Department of Parks and Recreation (DPR) 523 Forms and evaluated for significance per the Cultural Resources Management Plan (CRMP). ~~in consultation with the qualified Archaeologist~~. ~~If the resource is determined significant, the qualified Archaeologist shall identify measures that shall be implemented to treat cultural resources in accordance with the protocols developed in the CRIMP. No further grading shall occur in the discovery area until the City is notified by the qualified Archaeologist that treatment has been completed.~~

MM CUL-2~~F~~f **Final Archaeological Reports**

Prior to final building inspection and approval, the project proponent shall provide the City of Jurupa Valley with a draft Phase II testing and data recovery report, draft archaeological monitoring report, draft California Department of Parks and Recreation (DPR) 523D District Record Form for the *Junā'av* Ethnographic Area including the photogrammetric documentation and viewshed analysis, draft educational booklet for Jurupa (*Hurúpa*/ *Hurú'ŋa*/ *Húutsuvaxpa'*/*Haránka*), and one or more of the following, (1) a receipt of payment to a local museum or repository for the curation of archaeological materials generated during implementation of the data recovery program and/or monitoring program, (2) an agreement that artifacts/materials will be buried within a designated conservation area within the project area limits or (3) a Tribal repatriation agreement. The Phase II testing, data recovery report and archaeological monitoring report should follow Archaeological Resource Management Report (ARMR) format and content guidelines developed by the California Office of Historic Preservation (OHP). They shall, at a minimum, present the results of field work, lab analysis, archival research, special studies, and

identify the final disposition of artifacts. The project proponent shall provide a final testing, data recovery and monitoring reports. Reports shall address comments from the City, project proponent, and/or consulting Native American Tribe(s). Final reports ~~will~~ shall be submitted to the City, project proponent, consulting Native American Tribe(s), the Eastern Information Center (EIC) located on the campus of the University of California, Riverside, and the South Central Coastal Information Center (SCCIC) located on the campus of California State University, Fullerton. The reports shall be transmitted by the project proponent or their designee via US Mail return receipt requested.

MM CUL-2g **Resurvey of Site 33-003494 (MRN 3) and Site 33-003497 (MRN 6)**

Prior to the issuance of a grading permit, the project proponent shall hire a qualified Archaeologist identified on the County of Riverside's Cultural Resource Consultant List which is used by the City of Jurupa Valley (Project Archaeologist), to resurvey ~~the project site and~~ sites 33-003494 (MRN 3) and 33-003497 (MRN 6). These previously recorded archaeological resources were not found during the current study and may have been obscured. These resources fall within the current direct impact area. Should the previously recorded resources be found, they would be subject to the same treatment measures placed on other prehistoric archaeological sites to reduce potentially significant impacts resulting from the project. The results of this survey shall be reported by the ~~project~~ Project Archaeologist in a letter report and provided to the City by the project proponent at or before grading permit issuance.

MM CUL-2h **Project Design Modifications**

The following steps shall be taken to reduce potential impacts to historic and archaeological resources resulting from project design modifications:

If at any time, the Rio Vista Specific Plan development footprint is modified, project impacts to cultural resources shall be reviewed by an Archaeologist identified on the County of Riverside's Cultural Resource Consultant List which is used by the City of Jurupa Valley (Project Archaeologist) to determine whether additional studies may be required prior to issuance of the grading permit, or prior to any project-related disturbances. The Project Archaeologist in coordination with the City of Jurupa Valley, shall determine whether an update of existing literature searches, consultation, or coordination with the NAHC and the ~~Consulting Tribal entities~~ consulting Native American Tribes, survey work, Phase II testing, data recovery and/or other work is necessary based upon the nature of the proposed project and resultant impacts to cultural resources or Tribal Cultural Resources (TCRs). ~~If a new application is submitted to the City or new/revised Specific Plan is submitted to the City, the City shall follow the requirements of Assembly Bill (AB) 52 consultation and/or Senate Bill (SB) 18.~~

Project modifications may include, but are not limited to, an increase in development impact acreage beyond what is addressed in this ~~report~~ Draft EIR~~, newly identified impacts to any resources described in this report~~ or within 100 feet of any resources, and/or the addition of recreational trails, trailheads utilizing existing dirt paths, or any other development that may increase public accessibility and the potential for vandalism or disturbance to cultural resources in areas proposed as open space.

Section 3.5 Cultural Resources, 3.5.5 Project Impacts and Mitigation Measures

Threshold CUL-3, Page 3.5-35

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made to Cultural Resources Mitigation Measures.

MM CUL-3a Inadvertent Discovery of Human Remains

There is always the possibility that ground-disturbing activities during construction may uncover previously unknown buried human remains. In the event that human or potential human remains are encountered, the following steps shall be taken to reduce potential impacts to inadvertent discoveries of human remains:

In the event of discovery of human bone, potential human bone, or a known or potential human burial or cremation, all ground-disturbing work within 100-feet of the discovery shall halt immediately and the County Coroner and the Lead Agency shall be immediately notified. California State Health and Safety Code 7050.5 dictates that no further disturbance shall occur until the County Coroner has made necessary findings as to origin and disposition pursuant to CEQA regulations and PRC Section 5097.98. If the County Coroner determines that the remains are Native American, the NAHC shall be notified within 24 hours and guidelines of the NAHC shall be adhered to in treatment and disposition of the remains. ~~The Lead Agency shall also retain a professional Archaeologist with Native American burial experience to conduct a field investigation of the find and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. As necessary and appropriate, the Archaeologist may provide professional assistance to the MLD, including excavation and removal of the human remains. The Lead Agency shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines Section 15064.5(e) and PRC Section 5097.98. The project contractor shall implement approved mitigation measure(s), to be verified by the Lead Agency, prior to resuming ground-disturbing activities within 100 feet of where the remains were discovered.~~

~~**MM CUL-3b** During the development of the CRIMP and Data Recovery Plan, the proponent or the archaeologist hired to prepare the documents will coordinate with the Consulting Native American tribe. Consistent with MM CUL 6 and 8, Project archaeologist shall develop the draft plan and transmit the plans to the consulting Native American~~

~~tribes, The Tribe(s) shall have 45 days to respond with any comments or information they wish to provide. The Tribal comments shall be addressed in the plan and copies of the transmittal letter and the Tribal responses shall be attached to the plan. Evidence of coordination with a tribe shall be included in the plan (e.g. certified letter or email.~~

Section 3.9 Hazards and Hazardous Materials, 3.9.6 Cumulative Impacts

Page 3.9-24

In response to Comment CALFIRE-RCFD-8, and to provide clarification, "CAL FIRE" is removed from the Draft EIR as shown below:

Cumulative impacts related to emergency response and evacuation plans would be less than significant. Riverside County and local law enforcement and fire departments conduct evacuation exercises annually to prepare for emergency situations. Evacuations in the project site area are an emergency support function that local law enforcement organizes and coordinates with Riverside County. Larger regional and statewide impacts would be regulated by State agencies to address larger-scale statewide issues. For these reasons, cumulative impacts associated with emergency response and evacuation plans would be less than significant. Moreover, the proposed project's incremental contribution to these less than significant cumulative impacts would not be significant. The proposed project would not conflict with or impair an emergency response plan or emergency evacuation plan, because it consists of various roadway improvements and improved circulation and would not result in any impairment to access roads. In addition, while the proposed project is located in a high fire severity zone, the proposed project would be required to comply with minimum fire safety standards as defined in the City Building or Fire Codes, or by City zoning, or as dictated by the Building Official of the Transportation Land Management Agency based on building type, design, occupancy, and use. To ensure a less than significant contribution to cumulative impacts, development consistent with the Rio Vista Specific Plan would be required to implement all applicable policies during the design review process. As the City receives development applications, those applications will be reviewed by the City for compliance with the applicable policies. In addition, a provision will be required to ensure that adequate fire protection service through agreements with Riverside Fire Department, ~~CAL FIRE/~~Riverside County Fire Department, and local law enforcement and fire departments. The proposed project would not have a significant cumulative impact related to emergency response plans, emergency evacuation plans, or wildland fire hazards.

Section 3.11 Land Use and Planning, 3.11-5 General Plan Consistency Analysis

Page 3.11-24

In response to Comment CFBD-9, the Consistency Determination for General Plan Policy COS 1.3 is revised:

Element	Policy		Consistency Determination
	No.	Text	
Conservation and Open Space	Policy COS 1.3	**Other Significant Vegetation.** Maintain and conserve superior examples of vegetation, including: agricultural wind screen plantings, street trees, stands of mature native and non-native trees, and other features of ecological, aesthetic, and conservation value.	**Consistent:** The proposed project would preserve 510.8 acres (approximately 55 percent of the project site) as open space. This area includes significant vegetation. The on-site Palmer's oak is located within the 510.8 acres designated as Open Space and to be preserved.

Section 3.11 Land Use and Planning, 3.11.4 Project Impacts and Mitigation Measures

Threshold LU-2, Page 3.11-40

In response to Comment LAFCO-2, the consistency analysis with the Rubidoux Community Services District (RCSD) required documents is revised to clarify that receipt of the items identified in Table 3.11-6 would not constitute an automatic approval of the annexation to RCSD, but rather would allow the annexation application to be deemed complete.

> *Rubidoux Community Services District*
>
> On March 17, 2022, the Riverside County Local Agency Formation Commission (LAFCo) informed the applicant that the request to annex the proposed project into the service area of the Rubidoux Community Services District (RCSD) is approved, pending completion of several outstanding approvals. With the assumption that the proposed project, i.e., the new Rio Vista Specific Plan, would be adopted by the City, consistency with the outstanding items are evaluated in Table 3.11-6 below.
>
> The majority of the items are pending adoption of the proposed project (i.e., the new Rio Vista Specific Plan) and certification of the EIR by the City. With the assumption that these two documents would be adopted by the City, the proposed project would be able to provide the required documents to LAFCo, allowing the annexation application to be deemed complete ~~and RCSD would complete the annexation~~.

Section 3.15 Public Services, 3.15.5 Project Impacts and Mitigation Measures

Threshold PUB-1, page 3.15-11

In response to Comment CALFIRE-RCFD-8, "CAL FIRE" would be removed from the Draft EIR and replaced with "RCFD" as shown below:

> According to ~~CAL FIRE~~RCFD, "Station 38 is approximately a 5-minute response from the Rio Vista project site."

Section 3.18 Tribal Cultural Resources, 3.18.1 Introduction

Page 3.18-1

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made in the Tribal Cultural Resources section of the Draft EIR.

This section describes the existing tribal cultural resources setting and potential effects from project implementation on the site and its surrounding area. ~~Information in this section is based on a Cultural Resources Assessment (CRA) prepared by L&L Environmental, Inc. (L&L) on September 18, 2017, and last revised on December 21, 2021,[1] (Appendix D), and subsequent consultation with tribal representatives identified by the Native American Heritage Commission (NAHC) who may have interest in or additional information on tribal cultural resources that may be impacted by project development.~~ For the purposes of the California Environmental Quality Act (CEQA), the Tribal Cultural Resources (TCRs) may be broadly defined as follows:

- **Tribal Cultural Resources:** Tribal cultural resources include sites, features, places, or objects that are of cultural value to one or more California Native American Tribes.

More specifically, TCRs may be understood as resources that have been formally recognized by a lead agency and/or are listed or determined eligible for listing on the California Register of Historical Resources (CRHR) (Public Resources Code [PRC] § 5024.1, Title 14 California Code of Regulations [CCR] § 4852). TCRs may also include archaeological and historic resources (see Section 3.5, Cultural Resources, for discussion and analysis of impacts relating to archaeological and historic resources). It is notable that the fact that a resource is not yet identified as a TCR or found eligible for the CRHR does not preclude a lead agency from determining that said resource is a TCR pursuant to Public Resources Code Sections 5020.1(j) or 5024.1. Under CEQA, a substantial adverse change in the significance of a TCR would constitute a significant effect on the environment.

One public comment letter was received during the Environmental Impact Report (EIR) scoping period related to tribal cultural resources:

- The NAHC recommended Tribal consultation as well as record searches pursuant to CEQA and State and federal laws.

Confidentiality

With some exceptions, any information, including but not limited to, the location, description, and use of TCRs submitted by a California Native American Tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code Section 6254 (r) and Section 6254.10. Any information submitted by a California Native American Tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the Tribe that provided the information consents, in writing, to the

[1] L&L Environmental, Inc. 2019. Cultural Resources Assessment, Rio Vista Specific Plan 16001, City of Jurupa Valley, Riverside County, California. June 12. Most recently updated: December 21, 2021.

disclosure of some or all of the information to the public. (PRC § 21082.3 (c)(1)). Therefore, this section relies, in large part, on the government-to-government consultation process required by SB 18—Protection of Tribal Cultural Places and AB 52—Effects on Tribal Cultural Resources.

Tribal Expertise

CEQA Guidelines Section 21080.3.1(s) notes that "the legislature finds and declares that California Native American Tribes. . . may have expertise concerning their tribal cultural resources." Based on guidance from the California Office of Planning and Research (OPR), substantial evidence that may support the lead agency's determination may include Tribal elder testimony, oral history, Tribal government archival information, the testimony of a qualified Archaeologist certified by the relevant Tribe, testimony of an expert certified by the Tribal government, official Tribal government declarations or resolutions, formal statements from a certified Tribal Historic Preservation Officer, and historical notes or other anthropological records. As such, the analysis in this section considers the information obtained during the government-to-government Tribal consultation process that the City engaged in with the Tribes who consulted under AB 52 and SB 18.

Section 3.18 Tribal Cultural Resources, 3.18.1 Introduction

Page 3.18-2

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made in the Tribal Cultural Resources section of the Draft EIR.

~~Native American Background~~

~~Cahuilla~~

~~The ethnohistory of the Cahuilla Indians is documented in academic studies, mission records, and major published sources. The San Gorgonio Pass, Coachella Valley, and Santa Rosa and San Jacinto Mountains were occupied by the Cahuilla people at the time of Spanish arrival in 1769. By the early 1800s, the Cahuilla had expanded into northern Riverside County. The Cahuilla were organized into at least 12 differed patrilineal clans that owned large spans of territory that included multiple ecological zones at high and low elevations. This allowed the Cahuilla people to exploit a wide range of plant and animal resources in different seasons. Cahuilla groups are often distinguished by the topographic region (i.e., desert, mountain, and pass) in which they established permanent settlements.~~

~~Desert Cahuilla settlements congregated around the shoreline of ancient Lake Cahuilla as well as near the mouth of canyons and valleys in areas that could supply many of their food resources within a 5-mile area. As the lake receded, the Cahuilla moved their villages and adapted their subsistence practices. Pass Cahuilla also established settlements in or near the mouths of canyons and valleys. Mountain Cahuilla occupied settlements between 3,000 and 5,000 feet in the San Jacinto and Santa Rosa Mountains.~~

~~Cahuilla clans operated within a hierarchical politico-religious structure, each with one or more ceremonial units that served as a "symbolic representation of the sociopolitical reality of the group." These groups were part of a ritual congregation connecting autonomous groups to the broader sociopolitical, religious, and economic networks.~~

~~The Cahuilla were hunter-gatherers for the most part and may have incorporated agriculture into their subsistence foci prior to European contact. Among the animals the Cahuilla hunted were Pronghorn sheep, mule deer, rabbits, squirrels, chipmunks, desert tortoise, rats, and mice. The Cahuilla often organized communal rabbit hunts prior to ceremonial gatherings to provide food for guests and participants. When available, the Cahuilla also hunted fish and birds along the shoreline of ancient Lake Cahuilla.~~

~~Cahuilla material culture included an array of utilitarian and ceremonial objects. Cahuilla were well known for their woven baskets. They were also expert potters and used ceramics to craft many different items for storage, cooking, and other uses. Stone and wood implements were integral to daily Cahuilla life. Wooden mortars and pestles were used to process mesquite beans and other seeds and plant materials as were stone manos and pestles used with stone mortars, metates, and bedrock slicks. Cryptocrystalline and microcrystalline silicates, metavolcanics, and obsidian, among other stone materials, were worked into knives, blades, scrappers, and projectile points to tip wood arrows. Wood was utilized for bow construction, pestles and mortars, arrow shafts, throwing sticks, digging sticks, and flutes. The Cahuilla also utilized various parts of animals (e.g., bone and tendons) and plants (e.g., mescal fiber sandals) in everyday life. Ceremonial objects included shell beads, feathers, gourd rattles, crystals, wands, and various items that made up the ceremonial bundle.~~

~~Gabrieleño~~

~~The arrival of Spanish explorers and the establishment of missions and outposts during the eighteenth century ended the prehistoric period in California. At this time, traditional Gabrieleño society fragmented in the face of foreign diseases and extrication of local Native American groups into the Spanish Missions at San Gabriel and San Juan Capistrano. Bean and Smith believe the Gabrieleño population is impossible to accurately estimate at the time of Spanish arrival but suggest there may have been more than 100 mainland villages, with an average population of 50-200 people per village (i.e., 5,000 to 20,000 people). By 1800, many Gabrieleño people had died or were subjugated under Spanish rule.~~

~~The Gabrieleño were one of the most influential and powerful Native American groups in Southern California. They were a chief-oriented society of semisedentary to sedentary hunter-gatherers. The society exhibited ranked individuals, possibly chiefs, who possessed a much higher level of economic power than unranked persons. Influenced by coastal and interior environmental settings, their material culture was quite elaborate and consisted of well-made wood, bone, stone, and shell items. The Inland Gabrieleño lived in primary villages occupied year-round, supplemented by seasonal gathering camps. Their living structures were large, domed, and circular thatched rooms that may have housed multiple families. Other structures included sweathouses and ceremonial structures. The subsistence economy included a variety of plants and animals, including deer, piñon nuts, and acorns. Acorns were used as trade items for marine resources acquired by coastal groups and other goods, such as obsidian, offered by desert groups.~~

~~Luiseño~~

~~The term Luiseño originated as a description of the native peoples associated with Mission San Luis Rey near Oceanside who shared a similar language, culture, and religious worldview. The Luiseño refer to themselves as *Payómkawichum*, meaning people of the west (R. Basquez, personal~~

~~communication April 1, 2014), derived from the word *Payómkawic* (i.e., westerner [Harrington 1933]). They were distinguished by name from their neighbors west of the Santa Ana Mountains who were brought under the influence of Mission San Juan Capistrano (i.e., Juaneños or Acjachemen; *'Axátcmeyam*) but shared closely related dialects, culture, and religious customs (Harrington 1933), leading others to argue that the *Payómkawichum* and *'Axátcmeyam* represented one ethnic nationality. As succinctly stated in recent ethnographic work among the Luiseño, the "anthropological characterization of Luiseño history and geography . . . differs considerably from the Luiseño's own understanding of their origins as explained by the Luiseño Origin Story, or story of creation."~~

~~The Luiseño were a patrilineal society, meaning property, rights, and leadership positions were inherited through the father. The Luiseño also practiced a form of patrilocality in which related males lived in clusters within a village, while females were either married in or married out of the family. The Luiseño did not maintain moieties, at least not the Coyote and Wildcat moieties common among neighboring groups like the Cahuilla and Serrano, although White suggested that a type of ceremonial moiety system was in place prior to Spanish arrival.~~

~~Luiseño territory was divided into a system of village complexes, village territories, and villages. The village complex, which was like a city, contained multiple villages or neighborhoods, each with their own village territory. The Pechanga Tribe has identified several large village complexes in neighboring areas, including *Sóovamay,* centered in Diamond and Domenigoni valleys; *Qaxáalku,* southeast of Lake Matthews; *Paxávxa* in Temescal Canyon; *Páayaxchi* at Lake Elsinore; and *Téemeku* in Temecula.~~

~~Areas within a village territory were connected by trails and pathways, all of which communicated information, both public and private, to the Luiseño. A similar system of trails connected village territories and village complexes to one another and emphasized important concepts of community and commonwealth. Oxendine, White, and others recognized the existence of Luiseño settlement land use patterns within historic village territories; future archaeological research in the project site region may determine just how far back these patterns can be traced into prehistory.~~

~~The Luiseño were, for the most part, hunters, collectors, and harvesters who utilized available resources within their village territories while also maintaining usufruct rights to gather from other village territories. Most food resources were gathered within close proximity to the village, but during certain seasons the family group would move to the coast for marine resources or into the mountains for acorns and deer. This allowed the Luiseño to obtain resources from a variety of ecological zones, which supplied food in all seasons. Environmental niches of particular importance within the project site would have included Riversidian sage scrub and riparian plant communities.~~

~~The Luiseño hunted small and large game, including various hare and rabbit, woodrat, mice, ground squirrels, quail, doves, ducks, and other birds, and both antelope and deer. Tree squirrels, most reptiles, and predators, such as coyotes, mountain lions, and bobcats, were avoided as food resources, except possibly during lean times. Insects were also available as food resources. Luiseño hunting technology employed for small and large game included throwing sticks; the bow and arrow, typically with a wood or bone point; snares; traps; slings; decoys; disguises; and hunting blinds. Fire~~

~~also assisted in communal rabbit drives. Many villages also had access to creeks and rivers, and nets, traps, spears, hooks and lines, and poisons were used to catch fish.~~

~~As in most of California, acorns were a major staple, but the roots, leaves, seeds, and fruit of many other plants also were used. Roots and shoots of various types were gathered from marshes and wetlands. Seeds from various grasses and scrub plants such as buckwheat also played an important role in the aboriginal diet and were available for harvest from summer through fall. Certain mushrooms and tree fungi supplemented the diet and were considered delicacies. Teas were made from a variety of floral resources and were used for medicinal cures as well as for beverages. Tobacco and datura were sacred plants used for rituals and medicine.~~

~~Plant and animal processing activities required portable and/or stationary ground stone tools. Bedrock mortars (BRMs) were fixed locations on the landscape utilized in communal, family, and private resource processing settings. They were most populated with slicks but also contained basin metates and mortars that were worked into the outcrop surface or placed within natural depressions. BRMs were used in tandem with manos and pestles. Portable ground stone tools are sometimes found in association with BRMs but are more commonly associated with village sites, other habitation sites, and resource processing locations that did not contain bedrock outcrops (i.e., complex lithic scatters).~~

~~Most Luiseño houses were conical and partially subterranean; however, during the nineteenth century some had rectangular houses. The dwellings were made of locally available material, such as reeds, brush, or bark. Occupants entered using a door at the side of the shelter, which was sometimes accessed through a short tunnel. Smoke from a central fireplace rose through a hole in the center of the roof. Domestic chores, such as cooking, eating, and social interaction, often occurred under a brush-covered ramada that stood near the house. Earth-covered sweat houses for purification and curing rituals, ceremonial houses with fenced areas, and granaries for food storage were found in most villages.~~

~~Serrano~~

~~The history of the Serrano Indians is retained in the oral history of their surviving members. It is also documented in ethnographic studies, historic diaries, mission records, and published sources. The following is a summary of Serrano ethnohistory.~~

~~The Serrano refer to themselves collectively as *Maringayam* in Morongo dialect, which included the *Tumukvayam* in Banning Water Canyon and *Tamianutcem* at Twentynine Palms, or *Maara'yam* in the dialect of the San Manual Indian Reservation in Highland, California. Serrano Traditional Use Area encompasses the San Bernardino Mountains extending south into the Yucaipa Valley, west to the Antelope Valley, east to Twentynine Palms, and north of Barstow. The Serrano argued the limits of their traditional territory in a Claims Case against the United States in the 1950s. While Bean and Vane note the territorial description was and remains controversial, they opted to use the description in their study of ethnohistory in Joshua Tree National Park because it was agreed upon by the tribes themselves. The Serrano traditional territory identified in the Claims Case against the United States did not include the Jurupa area, though the Serrano may have occupied the area during the Mexican Period succeeding the Gabrieleño and/or Luiseño.~~

~~The Serrano were organized into two territorial exogamous totemic moieties known as *Tuktum* (Coyote) and *Wahilyam* (Wildcat) and were composed of more than a dozen autonomous clans divided into smaller patrilineal bands that occupied defined territories. The Serrano sociopolitical, religious, and ceremonial institutions, including exogamous marriage between clans/moieties and the periodic mourning ceremony, promoted reciprocity between clans. Trade and exchange were also important and allowed for resources available in one ecological zone to be distributed to another. The Serrano's practice of reciprocity and the distribution of resources from one ecological zone operated within a broader mutual interdependence network that promoted group unity and survivability.~~

~~The Serrano practiced a semisedentary lifestyle moving among occupation sites to take advantage of seasonally available resources. Principal villages where larger corporate groups gathered were occupied in the winter, and in some cases year-round, with seasonal camps occupied by smaller bands during the spring, summer, and fall. Many of the principal villages correspond to place names provided by Serrano Indians and recorded in the Franciscan mission sacramental registers.~~

~~Serrano dwellings were used primarily for sleeping and included a central hearth for heat. Most cooking and other residential chores occurred outside in the open or under a ramada-like structure. Serrano material culture included tools and implements for hunting, gathering, and processing food as well as food storage. Common tools included manos and metates, mortars and pestles, knives, scrapers, bows and arrows tipped with stone, bone, and wood tips, ceramic and stone bowls, baskets, and bone implements (e.g., spoons, awls, or stirrers). Other items of Serrano material culture included musical instruments such as rattles and flutes, pipes, strands of shell, stone, and bone beads, abalone shell compacts, and shell and stone pendants.~~

~~Flora utilized by the Serrano included acorns, seeds, piñon nuts, bulbs, tubers, shoots, roots, chia, berries, cacti fruit, and mesquite. Game animals primarily exploited by the Serrano included mountain sheep, antelope, deer, rabbits, small rodents, birds, among which quail were the most desired, and sometimes fish. Bow and arrow were the most common hunting implements but curved throwing sticks, traps, snares, and deadfalls were also used. Communal hunts for deer and rabbits were sometimes held, often in association with Serrano ceremonies. Meats were generally baked in earthen ovens or boiled in watertight baskets containing water, meat, and hot stones. Meat was sometimes parched by tossing it along with hot coals in shallow trays. Bones were often boiled to extract nutritious marrow and blood was consumed hot or cold. Surplus meats were dried for future use. Serrano men were primarily responsible for the hunting.~~

~~The Spanish incursion devastated indigenous populations in Southern California, but some Serrano survived for many years. This was due to a combination of the ruggedness of the terrain in the far eastern San Bernardino Mountains and Mojave Desert and their dispersed populations. During the Mexican Period and into the American period, Serrano Indians and their neighbors were often targeted and attacked in retribution for the attacks on livestock and ranches by bands of marauders.~~

~~In 1866, three cowboys were murdered at Las Flores Ranch by a group of Chemehuevi or Paiute Indians. In retaliation, a group of American settlers living in the San Bernardino Valley formed a militia and attacked the neighboring Serrano Indians. During a 32-day campaign, most of the Native~~

~~Americans living in the valley, foothills and mountains were driven from their homes or killed. Some Serrano followed Chief Antonio Sever and worked for the local ranchers in the valley while most followed *Yuhaaviatam* clan leader Santos Manuel out of the mountains and into the foothills near Highland. This location became the San Manuel Band of Mission Indians Reservation, which was established by Presidential Order in 1891.~~

~~Records Searches to Identify Existing Tribal Cultural Resources~~

NAHC Sacred Lands File Search and Tribal Correspondence

~~L&L submitted a Sacred Lands File Search request to the NAHC on February 19, 2015, and an updated request was sent on April 11, 2019. The NAHC responded initially on March 3, 2015, and an updated respond was received on April 29, 2019. These responses stated that the results were positive for Sacred Sites and recommended the Gabrieleño Band of Mission Indians–Kizh Nation be contacted for more information. Furthermore, the NAHC recommended contacting additional local tribes who may have information on Native American cultural resources in the project site and provided a list of names. On March 5, 2015, six scoping letters were sent to the Tribes and individuals originally identified by the NAHC. On May 1, 2019, an additional 20 scoping letters were sent to Tribes and individuals. Follow-up emails, telephone calls, letters, and field visits were completed between May 2, 2019, and September 28, 2020. The Morongo Band of Mission Indians, the Agua Caliente Band of Cahuilla Indians, the Cahuilla Band of Indians, the Los Coyotes Band of Indians, and the Gabrieleño Band of Mission Indians–Kizh Nation have responded to requests for information.~~

~~The Los Coyotes Band provided updated contact information for their Environmental Director but did not comment on the proposed project. The Agua Caliente Band deferred comment to other Tribes in the area and stated they wanted to conclude their consultation efforts for the proposed project. The Cahuilla Band stated that the project site was within the Cahuilla traditional use area and was concerned over the possibility that cultural resources may be unearthed during project construction. The Cahuilla Band requested Tribal Monitors from Cahuilla be present during all ground-disturbing activities associated with the proposed project.~~

~~The Morongo Band requested the incorporation of the Tribe's Standard Development Conditions relating to the discovery of human remains and Native American cultural resources. In addition, the Tribe requested a copy of the Eastern Information Center (EIC) records search, an update on the results of the Phase I survey, and monitoring. Further, the Morongo Band indicated that they might provide additional information to the lead agency during the Assembly Bill (AB) 52 consultation process.~~

~~The Gabrieleño Band of Mission Indians–Kizh Nation identified an ancient oak tree and 44 acres of land in the Jurupa Mountains (i.e., Rattlesnake Mountain) as a Sacred Site (N-RIV-123). Furthermore, they stated the ancient oak was nominated as the Sacred Oak of the Kizh (aka Gabrieleño). The ancient oak is sacred and of extreme importance to the tribe. Chairman Andy Salas provided L&L confidential maps and records depicting the location of the ancient oak and other known sites in the project site vicinity.~~

The NAHC's Sacred Lands Inventory is a confidential catalog of Native American sacred and cultural sites on public and private lands. It is authorized in statute by Public Resources Code Section 5097.94 (a), which authorizes the NAHC "to identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands," and Public Resources Code Section 5097.95, which authorizes the NAHC to "prepare an inventory of Native American sacred places that are located on public lands." CEQA lead agencies that are conducting an environmental review of a proposed project prior to granting a permit or license for that project typically request a search of the Sacred Lands Inventory as part of the CEQA environmental review process to determine whether a project has an impact on Native American cultural resources. If a Sacred Lands Inventory search reveals that a Native American cultural resource is in a project area (called "positive") the NAHC does not provide the name or location of the sites. Instead, the NAHC provides the requesting party a list of the California Native American Tribes on its AB 52/SB 18 Tribal Consultation Lists that are traditionally and culturally affiliated to the project area so that the CEQA lead agency may consult with the Tribes to discuss avoidance, preservation in place, or mitigation of impacts to any Native American cultural resources in a project area. The NAHC maintains a confidential Sacred Lands File (SLF) database which contains resources of traditional, cultural, or religious value to the Native American community. The NAHC was contacted on October 7, 2021, to request a search of the SLF. The NAHC responded to the request in a letter dated November 19, 2021, indicating that the results were positive. The response letter did not provide details on resources within the project site.

Section 3.18 Tribal Cultural Resources, 3.18.3 Regulatory Framework

Jurupa Valley2017 General Plan, Page 3.18-13

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made in the Tribal Cultural Resources section of the Draft EIR.

~~**COS 7.7 Qualified archaeologist present**: Cease construction or grading activities in and around sites where substantial archaeological resources are discovered until a qualified archaeologist knowledgeable in Native American cultures can determine the significance of the resource and recommend alternative mitigation measures.~~

Section 3.18 Tribal Cultural Resources, 3.18.5 Project Impacts and Mitigation Measures

Thresholds TCR-1 and TCR-2, Page 3.18-16

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made in the Tribal Cultural Resources section of the Draft EIR.

Impact Analysis

~~L&L submitted a Sacred Lands File Search request to the NAHC on February 19, 2015, and an updated request was sent on April 11, 2019. The NAHC responded initially on March 3, 2015, and an updated respond was received on April 29, 2019. These responses stated that the results were positive for Sacred Sites in the project site. The L&L CRA identified 26 cultural resources within the direct impact area, 13 of which are recommended eligible for the CRHR individually and/or as contributors to the significance of a district and are considered historical resources for the purposes~~

~~of CEQA. These resources include 10 archaeological sites, one prehistoric component of a mixed component site, and two historically significant areas (*Hurunga* Oak and Rattlesnake Mountain (*Junā'av*)). All 13 eligible sites are associated with tribes and may be considered eligible TCRs pursuant to CEQA.~~

Section 3.18 Tribal Cultural Resources, 3.18.5 Project Impacts and Mitigation Measures

Thresholds TCR-1 and TCR-2, Page 3.18-17

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made in the Tribal Cultural Resources section of the Draft EIR.

The City issued SB 18 Notices in 2016 and AB 52 Notices on February 14, 2022. The results of both the AB 52 and SB 18 processes are shown on Table 3.18-1.

Table 3.18-1: Summary of AB 52 and SB 18 Consultation Process

Tribe	AB 52 Notice	SB 18 Notice	Result
Gabrieleño Band of Mission Indians–Kizh Nation	X	X	City ~~accepted~~ incorporated Tribes proposed mitigation measures
Soboba Band Luiseño Indians	X	X	City ~~accepted~~ incorporated Tribes proposed mitigation measures
Agua Caliente Band of Cahuilla Indians	X	X	No response
Agua Caliente Band of Cahuilla Indians	X	X	No response
Pala Band of Mission Indians	X	X	Stated that the project is outside their culturally affiliated area
Yuhaaviatam of San Manuel Nation	X	X	Stated they did not wish to participate
Torres Martinez Desert Cahuilla Indians	X	X	No response

As indicated in Table 3.18-1 above, only the Gabrieleño Band of Mission Indians–Kizh Nation (Gabrieleño) and the Soboba Band Luiseño Indians (Soboba) expressed interest in participating in AB 52/SB 18 consultation. During the Tribal consultation process, the City held several meetings with the Gabrieleño and Soboba representatives and received proposed mitigation measures from both entities. The Gabrieleño and the Soboba provided the City with proposed mitigation measures. The Gabrieleño also prepared a Tribal Cultural Resource Identification Report for the project site (Appendix E). ~~The City agrees with the findings and accepts the proposed mitigation measures.~~ The Soboba is preparing a Tribal Cultural Resources/Tribal Cultural Place Analysis which is not completed as of the date of this analysis. However, based on consultation with Soboba, they have submitted mitigation measures that take into account the anticipated TCRs that are located on the project site. These resources will be included in the CRMP required by MM CUL-2d.

Section 3.18 Tribal Cultural Resources, 3.18.5 Project Impacts and Mitigation Measures

Thresholds TCR-1 and TCR-2, Pages 3.18-18 through 3.18-21

In response the Soboba Band of Luiseño Indians' comments, provided as part of AB 52 Tribal Consultation, the following edits are made to the Cultural Resources Mitigation Measures.

Mitigation Measures

Implement MM CUL-1a, MM CUL-1b, MM CUL-1c MM CUL-1d, MM CUL-2a, MM CUL-2b, ~~MM CUL-2c,~~ MM CUL-2d, MM CUL-2e, MM CUL-2f, MM CUL-2g, MM CUL-2h, and MM CUL-3a~~, and MM CUL-3b~~.

MM TCR-1a **~~Multiple Consulting Tribes~~ Tribal Resources Component of the Cultural Resources Management Plan**

Prior to issuance of grading permit, or excavation, trenching, cleaning, grubbing, tree removals, grading and trenching, a qualified Archaeologist identified on the County of Riverside's Cultural Resource Consultant List which is used by the City of Jurupa Valley (Project Archaeologist), in consultation with the consulting Native American Tribes, the contractor, and the City, shall include in the Cultural Resources Management Plan (CRMP) required by MM CUL-2d, the following components regarding Native American Tribal Cultural Resources (TCRs) as provided for in Public Resources Code Section 21084.3: ~~the Developer/Permit Applicant shall engage each of the consulting tribe(s) regarding Native American Monitoring. The Developer/Permit Applicant shall provide evidence to the City that they have reached an agreement with each consulting tribe(s) regarding the following:~~

~~1. The treatment of known cultural resources.~~

~~2. The treatment and final disposition of any tribal cultural resources, sacred sites, human remains, or archaeological and cultural resources inadvertently discovered on the Project site.~~

~~3. Project grading, ground disturbance (including but not limited to excavation, trenching, cleaning, grubbing, tree removals, grading and trenching) and development scheduling; and~~

~~4. The designation, responsibilities, and participation of professional Tribal Monitor(s) during grading, excavation, and ground disturbing activities.~~

a) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b) Treating the resources with culturally appropriate dignity taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following:
   1) Protecting the cultural character and integrity of the resources.
   2) Protecting the traditional use of the resource.
   3) Protecting the confidentiality of the resource.

c) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d) Protecting the resource.

If the Developer/Permit Applicant and the consulting Tribe(s) are unable to reach an agreement, the mitigation measure shall be considered satisfied if the Developer/Permit Applicant provides sufficient documented evidence that they have made a ~~reasonable~~ reasonably good faith effort to reach an agreement, as determined by the City, with the consulting Tribes with regards to items a-d~~,~~ as listed above.

If, after conducting consultations in good faith and within the spirit of the definition, the Tribe or local government cannot reach agreement on preservation or mitigation of any impact to a California Native American cultural place, neither party is required to take any action.

MM TCR-1b **Native American Component of the Cultural Resources Management Plan**

Consistent with the provisions of Assembly Bill (AB) 52 which recognizes that California Native American Tribes may have expertise with regard to their Tribal history and practices, which concern the Tribal Cultural Resources (TCRs) with which they are traditionally and culturally affiliated, Tribal knowledge about the land and TCRs at issue shall be considered for inclusion in the Cultural Resources Management Plan (CRMP) as requested by the consulting Tribes.

Soboba Band of Luiseño Indians Mitigation

MM TCR-2 ~~Preparation of a Soboba Band Tribal Cultural Resource Management Plan (TCRMP) developed in close consultation with the Soboba Band and approved by the City. The TCRMP shall detail the proposed approach of the Soboba Band's tribal monitoring of ground-disturbing activities for the Project. The TCRMP will provide the appropriate protocol to follow for any unanticipated tribal and/or archaeological finds uncovered during ground-disturbing activities for the Project. The TCRMP also will discuss the timing and reporting responsibilities for TCR-2 through TCR-10.~~

Avoidance and Preservation of Significant Resources and Locations

Prior to the issuance of grading permits, efforts shall be devised in consultation with the consulting Native American Tribes, to avoid specific locations based on

substantial evidence provided by a consulting Native American Tribe so as to protect the cultural and natural context of the resource through project redesign, and the designation of open space where significant resources are located.

MM TCR-3 ~~Recognizing that the entire TCR cannot be avoided, the Soboba Band requests avoidance, to the greatest extent possible, of the most significant places within the TCR—namely the place where one of their three cycles of Cahuilla Wi'kik'mal Taxmu'a end, as part of creation for the Cahuilla people. Additionally, all significant archaeological sites, geologic features, water resource features, and native plants traditionally used by the Soboba Band should be avoided when possible. The Soboba Band proposes to meet with City Planners and to the greatest extent possible re-design the land use plan to avoid critical areas within the TCR .~~

Conservation Areas

Permanent conservation easements or restrictive covenants shall be required and created in consultation with the project applicant, the City of Jurupa Valley Planning Division, and the consulting Native American Tribes for all open space avoidance areas based on substantial evidence provided by a consulting Native American Tribe. Any and all conservation easements shall be transferred, managed, or maintained only by a third-party entity as approved by the City.

MM TCR-4 ~~Avoidance and preservation in place is the preferred method for all Soboba Band Cultural and natural elements. If avoidance and preservation is considered not feasible, a feasibility study may be required for final determination regarding the need for avoidance. If the City determines that the study has adequately demonstrated that preservation is not feasible, a Data Recovery/Treatment Plan for the resource shall be drafted and subject to review by the City and the Soboba Band prior to implementation.~~

Long-Term Management Plan for Tribal Cultural Resources

A Tribal Cultural Resources Long-Term Management Plan (TCR TLMP) shall be created in consultation with the project applicant, the City of Jurupa Valley Planning Division, and the consulting Native American Tribes, for significant locations based on substantial evidence provided by a consulting Native American Tribe which are avoided in open space areas. The TCR TLMP shall address periodic maintenance, such as any necessary fuels modification, natural deterrents for unauthorized access, etc., in a manner that is culturally appropriate management criteria for the purpose of preserving or utilizing the resources or places, as described in Public Resources Code Section 21084.3(b).

MM TCR- 5 ~~Soboba Band Cultural and natural elements of the TCR that cannot be avoided shall be photo documented using high resolution photography (at least 300 pixels per inch [dpi]).~~

Documentation and Relocation of Significant Tangible Elements

For significant locations based on substantial evidence provided by a consulting Native American Tribes the Project Archaeologist shall submit photo documentation of contributing elements (cultural and natural) of any Tribal Cultural Resources (TCRs) that cannot be avoided. The resources shall be photo documented using high resolution (at least 300 pixels per inch [dpi]). Bedrock Milling Features (BRMs) that cannot be avoided shall be captured in three-dimensional (3D) images for the creation of 3D models and shall be relocated to mutually agreed upon areas within the 917.3-acre Specific Planning Area. These areas must be placed in a conservation easement so they are preserved in perpetuity.

~~**MM TCR-6** Archaeological sites within the TCR that cannot be avoided shall be captured in three-dimensional (3D) images for the creation of 3D models.~~

~~**MM TCR-7** Tangible Soboba Band cultural resources within the TCR that cannot be avoided shall be relocated to multiple mutually agreed upon areas within the 917.3-acre Project Area. These areas must be identified by the City as open areas that will be preserved in perpetuity so that no future disturbances will occur. Additional measures including stabilization of the relocated resources, security, and long-term preservation, will be described in a Long-Term Management Plan, which shall be drafted and reviewed by the City and the Soboba Band prior to final approval.~~

~~**MM TCR-8** Incorporate a connectivity trail (Soboba Band TCR corridor) at the developers cost, within the Project to connect areas (i.e., open space, plateau) within the TCR.~~

~~**MM TCR-9** Where feasible, at the developer cost, use a drone and/or Google Earth Pro to create a visual simulation of the path walked by Cahuilla ancestors as they travelled along the Peet' Wi'kik'mal to the Jurupa Hills, and then beyond as they travelled to the next destination.~~

~~**MM TCR-10** At the plateau on Jurupa Hills, at the developers cost, photo document the 360-degree viewshed using high resolution photographs.~~

~~**MM TCR-11** Preparation of a cultural landscape study to fully document the Soboba Band TCR within the Project Area (the TCR extends beyond this, but for management purposes the TCR will be defined as the Jurupa Hills).~~

Gabrieleño Band of Mission Indians–Kizh Nation Mitigation

MM TCR-13 Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)

1. Upon discovery of any Gabrieleño Band of Mission Indians–Kizh Nation Tribal Cultural Resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not

resume until the discovered TCR has been fully assessed by the Kizh Monitor and/or Kizh Archaeologist. The Kizh will coordinate with the landowner or the relevant governmental agency (as applicable) regarding treatment and curation of these resources ~~recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes~~.

Note that no revisions are made to MM TCR-12 and TCR-14.

Section 3.20 Wildfire, 2.20.2 Environmental Setting

Page 3.20-3

In response to Comment CALFIRE-RCFD-12, and to provide additional context, the Fire Protection and Riverside County discussion will be modified as shown below to address the project site's annexation into the Rubidoux Community Services District (Rubidoux CSD). The addition of the requested information does not change the significance conclusions previously disclosed.

Fire Protection and Emergency Medical Services

Southern California and Riverside County

CAL FIRE is responsible for fire protection and stewardship of over 31 million acres of California's privately owned wildlands. CAL FIRE also provides varying levels of emergency services in 36 of California's 58 counties via contracts with local governments. In Riverside County, fire protection services are provided by RCFD, in cooperation with CAL FIRE. Because of the Department's size and major incident management experience, it is often asked to assist or take the lead in disasters. In December 2017, a series of wildfires occurred in Southern California, resulting in extensive property damage. In July 2018, the Cranston Fire wildfire occurred in Riverside, burning over 13,000 acres and destroying 12 structures. In 2020, the Southern California Apple Fire and El Dorado Fire wildfires resulted in extensive burned areas and damage to structures.

City of Jurupa Valley

According to the General Plan, the Riverside County Fire Department, in cooperation with CAL FIRE, provides fire protection services to the City. This includes full-service municipal and wildland fire protection, emergency medical response, technical rescue services, and response to hazardous materials discharges. Riverside County Fire Department consists of 15 battalions that staff and operate 101 fire stations.

Project Site

The project site is vacant and undeveloped with no existing fire protection or emergency medical services facilities on-site. As shown in Table 3.15.1 (refer to Section 3.15 Public Services), Riverside County Fire Department operates four fire stations within the City. Fire Stations 18 and 38, operated by Battalion 14, are the nearest to the project site.

The project site would be annexed into the Rubidoux Community Services District (Rubidoux CSD), which is the responsible entity for providing fire protection services to the project site. Rubidoux CSD contracts services with Riverside County Fire Department and funds the equipment and staffing located at Fire Station 38 exclusively.

Chapter 4 Other CEQA Considerations, 4.1 Significant Unavoidable Impacts

Page 4-1

In response to Comment IYER.J-9, and to address a minor typographical error, the list of significant unavoidable impacts and the list of less than significant or less than significant with mitigations impacts are revised as follows:

The proposed project was analyzed for potentially significant impacts related to each of the environmental issues discussed in Sections 3.1 through 3.20. The results of the analysis indicate that the proposed project would result in significant and unavoidable impacts to the following environmental topics:

- Air Quality
- Cultural Resources
- Greenhouse Gas Emissions
- Transportation
- Tribal Cultural Resources

The following environmental topics addressed in the Draft EIR were determined to be less than significant, or could be reduced to less than significant levels with mitigation measures:

- Aesthetics
- Agricultural and Forestry Resources
- Biological Resources
- ~~Cultural Resources~~
- Energy
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- ~~Tribal Cultural Resources~~
- Utilities and Service Systems
- Wildfire

Chapter 5 Alternatives to the Proposed Project, 5.7 Alternative 3—Develop the 2017 Proposed Land Use Plan

Following Page 5-35

In response to Comment IYER.J-7, Figure 5-1, Alternative 3 – Develop the 2017 Proposed Land Use Plan, is added after the conclusion of the analysis of Alternative 3 and before the discussion of the environmentally superior alternative.

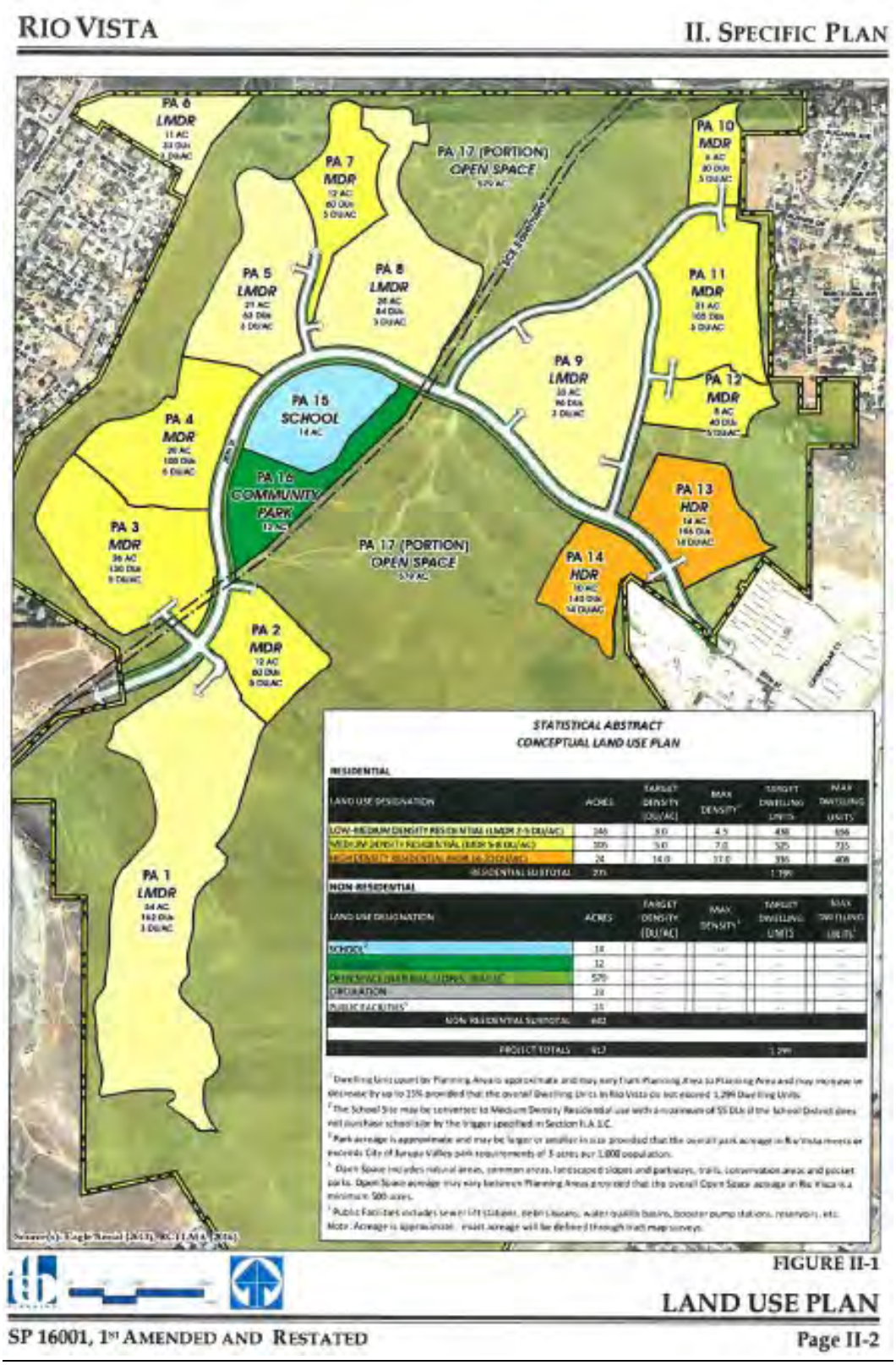

Figure 4-1: Alternative 3–Develop the 2017 Proposed Land Use Plan