

## 3.0 RESPONSE TO COMMENTS

### 3.1 MASTER RESPONSE

#### 3.1.1 Master Response to Comments 1 – Alternatives

A number of comments were submitted on the alternatives to the La Pata Avenue Gap Closure and Camino Del Rio Extension Project (proposed project) evaluated in the Draft Environmental Impact Report (EIR). This response summarizes the requirements for an alternatives analysis and then provides an overall response to the various comments associated with alternatives. The Draft EIR, in Section 5.0, provides a comprehensive analysis of the merits of various alternatives to the proposed project pursuant to Section 15126.6 of the California Environmental Quality Act (CEQA) *Guidelines*. Section 15126.6(a) requires that:

“An EIR shall describe a range of reasonable alternatives to the project, or to the location of 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, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

Following this directive, a number of alternatives were considered and analyzed in the Draft EIR. These alternatives included the No Project/No Development Alternative, Westerly Alignment Alternative, Easterly Alignment Alternative, Project Variation Alternative, and the Proposed Project.

The No Project/No Development Alternative, which is required by CEQA, assumes that the proposed project site would remain in the same condition as it was at the time the Notice of Preparation (NOP) was published (November 2009). This alternative represents the environmental conditions that would exist if no new development of any kind were to occur on the project site.

The nature of the comments received during the public review period indicated support of either the Easterly Alignment, Project Variation Alignment, Westerly Alignment, or the Proposed Project Alignment. While most Forster Ranch residents are in favor of the Proposed Project Alignment, Easterly Alignment, or Project Variation Alignment, Talega residents opposed these alignments and were generally in favor of the Westerly Alignment. Therefore, the following evaluation impacts of each of the build alternatives compared to the impacts of the Proposed Project Alignment are evaluated below:

### **3.1.1.1 Easterly Alignment**

The Easterly Alignment Alternative generally follows the same alignment as the proposed project northern segment of the proposed project. However, in the south and central segments of the proposed project, the Easterly Alignment Alternative is proposed east of the Southern California Edison (SCE)/San Diego Gas and Electric Company (SDG&E) power line easement. The Easterly Alignment Alternative would provide a distance of approximately 100 feet between the proposed centerline of Avenida La Pata and the closest residence.

Although the Easterly Alignment Alternative would complete an existing gap, improve access and evacuation, facilitate circulation, reduce vehicles miles traveled (VMT) and greenhouse gas (GHG) emissions, and support forecast travel demand for 2035, the Easterly Alignment Alternative would be in closer horizontal and vertical proximity to the Talega community.

### **3.1.1.2 The Project Variation**

Although the Project Variation Alternative would complete an existing gap, improve access and evacuation, facilitate circulation, reduce VMT and GHG emissions, and support forecast travel demand for 2035, the Project Variation Alignment Alternative would result in greater utility impacts than the proposed project.

Based on written communication between the County of Orange (County) and representatives from SDG&E during the scoping process, SDG&E did not support the Project Variation Alignment Alternative due to the following reasons:

- This alternative would adversely impact a greater number of SDG&E electric facilities, causing longer transmission outages and affecting structures beyond the immediate area and impede facility access;
- Taller, more visible structures may be required to meet conductor to ground clearances and may cause additional aesthetic impacts;
- Based on the engineering requirements, SDG&E would be required to obtain new easements for the facilities. The acquisition of land rights to accommodate this alignment would result in additional time and cost incurred by SDG&E and may result in utilities being located closer to homes located within the Talega community;
- In order for SDG&E to perform the work required for the Project Variation Alignment Alternative, SDG&E must obtain a Permit to Construct (PTC) from the California Public Utilities Commission (CPUC) as well as authorization from the CPUC under Section 851. These regulatory processes would likely take a minimum of 18 to 24 months to complete and additional time would be needed to obtain other requisite permits and complete the work; and
- SDG&E is not willing to bear the burden of the long-term costs associated with the relocation of their facilities. In addition, mitigation must occur outside of SDG&E's right-of-way (ROW).

Based on written communication between the County and representatives from SCE during the scoping process, SCE did not support the Project Variation Alignment Alternative due to the following reasons:

- SCE has determined that the Project Variation Alignment Alternative would cause significant adverse impact to SCE's existing transmission system and its ROW corridor, which currently serves as the only SCE link between Orange County and the San Onofre Nuclear Generating Station (SONGS);
- The Project Variation Alignment Alternative would require the relocation of at least two, and possibly up to four towers due to the increase in length necessary to span the grading and roadway;
- Outages for the 220 kilovolt (kV) system impacted by the Project Variation Alignment Alternative are controlled by the California Independent System Operators. Because outages of 220 kV system impact the operations of the San Onofre and SCE transmission system to Orange County, outage windows are seasonal and outages for these four circuits cannot all be obtained in one calendar year. In addition, outage windows, even when scheduled, are not guaranteed and may be cancelled creating the need for a third year of circuit outages and tower relocations; and
- The Project Variation Alignment Alternative introduces substantial side-slope and roadway area within the existing SCE ROW. This would restrict SCE's use of the ROW in the future.

Copies of both the SDG&E and SCE letters referenced in this general response to alternatives can be found in Appendix A of this document. Based on these letters, the Project Variation Alignment Alternative would have more impacts to utilities than the Proposed Project Alignment Alternative.

### **3.1.1.3 Westerly Alignment**

Similar to the Proposed Project Alignment, the Westerly Alignment Alternative would provide arterial access to existing developments. Like the proposed project, the Westerly Alignment Alternative would be consistent with the Master Plan of Arterial Highways (MPAH) and also be located within the boundaries of the County Southern Subregion Natural Communities Conservation Plan/Habitat Conservation Plan/Master Streambed Alteration Agreement (NCCP/HCP/MSAA). However, the Westerly Alignment Alternative would not be consistent with adopted Specific Plans for Talega and Forster Ranch and the Prima Deshecha Landfill General Development Plan (GDP) because the alignment would be located in area designated as open space per the Forster Ranch Specific Plan and would be located outside of Zone 5, which is the reserved ROW for future planned roadways in the Prima Deshecha Landfill GDP. Amendments to the Prima Deshecha Landfill GDP and Forster Ranch Specific Plan would be required under this alternative. Amendments to the Prima Deshecha Landfill GDP would need approval from the County Board of Supervisors, and therefore, are within the jurisdiction of the Lead Agency for the La Pata Avenue Gap Closure and Camino Del Rio Extension EIR. Amendments to the Forster Ranch Specific Plan would need approval from the City of San Clemente, which is outside the jurisdiction of the Lead Agency; therefore, these necessary amendments cannot be assured and the impacts are considered significant and unavoidable. Therefore, impacts to land use for the Westerly Alignment Alternative would be greater than those anticipated for the proposed project.

As stated in the EIR, the Huitt-Zollars Feasibility Study Report (April 2005) determined that the Westerly Alignment Alternative would require design variations to allow a roadway gradient exceeding the maximum allowable grade of 6 percent, up to a maximum of 7.6 percent, for

approximately 850 feet in the vicinity of the utility corridor crossing within the Prima Deshecha Landfill. The report also indicates that the grading requirements for this alternative would result in a loss of Landfill volume, which would result in greater impacts on utilities than those anticipated for the proposed project. Adoption of the Western Alignment may also necessitate adjustments to the adopted Prima Deshecha Landfill GDP; and would result in further loss of Landfill capacity since the excavated reuse would require proper disposal. Grading along the ridgeline at the south end of the Landfill would likely result in increased visual impacts to the west, and a large fill slope would also be visible from Forster Ranch.

Based on the distance, noise levels in Talega under the Westerly Alignment Alternative would be perceptibly lower than levels under the proposed project, and noise levels on Camino Del Rio under the Westerly Alignment Alternative would be similar under the proposed project.

Also, similar to the proposed project, the Westerly Alignment Alternative would require modifications to existing trails, specifically the existing Forster Ranch Ridgeline Trail, that would be bisected by the Westerly Alignment Alternative. While crossings could be designed to maintain access, portions of the existing Forster Ranch Ridgeline Trail would likely require relocation to be parallel to the facility and the trail experience would be altered by changes to the physical, visual, and noise environments. Also, the alignment would be located in a designated open space area per the Forster Ranch Specific Plan. Therefore, impacts to recreation resources as a result of the Westerly Alignment Alternative would be greater than with the proposed project.

The Westerly Alternative would have more land use, grading, and recreation impacts. Therefore, based on the impacts of the Westerly Alternative evaluated in the EIR, the City of San Clemente and the County will not plan on recommending the pursuit of westerly alignment as it does not meet project objectives, has more negative impacts than the proposed project, does not avoid any significant unavoidable impacts of the proposed project, and would require an amendment to the Forster Ranch Specific Plan and the Prima Deshecha GDP.

### **3.1.2 Master Response to Comments 2 – Biology**

The California Department of Fish and Game (CDFG) comments raise three overall issues: (1) the extent to which the Final Environmental Impact Report (FEIR)/Final Environmental Impact Statement (FEIS) for the Southern Orange County NCCP/HCP/MSAA<sup>1</sup> can be referenced and utilized in the Draft EIR for the proposed project; (2) the adequacy of the Draft EIR for the County's decision on the proposed project; and (3) the adequacy of the Draft EIR for an eventual decision by CDFG on a California Endangered Species Act (CESA) permit for the proposed project.

#### **3.1.2.1 Applicability of NCCP/HCP to the Proposed Project**

Active participants in the Southern Orange County NCCP/HCP planning process included the CDFG along with the County, Rancho Mission Viejo (RMV), and the United States Fish and Wildlife

<sup>1</sup> Ultimately, the MSAA applied only to the Rancho Mission Viejo Land, whereas the NCCP/HCP and its Implementation Agreement were designed to include the Prima Deshecha Landfill and La Pata Avenue Projects. Therefore, hereinafter, the relevant documents are referred to as the NCCP/HCP and the NCCP/HCP EIR/EIS.

Service (USFWS), among others. The County also certified the FEIR component of the NCCP/HCP EIR/EIS. The NCCP/HCP identifies approximately 32,800 acres of habitat reserve and more than 3,000 acres of supplemental open space land for conservation to protect biological resources important to identified species and authorizes development of “covered” projects, which included the proposed project. Therefore, the information, findings, and conclusions of the Final EIR, as documented in the NCCP/HCP EIR/EIS, combined with the resulting Implementation Agreement, should be and are relied upon to reach many of the conclusions in the La Pata Avenue Gap Closure and Camino Del Rio Extension Project Draft EIR. The fundamental basis of these conclusions is that the plant and animal populations in the Southern Orange County subregion are ultimately dependent on conservation and management of habitat for their continued existence and well-being, and the focal point of the NCCP/HCP planning effort is indeed conservation and management of substantial areas of habitat for the covered species. In summary, the benefits to natural resources of the conservation component of the NCCP/HCP have been determined to outweigh the adverse impacts of the individual “covered” projects also addressed in the NCCP/HCP.

The County’s certified FEIR for the NCCP/HCP is incorporated by reference into the La Pata Avenue Gap Closure and Camino Del Rio Extension Project EIR. The mitigation measures included in the FEIR/FEIS and Implementation Agreement reduce the impacts of the covered projects to specified threatened and endangered species to less than significant under CEQA. The proposed project is a covered project in the NCCP/HCP; therefore, the County’s conclusion that compliance with the specified NCCP/HCP mitigation measures reduces the project’s impacts to less than significant is appropriate.

The fact that CDFG did not sign the NCCP/HCP implementing agreement does not diminish the validity of the NCCP/HCP EIR/EIS or the mitigation measures that were developed for both the plan and the certified EIR (Notice of Determination dated October 24, 2006, recorded October 25, 2006). As discussed below, CDFG may require additional “mitigation” outside of the CEQA process as conditions of permit approval in support of its CESA authorization. The implementation of additional conditions of approval at the resource permitting stage of the process, which occurs subsequent to the CEQA process, does not prevent the CEQA lead agency for the proposed project from determining that impacts as defined by CEQA are less than significant after the NCCP/HCP and associated mitigation measures are implemented.

The NCCP/HCP, which is being implemented even in the absence of a CDFG signature, and its EIR/EIS, specifically identify the proposed project as a covered project, describing the maximum impacts of the project to the covered resources and setting forth required mitigation measures that are necessary to mitigate the project impacts to less than significant levels. CDFG should recognize the validity of the NCCP/HCP EIR, which was duly prepared, circulated, and certified by the County, which is the CEQA lead agency. CDFG should also consider the fact that the USFWS has accepted the mitigation measures identified in the NCCP/HCP and its EIR/EIS as adequate for the covered species identified therein. The USFWS approved the EIS and issued its Record of Decision for the EIS component of the NCCP/HCP EIR/EIS. The USFWS apparently does not believe that additional mitigation measures are necessary, as exhibited by the fact that it is a signatory to the NCCP/HCP Implementation Agreement and the fact that the USFWS did not comment on the La Pata Avenue Gap Closure and Camino Del Rio Extension Project Draft EIR.

### **3.1.2.2 Adequacy of the La Pata Avenue Gap Closure and Camino Del Rio Extension Project EIR as a County Decision Document**

The La Pata Avenue Gap Closure and Camino Del Rio Extension Project Draft EIR describes the project impacts in adequate detail and relies to a great extent on mitigation measures that were developed for the NCCP/HCP by the County, CDFG, and USFWS. Additional mitigation detail is identified, particularly for the Biological Resources Construction Plan (a requirement of the NCCP/HCP) and for various permitting requirements. For the following reasons, the Final EIR for the proposed project is more than adequate for the County's decision on the proposed project:

- The NCCP/HCP EIR/EIS is incorporated herein by reference.
- The biological resource impacts of the proposed project are within (less than) those recognized in the previous certified NCCP/HCP EIR.
- All of the applicable required habitat conservation and mitigation measures from the NCCP/HCP, its Implementation Agreement, and the EIR/EIS are being implemented by the County and/or are incorporated into the proposed project mitigation measures as applicable.
- There have been no changed conditions that would alter the conclusions of the NCCP/HCP EIR/EIS with respect to the significance of project impacts.

It is noted that the impact area of "footprint" for the proposed project is less than the area of impact assumed in the NCCP/HCP and NCCP/HCP EIR/EIS.

### **3.1.2.3 Adequacy of the La Pata Avenue Gap Closure and Camino Del Rio Extension Project EIR as a CEQA Document for CESA Permits**

The CDFG is not a signatory to the final NCCP/HCP Implementation Agreement; therefore, the NCCP/HCP does not provide authorization for the take of CESA-listed species. Separate authorization for take of CESA-listed species is required and would occur through the approval of CDFG permits for incidental take authorization after the project EIR is certified. Therefore, CDFG need not completely recognize nor rely upon the NCCP/HCP with respect to its future decisions regarding the issuance of incidental take permits pursuant to CESA. In fact, CDFG may request "mitigation measures" (conditions of permit approval) that are above and beyond those previously developed as part of the NCCP/HCP, despite the fact that CDFG was involved in developing these measures. Pursuant to CESA requirements, CDFG must maximize avoidance and minimization measures in order to issue a CESA incidental take authorization.

As discussed above, the County prepared the La Pata Avenue Gap Closure and Camino Del Rio Extension Project EIR to disclose the impacts of the proposed project consistent with the requirements of CEQA and to support its decisions and the decisions of responsible agencies pertaining to project approval. Furthermore, based on the Draft EIR analysis for the proposed project and the previous certified FEIR for the NCCP/HCP, the County believes that all project impacts to biological resources are either less than significant or mitigated to less than significant levels. Nevertheless, the County recognizes CDFG's need and desire to incorporate additional detail regarding avoidance and minimization measures in the La Pata Avenue Gap Closure and Camino Del Rio Extension Project FEIR in order that CDFG may rely upon this FEIR to support its future decision regarding the issuance of necessary incidental take authorization. As a result, the County has

incorporated most of CDFG's recommendations for refined avoidance and minimization measures into Mitigation Measure 4.6-1 in the Errata located in Appendix B of this Response to Comments document. Therefore, the FEIR reflects the input of CDFG through the revised mitigation measure included in this document.

## **3.2 RESPONSES – STATE AGENCIES**

### **3.2.1 Native American Heritage Commission**

#### **3.2.1.1 Letter Code: S-1; Date: December 17, 2010**

**S-1-1.** The comment states that the lead agency is required to assess whether the project will have an adverse impact on resources within the 'area of potential effect (APE).' As stated in the Draft EIR section 4.7, Cultural Resources, no extant archaeological resources were identified within or immediately adjacent to the project area as a result on the archaeological field survey or archival research. Although no extant cultural resources were identified within or immediately adjacent to the project area, precautionary mitigation is required. Generally, the first 6 feet below ground surface is the area considered sensitive for archaeological resources. A cultural monitoring program, as specified in Mitigation Measures 4.7-1 through 4.7-3, would be instituted to ensure that any previously unidentified cultural resources encountered through project construction are properly treated. Incorporation of Mitigation Measures 4.7-1 through 4.7-3 would ensure that impacts to cultural resources would be less than significant.

**S-1-2.** The comment states that early consultation with the Native American tribes in the project area is the best way to avoid unanticipated discoveries, and to learn of areas that may contain sensitive cultural resources. A list of culturally affiliated tribes and interested Native American individuals that could be "consulting parties" was provided with the comment letter. Any persons on this list who have not already been contacted for Native American consultation for this project will be added to the distribution list for the project. The Native American Heritage Commission (NAHC) recommends that a Native American Monitor or Native American culturally knowledgeable person be employed during the "Initial Study" and in other phases of the environmental planning processes. In Section 4.7 Cultural Resources, of the Draft EIR, it states that a cultural monitoring program will be developed to monitor during construction of the project. An additional recommendation was provided from the NAHC that the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP) be contacted for information on recorded archaeological data. As stated in the Draft EIR, the CHRIS center was contacted to provide a records search on February 1, 2010. The search included a review of all recorded historic and prehistoric archaeological sites within a 0.25-mile radius of the project, as well as a review of known cultural resource survey and excavation reports.

**S-1-3.** The comment states that the lead agencies should contact the CHRIS of the OHP. As stated in the Draft EIR, Section 4.7 Cultural Resources, on February 1, 2010, a current records search was conducted by personnel at the South Central Coastal Information Center (SCCIC) of the CHRIS, located at California State University, Fullerton. It included a review of all recorded historic and prehistoric archaeological sites within a 0.25-mile radius of the project as well as a review of known cultural resource surveys and excavation reports.

**S-1-4.** The comment states that consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties should be conducted in compliance with the requirements of federal National Environmental Policy Act (NEPA) (42 United States Code [USC] 4321-43351) and Section 106 and 4(f) of federal NHPA (16 USC 470 [f])*et seq.*) and Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001-3013) as appropriate. Because the proposed project is not receiving federal funding or subject to approval by a federal agency, the project is not considered to be a federal undertaking, and is not subject to consultation requirements; therefore, no further consultation is necessary.

**S-1-5.** The comment states that the lead agency should consider avoidance when significant cultural resources could be affected by a project. The County will consider avoidance of resources, should any resources be found during the excavation for the proposed project. However, due to the large amount of earthwork that is required as part of the proposed project, it is not possible to determine at this time if such avoidance will be feasible. As discussed in Section 4.7 of the Draft EIR, with implementation of mitigation measures, any impacts to archaeological resources and human remains would be less than significant.

**S-1-6.** The comment states that the lead agency should consider avoidance when significant cultural resources could be affected by a project. The County will consider avoidance of resources should any be found during the excavation for the project. Due to the large amount of earthwork that is required, however, it is not possible to determine at this time if such avoidance will be feasible. As discussed in Section 4.7 of the Draft EIR, with implementation of mitigation measures, any impacts to archaeological resources and human remains would be less than significant.

**S-1-7.** The comment states that, although tribal consultation under CEQA is advisory rather than mandated, the NAHC does request lead agencies that work with tribes and interested Native American individuals as consulting parties so that cultural resources will be protected. This comment is informational and is not a comment on the environmental analysis for the project. Since Native American consultation is not required for this project, the County does not intend to conduct formal consultation. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project. In addition, as indicated in response S-1-2 above, the list of Native American Tribes and groups provided by the NAHC will be added to the public participation list for project notification.

**S-1-8.** The comment states that procedures must be followed in the event of a discovery of any human remains. As stated in the Draft EIR, mitigation measure 4.7-4 includes procedures to be followed in the event human remains are encountered. With implementation of this mitigation measure, any impacts related to human remains would be less than significant.

### **3.2.2 California Department of Fish and Game**

#### **3.2.2.1 Letter Code: S-2; Date: December 17, 2010**

**S-2-1.** This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**S-2-2.** This comment states correctly that the project would remove a total of 8.38 acres (permanently 7.26 acres and temporarily 1.12 acres) of CDFG streambed jurisdiction. This includes the central segment of the La Pata Avenue alignment, a part of which overlaps impacts forecasted for the Prima Deshecha Landfill expansion project. There is a total of 4.89 acres (permanently 4.24 acres and temporarily 0.65 acres) of CDFG streambed jurisdiction expected to be coincidentally impacted in the central segment portion.

**S-2-3.** This comment is generally correct, but the acreage referenced is slightly different than the Draft EIR Table 4.6.3. The coastal sage scrub within the project disturbance limits is 70.39 acres (permanently 54.33 acres and temporarily 16.06 acres), but the CDFG comment letter uses 70.41 acres (permanently 54.34 acres and temporarily 16.07 acres); however, the comment stated correctly that the chaparral within the project disturbance limits is 2.26 acres (permanently 2.15 acres and temporarily 0.11 acre), and the grassland within the project disturbance limits is 145.51 acres (permanently 114.12 acres and temporarily 31.39 acres).

**S-2-4.** This comment states correctly that the proposed project would impact one listed plant species and two listed animal species. The CDFG comments state that there is a population of thread-leaved brodiaea (federally endangered and State threatened) occurring within the project limits; however, there are a total of three populations (n=100, 50, 100) as stated on page 36 of the Draft EIR. The California gnatcatcher (federally threatened and State species of special concern) is widespread in coastal sage scrub within the project area and within and outside the Prima Deshecha Landfill. In 2010, 15 least Bell's vireo (federally and State endangered) territories were documented within the Landfill and seven are within the proposed project grading limits. In addition, six non-listed special-status species have been observed within the grading limits: western spadefoot, yellow-breasted chat, orange-throated whiptail, coastal cactus wren, southern rufous-crowned sparrow, and grasshopper sparrow.

**S-2-5.** This comment states correctly that seven non-listed special-status plant species have a moderate to better chance of occurring within the project limits. Vernal barley was documented in the borrow area (see Draft EIR Figure 4.6.2). Paniculate tarplant and small-flowered microseris have a high chance of occurring, and four species have a moderate chance: western dichondra, Palmer's grapplinghook, Robinson's pepper-grass, mud nama, and Allen's pentachaeta.

**S-2-6.** The comment states correctly that the Southern Orange County NCCP has not been approved by CDFG; consequently there is no authorized take of CESA-listed species. CDFG believes the

County's reliance on the environmental commitment proposed in the draft NCCP and final Habitat Conservation Plan (HCP) and Implementation Agreement for the propose project has resulted in insufficient biological mitigation measures and an inadequate Mitigation Monitoring and Reporting Program under CEQA. This comment is introductory to subsequent comments from CDFG that detail these issues and others. Refer to Master Response to Comments 2 - Biology for information regarding the adequacy of the project EIR under CEQA and the resource agency permitting process that occurs subsequent to the CEQA process. Responses on specific issues are provided below.

**S-2-7.** This comment states that the golden eagle has been observed in the project vicinity, as acknowledged in the Draft EIR, and cites a more recent observation (December 13, 2010) that occurred after the Draft EIR was circulated. The comment states that eagles are wide ranging and have been documented to nest on electricity transmission towers. The presence of the golden eagle in the vicinity of project is acknowledged in the project Draft EIR as well as in the NCCP/HCP EIR/EIS. A known historic nest site occurs in the San Mateo Creek Watershed, well over a mile to the northwest of the project. While eagles have been known to nest on transmission towers, eagle nesting is considered very unlikely to occur in the project area, given the proximity of the towers to existing development. There are no changes to the conclusions of the Draft EIR, that eagles are not likely to nest on the project site as a result of this comment.

**S-2-8.** The comment implies that potential project effects on the golden eagle have not been adequately analyzed. Given the context of the project location (adjacent to or near existing development in the northern and southern segments, and adjacent to the existing and planned Prima Deshecha Landfill, which the project bifurcates) the fact that substantial nesting and foraging area for the species will be preserved, and the fact that the NCCP/HCP EIR/EIS found less than significant impacts to the golden eagle as a result of all the identified development in the NCCP/HCP planning area (including the proposed project), there is no evidence that the proposed project would result in significant impacts that require mitigation.

**S-2-9.** The comment suggests additional mitigation to avoid "take" of the golden eagle. "Take" (defined as hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill) nor other significant impacts to the golden eagle are anticipated for the project (refer to Response to Comment 8). However, Mitigation Measure 4.6-1 has been refined to include pre-construction surveys for nesting raptors and establishment of buffer areas to further minimize impacts. Please refer to the revised Mitigation Measure 4.6-1, specifically revised Mitigation Measure 4.6-1(d)(vi), in the Errata located in Appendix B of this Response to Comments document.

**S-2-10.** The comment states that the project could result in significant impacts to California Endangered Species Act (CESA) listed species that are not mitigated to less than significant. Substantial mitigation for impacts to these species is identified in the NCCP/HCP EIR/EIS, which identified less than significant impacts after mitigation. The applicable mitigation measures in the NCCP/HCP EIR/EIS are incorporated into the project EIR, with the same conclusion derived in the NCCP/HCP EIR/EIS, i.e., with the identified mitigation measures, the project impacts are less than significant. However, the additional mitigation measures recommended by CDFG in the subsequent

comments will be incorporated into the previously identified project mitigation measures to facilitate the procurement of the necessary CESA authorization. See revised Mitigation Measures 4.6-1(a)(i), 4.6-1(d)(i through vi), 4.6-1(e), and 4.6-1(f)(i), and 4.6-2 in the Errata in Appendix B for the updated mitigation language.

**S-2-11.** This comment requests additional minimization measures for construction impacts to least Bell's vireo. As described in Master Response to Comments 2 - Biology, the NCCP/HCP and associated mitigation measures are being implemented, and this reduces impacts to least Bell's vireo and other riparian birds to less than significant through the development of riparian habitat that far exceeds the amount of habitat that will be impacted by the proposed project, with a time frame that precedes the project impacts (this mitigation is already underway). Thus, the impacts to the species are mitigated to a less than significant level. CDFG is recommending refinements to mitigation measures regarding LBV, a CESA-listed species, and other birds, in order to further minimize the impacts to individual birds that may be breeding near the project site during project construction. In comparison to the measures identified in the NCCP/HCP, these measures will not substantially affect the status of the species over time. However, these recommendations have been incorporated as the revised Mitigation Measures 4.6-1(d)(i through vi) in the Errata, located in Appendix B of this Response to Comments document, in order to assist CDFG with its CESA mission of minimizing effects.

**S-2-12.** This comment specifies measures requested in the previous comment. Please refer to Response to Comment S-2-11, above. These recommendations have been incorporated as the revised Mitigation Measures 4.6-1(d)(i through v) in the Errata, located in Appendix B of this Response to Comments document.

**S-2-13.** This comment recommends additional measures to minimize attraction of predators to urbanized areas. Please refer to Master Response to Comments 2 - Biology regarding reliance on previously identified and certified mitigation measures. This comment discusses issues that are normally associated with various development projects (e.g., commercial and residential). The proposed project is essentially a roadway connection in a rural/open space area. It will include street lights only in areas that are already developed, and will not have associated trash cans for the operational phase. Nevertheless, these recommendations have been incorporated as the revised Mitigation Measures 4.6-1(e) in the Errata, located in Appendix B of this Response to Comments document. The measures regarding trash management are applicable to the construction phase of the project. No night lighting during construction is anticipated. However, if it occurs, refined measure 4.6-1(e) would be applicable to construction lighting, as well as the limited street lighting that will occur at the northern and southern ends of the project.

**S-2-14.** This comment recommends additional efforts to minimize the effects of pesticide use. Please refer to response to Master Response to Comments 2 - Biology regarding the adequacy of previous CEQA analysis and identified mitigation measures. Substantial project-related pesticide use is not anticipated for this project, and such impacts are not considered significant at the levels that may occur. Nevertheless, at the request of CDFG, an additional minimization measure to minimize such

effects is included in 4.6-1(f)(ii) in the Errata, located in Appendix B of this Response to Comments document.

**S-2-15.** This comment restates the Draft EIR requirement for a thread-leaved brodiaea relocation plan. Please refer to Master Response to Comments 2 - Biology regarding reliance on mitigation measures and conclusions in the previously certified EIR. However, since CDFG is not yet a signatory to the NCCP/HCP, and thread-leaved brodiaea is a State-listed species, the County will pursue an Incidental Take Permit (ITP) from CDFG for thread-leaved brodiaea. The subsequent comments recommend specific refinements of the measure specified in the Draft EIR, which have been incorporated as the revised Mitigation Measure 4.6-2 in the Errata, located in Appendix B of this Response to Comments document.

**S-2-16.** This comment recommends methods for surveying existing thread-leaved brodiaea populations, as part of the required relocation plan. Please refer to Master Response to Comments 2 – Biology regarding reliance on mitigation measures and conclusions in the previously certified EIR. Since CDFG is not yet a signatory to the NCCP/HCP and incidental take authorization is still required, these recommendations have been partially incorporated as revised Mitigation Measure 4.6-2 in the Errata, which is located in Appendix B of this Response to Comments document. However, the County is currently engaged in discussions with CDFG botanists regarding the best methods to survey for, and relocate, thread-leaved brodiaea. Therefore, specific survey methods will be incorporated as part of the details of the necessary relocation plan.

**S-2-17.** This comment provides additional recommendations for the thread-leaved brodiaea relocation plan. Please refer to Master Response to Comments 2 – Biology and S-2-16, above. These recommendations have been incorporated as the revised Mitigation Measures 4.6-2 in the Errata, located in Appendix B of this Response to Comments document.

**S-2-18.** This comment provides additional recommendations for the thread-leaved brodiaea relocation plan. Please refer to response to Master Response to Comments 2 - Biology and S-2-16 above. These recommendations have been incorporated as the revised Mitigation Measures 4.6-2 in the Errata, located in Appendix B of this Response to Comments document. Acreage impacted is specifically identified as a factor that should be considered, in the relocation plan, which must be approved by CDFG.

**S-2-19.** The comment acknowledges species observations that were reported in the Draft EIR, and supplements general information about “Species of Special Concern” (SSC). This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project. It should be noted that CDFG’s stated goal for the SSC designation, i.e., to call attention to their vulnerability and halt or reverse their decline, has been accomplished through the NCCP/HCP efforts in Orange County, despite the fact that CDFG is not yet a signatory to the implementing agreement for the Southern Subregion.

**S-2-20.** The comment expresses CDFG disagreement with the the Draft EIR's conclusion that impacts to SSC and their associated habitats have been mitigated through the conservation and enhancement programs that have been developed and implemented through the NCCP/HCP process. The fact that CDFG has not signed the implementing agreement for the NCCP/HCP does not diminish its value. The County, other participating landowners and the USFWS have signed the agreement and are implementing the NCCP/HCP provisions that were considered at the time the NCCP/HCP EIR/EIS was certified, with no finding of significant impacts. The habitat conservation and enhancement measures that were identified in the NCCP/HCP, which are the primary basis for the determination that impacts will not be significant, are being implemented, even without CDFG's signature on the implementing agreement. These habitat benefits extend to all the covered species identified in the NCCP/HCP as well as most species that were not specifically named. Furthermore, the project impacts are less than the impacts identified in the NCCP/HCP EIR/EIS because the project footprint is smaller than what was assumed in the NCCP/HCP EIR/EIS. Nevertheless, the County has agreed to implement the supplemental mitigation proposed by CDFG in comments S-2-21 and S-2-22, in an effort to cooperate with CDFG and further reduce the project impacts. Please see Responses to Comments S-2-21 through S-2-26 below.

**S-2-21.** This comment recommends additional minimization measures for western spadefoot. The additional mitigation measures described in this comment have been incorporated as requested by CDFG as a project enhancement. Please refer to Response to Comment S-2-20. This includes relocation of individual animals that are found. As noted above for Response to Comment S-2-11, the primary mitigation measure for the project, and the NCCP/HCP is the preservation and enhancement of substantial habitat for the covered species, which is the most important factor in the long-term survival of these species. Nevertheless, CDFG's recommendations for measures directed at minimizing effects to individual animals have been incorporated as the revised Mitigation Measures 4.6-1(a)(i) in the Errata, located in Appendix B of this Response to Comments document.

**S-2-22.** The additional mitigation measures described in this comment, which includes salvage and relocation of native cactus plants, when feasible, has been incorporated as requested by CDFG as a project enhancement. Please refer to Response to Comment S-2-20. These recommendations have been incorporated as the revised Mitigation Measures 4.6-1(f)(i) in the Errata, located in Appendix B of this Response to Comments document.

**S-2-23.** The comment indicates that previous environmental document was not incorporated or referred to correctly. Refer to Master Response to Comments 2 - Biology. As noted in Section 2 of the Draft EIR, the document incorporates by reference several prior environmental documents that address the proposed project, including Orange County Southern Subregion HCP EIS, USFWS, 2007. Other documents and other sources that have been used in the preparation of this Draft EIR are identified in Chapter 10.0, References.

The commenter's assertion that mitigation for certain impacts are deferred is incorrect. For example, the potential for impacts to the yellow-breasted chat, orange-throated whiptail, Southern California

rufous-crowned sparrow and grasshopper sparrow are addressed in a Section of 4.6 titled “Nonlisted Special-Status Animal Species.”

**“Nonlisted Special-Status Animal Species.** Six nonlisted special-status animal species have been observed within the project grading limits: the western spadefoot, orange-throated whiptail, coastal cactus wren, yellow-breasted chat, Southern California rufous-crowned sparrow, and grasshopper sparrow. Based on observations during surveys and available data, all appear to have rather modest populations within the project grading limits. A total of 11 additional nonlisted special-status animal species are considered to have a moderate chance of occurrence, and 15 more are considered to have a high chance of occurrence. *On a population level, it is best to anticipate complete loss of all animals within grading limits. However, these animals are associated with permanently conserved habitats, which would be adequately preserved in the subregion and considered sufficiently preserved to provide adequate habitat for the covered associated species. Furthermore, these species are not identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, and the NCCP/HCP provides substantial conserved habitat for these species. Therefore, impacts to these species are considered to be less than significant.* “

Also, impacts to the coastal California gnatcatcher (federally listed as threatened) are specifically addressed in Section 4.6 on pages 4.6-23 and 4.6-24 and state:

“Approximately 70 acres of coastal sage scrub would be impacted initially by the project. However, the net permanent impacts of the La Pata Avenue Gap Closure and Camino Del Rio Extension Project, not including the previously considered and approved impacts of the Prima Deshecha Landfill, would be approximately 21 acres of coastal sage scrub.

To ensure protection of coastal California gnatcatcher during construction, preconstruction surveys and monitoring for coastal California gnatcatcher would be conducted during vegetation clearing and grubbing, as specified in Mitigation Measure 4.6-1. Coastal California gnatcatcher is a covered species in the NCCP/HCP, and impacts to this species were anticipated. Mitigation for impacts to coastal sage scrub is provided through the County’s participation in the NCCP/HCP and fulfillment of the obligations described therein. A mitigation program involving the creation or restoration of coastal sage scrub within the Prima Deshecha Landfill property is a primary component of the County’s responsibility under the NCCP/HCP. Verification that this mitigation has been implemented is specified in Mitigation Measure 4.6-3.”

Also, impacts to the riparian habitat are specifically addressed in Section 4.6 on pages 4.6-25 through 4.6-29, in Mitigation Measure 4.6-4 on page 4.6-32, and have been implemented prior to impacts:

“Prior to initiation of grading, the Orange County Director of Public Works shall ensure that the County applies for and obtains authorization for impacts to jurisdictional wetlands and other waters from the Corps, CDFG, and Regional Water

Quality Control Board (RWQCB). The authorizations will require the preparation and approval of a Habitat Mitigation and Monitoring Plan (HMMP), prepared according to the Corps Mitigation Rule and guidelines for compliance with the Rule issued by the Los Angeles District of the Corps. The HMMP shall include a program for invasive species control on San Juan Creek within Caspers Wilderness Park, or other mitigation requested or accepted by the authorizing agencies. Prior to initiation of grading, the Orange County Director of Public Works shall provide verification to the USFWS and CDFG that a program for invasive species control on San Juan Creek within Caspers Wilderness Park, or other mitigation requested or accepted by the authorizing agencies, has been implemented.”

The San Juan Creek/Caspers Wilderness Park invasive species control program has already been implemented, and substantial improvements to riparian habitat quality are apparent.

**S-2-24.** This comment states that the previous recommendations are necessary to support CEQA findings. To the extent that the CDFG recommendations are incorporated into the FEIR, they will be used to support the CEQA findings. However, as noted in the previous comments, some of CDFG’s recommendations are not necessary to have an adequate CEQA document.

**S-2-25.** This comment implies that the Draft EIR does not adequately address impacts and mitigation for northern harrier. The evidence for the Draft EIR analysis and conclusions is specifically stated in the NCCP/HCP, which is incorporated herein by reference, and summarized here. The EIR/EIS for the NCCP/HCP found that 22,928 acres (78 percent) of habitat for this species would be preserved in the Habitat Reserve and Supplemental Open Space. The NCCP/HCP EIR/EIS also found that impacts of covered activities, including the La Pata Improvement Project, would be less than significant, given the amount of habitat committed to preservation compared to the amount of habitat affected. For purposes of the NCCP/HCP EIR/EIS, the La Pata impacts to grassland and coastal sage scrub habitats were estimated to be 302 acres. However, the total impacts to these habitats identified in the current Draft EIR for the project are approximately 81 acres. Therefore, the project impacts are well under impacts that have already been determined to be less than significant. The County certified the NCCP/HCP EIR, which stated the original (larger) number of acreage impacts and the 22,928 acres to be preserved. Therefore, based on evidence and conclusions in the NCCP/HCP and its EIR/EIS, impacts to northern harrier and other grassland dwelling species are less than significant.

**S-2-26.** Although impacts to northern harrier and other raptor species are less than significant, as noted in Response to Comment S-2-25, the County has agreed to incorporate the CDFG’s recommended provisions for conducting pre-construction raptor surveys and establishing buffers as deemed appropriate by the monitoring biologist. Also as noted in Response to Comment S-2-25, the NCCP/HCP identifies substantial preserved raptor habitat. These recommendations have been incorporated as the revised Mitigation Measures 4.6-1(d)(vi) in the Errata, located in Appendix B of this Response to Comments document.

**S-2-27.** This comment seems to state that the Draft EIR's reliance on the NCCP/HCP as a means of addressing cumulative impacts is not valid because CDFG is not a signatory to the NCCP/HCP, which would have provided authorization for CESA-listed species.

Refer to Master Response to Comments 2 - Biology. The EIR/EIS for the NCCP/HCP provided a very thorough analysis of the cumulative impacts of projects in the Subregion, and concluded that the contributions of the covered projects (including the proposed project) were not cumulatively significant in light of the substantial open space preservation, management, and enhancement activities of the participating landowners, including the County. The fact that CDFG did not sign the implementing agreement for the NCCP/HCP does not change the validity of the associated EIR/EIS, which was certified by the County, or the ability of the County to rely on the previous EIR as part of the CEQA analysis for this project. The fact that the CDFG has not approved the NCCP does not affect the total acreage that will be preserved, and therefore, does not influence the project Draft EIR cumulative impact conclusions.

**S-2-28.** Please see Response to Comment S-2-27, above. The comment alleges that certain effects, such as "edge effects" associated with development remain significant without biological buffers. However, the findings of less than significant impacts in the NCCP/HCP EIR/EIS are based on the assembly of large, contiguous open space areas, including the supplemental open space provided by the County, precisely as a means of minimizing the edge effects associated with piecemeal development. The impacts of the covered projects, including La Pata Avenue, are appropriately evaluated in the Draft EIR and the NCCP/HCP EIR/EIS with respect to their intensity and context within the subregion, which includes the substantial open space preservation and enhancement.

**S-2-29.** This comment requests summary and quantification of the reasonable known direct and indirect cumulative habitat impacts on the remaining habitat available for use or expansion in the project vicinity. A very detailed quantitative and qualitative analysis of cumulative impacts is contained in the NCCP/HCP EIR/EIS and incorporated herein by reference. The proposed project's contribution to cumulative impacts does not require any further mitigation beyond the County's responsibilities identified in the NCCP/HCP and Implementation Agreement, except additional measures that may be required by CDFG through its implementation of necessary CESA authorizations. As noted in Responses to Comments S-2-9, S-2-10, S-2-20, and S-2-26, additional mitigation has been incorporated at the request of CDFG. Revisions to mitigation measures are shown in the Errata, located in Appendix B of this Response to Comments document.

**S-2-30.** This comment states alleges that the MMRP is inadequate because it relies on environmental commitments in the NCCP/HCP and Implementation Agreement, and CDFG further suggests that findings must be based on substantial evidence that these commitments are enforceable. The EIR/EIS for the NCCP/HCP is a final, certified document, and the County is a signatory to the Implementation Agreement, which is also enforceable through the USFWS participation in the entire process. Refer to Master Response to Comments 2 - Biology. The La Pata Avenue Gap Closure and Camino Del Rio Extension Project EIR incorporates the NCCP/HCP by reference, and states that all of the commitments have been and will continue to be implemented. Most of CDFG's recommended

refinements of the mitigation measures have been incorporated as described in other responses to CDFG comments.

**S-2-31.** This comment suggests that the mitigation measures are vaguely written, and that the FEIR for the proposed project will need to adopt the feasible mitigation measures in the previous EIR/EIS for the NCCP/HCP. The avoidance and minimization measures identified in the NCCP/HCP EIR/EIS are specifically stated/adopted in Mitigation Measure 4.6-1, which also includes further definition of the requirements as they apply to the proposed project. In addition, the mitigation measures have been further refined to incorporate many of CDFG's recommendations. These measures are enforceable through the County's commitments as a signatory to the NCCP/HCP Implementation Agreement, as well as through the usual CEQA requirements for implementation of identified and adopted mitigation measures.

**S-2-32.** This comment alleges that formulation of specific measures to mitigate for significant effects is being deferred. This is not correct. Mitigation measures required by the previous EIR/EIS for the NCCP/HCP are specifically set forth in Mitigation Measure 4.6-1 of the Draft EIR, with additional detail specified for incorporation into specific construction plans and documents. These measures have been further refined, where appropriate, based on CDFG's recommendations. Furthermore, many of the major habitat-based mitigation requirements stemming from the NCCP/HCP EIR/EIS are already being implemented, including 174 acres of coastal sage scrub habitat (a substantial portion of which has been installed), and major enhancement of nearly 18 acres of riparian habitat (from which giant reed has already been removed). It is neither necessary, nor even appropriate, to circulate construction level documents prior to adoption of the FEIR. As the lead agency, the County is responsible for implementing the identified mitigation measures. CDFG will have an opportunity to review the proposed mitigation measures.

### **3.2.3 California State Clearinghouse/CalRecycle/California Department of Fish and Game**

#### **3.2.3.1 Letter Code: S-3; Date: December 17, 2010**

**S-3-1.** This letter is a standard cover letter issued by the State Clearinghouse when sending comments that were received during the public circulation period. This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**S-3-2.** This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**S-3-3.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**S-3-4.** The comment notes that CalRecycle requests that, if buried waste is encountered during the construction process, all work must cease and the Local Enforcement Agency must be contacted. The suggested revisions have been incorporated into the existing measure 4.9-4. Please see the changes to measure in the Errata, located in Appendix B of this Response to Comments document.

**S-3-5.** This comment provides information regarding landfill gas, and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**S-3-6.** The suggested text is already included in Mitigation Measure 4.9-4, which includes the requirement that “the County of Orange and its construction subcontractors shall protect all temporary structures from methane intrusion pursuant to California Code of Regulations (CCR) Title 27, Section 21190(g).” Therefore, no changes to the Draft EIR are required.

**S-3-7.** The comment requests that CalRecycle be provided with copies of any subsequent environmental documents, including amended Drafts and the Final Environmental Impact Report for this project. CalRecycle is already included on the agency distribution list, and will receive an electronic copy of any subsequent environmental documents, including this Response to Comments document.

**S-3-8.** This letter is a duplicate letter from California Fish and Game (CDFG), coded as S-2. Please refer to Response to Comments S-2-1 through S-2-32.

### **3.3 RESPONSES – REGIONAL AGENCIES**

#### **3.3.1 California Regional Water Quality Control Board – San Diego**

##### **3.3.1.1 Letter Code: R-1; Date: December 3, 2010**

**R-1-1.** This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**R-1-2.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**R-1-3.** This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**R-1-4.** The comment suggests that runoff from impervious surfaces should be directed to the immediate landscape or should be directed to either retention basins, vegetated swales, bioretention systems, or filtration systems before entering the storm drain. The proposed project would implement Treatment Control best management practices (BMPs) to target roadway pollutants of concern. Six extended detention basins are proposed that would target sediment, nutrients, metals, bacteria, trash, oil and grease, and organics. Three of the extended detention basins may be substituted with bioretention BMPs, whose pollutant removal efficiencies would equal or exceed that of the extended detention basin. In addition, Low Impact Development (LID) BMPs are proposed at 16 locations along the proposed roadway that would target heavy metals, phosphorus, nitrogen, sediment, oil and grease, and bacteria. LID BMPs may include bioretention areas with underdrains, vegetated bioswales, landscaped areas with detention, bioretention planter boxes, or other LID biofiltration BMPs. Runoff from the impervious surfaces would be directed to the Treatment Control and LID BMPs before entering the storm drain.

**R-1-5.** The comment suggests that recessed landscaping should be used to create retention basins for the purpose of capturing runoff. The project includes LID BMPs that would include bioretention areas with underdrains, vegetated bioswales, landscaped areas with detention, bioretention planter boxes, or other LID biofiltration BMPs, which are consistent with recessed landscaping objectives.

**R-1-6.** The comment suggests reducing the impervious surface area by using permeable pavement, pavers, or other pervious surfaces. The proposed project is a transportation facility. The impervious surfaces would be high-traffic arterial streets for which pervious pavement would be infeasible. Permeable paving is not ideal for high traffic/high speed areas because it has lower load-bearing capacity than conventional pavement. Therefore, permeable pavement is not included in the project design.

**R-1-7.** The comment suggests using landscaping that requires little or no irrigation. All cut-and-fill slopes will be revegetated with an appropriate native seed mix. Raised medians will also be planted with native species in the form of both seed mix and container plants. Temporary irrigation may be required for initial plant establishment. However, permanent irrigation systems are not proposed as part of the project.

**R-1-8.** The comment suggests maintaining natural drainages and the preproject hydrograph for the area. Natural drainages located within the Prima Deshecha Landfill would be modified as a result of the proposed project expansion independent of the proposed project. Three extended detention basins are proposed to reduce flows to existing conditions. The BMPs would be designed to meet LID requirements and the interim hydromodification requirements in Order No. R9-2009-0002. The extended detention basins will be designed to ensure that post-project flow rates from 10 percent of the 2-year storm event to the 5-year storm event shall not exceed predevelopment peak flow rates and that postproject peak flow rates from the 5-year storm event to the 10-year storm event exceed predevelopment peak flow rates by no more than 10 percent for a 1-year frequency interval.

**R-1-9.** The comment states that the project should be designed in accordance with the Orange County Municipal Storm Water Permit Order No. R9-2009-0002. The BMPs will be designed to meet the Low Impact Development requirements and the Interim Hydromodification requirements in Order No. R9-2009-0002.

**R-1-10.** The comment states that post-construction BMPs should be sized to treat 100 percent of the impervious surfaces associated with the project. The proposed project will treat 100 percent of impervious surfaces with postconstruction BMPs.

**R-1-11.** The comment states that the volume-based BMPs must be designed to treat the volume of runoff produced from a 24-hour 85th percentile storm event. The proposed treatment BMPs include bioretention planter boxes and extended detention basins. The volume-based BMPs will be designed in accordance with the Orange County Municipal Storm Water Permit Order No. R9-2009-0002 and will be sized to collect and treat the 85th percentile 24-hour storm.

**R-1-12.** The comment states that the flow-based BMPs must be designed to treat the maximum flow rate of runoff produced from a rainfall event of 0.2 inch of rainfall per hour or the 85th percentile hourly rainfall intensity. LID biofiltration BMPs will be incorporated into the design of the project, which may include vegetated bioswales or other LID biofiltration BMPs. Flow based BMPs will be designed in accordance with the Orange County Municipal Storm Water Permit Order No. R9-2009-0002 and will collect and treat 0.2 inches per hour rainfall intensity.

**R-1-13.** This comment states that the project must be enrolled under the Construction Storm Water Permit. Prior to construction, the project will obtain coverage under, and comply with the requirements of, the Construction Storm Water Permit.

**R-1-14.** The comment states that the project should avoid all impacts to water courses, minimize impacts that cannot be avoided, and mitigate for any remaining impacts in accordance with the State's "No-Net-Loss" policy (Executive Order W-59-93). Per the mitigation and minimization measures in the Draft EIR, the project actions will avoid, minimize, and mitigate unavoidable impacts in accordance with Executive Order W-59-93.

**R-1-15.** The comment states that if water courses are to be altered, then a wetland delineation will be performed in accordance with the United States Army Corps of Engineers (Corps) delineation manual and arid west supplement, and obtain a Jurisdictional Determination from the Corps, in order to determine if the impacted water courses are considered federal or non-federal waters of the State. As noted in the Biological Resources Assessment (Appendix F) in the Draft EIR, previous wetland delineations and general mapping have been performed at the level necessary to effectively analyze the project impacts for CEQA purposes. The project proponent will perform a wetland delineation

and a report submitted to the Corps for review and determination, as part of the necessary permitting process. This may be a combination of previous and/or new delineations.

**R-1-16.** The comment states that Section 401 of the Clean Water Act requires any applicant for a federal license or permit who plans to conduct any activity that may result in any discharge into federal waters, to provide a certification from the State water pollution control agency to the licensing or permitting agency that has jurisdiction over the federal waters stating that any discharge will comply with water quality standards and implementation plans. For projects that propose alterations or impacts to non-federal waters of the State, the discharger should apply for waste discharge requirements from the San Diego Water Board and propose appropriate mitigation for functional losses in accordance with the State's "No-Net-Loss" policy (Executive Order W-59-93). Per the Mitigation and Monitoring Reporting Program in Draft EIR, the County will propose appropriate mitigation for functional losses and obtain a certification from the State water pollution control agency to the licensing or permitting agency stating that any discharge will comply with water quality standards and implementation plans, including any appropriate waste discharge requirements from the San Diego Water Board.

**R-1-17.** The comment states correctly that the project proposes hardscape drop structures under Threshold 4.11.3. The comment also indicates that structures are typically discouraged due to the likely negative water quality effects on hydrology and fish passage. The San Diego Water Board urges consideration of alternative grade control practices that do no impact water quality. While hardscape drop structures can have deleterious effects in some situations, the proposed hardscape drop structure is designed to stabilize the stream course, thereby minimizing and controlling erosion for the primary purpose of protecting water quality. This will have no adverse effect on native fish or fish passages because there are none in the structure area. In fact, drop structures often cause the formation of small pools, which can enhance habitat for native amphibians.

**R-1-18.** The comment states that mitigation for unavoidable impacts should account for functional losses and be described in enough detail to evaluate if the proposed mitigation will actually reduce impacts to less than a significant level. The upper portions of the watersheds, which contain the project areas, already support primarily ephemeral drainages and somewhat limited wetland resources. With no additional waters sources, on-site attempts at mitigation would merely involve the creation of artificial water bodies and efforts to capture natural runoff. While the proposed mitigation is not within the Prima Deshecha and Segunda Deshecha watersheds, the downstream portions of those watersheds are highly developed. The enhancement to San Juan Creek, which was identified as appropriate mitigation in the NCCP/HCP and NCCP/HCP EIR/EIS provides for a greater benefit to water quality and quantity, and function and value for the region.

**R-1-19.** The comment expresses the opinion that the proposed mitigation of control of invasive exotic species in San Juan Creek in Caspers Wilderness Park is insufficient to mitigate for functional losses of 3.49 acres of wetlands and waters of the United States. The RWQCB states that the mitigation should be establishment of like habitat in watershed at no less than a 1:1 ratio where there is no temporal loss. While the permitting for the Prima Deshecha Landfill and La Pata Avenue projects is

being done separately for each project, the Caspers Wilderness Park mitigation should be viewed in totality as mitigation for both projects, for two reasons: 1) it was identified this way in the Special Area Management Plan (SAMP) and NCCP/MSAA/HCP plans; and 2) many of the impacts for both projects overlap.

The Caspers Wilderness Park mitigation, which has already been implemented, has resulted in the restoration of very high wetland and riparian functions and values, within a very natural portion of this large and important watershed. The established mitigation in Caspers Wilderness Park includes 33,000 linear feet of stream restoration, covering an area of 17.9 acres. While the linear footage is approximately 71 percent of the total impact area, the potential functions and values of San Juan Creek are far higher than the ephemeral drainages, which comprise most of the linear footage impacts. The restored acreage in Caspers Wilderness Park is nearly 3 times more than the impact acreage, with overall higher functions and values than most of the impacted area. Moreover, the mitigation has already occurred, and the impacts are still several years away. Therefore, the temporal loss that is normally associated with projects is a temporal benefit in this case.

The summary of projected impacts for both projects is as follows:

- **Linear Feet:** Approximately 46,000 feet – most of this takes the form of narrow, ephemeral drainages.
- **Wetland:** 3.34 acres – all within the Prima Deshecha watershed
- **Non-wetland Waters of the United States:** 2.95 acres
- **Total Waters of the United States:** 6.29 acres

The County believes that this mitigation, which has already occurred, mitigates the project impacts to a level less than significant. Nevertheless, the County recognizes that the RWQCB must still issue a Section 401 Water Quality Certification for the project as part of the Section 404 Permit processing. Therefore, the County will continue to work with the RWQCB to negotiate and/or develop measures that will meet the RWQCB requirements.

**R-1-20.** The comment states that Executive Order W-59-93 requires no overall net loss and achievement of a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California. The RWQCB states that invasives species control does not create a “net gain” in quantity of wetland acres. Depending on the site-specific conditions of heavy infestations of invasive species, especially giant reed (*Arundo donax*) such infestation can actually result in the loss of wetland acres by building up massive root masses and trapping sediment to the extent that water flow will be diverted around these areas, depriving them of the most fundamental component of wetlands. Therefore, invasives species removal can create a “net gain” in wetland acres. While such a specific analysis has not yet been done, the Corps and the CDFG worked with the County of Orange in the preparation of the San Juan and Santa Margarita Creeks SAMP and the NCCP/MSAA/HCP to identify and determine appropriate mitigation for the loss of habitat function and value associated with the Prima Deshecha Landfill and the proposed project.

**R-1-21.** The comment states impacts to a site designated for preservation under a previous 401 Permit may be denied, depending on the conditions of the original mitigation site. The RWQCB states that minimally, a higher mitigation ratio should be proposed to offset recurring temporal losses. The restored acreage in Caspers Wilderness Park is nearly at a 3:1 ratio, rather than the typical 1:1 mitigation ratio, with overall higher functions and values than most of the impacted area. Moreover, the mitigation has already occurred, and the impacts are still several years away. Therefore, the temporal loss that is normally associated with projects is a temporal benefit in this case.

While the mitigation described above is considered adequate with respect to CEQA and the State goal of no net loss of functions and values, the County recognizes that additional mitigation may still be requested through the permit processes with the various permitting agencies. Therefore, the County is developing a plan for additional mitigation in Arroyo Trabuco (O'Neill Regional Park), as part of the permitting process for Zone 4 of the Prima Deshecha Landfill. This mitigation is expected to be similar to that already implemented in San Juan Creek, but will likely involve some minor hydrological modification through sediment removal associated with the giant reed eradication, in an effort to restore wetlands at a minimum 1:1 ratio for the landfill impacts to wetlands. Additional acreage of vegetation restoration/enhancement will be provided for impacts to non-wetland riparian habitat, also at a 1:1 ratio. Similar additional mitigation may be required by permitting agencies, including the RWQCB, for the impacts of the proposed project. However, the mitigation that has already been identified and implemented is adequate as determined under CEQA.

**R-1-22.** The comment states that an adequate mitigation site was not identified on-site, suggesting an off-site mitigation location. The comment letter states accurately that the proposed project plans to use off-site mitigation of invasives species control as part of the mitigation package. The letter states that per CEQA Guidelines Section 15126.4, it is not acceptable to include mitigation measures to be identified at a future time to evaluate if mitigation (e.g., off-site mitigation, location, ratios) will be feasible and adequate. The RWQCB requests identification of a suitable mitigation area that is in-kind and in-watershed with similar functions and values as the impacted site. The Corps and USFWS determined that the control of giant reed in San Juan Creek within Caspers Wilderness Park was adequate mitigation for the functional losses of the two County projects, through the HCP and SAMP processes. Contrary to implications of the comment, this mitigation is not being identified at a future time; instead, it has already been implemented. While this mitigation is not within the Prima Deshecha and Segunda Deshecha watersheds, the downstream portions of those watersheds are highly developed. The upper portions of the watersheds, which contain the project areas, already support primarily ephemeral drainages and somewhat limited wetland resources. With no additional waters sources, attempts at mitigation would involve the creation of artificial water bodies and efforts to capture natural runoff. Additional mitigation may, in fact, be identified in the future, but this would be to satisfy permitting requirements, above and beyond the requirements of CEQA.

In summary, the County's commitments and proposals to date, far exceed the mitigation that is normally required for a project, and will result in a large increase in wetland and riparian function and values in the subregion.

**R-1-23.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.3.2 State Clearinghouse/South Coast Air Quality Management District**

#### **3.3.2.1 Letter Code: R-2; Date: December 27, 2010**

**R-2-1.** This letter is a standard cover letter issued by the State Clearinghouse when sending comments that were received during the public circulation period. This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**R-2-2.** This comment thanks the County for an opportunity to provide comments on the Draft EIR. This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**R-2-3.** The comment restates the project description in the Draft EIR. This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**R-2-4.** The comment requests that the South Coast Air Quality Management District (SCAQMD) be provided with copies of responses to the comments provided in the comment letter. SCAQMD is already included in the mailing list of agencies that will receive an electronic copy of the EIR if they have submitted comments during the public review period.

**R-2-5.** Please refer to Response to Comments R-2-7 through R-2-12, below.

**R-2-6.** The comment summarizes Mitigation Measure 4.3-3, included in the Draft EIR. This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**R-2-7.** The comment is requesting that the off-road construction equipment meet or be repowered to meet Tier 2 emission standards between April 1, 2010, and December 31, 2011; Tier 3 emission standards between January 1, 2012, and December 31, 2014; and Tier 4 emission standards after January 1, 2015. Mitigation Measure 4.3-3 requires that the construction contractor select off-road equipment based on low-emission factors and high efficiency. Requiring the replacement or repowering of the off-road equipment throughout the construction schedule would limit the number of contractors capable of bidding on the project and could result in construction delays. The proposed

project will be in compliance with the SCAQMD regulations in place at the time of construction. Therefore, the proposed changes to Mitigation Measure 4.3-3 have not been incorporated into the Final EIR.

**R-2-8.** The requested text pertaining to use of Best Available Control Technology (BACT) has been incorporated into Mitigation Measure 4.3-3. Please refer to Errata provided in Appendix B of this Response to Comments document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**R-2-9.** The comment is a link to the SCAQMD's mitigation measure website. This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**R-2-10.** The requested change pertaining to vehicle idling to Mitigation Measure 4.3-4 has been included in the Errata to Draft EIR, provided in Appendix B of this Response to Comments document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**R-2-11.** The comment proposes the addition of four measures designed to reduce the oxides of nitrogen (NO<sub>x</sub>) emissions from project construction. The construction area is located in hilly terrain not immediately adjacent to developed areas. Therefore, it is not possible to obtain power from existing power poles throughout most of the project area. Therefore, this measure has not been incorporated into the Final EIR. The remaining three measures are already reflected in the existing Mitigation Measure 4.3-5 of the Draft EIR. There are no changes to the impact conclusions of the Draft EIR as a result of this comment, and no additional mitigation is required.

**R-2-12.** The comment requests that a mitigation measure be added to the EIR appointing a construction relations officer to act as a community liaison concerning on-site construction activities and particulate matter less than 10 microns in diameter (PM<sub>10</sub>) generation. This suggested measure has been incorporated as Measure 4.3-7, shown in the Errata provided in Appendix B of this Response to Comments document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

## **3.4 RESPONSES – LOCAL AGENCIES**

### **3.4.1 Orange County Waste and Recycling**

#### **3.4.1.1 Letter Code: L-1; Date: November 9, 2010**

**L-1-1.** The comment states that the operator of the Prima Deshecha Landfill gas-to-energy facility has changed. The new operator of the facility is Fortistar. This change in information has been included in

the Errata provided in Appendix B. There are no changes to the impact conclusions of the Draft EIR as a result of this comment. The Draft EIR is adequate and does not need to be revised or recirculated.

### **3.4.2 City of Rancho Santa Margarita**

#### **3.4.2.1 Letter Code: L-2; Date: December 8, 2010**

**L-2-1.** This comment thanks the County for the opportunity to provide comments on the Draft EIR. This comment is introductory to other comments, expresses an opinion about the EIR, and is not specific to the environmental analysis for the project. No further response is needed. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**L-2-2.** The comment inquires if the La Pata Avenue extension is considered to be an alternative for the SR-241 extension south of Oso Parkway. The proposed project implements a component of the Orange County Master Plan of Arterial Highways (MPAH). The proposed State Route 241 (SR-241) extension is another component of the MPAH. The proposed project is independent from, is not a substitute for, and does not preclude the extension of SR-241.

**L-2-3.** The comment requests information regarding the effect of the proposed project in reducing the anticipated traffic demands for the proposed SR-241 extension, and subsequently reducing the priority for the construction of the SR-241 extension. As depicted in Figures 4.2.12 and 4.2.13, the proposed project results in minor reductions in future forecast traffic volumes on the SR-241 extension south of Oso Parkway from 64,000 daily trips to 62,000 daily trips. Volumes on SR-241 south of Ortega Highway are also reduced from 47,000 daily trips to 40,000 daily trips. Priority of the SR-241 extension is outside the scope of the proposed project.

**L-2-4.** The comment requests that the project's impact on the segment of Antonio Parkway southerly of the Antonio Parkway/SR-241 interchange be evaluated. Development of the RMV project was included traffic projections for the year 2035. In the Year 2035 without SR-241 Extension scenario, the proposed project is projected to have an insignificant impact on Antonio Parkway south of the interchange between Antonio Parkway and SR-241. As depicted in Figures 4.2.9 and 4.2.10, average daily traffic volumes are projected to increase from 45,000 daily trips without the project to 47,000 daily trips with the project. In the Year 2035 with SR-241 Extension scenario, the proposed project is projected to have no impact on Antonio Parkway south of the interchange between Antonio Parkway and SR-241. As depicted in Figures 4.2.12 and 4.2.13, average daily traffic volumes are projected to be 41,000 daily trips without the project and 41,000 daily trips with the project.

**L-2-5.** The comment states that the Draft EIR evaluates 2035 average daily traffic (ADT) volumes for the No Project/No SR-241 extension and the "With Project"/No-SR-241 extension only. The comment is mistaken. Analysis of the proposed project in the Year 2035 with SR-241 Extension scenario is provided in the Draft EIR on pages 4.2-33 to 4.2-42. In the 2035 With SR-241 Extension

scenario, the project was not found to have any significant impacts to intersections, ramp locations, or freeway mainline segments.

**L-2-6.** The comment requests that the City of Rancho Santa Margarita be informed about the status of the project by forwarding any future studies, public notices, meeting notices, and environmental review documents as part of the public review process. The City of Rancho Santa Margarita is included on the current mailing list. An electronic copy of the Final EIR will be provided to all agencies that submitted comments during the public review period.

### **3.4.3 Orange County Transportation Authority**

#### **3.4.3.1 Letter Code: L-3; Date: December 10, 2010**

**L-3-1.** The comment identifies a typographical error contained in Table 4.2.5 in the Draft EIR. A corrected table appears in the Errata provided in Appendix B of this Response to Comments document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**L-3-2.** The comment requests clarification of information contained in Table 4.2.6 in the Draft EIR. A corrected table appears in the Errata provided in Appendix B of this Response to Comments document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

### **3.4.4 City of Mission Viejo**

#### **3.4.4.1 Letter Code: L-4; Date: December 13, 2010**

**L-4-1.** This comment thanks the County for the opportunity to provide comments during the public circulation period. This comment is introductory to other comments, expresses an opinion in support of the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**L-4-2.** This comment is introductory to other comments included in an attachment to the letter . This comment will be included as part of the record.

**L-4-3.** This comment thanks the County for the opportunity to provide comments during the public circulation period. This comment is introductory to other comments, expresses an opinion in support of the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**L-4-4.** This comment is introductory to other comments and will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**L-4-5.** This comment requests that a roadway link capacity analysis be provided. Roadway link capacity is not evaluated specifically because the critical arterial circulation system constraints are the intersections which are the focus of the traffic impact analysis. As long as intersection capacity thresholds are maintained there will not be roadway link capacity impacts. The overall performance of the roadway system has been evaluated in the MPAH system of which the planned improvements to La Pata Avenue are a part.

**L-4-6.** This comment states that the intersection of Crown Valley Parkway at Interstate 5 (I-5) Northbound direct On-Ramp is identified as operating at unacceptable levels of service in the Year 2016 scenario. The comment further requests clarification of currently programmed improvements at this interchange. As shown on Table 4.2.5, the intersection of I-5 Northbound Ramps/Crown Valley Parkway are projected to operate at an acceptable level of service (LOS) in both the a.m. and p.m. peak hours in the No Project and With Project conditions. The proposed project is not anticipated to impact this intersection. However, as shown on Table 4.2.8, the project is anticipated to result in a significant impact at the I-5 Northbound Direct On-Ramp from Crown Valley Parkway by degrading an already unacceptable LOS on the freeway ramp. Based on the volumes provided on Table 4.2.8, the project would contribute 60 peak hour trips or 3.8 percent of the future forecast traffic volume on this ramp. This improvement project will provide additional capacity at the I-5 Northbound Direct On-ramp from Crown Valley Parkway by widening the single merge lane at the ramp to two lanes, which would result in an acceptable LOS. This project is anticipated to be constructed as a part of the I-5 Widening from El Toro to State Route 73 (SR-73) Project Study Report/Project Development Report (PSR/PDS) with funding from Measure M2. Please refer to Mitigation Measure 4.2-1 in Section 4.2, Traffic, for additional details on the County's support for the I-5/Avenida Pico and I-5/Crown Valley Parkway Project.

### **3.4.5 Capistrano Unified School District**

#### **3.4.5.1 Letter Code: L-5; Date: December 14, 2010**

**L-5-1.** This comment is introductory to other comments, expresses an opinion about the EIR, and is not specific to the environmental analysis for the project. No further response is needed. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**L-5-2.** The comment describes aspects of the proposed project. As a point of clarification, it should be noted that the northerly project limits begins at 2,700 feet south of the Ortega Highway/Antonio Parkway intersection because another project identified as Antonio Parkway Widening Project, will widen Antonio Parkway from Oso Parkway to SR-74, from four to six lanes, and widen La Pata to five lanes for 2,700 feet south of SR-74. Additionally, the Proposed Project would widen the intersection of La Pata Avenue/Vista Montana resulting in an exclusive left-turn lane, three through lanes, and an exclusive right-turn lane in the southbound direction. The right-in only access located north of Vista Montana would maintain an exclusive right-turn lane but would add a third through lane in the southbound direction.

**L-5-3.** The comment supports the incorporation of bike lanes and sidewalks into the project. The proposed improvements to La Pata Avenue between the northern project limits and Vista Montaña will include streetlights, a raised median, 10-foot Class II bike lanes, and a 6-foot sidewalk in the westerly parkway. Continuous 10-foot Class II bike lanes will be provided on both sides of La Pata Avenue between Ortega Highway and Avenida Vista Hermosa.

**L-5-4.** The comment requests that adequate storage be provided in the northbound left turn lane at the La Pata Avenue/Vista Montana intersection. According to Figure 5-3 of the Traffic Impact Analysis found in Appendix B of the Draft EIR, 94 vehicles in the a.m. peak hour and 20 vehicles in the p.m. peak hour are expected to utilize the northbound left-turn lane. The northbound left turn lane provides 150 feet of storage which is sufficient for school demands.

**L-5-5.** The comment requests coordination with Capistrano Unified School District (CUSD) on the project construction, particularly pertaining to temporary road closures and detours. This request is consistent with Mitigation Measure 4.9-5 in the Draft EIR that requires preparation of a Transportation Management Plan (TMP) to address construction traffic. Specifics of the TMP will be established during the design phase of the project, but are expected to include a community outreach program, media bulletins, appropriate signing, adherence to dust control restrictions, avoidance of traffic restrictions during peak travel periods, and coordination of work as necessary with any other roadway projects in the vicinity. The TMP will include a Public Awareness Campaign (PAC) to advise vehicles traveling through the construction zone, particularly on La Pata Avenue north of the Prima Deshecha Landfill that they may experience longer than normal delays due to construction. To reduce these delays and confusion to the motoring public during construction activities, the County of Orange, in conjunction with the Cities of San Juan Capistrano and San Clemente and the CUSD, will implement a PAC. The purpose of the PAC is to keep the surrounding community abreast of the project's progress and construction activities that could affect travel plans. The use of mailers/flyers, local newspaper advertising, local radio information, and public meetings, as appropriate, may be used to disseminate this information. The TMP will also include signage and a pedestrian detour plan to address sidewalk closures. In addition, it is anticipated that CUSD will be included in future project design/coordination meetings

**L-5-6.** The comment expresses support for consideration of safety in the final roadway design. The proposed project will meet the County design standards with limited exceptions as described in Chapter 3.0 of the Draft EIR. The proposed project will provide safe emergency vehicle access, including fire truck access, to the project area and adjacent neighborhoods. In addition, as stated previously, it is anticipated that CUSD will be included in future project design/coordination meetings

**L-5-7.** The comment expresses support for future interchange improvements at I-5 and Avenida Pico. The comment is consistent with Mitigation Measure 4.2-1 in the Draft EIR that states the County shall support, to the best of its ability, the implementation by the California Department of

Transportation (Caltrans) and affected local jurisdictions of planned improvements to I-5/Avenida Pico and I-5/Crown Valley Parkway.

**L-5-8.** This comment concludes comments provided above and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.4.6 City of San Clemente Community Development**

#### **3.4.6.1 Letter Code: L-6; Date: December 17, 2010**

**L-6-1.** This comment is introductory and is not specific to the environmental analysis for the project. No further response is needed. This comment will be included as part of the record.

**L-6-2.** This comment requests that sidewalks and the Class I Bike Path be extended for the entire length of the proposed roadway. Currently, sidewalks and the Class I Bike Path are not planned to traverse the Prima Deshecha Landfill. However, continuous Class II Bike Lanes will be provided on both sides of the roadway between Ortega Highway and Avenida Vista Hermosa.

**L-6-3.** This comment requests clarification of the terms “Class I Bike Path” and “Multi-Use Trails.” Class I Bike Paths are off-road paths that are paved and permit bicycle and pedestrian use. Multi-Use Trails permit all forms of non-motorized travel.

**L-6-4.** This comment requests clarification of the limits of the Class I Bike Path. Text on page 3-5 of the Draft EIR correctly states that the Class I Bike Path is proposed to extend along the eastside of the roadway from Calle Saluda to the San Clemente City limits. The 10-foot path would be separated from the roadway by a 5-foot parkway as indicated on the bottom of Figure 3.4.a in the Draft EIR. At this time the Class I Bike Path is not planned to traverse the Prima Deshecha Landfill. However, continuous Class II Bike Lanes will be provided on both sides of the roadway between Ortega Highway and Avenida Vista Hermosa.

**L-6-5.** This comment requests Figure 3.13, Existing and Proposed Trail Crossings, be revised to address design features to discourage trail users from crossing Camino Del Rio mid-block. The figure has been revised and is available in Appendix C of this Response to Comment document. As the trail approaches Camino Del Rio it will curve to the right and left to meet the trail adjacent to Camino Del Rio at a shallow angle rather than at 90 degrees. Topography or landscaping could be used to further discourage mid-block crossings of Camino Del Rio. Revisions to Figure 3.13 do not result in changes to the impact conclusions of the Draft EIR as a result of this comment. The Draft EIR is adequate and does not need to be revised or recirculated.

**L-6-6.** This comment provides specific input into the design of trails within the City of San Clemente and requests coordination between the Orange County Department of Public Works (DPW) and the City of San Clemente during the project final design phase. It is acknowledged that the DPW will coordinate with the City of San Clemente regarding the features within the City of San Clemente.

**L-6-7.** This comment provides specific input into the trail amenities within the City of San Clemente and requests coordination between the DPW and the City of San Clemente during the project final design phase. It is acknowledged that the DPW will coordinate with the City of San Clemente regarding the features within the City of San Clemente.

**L-6-8.** This comment provides specific input into the landscaping within the City of San Clemente and requests coordination between the DPW and the City of San Clemente during the project final design phase. It is acknowledged that the DPW will coordinate with the City of San Clemente regarding the features within the City of San Clemente.

**L-6-9.** This comment expresses a suggestion by the City of San Clemente to incorporate Policy 5.1.3 in Chapter 5.0 Scenic Highways, of the City of San Clemente General Plan. Policy 5.1.3 of the City of San Clemente's General Plan requires that side slopes and earthen berms adjacent to roadways be natural in appearance to minimize visual impacts along scenic highways. The DPW will coordinate with the City of San Clemente during the project's final design phase regarding aesthetic treatments within the limits of the City of San Clemente.

**L-6-10.** This comment expresses an opinion about the types of noise mitigation measures considered for the proposed project. Rubberized asphalt was considered as an alternative Mitigation Measure for operational noise along Camino Del Rio. Incorporation of this alternative mitigation into existing measure 4.4-7 (provided in Appendix B of this Response to Comment document) would further reduce long-term noise impacts and would benefit all residents along Camino Del Rio to a less than significant level. However, Camino Del Rio is a City of San Clemente facility, and the County cannot ensure implementation of the rubberized asphalt. Therefore long-term noise impacts are still considered significant and unavoidable. These changes to the EIR do not result in a new significant impact. Recirculation of a subsequent EIR is not required per Section 15073.5 of the State CEQA Guidelines. This change in information has been included in the Errata provided in Appendix B. There are no changes to the impact conclusions of the Draft EIR as a result of this comment. The Draft EIR is adequate and does not need to be revised or recirculated.

**L-6-11.** This comment provides specific input into streetlights within the City of San Clemente and requests coordination between the DPW and the City of San Clemente during the project final design phase. It is acknowledged that the DPW will coordinate with the City of San Clemente regarding the features within the City of San Clemente.

**L-6-12.** This comment requests that the City of San Clemente be given the opportunity to provide input into the signage, landscaping, and design features of the proposed grade-separated crossing. provides specific input into the landscaping within the City of San Clemente and requests coordination between the DPW and the City of San Clemente during the project final design phase. It is acknowledged that the DPW will coordinate with the City of San Clemente regarding the features within the City of San Clemente. The Orange County DPW will also coordinate with the City of San Clemente during the project's final design phase regarding the proposed grade-separated crossing.

**L-6-13.** This comment requests that the feasibility of utilizing reclaimed water for landscape irrigation be considered during the design stage of the project if it is available. During the design stage of the project, the feasibility of connecting to an existing reclaimed water line or otherwise utilizing reclaimed water for landscape irrigation will be pursued.

**L-6-14.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.4.7 Transportation Corridor Agencies**

#### **3.4.7.1 Letter Code: L-7; Date: December 17, 2010**

**L-7-1.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**L-7-2.** This comment requests that the County continue to coordinate with the Transportation Corridor Agencies (TCA) regarding the proposed alignments for Avenida La Pata. The County recognizes this request and will continue to update TCA with future project related mailings.

**L-7-3.** The Traffic Studies have been approved by the County and finalized. Therefore, no changes were made to the technical studies. However, all references to the SR-73 widening (north of I-5) to four lanes in each direction has been revised to state that the San Joaquin Hills Transportation Corridor Agency will implement this project. This change was made to Table 4.2.4. Revisions to Table 4.2.4 can be referenced in the Errata, located in Appendix B of this Response to Comments document.

**L-7-4.** This comment requests that TCA have an opportunity have the opportunity to review the final EIR when it becomes available. The Final EIR (Responses to Comments) will be provided to all public agencies who commented on the Draft EIR. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.5 RESPONSES – SERVICE AND UTILITY PROVIDERS**

#### **3.5.1 San Diego Gas and Electric Company and Southern California Gas**

##### **3.5.1.1 Letter Code: U-1; Date: December 17, 2010**

**U-1-1.** This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**U-1-2.** Figures 3.9 and 3.10 of the EIR have been revised to show the correct locations of Pole #327390. In addition, transmission lines TL13835, TL13833, and TL13836 are now correctly depicted and labeled in Figures 3.9 and 3.10. These revised figures are included in Appendix C of this Response to Comments document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment. The Draft EIR is adequate and does not need to be revised or recirculated.

**U-1-3.** Table 3.3 was revised to include CPUC approvals and permits. This change is reflected in the Errata provided in Appendix B of this Response to Comment document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment. The Draft EIR is adequate and does not need to be revised or recirculated.

**U-1-4.** The requested text has been removed from Section 4.12.1.9, as requested. Please see the revision of this subsection in the Errata provided in Appendix B of this Response to Comment document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment. The Draft EIR is adequate and does not need to be revised or recirculated.

**U-1-5.** This comment requests that the Project Description be revised to specify whether any electric facility relocations exceed 2,000 feet and whether new or amended easements or ROW would be required. Section 3.4.4.6 of the Project Description was revised to indicate that all electric facility relocations would occur within existing SDG&E ROW and would require movement of no more than 200 feet. The revisions to Section 3.4.4.6, Utility Relocation, have been included in the Errata, located in Appendix B of this Response to Comments document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment. The Draft EIR is adequate and does not need to be revised or recirculated.

**U-1-6.** The requested text indicating that cumulative impacts would be less than significant was added to the Section 4.12.6 Cumulative Impacts of the EIR. The revisions to Section 4.12.6, Cumulative Impacts, have been included in the Errata, located in Appendix B of this Response to Comments document.

**U-1-7.** This comment acknowledges past close coordination between the DPW and SDG&E and suggests that coordination continue to ensure that all staging and work areas and electrical system alterations are accurately identified. The descriptions of staging areas, work areas, and system

alterations described in the Draft EIR are also identified in the Project Report which was also reviewed by SDG&E. The DPW will continue coordination with SDG&E through final project design and construction to ensure minimal disruptions to service and SDG&E ROW.

**U-1-8.** The additional suggested text grading and access issues were included in measure 4.12-1 and shown in the Errata, located in Appendix B of this Response to Comments document.

**U-1-9.** Please refer to Response to Comment U-1-8, above.

**U-1-10.** Please refer to Response to Comment U-1-8, above.

**U-1-11.** Comment U-1-11 refers to the City of San Diego as the responsible party for any costs that may occur as part of the proposed project. The proposed project is not located within the jurisdiction of the City of San Diego. In addition, the same comment was provided in U-1-14, which indicates that the County is responsible for any costs incurred as part of the proposed project. Therefore, it is assumed that this comment is a duplicate comment and does not relate to the proposed project.

**U-1-12.** The requested text was incorporated under Section 3.4.4.3, Landscaping/Revegetation in Chapter 3.0, Project Description. The additional text is shown in the Errata, located in Appendix B of this Response to Comments document.

**U-1-13.** This comment states that SDG&E will not authorize use of its ROW for trail purposes by private individuals or home owners associations. The EIR acknowledges that access roads currently owned by SCE and SDG&E but which must be reconstructed/rerouted due to project construction will remain owned by SCE and SDG&E in their new configuration. Access roads currently designated as public trails will continue to have a public easement for trail purposes.

**U-1-14.** Please refer to Response to Comment U-1-8 and U-1-11, above.

**U-1-15.** The request for future coordination and involvement during the project design phase is acknowledged. SDG&E will be included in future project design coordination meetings.

## **3.6 RESPONSES – ORGANIZATIONS**

### **3.6.1 Rancho Mission Viejo**

#### **3.6.1.1 Letter Code: O-1; Date: December 8, 2010**

**O-1-1.** This comment thanks the County for the opportunity to provide comments during the public circulation period. This comment is introductory to other comments, expresses an opinion about the

EIR, and is not specific to the environmental analysis for the project. No further response is needed. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**O-1-2.** The comment asks for clarification of the southerly limits of the proposed project. As stated in Section 3.1 of the EIR, although the proposed project would eliminate an existing gap in the County arterial highway system and establish a connection between Ortega Highway (State Route 74 [SR-74]) to the north and Avenida Vista Hermosa to the south, the actual southern project limits of the proposed project is Calle Saluda. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-3.** The comment asks for clarification of the northerly limits of the proposed project. The northerly project limits begins at 2,700 feet south of the Ortega Highway/Antonio Parkway intersection because another project identified as Antonio Parkway Widening Project, will widen Antonio Parkway from Oso Parkway to SR-74, from four to six lanes, and widen La Pata to five lanes for 2,700 feet south of SR-74. The environmental documents for the Antonio Parkway Widening Project include an Addendum to Final EIR 555 and Addendum No. 2 to Final EIR 589, approved by the County in 2008. A clarification was included in the Errata of the Response to Comments document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-4.** This comment is a continuation of Comment O-1-3. Please see Response to Comment O-1-3, above.

**O-1-5.** This comment asks that the arterial roadway description be clarified as a divided highway. This clarification was made in the Errata of this Response to Comments document. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-6.** This comment requests clarification of trails in the vicinity of the project. Section 6.13 of the Draft EIR provided a more detailed description of the trail system than was provided in the Project Description summary cited in the comment. Figure 4.13.1 depicts local and regional trails in their relation to each other and the proposed project. The comment also mentions a planned trail that appears on the Orange County Master Plan of Regional Riding and Hiking Trails west of the existing La Pata Avenue roadway. Expansion of the existing La Pata Avenue roadway will occur to the east of the existing roadway and will not affect the ability or inability of the County to implement this future planned trail.

**O-1-7.** The comment notes that extended detention basin and LID BMPs would be located within the project ROW. The comment is correct. As depicted in Figures 3.5 and 3.7, the proposed water quality improvements are included as part of the project and would be located within the project's grading limits and ROW and not on private property. No change to the Draft EIR is warranted; however, this

comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**O-1-8.** The comment requests information regarding the term “borrow sites.” However, the term “borrow sites” does not appear in Section 3.4.6 as referenced in the comment. Grading is addressed in Section 3.4.2 of the Draft EIR. The term “borrow sites” also does not appear in Section 3.4.2. As described in the Draft EIR, the grading for the project will be balanced on-site including the excavation and fill in portions of the landfill as needed and in a manner consistent with the Prima Deshecha Landfill General Development Plan.

The comment also requests a discussion of consistency of the project grading with the future CR&R Materials Recovery Facility, north of the landfill. Chapter 3.0 of the Draft EIR is the description of the proposed project. See sections in Chapter 4.0 of the Draft EIR for a discussion of the impacts of the proposed project. The comment references the newly proposed Materials Recovery Facility (MRF) facility, a proposed but not approved trucking and recycling transfer facility. The proposed MRF facility, if approved, will be required to be consistent with the proposed project if and as it is ultimately approved by the County later this year. It is noted, however, that the application for the MRF facility states a commitment to coordinate with and be consistent with the proposed improvements to La Pata Avenue. The MRF facility site is proposed to be graded in conjunction with the proposed project and become operational after completion of the proposed project. This information is included as part of the record and made available to the decision makers prior to a final decision on the project. No further response is required.

**O-1-9.** The comment requests a specific description of a telemetry electric line to be included in the description of existing utility infrastructure. The purpose of the telemetry electric line is to activate the water booster pump at the intersection of La Pata and Ortega to fill the reservoir at the landfill. Table 3.1 in the Draft EIR describes the utility pole systems which carry the telemetry electric line and the water lines transmitting water to the landfill. There are no changes to the impact conclusions of the Draft EIR as a result of this comment. The Draft EIR is adequate and does not need to be revised or recirculated.

**O-1-10.** The comment requests addition information with regard to the impacts to the Tierra Verde Industries facility. The comment requests that this information be included in the Project Description Chapter of the Draft EIR. Section 4.1 of the Draft EIR, Land Use, includes the following information:

“There is one business on the RMV property operating under a lease that could be affected by the proposed project. Tierra Verde Industries, Inc. operates a greenwaste facility located east of the intersection of La Pata and Vista Montaña. Although the business would not be relocated, business operations, such as the office location, may be rearranged on the existing site to maintain current levels of operation. No demolition is required to implement the project. The business would not be displaced, and the existing operations will be able to continue within the terms of the existing lease agreement, which expires in 2014. (Construction of the proposed project is expected to be initiated in 2012 and be completed in early 2016.)”

Project grading would affect approximately 1.4 acres. Some of those 1.4 acres would be usable at the conclusion of construction.

The cost of the ROW acquisition will consider the effects to the facility's access, parking, and relocated facilities. The proposed project will not impede the long-term viability of the use.

The comment notes that, while the lease expires in 2014, there are provisions for extending the lease. This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**O-1-11.** The comment requests a revision to the Permits section (Section 3.5.1 through 3.5.4 in Chapter 3) to reference the permits that have already been obtained for the northerly segment of the proposed project, specifically areas covered under the Southern Subregion HCP, San Juan Creek SAMP, and RMV MSAA. The permits that have already been obtained for the northern segment are included in Section 4.6 of the Draft EIR. Specifically, the existing approvals include the County approved and USFWS signed Southern Subregion HCP as stated on page 4.6-15. The related NCCP is unsigned by the CDFG. See Master Response to Comments 2 – Biology for more information. Other existing approval include the San Juan Creek and San Mateo Creek watersheds SAMP, which was approved by the Corps as stated on page 4.6-1 and the RMV MSAA has been approved for RMV lands as stated on page 4.6-15.

**O-1-12.** The comment suggests that the project be constructed in multiple phases depending on funding and other considerations. The County at this time, anticipates that the project will be constructed in one phase. No change to the Draft EIR is warranted.

**O-1-13.** The comment suggests that the an additional project objective be added, describing how the project complements one of the objectives of the South Orange County Major Investment Study (SOC MIS). One of the elements of the Locally Preferred Strategy of the SOC MIS is to complete the MPAH. This is consistent with Project Objectives 1 and 2 as provided in Section 3.7 of the Draft EIR. However, the objective of the proposed project is to implement an element of the MPAH, not to implement the SOC MIS. Therefore, no change to the EIR has been made.

**O-1-14.** The term "Specific" has been removed from paragraph describing the Ranch Plan as requested. The Ranch Plan development acres have been updated to 5,873 acres and the open space acres have been updated to 16,942 acres, as requested. This change in information has been included in the Errata provided in Appendix B.

The comment also requests that a paragraph be added that describes the current status of Ranch Plan Planning Area 1; however, the comment does not provide further information or a citation where such information is available. Therefore, no change has been included in this Response to Comments document.

There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-15.** The comment includes a description of an MRF facility included in a Site Development Permit application. This information is included as part of the record and made available to the decision makers prior to a final decision on the project. No further response is warranted.

**O-1-16.** Additional text describing the Prima Deshecha North Trail as a multi-use trail was included in the Recreation discussion under the Surrounding Land Uses section. This additional information has been included in the Errata provided in Appendix B. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-17.** The text stating “planning areas for Planning Area 1”, was replaced with a “RMV Planned Community” in the Errata provided in Appendix B of this Response to Comments document. The text replacement is consistent with the zoning designation shown on Figure 4.1.6 of the EIR. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-18.** The comment references the newly proposed MRF facility cited in comment O-1-15. The proposed project has been on the MPAH since 1963, and the Draft EIR for the proposed project has been available since November, 2010. The proposed MRF facility, if approved, will be required to be consistent with the proposed project if and as it is ultimately approved by the County later this year. It is not necessary for the Final EIR for the proposed La Pata Gap Closure project to evaluate effects to this proposed but not approved MRF facility. It is noted, however, that the application for the MRF facility states a commitment to coordinate with and be consistent with the proposed improvements to La Pata Avenue. The proposed La Pata Gap closure project would not preclude development of the proposed MRF. The proposed La Pata Gap closure project is a planned roadway widening and extension, and it is not expected to have any adverse land use impacts to a proposed but not yet approved trucking and recycling transfer facility. The MRF facility site is proposed to be graded in conjunction with the proposed project and become operational after completion of the proposed project. This information is included as part of the record and made available to the decision makers prior to a final decision on the project. No further response is required.

**O-1-19.** This comment provides clarifying information regarding the Ranch Plan. The development acres have been updated to 5,873 acres and the open space acres have been updated to 16,942 acres, as requested. This change in information has been included in the Errata provided in Appendix B. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-20.** This comment requests that the statement “Land needed to widen the existing La Pata (northern segment) will be provided by RMV” be revised. The statement is, however, accurate and does not require revision. While the City of San Juan Capistrano purchased the riding park from RMV, this lies primarily within the 2,700 feet of La Pata Avenue that is part of the Antonio Parkway

widening project. Within the northern segment of the project, the existing La Pata Avenue Roadway will be expanded to the east. Land needed to perform this widening is currently owned by RMV.

**O-1-21.** This comment requests clarification of existing deficiencies in the traffic study. The analysis baseline year is before improvements were made to the intersections of Marguerite Parkway/Oso Parkway and Antonio Parkway/Ortega Highway and the I-5 southbound off-ramp to Oso Parkway. The benefits of the intersection improvements were reflected in the EIR in the Year 2016 conditions. Table 4.2.8 has been updated to reflect improvements to the I-5 southbound off-ramp to Oso Parkway and is available in Appendix B. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-22.** This comment requests that a description of the Foothill Transportation Corridor – South extension be added to Chapter 3.0. Chapter 3.0 of the Draft EIR is the description of the proposed project. The South Orange County Transportation Infrastructure Improvement Project (SOCTIIP) analyzed various scenarios for the extension of State Route 241 (SR-241). As described in Section 4.2.1.5 and on Page 4.2.15 of the Draft EIR, (SOCTIIP) analyzed various scenarios for the southern extension of State Route 241 (the Foothill Transportation Corridor) from its current terminus at Oso Parkway to I-5. Future traffic conditions were analyzed both with and without this extension. This information is included as part of the record and made available to the decision makers prior to a final decision on the project. No further response is required.

**O-1-23.** This comment requests clarification of two related transportation improvements. The comment first references extension of SR-241. Section 4.2 of the Draft EIR presents two future traffic scenarios, one without the extension of SR-241 and one with the extension of SR-241. The comment also references Cow Camp Road. Table 4.2.4 depicts two phases for Cow Camp Road that are included in the traffic impact analysis. One phase is analyzed in the Year 2016 scenario and the second phase is analyzed in Year 2035 scenarios. No changes to the Draft EIR are required as a result of this comment.

**O-1-24.** This comment identifies a typographical error. The typographical error was corrected and Table 4.2.5 is available in Appendix B. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-25.** This comment requests clarification of the land use projections utilized in the traffic impact analysis. The traffic impact analysis utilized straight line build out of the Ranch Plan. As a result, 6/25ths of the Ranch Plan total traffic generation was analyzed in 2016 and 100 percent of the Ranch Plan total traffic generation was analyzed in 2035. This information is included as part of the record and made available to the decision makers prior to a final decision on the project. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-26.** This comment requests information related to the South Orange County Transportation Infrastructure Improvement Project (SOCTIIP) traffic study. This EIR analyzes the impacts of the

proposed project. The traffic impact analysis examined whether the proposed project would cause adverse impacts in scenarios that included future traffic conditions with and without the extension of SR-241. Scenarios analyzed by SOCTIIP are beyond the scope of this EIR.

**O-1-27.** This comment requests clarification of mass transit plans of the Orange County Transportation Authority (OCTA). The County of Orange is unaware of any adopted measures by OCTA for transit measures in this area.

**O-1-28.** This comment requests clarification of the arterial roadway system analyzed in future traffic scenarios. As indicated in Section 4.2.3.3, the analysis for these scenarios assumes that planned improvements identified in the MPAH and Regional Transportation Plan (RTP) are implemented only if funding has been identified for those improvements. The committed improvements include those that are in a capital improvement program of a local jurisdiction within the study area, or projects that are currently funded by Caltrans. Also included are improvements that have reasonable assurance of being built prior to 2016 or 2035 by a specific funding source, such as the City of San Juan Capistrano's Reimbursement Agreement and Nexus Fee Program, the City of San Clemente's Regional Circulation Financing and Phasing Program (RCFPP), and the County's Measure M program. In addition, improvements that are part of conditions of approval for developments that are included in the long-range demographic data forecasts (i.e., OCP-2006 projections) are also assumed to be committed.

**O-1-29.** The comment references the newly proposed MRF facility cited in comment O-1-15. The proposed La Pata Gap closure project is a planned roadway widening and extension, and it is not expected to have any adverse visual effects to a proposed but not approved trucking and recycling transfer facility. The MRF facility site is proposed to be graded in conjunction with the proposed project and become operational after completion of the proposed project.

**O-1-30.** Additional text has been added to the EIR to clarify that the County is also moving forward with the proposed project to implement the MPAH. This change in information has been included in the Errata provided in Appendix B. There are no changes to the impact conclusions of the Draft EIR as a result of this comment. The Draft EIR is adequate and does not need to be revised or recirculated.

**O-1-31.** This comment addresses Chapter 4 page 4.6-14 of the Draft EIR. The comment states that the County was issued a Migratory Bird Treaty Act (MBTA) permit by the USFWS in conjunction with the Southern Subregion HCP. The County, RMV, and other permittees have received MBTA authorization for covered species, such that any take authorized in accordance with the HCP/10(a) permits will not be in conflict with the MBTA. However, measures designed to avoid take as defined by the MBTA, especially for species that are not covered by the HCP, will still be implemented.

**O-1-32.** This comment requests a revision to the NCCP Act section in Chapter 4 on page 4.6-15 of the Draft EIR to state that the Southern Subregion planning effort resulted in the approval of an HCP

only by the USFWS and that at this time the CDFG has not approved the related NCCP. The comment is consistent with the current text in the Draft EIR: on page 4.6-14 of the Draft EIR, it states that that CDFG is authorized to enter into agreements for the preparation and implementation of NCCPs, and then on page 4.6-15, it states that the HCP was approved and signed by the County and the USFWS in 2007.

**O-1-33.** The comment references the newly proposed MRF facility cited in comment O-1-15. The proposed La Pata Gap closure project is a planned roadway widening and extension, and it is not expected to have any adverse hazards effects to a proposed but not approved trucking and recycling transfer facility. The MRF facility site is proposed to be graded in conjunction with the proposed project and become operational after completion of the proposed project.

**O-1-34.** The Air Quality Analysis has been approved as a final technical report. Therefore, no changes were made to this technical report. However, all applicable sections in the EIR discussing the planned RMV development and open space acreage, have been updated with the new information. This change in information has been included in the Errata provided in Appendix B. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-35.** The Noise Study Analysis has been approved as a final technical report. Therefore, no changes were made to this technical report. However, all applicable sections in the EIR discussing the planned RMV development and open space acreage have been updated with the new information. This change in information has been included in the Errata provided in Appendix B. There are no changes to the impact conclusions of the Draft EIR as a result of this comment.

**O-1-36.** This comment suggests that rubberized asphalt be considered as an alternative noise mitigation measure to sound barrier walls. This comment has been considered by the County, and the County has determined that the suggestion is a viable alternative mitigation measure. Rubberized asphalt has been proposed as a form of alternative mitigation in addition to the existing measures included in Mitigation Measure 4.4-7. Rubberized asphalt has been demonstrated to result in an average of 4 decibel reduction in traffic noise levels as compared to conventional asphalt overlay. This noise reduction continued for six years after installation. These results are documented in a study prepared by Sacramento County Public Works Agency (November 1999). The 4-decibel (dB) reductions achieved with rubberized asphalt would reduce the project's impacts to less than significant levels. However, Camino Del Rio is a City of San Clemente facility, and the County cannot ensure implementation of the rubberized asphalt. Therefore long-term noise impacts are still considered significant and unavoidable. These changes to the EIR do not result in a new significant impact. Recirculation of a subsequent EIR is not required per Section 15073.5 of the State CEQA Guidelines.

**O-1-37.** This comment concludes comments made above and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**O-1-38.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.6.2 San Clemente Green**

#### **3.6.2.1 Letter Code: O-2; Date: November 11, 2010**

**O-2-1.** During the San Clemente Planning Commission Meeting on December 8, 2010, the San Clemente Planning Commission concluded that the proposed plant palette proposed along the La Pata corridor was consistent with the City of San Clemente Master Landscape Plan and the San Clemente General Plan. As adopted, the Master Landscape Plan allows for revisions to the plant palette to reduce maintenance costs and water usage.

**O-2-2.** This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project. For issues related to the project's consistency with the City of San Clemente's Master Landscape Plan and General Plan, please refer to Response to Comment O-2-1, above.

## **3.7 RESPONSES – GENERAL PUBLIC COMMENTS**

### **3.7.1 Michael Blackwell**

#### **3.7.1.1 Letter Code: P-1; Date: November 4, 2010**

**P-1-1.** A number of comments were submitted on the alternatives to the proposed project evaluated in the Draft EIR. Please refer to the Master Response to Comments 1 – Alternatives. This master response summarizes the requirements for an alternatives analysis and then provides an overall response to the various comments associated with alternatives. The Draft EIR, in Section 5.0, provides a comprehensive analysis of the merits of various alternatives to the proposed project pursuant to Section 15126.6 of the CEQA *Guidelines*. Section 15126.6(a) requires that:

“An EIR shall describe a range of reasonable alternatives to the project, or to the location of 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, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

Following this directive, a number of alternatives were considered and analyzed in the Draft EIR. These alternatives included the No Project/No Development Alternative, Westerly Alignment Alternative, Easterly Alignment Alternative, Project Variation Alternative, and the Proposed Project. Please see Master Response to Comments 1 – Alternatives, for more information.

**P-1-2.** The proposed La Pata Avenue alignment has been depicted on the Orange County MPAH since 1981 and in the City of San Clemente General Plan since 1982. Additionally, the extension of Camino Del Rio to La Pata Avenue is indicated as a future improvement in the Forster Ranch Specific Plan. Although the proposed project would be closer to some residential homes in Talega, as stated in Section 5.5, in Chapter 5.0, Alternatives, the proposed project meets all project objectives with the least environmental impacts. Therefore, in a comparison to other project alternatives, the proposed project is environmentally superior.

**P-1-3.** As stated above, in Response to Comment P-1-3, the proposed La Pata Avenue alignment has been depicted on the Orange County MPAH since 1981 and in the City of San Clemente General Plan since 1982. The proposed project alignment was never proposed within the limits of the City of San Juan Capistrano.

**P-1-4.** The construction costs for each alternative are provided in Chapter 5 on Table 5.1 of the EIR. The last bullet for each alternative listed in this table specifies the total estimated construction cost. The division of costs between the County and the City of San Clemente are not known at this time. However, both jurisdictions plan to share the costs associated with the proposed project.

**P-1-5.** As discussed in Chapter 5 of the EIR, ambient noise levels vary with each alternative alignment of La Pata. Ambient noise levels along Camino Del Rio are the same for each alternative. Table 5.2 provides a comparison of each alternative. As shown in Table 5.2, all the build alternatives are shown to have roughly equivalent noise impacts as the proposed alignment of La Pata. This is because no significant noise impacts were triggered along La Pata Avenue, so moving the alignment farther from Talega (Western Alignment and Project Variation) would not eliminate a long-term significant noise impact. The Eastern Alignment is also not anticipated to trigger a significant long-term noise impact along La Pata. Land Use projections included in the traffic analysis are described on Page 4.2-14 of the Draft EIR and on Page 2-20 and Figure 2.6 in the Traffic Study (Appendix B to the Draft EIR). The site of the proposed Target store is designated for retail use in the City of San Clemente General Plan and was included as retail use in Year 2016 and Year 2035 traffic projections. The approved Ranch Plan for RMV was also included in future traffic projections. Partial construction was analyzed in 2016 and full build out of the Ranch Plan was analyzed in 2035. Detailed analysis of the anticipated traffic volumes and impacts for the Target store and RMV were provided in their respective traffic studies.

### **3.7.2 Michael Blackwell**

#### **3.7.2.1 Letter Code: P-2; Date: November 5, 2010**

**P-2-1.** Please refer to Response to Comment P-1-1, above.

**P-2-2.** Please refer to Response to Comment P-1-5, above.

**P-2-3.** Page 4.2-14 in the Traffic Section of the EIR and pages 2-20 and 2-21 in the Traffic Study (included in Appendix B of the EIR) provide detailed descriptions of the land use assumptions used to determine future traffic projections. Year 2035 traffic projections were based on County, City of San Clemente, City of San Juan Capistrano, City of Laguna Niguel, and City of Mission Viejo General Plans. Page 4.2-14 of the EIR states specifically that the RMV plan approved by the Board of Supervisors (14,000 dwelling units) was utilized. Future traffic projections also include the Target store.

### **3.7.3 Ken Lockwood**

#### **3.7.3.1 Letter Code: P-3; Date: November 17, 2010**

**P-3-1.** Figures 4.2.2, 4.2.6, 4.2.7, 4.2.9, 4.2.10, 4.2.12, and 4.2.13 in the Traffic Section of the EIR depict traffic volumes on Camino Del Rio in the existing, 2016 without project, 2016 with project, 2035 without project and without SR-241 extension, 2035 with project without SR-241 extension, 2035 without project with SR-241 extension, and 2035 with project with SR-241 extension scenarios respectively. In 2016, 6,000 vehicles per day are forecast on Camino Del Rio. In 2035, 8,000 vehicles per day are forecast on Camino Del Rio.

**P-3-2.** Speed limits for both Camino Del Rio and La Pata Avenue will be established consistent with the requirements of the California Vehicle Code. For the purposes of analyzing future roadway noise, maximum engineering speeds of 45 miles per hour for Camino Del Rio and 55 miles per hour for La Pata Avenue were used to present a conservative, “worst-case” scenario.

**P-3-3.** Page 3-5 of the Project Description for the EIR states that modifications will be made to the existing traffic signals at La Pata Avenue/Vista Montana and La Pata Avenue/Calle Saluda and that a new traffic signal will be located at the intersection of La Pata Avenue/Camino Del Rio.

**P-3-4.** Figures 4.2.2, 4.2.6, 4.2.7, 4.2.9, 4.2.10, 4.2.12, and 4.2.13 in the Traffic Section of the EIR depict traffic volumes on Camino De Los Mares in the existing, 2016 without project, 2016 with project, 2035 without project and without SR-241 extension, 2035 with project without SR-241 extension, 2035 without project with SR-241 extension, and 2035 with project with SR-241 extension scenarios respectively. As shown on these figures, completion of the proposed project is anticipated to result in lower traffic volumes on Camino De Los Mares than without the project in the 2016, 2035 without SR-241 extension, and 2035 with SR-241 extension scenarios. The project does not include funding for intersection improvements along Camino De Los Mares.

**P-3-5.** As stated in the EIR, barrier heights of 4 feet were found to be adequate because these residences are higher than Camino Del Rio. No sound barriers were analyzed for sensitive receptors that would not be exposed to a traffic noise level exceeding either 65 dBA Community Noise Equivalent Level (CNEL) for the City of San Juan Capistrano or 65 dBA day-night average noise level ( $L_{dn}$ ) for the City of San Clemente, or that would experience an increase in project-related noise levels less than 3 dBA when the existing noise already exceeds the noise standard. Clear Plexiglas barriers could be utilized to minimize change to visual quality. The sound barriers would not be visible in the view simulations.

**P-3-6.** This comment expresses an opinion opposing the Westerly Alternative. Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.4 Janice Krause**

#### **3.7.4.1 Letter Code: P-4; Date: November 17, 2010**

**P-4-1.** This comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-4-2.** The Comment Sheet comment mentions consideration for animals that use the area as part of a home range and/or movement corridor, specifically deer and bobcat. Wildlife corridors are currently addressed in the Draft EIR in Section 4.6.1.8 and shown on Figure 4.6.4. In addition, Biological Resources Policy 10.1.4 from the City of San Clemente General Plan has measures to implement and protect corridors, and the Draft EIR Impacts and Mitigation Section 4.6.5 includes Threshold 4.6.4, which states that interference to fish or wildlife species movement will be a less than significant impact.

**P-4-3.** This comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.5 R.K. Dickey**

#### **3.7.5.1 Letter Code: P-5; Date: November 17, 2010**

**P-5-1.** This comment expresses support for an alignment west of Prima Deschecha Landfill Zone 4. Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for

the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-5-2.** This comment expresses appreciation for the December 17, 2010, presentation and is not a comment on the environmental analysis for the project.

### **3.7.6 Jenna Chandler**

#### **3.7.6.1 Letter Code: P-6; Date: November 18, 2010**

**P-6-1.** The comment requests assistance with the County's website. Ms. Jenna Chandler was contacted by LSA Associates, on behalf of the County on November 24, 2010. Ms. Chandler was directed to the appropriate website to access the Draft EIR electronically.

### **3.7.7 John Tilton**

#### **3.7.7.1 Letter Code: P-7; Date: November 18, 2010**

**P-7-1.** As stated in the EIR, the NCCP/HCP does not identify any existing wildlife movement corridors that cross the La Pata Avenue alignment, and the existing habitat in the vicinity of the project is somewhat fragmented. The proposed project will include two undercrossings that are expected to be used by wildlife. Therefore, the implementation of the proposed roadway improvements does not substantially interfere with the movement of native resident or migratory wildlife species, or with established wildlife corridors.

### **3.7.8 Matt and Sepi Forstie**

#### **3.7.8.1 Letter Code: P-8; Date: November 20, 2010**

**P-8-1.** The comment expresses support for the Westerly Alginment Alternative. Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.9 Marieek@hotmail.com**

#### **3.7.9.1 Letter Code: P-9; Date: November 23, 2010**

**P-9-1:** The comment requests that this person's email address be added to the list (mailing/contact list). The email address has been added to the mailing list. No further response is required.

### **3.7.10 Ken Goldstone**

#### **3.7.10.1 Letter Code: P-10; Date: November 23, 2010**

**P-10-1.** The comment expresses support of the proposed project alignment. Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-10-2.** Project impacts relating to noise have been analyzed in the Draft EIR Section 4.4, Noise. Please refer to Section 4.4 for the specific information regarding noise impacts of the proposed project.

### **3.7.11 Tom Hawkins**

#### **3.7.11.1 Letter Code: P-11; Date: November 28, 2010**

**P-11-1.** Please refer to Master Response to Comments 1 – Alternatives and chapters of the Draft EIR. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-11-2.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. Please refer to Master Response to Comments 1 – Alternatives. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-11-3.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.12 Laurie Gooch**

#### **3.7.12.1 Letter Code: P-12; Date: November 28, 2010**

**P-12-1.** This comment expresses support for the Project Variation Alignment and is not a comment on the environmental analysis for the project. Please refer to Master Response to Comments 1 – Alternatives. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.13 Steph and Madge DeSales**

#### **3.7.13.1 Letter Code: P-13; Date: November 29, 2010**

**P-13-1.** The comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.14 Michele Atkinson**

#### **3.7.14.1 Letter Code: P-14; Date: November 30, 2010**

**P-14-1.** The comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-14-2.** Page 3-5 of the Project Description for the EIR indicates that 10-foot bike lanes will be provided on both sides of La Pata Avenue. These bike lanes will be provided along the entire length of the gap closure and will provide continuity for bike lanes currently provided on Avenida La Pata south of Calle Saluda and on Antonio Parkway north of Ortega Highway. A transition between the bike path and the bike lane is planned.

**P-14-3.** As stated in Chapter 3, Project Description of the EIR, all cut-and-fill slopes will be revegetated with an appropriate native seed mix. Raised medians will also be planted with native seed mix. Relocation of any native trees may be considered at the time of final design. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project. Please refer to Response to Comment O-1-1, above.

### **3.7.15 Brad Gates**

#### **3.7.15.1 Letter Code: P-15; Date: December 1, 2010**

**P-15-1.** This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-15-2.** The comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-15-3.** The comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-15-4.** The comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-15-5.** The comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.16 Elizabeth Morrison**

#### **3.7.16.1 Letter Code: P-16; Date: December 4, 2010**

**P-16-1.** The comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-16-2.** The comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.17 John Christl**

#### **3.7.17.1 Letter Code: P-17; Date: December 5, 2010**

**P-17-1.** This comment expresses an opinion in opposition to the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-17-2.** The comment expresses concern about future traffic levels on Camino Del Rio. Figures 4.2.2, 4.2.6, 4.2.7, 4.2.9, 4.2.10, 4.2.12, and 4.2.13 in the Traffic Section of the EIR depict traffic volumes on Camino Del Rio in the existing, 2016 without project, 2016 with project, 2035 without project and without SR-241 extension, 2035 with project without SR-241 extension, 2035 without project with SR-241 extension, and 2035 with project with SR-241 extension scenarios respectively. In 2016, 6,000 vehicles per day are forecast on Camino Del Rio. In 2035, 8,000 vehicles per day are forecast on Camino Del Rio. These volumes can be accommodated by a Secondary Arterial such as Camino Del Rio.

**P-17-3.** The comment expresses concern that the project will result in increased noise and traffic. La Pata Avenue and Camino Del Rio have been depicted on the Orange County MPAH since 1981 and in the City of San Clemente General Plan since 1982. Additionally, the extension of Camino Del Rio to La Pata Avenue is indicated as a future improvement in the Forster Ranch Specific Plan. The EIR analyzed potential traffic and air quality impacts resulting from the proposed project and found them

to be less than significant (see Draft EIR Section 4.2 and 4.4). Additional discussion regarding air quality impacts resulting from air emissions generated during construction, have been incorporated into Appendix B, Errata, of this Response to Comments document. Anticipated traffic volumes in 2035 would exceed the threshold for exterior noise as set by the City of San Clemente at four locations immediately adjacent to Camino Del Rio. The Draft EIR recommended the use of four-foot high sound walls at these locations. The Final EIR will also include a mitigation option to reduce noise impacts by the use of rubberized asphalt along Camino Del Rio between La Pata and Camino De Los Mares. However, Camino Del Rio is a City of San Clemente facility, and the County cannot ensure implementation of the rubberized asphalt. Therefore long-term noise impacts are still considered significant and unavoidable. These changes to the EIR do not result in a new significant impact. Recirculation of a subsequent EIR is not required per Section 15073.5 of the State CEQA Guidelines.

**P-17-4.** The comment expresses concern about environmental and quality of life impacts. La Pata Avenue and Camino Del Rio have been depicted on the Orange County MPAH since 1981 and in the City of San Clemente General Plan since 1982. Additionally, the extension of Camino Del Rio to La Pata Avenue is indicated as a future improvement in the Forster Ranch Specific Plan. The extension of Camino Del Rio provides access for Forster Ranch residents traveling to San Juan Hills High School, retail developments in the Talega neighborhood, and Ortega Highway. The EIR analyzed potential traffic and air quality impacts resulting from the proposed project and found them to be less than significant. Anticipated traffic volumes in 2035 would exceed the threshold for exterior noise as set by the City of San Clemente at four locations immediately adjacent to Camino Del Rio. The Draft EIR recommended the use of four-foot high sound walls at these locations. The Final EIR also includes an option to mitigate the anticipated noise impacts with the implementation of rubberized asphalt along Camino Del Rio. However, Camino Del Rio is a City of San Clemente facility, and the County of Orange cannot ensure implementation of the rubberized asphalt. Therefore long-term noise impacts are still considered significant and unavoidable. These changes to the EIR do not result in a new significant impact. Recirculation of a subsequent EIR is not required per Section 15073.5 of the State CEQA Guidelines. Private property values are not subject to consideration under CEQA (*Hecton v. People of the State of California*, (2d Dist. 1975) 51 Cal. App. 3d 648 [124 Cal.Rptr.635]) unless a physical impact can be proven to be the cause of an economic or social effect (CEQA Guidelines Section 15131[a]). In this case, there is no substantial evidence in the record or presented by the commenter to show that a physical effect beyond the project construction limits would occur. Therefore, economic and social effects are not a contributing factor to the environmental impacts of the project and do not warrant further consideration or analysis.

**P-17-5.** La Pata Avenue and Camino Del Rio have been depicted on the Orange County MPAH since 1981 and in the City of San Clemente General Plan since 1982. Additionally, the extension of Camino Del Rio to La Pata Avenue is indicated as a future improvement in the Forster Ranch Specific Plan. The extension of Camino Del Rio provides access for Forster Ranch residents traveling to San Juan Hills High School, retail developments in the Talega neighborhood, and Ortega Highway.

**P-17-6.** This comment expresses an opinion in opposition to the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.18 Denise and Brett Kacura**

#### **3.7.18.1 Letter Code: P-18; Date: December 5, 2010**

**P-18-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.19 Tom and Kati Bennett**

#### **3.7.19.1 Letter Code: P-19; Date: December 5, 2010**

**P-19-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.20 James Gaddie**

#### **3.7.20.1 Letter Code: P-20; Date: December 5, 2010**

**P-20-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-20-2.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.21 Dean Zibas**

#### **3.7.21.1 Letter Code: P-21; Date: December 5, 2010**

**P-21-1.** This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-21-2.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental

analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-21-3.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.22 Amy Gray**

#### **3.7.22.1 Letter Code: P-22; Date: December 5, 2010**

**P-22-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-22-2.** This figure was provided as an attachment and is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.23 Cynthia Vikan**

#### **3.7.23.1 Letter Code: P-23; Date: December 6, 2010**

**P-23-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-23-2.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-23-3.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-23-4.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental

analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-23-5.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.24 David Baba**

#### **3.7.24.1 Letter Code: P-24; Date: December 6, 2010**

**P-24-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-24-2.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.25 Anthony Bradish**

#### **3.7.25.1 Letter Code: P-25; Date: December 6, 2010**

**P-25-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.26 Ron Grace**

#### **3.7.26.1 Letter Code: P-26; Date: December 6, 2010**

**P-26-1.** This comment is introductory to other comments, expresses an opinion about the EIR, and is not specific to the environmental analysis for the project. No further response is needed. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-26-2.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-26-3.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-26-4.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-26-5.** Please refer to Master Response to Comment 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-26-6.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-26-7.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-26-8.** The comment includes comments made above and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.27 Leanne Mudge**

#### **3.7.27.1 Letter Code: P-27; Date: December 6, 2010**

**P-27-1.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-27-2.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-27-3.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-27-4.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.28 Diane Lyttle**

#### **3.7.28.1 Letter Code: P-28; Date: December 6, 2010**

**P-28-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-28-2.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-28-3.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.29 Fred and Margo Martin**

#### **3.7.29.1 Letter Code: P-29; Date: December 6, 2010**

**P-29-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-29-2.** Please refer to Master Response to Comment 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.30 Don Campbell**

#### **3.7.30.1 Letter Code: P-30; Date: December 6, 2010**

**P-30-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-30-2.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-30-3.** Please refer to Master Response to Comment – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-30-4.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-30-5.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-30-6.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.31 Karen Grace**

#### **3.7.31.1 Letter Code: P-31; Date: December 6, 2010**

**P-31-1.** This comment letter is a duplicate to comment letter P-26. Please refer to Response to Comment P-26-1.

**P-31-2.** This comment letter is a duplicate to comment letter P-26. Please refer to Response to Comment P-26-2.

**P-31-3.** This comment letter is a duplicate to comment letter P-26. Please refer to Response to Comment P-26-3.

**P-31-4.** This comment letter is a duplicate to comment letter P-26. Please refer to Response to Comment P-26-4.

**P-31-5.** This comment letter is a duplicate to comment letter P-26. Please refer to Response to Comment P-26-5.

**P-31-6.** This comment letter is a duplicate to comment letter P-26. Please refer to Response to Comment P-26-6.

**P-31-7.** This comment letter is a duplicate to comment letter P-26. Please refer to Response to Comment P-26-7.

**P-31-8.** This comment letter is a duplicate to comment letter P-26. Please refer to Response to Comment P-26-8.

### **3.7.32 Lynn Moore**

#### **3.7.32.1 Letter Code: P-32; Date: December 6, 2010**

**P-32-1.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-1.

**P-32-2.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-2.

**P-32-3.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-3.

### **3.7.33 Ken Royal**

#### **3.7.33.1 Letter Code: P-33; Date: December 8, 2010**

**P-33-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental

analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-33-2.** Chapter 5.0 of the Draft EIR compares the Alternatives to the proposed project, with regards to environmental effects, in accordance with CEQA. Private property values are not subject to consideration under CEQA (*Hecton v. People of the State of California*, (2d Dist. 1975) 51 Cal. App. 3d 648 [124 Cal.Rptr.635]) unless a physical impact can be proven to be the cause of an economic or social effect (CEQA Guidelines Section 15131[a]). In this case, there is no substantial evidence in the record or presented by the commenter to show that a physical effect beyond the project construction limits would occur. Therefore, economic and social effects are not a contributing factor to the environmental impacts of the project and do not warrant further consideration or analysis.

**P-33-3.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.34 Larry Kramer**

#### **3.7.34.1 Letter Code: P-34; Date: December 8, 2010**

**P-34-1.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.35 Dave and Kathy Hall**

#### **3.7.35.1 Letter Code: P-35; Date: December 7, 2010**

**P-35-1.** The comment expresses an opinion in support of the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-35-2.** The comment expresses an opinion about the project alternatives and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-35-3.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-35-4.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.36 Corri Roe**

#### **3.7.36.1 Letter Code: P-36; Date: December 7, 2010**

**P-36-1.** The comment expresses an opinion regarding project alternatives and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-36-2.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-36-3.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-36-4.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.37 Tina Taylor**

#### **3.7.37.1 Letter Code: P-37; Date: December 7, 2010**

**P-37-1.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-1.

**P-37-2.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-2.

**P-37-3.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-3.

### **3.7.38 Kim and Debbie Zetterberg**

#### **3.7.38.1 Letter Code: P-38; Date: December 7, 2010**

**P-38-1.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-1.

**P-38-2.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-2.

**P-38-3.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-3.

**P-38-4.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-4.

**P-38-5.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-5.

### **3.7.39 Sandy and Rich Marquez**

#### **3.7.39.1 Letter Code: P-39; Date: December 7, 2010**

**P-39-1.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-39-2.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-39-3.** The comment is information and expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-39-4.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.40 William C. Shepard III**

#### **3.7.40.1 Letter Code: P-40; Date: December 7, 2010**

**P-40-1.** This comment is a duplicate to comment letter P-28-1. Please refer to Response to Comment P-28-1.

### **3.7.41 Don and Jill Eslick**

#### **3.7.41.1 Letter Code: P-41; Date: December 7, 2010**

**P-41-1.** This comment expresses an opinion in support of the proposed project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-41-2.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-41-3.** This comment is a duplicate to comment letter P-28-1. Please refer to Response to Comment P-28-1.

**P-41-4.** The comment provides information and expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.42 Eric Kowalski**

#### **3.7.42.1 Letter Code: P-42; Date: December 7, 2010**

**P-42-1.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-42-2.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-42-3.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.43 Robyne Maffia**

#### **3.7.43.1 Letter Code: P-43; Date: December 8, 2010**

**P-43-1.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-43-2.** This comment is a duplicate to comment letter P-28-1. Please refer to Response to Comment P-28-1.

### **3.7.44 Susan Mills**

#### **3.7.44.1 Letter Code: P-44; Date: December 8, 2010**

**P-44-1.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-44-2.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-44-3.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.45 Dan and Connie Mueller**

#### **3.7.45.1 Letter Code: P-45; Date: December 8, 2010**

**P-45-1.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-1.

**P-45-2.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-2.

**P-45-3.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-3.

### **3.7.46 Gloria Weinberg**

#### **3.7.46.1 Letter Code: P-46; Date: December 7, 2010**

**P-46-1.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-46-2.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.47 Mark Tookey**

#### **3.7.47.1 Letter Code: P-47; Date: December 8, 2010**

**P-47-1.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-47-2.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.48 Moira Graff**

#### **3.7.48.1 Letter Code: P-48; Date: December 8, 2010**

**P-48-1.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.49 Mr. and Mrs. Michael Whaley**

#### **3.7.49.1 Letter Code: P-49; Date: December 8, 2010**

**P-49-1.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.50 Rachel Lickley**

#### **3.7.50.1 Letter Code: P-50; Date: December 8, 2010**

**P-50-1.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-1.

**P-50-2.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-2.

**P-50-3.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-3.

**P-50-4.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-4.

**P-50-5.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-5.

### **3.7.51 James Keany, MD**

#### **3.7.51.1 Letter Code: P-51; Date: December 8, 2010**

**P-51-1.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-51-2.** This comment expresses concern about the effect of the “blue” (Westerly Alignment) alternative to noise, air quality, and property values. Please refer to Master Response to Comments 1 – Alternatives and Chapter 5.0 of the Draft EIR. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-51-3.** The comment expresses an opinion about the project and alternatives and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-51-4.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.52 Amy Rhodes**

#### **3.7.52.1 Letter Code: P-52; Date: December 8, 2010**

**P-52-1.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-1.

**P-52-2.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-2.

**P-52-3.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-3.

**P-52-4.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-4.

**P-52-5.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-5.

### **3.7.53 John Mairs**

#### **3.7.53.1 Letter Code: P-53; Date: December 8, 2010**

**P-53-1.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-53-2.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.54 Shawn Teske**

#### **3.7.54.1 Letter Code: P-54; Date: December 8, 2010**

**P-54-1.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-1.

**P-54-2.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-2.

**P-54-3.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-3.

### **3.7.55 David Schultz**

#### **3.7.55.1 Letter Code: P-55; Date: December 8, 2010**

**P-55-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-55-2.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-1.

**P-55-3.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-2.

**P-55-4.** This comment letter is a duplicate to comment letter P-28. Please refer to Response to Comment P-28-3.

### **3.7.56 Jerry Collamer**

#### **3.7.56.1 Letter Code: P-56; Date: December 8, 2010**

**P-56-1.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-56-2.** The comment includes conceptual drawings that depict the La Pata extension in a tunnel with a land bridge connecting Talega and Forster Ranch. The alternative does not eliminate the significant impacts of the preferred alternative and would be cost prohibitive. The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.57 Chuck and Julie Ranson**

#### **3.7.57.1 Letter Code: P-57; Date: December 8, 2010**

**P-57-1.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.58 Melinda Stone**

#### **3.7.58.1 Letter Code: P-58; Date: December 8, 2010**

**P-58-1.** This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-58-2.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-58-3.** The comment expresses an opinion about the project and project alternatives and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.59 Donna Vecchiarelli**

#### **3.7.59.1 Letter Code: P-59; Date: December 9, 2010**

**P-59-1.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-59-2.** This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project. Please refer to Section 4.13 of the Draft EIR for information regarding trail connectivity. Please refer to the Response to Comment P-3-4 regarding traffic volumes on Camino De Los Mares. The Draft EIR concluded that the proposed project is anticipated to result in lower traffic volumes on Camino De Los Mares than without the project in the 2016, 2035 without SR-241 extension, and 2035 with SR-241 extension scenarios.

**P-59-3.** The comment expresses concern about emergency vehicle access. The proposed project would complete a portion of the planned circulation system in south Orange County and will improve emergency vehicle access. During construction, the project would be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on site for emergency vehicles. In addition, a Transportation Management Plan (TMP) described in Mitigation Measure 4.9-5 in Section 4.9, would be in place for the construction of the proposed project to prevent significant delays to emergency vehicles, particularly while there is construction activity on existing La Pata Avenue. With the implementation of Mitigation Measure 4.9-5, the proposed project would not result in a significant traffic impact related to emergency access

during construction. The proposed project's impact to emergency vehicle response times would be less than significant. For additional information, refer to Section 4.2, Traffic, and Section 4.12, Public Services and Utilities, of the EIR.

**P-59-4.** This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.60 Thomas Kearns**

#### **3.7.60.1 Letter Code: P-60; Date: December 13, 2010**

**P-60-1.** This comment requests that no improvements be made to Camino Del Rio. The project includes both La Pata and Camino del Rio improvements. Elimination of the Camino Del Rio improvements was not considered. The Camino Del Rio extension is part of the City's Circulation Element intended (1) to provide additional access to Forster Ranch from Talega and Rancho San Clemente; (2) provide access from Forster Ranch to Target and Walmart Center; (3) divert traffic from Vera Cruz and Camino Del Las Mares; and (4) provide noticeably improved access to Forster Ranch area schools. Removing Camino Del Rio from consideration would require extensive discretionary review and approval at both the City and County levels. Camino Del Rio is planned to extend to La Pata with four lanes to increase safety, allow for parking, and improve traffic circulation.

**P-60-2.** This comment expresses an opinion about the benefits of not extending Camino Del Rio, and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

In addition, rubberized asphalt is an alternative mitigation measure that would reduce noise impacts on Camino Del Rio to a less than significant level. However, Camino Del Rio is a City of San Clemente facility, and the County cannot ensure implementation of the rubberized asphalt. Therefore long-term noise impacts are still considered significant and unavoidable. These changes to the EIR do not result in a new significant impact. Recirculation of a subsequent EIR is not required per Section 15073.5 of the State CEQA Guidelines. Should the proposed project be implemented, the Forster Ridgeline Trail will be rerouted to ensure that trail users are directed to cross at the signalized crossing. As explained in the traffic analysis in the Draft EIR, traffic on Camino de Los Mares will improve with implementation of the proposed project.

**P-60-3.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.61 Paul and Cindy Henry**

#### **3.7.61.1 Letter Code: P-61; Date: December 10, 2010**

**P-61-1.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-61-2.** This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-61-3.** This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-61-4.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.62 Rick Colia**

#### **3.7.62.1 Letter Code: P-62; Date: December 9, 2010**

**P-62-1.** The comment requested future ADT for two roadway segments. This information was forwarded to Mr. Colia through the County. Future ADT volumes were provided in the Draft EIR for Year 2016 on Figures 4.2.6 and 4.2.7, for Year 2035 without SR-241 extension on Figures 4.2.9 and 4.2.10, and for Year 2035 with SR-241 extension on Figures 4.2.12 and 4.2.13.

### **3.7.63 Jay Reale**

#### **3.7.63.1 Letter Code: P-63; Date: December 13, 2010**

**P-63-1.** This comment is introductory to the comments that follow and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-63-2.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-63-3.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental

analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.64 Rich Hougland**

#### **3.7.64.1 Letter Code: P-64; Date: December 13, 2010**

**P-64-1.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-1.

**P-64-2.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-2.

**P-64-3.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-3.

**P-64-4.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-4.

**P-64-4.** This comment letter is a duplicate to comment letter P-23. Please refer to Response to Comment P-23-5.

### **3.7.65 Valentin Ignat**

#### **3.7.65.1 Letter Code: P-65; Date: December 12, 2010**

**P-65-1.** The comment refers to a 2004 EIR. This comment expresses an opinion and is not a comment on the current environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-65-2.** The comment refers to a 2004 EIR. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the current environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-65-3.** The comment expresses an opinion that the Draft EIR does not address alternatives. The comment is not correct. Please see the Master Response to Comments 1 – Alternatives and Chapter 5.0 of the Draft EIR. This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-65-4.** This comment expresses an opinion about the project variation alternative. The Project Variation Alternative is not a substitute for the Westerly Alignment Alternative.

**P-65-5.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.66 Michael Anthony**

#### **3.7.66.1 Letter Code: P-66; Date: December 15, 2010**

**P-66-1.** Please refer to Response to Comment P-60-1.

**P-66-2.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.67 Laurie Manning**

#### **3.7.67.1 Letter Code: P-67; Date: December 16, 2010**

**P-67-1.** This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-67-2.** This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-67-3.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.68 Matthew Sweany**

#### **3.7.68.1 Letter Code: P-68; Date: December 16, 2010**

**P-68-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-68-2.** This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-68-3.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-68-4.** This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-68-5.** This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.69 Donald Kunze**

#### **3.7.69.1 Letter Code: P-69; Date: December 16, 2010**

**P-69-1.** This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-69-2.** This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-69-3.** The commenter states the distance between signalized intersections at Calle Saluda and Camino Del Rio will be approximately 100 feet apart. However, this estimated distance is approximately 1,200 feet. The proposed location of Camino Del Rio is consistent with the alignment contained in the Forster Ranch Specific Plan. Alternative alignments for Camino Del Rio potentially impact designated open space and may require the taking of homes in Forster Ranch.

**P-69-4.** The alignment for Camino Del Rio will be at the existing grade at the location where it intersects the Forster Ranch Ridgeline Trail making a grade separated crossing infeasible.

**P-69-5.** Extensions of Camino De Los Mares and Camino Las Ramblas are included in the County MPAH as proposed alignments but are not part of the proposed project. Additional environmental review will be required if alignments for these roadway extensions are proposed.

**P-69-6.** This comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.70 Sheila Ross**

#### **3.7.70.1 Letter Code: P-70; Date: December 16, 2010**

**P-70-1.** This comment is information and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-70-2.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.71 Allan Siposs**

#### **3.7.71.1 Letter Code: P-71; Date: December 17, 2010**

**P-71-1.** This comment is introductory to other comments and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-71-2.** Project includes completion of both La Pata and Camino Del Rio with the objectives of implementing components of the County MPAH, the Transportation Element of the County of Orange General Plan, the Circulation Element of the San Clemente General Plan, and Specific Plans for Talega and Forster Ranch; improving access to schools, commercial areas, and recreational amenities; reducing vehicle miles traveled and greenhouse gas emissions; facilitating local inter-community circulation; and improving emergency access and evacuation. The extension of Camino Del Rio accomplishes all of these project objectives. The proposed alignment of Camino Del Rio has been depicted on the County MPAH since 1981 and in the City of San Clemente General Plan since 1982. Additionally, the extension of Camino Del Rio to La Pata Avenue is indicated as a future improvement in the Forster Ranch Specific Plan. This comment expresses an opinion about the selection of the preferred alternative. Please refer to Master Response to Comments 1 – Alternatives.

**P-71-3.** Figures 4.2.6 and 4.2.7 in the Traffic Section of the EIR show that future forecasted traffic volumes on Camino Vera Cruz are reduced in the 2016 scenario with the project. Figures 4.2.9 and

4.2.10 in the Traffic Section of the EIR show that the future forecasted traffic volumes on Camino Vera Cruz are reduced in the 2035 without SR-241 extension scenario with the project. Figures 4.2.12 and 4.2.13 in the Traffic Section of the EIR show that the future forecasted traffic volumes on Camino Vera Cruz are reduced in the 2035 with SR-241 extension scenario with the project. Additionally, the extension of Camino Del Rio accomplishes the project objectives of implementing components of the County MPAH, the Transportation Element of the County General Plan, the Circulation Element of the San Clemente General Plan, and Specific Plans for Talega and Forster Ranch; improving access to schools, commercial areas, and recreational amenities; reducing vehicle miles traveled and greenhouse gas emissions; and facilitating local inter-community circulation.

**P-71-4.** Please refer to Response to Comment P-59-3.

**P-71-5.** The alignment for Camino Del Rio will be at the existing grade at the location where it intersects the Forster Ranch Ridgeline Trail making a grade separated crossing infeasible. Should the proposed project be implemented, the Forster Ridgeline Trail will be rerouted to ensure that trail users are directed to cross at the signalized crossing. This will ensure that trail users will safely be able to cross Camino Del Rio to the other side of the Forster Ridgeline Trail. Section 4.13 of the Draft EIR, Recreation, addresses the changes to the physical and visual environment as a result of the proposed project will alter the recreation experience for trail users. Changes to the visual environment are discussed in Section 4.5, Aesthetics. The proposed project was found to have a less than significant impact on visual resources; however, views from trails where they approach or cross the proposed project roadway extensions (including the Forster Ranch Ridgeline Trail of Camino Del Rio) will be different than existing conditions. The changes to the physical, visual, and noise environments include substantial cut-and-fill resulting in engineered slopes, changes to views from trails where they approach or cross the proposed project roadway extensions, and the introduction of an additional source of urban noise as a result of traffic on the proposed roadway extensions. However, the overall trail experience, with all connections and linkages, will be maintained so that full trail continuity is achieved. This would result in a functional experience over the full length of these trails. Overall, the combination of these changes to the existing trail environment will alter the recreation experience for trail users; however, these changes to the existing trail alignment would be considered less than significant.

**P-71-6.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.72 Charles Fernald**

#### **3.7.72.1 Letter Code: P-72; Date: December 17, 2010**

**P-72-1.** This comment is introductory to other comments, expresses an opinion about the EIR, and is not specific to the environmental analysis for the project. No further response is needed. This

comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-72-2.** This comment is introductory to other comments, expresses an opinion about the EIR, and is not specific to the environmental analysis for the project. No further response is needed. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-72-3.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-72-4.** This comment states that the Western Alignment should be considered a feasible alternative and that is correct. However, it is important to recognize that the engineering Project Report proposed for the Draft EIR contains new information that was not available in the 2005 study by Huitt Zollars. The project alignment does require extensive corrective grading as noted in the Project Report. However, even with the extensive grading, it is still recommended due to overriding open space and ROW impacts of the Westerly Alignment Alternative. Please see the Master Response to Comments 1 – Alternatives for a discussion of why the proposed project is the preferred alternative.

**P-72-5.** The comment also requests clarification of the conclusion in the Draft EIR that the Western Alignment has greater utility impacts than the proposed alignment. The Westerly Alignment Alternative has fewer impacts to SDG&E facilities. The most severe potential utility impacts associated with the proposed project and alternatives are to the SCE facilities, specifically the existing SCE transmission system and its ROW corridor, which currently serves as the only SCE link between Orange County and the San Onofre Nuclear Generating Station (SONGS). See Master Response to Comments 1 – Alternatives. Copies of letters from SDG&E and SCE can be found in Appendix A of this document. SDG&E and SCE support the proposed project as the preferred alignment.

**P-72-6.** This comment states that a mapped coastal California gnatcatcher territory would be impacted by they proposed project alignment, but not the western alignment, and therefore this effect should be highlighted and discussed. In general the project effects on the California gnatcatcher are analyzed and mitigated through the County's participation in the NCCP/HCP process, including compliance with the mitigation measures identified in the EIR/EIS for that plan. The information on the specific territory boundary referred to in the comment was generated from the recent supplemental studies of the specific proposed alignment, which were generated to provide additional public disclosure and information from the decision makers. However, it should be noted that several other observed California gnatcatcher locations along the western alignment alternative have been noted in previous years and were included in the Draft EIR. Also, substantial areas of the coastal sage scrub preferred by this species occur within in the western alignment alternative. While individual pairs of this species have fairly high site fidelity, their life spans are relatively short, and the locations of territories in any given year are variable. Therefore, the implication that the proposed alignment

would impact the California gnatcatcher, but the western alignment alternative would not, is incorrect. The lower level of engineering done for the western alternative does not permit a precise comparison of habitat impacts, and this is not required under CEQA. However, general inspection of the coastal sage scrub habitat distribution and total reported California gnatcatcher locations, indicates that the western alignment alternative impacts on the California gnatcatcher would be comparable to, if not greater than, the impacts of the proposed alignment.

**P-72-7.** This comment requests clarification of the cost estimate provided for the Western Alignment. The cost estimate for the Western Alignment found in Table 5.1 of the Draft EIR was calculated in the Feasibility Study Report prepared by Huitt-Zollars in April 2005. It is possible that recalculating construction costs for the Western Alignment would result in a lower cost estimate. However, the Western Alignment is not recommended primarily because of its inconsistency with General and Specific Plans and the need to acquire ROW. Please see the Master Response to Comments 1 – Alternatives for a discussion of why the proposed project is the preferred alternative.

**P-72-8.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.73 Jeff Hamilton**

#### **3.7.73.1 Letter Code: P-73; Date: December 20, 2010**

**P-73-1.** The comment states that the commenter would like to see a copy of the estimated greenhouse gas emissions. Tables 4.16.2 and 4.16.4 of the Draft EIR summarize the construction and regional vehicle greenhouse gas emissions associated with the proposed project.

**P-73-2.** The comment states that the amount of emissions would be difficult to justify the proposed project to save a few miles of commuting. Please refer to Response to Comment P-73-1. The proposed project would reduce the regional greenhouse gas emissions by 28,012 pounds per day in 2014 and by 63,466 pounds per day in 2035, compared to future conditions without the project.

**P-73-3.** The comment expresses an opinion that the project will require greater than 2 years for construction and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project. For clarification it should be noted that the Project Report found in Appendix O of the Draft EIR estimates a 30 month construction phase.

**P-73-4.** The purpose of the project is not to relieve congestion on I-5. As stated in the Project Description of the EIR, the project objectives include: implement a component of the County of Orange County MPAH; complete an existing gap in the arterial highway system; provide an alternative access route to I-5 for local traffic; improve access to schools, commercial areas, and

recreational amenities; improve emergency access and evacuation; reduce vehicle miles traveled, facilitate inter-community circulation; and provide increased capacity to support the forecast travel demand for the 2035 design year.

The Traffic Study of the EIR analyzed potential project impacts at the time of project completion, 2016 and in the long range 2035 design year. Traffic forecasts in 2035 were performed both with and without extension of SR-241. The intersection of Antonio Parkway/Crown Valley Parkway was analyzed in all analysis scenarios in the a.m. and p.m. peak hours. The intersection of Antonio Parkway/Crown Valley Parkway is anticipated to not exceed LOS D after the completion of the project with or without the extension of SR-241.

The proposed project completes a gap in the County MPAH. The project is independent from projects to widen I-5 or extend SR-241. Completion of La Pata is not a substitute for and does not preclude widening I-5 or extending SR-241, and the widening of I-5 or extension of SR-241 would not meet project objectives.

**P-73-5.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.74 Dr. George and Debra Grant**

#### **3.7.74.1 Letter Code: P-74; Date: December 20, 2010**

**P-74-1.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**P-74-2.** The comment states that the Draft EIR needs to include the noise and dust generated by I-5 and Amtrak tracks in determining the cumulative effects of the La Pata extension. The I-5 and Amtrak tracks are over 2 miles from the Forster Ranch community. At this distance the noise and dust emissions would be too low to contribute to the cumulative levels. Therefore, the cumulative effects of I-5 and the Amtrak tracks were not evaluated further in the Draft EIR.

**P-74-3.** The comment states that the Draft EIR did not evaluate the cumulative air quality and noise effects of completing both the La Pata and Camino Del Rio extensions on the local residents.

The existing and future Traffic Noise Model (TNM) noise models for the proposed project included the increased traffic along Camino Del Rio and La Pata and any project related change in topography. Therefore, the noise section of the Draft EIR evaluated any cumulative effects of extending both Camino Del Rio and La Pata.

The long-term air quality analysis included in the Draft EIR was based on the traffic analysis that was prepared for the proposed project. This traffic analysis included the increase in traffic along Camino

Del Rio and La Pata. Therefore, the air quality section of the Draft EIR evaluated the cumulative effects of extending both Camino Del Rio and La Pata.

Refer to Response to Comment P-74-2 for a discussion of I-5's and Amtrak's impact on cumulative noise and air quality impacts.

**P-74-4.** The potential cumulative air quality and noise impacts of the proposed project are discussed in Response to Comments P-74-2 and P-74-3.

**P-74-5.** The TNM traffic noise modeling conducted for the proposed project included the elevations of the residences, roadways, and changes in terrain, the change in traffic volumes, and the locations of existing and future walls and barriers. Mitigation measures were included in the Draft EIR that reduce and future noise impacts to below a level of significance.

The air quality analysis that was prepared for the proposed project included the distance between the short-term construction and long-term operational activities and the sensitive receptors in the project area. No long-term air quality impacts are projected in either Forster Ranch or Talega.

The noise and dust impacts from I-5 and Amtrak on cumulative conditions are discussed in Response to Comment P-74-2.

**P-74-6.** Refer to Response to Comment P-74-5.

**P-74-7.** Refer to Response to Comment P-74-5.

**P-74-8.** The comment expresses an opinion about the project and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

### **3.7.75 David Hall**

#### **3.7.75.1 Letter Code: P-75; Date: January 5, 2011**

**P-75-1.** Please refer to Master Response to Comments 1 – Alternatives. This comment expresses an opinion about the selection of the preferred alternative and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

In addition, as discussed during the City of San Clemente Planning Commission Meeting on December 8, 2010, the Camino Del Rio extension is part of the City's Circulation Element intended to provide additional access to Forster Ranch from Talega and Rancho San Clemente; provide access from Forster Ranch to Target and Walmart Center; divert traffic from Vera Cruz and Camino Del Las

Mares; and provide noticeably improved access to Forster Ranch area schools. Removing Camino Del Rio from consideration would require extensive discretionary review and approval at both the City and County levels. Camino Del Rio is planned to extend to La Pata with four lanes to increase safety, allow for parking, and improve traffic circulation.

### **3.8 RESPONSES – CITY OF SAN CLEMENTE PLANNING COMMISSION**

#### **3.8.1 Meeting Minutes**

##### **3.8.1.1 Letter Code: M-1; Date: December 8, 2010**

**M-1-1.** This comment is a summary of the planning commission meeting on topics not related to proposed project. Therefore, no response is necessary.

**M-1-2.** This comment is a summary of the planning commission meeting on the proposed project. This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**M-1-3.** This comment is a summary of written communications received by the County as of December 8, 2010, for the proposed project. This comment is informational and is not a comment on the environmental analysis for the project. This comment will be included as part of the record and made available to the decision makers prior to a final decision on the project.

**M-1-4 – Tim Rimmillard.** Mr. Rimmillard’s comment regarding his support for the proposed project but opposition to the Western Alignment was addressed by Jeff Goldfarb, the Assistant City Attorney of the City of San Clemente. Mr. Goldfarb stated that the CEQA process required that alternative routes are studied to determine if negative impacts could be alleviated by an alternative route. In addition, Ms. Brenda Wisneski, a Principal Planner for the City of San Clemente, indicated that her staff was not recommending pursuit of westerly alignment as it is more costly, does not meet project objectives, and has more negative impacts than the other alternative alignments. In addition, amendment to the Forster Ranch Specific Plan would likely be necessary. Mr. Harry Persaud, Project Manager for the County, assured the residents that the westerly alignment was not being recommended for approval. Also, please refer to Master Response to Comments 1 – Alternatives.

**M-1-5 – Ken and Sandy Goldstone.** Please refer to the Master Response to Comments 1 – Alternatives and Response to Comment M-1-4, above.

**M-1-6 – John Tengdin.** Mr. Tengdin’s comment suggested that the tree selection for project landscaping include coastal live oak, which is drought tolerant, and exclude sycamore trees because they are not drought tolerant. He further recommended that reclaimed water use throughout the project should be mandatory. City of San Clemente Engineer, Akram Hindeyeh, responded to Mr. Tengdin’s comment by advising him that reclaimed water will be used for roadway if it can be

connected to an existing reclaimed water outlet. In addition, the San Clemente Planning Commission concluded during the December 8, 2010, meeting, that the proposed plant palette proposed along the La Pata corridor was consistent with the City of San Clemente Master Landscape Plan and the San Clemente General Plan.

**M-1-7 – Donald Kunze.** Mr. Kunze's comment suggesting that Camino Del Rio end at Calle Saluda was answered by Akram Hindeyeh, City Engineer for the City of San Clemente. Mr. Hindeyeh explained that the Camino Del Rio extension is part of the City's Circulation Element intended to provide additional access to Forster Ranch from Talega and Rancho San Clemente; provide access from Forster Ranch to Target and Walmart Center; divert traffic from Vera Cruz and Camino Del Las Mares; and provide noticeably improved access to Forster Ranch area schools. Removing Camino Del Rio from consideration would require extensive discretionary review and approval at both the City and County levels. Camino Del Rio is planned to extend to La Pata with four lanes to increase safety, allow for parking, and improve traffic circulation.

Mr. Kunze's question about the project having sufficient funding for the construction was answered by Mr. Harry Persaud, Project Manager for the County. Mr. Persaud explained that although \$35 million has been committed for the roadway, County officials are looking for State, Federal, and/or Measure M funds to fund the additional \$35 to \$45 million needed to complete the proposed improvements.

**M-1-8 – Robin Rutherford.** Please refer to the first half of Response to Comment M-1-7, above.

**M-1-9 – Allan Siposs.** Mr. Siposs expressed his concern with the Camino Del Rio Extension and the trailhead and noise impacts associated with the project. The extension of Camino Del Rio accomplishes the following project objectives: implementing components of the County MPAH, the Transportation Element of the County General Plan, the Circulation Element of the San Clemente General Plan, and Specific Plans for Talega and Forster Ranch; improving access to schools, commercial areas, and recreational amenities; reducing vehicle miles traveled and greenhouse gas emissions; facilitating local inter-community circulation; and improving emergency access and evacuation. The proposed alignment of Camino Del Rio has been depicted on the County MPAH since 1981 and in the City of San Clemente General Plan since 1982. Additionally, the extension of Camino Del Rio to La Pata Avenue is indicated as a future improvement in the Forster Ranch Specific Plan. To address long-term noise impacts that may result from the proposed project, rubberized asphalt is proposed as an alternative mitigation measure, which will mitigate significant unavoidable noise impacts along Camino Del Rio. However, Camino Del Rio is a City of San Clemente facility, and the County cannot ensure implementation of the rubberized asphalt. Therefore, long-term noise impacts are still considered significant and unavoidable. These changes to the EIR do not result in a new significant impact. Recirculation of a subsequent EIR is not required per Section 15073.5 of the State CEQA Guidelines. The Forster Ridgeline Trail will be rerouted to ensure that trail users are directed to cross at the signalized crossing.

**M-1-10 – Jill Eslick.** Ms. Eslick urged the Planning Commissioners from the City of San Clemente to support the original master plan route (the proposed project) and reject the westerly route. Please refer to Master Response to Comments 1 – Alternatives and Response to Comments M-1-4 and M-1-9.

**M-1-11 – Mark Briggs.** Mr. Mark Briggs voiced his opposition to the extension of Camino Del Rio as it will negatively affect the trailhead, and opposed the westerly alternative as it was not on the MPAH. Please refer to Master Response to Comments 1 – Alternatives and Response to Comments M-1-4 and M-1-9.

Mr. Briggs also suggested that the County consider a tunnel or bridge at the trail head if Camino Del Rio is widened to increase safety. Mr. Akram Hindeyeh, City Traffic Engineer for the City of San Clemente, described how the trail will be regarded and rerouted to ensure that trail users are directed to cross at the signalized crossing. These revisions are depicted in Figure 3.13. The revised Figure 3.13 is included in Appendix C of this Response to Comments document.

**M-1-12 – Rob Provencio.** Mr. Rob Provencio urged the City of San Clemente Planning Commission to reject the westerly alignment because it was not disclosed at the time he purchased his home in Forster Ranch. Please refer to Master Response to Comments 1 – Alternatives and Response to Comments M-1-4 and M-1-9.

Mr. Provencio also suggested that Camino De Las Mares was studied to determine if the extension of Camino Del Rio would create negative impacts. With regard to traffic impacts on Camino De Los Mares, he noted that the traffic analysis indicates that traffic on Camino de Los Mares will improve with the La Pata and Camino Del Rio road extensions.

**M-1-13.** This comment includes the several responses to the comments and questions voiced during the planning commission meeting. Please refer to the Response to Comments M-1-1 through M-1-12, above.

**M-1-14.** This comment is informational and states that the planning commission approved the comments developed by the City planning staff as provided in their comment letter dated December 17, 2010, determined that the project satisfies the objectives with Master Landscape Plan for Scenic Corridors, and concurred with the preferred project alignment.

**M-1-15.** This comment summarizes other items during the meeting that are not related to the proposed project. This comment is informational and is not a comment on the environmental analysis for the project.