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Comment Letter L1
State Clearinghouse and Planning Unit
January 21, 2014



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

JAN 23 2014

COUNTY OF ORANGE

January 21, 2014

Kevin Canning
Orange County Public Works
300 N. Flower Street
Santa Ana, CA 92702

Subject: Esperanza Hills Specific Plan (PA120037/VTM 17522)
SCH#: 2012121071

Dear Kevin Canning:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 17, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

L1-1

**Response to
Comment Letter L1
State Clearinghouse and Planning Unit
January 21, 2014**

- L1-1 The County acknowledges receipt of a letter from the State Clearinghouse dated January 21, 2014 confirming that the State Clearinghouse submitted the Draft EIR to selected state agencies for review. A copy of a comment letter from the Native American Heritage Commission was included. That letter is contained herein as Comment Letter L5 (California Department of Parks and Recreation). The State Clearinghouse also acknowledges compliance with State Clearinghouse review requirements pursuant to CEQA. No further action is required at this time related to the State Clearinghouse.

**Document Details Report
State Clearinghouse Data Base**

SCH# 2012121071
Project Title Esperanza Hills Specific Plan (PA120037/VTM 17522)
Lead Agency Orange County

Type EIR Draft EIR
Description The project proposes to construct 340 single-family residential units in a gate-guarded community with low density residential and estate lots. The site is currently vacant except for three operation oil wells, water line transmission facilities, electric transmission lines and dirt access roads. Project components include 13.9 acres of active and passive parks, 7 miles of equestrian, pedestrian and bicycle trails. The Project will retain approximately 230 acres of open space including undisturbed open space and landscaping as part of a fuel modification plan. Residential, guest and emergency access will be provided via one of four access options. Water, sewer and drainage infrastructure will be built on the site and include two underground water reservoirs providing resident and fire-fighting water supply.

Lead Agency Contact

Name Kevin Canning
Agency Orange County Public Works
Phone (714) 667-8847 **Fax**
email Kevin.Canning@ocpw.ocgov.com
Address 300 N. Flower Street
City Santa Ana **State** CA **Zip** 92702

Project Location

County Orange
City
Region
Lat / Long
Cross Streets Stonehaven Drive, Yorba Linda Blvd
Parcel No. 326-031-006, 351-031-004, 006
Township 3S **Range** 8W **Section** 17/18 **Base**

Proximity to:

Highways SR 91
Airports No
Railways ATSF
Waterways Santa Ana River
Schools Travis Ranch MS, Yorba Linda HS
Land Use LUD: Open Space
Z: General Agriculture (A1), Oil Production

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; Public Utilities Commission

Date Received 12/04/2013 **Start of Review** 12/04/2013 **End of Review** 01/17/2014

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Ms. Renee Morquecho, Planner STATE OF CALIFORNIA
Edmund G. Brown, Jr. Governor

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
Ds_nahc@pacbell.net
e-mail: ds_nahc@pacbell.net



December 10,, 2013

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STATE CLEARING HOUSE

Mr. Kevin Canning, Planner

County of Orange

300 North Flower Street
Santa Ana, CA 92702

RE: SCH#2012121071; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **"Esperanza Hills EIR No. 616 Project (A Specific Plan – Residential Project;"** located near the City of Yorba Linda; Orange County, California

Dear Mr. Canning:

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document. This project is also subject to California Government Code Sections 65040.2 *et seq.*

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies" and Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

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Comment Letter L2
State Clearinghouse and Planning Unit
January 21, 2014



Edmund G. Brown Jr.
Governor

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



Ken Alex
Director

February 11, 2014

Kevin Canning
Orange County Public Works
300 N. Flower Street
Santa Ana, CA 92702

Subject: Esperanza Hills Specific Plan (PA120037/VTM 17522)
SCH#: 2012121071

Dear Kevin Canning:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on January 17, 2014. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2012121071) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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FEB 14 2014
COUNTY OF ORANGE

L2-1

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

**Response to
Comment Letter L2
State Clearinghouse and Planning Unit
January 21, 2014**

- L2-1 The County is in receipt of a letter from the State Clearinghouse dated February 11, 2014, transmitting letters from the Department of Transportation (District 12) dated December 20, 2013 and January 21, 2014. Those letters are included herein Comment Letter L7 (Caltrans District 12) and Comment Letter L8 (Caltrans District 12) and are responded to individually.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

3347 MICHELSON DRIVE, SUITE 100

IRVINE, CA 92612-8894

PHONE (949) 724-2000

FAX (949) 724-2019

TTY 711

www.dot.ca.gov



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FEB 10 2014

STATE CLEARING HOUSE

January 21, 2014

Mr. Kevin Canning
County of Orange
300 N. Flower Street
Santa Ana, CA. 92702

File: IGR/CEQA
SCH#: 2012121071
Log #: 3149B
SR-91

Dear Mr. Canning:

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report for the Esperanza Hills**. The proposed project known as Esperanza Hills, is located within unincorporated area of the County of Orange, east of San Antonio Road and north of Stonehaven Drive near the City of Yorba Linda. The proposed project is a residential development consisting of a maximum of 340 single-family residential units on 468.9 acres of undeveloped land in unincorporated Orange County, 13.9 acres of active passive parks, 7 miles of trails(pedestrian, bicycle and equestrian) and 230 acres of open space.

The Department of Transportation (Department) is a commenting agency on this project and has the following comments for your consideration.

1. Please provide a copy of the traffic analysis for Weir Canyon Road off/on ramp with west and eastbound SR-91 utilizing the **LATEST** version of HCM by Caltrans standards.
2. Please clarify your project fare share cost to the State facilities, if mitigation measures are needed..
3. Clarify the proposed improvement of Cielo Project is included in the traffic analysis.

"Caltrans improves mobility across California"

5577 MICHELSON DRIVE, SUITE 100
IRVINE, CA 92612-8894
PHONE (949) 724-2000
FAX (949) 724-2019
TTY 711
www.dot.ca.gov



December 20, 2013

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FEB 10 2014

STATE CLEARING HOUSE

Mr. Kevin Canning
County of Orange
300 N. Flower Street
Santa Ana, CA. 92702

File: IGR/CEQA
SCH#: 2012121071
Log #: 3149B
SR-91

Dear Ms. Canning:

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report for the Esperanza Hills**. The proposed project known as Esperanza Hills, is located within unincorporated area of the County of Orange, east of San Antonio Road and north of Stonehaven Drive near the City of Yorba Linda. The proposed project is a residential development consisting of a maximum of 340 single-family residential units on 468.9 acres of undeveloped land in unincorporated Orange County, 13.9 acres of active passive parks, 7 miles of trails(pedestrian, bicycle and equestrian) and 230 acres of open space.

The Department of Transportation (Department) is a commenting agency on this project and has no comment at this time. However, in the event of any activity in the Department's right of way, an encroachment permit will be required.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,

MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

"Caltrans improves mobility across California"

Comment Letter L3
U.S. Fish and Wildlife Service
U.S. Department of the Interior
February 4, 2014



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-OR-13B0102-14TA0157

FEB 04 2014

Mr. Kevin Canning
Contract Planner
Orange County Public Works/Planning
P.O. Box 4048
Santa Ana, California 92702-4048

Subject: Draft Environmental Impact Report for the Esperanza Hills Project, Orange County,
California

Dear Mr. Canning:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the Esperanza Hills Project in unincorporated Orange County (County), California. The proposed project includes construction of approximately 340 single-family residences and associated infrastructure on 468.9 acres. The project will permanently impact a minimum of 331 acres of natural vegetation communities, not including some fuel modification zones that extend beyond the grading limits. The site was burned in the 2008 Santiago Fire, and natural vegetation communities are currently in the early stages of recovery from the fire.

L3-1

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has a legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. Specifically, the Service administers the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*), and the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668d) and provides support to other Federal agencies in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

L3-2

The results of numerous biological surveys conducted on the proposed project site beginning in the late 1990s and extending through 2013 have been incorporated in the DEIR. Over the course of the surveys, biologists have observed 167 native plant species and 82 native animals (DEIR, Appendix D), a total of 15 special status species, and 2 federally listed species. Other special status species may also occur on the site (DEIR, page 5-118); however, focused surveys for these species were not conducted.

**Response to
Comment Letter L3
U.S. Fish and Wildlife Service
February 4, 2014**

L3-1 The County acknowledges receipt of a letter from the U.S. Fish and Wildlife Service dated February 4, 2014. Table 5-2-5, Summary of Impacts to Vegetation Associations/Cover Type Option 1 on page 5-140 and Table 5-2-6, Summary of Impacts to Vegetation Associations/Cover Types Option 2 on page 5-141 provide a detailed summary of the project's impact to natural vegetation in the 504.20-acre Study Area of which 468.9 acres is the Project Site. The Proposed Project will impact 335.943 acres of the Study Area under Option 1 and 331.12 acres of the Study Area in Option 2. The Fuel Modification Zones associated with the Proposed Project are described in Section 5.7 (Hazards and Hazardous Materials) starting on page 5-275. The project impact to natural vegetation as described includes all fuel modification zones. Additional detailed analysis has been included in response to Comment L4-6 (California Department of Fish and Wildlife) herein. The site was burned by a wildfire in the 2008 Freeway Complex Fire. A complete discussion of the impact of the 2008 Freeway Complex Fire to the natural vegetation communities is found in Section 5.3 (Biological Resources) of the DEIR starting on page 5-97. The DEIR discusses that some natural vegetation communities are recovering or will eventually recover, but other plant species were killed and the habitats were substantially degraded.

L3-2 A total of 11 species that were not detected during biological surveys were determined to have at least some potential to occur on the site, including coast horned lizard, coast patch-nosed snake, loggerhead shrike, long-eared owl, northern red-diamond rattlesnake, orange-throated whiptail, pallid bat, prairie falcon, Vaux's swift, western mastiff bat, and western yellow bat. Coast horned lizard is easily detected by scat that can be detected around leaf-cutter ant hills, as well as by direct observations, and none were detected. While there is some potential for this species to occur, the lack of detection and the low quality of the habitat are such that impacts, if they occur, would be very limited and would not represent a "substantial adverse effect" on the species and would not be considered significant.

Unlike the coast horned lizard, which is more easily detected, the coast patch-nosed snake is rarely detected. Given the preference of this species for high quality habitat consisting of sandy flat and rocky open areas, neither of which is common on the site, potential for this species to occur is fairly limited. Because of the low quality of the habitat, potential impacts, if they are present, would be very limited and would not represent a "substantial adverse effect" on the species, and would not be considered significant.

Loggerhead shrike is an easily detected bird where present, foraging in open areas and perching in plain view. Given that this species was not detected during the numerous avian surveys on the site, the site does not represent important habitat for this species, and the project does not exhibit the potential for having a "substantial adverse effect" on the species.

Potential habitat for the long-eared owl would generally be restricted to the limited oak riparian habitat that occurs in limited portions of Drainage D, accounting for 6.36 acres. This habitat was subject to substantial damage during the 2008 Freeway Complex Fire, and the likelihood of long-eared owls is generally low. As such, the site does not represent important habitat for this species, and the project does not exhibit the potential for having a "substantial adverse effect" on the species.

The northern red-diamond rattlesnake is typically associated with high quality scrub habitat that includes rocky areas and often cactus, none of which are common on the site, and potential for this species to occur is fairly limited. Because of the low quality of the habitat, potential impacts, if they are present, would be very limited and would not represent a “substantial adverse effect” on the species and would not be considered significant.

The orange-throated whiptail is typically associated with somewhat mesic, high quality scrub habitat that is not common on the site, and potential for this species to occur is fairly limited in Blue Mud Canyon, which is avoided by the Proposed Project. Because of the low quality of the habitat potential impacts, if they are present, would be very limited and would not represent a “substantial adverse effect” on the species and would not be considered significant.

Suitable roosting areas are lacking on the site for both the pallid bat and the western mastiff bat as noted on pages 52 and 53 of Appendix D of the DEIR. As such, the only potential use of the site would be limited to potential foraging, and this would be limited by the mostly very dry conditions. The site does not represent important habitat for these species, and the project does not exhibit the potential for having a “substantial adverse effect” on these species.

As noted in Appendix D of the DEIR, page 53, the western yellow bat requires palms and/or cottonwoods for roosting. The site does not support cottonwood riparian habitat, and only a few palms are present in off-site portions of Drainage D; as such, potential habitat is very limited. Therefore, the site does not represent important habitat for these species, and the project does not exhibit the potential for having a “substantial adverse effect” on these species.

Vaux’s swift only occurs in southern California during migration and as such, the only potential for occurrence would be during brief periods of foraging. As such, the site does not represent habitat for these species, and the project does not exhibit the potential for having a “substantial adverse effect” on these species.

As noted in Appendix D of the DEIR, page 52, the prairie falcon is an uncommon resident in coastal southern California. If the prairie falcon occurs on the site, it would be rare and as such, the site does not represent important habitat and any impacts to this species would not be considered significant.

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Mr. Kevin Canning (FWS-OR-13B0102-14TA0157)

2

Our primary concerns with respect to this project are the unmitigated impacts to natural vegetation communities supporting a wide variety of sensitive plants and wildlife, directly adjacent to preserved open space within Chino Hills State Park (CHSP) and within a regionally important wildlife movement corridor. In addition, we are concerned that the project does little to avoid or minimize impacts to federally listed species, including the endangered least Bell's vireo (*Vireo bellii pusillus*, vireo) and Branton's milkvetch (*Astragalus brauntonii*), and designated critical habitat for the threatened coastal California gnatcatcher (*Poliopitila californica californica*). We offer the following specific comments and recommendations regarding project-associated biological impacts based on our review of the DEIR and our knowledge of declining habitat types and species within Orange County. These comments are provided in keeping with our agency's mission to "work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."

L3-3

1. Project Configuration – The proposed project and all of the project alternatives, with the exception of the "no project" alternative, require access through the adjacent Cielo Vista Project site. Manufactured slopes and fuel modification zones also extend into the Cielo Vista Project site. Based on our recent review of the Cielo Vista Project¹, the proposed access routes, changes in topography, and fuel modification zones conflict substantially with the footprint of the proposed Cielo Vista Development. The cumulative impacts on biological resources associated with the Esperanza Hills and Cielo Vista projects cannot be properly evaluated independently given the conflicting project footprints (e.g., see Gnatcatcher Critical Habitat and Foraging Habitat for Other Raptors below). We recommend that the County clarify project footprints for the Esperanza Hills and Cielo Vista projects and provide this information and associated cumulative impact assessment for public review prior to County approval of these projects.

L3-4

2. Environmentally Superior Alternative (Alternative 4) - Alternative 4 (Lower/Reduced Density) would consolidate development within the southwest portion of the property and would significantly reduce proposed impacts on biological resources in and adjacent to the project site by: 1) providing a greater buffer between the development and CHSP, 2) reducing habitat fragmentation and associated edge effects (e.g., noise, human intrusion, night lighting, pollutants, litter), 3) reducing the extent of fuel management zones and the potential for spread of invasive species, 4) avoiding impacts to Branton's milkvetch, 5) reducing impacts to waters regulated under the Clean Water Act, and 6) maintaining foraging habitat for raptors (including golden eagle). A reduction in the project footprint and associated reduction in impacts to biological resources would address many of the concerns we have regarding the proposed project, as further described below. To ensure the proposed project does not lead to a significant degradation of the extent and quality of native upland vegetation communities and the sensitive species they support within the region, we recommend the County support a reduced footprint alternative to the proposed project.

L3-5

¹ Comments submitted to the County on January 6, 2014 (12B0345-14TA0069)

- L3-3 The purpose of the DEIR is to identify potential impacts and then to determine which impacts would be significant when considered in light of Appendix G of the CEQA Guidelines. For each impact determined to be significant or potentially significant, mitigation measures are proposed that, when implemented, would reduce each impact to less than significant. In accordance with CEQA, it is not necessary to mitigate for impacts that are not considered significant pursuant to the CEQA Guidelines. As discussed in more detail in “Wildlife Movement – Existing Conditions (Section 5.3, Biological Resources, page 5-121 of the DEIR) the project site is not part of or within a “regionally important wildlife movement corridor.”

Relative to avoidance of the listed species, avoidance of areas occupied by least Bell’s vireo, it is not possible to fully avoid impacts to areas occupied by least Bell’s. Alternative 1 exhibits the least impact because it impacts only the mouth of Blue Mud Canyon for infrastructure and secondary access, while avoiding the occupied riparian habitat associated with Drainages D and G. Alternatives 2 and 3 include the same impacts for Blue Mud Canyon as well as partial impacts to the riparian habitat associated with Drainages D and G for purposes of site access. The maximum area of riparian habitat occupied by least Bell’s vireo to be impacted is 0.50 acre, which would be subject to mitigation such that there would be a net increase in riparian habitat with construction of the Proposed Project.

Similarly, avoidance of the Braunton’s milk-vetch is not feasible. The Project Applicant has conducted a study to determine whether avoidance of the Braunton’s milk-vetch is feasible for Options 1, 2, 2A, and 2B as well as Alternative 4. Avoidance of Braunton’s milk-vetch is not feasible under any of these alternatives, because under any development scenario, it is necessary to construct water tanks at 1,200 feet and 1,390 feet above mean sea level to ensure public safety as this will ensure sufficient water pressure during periods of wildfire. Site conditions, including geotechnical constraints and topographical constraints require grading of extensive areas in order to safely construct the water tank at the required elevation. Elimination of the water tank site renders the project unbuildable and, as such, avoidance of the Braunton’s milk-vetch, would render the entire project infeasible.

Relative to Critical Habitat for the coastal California gnatcatcher, see response to Comment L3-12 below.

- L3-4 Access through the proposed Cielo Vista project is discussed in the Project Description on page 4-11 of the DEIR. The DEIR states that an agreement between property owners concerning access, changes in topography, and fuel modification must be entered into prior to issuance of a permit allowing the off-site improvements associated with the Proposed Project. All project and cumulative impacts to biological resources for access through the proposed Cielo Vista project (Option 1 and Option 2) are analyzed in Section 5.3 (Biological Resources) starting on page 5-91 of the DEIR. The DEIR concludes on pages 5-171 through 5-181 that project and cumulative impacts to biological resources have been mitigated to a level of less than significant.

- L3-5 A complete discussion of the impacts of Alternative 4 is found in Project Alternative 4 (Section 6.8) starting on page 6-78 of the DEIR. Alternative 4 would result in a reduction of impacts to Braunton’s milk vetch, not an avoidance of impacts as stated in the comment. Alternative 4 would reduce impacts to ACOE jurisdictional waters in Drainage A and about half of the waters associated with Drainage D. The remaining project impacts are the same under Alternative 4. A discussion of raptor foraging use is found on page 5-120 in Section 5.3 (Biological Resources) of the DEIR. The Study Area does not provide an important location for raptor foraging due to the proximity, higher value, and more extensive foraging areas that exist in the nearby Chino Hills; therefore, the implementation of Alternative 4 would not result in maintaining foraging habitat for raptors as the comment states. Project and cumulative impacts associated with biological resources have been reduced to a level of less than significant and do not result in a significant degradation of the extent and quality of native upland vegetation communities and the sensitive species they support within the region (see pages 5-171 through 5-181 of the DEIR).

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3. Impacts to Natural Vegetation Communities – According to the DEIR, permanent impacts to a minimum of 331 acres of natural vegetation communities will be mitigated entirely within a 5.27-acre area along Blue Mud Canyon (Exhibit 5-36, Proposed Mitigation Area). The mitigation site is currently mapped as native vegetation (DEIR, Exhibit 5-25). In addition, two sections of the mitigation site are proposed to be cleared of vegetation to provide fire breaks as part of the Fuel Modification Plan for the project (DEIR, Exhibits 5-70 and 5-71). The mitigation in Blue Mud Canyon is proposed to offset impacts to mulefat scrub, black willow riparian forest, blue elderberry woodland, black walnut woodland, and coast live oak forest² vegetation communities. While the mitigation measures anticipate habitat replacement at a 1:1 ratio (Bio-1, Bio-4, Bio-6), proposed impacts exceed the size of the Proposed Mitigation Area and do not offset the significant impacts to native vegetation and associated wildlife resources. To address these concerns, the project should be revised to include additional onsite conservation and management of habitat, and the DEIR should provide the following additional information:

L3-6

- a. The location of mitigation for the loss of the remaining 300+ acres of natural vegetation communities including the vast majority of the coast live oak woodland, coastal sage scrub, chaparral, and grasslands supporting a diverse assemblage of native plant and animal species;
- b. The extent of existing native habitats within the Proposed Mitigation Area;
- c. The extent of the Proposed Mitigation Area that will require vegetation management as part of the Fuel Modification Plan;
- d. The location of additional restoration areas, outside the Proposed Mitigation Area, that will allow the project to meet the proposed 1:1 ratio specified in the mitigation measures; and
- e. The distribution of native grasslands and how they contribute to the diversity of native wildlife supported on the project site. Native grasslands (*Stipa coronata*, *S. lepida*, and *S. pulchra*) were observed within the project site (DEIR, Appendix D) but are not included on the vegetation map or otherwise discussed in the DEIR.

L3-7

L3-8

L3-9

L3-10

L3-11

4. Gnatcatcher Critical Habitat – The DEIR concludes that no mitigation is required for impacts to designated critical habitat for the gnatcatcher because no gnatcatchers were detected on the project site and the value of the habitat for the gnatcatcher is reduced due to disturbance associated with the 2008 Freeway Complex Fire (DEIR, page 5-122). This conclusion is not supported by the data available. The DEIR acknowledges that “habitats within the Study Area will return to pre-fire conditions eventually” (page 5-97) and while no breeding gnatcatchers have been documented on the site, gnatcatchers are likely to disperse

L3-12

² Within California Department of Fish and Wildlife jurisdiction only. The majority of coast live oak forest occurs outside jurisdictional areas.

- L3-6 The statement that “According to the DEIR, permanent impacts to a minimum of 331 acres of natural vegetation will be mitigated entirely within a 5.27-acre area along Blue Mud Canyon...” does not accurately reflect the nature of the impacts or the proposed mitigation. In accordance with Appendix G of the CEQA Guidelines, significant impacts were identified for the following special-status habitats: walnut woodland, blue elderberry woodland, and southern willow scrub. For a detailed breakdown of impacts and mitigation, see Topical Response 7 – Special Status Vegetation/California Department of Fish and Wildlife Jurisdiction and Associated Mitigation.

It is important to note that the Proposed Mitigation Exhibit 5-36 on page 5-165 is incorrect; however, the correct Proposed Mitigation Area exhibit was provided in the Biological Technical Report as Exhibit 11 in (Appendix D in the DEIR). Exhibit 11 depicts candidate mitigation areas that total 18.90 acres, which has been expanded to 20.0 acres in the HMMP. See Topical Response 7 for a detailed summary of mitigation requirements for each Option.

- L3-7 As noted in response to Comment L3-6 above, impacts to non-native grasslands, ruderal areas, and a variety of scrub habitats were not determined to be significant pursuant to Appendix G of the CEQA Guidelines, because none of these habitats exhibit special status. Specifically, coast live oak woodland has a status of G4S4 and is not considered to be under threat. Furthermore, the County of Orange has no tree ordinance providing protection for these trees. Finally, many of the oaks were damaged by the Freeway Complex Fire and are in very poor condition. As such, impacts to coast live oak woodland would not be significant, with the exception of 0.54 acre within CDFW Section 1602 jurisdiction, which is subject to mitigation even though the coast live oak riparian habitat consists of trees that are damaged or were killed. Non-native grassland and ruderal cover types consist largely of non-native species, and these land cover types have no special status with no ranking for ruderal habitats and non-native grassland as G4S4 such that impacts to these vegetation types would not be significant. The chaparral on the site is composed entirely of species that are common and widespread. *Malosma laurina* alliances are typically G4S4 and, when mixed with California sagebrush, are G5S5. Overall, chaparral is the most common scrub habitat within California, and as such, impacts to what is mostly disturbed chaparral would not be significant (which also would be the case if it were not disturbed). All of the coastal sage scrub alliances are G4S4 or G5S5, and impacts would not be significant.

The project’s biological resources impacts were evaluated consistent with the requirements of CEQA in Section 5.3 (Biological Resources) of the DEIR. As described therein, the project would not result in any significant impacts under project or cumulative conditions. A complete discussion of the natural vegetation communities, including coast live oak woodland, coastal sage scrub, chaparral, and grasslands, is found in the Biological Technical Report, pages 25 through 33 in Appendix D of the DEIR, which concludes that the habitat value under existing conditions does not support associated sensitive species, including the California gnatcatcher. As discussed in detail on page 18 of the Biological Technical Report, a determination of “adverse modification” of critical habitat would need to be made prior to mitigation for project impacts to coastal sage scrub and potentially to chaparral and riparian habitats, all of which are defined as Primary Constituent Elements (PCE) for the California gnatcatcher. The extent of this possible mitigation would be based on the extent of coastal sage scrub and other areas that potentially meet the PCE definition. As documented on page 5-153 in Section 5.3 (Biological Resources), the Study Area PCEs are severely limited or lacking due to disturbance to coastal sage scrub habitat in the existing condition caused by the 2008 Freeway Complex Fire. As detailed in Topical Response 6 –

Biological Resources/Open Space, with implementation of the Proposed Project there will be 85.45 acres of ungraded natural habitat in Option 1 and 90.20 acres in Option 2, Option 2A, and Option 2B. Vegetation management areas will include 72.33 acres for Option 1 and 76.04 acres for Options 2, 2A, and 2B. These areas will continue to exhibit substantial biological function as described in Topical Response 6 – Biological Resources/Open Space. The determination of less than significant impact to California gnatcatcher is supported.

- L3-8 The extent of native and non-native habitats is depicted on Exhibits 5-30, 5-31, and 5-32, which depict the project alternatives. Each Exhibit shows the vegetation associations or land cover types within the project impact limits for each alternative. Tables 5-1, 5-2, and 5-3 of the Biological Technical Report (Appendix D in the DEIR) provide a detailed breakdown of the vegetation or land cover type impacts and avoidance for each alternative.

Table 5-3-5, Summary of Impacts to Vegetation Associations/Cover Types Option 1 on page 5-140 and Table 5-3-6, Summary of Impacts to Vegetation Associations/Cover Types Option 2 on page 5-141 of Section 5.3 (Biological Resources) of the DEIR provide a summary of existing natural vegetation communities in the Study Area and the project impact, as detailed in Topical Response 6. Of the 85.45 acres of undisturbed natural habitat in Option 1 and 90.2 acres in Option 2, there is a total of 19.89 acres of proposed Mitigation Area. The proposed mitigation areas as depicted on Exhibit 11 of the Biological Technical Report (Appendix D of the DEIR, which will replace Exhibit 5.36 in the DEIR, have been selected to provide the best available habitat with consideration to soil type for identified impacts.

- L3-9 As noted in response to Comment L3-6 (U.S. Fish and Wildlife Service) above, impacts to special-status vegetation will be mitigated through a combination of creation, restoration, and enhancement of 20.11 acres within the Blue Mud Canyon environs and immediately north of Drainage D. Of the 20.11 acres, 8.52 acres would be within an area that would be subject to removal of fire-prone species that would include non-native species and a limited number of native species. The plant palette proposed for the area subject to removal of fire prone species will consist entirely of native species appropriate to the site and will include special status species such as the California walnut. The area will be managed for habitat functions and for public safety in a manner that is optimal for both.

Mitigation Measures Bio-1, Bio-2, Bio-3, Bio-4, Bio-6, and Bio-7 require a weed removal/maintenance program as part of the re-vegetation plan and restoration program. The Proposed Mitigation Areas are not within the Fuel Modification Zones.

- L3-10 As noted above in response to Comment L3-7 (U.S. Fish and Wildlife Service), impacts to only a limited number and area of vegetation associations were determined to be significant. Exhibit 11 of the Biological Technical Report (Appendix D of the DEIR) shows the location of the mitigation areas, covering 18.9 acres. During preparation of the HMMP, candidate mitigation areas covering up to 20.0 acres have been identified, as depicted on Exhibit 7 of the HMMP included as Appendix C herein.

- L3-11 According to the Orange County Habitat Classification System, native grasslands are defined as grasslands where native bunchgrasses such as purple needlegrass (*Stipa pulchra*) contribute at least 10% of the relative cover. No grassland areas on the site meet this minimum threshold for native grasslands. Rather, native bunchgrasses such as purple needlegrass, foothill needlegrass (*Stipa lepida*), and giant needlegrass (*Stipa coronata*) occur

occasionally within areas of chaparral or coastal sage scrub or rarely within the non-native grassland.

- L3-12 Based on more than 16 years of survey data that shows that the California gnatcatcher does not occur on the site, the DEIR appropriately concluded that the project site does not exhibit suitable habitat for the coastal California gnatcatcher. While the Freeway Complex Fire of 2008 further degraded already sub-optimal to unsuitable habitat conditions, it is important to note that the majority of surveys conducted on the site occurred prior to the fire (e.g., Campbell 1997, 1998, and 2002, and GLA 2007). In 2002, Campbell observed that the portions of the coastal sage scrub on the site are dominated by black sage (*Salvia mellifera*) that occurs on steep topography and at high elevations, making it unsuitable for the coastal California gnatcatcher. This is consistent with GLA's pre-fire observations, so while the site will likely return to the pre-fire conditions, such conditions range from sub-optimal to unsuitable for the gnatcatcher. USFWS acknowledges that coastal California gnatcatchers have not been detected during the breeding season. GLA further notes that GLA biologists familiar with the coastal California gnatcatcher have spent numerous hours conducting other surveys (jurisdictional delineation, rare plant surveys, focused willow flycatcher surveys, vegetation mapping, and general biological surveys) during both the breeding and non-breeding season and gnatcatchers have never been detected.

The project site is within Unit 9 of the designated Critical Habitat for the California gnatcatcher with the development area accounting for 1.8% of the 17,552 acres designated as Unit 9, which is in part characterized as follows.

Habitat within this unit is being designated because it was occupied at the time of listing, is currently occupied, and contains all of the features essential to the conservation of the coastal California gnatcatcher (PCEs 1 and 2). Additionally, this unit provides for connectivity and genetic interchange among core populations and contains large blocks of high-quality habitat capable of supporting persistent populations of coastal California gnatcatchers.²

As noted above, the project site is not occupied and, based on protocol survey data over a number of years, the site exhibits very low potential for supporting the California gnatcatcher due to a lack of suitable coastal sage scrub, steep topography, and elevations that are generally too high for the California gnatcatcher in the northern portion of the site. The site can in no way be characterized as containing "large blocks of high-quality habitat capable of supporting persistent populations of coastal California gnatcatchers."

Areas immediately west of the project site are fully developed such that "low elevation" dispersal to the west is already blocked or severely impeded. Unimpeded dispersal routes to the west occur north of the terminus of Casino Ridge Road and San Antonio Road, which would not be affected by the proposed development, which would be south of such a dispersal route. The conclusion in the DEIR that the project would not have a significant impact on Critical Habitat Unit 9 is based on years of survey data that show the site to be unoccupied by the California gnatcatcher.

² U.S. Fish and Wildlife Service. 2007. Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Coastal California Gnatcatcher (*Polioptila californica californica*): Federal Register/ Vol. 72, No. 243 / Wednesday, December 19, 2007 / Rules and Regulations, p. 720440

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through the project site during the non-breeding season. Gnatcatchers have been observed 0.25 mile south of the project site and within 1.5 miles east and west of the project site (CNDDDB 2014).

L3-12
(cont'd)

The primary function of critical habitat within the proposed project site is to maintain connectivity and genetic interchange between significant gnatcatcher populations in the Santa Ana Mountains and those in the Chino/Puente Hills. Low elevation dispersal corridors along the foothills of the Chino/Puente Hills are already fragmented by residential developments (e.g., developments along San Antonio Road and Fairmont Boulevard in the City of Yorba Linda), but small patches of remaining habitat provide important stepping stones for continued gnatcatcher dispersal. The project as proposed, in combination with the proposed Cielo Vista Project, will further impact low elevation dispersal corridors for the gnatcatcher. We recommend that both projects include low elevation corridors to maintain the function of critical habitat for gnatcatcher dispersal, and we are available to assist the County in identifying potential dispersal routes through both project sites.

5. **Sensitive Plant Species** – The observation of five sensitive plant species within the proposed project site is indicative of the high quality of natural vegetation communities on the project site. Sensitive plants typically require specific living conditions (e.g., soils, slope, aspect, rainfall, and temperature) and are supported within a natural vegetation community. The proposed mitigation, which involves replanting 3 of the 5 sensitive species in remaining open spaces within the project site, will not effectively offset impacts to these species from the proposed project:

L3-13

- a. Mitigation for California black walnut (*Juglans californica*) includes the incorporation of this species into the plant palette of the restoration site within Blue Mud Canyon. Specific information on the size and number of trees impacted is not provided in the DEIR; however, larger trees may be over 100 years old and are not readily replaced. Replacement habitat should mitigate for the loss of both the individual trees and the California walnut woodland vegetation community as a whole. The DEIR should clarify the number and size of trees anticipated to be permanently impacted and should include a specific walnut woodland restoration plan that is designed to meet the objectives of successful establishment and long-term survival of California walnut woodland. Specific success criteria should be monitored for a minimum of 10 years and should be extended an additional five years where replacement plantings are required.

L3-14

- b. The proposed project will impact all of the intermediate mariposa lily (*Calochortus weedii* var. *intermedius*) and the federally endangered Braunter's milkvetch on the project site. Mitigation includes planting greenhouse-propagated individuals at a 1:1 ratio within remaining undisturbed areas of coastal sage scrub; however, the DEIR includes no evaluation as to whether suitable locations, soils, aspect, slope etc. will be available to support these species on the project site. Because the mitigation measures

L3-15

- L3-13 As noted in Section 5.3.3 of the DEIR, environmental impacts relative to biological resources are assessed using impact significance threshold criteria, which reflect the policy statement contained in CEQA, §21001(c) of the *California Public Resources Code*. Accordingly, the California Legislature has established the policy of the State of California to:

Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities ...

Appendix G of the CEQA Guidelines, Paragraph A provides further information regarding evaluation of impacts that directly informs the impacts to special-status plants on the site:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

As noted in the DEIR, three of the special-status plant species (Southern California walnut, Catalina mariposa lily, and small-flowered microseris) are included on the California Rare Plant Rank (CRPR) as List 4 taxa. List 4 taxa are not considered rare or endangered; rather List 4 includes species that are currently thought to be limited in distribution or range whose vulnerability or susceptibility to threat is currently low, and impacts to such species do not typically trigger a finding of significance, specifically because such impacts do not have "a substantial adverse effect" because such impacts do not cause a "drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities..." The loss of 10 individuals of the small-flowered microseris is clearly not a substantial adverse impact. Similarly, impacts to up to 445 Catalina mariposa would not be considered significant given its wide distribution ranging from San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, and San Bernardino counties as well as Santa Rosa, Santa Cruz, and Santa Catalina Islands. Similarly, based on its List 4 status, impacts to 3.5% of the southern California walnuts on the site (Options 2 and 2A) and up to 7% (Option 1) would not be considered significant. However, because of the status of the walnut woodland community, impacts will be mitigated to less than significant as discussed below.

- L3-14 As noted in the DEIR, impacts to individual southern California walnuts as a CRPR List 4 taxon do not constitute a significant impact under CEQA, and mitigation would not be required. California Walnut Woodland is listed by the CNDDB as a G2S2 community, and as such impacts may be considered significant. It is worth noting that of the 6.37 acres of walnut woodland on the site, impacts are limited to 0.84 acre under Option 1 (about 13.2%), 0.52 acre (about 8.1%) under Option 2, and 0.62 acre (9.7%) under Option 2A.

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(Bio-2 and Bio-3) require only 80 percent of individual plants to survive for a period of 5 years, less than a 1:1 replacement of individual plants is presumed.

Because it will not be possible to effectively mitigate project impacts through the proposed translocation program, the potential to avoid/minimize impacts should be further evaluated. Braunton's milkvetch is known from only 20 locations, of which half are currently protected/conserved (Service 2009). We are not aware of successful efforts to mitigate for impacts to this species. In addition, previous efforts to mitigate impacts to intermediate mariposa lily through translocation of bulbs and seeds have been largely unsuccessful due to poor greenhouse survivorship and high herbivory of wild transplants (e.g., LSA 2009, Jones et al. 2004).

L3-15
(cont'd)

- c. We recommend that the DEIR address impacts to *Calochortus catalinae* and *Microseris douglasii* var. *platycarpa*, which are rare plant species that have a very limited distribution in the project vicinity. We recommend that potential impacts to these species be mitigated primarily through onsite avoidance, conservation, and management.

L3-16

- 6. **Golden Eagle** – Golden eagles were observed foraging on the project site, and a golden eagle nest is located less than 0.5 mile north of the proposed project. Although this nest is not currently being used, it is within an active golden eagle territory. Golden eagles often establish multiple nests within their territory and shift their use of nests from year to year (Kochert and Steenhof 2012). Because the project site is used for golden eagle foraging and is in proximity to a documented nest site, we anticipate cumulative impacts to this eagle territory from the loss of foraging habitat on the proposed project site and other project sites in the Chino/Puente Hills, such as the adjacent Cielo Vista project. Therefore, we recommend that a more detailed analysis of the use of the Chino/Puente Hills by golden eagles and the anticipated effects of the proposed project, in combination with other anticipated development projects in the area, be provided in the DEIR. At minimum, we recommend that the project include additional mitigation to offset anticipated impacts, such as avoidance and conservation of onsite habitat.

L3-17

- 7. **Foraging Habitat for Other Raptors** – In addition to golden eagle, eight other raptor species have been observed foraging on the project site, including four special status species: Cooper's hawk, northern harrier, peregrine falcon, and sharp-shinned hawk. No focused surveys for raptors were conducted, but raptors were observed incidentally during biological surveys on the site. The DEIR concludes, based on incidental observations, that impacts to raptor foraging habitat are insignificant due to the limited use of the site by foraging raptors. In addition, the project site is not considered important for foraging because foraging habitat is available within CHSP. Given that the project will permanently impact over 331 acres of undeveloped open space and the large number of raptor species observed foraging on the site, this conclusion is not well supported. We recommend that the DEIR include additional analysis of potential impacts to raptor foraging habitat and mitigation for impacts to raptor foraging habitat, such as avoidance and conservation of onsite habitat.

L3-18

- L3-15 A Rare Plant Restoration Plan has been prepared that addresses mitigation/restoration for the intermediate mariposa lily and Branton's milk-vetch. The plan includes 1:1 replacement plus a 20% contingency to ensure 1:1 replacement. For each species, the plan considers location, proper soils, slope, aspect, and associated vegetation community.
- Regarding Branton's milk-vetch, GLA was involved in a successful relocation of this species between 1995 and 2005 for the Oak Park Project in Simi Valley. During that time, GLA biologists, working with Rancho Santa Ana Botanic Garden, Wallace Soil Labs, and interested stakeholders, learned a great deal regarding the ecological requirements of this species and how to successfully transplant this species. This knowledge has been incorporated into the Branton's milk-vetch restoration program developed for the Proposed Project.
- Relative to the intermediate mariposa lily, it is important to note for purposes of context that, while this species is designated as a CRPR List 1B.2, it is subject to substantial preservation efforts in the region. Specifically, the USFWS has made a finding that this species has met the terms for "conditional coverage" within the adjacent Orange County Central and Coastal Natural Community Conservation Plan/Habitat Conservation Plan area where 758 of 826 (92%) known intermediate mariposa lily occurrences and 79,108 or 90,140 (87%) individuals will be conserved.³ GLA is currently engaged in restoration/translocation efforts for this species within the Orange County Southern Subregion Habitat Conservation Plan area, is aware of past problems with translocation efforts, and is working closely with Tree of Life Nursery in implementing procedures that increase survival of propagated and translocated individuals.
- L3-16 See response to USFWS Comment L3-13 above.
- L3-17 As noted in the DEIR, while a golden eagle nest was observed on a cliff face north of the project site (approximately 1,700 feet north of the development area), surveys in 2013 found that the nest was no longer present and there was no sign of recent occupation of the site. In southern California, golden eagle ranges average approximately 93 square km or 36 square miles.⁴ Given that the development would remove approximately 300 acres of potential foraging habitat, the Project would affect approximately 1.5% of a potential home range or territory. In accordance with Appendix G of the CEQA Guidelines, the loss of 1.5% of a territory does not represent a "substantial adverse effect" and as such is not a significant impact requiring mitigation.
- L3-18 As noted in the DEIR, the project site would not contribute "substantially" to foraging by the four special-status species observed (at least occasionally) on the site. Specifically, the Cooper's hawk favors areas with tree canopy cover where it hunts mostly song birds. The adjoining residential areas provide far more suitable habitat for this urban-adapted species than the project site. In Southern California, the peregrine falcon favors coastal areas and areas such as the Santa Ana River, where it hunts shorebirds and waterfowl. In the western United States, peregrine densities are low, with a single pair often occupying hundreds of square miles.⁵ Given these factors, the loss of approximately 300 acres of habitat with marginal suitability does not represent a substantial adverse effect. Northern harriers and sharp-shinned hawks would most likely occur as wintering species, using the site for occasional foraging. Sharp-shinned hawks most commonly forage in woodlands, which are limited on the site, and impacts to suitable habitat would account for fewer than 20 acres.

³ USFWS and CDFG Joint Letter, dated July 7, 2006. "Amendment to Proposed Mitigation for Impacts to Intermediate Mariposa Lily Associated with Mountain Park, East Orange, and Irvine Planning areas 1, 2, and 6, Orange County California". Addressed to Scot Scialpi at the The Irvine Company.

⁴ Johnsgard, John. 1990. *Hawks, Eagles, & Falcons of North America*. Smithsonian Institution Press, Washington, p. 263.

⁵ Ibid, p. 305.

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8. Large Mammal Impacts – A total of 14 mammal species were observed on the property, including bobcat (*Felis rufus*), coyote (*Canis latrans*), grey fox (*Urocyon cinereoargenteus*), and mule deer (*Odocoileus hemionus*) (DEIR, Appendix D). Mountain lion (*Puma concolor*) are also known to occur in the project vicinity (Boydston and Crooks 2013). The DEIR addresses potential impacts to wildlife movement and concludes the project site does not function as a regional wildlife movement corridor because it does not connect two habitat patches surrounded by development (page 5-121). However, the proposed project will permanently impact live-in habitat, nursery areas, and local movement paths for large mammals within the project site and may contribute to the degradation of surrounding habitat. Large predators, in particular, play an important role in maintaining the ecological integrity of remaining open space areas in southern California (Soulé et al. 1988, Crooks and Soulé 1999). The presence of coyotes and bobcats has been shown to be negatively associated with the distribution and abundance of smaller predators (e.g., raccoons and feral cats) which often prey upon songbirds (Crooks and Soule 1999). We recommend that the DEIR include additional analysis of potential impacts to live-in habitat, nursery areas, and local movement paths of large mammals and mitigation for impacts, such as avoidance and conservation of onsite habitat.

L3-19

9. Fuel Modification Plan – While implementation of the Fuel Modification Plan will permanently reduce the quality of the natural vegetation communities and their ability to support native wildlife, these impacts are not fully addressed in the DEIR. The DEIR should clarify the entire extent of impacts associated with fuel management activities (i.e., DEIR Exhibits 5-70 and 5-71). All fuel modification zones should be treated as permanent impact areas and mitigated as such. The regular disturbance associated with thinning native vegetation in fuel modification zones increases the extent of non-native weedy species and reduces soil moisture content, which may reduce the potential for native species to be supported in the fuel modification zone over the long term. To minimize the spread of non-native and invasive plant species to adjacent undisturbed areas we recommend that PDF 16 be changed to read (deletions in strikeout and additions underlined):

L3-20

To the extent feasible, native plant species approved for use in fuel modification zones by the Orange County Fire Authority³ will be used in fuel modification zones adjacent to natural habitat areas. Plants identified by the California Invasive Plant Council as an invasive risk in southern California will be excluded from all landscaping.

In addition, the DEIR should clarify the frequency and timing of maintenance within natural vegetation communities and the minimum qualifications of contractors conducting maintenance within these areas. Landscape contractors will need to be able to identify which native species pose an unacceptable fire risk and which native species are allowed to remain within the fuel modification zones.

³ <http://www.ocfa.org/uploads/pdf/guidec05.pdf> (see Attachment 8, species with Code of native to Orange County)

L3-19 USFWS concurs that the Project Site is not located within a regional wildlife corridor and consequently would not affect such movement. USFWS notes that the Proposed Project would potentially affect live-in habitat for common mammals such as bobcat, coyote, mule deer, and gray fox, which would also affect local movement by these species. Paragraph D of Appendix G of the CEQA Guidelines states the following regarding wildlife corridors:

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

In accordance with this guidance, the Proposed Project would not “interfere substantially... with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.” The potential loss – or more likely displacement – of common species such as coyote, bobcat, gray fox, or mule deer would not be a significant impact under CEQA. Coyotes and bobcats would continue to have access to areas of preserved open space such as the Blue Mud Canyon environs such that there would be no loss of song birds due to the mesopredator release, which is the subject of the Crooks and Soule 1999 paper. Similarly, other areas of open space would be open to coyotes and bobcats, ensuring that there is no disruption to the ecological balance. As noted, impacts (most likely displacement) to common mammals would not be significant, and loss of life in habitat for these species is not considered significant under CEQA; as such, no mitigation is necessary.

L3-20 The majority of the fuel modification zones associated with the Project site occur within the grading limits and were counted as “completely impacted.” Very limited portions of the fuel modification zones occur outside the grading limits, and for each Alternative the impacts associated with the portions of the fuel modification zones are provided in the tables included in Topical Response 6. It should be noted that no additional significant impacts were identified, and no additional mitigation required.

It is important to note that areas affected by initial grading will become slopes adjacent to the development that will be planted with native species approved for use in fuel modification zones by the Orange County Fire Authority. The County disagrees with the USFWS’s assertion that such areas should be treated as a permanent impact given that they will be replanted with native vegetation, including native cactus that even at 50% or 70% cover will exhibit habitat functions for many native species and will increase the overall carrying capacity for many native avifauna such as the California towhee, Bewick’s wrens, and common yellowthroats, as well as for migratory species such as the yellow-rumped warbler and the white-crowned sparrow.

Additional fuel modification impacts to special status vegetation for which significant impacts were identified in the DEIR, including California walnut woodland and blue elderberry woodland are addressed below:

- **California Walnut Woodland.** Under Alternative 1, fuel modification impacts within Zones A through D to California walnut woodland would be limited to 0.36 acre. This is in addition to 0.48 acre identified in the DEIR for grading, resulting in a total of 0.84 acre of impact that would be considered significant, which would be mitigated to less than significant through on-site restoration of walnut woodland.

Under Alternative 2, fuel modification impacts within Zones A through D to California walnut woodland would be limited to 0.30 acre. This is in addition to 0.22 acre identified in the DEIR for grading, resulting in a total of 0.52 acre of impact that would

be considered significant, which would be mitigated to less than significant through on-site restoration of walnut woodland.

Under Alternative 3, fuel modification impacts within Zones A through D to California walnut woodland would be limited to 0.40 acre. This is in addition to 0.22 acre identified in the DEIR for grading resulting in a total of 0.62 acre of impact that would be considered significant, which would be mitigated to less than significant through on-site restoration of walnut woodland.

- **Blue Elderberry Woodland.** Under Alternative 1, fuel modification impacts within Zones A through D to blue elderberry woodland would be limited to 0.01 acre. This is in addition to 11.37 acres identified in the DEIR for grading, resulting in a total of 11.38 acres of impact that which would be considered significant, which would be mitigated to less than significant through on-site restoration of elderberry woodland.

Under Alternative 2, fuel modification impacts within Zones A through D to blue elderberry woodland would be limited to 0.02 acre. This is in addition to 13.63 acres identified in the DEIR for grading, resulting in a total of 13.65 acres of impact that would be considered significant, which would be mitigated to less than significant through on-site restoration of elderberry woodland.

Under Alternative 3, fuel modification impacts within Zones A through D to blue elderberry woodland would be limited to 0.09 acre. This is in addition to 12.37 acres identified in the DEIR for grading, resulting in a total of 12.46 acres of impact that would be considered significant, which would be mitigated to less than significant through on-site restoration of elderberry woodland.

Because there are no other additional significant impacts, no additional mitigation measures are proposed; although the Project Applicant is willing to include the mitigation measure below that would prohibit plants on the California Invasive Plant Council list.

Fuel Modification Zones as depicted on Exhibit 5-70, Conceptual Fuel Modification Plan page 5-301 and Exhibit 5-71 Conceptual Fuel Modification Plan page 5-303 of Section 5.7 (Hazards and Hazardous Materials) of the DEIR are included in the analysis of project impacts as depicted on Exhibit 5-30, Vegetation Map-Option 1 Impact Map on page 5-145 and Exhibit 5-31, Vegetation Map-Option 2 Impact Map on page 5-147 of Section 5.3 (Biological Resources). All fuel modification zones are shown within the project impact area on both maps.

Pursuant to the comment received, Project Design Feature PDF 16 has been clarified as indicated below. Refer to page 5-300, Section 5.7 (Hazards and Hazardous Materials) of the DEIR for discussion on the fuel modification plan. For information on the OCFA's approved plant palette and prohibited plant list refer to Appendix E and Appendix F of the FPEP (Appendix J in the DEIR). The intent of PDF 16 remains unchanged concerning minimizing the spread of non-native and invasive plant species.

PDF 16 Fuel Modification Plan. To the extent feasible, native planting species approved for use in fuel modification zones by the Orange County Fire Authority will be used in fuel modification zones adjacent to natural habitat areas. Plants identified by the California Invasive Plant Council as an invasive risk in southern California will be excluded from all landscaping. ~~To the extent feasible, native planting species will be used in fuel modification zones adjacent to natural habitat areas.~~

Project Design Features PDF 20 and PDF 22 require the frequency and timing of maintenance of fuel modification zones as discussed on page 57 in the FPEP (Appendix J of the DEIR). The maintenance of fuel modification zones is required by the Homeowners' Association (HOA) to be completed annually by June 1 or more often as needed for fire safety as determined by OCFA. Mitigation Measure Haz-9 has been incorporated into the Proposed Project requiring the HOA to distribute fire-safe vegetation management information based on the OCFA Vegetation Management Guidelines as approved in the Fuel Modification Plan described in PDF 16.

Mr. Kevin Canning (FWS-OR-13B0102-14TA0157)

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10. Federally Listed Species – We anticipate that impacts to vireo, Branton's milkvetch, and critical habitat for the gnatcatcher will be addressed through the section 7 consultation process between the Service and the Army Corps of Engineers since the DEIR acknowledges that a section 404 permit under the Clean Water Act is required. As currently proposed, the project will permanently impact the great majority of habitat for all three species within the site. We recommend that an alternative development plan be developed that is limited to the southern portion of the property and provides low elevation dispersal corridors for the gnatcatcher.

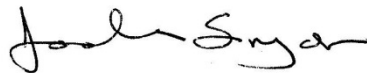
L3-21

In summary, we recommend that the County not approve the DEIR until the issues described above have been addressed and the document has been recirculated for public review. The Service is available to assist the County in developing a more robust landscape approach in addressing impacts from this project and the adjacent Cielo Vista project and to resolve our concerns for adequate avoidance and mitigation of sensitive species and habitats in this region of Orange County.

L3-22

We appreciate the opportunity to comment on the subject DEIR. If you have any questions regarding these comments, please contact Christine Medak of this office at 760-431-9440, extension 298.

Sincerely,



for Karen A. Goebel
Assistant Field Supervisor

cc:
Jennifer Edwards, California Department of Fish and Wildlife
Ken Kietzer, Chino Hills State Park

- L3-21 As noted in response to Comment L3-3 impacts to habitat occupied by least Bell's vireo are limited under Alternative 1 to 0.05 acre with Alternatives 2 and 3 impacting 0.24 and 0.50 acre, respectively, which is clearly not "the great majority" of least Bell's vireo habitat on the site which totals approximately 1.5 to 2.0 acres. The Project Applicant has already entered into discussions with the Corps regarding a potential Section 7 Consultation between the Corps and the USFWS. It is not expected that the Corps will include the Braunton's milk-vetch in the Section 7 Consultation, as the milk-vetch is an upland species that occurs outside the Corps' expected Area of Potential Effect (APE). Finally, as noted in response to Comment L3-12 (U.S. Fish and Wildlife Service), surveys going back to 1997 show that no California gnatcatchers are on the site. The Corps may determine that consultation is required for impacts to areas designated as critical habitat (even in the absence of documented use of the site by gnatcatchers).

The Proposed Project has the potential to require a Section 404 permit based on an impact of .91 acre of ACOE jurisdiction for Option 1 and 1.15 acres for Option 2. Therefore, it is anticipated that a Section 404 permit under the Clean Water Act will be required for implementation of the Proposed Project. Mitigation Measure Bio-6 found on page 5-167 provides mitigation for impacts to ACOE and CDFW jurisdiction. The impact to special status plant species is mitigated to a level of less than significant.

Analysis is provided starting on page 5-143 and 5-153 of Section 5.3 (Biological Resources) of the DEIR for project impacts, as well as cumulative impacts starting on page 5-175 to least Bell's vireo, Braunton's milk-vetch, and critical habitat for the coastal California gnatcatcher. Mitigation Measures Bio-4, Bio-5, Bio-9, and Bio-11 for least Bell's vireo and Mitigation Measures Bio-3 and Bio-10 for Braunton's milk-vetch have been incorporated to reduce project impacts to less than significant. As determined by a qualified biologist based on survey and field observation, the Study Area PCEs are severely limited or lacking due to disturbance to coastal sage scrub habitat from the 2008 Freeway Complex Fire, and no gnatcatchers have been observed during a number of surveys between 2007 to 2013 (page 5-153). Therefore, pursuant to the requirements of CEQA, no significant project impact was identified, and no mitigation has been incorporated.

- L3-22 The issues raised in Comment Letter L3 have been addressed, and no new significant environmental impacts or a substantial increase in the severity of an environmental impact would result. Therefore, the DEIR does not require recirculation for public review. The DEIR has accurately identified and characterized project impacts and where impacts have been determined to be significant, has proposed measures that reduce the identified impacts to less than significant.

Mr. Kevin Canning (FWS-OR-13B0102-14TA0157)

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Comment Letter L4
California Department of Fish and Wildlife
February 3, 2014



State of California – Natural Resources Agency
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EDMUND G. BROWN JR., Governor
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February 3, 2014

Mr. Kevin Canning
Orange County Public Works/Planning
300 N. Flower Street
Santa Ana, CA 92702-4048
Kevin.Canning@ocpw.ocgov.com

Subject: Comments on the Draft Environmental Impact Report (DEIR) for the Esperanza Hills Project, Orange County, CA (SCH#2012121071)

Dear Mr. Canning:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Environmental Impact Report (DEIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code §2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. While the County of Orange participates in the NCCP program by implementing its approved Implementation Agreement, the Esperanza Hills project site is not part of the NCCP.

The 468.9 acre project site is located within unincorporated Orange County north of State Route 91 off Yorba Linda Boulevard, south and west of Chino Hills State Park, east and north of the Cielo Vista project (another proposed project within unincorporated Orange County), and adjacent to existing residential development within the City of Yorba Linda (City). The project is east of San Antonio Road and north of Stonehaven Drive. It is bordered by privately owned land to the west and southwest, which are part of the adjacent proposed development known as the Cielo Vista project. Below the proposed project's southern border is an area dedicated as open space within the City. The Bridal Hills, LLC property, a reasonably foreseeable development, borders the project to the north and west, and the Yorba Linda Land, LLC property borders the proposed project to the northwest. North and east of the proposed project site is Chino Hills State Park, which lies between developed land in Orange, San Bernardino, and Riverside counties.

Rolling hills characterize the irregular-shaped parcel, which supports a mix of habitats including non-native grasslands with locally dominant stands of coastal sage scrub, chaparral, limited areas of riparian habitat, and small stands of walnut and oak woodlands. The southern portion of the site contains oil wells and infrastructure. Four intermittent drainage areas are located in canyons on or near the site and are identified as Blue Mud Canyon, Canyon A, Canyon B, and Canyon C. Blue Mud Canyon runs along the southern portion of the property in an east-west direction. The entire project area was burned in the 2008 Freeway Complex Fire. Surveys were conducted in 2007, with additional surveys in 2008 and 2010 following the fire, and

L4-1

Conserving California's Wildlife Since 1870

**Response to
Comment Letter L4
California Department of Fish and Wildlife
February 3, 2014**

- L4-1 The County acknowledges receipt of a letter from the California Department of Fish and Wildlife (CDFW) dated February 3, 2014 and the information related to CDFW's authority as Trustee Agency with jurisdiction over natural resources affected by the project. The County acknowledges the participation in the Natural Community Conservation Planning (NCCP) program and that the Proposed Project is not part of the NCCP. The commenter's description of the Proposed Project is consistent with the Project Description found in Section 4.3 starting on page 4-11 of the DEIR.

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reconnaissance-level surveys in 2012 and 2013 to document the communities that have reestablished since the 2008 fire.

The study area (i.e., the 468.9 acre project site and 35.26 acre off-site impact area) contains the following pre-2008 fire vegetation communities and land uses (per the Orange County Habitat Classification system): 24.21 California sagebrush scrub; 10.32 acres disturbed California sagebrush scrub; 10.14 acres purple sage scrub; 1.21 acres sagebrush/monkeyflower scrub; 92.02 acres coastal sage scrub/chaparral; 34.43 acres sumac savannah; 122.63 acres toyon/sumac chaparral; 1.75 acres sumac/elderberry chaparral; 6.37 acres California walnut woodland; 23.88 acres blue elderberry woodland; 6.36 acres southern coast live oak forest; 1.93 acres mulefat scrub; 0.19 acre black willow riparian forest; 2.70 acres California walnut/mulefat scrub; 0.52 acre southern willow scrub; 136.10 annual grassland; and 15.93 acres ruderal. There are 10.51 acres of developed land, including a 0.6 acre detention basin.

Five Special-Status Plant species were observed within the project site: the Catalina mariposa lily (*Calochortus catalinae*) California Rare Plant Rank (CRPR) 4.2 species; the intermediate mariposa lily (*Calochortus weedii* var. *intermedius*) CRPR 1B.2 species, Brauton's milk vetch (*Astragalus brauntonii*) CRPR 1B.1 species and a federal endangered species; southern California walnut (*Juglans californica*) CRPR species; and small flowered microseris (*Mircoseris douglasii* var. *platycarpa*) CRPR 4 species. There are also three Special-Status Plant Communities within the study area; southern willow scrub, California walnut woodland, and blue elderberry woodland.

Special-status avian species observed within the study area included: The state fully protected American peregrine falcon (*Falco peregrinus anatum*) and golden eagle (*Aquila chrysaetos*); federal Endangered Species Act (ESA) and California Endangered Species Act (CESA)-listed endangered least Bell's vireo (*Vireo belli pusillus*); Species of Special Concern northern harrier (*Circus cyaneus*), grasshopper sparrow (*Ammodramus savannarum*), yellow-breasted chat (*Icteria virens*), and yellow warbler (*Setophaga petechia*); and the sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), and southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*).

The proposed project would construct 340 single family residences and associated infrastructure. Planning Area 1 (PA1) would provide 218 lots on 310 acres, four parks, a water reservoir, open space, riparian areas, and trails on the northern part of the project site. Planning Area 2 (PA2) would provide 122 residences on 159 acres, five parks, an underground water reservoir, open space, and trails on the southern part of the project site. Off-site grading will be required for PA 2 access and to stabilize an existing landslide on the western boundary. The DEIR discusses two Conceptual Site Plans, Option 1 and Option 2, which depict the specific PA development configurations. Development would occur in two phases with each PA constituting a phase. Construction is expected to take 1 to 2 years for grading and 3 to 7 years for construction.

The proposed project would permanently impact approximately 326 to 332 acres of natural vegetation communities, including 1.955 to 2.234 acres of Department jurisdictional streambed and associated riparian habitat. The project would retain "natural" open space and "landscaped and irrigated slope" open space as part of the fuel modification zone.

L4-1
cont'd

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The Department offers the following comments and recommendations to assist Orange County Public Works/Planning (County) in avoiding or minimizing potential project impacts on biological resources.

L4-1
cont'd

Adequacy of Environmental Review under CEQA

The Department does not concur with the DEIR's assertion that significant impacts to biological resources and vegetation communities have been minimized to a level less than significant. The DEIR does not adequately evaluate all project impacts to biological resources or the full range of mitigation measures needed to reduce potential impacts to a level less than significant. Mitigation measures are either not addressed or, in some instances where measures are addressed, future implementation of the measures cannot be assured. CEQA requires that all anticipated impacts and proposed mitigation be clearly identified in a DEIR and not deferred for future study or implementation. We strongly urge the County to revise the DEIR to adequately identify and analyze the proposed project's biological impacts addressed in this comment letter, and to provide appropriate mitigation for the impacts.

L4-2

Project Alternatives

While the DEIR discusses two configurations for project design (Options 1 and 2) which include two access scenarios the DEIR fails to describe a range of 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," as required by Section 15126.6(a) of the CEQA Guideline. The alternatives are to include an "alternative [that] would impede to some degree the attainment of the project objectives, or would be more costly" (§15126.6[b] of the CEQA Guidelines). The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making" (§15126.6[f] of the CEQA Guidelines).). Lacking project alternatives the Department is unable to identify or provide meaningful input on alternatives or the scope of the DEIR. The proposed project configuration of two distinct areas (PA1 and PA2) divides the open space on the property and increases project-related edge effects. Currently, lots nearest Chino Hills State Park are only 500 feet from the park boundary. To minimize habitat fragmentation and edge effects, the Department strongly recommends that every effort be directed at considering an alternative design proposal that is environmentally superior and clearly demonstrates avoidance and minimization of impacts (e.g., reduction of development footprint or user base) to native vegetation communities and associated species to the maximum extent practicable (CEQA Guidelines, §15021[a][2]).

L4-3

Impacts to Natural Vegetation Communities

The DEIR fails to include mitigation for impacts to natural vegetation communities present in the project area. No mitigation is currently proposed for impacts to coastal sage scrub, chaparral, grassland, or ruderal habitat. We are concerned about this potential loss of habitat as it supports a wide variety of sensitive animal and plant species. Compensatory mitigation is necessary to maintain the region's biological diversity and prevent the decline of sensitive species and their ecosystems.

L4-4

- L4-2 The project's impacts to biological resources were evaluated consistent with the requirements of CEQA in Section 5.3 (Biological Resources) of this DEIR. A total of nine significant impacts were identified including impacts to two special-status plant communities (walnut woodland and blue elderberry woodland), one state- and federally listed avian species (least Bell's vireo), a third plant community (southern willow scrub occupied by the least Bell's vireo), the federally listed Braunton's milk-vetch, the intermediate mariposa lily, drainage courses and wetlands subject to federal jurisdiction under Section 404 of the federal Clean Water Act and state jurisdiction pursuant to Section 1602 of the *Fish and Game Code*, and potential impacts to nesting birds.

Mitigation measures for each impact were clearly identified in the DEIR. In addition, Habitat Mitigation and Monitoring Plans have been prepared and included as part of the Final EIR (FEIR) that address 1) impacts to walnut woodland and blue elderberry woodland; 2) impacts to Braunton's milk-vetch and the intermediate mariposa lily; and 3) impacts to Corps, CDFW, and RWQCB jurisdictional drainages.

The Final EIR does adequately evaluate all significant project impacts to biological resources as detailed through records research, field study, observation, and evaluation by a qualified biologist. Mitigation measures specific to the Study Area have been formulated to mitigate specific impacts to biological resources to a level of less than significant as determined by a qualified biologist. Mitigation measures that are implemented with the development of the project are not considered deferred mitigation. The mitigation measures identify a specific performance standard. For example, Mitigation Measure Bio-2 establishes a performance standard of 80% individuals observed after five years with monitoring and additional measures if not successful. It is the intent of the Project Applicant to mitigate all significant project impacts as identified and evaluated in the Final EIR.

- L4-3 A complete discussion of project alternatives can be found in Project Alternatives (Chapter 6) of the DEIR. The DEIR presents five project alternatives that represent "a reasonable range of alternatives to the project ..." as prescribed in §15126.6 of the CEQA Guidelines. The alternatives include: Alternative 1 – No Project; Alternative 2 – Option 2A, Alternative 3 – Option 2B, Alternative 4 – Lower/Reduced Density, and Alternative 5 – Yorba Linda General Plan. As discussed in the DEIR, project alternatives are presented that feasibly attain most of the basic objectives of the project but would avoid or substantially lessen significant project effects. The analysis of alternatives in the DEIR also includes an assessment of the impacts associated with each alternative. Therefore, we disagree with CDFW's statement that it is unable to provide meaningful input on alternatives or the scope of the DEIR due to lack of a range of alternatives to the project.

The CDFW acknowledges that the nearest residential lot is 500 feet from Chino Hills State Park and is concerned with project-related edge effects. A complete evaluation of project impacts, cumulative impacts, and project alternatives to biological resources can be found in Section 5.3 (Biological Resources) and Project Alternatives (Chapter 6) of the DEIR.

- L4-4 As noted in the response to Comment L4-2, impacts to three special-status plant communities were identified: California walnut woodland (G2S2), southern willow scrub (G3S2.1), and blue elderberry woodland (G3S3). Coastal sage scrub on the site consists of three alliances: California sagebrush scrub (G5S5), purple sage scrub (G4S4), and black sage scrub (G4S4). None of these alliances exhibit special status and, as such, impacts to these alliances are not considered significant. Similarly, the coastal sage scrub/chaparral on the site is dominated by a suite of common species such as laurel sumac, lemonade berry, and the sage species noted above. Laurel sumac scrub is a G4S4, and when mixed with sage

scrub species such as California sage brush, black sage, and purple sage is also a G4S4. All of these habitats were substantially affected by the 2008 Freeway Complex fire; which as noted resulted in conversion of much of the area to bush mallow scrub (G4S4). One other alliance, toyon/sumac chaparral, is listed as a G5S3; however, given the overall level of disturbance and the common character of the scrub on the site, it was determined that loss of this alliance does not constitute a significant impact, as it would not substantially reduce the extent of these common species within their range. All of the dominant species within the scrub communities are highly common within Southern California and beyond. Toyon, for example, occurs in all but eight counties in California in areas such as the Modoc Plateau and desert areas such as Imperial County.

The project's impacts to biological resources were evaluated consistent with the requirements of CEQA in Section 5.3 (Biological Resources) of the DEIR. No mitigation is necessary for elimination or disturbance to coastal sage scrub, chaparral, grassland, or ruderal habitat, because project impacts to these natural vegetation communities do not meet the threshold of significance as established in the CEQA Guidelines and listed on page 5-138 of Section 5.3 (Biological Resources) of the DEIR. The Biological Resources section provides an analysis of all project and cumulative impacts to sensitive animals and plant species and mitigation for identified significant impacts.

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Open Space

The Department is unclear as to the amount of natural open space proposed in the DEIR. The Project Description (page 4-18) states that portions of open space will be retained as "natural" open space (no number provided) while 126 to 135 acres of additional open space will be created and consist of "landscaped and irrigated slopes." In addition there will be 13.6 to 12.8 acres of parks and detention basins. In the Recreation Section (page 5-541) it states that the project will retain 230.8 acres of open space including 140.0 to 151.3 acres of "natural" open space and 126.6 to 135.8 acres will be created and consist of "landscaped and irrigated slopes." It further states that fuel modification zones (FMZ) will be required adjacent to residential development and will act as additional open space. These numbers appear to be inconsistent in total, the Department questions how much "natural" wildland open space versus "landscaped and irrigated slope" open space the proposed project will have and how much will be manipulated as FMZ.

L4-5

Additionally, the preserved natural open space should be protected in perpetuity via a conservation easement and necessary endowment, as well as, monitored and managed to limit unauthorized access, pollution, domestic pets, illegal dumping, fire, and other incompatible activities. The DEIR states that open space will be managed by a homeowners association (page 4-18) but it does not specify if this means all open space (natural and landscaped and irrigated slopes) nor does it disclose if and how the natural open space will be protected in perpetuity. Furthermore it does not discuss the required management activities. This information should be disclosed in the final environmental document (FEIR). The Department recommends a Land Management Plan be prepared, funded in perpetuity, and implemented by an entity qualified to manage and monitor natural open space.

Fuel Modification Zones

Significant impacts may occur from fuel modification, and the proposed project may likely result in significant and adverse undisclosed and unanalyzed habitat alteration and degradation of native plants and wildlife. Fuel modifications may result in substantial adverse effects to the remaining habitat within the project site. Fuel modifications typically result in substantial degradation of wildlife habitat values associated with coastal sage scrub and native grasslands, even if trees or specific shrubs are retained. The Department recommends that the FEIR establish a complete and accurate description of all activities associated with fuel modification, as well as disclose and analyze all impacts from fuel modification as permanent impacts. All fuel modification area impacts should be considered permanent and require compensatory habitat replacement mitigation. The Department also recommends a sufficient buffer be established between the Chino Hills State Park and the fuel modification zone, as well as the development footprint.

L4-6

Mitigation Measures

Special Status Plants

The project impacts to special status plants are analyzed to be less than significant after mitigation for intermediate mariposa lily and Brauton's milk-vetch (see mitigation measures Bio-2 and Bio-3). The Department is concerned that the DEIR does not disclose the feasibility (as defined in CEQA guidelines section 15364) of these mitigation measures; specifically the time

L4-7

L4-5 Table 5-3-5, Summary of Impacts to Vegetation Associations/Cover Types, Option 1 (page 5-140 in Section 5.3, Biological Resources of the DEIR) provides a detailed summary of impacted vegetation communities in the 504.20-acre Study Area. This table indicates that 336.50 acres are impacted in the Study Area for Option 1; and 162.68 acres of natural vegetation communities (biological open space) remain following implementation of the Proposed Project (a description of “biological open space” and associated biological function is provided in Topical Response 6 – Biological Resources/Open Space). Parks, WQMP basins, trails, and fuel modification zones, including irrigated slopes as described in the Project Description for Option 1, are found on space associated with the Proposed Project for land use purposes. The Proposed Project’s impervious surfaces for Option 1 are described in Section 5.8 (Hydrology and Water Quality) on page 5-358 of the DEIR. Option 1 consists of 328.9 acres of grading area that results in 77.2 acres of impervious surfaces made up of mainly of streets and housing pads when the project is complete.

Table 5-3-6, Summary of Impacts to Vegetation Associations/Cover Types, Option 2 (page 5-141 in Section 5.3, Biological Resources of the DEIR), indicates that 340.183 acres of vegetation communities are impacted for Option 2, and approximately 171.14 acres of biological open space are provided in the Study Area. The Proposed Project’s impervious surfaces for Option 2 are described in Section 5.8 (Hydrology and Water Quality) on page 5-358 of the DEIR. Option 2 consists of 317.6 acres of grading area that results in 75.6 acres of impervious surfaces made up mainly of streets and housing pads within the Project Site and 2.6 acres of impervious surfaces off-site made up of the street access to Aspen Way when the project is complete.

The DEIR addresses topics that are related to environmental issues. CEQA does not require consideration of private dedication of lands for conservation easements managed by a third party. The biological open space associated with the Proposed Project will consist of native vegetation and will be part of the common area of the HOA. The Proposed Project is gated and will prevent unauthorized vehicles from accessing open space areas, which will minimize illegal dumping and pollution. The project provides trails as described in Section 5.13 (Recreation) starting on page 5-511 of the DEIR, which will minimize unauthorized access to open space and Chino Hills State Park. PDF 11 concerning trash receptacles, maintained daily by the HOA, will minimize pollution and illegal dumping. No development can occur in the open space without land use approval by the County of Orange or after possible annexation with the City of Yorba Linda. The DEIR assumes that the open space associated with Option 1 and Option 2 will be permanent. Any application to modify the Proposed Project would be subject to the requirements of CEQA. No development in the open space associated with Option 1 or Option 2 is anticipated and is not part of this DEIR.

The 162.68 acres of biological open space in Option 1 and 171.14 acres in Option 2 will become part of the common area of the HOA. Please refer to Topical Response 6, Biological Resources/Open Space, for a detailed acreage breakdown. Other than maintaining trash receptacles on a daily basis at trail heads and within the development portion of the Proposed Project, there is no maintenance responsibility other than what is described in Mitigation Measures Bio-1, Bio-2, Bio-3, Bio-4, Bio-6, and Bio-7 concerning maintenance of 18.90 acres of mitigation areas. Mitigation Measure Bio-10 requires preparation and approval of an Environmental Awareness Program intended to increase awareness of residents of sensitive plants, wildlife, and associated habitats that occur in the preserved open space areas. Mitigation Measure Bio-7 requires the preparation and approval of a Habitat Mitigation and Monitoring Program that will include the responsibility and

qualifications of the personnel to implement and supervise the plan. The Project Applicant is responsible to implement the plan until the restoration areas have met the success criteria outlined in the approved plan. Therefore, the DEIR has analyzed impacts to the biological open space associated with Option 1 and Option 2 and provides Project Design Features and mitigation measures to mitigate impacts to a less than significant level. The MMRP assures the implementation of each mitigation measure, including the preservation and maintenance of the designated open space. The MMRP will be adopted as part of the Project approval process per CEQA §21081.6(a)(1) and has been designed to ensure compliance during project implementation.

- L4-6 Limited Fuel Modification impacts associated with Zones A through D occur outside the grading limits and are addressed below for each alternative, and impacts by vegetation type are summarized below. Impacts to special-status vegetation for which significant impacts were identified in Section 5.3 (Biological Resources) the DEIR, including California walnut woodland, blue elderberry woodland, and southern willow scrub are addressed below:

California Walnut Woodland

Under Alternative 1, fuel modification impacts within Zones A through D to California walnut woodland would be limited to 0.36 acre. This is in addition to 0.48 acre identified in the DEIR for grading, resulting in a total of 0.84 acre of impact, which would be considered significant and would be mitigated to less than significant through on-site restoration of walnut woodland.

Under Alternative 2, fuel modification impacts within Zones A through D to California walnut woodland would be limited to 0.30 acre. This is in addition to 0.22 acre identified in the DEIR for grading, resulting in a total of 0.52 acre of impact, which would be considered significant and would be mitigated to less than significant through on-site restoration of walnut woodland.

Under Alternative 3, fuel modification impacts within Zones A through D to California walnut woodland would be limited to 0.40 acre. This is in addition to 0.22 acre identified in the DEIR for grading, resulting in a total of 0.62 acre of impact, which would be considered significant and would be mitigated to less than significant through on-site restoration of walnut woodland.

Blue Elderberry Woodland

Under Alternative 1, fuel modification impacts within Zones A through D to blue elderberry woodland would be limited to 0.01 acre. This is in addition to 11.37 acres identified in the DEIR for grading, resulting in a total of 11.38 acres of impact, which would be considered significant and would be mitigated to less than significant through on-site restoration of elderberry woodland.

Under Alternative 2, fuel modification impacts within Zones A through D to blue elderberry woodland would be limited to 0.02 acre. This is in addition to 13.63 acres identified in the DEIR for grading, resulting in a total of 13.65 acres of impact, which would be considered significant and would be mitigated to less than significant through on-site restoration of elderberry woodland.

Under Alternative 3, fuel modification impacts within Zones A through D to blue elderberry woodland would be limited to 0.09 acre. This is in addition to 12.37 acres identified in the DEIR for grading, resulting in a total of 12.46 acres of impact, which

would be considered significant and would be mitigated to less than significant through on-site restoration of elderberry woodland.

Southern Willow Scrub

There are no impacts to southern willow scrub associated with Fuel Modification Zones A through D.

Additional Fuel Maintenance Areas

The project also incorporates additional fuel maintenance and management areas, which would require removal of non-native species as well as highly flammable native species, which would be replaced with native species acceptable to the Orange County Fire Authority. Specifically, these areas include a Fuel Break Zone, which includes a 50-foot-wide Irrigated Riparian Zone and a Fire Prevention Zone.

Fuel Break Zone

This zone will be treated in the same manner as Zone C for the traditional fuel modification areas, meaning that the vegetation will be thinned to 50%. This area contains no California walnut woodland for any of the alternatives. This zone contains 0.43 acre of blue elderberry woodland for all three alternatives; however, it would not be necessary to remove blue elderberry from this zone and, as such, there would be no impacts to blue elderberry. This zone also supports 0.06 acre of southern willow scrub; however, as for the blue elderberry woodland, it would not be necessary to remove the southern willow scrub, and there would be no impacts to southern willow scrub. Finally, each alternative includes 0.34-acre of southern willow scrub that occurs within the Blue Mud Canyon drainage that would not be removed by the project with no resulting impacts.

Fire Prevention Vegetation Removal Zone

Each alternative includes this zone, which varies slightly in size among the three alternatives. The zone as configured for Alternative 1 includes 5.53 acres of walnut woodland, 0.52 acre of elderberry woodland, and 0.03 acre of southern willow scrub. All healthy California walnuts and blue elderberries and willows will be retained in this zone. As such, there will be no impacts to these habitat alliances under Alternative 1.

The zone as configured for Alternative 2 includes 5.85 acres of walnut woodland, 0.53 acre of elderberry woodland, and 0.03 acre of southern willow scrub. All healthy California walnuts and blue elderberries and willows will be retained in this zone. As such, there will be no impacts to these habitat alliances under Alternative 2.

The zone as configured for Alternative 3 includes 5.75 acres of walnut woodland, 0.52 acre of elderberry woodland, and 0.03 acre of southern willow scrub. All healthy California walnuts and blue elderberries and willows will be retained in this zone. As such, there will be no impacts to these habitat alliances under Alternative 3.

No significant impacts to special-status vegetation alliances are associated with the Fuel Break Zone or the Fire Prone Vegetation Removal Zone and no additional mitigation would be required.

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frame associated with successful translocation and technical requirements (detailed below). Historically there has been a high degree of unsuccessful translocation attempts with rare plant species and therefore the Department does not recommend translocation as a mitigation measure, but does recommend preservation of an area of sufficient size to support the special status plants. Information regarding the feasibility and success of translocation should be included within the FEIR allowing decision makers to make informed decision regarding environmental effects of the Project (see CEQA guidelines section 15151).

L4-7
cont'd

The Department cannot determine if proposed planting of greenhouse-propagated special status plant individuals as mitigation is reasonably likely to be successful, thereby less than significant after mitigation. The DEIR may likely under estimate project impacts to special status plants. Because of DEIR's lack of specificity in project restoration methods (removal, relocation, and installation) for special status plant species, and the absence of analysis of receiver sites, the Department is unable to comment or provide guidance on project methods or suitability of receptor sites.

Fielder's (1991¹) analysis of plant translocation projects indicate only 15% of projects that undertake translocation for endangered, threatened, and rare plant species obtain fully successful translocation after monitoring and maintenance, and only 8% success for projects that conduct translocation as part of compensatory mitigation program. While this analysis was dependent on 45% return of project questionnaires, the evidence of unsuccessful vs. successful translocation projects is important to consider when evaluating whether the translocation of special status plant species is capable of being accomplished in a successful manner within a reasonable period of time. The frequent cause for partial or complete failure of translocation is lack of a sufficient understanding of the biology of the impacted species, and failure to replicate the necessary habitat conditions at receptor sites.

The FEIR must include the Special Status Plant Planting and Monitoring Plan for Brauton's milk-vetch and intermediate mariposa lily. The Special Status Plant Planting and Monitoring Plan should be prepared by a qualified botanist in consultation with the Department and US Fish and Wildlife Service and include the following requirements for approval by Manager of Orange County Planning: A.) Sufficient documentation that method of removal is feasible and best available to cause as little physical disturbance as possible, and at phenologically appropriate time of year; B.) receptor sites should be of same habitat quality, particularly with respect to soil type and its characteristics. Various maintenance requirements of the receptor sites may include weed removal, supplemental watering, and fencing or other forms of site protection; C.) the qualified botanist preparing the plan should submit evidence of previous experience working with the species for which the mitigation is being performed.

Sensitive Habitats

Mitigation measure Bio-1, Bio-6, and Bio-7, propose the preparation of a plan to bring impacts to sensitive plants and habitats below a level of significance. These measures would restore areas

L4-8

¹ Fielder, P. L. 1991. Mitigation Related Transplantation, Relocation, and Reintroduction Projects Involving Endangered and Threatened, and Rare Plant Species in California. California Depart. Of Fish and Game Endangered Plant Program, Sacramento, California. pp. ii

Fuel modification zones A, B, C and D consisting of 170 feet are depicted on Exhibit 5-71, Conceptual Fuel Modification Plan, on page 5-303 of Section 5.7 (Hazards and Hazardous Materials), and a complete description of fuel modification activity is found on pages 5-300 through 5-310 and in Appendix J of the DEIR. Fuel modification zones are included in the project description and are analyzed as part of the project impact area for Option 1 and Option 2 in Section 5.3 (Biological Resources) as depicted on Exhibit 5-30, page 5-145 and Exhibit 5-31, page 5-147. Except for three locations in PA-2, additional buffer of open space is provided between the fuel modification zones and Chino Hills State Park as depicted in the green shaded area on Exhibit 5-71 on page 5-303. Mitigation Measure Haz-13 as discussed in Section 5.7 (Hazards and Hazardous Materials) requires written permission by the County of Orange and the appropriate resource agency, for example, California Department of Fish and Wildlife, prior to vegetation management activities associated with fuel modification. Project Design Feature PDF 16 requires, to the extent feasible, the use of native plant species in fuel modification zones adjacent to natural habitat areas. Therefore, the impact from fuel modification to biological resources has been analyzed and mitigated to a level of less than significant in the DEIR.

- L4-7 A Rare Plant Restoration Plan that addresses mitigation/restoration for the intermediate mariposa lily and Braunton's milk-vetch has been prepared. The plan includes 1:1 replacement plus a 20% contingency to ensure 1:1 replacement. The plan considers the following for each species: location, proper soils, slope, aspect, and associated vegetation community.

Regarding Braunton's milk-vetch, Glenn Lukos Associates (GLA) was involved in a successful relocation of this species between 1995 and 2005 for the Oak Park Project in Simi Valley. During that time, GLA Biologists, working with the Rancho Santa Ana Botanic Garden, Wallace Soil Labs, and interested stakeholders, learned a great deal regarding the ecological requirements of this species and how to successfully transplant this species. This knowledge has been incorporated into the Braunton's milk-vetch restoration program developed for the project.

Relative to the intermediate mariposa lily, it is important to note for purposes of context that, while this species is designated as a CRPR List 1B.2, it is subject to substantial preservation efforts in the region. Specifically, the USFWS has made a finding that this species has met the terms for "conditional coverage" within the adjacent Orange County Central and Coastal Natural Community Conservation Plan/Habitat Conservation Plan area where 758 of 826 (92%) known intermediate mariposa lily occurrences and 79,108 or 90,140 (87%) individuals will be conserved.⁶ GLA is currently engaged in restoration/translocation efforts for this species within the Orange County Southern Subregion Habitat Conservation Plan area, is aware of past problems with translocation efforts and is working closely with Tree of Life Nursery in implementing procedures that increase survival of propagated and translocated individuals.

In addition, Mitigation Measures Bio-2 and Bio-3 have been revised as indicated below to name the required "detailed restoration program" as a Special Status Planting and Monitoring Plan, identify the specific person at the County of Orange to approve the plan as well as add consultation by CDFW and USFWS, to clarify a similar soil type, and specifics of

⁶ USFWS and CDFW (formerly CDFG) Joint Letter, dated July 7, 2006. "Amendment to Proposed Mitigation for Impacts to Intermediate Mariposa Lily Associated with Mountain Park, East Orange, and Irvine Planning areas 1, 2, and 6, Orange County California". Addressed to Scot Scialpi at the the Irvine Company.

a maintenance program to be included in the plan. The intent of the mitigation measures is the same.

Bio-2 Prior to the issuance of grading permits, a detailed restoration ~~plan program~~ shall be prepared by a qualified biologist that complies with the Habitat Mitigation and Monitoring Plan included herein in Appendix C. ~~for approval by the County of Orange.~~ The ~~plan program~~ shall provide for planting at the appropriate time of year for success of 326 greenhouse-propagated individuals of intermediate mariposa lily in the Study Area within an undisturbed area of coastal sage scrub of same habitat quality with respect to soil type and its characteristics. The plan shall include a maintenance program for weed removal, supplemental watering, fencing, and other forms of site protection. This mitigation ~~plan program~~ will be considered successful if at least 80% of 326 flowering individuals, or 261 flowering individuals, are observed five years after planting. If success criteria are not met after five years, remedial measures shall include greenhouse propagation and planting of additional individuals on the Project Site.

Bio-3 Prior to the issuance of grading permits, a detailed restoration ~~plan program~~ shall be prepared by a qualified biologist that complies with the Habitat Mitigation and Monitoring Plan included herein in Appendix C. ~~for approval by the County of Orange.~~ The ~~plan program~~ shall provide for planting of 400 greenhouse-propagated individuals of Braunton's milk-vetch in the Study Area within an undisturbed area of suitable habitat and soils, slope and exposure. The plan shall include a maintenance program for weed removal, supplemental watering, fencing, and other forms of site protection. This mitigation ~~plan program~~ will be considered successful if at least 80% of 400 individuals, or 320 individuals, flower and set seed prior to senescence. If success criteria are not met prior to senescence of the planted individuals, remedial measures shall include greenhouse propagation and planting of additional individuals on the Project Site.

L4-8 Mitigation Measures Bio-1, Bio-6, and Bio-7 have been revised to include a time frame for monitoring success of five years and reporting to the Orange County Manager of Planning. The measures have a specific performance standard for compensation for disturbance. Refer to the updated mitigation measures below:

Bio-1 Prior to the issuance of grading permits, the Project Applicant shall prepare a re-vegetation plan for mulefat scrub, black willow riparian forest, and blue elderberry woodland located within Blue Mud Canyon in accordance with the Habitat Mitigation and Monitoring Plan. The plan will also incorporate California black walnut into the plant palette to mitigate the loss of 0.48 or 0.22 acre of walnut woodland associated with Options 1 and Option 2, respectively. The plan shall be prepared by a qualified biologist for review and approval by the Orange County Manager of Planning. At a minimum, the plan shall include restoration of mulefat scrub and black willow riparian forest vegetation that also includes a black walnut component. The plan shall include replacement of habitat at a minimum ~~a~~ ratio of 1:1; responsibility and qualifications of the personnel to implement and supervise the plan; site selection; site preparation and planting implementation; and schedule; maintenance plan/guidelines in accordance with the Habitat Mitigation and Monitoring Plan. ~~monitoring plan; and long-term preservation.~~

Bio-6 Prior to the issuance of grading permits, the Project Applicant shall prepare a Restoration Plan for mulefat scrub, black willow riparian forest, coast live oak

riparian woodland, and other appropriate wetland/riparian habitats at an acreage ratio of 1:1 to be located within Blue Mud Canyon in accordance with the Habitat Mitigation and Monitoring Plan. ~~The plan shall be prepared by a qualified biologist for review and approval by the Orange County Manager of Planning.~~ The Restoration Plan shall include the following:

1. Impacts to living coast live oak trees within CDFW jurisdiction will be mitigated through planting liners or locally collected acorns within Blue Mud Canyon at the following ratios:
 - For healthy trees to be removed for development:
 - trees less than 5 inches diameter at breast height (DBH) should be replaced at 3:1
 - trees between 5 and 12 inches DBH should be replaced at 5:1
 - trees between 12 and 36 inches DBH should be replaced at 10:1
 - trees greater than 36 inches DBH should be replaced at 20:1
 - For damaged trees (including trees damaged by construction and fire damaged trees to be removed for development):
 - trees less than 12 inches DBH should be replaced at 3:1
 - trees greater than 12 inches DBH should be replaced at 5:1
 - Impacts to trees that were killed by the 2008 Freeway Complex Fire do not require mitigation.
2. The sizes, condition, and total number of impacted trees will be determined after verification of the limits of CDFW jurisdiction and prior to issuance of any permit that results in ground disturbance.
3. The plan shall include responsibility and qualifications of the personnel to implement and supervise the plan; site selection; site preparation and planting implementation; schedule; maintenance plan/guidelines; five year monitoring plan with reporting to the responsible jurisdictional agencies; and long-term preservation.
4. The Project Applicant shall notify CDFW, pursuant to section 1600 of the Fish and Game Code of any lake and streambed alterations (LSA), including activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank of a river or stream, or use materials from a streambed. A copy of the LSA notice shall be provided to the Orange County Manager of Planning.

Bio-7 Prior to the issuance of grading permits, the Project Applicant shall prepare a Habitat Mitigation and Monitoring Program (HMMP). The HMMP shall be prepared by a qualified biologist for review and approval by the Orange County Manager of Planning. The HMMP shall include responsibility and qualifications of the personnel to implement and supervise the plan; site selection; site preparation and planting implementation; schedule; maintenance plan/guidelines; five-year monitoring plan with reporting; and long-term preservation.

The Project Applicant shall be fully responsible for the implementation of the Habitat Mitigation and Monitoring Program until the restoration areas have met the success criteria outlined in the approved plan. The Orange County Manager of Planning shall have final authority over mitigation area sign-off.

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temporarily impacted by construction activities, and reduce impacts below a level of significance; as discussed above, these mitigation measures are not of sufficient detail, do not commit an entity to implement the restoration, a timeframe to implement of the measures, or how the restoration would be approved. The mitigation measures should include monitoring and reporting on the effectiveness of the measure. The measures should fully describe an appropriate compensation for disturbance that may result in permanent habitat loss or conversion to non-native habitat. Additionally, for the purposes of CEQA review, the FEIR should include revisions to include a designated representative at the County or their designee to oversee restoration, commitment to a timeframe for implementation of the restoration, and a proposed restoration plans/HMMP.

L4-8
cont'd

Department Jurisdictional Streambed and Associated Riparian Habitat

The proposed project would impact 1.955 acres of Department jurisdictional streambed and associated riparian habitat under Option 1 and 2.234 acres of habitat under Option 2. Mitigation measure Bio-6 discusses a restoration plan and offers a 1:1 mitigation ratio for mulefat scrub, black willow riparian forest, and coast live oak riparian woodland and other wetland/riparian habitats within Blue Mud Canyon. However, additional language needs to be added to Bio-6 that the project applicant be required to provide written notification to the Department pursuant to section 1600 *et seq.* of the Fish and Game Code for those activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the FEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA. It should be noted that final mitigation requirements for these impacts will be determined through the Streambed Alteration process, and may be greater than 1:1 as proposed in the DEIR.

L4-9

Cumulative Impacts for Raptor Foraging

The Department believes that potential exists for indirect and cumulative impacts to raptor foraging habitat in areas identified within the project footprint. Red-tailed hawk, Cooper's hawk, golden eagle, northern harrier, peregrine falcon and sharp-shinned hawk were seen foraging on-site during surveys (5-120, 5-116, 5-117). Undeveloped areas in the County provide important foraging areas for raptors and, primarily due to development, raptor foraging areas are disappearing throughout the County. The Cielo Vista Project was recently proposed for the area located directly west of the proposed project site. Cielo Vista would include the construction of 112 dwelling units on an 83 acre parcel adjacent to the proposed project site. Additionally, the Bridal Hills property (also adjacent) is described as a reasonably foreseeable development. Accordingly, the Department disagrees with the DEIR's conclusion that the Study Area does not provide an important location for raptor foraging given raptors can utilize habitat at Chino Hills State Park (5-120). Cumulatively, loss of raptor foraging habitat may be significant impact and warrant further analysis (including mitigating for loss of foraging habitat). Measures, such as, reduction of the project footprint and preservation of on-site natural open space or the acquisition and preservation of similar habitat at a greater than 1:1 replacement to impact ratio within the area are two feasible examples to mitigate for foraging habitat loss. The Department recommends the lead agency explore this issue further in the FEIR.

L4-10

- L4-9 The Project Applicant is aware that construction of the project will require authorization pursuant to Section 1602 of the *Fish and Game Code* through a Lake and Streambed Alteration Agreement which would be obtained prior to any activities in streams that will divert or obstruct the natural flow, or change the bed, channel or bank (which may include associated riparian resources) of a river or stream or use material from a streambed. The full extent of potential impacts for each of the three project alternatives is depicted for each alternative on Exhibits 8b, 9b, and 10b of Appendix D in the DEIR. Mitigation Measure Bio-6 has been updated to include the requirement of notice to CDFW pursuant to §1600 of the *Fish and Game Code* of any lake or streambed alterations prior to issuance of grading permits. Refer to Mitigation Measure Bio-6 in the response to Comment L4-8 above.
- L4-10 As noted in the response to Comment L3-17 (U.S. Fish and Wildlife Service), in Southern California, golden eagle ranges average approximately 93 square kilometers or 36 square miles.⁷ Given that the development would remove approximately 300 acres of potential foraging habitat, the project would affect approximately 1.5% of a potential home range or territory. In accordance with Appendix G of the CEQA Guidelines, the loss of 1.5% of a territory does not represent a “substantial adverse effect” and as such is not a significant impact requiring mitigation. Similarly, this would not contribute to significant cumulative losses given the relatively small size of the proposed Cielo Vista project (75 acres subject to impacts or about 0.3% of a home range).

Further as noted in the response to Comment L3-18 (U.S. Fish and Wildlife Service), the Cooper’s hawk favors areas with tree canopy cover where it hunts mostly song birds. The adjoining residential areas provide far more suitable habitat for this urban-adapted species than the project site. In Southern California, the peregrine falcon favors coastal areas and areas such as the Santa Ana River, where it hunts shorebirds and waterfowl. In the western United States, peregrine densities are low, with a single pair often occupying hundreds of square miles.⁸ Given these factors, the loss of approximately 300 acres of habitat with marginal suitability does not represent a substantial adverse effect. Northern harriers and sharp-shinned hawks would most likely occur as wintering species, using the site for occasional foraging. Sharp-shinned hawks most commonly forage in woodlands, which are limited on the site. Impacts to suitable habitat account for fewer than 20 acres. Their diet consists almost entirely of birds (90%) and small to medium-sized songbirds (e.g., sparrows, robins, finches) which are plentiful year-round in all habitats in Southern California and are the primary prey such that there is no shortage of prey for this species. As such, the loss of 300 acres of habitat for this relatively uncommon winter visitor would not be considered significant.

On page 5-120 of Section 5.3 (Biological Resources) of the DEIR is a discussion of existing raptor use of the Study Area associated with the Proposed Project. The DEIR states: “Although a few special status species were observed foraging within the Study Area, including Cooper’s hawk, golden eagle, northern harrier, peregrine falcon, and sharp-shinned hawk, foraging by these species was infrequent and the Study Area does not provide an important location for raptor foraging...” On page 5-152 in Section 5.3 (Biological Resources) of the DEIR is a discussion of the project impact to raptor foraging habitat. The DEIR states the Study Area provides low- to moderate-quality foraging habitat based on field observations during numerous site visits. The DEIR concludes that the Project impact does not constitute a substantial adverse effect on special status raptors and would be less than significant as established by the significant thresholds on page 5-138 of this DEIR and therefore no mitigation is required. This conclusion is not based on the Proposed Project’s proximity to Chino Hills State Park and therefore no change is necessary to the DEIR or mitigation measures.

⁷ Johnsard, John. 1990. *Hawks, Eagles, & Falcons of North America*. Smithsonian Institution Press, Washington, p. 263.

⁸ Ibid, p. 305.

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Project Impacts to Nesting Birds

Mitigation measure BIO-9 addresses impact concerns for resident, migratory and other bird species (e.g., raptors) by avoiding the avian nesting season. The following details should be incorporated into the measure in order to comply with sections 3503 and 3503.5 of the Fish and Game Code, if construction during the avian breeding season becomes unavoidable. The Department recommends the following:

- a. Depending on the avian species present, the bird nesting season is commonly February 15 to September 15. A qualified biologist may determine that a change in the breeding season dates is warranted.
- b. Beginning thirty days prior to the initiation of project activities, a qualified biologist with experience in conducting breeding bird surveys should conduct weekly bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). The surveys should continue on a weekly basis with the last survey being conducted no more than 10 days prior to the initiation of project activities. If a protected native bird is found, the project proponent should delay all project activities within 300 feet of on- and off-site suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist could continue the surveys in order to locate any nests. If an active nest is located, project activities within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, and/or construction fencing may be appropriate to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the project activities and the nest. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. The project proponent should provide the County with results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.
- c. If the qualified biological monitor determines that a narrower buffer between the project activities and observed active nests is warranted, he/she should submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to the County and, upon request, the Department. Based on the submitted information, the County (and the Department, if the Department requests) will determine whether to allow a narrower buffer.

L4-11

Plant Palette

While the Biological Resources section makes references to more fire resistant and "California-friendly" plant palettes (page 4-19), the DEIR does not provide a description of a plant palette to be used in landscaping. Use of native plants in landscaping not only avoids spread of invasive species, which are detrimental to adjacent open space, but also provides additional benefits such as the attraction of native pollinators and reduced water consumption. Therefore, appropriate native plants should be used to the greatest extent feasible in landscaped areas

L4-12

- L4-11 The avian nesting season for sites that do not support the coastal California gnatcatcher has traditionally begun March 15, with the season expanded to February 15 where gnatcatchers are present. As noted in the response to Comment L3-12 (U.S. Fish and Wildlife Service), coastal California gnatcatchers have never been detected on the property, and the appropriate start of the nesting season is March 15. Certain birds of prey, such as the red-tail hawk and the barn owl, can begin nesting as early as February 1; however, there is little suitable habitat for these species on the site, with the possible exception of the damaged oaks in Drainage D and a few non-native palms in off-site portions of Drainage D (barn owls only). The mitigation measure has been revised accordingly as set forth below:

Mitigation Measure Bio-9 has been revised to extend the possible distance from 300 feet to 500 feet from nesting raptors and include that a qualified biologist monitor will determine the appropriate distance from any nest pursuant to §3503 and §3503.5 of the *Fish and Game Code*. An additional requirement is that a qualified biologist surveys the Proposed Project area weekly for 40 days prior to project activities and no more than 10 days prior to start of project activities. Also, clarification has been added concerning definition of nesting and that written justification by the Biologists for nest avoidance measures is to be submitted to the Orange County Manager of Planning.

- Bio-9 Prior to the issuance of grading permits, the Project Applicant shall include the following condition on the grading plan for implementation during vegetation removal operations:

Seven days prior to the initiation of project activities, a qualified biologist shall conduct weekly bird surveys, with the last survey no more than three days prior to initiation of project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat as determined by a qualified biologist. No vegetation removal shall occur between the dates of March 15 ~~and to~~ August 31, unless a qualified biologist surveys the Project's impact area 10 days prior to initiation of project activities ~~prior to disturbance~~ to confirm the absence of active nests. If an active nest is discovered, vegetation removal within a particular buffer surrounding the nest shall be prohibited until nesting is complete (i.e., nest is vacant and juveniles have fledged and there is no evidence of a second attempt at nesting); the buffer distance shall be determined by a qualified biologist ~~(in consultation with the CDFW or the USFWS, if applicable)~~ and in consideration of species sensitivity and existing nest site conditions. Limits of avoidance for nesting raptors, as determined by a qualified biologist, which can be up to 300 feet for nesting raptors, shall be demarcated with flagging or fencing, and Project personnel, including contractors working on-site, shall be instructed on the sensitivity of the area. The Biologist shall record the results of the recommended protective measures described above and shall submit a written memo summarizing any nest avoidance measures to the Orange County Manager of Planning to document compliance with applicable state and federal laws, specifically §3503 and §3503.5 of the Fish and Game Code pertaining to the protection of native birds, including nesting raptors and the Habitat Mitigation and Monitoring Plan.

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adjacent to open space areas. The applicant should not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas adjacent and/or near native habitat areas. California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory provides a listing of species that should be avoided. This list includes (but is not limited to) the following: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. In addition, landscape plantings adjacent to native habitat areas should be free of extensive irrigation, fertilizers, or pesticides. Water runoff from landscaped areas should be directed away from mitigated land, open space, wetlands and riparian areas. It should also be treated and contained within the development footprint.

L4-12
cont'd

Hydrology

It is anticipated that the proposed project would create a significant amount of ground disturbance, concern exists over the impacts the project will have on storm water quality and general hydrology in the surrounding area. Given the Governor's Drought State of Emergency Declaration, issued January 17, 2014, the FEIR should analyze the efficacy of Low Impact Development (LID) options to minimize storm water impacts, including:

- a. Site layout with regard to sensitive resources, including off-site native habitat.
- b. The use of pervious surfaces (crushed aggregate, turf block, unit pavers, pervious concrete and asphalt) as alternatives to impervious surfaces.
- c. Structure roof spouts emptying over pervious surfaces or captured and used for landscape irrigation purposes.

L4-13

If it is anticipated that runoff cannot be dispersed through LIDs, the final EIR should consider directing runoff to facilities designed to detain and treat runoff, such as detention or bioretention basins. Storm water impacts should be explored throughout the project footprint, including on-site conserved open space, as well as off-site native habitat.

We appreciate the opportunity to comment on the DEIR for this project and to assist Orange County Planning in further minimizing and mitigating project impacts to biological resources. If you have any questions or comments regarding this letter please contact Jennifer Edwards at (858) 467-2717 or via email at Jennifer.Edwards@wildlife.ca.gov.

L4-14

Sincerely,

Betty J. Courtney

Betty J. Courtney
Environmental Program Manager I
South Coast Region

cc: Erinn Wilson, CDFW, Los Alamitos
Marilyn Fluharty, CDFW, San Diego
Chris Medak, USFWS, Carlsbad
Enrique Arroyo, Department of Parks and Recreation, Inland Empire District
Scott Morgan, State Clearinghouse, Sacramento

- L4-12 A complete description of the Proposed Project's planting palettes is referenced on page 5-300 of Section 5.7 (Hazards and Hazardous Materials) and found in the Approved Fuel Modification Zone Plant List in Appendix E of the FPEP (Appendix J of the DEIR), and the Esperanza Hills Community-Wide Prohibited Plant List in Appendix F of the FPEP (Appendix J of the DEIR). The Esperanza Hills Community-Wide Prohibited Plant List includes Note 4 referencing the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory for additional undesirable plants due to their invasive nature.

The Conceptual Fuel Modification Plan found on page 5-301 for Option 1 and page 5-303 for Option 2 and described in detail on pages 5-306 and 5-307 indicates that Zone C and Zone D, which are adjacent to natural areas, are not irrigated, and plantings are selected from the Approved Fuel Modification Zone Plant List found in Appendix E of the FPEP (Appendix J in the DEIR).

Section 5.8 (Hydrology and Water Quality) starting on page 5-341 of the DEIR provides a detailed discussion of surface water runoff from the developed areas along with project design features to treat and contain surface water within the development footprint prior to release downstream.

- L4-13 Section 5.8 (Hydrology and Water Quality) starting on page 5-376 describes the Low Impact Development (LID) techniques, Hydromodification Control BMPs and Bio-Treatment BMP features designed into the Proposed Project to treat and retain surface water prior to discharge off site. The use of large LID techniques to treat project runoff, instead of many small BMPs such as roof down spouts emptying over pervious surfaces, the use of crushed aggregate, turf block, unit pavers, pervious concrete and asphalt as suggested cannot be utilized due to the steepness of the site grading, with most streets above 5% grade, since those types of BMPs require flatter grades. The DEIR includes project design features including LID techniques, Hydromodification Control BMPs and Bio-Treatment BMP as well as the incorporation of conditions of approval that result in less than significant impacts from surface water runoff.
- L4-14 As described in the DEIR, all project impacts to biological resources have been mitigated to a level of less than significant.

Comment Letter L5
California Department of Parks and Recreation
February 3, 2014



State of California • Natural Resources Agency

DEPARTMENT OF PARKS AND RECREATION

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Edmund G. Brown Jr., Governor

Major General Anthony L. Jackson, USMC (Ret), Director

February 3, 2014

Kevin Canning
300 N. Flower Street
Santa Ana, CA 92702-4048

Subject: Comments on the Draft Environmental Impact Report for the Esperanza Hills Project, SCH #2012121071

Dear Mr. Canning:

The Inland Empire District of the Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Esperanza Hills Project.

L5-1

State Parks is a trustee agency as defined by the California Environmental Quality Act (CEQA). State Parks' mission in part is to provide for the health, inspiration, and education of the people of California by preserving the state's extraordinary biodiversity and creating opportunities for high quality outdoor recreation. As the office responsible for the stewardship of Chino Hills State Park (Chino Hills SP), we have an interest and concern about contemplated alterations of land use within and adjacent to the park. The long-term health of Chino Hills SP is dependent on the health of the regional ecosystems because the biotic boundaries of the park extend beyond its jurisdictional boundaries.

The main focus of our comments will be how the design of the project as described in the DEIR could potentially impact the natural resources, quality of visitor experiences and long term management of Chino Hills SP. We also include comments regarding the DEIR's organization and adequacy in terms of the ability of interested parties to adequately review all impacts.

General Comments

The proposed Esperanza Hills Project is adjacent to the proposed Cielo Vista Project to the west. It is also adjacent to two other parcels to the west referred to in the DEIR as Yorba Linda Land LLC and Bridal Hills LLC properties. The Esperanza Hills and Cielo Vista projects are dependent on each other for various needs, such as major access routes, utilities and the ultimate disposition and locations of oil wells, and related to each other in terms of total land disturbance and other impacts, accordingly. However, they are being reviewed with separate EIRs. In addition, both of these projects are also part of an even bigger potential area of ultimate development that includes the Bridal Hills LLC and Yorba Linda Land LLC parcels, in terms of ultimate development and

L5-2

**Response to
Comment Letter L5
California Department of Parks and Recreation
February 3, 2014**

- L5-1 The County acknowledges receipt of a letter from the State of California Department of Parks and Recreation dated February 3, 2014. The Department of Parks and Recreation is a trustee agency as noted. Pursuant to §15086(c) of the CEQA Guidelines, “A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency . . .” Section 15086(d) states: “Prior to the close of the public review period, a responsible agency or trustee agency which has identified what that agency considers to be significant environmental effects shall advise the lead agency of those effects.”
- L5-2 The commenter is referred to Topical Response 5 – Segmentation/Piecemealing. As noted in Topical Response 5, the County has discretion to approve or disapprove any one of the projects. Segmentation or piecemealing has not occurred within the definitions of CEQA.

Mr. Kevin Canning
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connected access and utilities. The Esperanza Hills DEIR includes analysis on the Bridal Hills parcel in this regard. CEQA does not allow "piecemeal" review of projects that are, in terms of total impacts, actually one larger project. Cumulative impacts of the whole cannot be analyzed accurately unless covered in one EIR, because cumulative impacts of project components such as total vegetation cleared, air quality, biological resources, hydrology, water quality, noise, geology, public services, transportation, traffic, utilities and services, may not reach threshold levels of significance separately, but could if analyzed together. All of these potential projects should be, therefore, covered in one EIR.

L5-2
(cont'd)

The Blue Mud Canyon area is subject to a conservation easement with restrictive covenants administered by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. Accordingly, State Parks requests coordination of this project with these two agencies to ensure that they are aware of the improvements and the effect of the restrictive covenants on the potential improvements adjacent to Blue Mud Canyon.

L5-3

The DEIR contains incorrect boundary and vital statistics regarding Chino Hills SP in various places in the document. Please revise all map boundaries and discussions regarding Chino Hills SP, including, but not limited to Section 5.13, Exhibit 5-97, and Section 7 on page 5-403, to agree with the attached map and brochure of the park. The park is presently 14,100 acres.

L5-4

Aesthetics

As identified in the Alternatives Analysis in the DEIR, Alternative 4, the Lower/Reduced density Alternative would eliminate homes on the highest elevations of the property, hence eliminate a significant amount of urbanization intrusion into the views from Chino Hills SP. The DEIR also says that it would still modify the existing landform and grade into the "Area 2", (the northernmost piece of the project), where no homes would be built. State Parks requests that more specific detail including grading disturbance be provided to illustrate the difference between views from Chino Hills SP from this Alternative and those provided in the DEIR for Alternatives 2 and 3.

L5-5

As identified in the DEIR, Alternative 2 (Option 2A) and Alternative 3 (Option 2B) structures associated with Estate Lot 1 are visible from points within Chino Hills SP, as shown on Exhibit 5-22. The DEIR concludes that aesthetics impacts from the project will be less than significant. State Parks disagrees and considers it a significant impact to the aesthetic qualities and visitor's experience within Chino Hills SP. We recommend redesigning these options to eliminate this lot and its related components that would bring urbanization closer to the natural setting of Chino Hills SP.

L5-6

As shown on Exhibit 5-162, Proposed Water Facilities Plan, Option 1, and Exhibit 5-163, Proposed Water Facilities Plan, Option 2, (Alternatives 2 and 3), the project would include construction of an underground reservoir. We request a visual simulation of any

L5-7

- L5-3 There are no restrictive covenants on the Project site. All covenants in connection with USFWS occur in Chino Hills State Park.
- L5-4 The depiction of the Project site in relation to the boundary of Chino Hills State Park (CHSP) is accurate. Exhibits of CHSP used were from the CHSP General Plan and the City of Yorba Linda Trails map, as well as other published maps. The Proposed Project will not include any construction activity within the boundaries of CHSP and provides a buffer between development and the Park boundaries. However, the acreage noted in the DEIR is revised from 11,770 to 14,100 as noted by the commenter. Analysis in the DEIR will not change based on Park boundaries or total acreage and, therefore, the analysis remains adequate.
- L5-5 A complete description of Project Alternative 4 – Lower/Reduced Density is found in Alternatives Analysis (Chapter 6) on pages 6-78 through 6-85 of the DEIR. As described therein, Alternative 4 would result in Planning Area 2 remaining in its current condition with limited grading in order to achieve slope stability and balanced grading operations. As depicted on Exhibit 5-5, Esperanza Hills-Option 1 on page 5-17 in Section 5.1 (Aesthetics) of the DEIR, Planning Area 2 is located on the upper slopes of the Proposed Project. Any grading needed for slope stabilization or balanced grading operations will occur in the lower portion of Planning Area 2, as it meets the development portion of Planning Area 1. As discussed on page 5-44 and shown on Exhibit 5-22, View 12, on page 5-55 Estate Lot 1 and a few homes located on “S” Street and “U” Street in Planning Area 2 are visible from San Juan Hill in CHSP. Alternative 4 would eliminate the development of Estate Lot 1 and Planning Area 2 and results in no view of the development associated with Planning Area 1. The limited grading associated with slope stability and balanced grading operations will be subject to design standards of the Specific Plan including fuel modification areas as described in Section 5.9 (Land Use and Planning) starting on page 5-429 of the DEIR.
- L5-6 Alternative 1 (Option 2A) and Alternative 2 (Option 2B) will have the same impact to aesthetics as the Proposed Project’s Option 1 and Option 2 as discussed in Section 5.1 (Aesthetics) of the DEIR. Contrary to the commenter’s opinion that Estate Lot 1 results in a significant impact to the aesthetics qualities and visitors’ experience in CHSP, the Proposed Project as designed is consistent with regulatory documents governing aesthetics as discussed in Section 5.9 (Land Use and Planning) beginning on page 5-395 of the DEIR. Project Design Features (PDFs) Mitigation Measures have been added to reduce Project impacts to aesthetics to less than significant.

A complete description of Proposed Project’s consistency with the Chino Hills State Park General Plan is provided in Table 5-9-19 in Section 5.9 (Land Use and Planning, pages 5-449 through 5-450 of the DEIR). As described therein, the Proposed Project is consistent with the CHSP Aesthetic Resources Goal, because all feasible measures and project design features have been incorporated into the Proposed Project to minimize man-made visual impacts from views within the CHSP. The Aesthetic Resources Goal includes a guideline concerning ridgelines and knoll developments outside the park to discourage development that adversely affects significant views and to work with park neighbors and local government to review and plan adjacent developments in a manner that protects views. Estate Lot 1 can be seen in the distance from CHSP along with developed hillsides of Yorba Linda, SR-55, and the Los Angeles Basin as depicted on Exhibit 5-22, View 12, on page 5-55 in Section 5.1 (Aesthetics) of the DEIR. Although Estate Lot 1 can be seen from the San Juan Hill outlook, it is approximately .6 miles from that location; thus, the scale of the proposed home and its effect within the viewshed when viewed from the San Juan Hill outlook are significantly diminished. Furthermore, the DEIR includes PDF-1 through PDF-10 and

Mitigation Measure AE-1 to mitigate project impact to off-site views of the rolling hill-scape and the Los Angeles Basin from CHSP. Therefore, due to the distance from the San Juan Hill outlook, the design and scale of the proposed estate lot and other residential development within the viewshed, and project design features incorporated into the project, it was determined that the Proposed Project is consistent with the CHSP General Plan goal of protecting scenic features. Most importantly, views from vantages within CHSP of the distant hillsides and ridgelines would not be compromised. Therefore, visual impacts of the project on the CHSP, including San Juan Hill outlook, are less than significant.

As discussed on page 5-57, Visual Character, the Specific Plan includes development standards and design guidelines that lessen the visual impact of man-made structures. These measures include: limiting building height to two stories; buildings color values compatible with surrounding natural vegetation, such as browns, ochers, sepias, and grays; use of non-glare glass and materials, low lighting levels and shielded light fixtures to avoid light spillage; and open space surrounds Estate Lot 1 with fuel modification zones, slope landscaping and natural vegetation buffer areas. Landscape screening cannot be used to screen Estate Lot 1 because it is located in a Very High Fire Hazard Zone as discussed in Section 5.7 (Hazards and Hazardous Materials) starting on page 5-275 of the DEIR. As depicted in View-12 on page 5-55 of the DEIR, Estate Lot 1 is located as such to be viewed below a ridgeline, and the vast majority of the scenic vista of rolling hills and the Los Angeles Basin is preserved.

The CHSP General Plan also includes Acquisition Goals to protect and enhance park resources and improve visitors' enjoyment through appropriate land acquisitions as discussed on page 5-450 in Section 5.9 (Land Use and Planning) of the DEIR. As discussed therein, no land acquisition by CHSP is proposed for the Esperanza Hills project, and CHSP rejected a proposal to include the northeast portion of the Proposed Project into the park years ago.

- L5-7 Section 5.1 (Aesthetics) in the DEIR provides view simulations of the Proposed Project. View Simulation 7 on page 5-45 depicts the Proposed Project area where the lower reservoir will be located below the ridgeline on the highest hill. View Simulation 12, page 5-55 shows the view area where the second reservoir will be located. It will also be below the ridgeline and not visible from the park. The area will be buffered with vegetation and decorative fencing, as detailed in the Specific Plan. The views show an unpaved roadway that will be used for maintenance.

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related view impacts from grading or infrastructure, such as fences and roads, that involve the underground reservoir.

L5-7
(cont'd)

Biological Resources

State Parks believes that except for Alternative 1, (the No Project Alternative), all the alternatives presented will have significant impacts to regional biological resources. Although we believe that Alternative 4, the Lower/Reduced Density Alternative, has considerably less impacts to biological resources due to far less disturbance of native habitat than Alternatives 2, 3 or 5, it still will eliminate natural drainages with important natural habitat and impact sensitive species and wildlife movement.

L5-8

Chino Hills SP and the surrounding area are located within the Southwest ecoregion, which contains biodiversity resources of worldwide significance. It lies specifically within the nearly fully developed east Los Angeles Basin and is also considered the anchor point for the 31 mile long Puente-Chino Hills Wildlife Corridor. The region is also one of the global centers of extinction risk. Given these conditions, Chino Hills SP is important to the region's ability to preserve its extraordinary biodiversity. Any increased impacts to its ecosystems from increased urban edge effects, loss of foraging and breeding habitat for sensitive species and less natural buffers for plant and animal species to have available to move in and out of in case of climate change and natural disasters can be considered significant to biological resources.

The DEIR is not accurate or sufficient in terms of its treatment of the golden eagle (*Aquila chrysaetos*). The DEIR reports that a golden eagle was observed foraging on-site and a nest observed nearby. However, the document lacks accurate information regarding the species and its status and inaccurately portrays potential impacts to it from this project. Specifically, golden eagles are considered resident all year in this region, with occasional "floaters" that are unpaired sometimes present for brief periods. In the local area, historical resident nesting pairs have declined from as many as 50 pairs in the early 1900's to no more than four pairs today, mostly due to loss of suitable nesting and foraging habitat because of development. The few pairs that are left here have used Chino Hills SP and adjacent natural open space for essential foraging territory.

L5-9

Golden eagles are protected by the Bald and Golden Eagle Protection Act as well as the Migratory Bird Treaty Act, both of which prohibit take. In addition, the US Fish and Wildlife Service (USFWS) revised 50 CFR Parts 13 and 22 in 2009, regarding eagle take permits. In the regulation, *take means to pursue, shoot, shoot at, poison, wound, capture, kill, capture, trap, collect, destroy, molest, or disturb. Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.* Also, the regulation also defines cumulative effects as

- L5-8 The Biological Resources have been analyzed in all of the Alternatives presented in the DEIR. All alternatives for the Proposed Project have evaluated potential impacts to a wide variety of habitats and species, as well as impacts to drainage courses subject to Corps, CDFW, and RWQCB jurisdiction. Impacts to certain special vegetation communities, including California walnut woodland, blue elderberry woodland, and southern willow scrub, were identified in the DEIR as significant, and mitigation has been proposed to reduce these impacts to less than significant. Similarly, impacts to the drainage courses have been identified as significant, and mitigation has been identified that reduces the impacts to less than significant. Finally, significant impacts to two special-status plants (Braunton's milk-vetch and the intermediate mariposa lily) were identified along with mitigation sufficient to reduce the impacts to less than significant, which is also the case for one species, least Bell's vireo.

Relative to wildlife movement, USFWS concurs with the conclusions in the DEIR in its comment letter on the DEIR that the Project Site is not located within a regional wildlife corridor and consequently would not affect such movement. It is important to note that the Proposed Project has no potential to affect east-west wildlife movement, as the western edge of the development has adjacent development already precluding wildlife movement. Therefore, regional movement already is restricted to areas to the north of the site.

USFWS notes that the Proposed Project would potentially affect live-in habitat for common mammals such as bobcat, coyote, mule deer, and gray fox, which would also affect local movement by these species. Paragraph D of Appendix G of the CEQA Guidelines states the following regarding wildlife corridors:

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

In accordance with this guidance, the Proposed Project would not "Interfere substantially...with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites." The potential loss or more likely displacement of common species such as coyote, bobcat, gray fox, or mule deer would not be a significant impact under CEQA. Coyotes and bobcats would continue to have access to areas of preserved open space within Chino Hills State Park and other areas of open space. As such, there would be no significant impacts to wildlife movement in accordance with the CEQA Guidelines.

- L5-9 In accordance with CEQA, the impacts associated with a project are assessed based on the current/existing conditions for any subject resource. The letter from the Department of Parks and Recreation notes that currently there are generally four pairs of golden eagles within the area (although "area" is not defined). Based on golden eagle observations within Orange County and the immediately adjacent areas, it is clear that golden eagles extend from the CHSP (approximately 14, 000 acres), southward, using the Central Coastal NCCP/HCP lands and associated open space totaling about 50,000 acres, areas of open space in Orange County's Southern Subregion HCP (13,000 acres), as well as the Cleveland National Forest, which in Orange County accounts for approximately 80 square miles, between Santa Ana Canyon and Ortega Highway. In all, this totals as follows:

CHSP: 14,100 acres	= 22 square miles
Central Coastal NCCP/HCP: 50,000 acres	= 78 square miles
Southern Subregion HCP 13,000 acres	= 20 square miles
Cleveland National Forest	= <u>80 square miles</u>
Total	= Approximately 200 square miles

As noted in the response to Comment L3-17 (U.S. Fish and Wildlife Service), the breeding range for golden eagles is approximately 36 square miles or sufficient habitat for about 5.5 pairs, meaning that the current condition of approximately four pairs is supported by the existing habitat. As noted in the response to Comment L3-17 (U.S. Fish and Wildlife Service), given that the development would remove approximately 330 acres of potential foraging habitat, the Proposed Project would affect approximately 1.5% of a potential home range or territory. In accordance with Appendix G of the CEQA Guidelines, the loss of 1.5% of a territory does not represent a “substantial adverse effect,” especially when the available habitat is considered, and as such is not a significant impact requiring mitigation. It is also worth noting that these figures do not include extensive open space in Whittier Hills to the west or San Jose Hills and San Gabriel foothills to the north.

Given these considerations, combined with the fact that the Project site contains no potential breeding areas, it is unlikely that there will be impacts to golden eagles. As noted on page 5-116 of the DEIR, a golden eagle was seen foraging on-site, and a nest was observed approximately 1,700 feet to the north of the proposed development edge. While the nest site is currently unoccupied, if nesting occurs again at this site at some point during construction or post-construction, its distance and its sheltered location would ensure that nesting would not be affected. The Proposed Project does not exhibit any potential for “take” under the provisions of the Bald and Golden Eagle Protection Act where take is defined as “pursue, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest or disturb.” Furthermore, that project would not exhibit potential to “disturb” which would include to “agitate or bother a bald or golden eagle to the degree that causes or is likely to cause, based on the best scientific information available (1) injury to an eagle, (2) a decrease in its productivity, (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

There is not now nor has there ever been a sighting of a golden eagle nest on the Project site (page 5-116 in the DEIR). The nearest golden eagle nest was located approximately two miles north and west of the Project site and was apparently destroyed in the Freeway Complex Fire in 2008.

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the incremental environmental impact or effect of the proposed action, together with impacts of past, present, and reasonable foreseeable future actions. According to the USFWS, golden eagles in the four west Bird Conservation Areas (BCR's) are exhibiting declines. Until the USFWS has additional data to show that populations in those four BCRs (that constitute 80 percent of the species population in the US), can withstand additional take of those authorized by the new rule, they will only consider issuance of permits for safety emergencies and programmatic and other permits that will result in a net reduction in take or a net take of zero for golden eagles. In the Final Environmental Assessment for the new rule it states that pairs establish territories that may have multiple nests. Individual nests left unused for years may be reoccupied and remains protected under the Bald and Golden Eagle Protection Act. Golden eagle nests damaged by fire can and do get repaired by the eagles and used again, although not necessarily the same year.

L5-9
(cont'd)

Field surveys that were conducted and covered in the EIR attempted to determine presence/absence of numerous special status plants and wildlife. Some were not detected that have been documented in nearby areas of Chino Hills SP. Those include red diamond rattlesnake (*Crotalus ruber*), loggerhead shrike (*Lanias ludovicianus*), coast patch-nosed snake (*Salvadora hexalepis virgultea*), pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossevillei*), Yuma myotis (*Myotis yumanensis*), pocketed free-tailed bat (*Nyctinomops femorosaccus*), western mastiff bat (*Eumops perotis*), and one plant, many-stemmed dudleya, (*Dudleya multicaulis*). Regarding the northern harrier (*Circus cyaneus*), State Parks disagrees that they are not known to breed in southern California. There are a few areas where resident pairs have been known to nest in southern California, including at Chino Hills SP. We request additional surveys to determine the presence of these species.

L5-10

State Parks strongly disagrees that the project area does not provide an important location for raptor foraging. Given the importance of raptors in healthy ecosystems and the numerous species of raptors well documented by many sources as using the Puente-Chino Hills for breeding, foraging and stop-overs during migration, the project site in its natural condition as well as the surrounding Chino Hills SP offer significant foraging habitat. State Parks recommends further evaluation of this potential impact and development of appropriate measures to satisfactorily reduce this impact to the level of less than significant.

L5-11

The evaluation in the DEIR of the importance of the subject property with regards to wildlife movement is incomplete. While large scale linkages such as those that can connect the entire Chino Hills SP to other preserved areas are vital when trying to preserve as much biodiversity as possible throughout a region, there is also great value in facilitating movement of species in and out of smaller components within the larger corridor in terms of functions such as flow and cycling of energy and materials. Where it is not possible for a corridor to encompass the largest range of habitat types for all species in a region, several small corridors may be effective. A large biological corridor encompasses many smaller ones throughout it, not just one major route of biological

L5-12

- L5-10 As noted in the response to Comment L3-2 (U.S. Fish and Wildlife Service), a total of 11 species, which were not detected during biological surveys, were determined to have at least some potential to occur on the site, including coast horned lizard, coast patch-nosed snake, loggerhead shrike, long-eared owl, northern red-diamond rattlesnake, orange-throated whiptail, pallid bat, prairie falcon, Vaux's swift, western mastiff bat, and western yellow bat.

Coast horned lizard is easily detected by scat, which can be detected around leaf-cutter ant hills as well as by direct observations and none were detected. While there is some potential for this species to occur, the lack of detection and the low quality of the habitat is such that impacts, if they present, would be very limited and would not represent a "substantial adverse effect" on the species and would not be considered significant.

Unlike the coast horned lizard, which is more easily detected, the coast patch-nosed snake is rarely detected. Given the preference of this species for high quality habitat consisting of sandy flat and rocky open areas, neither of which is common on the site, potential for this species to occur is fairly limited. Because of the low quality of the habitat, potential impacts, if they present, would be very limited and would not represent a "substantial adverse effect" on the species and would not be considered significant.

Loggerhead shrike is an easily detected bird where present, foraging in open areas and perching in plain view. Given that this species was not detected during the numerous avian surveys on the site, the site does not represent important habitat for this species, and the Proposed Project does not exhibit the potential for having a "substantial adverse effect" on the species.

Potential habitat for the long-eared owl would generally be restricted to the limited oak riparian habitat that occurs in limited portions of Drainage D, accounting for 6.36 acres. This habitat was subject to substantial damage during the 2008 Freeway Complex Fire, and the likelihood of long-eared owls is generally low. As such, the site does not represent important habitat for this species and the Proposed Project does not exhibit the potential for having a "substantial adverse effect" on the species.

The northern red-diamond rattlesnake is typically associated with high quality scrub habitat that includes rocky areas and often cactus, none of which are common on the site, and the potential for this species to occur is fairly limited. Because of the low quality of the habitat, potential impacts, if they present, would be very limited and would not represent a "substantial adverse effect" on the species and would not be considered significant.

The orange-throated whiptail is typically associated with somewhat mesic, high quality scrub habitat, which are not common on the site, and the potential for this species to occur is fairly limited, with Blue Mud Canyon, which is avoided by the Proposed Project. Because of the low quality of the habitat, potential impacts, if they present, would be very limited and would not represent a "substantial adverse effect" on the species and would not be considered significant.

Suitable roosting areas are lacking on the site for the pallid bat and the western mastiff bat as noted on pages 52 and 53 of the Biological Technical Report (Appendix D of the DEIR). As such, the only potential use of the site would be limited to potential foraging, and this would be limited by the mostly very dry conditions. The site does not represent important habitat for these species, and the project does not exhibit the potential for having a "substantial adverse effect" on these species.

As noted in Appendix D of the DEIR, page 53, the western yellow bat requires palms and/or cottonwoods for roosting. The site does not support cottonwood riparian habitat, and there are only a few palms in off-site portions of Drainage D. As such, potential habitat is very limited. Therefore, the site does not represent important habitat for these species, and the Proposed Project does not exhibit the potential for having a “substantial adverse effect” on these species.

Vaux’s swift only occurs in Southern California during migration and, as such, the only potential for occurrence would be during brief periods of foraging. As such, the site does not represent habitat for these species, and the Proposed Project does not exhibit the potential for having a “substantial adverse effect” on these species.

As noted in Appendix D of the DEIR, page 52, the prairie falcon is an uncommon resident in coastal Southern California. If the prairie falcon occurs on the site, it would be rare and, as such, the site does not represent important habitat and any impacts to this species would not be considered significant.

Given these factors, additional surveys for these species would result in changed findings and as such, such surveys are not warranted.

Regarding the potential for northern harrier to breed in Southern California, records indicate that breeding is at best uncommon. For example, Hamilton and Willick note the following in *The Birds of Orange County, California: Status and Distribution*:⁹

This raptor is primarily an uncommon winter visitor to marshes, grassland, rangelands and broken scrub; it is occasionally encountered in the mountains. A few pairs nest in the San Joaquin Hills and possibly, in and around Rancho Santa Margarita.

There are three important points to be addressed. First, the text of the DEIR has been modified as follows for each of the three alternatives considered.

- The northern harrier is CDFW SSC when nesting, but is a common, often abundant, winter visitor throughout California from September through April. Characteristically, this hawk inhabits marshlands, both coastal salt and freshwater, but often forages over grasslands and fields. It glides and flies low over open habitats searching for prey. Northern harrier was observed foraging on site, but exhibits a low likelihood of nesting on the site given the lack of previous records for nesting in this part of Orange County. ~~would not nest on site as this species is not known to breed in southern California~~
- As northern harrier ~~does not breed on the site~~ exhibits a low likelihood for breeding on-site based on the absence of past records and failure to observe breeding during the various surveys on the site, impacts to this species associated with Alternative 1 would be less than significant.
- As northern harrier ~~does not breed on the site~~ exhibits a low likelihood for breeding on site based on the absence of past records and failure to observe breeding during the various surveys on the site, impacts to this species associated with Alternative 2 would be less than significant.

⁹ Hamilton, R. and D. Willick. 1996. *The Birds of Orange County, California: Status and Distribution*. Sea and Sage Audubon Press, Irvine CA, p. 66.

- As northern harrier ~~does not breed on the site~~ exhibits a low likelihood for breeding on site based on the absence of past records and failure to observe breeding during the various surveys on the site, impacts to this species associated with Alternative 3 would be less than significant.

Second, the Department of Parks and Recreation reports that harriers have been known to nest in CHSP; however, no evidence is provided, including purported dates or locations. A check of eBird shows observations within CHSP during the wintering season on the following dates: January 29, 2011, March 5, 2011, February 2, 2012, and February 10, 2012.¹⁰ No observations during the breeding season are reported.

Finally, the northern harrier is a CDFW SSC only during breeding and, as such, impacts would only be significant where impacts occur to a breeding pair while nesting. Mitigation Measure Bio-9 ensures that no impacts to nesting birds would occur. As such, if habitat clearing occurs during the breeding season (March 15 to August 31), nesting surveys would be required and any potential impacts to this species in the very unlikely case of nesting on the site, would be avoided.

- L5-11 In accordance with the CEQA Guidelines, the question regarding raptors is whether there would be a “substantial adverse effect, either directly or through habitat modification.”

As addressed in the response to Comment L3-19 (U.S. Fish and Wildlife Service), relative to special-status raptors, potential impacts would not be considered to have a substantial effect. Specifically, the Cooper’s hawk favors areas with tree canopy cover where it hunts mostly song birds. The adjoining residential areas provide far more suitable habitat for this urban-adapted species than the project site. In Southern California, The peregrine falcon favors coastal areas and areas such as the Santa Ana River, where it hunts shorebirds and waterfowl. In the western United States, peregrine densities are low, with a single pair often occupying hundreds of square miles.¹¹ Given these factors, the loss of approximately 300 acres of habitat with marginal suitability does not represent a substantial adverse effect. Northern harrier is addressed above. Sharp-shinned hawks would most likely occur as wintering species, using the site for occasional foraging. Sharp-shinned hawks commonly forage in woodlands, which are limited on the site and impacts to suitable habitat accounting for less than 20 acres but also forage in other habitats during the wintering season. Importantly, the diet of sharp-shinned hawks consists almost entirely of song birds, which are plentiful in Southern California due to the combined high population that results from the combined presence of wintering and resident song birds.

- L5-12 As noted in the response to Comment L3-19 (U.S. Fish and Wildlife Service), and in accordance with Appendix G of the CEQA Guidelines, the Proposed Project does not have the potential to adversely affect regional wildlife movement, which the Department of Parks and Recreation appears to acknowledge by its focus on smaller corridors within the project site. Because of existing development to the west and south of the site, there are no smaller corridors through the Project site that would link areas to the south or west to larger open space such as CHSP to the north or east. The Proposed Project could potentially affect habitat that is used by common species of mammal (e.g., coyote or bobcat); however, given that these are not special-status species that are widespread and common, such impacts are not considered significant under CEQA.

¹⁰ <http://ebird.org/ebird/map/norhar?bmo=1&emo=12&byr=2010&eyr=2014>

¹¹ Ibid, p. 305.

Mr. Kevin Canning
Esperanza Hills DEIR
February 3, 2014
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flow. A corridor also benefits from having buffers between human development and natural open space.

L5-12
(cont'd)

Critical Habitat for the Coastal California Gnatcatcher in the project area was indeed burned in the Freeway Complex Fire in 2008. The DEIR concludes that the primary constituent elements are severely reduced or lacking as a result. It also explains how surveys over several seasons did not locate any of the birds. However, the DEIR fails to include a series of previous fires in the discussion, which could explain the survey results. This species disperses to new territories via new generations seeking unoccupied territories, which can take many years. The frequent fire history can limit the species ability to do that. The area is still part of the Critical Habitat for the species and given enough time and recovery of suitable habitat, it could still become occupied again. The DEIR should include more fire history in its analysis.

L5-13

Geology and Soils

The project proposes a large amount of grading with all access roads and utilities situated over a major earthquake fault. In case of an emergency such as a large earthquake, flood or landslide, the design of the project's access roads may be cut off. This will not only be a problem for the community, it could make it difficult for fire crews to access and suppress fires or State Parks to evacuate portions of the park. State Parks is concerned about this and would like to see more analysis of these potential disasters in the DEIR.

L5-14

Hazards and Hazardous Materials

Potential from human caused wildfire starts increase as more and more urban development is situated along natural open space. State Parks agrees that a comprehensive plan for fuel reduction for this project will help to lessen the number of accidentally caused wildfires. State Parks would also like to have additional information presented that depicts what the ultimate grading and subsequent fuel modification would look like for Alternative 4. In addition, State Parks requests a review of the proposed list of approved fuel modification plants. Our interest in doing so is to make sure they are not known invasive pest plants that would spread into the natural habitat of Chino Hills SP and request alternatives if there are any. State Parks is also concerned about the impact that the north-south fuel breaks in Blue Mud Canyon will have on the proposed mitigation areas and would like additional analysis.

L5-15

Recreation

State Parks agrees that the various neighborhood parks and walking trails within these neighborhoods will be an asset to this community. However, we feel that the DEIR did not adequately analyze the operational impacts this project will have on Chino Hills SP. More houses along open space park boundaries will bring impacts such as escaped invasive plants, more wildfire starts, unapproved trails, loose pets, and other urban

L5-16

L5-13 As noted in the response to Comment L3-12 (U.S. Fish and Wildlife Service), there are multiple years of survey data for the site that show that the California gnatcatcher does not occur on the site, and the DEIR appropriately concluded that the Project site does not exhibit suitable habitat for the coastal California gnatcatcher. While the Freeway Complex Fire of 2008 further degraded already sub-optimal to unsuitable habitat conditions, it is important to note that the majority of surveys conducted on the site occurred prior to the fire (e.g., Campbell 1997, 1998, and 2002, and GLA 2007), when there was at least potentially higher quality habitat for the gnatcatcher. However, even in 2002, Campbell observed that the portions of the coastal sage scrub on the site are dominated by black sage (*Salvia mellifera*) that occurs on steep topography and at high elevations, making it unsuitable for the coastal California gnatcatcher. This is consistent with GLA's pre-fire observations, so while the site will likely return to the pre-fire conditions, such conditions range from sub-optimal to unsuitable for the gnatcatcher. USFWS acknowledges that coastal California gnatcatchers have not been detected during the breeding season. GLA further notes that GLA biologists familiar with the coastal California gnatcatcher have spent numerous hours conducting other surveys (e.g., jurisdictional delineation, rare plant surveys, focused willow flycatcher surveys, vegetation mapping, and general biological surveys) during both the breeding and non-breeding season, and gnatcatchers have never been detected.

The Project site is within Unit 9 of the designated Critical Habitat for the California gnatcatcher with the development area accounting for 1.8% of the 17,552 acres designated as Unit 9, which is in part characterized as follows:

Habitat within this unit is being designated because it was occupied at the time of listing, is currently occupied, and contains all of the features essential to the conservation of the coastal California gnatcatcher (PCEs 1 and 2). Additionally, this unit provides for connectivity and genetic interchange among core populations and contains large blocks of high-quality habitat capable of supporting persistent populations of coastal California gnatcatchers.¹²

As noted above, while other portions of the Critical Habitat Unit may have been occupied, the Project site was not and is not occupied. Based on numerous protocol surveys over a number of years (between 1998 and 2013), the Project site has never been found to be occupied because it exhibits very low potential for supporting the California gnatcatcher due to a lack of suitable coastal sage scrub, steep topography, and elevations that are generally too high for the California gnatcatcher in the northern portion of the site. Assertions that the site could be occupied are not based on any evidence. To reiterate, occupation by gnatcatchers is unlikely, based on unsuitable topography, mostly unsuitable vegetation communities, and portions of the site at elevations that rarely are occupied by the gnatcatcher.

Areas immediately west of the project site are fully developed such that "low elevation" dispersal to the west is already blocked or severely impeded as depicted on Exhibit 1. Unimpeded dispersal routes to the west occur north of the terminus of Casino Ridge Road and San Antonio Road, which would not be affected by the proposed development which would be south of such a dispersal route. The conclusion in the DEIR that the Proposed Project would not have a significant impact on Critical Habitat Unit 9 is based on years of

¹² U.S. Fish and Wildlife Service. 2007. Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Coastal California Gnatcatcher (*Polioptila californica californica*): Federal Register/ Vol. 72, No. 243 / Wednesday, December 19, 2007 / Rules and Regulations, p. 720440

survey data that show the site to be unoccupied by the California gnatcatcher, and based on the opinion of numerous biologists stating that the site is not suitable.

- L5-14 The commenter is referred to Topical Response 1 – Fire Hazard and Topical Response 2 – Evacuation Plan. There would be no change to the existing dirt road that historically has been used by oil well operators, OCFA, YLWD, SCE, Chino Hills State Park, and neighboring residents for vehicular and foot access to the Project site. The roadway will be utilized for either a primary access road or a fire apparatus access road, depending on the ingress/egress option selected.

With regard to potential impacts to roads in the event of a major earthquake, as stated in Section 5.5 (Geology and Soils), strong seismic ground shaking is endemic in Southern California. All feasible mitigation measures have been incorporated into the Proposed Project including adherence to state and local building and construction standards to reduce potential impacts to the extent feasible.

- L5-15 As discussed on page 6-78, Project Alternatives (Chapter 6) of the DEIR, Alternative 4 assumes the development of Planning Area 1 only. The conceptual grading and conceptual fuel modification plan for Planning Area 1 is depicted on the following exhibits:

- Exhibit 4-9, Conceptual Site Plan Option 1 on page 4-13
- Exhibit 4-10, Conceptual Site Plan Option 2 on page 4-15
- Exhibit 4-11, Planning Areas on page 4-17
- Exhibit 5-3, Conceptual Site Plan/Grading Option 1 on page 5-11
- Exhibit 5-4, Conceptual Site Plan/Grading Option 2 on page 5-13
- Exhibit 5-5, Esperanza Hills Option 1 on page 5-17
- Exhibit 5-6, Esperanza Hills Option 2 on page 5-19
- Exhibit 5-7, Conceptual Fuel Modification Plan Option 1 on page 5-21
- Exhibit 5-8, Conceptual Fuel Modification Plan Option 2 on page 5-23

A complete discussion of approved and prohibited planting palettes is found in the response to Comment L3-12 (U.S. Fish and Wildlife Service).

- L5-16 A complete discussion of the Proposed Project's impact to biological resources associated with the fuel breaks in Blue Mud Canyon is found in the response to Comment L3-6 (U.S. Fish and Wildlife Service).

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Mr. Kevin Canning
Esperanza Hills DEIR
February 3, 2014
Page 6 of 6

effects into Chino Hills SP. Each of these impacts increases the cost of staff time and materials.

L5-16
(cont'd)

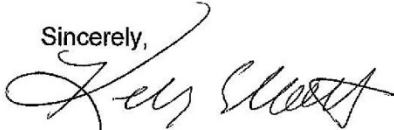
We disagree with the DEIR statement that the project could minimally increase the use of Chino Hills SP but would not result in substantial physical deterioration of those facilities. Each urban edge boundary that was added to Chino Hills SP has added impacts and increased operations and maintenance costs. The DEIR should analyze the increased use and come up with solutions to this costly impact to State Parks.

L5-17

Thank you again for the opportunity to comment and for your serious consideration. For further discussion, please contact me or Enrique Arroyo at (951) 453-6848.

L5-18

Sincerely,



Kelly Elliott
District Superintendent
Inland Empire District

cc: State Clearinghouse
Christine Medak, US Fish and Wildlife Service
District Counsel, US Army Corps of Engineers
Marilyn Fluharty, State Department of Fish and Wildlife
Judi Tamasi, WCCA
Claire Schlotterbeck, Hills For Everyone

- L5-17 The DEIR adequately analyzed impacts related to invasive plants (see Section 5.3 - Biological Resources). As noted in the DEIR beginning on page 5-162, Project Design Features and Mitigation Measures have been incorporated into the Proposed Project that specifically address pets, edge effects, and plants. Trail connections will only occur with approval from the appropriate jurisdictions (CHSP, City of Yorba Linda). CEQA does not require analysis of costs and staff time and, therefore, no analysis is included. The Proposed Project provides in excess of the required park acreage and approximately seven miles of trails for use by the general public, minimizing the use of such amenities in local parks. Commenter provides no factual information pertaining to physical deterioration, increased operations, and maintenance costs resulting from development of adjacent properties. See response to Comment L5-16 above.
- L5-18 The County acknowledges the contact information provided.

Chino Hills State Park




Our Mission

The mission of California State Parks is to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.



California State Parks supports equal access. Prior to arrival, visitors with disabilities who need assistance should contact the park at (951) 780-6222. This publication can be made available in alternate formats. Contact interp@parks.ca.gov or call (916) 654-2249.

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*Chino Hills State Park is
an island of tranquility in
a sea of urbanization.*



Chino Hills State Park, a premier natural open-space area in the hills around the Santa Ana Canyon near Riverside, is a critical link in the Puente-Chino Hills biological corridor. This "bio-link" stretches nearly 31 miles from the Santa Ana Mountains to the Whittier Hills. The park's 14,100 acres of rolling, grassy hills and valleys are dotted with stands of oaks and sycamores.

The park is also a place where people can escape everyday pressures and find peace and solitude in a natural setting. Visitors can camp for a few days or enjoy walking, horseback riding or bicycling over trails that meander along ridge tops and through valleys, woodlands, sage scrub and grasslands. More than 60 miles of trails offer excellent opportunities for viewing wildlife and native plants. Other features consist of the visitor center, campground, picnic areas and equestrian facilities.

PARK HISTORY

Over the centuries, many people have made use of the open spaces and plentiful water, plant and animal resources of the Chino Hills. Before European contact, the Tongva (Gabrielino) Indians, who lived along the Santa Ana River basin, set up temporary camps here for gathering food.

After the Spanish founded Mission San Gabriel in 1771, the Chino Hills were used extensively for grazing by mission cattle. During the Mexican Republic era, the hills were used as spillover pasture from such surrounding Mexican ranchos as Santa Ana del Chino and La Sierra Yorba. After Mexico ceded California to the United States in 1848, the land continued to be used for cattle.

Private land acquisition here began in the 1870s and continued into the 1890s. Some late nineteenth- and early twentieth-century oil exploration and mining activity also took place in areas now within the park. In 1948 the 1,720-acre Rolling M Ranch was established, and the land was leased to nearby landowners for cattle grazing. A ranch house, historic barn and several windmills and watering troughs serve as reminders of the cattle-ranching days.

In 1977 the California legislature passed a resolution directing California State Parks to conduct a study on acquiring Chino Hills land for park purposes. A local citizen group, Hills for Everyone, worked closely with California State Parks and the legislature to create the park

with an initial acquisition of 2,237 acres. In 1984 the State Park and Recreation Commission officially declared the area a unit of the State Park System. Since then, numerous land acquisitions from various private landowners have expanded the park to its present acreage.

WILDLIFE

Because of its great variety of habitats and microclimates, Chino Hills State Park is an ideal location for observing many wildlife species native to southern California.

More than 200 species of birds and mammals, numerous reptiles and amphibians, and thousands of types of insects and other invertebrates live in the park.

Some of these animals—including the least Bell's vireo, the California gnatcatcher and the coastal cactus wren—are considered rare, threatened or endangered. The diversity of native plants and animals found in this region is greater than in any other area of comparable size in the United States.





Windmill at Telegraph Canyon

Bobcat

Coastal cactus wren

GEOLOGY

Ranging from 430 feet to 1,781 feet in elevation, the park straddles the north

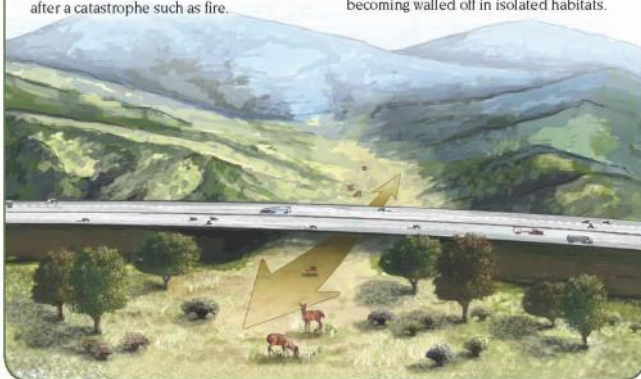
end of the Santa Ana Mountains and the southeast portion of the Puente-Chino Hills, which together form the northern end of the

WHAT IS A BIOLOGICAL CORRIDOR?

Development has claimed large tracts of wildlife habitat. Biological corridors link the remaining habitats by acting as passageways between designated open spaces.

When small patches of wilderness are cut off from other open-space areas, many of the species present at the time of isolation will inevitably disappear. Biological corridors help to maintain healthy populations of plants and animals by allowing for genetic exchange, species migration and repopulation after a catastrophe such as fire.

The Chino Hills bio-link offers people a refuge from urban life while connecting the park's plants and animals to other natural areas. Since Southern California is so heavily urbanized, it is impossible to preserve the huge tracts of land needed to ensure species diversity. However, by providing a major biological link between islands of open space, Chino Hills State Park effectively enlarges habitats. Water Canyon Natural Preserve, Coal Canyon and the rest of the park are part of a biological corridor that allows wide-ranging species like bobcats or mountain lions to avoid becoming walled off in isolated habitats.



Peninsular Ranges in southern California. This formation interrupts the generally flat Los Angeles Basin with a variety of rolling hills, mountains and canyons on its south and east sides. The hills are a result of uplift and folding along the Whittier and Chino faults.

The Puente-Chino Hills are made up of sedimentary rocks of the Puente Formation, deposited from five to fifteen million years ago. Associated with this formation are petroleum resources that have been explored and exploited in the Los Angeles region since the late 1800s. Fine clay soils are found in these formations and in alluvial deposits that wash down from the hills and mountains during winter rains.

PLANT COMMUNITIES

Vegetation habitats include riparian, woodland, coniferous, scrub and chaparral.

In the park's riparian zones, willow and sycamore woodlands stand above understories of wild rose, stinging nettle and mule fat. Cattails grow along seasonal and year-round creeks. These areas provide habitat for a variety of wildlife, among them red-winged blackbirds and many nesting birds that come from Central and South America each spring to raise their young.

Southern California black walnut trees join coast live oaks above creeks on north-facing slopes. These walnut woodlands are another important and rare plant community preserved in the park. Only a few thousand acres of this California

habitat still exist, with just over 1,000 acres in preserves. Several hundred acres are protected at Chino Hills State Park.

The Tecate cypress is a member of the conifer plant community that is found only in a few places in the United States. Tecate cypresses are found in Coal Canyon, near the larger ecological reserve managed by the California Department of Fish and Game.

Scrub and chaparral communities found along the hills, slopes and canyons include coastal sage scrub, mixed chaparral, alluvial sage scrub and mule fat scrub. Many wildlife species depend on this vegetation for survival.

Grassland species native to California, such as purple needle grass and giant rye, can be found among the park's annual non-native grasses. The park's restoration program is returning native grassland to its natural dominant state.

RECREATION AND INTERPRETIVE PROGRAMS

Sixty miles of multi-use trails wind through the park. Day use and first-come, first-served camping are available for a fee. Campfires, school programs, nature hikes, Junior Rangers and educational talks are offered throughout the



Discovery Center

year. Check the park website or call first for park hours and closures.

Park volunteers assist with guided nature walks, operation of the native plant nursery, and various natural resource projects. Mounted assistance volunteers, bicycle volunteers, and natural history volunteers help provide public safety, information and resource protection. For volunteer program openings, call the park.

ACCESSIBLE INFORMATION

The Native Plant Trail, the Discovery Center and nearby interpretive trail, and the Rolling M Ranch day-use area are all accessible. The campground has accessible campsites and restrooms with showers. Accessibility is continually improving. For updates, please visit the website at <http://access.parks.ca.gov>.



Cattail

PLEASE REMEMBER

Speed limit—15 mph for all vehicles and bicycles.

Motor vehicles—Off-road or backcountry driving is not allowed.

Smoking—Smoking is prohibited outside of the campground and throughout the entire park during fire season.

Campfires—Permitted only in designated fire rings; not permitted during fire season.

Trash—Pack it in; pack it out!

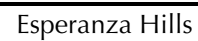
Weapons—Weapons of any kind are prohibited.

Trails—For safety's sake, stay on designated trails and don't hike alone. Be aware of wildlife, especially rattlesnakes.

Collecting—All natural and cultural features are protected by law and may not be disturbed or collected.

Dogs are welcome on Bane Canyon Road and in the Rolling M Ranch and the campgrounds. They must be on leash at all times and, except for service animals, are not allowed in the Discovery Center building, in the backcountry or on trails. Pets must not be left alone at any time.

Park closure—The park will close following rain of more than one quarter inch and remain closed until road and trail surfaces are no longer saturated. High clay content in the soil causes "greased" conditions when wet. Trail use during this time causes severe erosion and rutting of trail and road surfaces. The park is also closed during times of extreme fire danger.



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Comment Letter L6
Native American Heritage Commission
December 10, 2013

Ms. Renee Morquecho, Planner STATE OF CALIFORNIA
Edmund G. Brown, Jr. Governor

NATIVE AMERICAN HERITAGE COMMISSION
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DEC 17 2013

COUNTY OF ORANGE



December 10,, 2013

Mr. Kevin Canning, Planner

County of Orange

300 North Flower Street
Santa Ana, CA 92702

RE: SCH#2012121071; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **"Esperanza Hills EIR No. 616 Project (A Specific Plan – Residential Project;"** located near the City of Yorba Linda; Orange County, California

Dear Mr. Canning:

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document. This project is also subject to California Government Code Sections 65040.2 *et seq.*

L6-1

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

L6-2

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

**Response to
Comment Letter L6
Native American Heritage Commission
December 10, 2013**

- L6-1 The County acknowledges receipt of a letter from the Native American Heritage Commission (NAHC) dated December 10, 2013 requiring compliance with CEQA Guidelines and the *California Government Code* as they relate to archeological resources.
- L6-2 As stated on Page 5-190 (Section 5.4, Cultural Resources) of the DEIR, an archaeological and historical record search was conducted for the Proposed Project. A total of 18 cultural resources were previously documented within a one-mile radius of the Project site. A pedestrian survey for archaeological and paleontological resources was conducted in 2008. A survey update was performed in October 2012. The archaeological and historical records research determined that there are no known cultural resources within the Project area. No resources were visible during the pedestrian surveys. These findings were detailed in the "Archaeological and Paleontological Resources Assessment Update for the Esperanza Hills Project" prepared by Cogstone and dated January 2013. The Assessment is included as Appendix F in the DEIR.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

L6-3

California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies" and Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

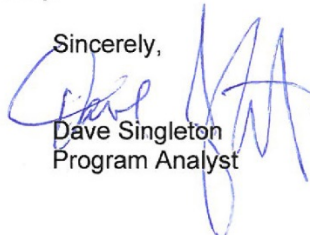
Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

L6-4

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,



Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

- L6-3 As stated on Page 5-190 of the DEIR, Native American consultation for the Proposed Project was conducted in 2008 in compliance with SB 18 requirements. Letters were sent to all individuals and tribes recommended by NAHC at that time. Two responses were received, but there was no specific information about resources from the respondents.
- L6-4 Subsection 5.4.5 - Mitigation Measures (pages 5-200-201) includes mitigation in the event any unanticipated cultural resources are discovered during construction. Also included is mitigation requiring a Paleontological Resources Mitigation Plan be prepared for training, monitoring, recovery and curation of fossils meeting significance criteria established in the Plan.

**Native American Contacts
Orange County, California
December 10, 2013**

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
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Juaneno Band of Mission Indians Acjachemen Nation
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San Juan Capistrano CA 92675-2674
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(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
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gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
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sonia.johnston@sbcglobal.
714-323-8312
714-998-0721

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012121071; CEQA Notice of Completion; draft Environmental Impact Report No. 616; located near the City of Yorba Linda; Orange County, California.

**Native American Contacts
Orange County California
December 10, 2013**

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Gabrielino /Tongva Nation
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samdunlap@earthlink.net
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Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
palmsprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 - FAX

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
gabrielenoindians@yahoo.
(626) 926-4131

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

his list s only applicable for contacting local Native Americans with regard to cultural resources for the proposed
SCH#2012121071; CEQA Notice of Completion; draft Environmental Impact Report No. 616; located near the City of Yorba Linda;
Orange County, California.

**Comment Letter L7
Caltrans District 12
December 20, 2013**

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Gov.

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
3347 MICHELSON DRIVE, SUITE 100
IRVINE, CA 92612-8894
PHONE (949) 724-2000
FAX (949) 724-2019
TTY 711
www.dot.ca.gov



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DEC 27 2013
COUNTY OF ORANGE

December 20, 2013

Mr. Kevin Canning
County of Orange
300 N. Flower Street
Santa Ana, CA. 92702

File: IGR/CEQA
SCH#: 2012121071
Log #: 3149B
SR-91

Dear Ms. Canning:

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report for the Esperanza Hills**. The proposed project known as Esperanza Hills, is located within unincorporated area of the County of Orange, east of San Antonio Road and north of Stonehaven Drive near the City of Yorba Linda. The proposed project is a residential development consisting of a maximum of 340 single-family residential units on 468.9 acres of undeveloped land in unincorporated Orange County, 13.9 acres of active passive parks, 7 miles of trails(pedestrian, bicycle and equestrian) and 230 acres of open space.

L7-1

The Department of Transportation (Department) is a commenting agency on this project and has no comment at this time. However, in the event of any activity in the Department's right of way, an encroachment permit will be required.

L7-2

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,

MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

"Caltrans improves mobility across California"

**Response to
Comment Letter L7
Caltrans District 12
December 20, 2013**

- L7-1 The County acknowledges receipt of a letter dated December 20, 2013 from the Department of Transportation - District 12 (Department) related to the Esperanza Hills DEIR. The County recognizes the Department as a commenting agency and that the Department has no comments at this time. The Department will be consulted in the event an encroachment permit is required.
- L7-2 The County will continue to keep the Department informed related to the Esperanza Hills project and will send any future correspondence to Aileen Kennedy.

**Comment Letter L8
Caltrans District 12
January 21, 2013**

"STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY"

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

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3347 MICHELSON DRIVE, SUITE 100
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RECEIVED

JAN 23 2014

COUNTY OF ORANGE



Flex your power!
Be energy efficient!

January 21, 2014

Mr. Kevin Canning
County of Orange
300 N. Flower Street
Santa Ana, CA. 92702

File: IGR/CEQA
SCH#: 2012121071
Log #: 3149B
SR-91

Dear Mr. Canning:

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report for the Esperanza Hills**. The proposed project known as Esperanza Hills, is located within unincorporated area of the County of Orange, east of San Antonio Road and north of Stonehaven Drive near the City of Yorba Linda. The proposed project is a residential development consisting of a maximum of 340 single-family residential units on 468.9 acres of undeveloped land in unincorporated Orange County, 13.9 acres of active passive parks, 7 miles of trails(pedestrian, bicycle and equestrian) and 230 acres of open space.

L8-1

The Department of Transportation (Department) is a commenting agency on this project and has the following comments for your consideration.

1. Please provide a copy of the traffic analysis for Weir Canyon Road off/on ramp with west and eastbound SR-91 utilizing the **LATEST** version of HCM by Caltrans standards.
2. Please clarify your project fare share cost to the State facilities, if mitigation measures are needed..
3. Clarify the proposed improvement of Cielo Project is included in the traffic analysis.

L8-2

L8-3

L8-4

"Caltrans improves mobility across California"

**Response to
Comment Letter L8
Caltrans District 12
January 21, 2013**

- L8-1 The County acknowledges receipt of a second comment letter from Caltrans District 12 dated January 21, 2014.
- L8-2 The Weir Canyon Road/SR-91 interchange analyses in the Traffic Impact Analysis have been updated using the recently corrected Synchro Software version of the Highway Capacity Manual (HCM), which is 2010, for the Existing, Year 2020, and Buildout Year 2035 traffic conditions “Without Project” traffic and “With Project” traffic. As shown in Tables 1, 2 and 3 below, both intersections are forecast to operate at acceptable levels of service. The commenter is also referred to Topical Response 3 – Traffic Ingress/Egress.

Table 1 Existing Plus Project Peak Hour Intersection Capacity Analysis -- Caltrans Esperanza Hills, County of Orange						
Key Intersection	Time Period	(1) Existing Traffic Conditions		(2) Existing Plus Project Traffic Conditions		(3) Significant Impact
		Delay (s/v)	LOS	Delay (s/v)	LOS	
14. Weir Canyon Road at SR-91 WB Ramps	AM	11.7	B	11.8	B	No
	PM	10.3	B	10.6	B	No
15. Weir Canyon Road at SR-91 EB Ramps	AM	8.7	B	8.8	A	No
	PM	22.1	C	24.7	C	No

Table 2 Year 2020 Peak Hour Intersection Capacity Analysis - Caltrans Esperanza Hills, County of Orange								
Key Intersection	Time Period	(1) Existing Traffic Conditions		(2) Year 2020 Cumulative Traffic Conditions		(3) Year 2020 Cumulative Plus Project Traffic Conditions		(4) Significant Impact
		Delay (s/v)	LOS	Delay (s/v)	LOS	Delay (s/v)	LOS	
14. Weir Canyon Road at SR-91 WB Ramps	AM	11.7	B	13.0	B	13.1	B	No
	PM	10.3	B	11.7	B	12.6	B	No
15. Weir Canyon Road at SR-91 EB Ramps	AM	8.7	A	10.7	B	10.7	B	No
	PM	22.1	C	23.0	C	27.8	C	No

Table 3 Year 2035 Peak Hour Intersection Capacity Analysis - Caltrans Esperanza Hills, County of Orange								
Key Intersection	Time Period	(1) Existing Traffic Conditions		(2) Year 2035 Cumulative Traffic Conditions		(3) Year 2035 Cumulative Plus Project Traffic Conditions		(4) Significant Impact
		Delay (s/v)	LOS	Delay (s/v)	LOS	Delay (s/v)	LOS	
14. Weir Canyon Road at SR-91 WB Ramps	AM	11.7	B	13.5	B	13.7	B	No
	PM	10.3	B	13.3	B	14.3	B	No
15. Weir Canyon Road at SR-91 EB Ramps	AM	8.7	A	15.3	B	15.4	B	No
	PM	22.1	C	46.8	D	47.9	D	No

- L8-3 As noted on pages 5-622 and 5-623 of the DEIR, the Proposed Project will add less than 0.010 to the ICU value at Weir Canyon Road at SR-91 ramps and is not considered a significant impact. Therefore, no fair share calculations are necessary.
- L8-4 The traffic analysis included development of the Proposed Project and the potential development of the Bridal Hills property (38 residential units). The proposed Cielo Vista project was considered as a related project (page 5-558, Table 5-14-6 and Section 6.2 in the Traffic Impact Analysis) for purposes of cumulative impacts. Mitigation Measure T-1 has been included in the DEIR to reduce impacts from the Proposed Project and the proposed Cielo Vista project at the intersection of Yorba Linda Boulevard and Via del Agua with the installation of a traffic signal.

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Mr. Kevin Canning
January 21, 2014
Page 2

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

L8-5

Sincerely,

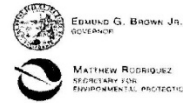
Handwritten signature of Maureen El Haraque in blue ink.

MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

"Caltrans improves mobility across California"

L8-5 The County will inform Caltrans of future developments through the contact information provided.

Comment Letter L9
Santa Ana Regional Water Quality Control Board
February 1, 2013



Santa Ana Regional Water Quality Control Board

February 1, 2013

Kevin Canning
Orange County Public Works
300 N. Flower Street
Santa Ana, CA 92702-4048

NOTICE OF PREPARATION FOR DRAFT ENVIRONMENTAL IMPACT REPORT, ESPERANZA HILLS SPECIFIC PLAN, CHINO HILLS IN YORBA LINDA AREA, UNINCORPORATED ORANGE COUNTY – ORANGE COUNTY PUBLIC WORKS, SCH #2012121071

Dear Mr. Canning:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) has reviewed the December 26, 2012 Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Esperanza Hills Specific Plan (Project). The Project would construct 340 houses and streets on 238.1 of 468.9 acres in the Chino Hills (unincorporated Orange County) beside the City of Yorba Linda border (City). The City would be expected to annex this proposed gated development.

L9-1

We believe that the DEIR should incorporate the following comments, in order for the Project to best protect water quality standards (water quality objectives and beneficial uses) contained in the Water Quality Control Plan for the Santa Ana River Basin, 1995, as amended (Basin Plan):

1. Open Space Acreage

The DEIR should clarify some discrepancies applied to the acreage not planned for residential construction. Of 468.9 total acres in the Project area, 230.8 ac (49.2%) would be projected by the NOP p.2 to be "undisturbed/natural open space." Of those 230.8 acres, we note that the 83.9 acres that are to be landscaped for fuel modification would definitely be disturbed and not "natural." The remaining 146.9 acres is appropriately designated "undisturbed natural open space."

L9-2

The above summary appears to conflict with NOP p. 36, "15. Recreation," which states that the Project would include a total of 61% open space upon completion (not 49.2%) and 12.6 acres of active/passive parks and trails. The DEIR should resolve whether the recreational acreage would be considered part of the 83.9 landscaped acres and would pose impacts to natural drainages in addition to impacts from the housing and infrastructure construction. Please distinguish the subset of acreages representing impacted and naturally retained portions of drainages associated with the Project. Neither NOP Exhibits 6 or 7 (for the two Project "Options" according to position of the entry road) indicate that more than half of the Project acreage would be open space. The DEIR should resolve this discrepancy between the claims of 49.2% and 61% open space acreage.

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

**Response to
Comment Letter L9
Santa Ana Regional Water Quality Control Board
February 1, 2013**

- L9-1 The County acknowledges receipt of an email from the SARWQCB (Board) dated February 3, 2014 including the Board's February 1, 2013 comment letter to the Proposed Project's Notice of Preparation. The Board has indicated that the 2013 letter expresses current concerns, and that responses should be provided based on that letter. The County acknowledges RWQCB's authority to protect water quality and to ensure that Project water quality is protected during construction and in the developed condition.

A complete analysis of the Proposed Project impact to water quality is found in Section 5.8 (Hydrology and Water Quality) of the DEIR starting on page 5-341 of the DEIR. As described on page 5-358, Project Impacts Prior to Mitigation, the grading area associated with Option 1 is 328.9 acres and 317.6 acres for Option 2 of the 468.9 acre Project Site and results in 77.2 acres of impervious surfaces (roof tops, driveways, and streets) for Option 1 and 75.6 acres for Option 2.

A pre-annexation process has been initiated with Orange County LAFCO, and the focus stakeholder process has been initiated between the County of Orange, the City of Yorba Linda, and the Yorba Linda Water District. A complete discussion of the annexation process is found in Section 5.9 (Land Use and Planning) starting on page 5-450 of the DEIR.

- L9-2 Refer to Topical Response 6 – Biological Resources/Open Space for information on the amount of open space to be left undisturbed by the development of the Proposed Project. A complete analysis of the Project impact to water quality is found in Section 5.8 (Hydrology and Water Quality) of the DEIR starting on page 5-341. The DEIR concludes that with implementation of the Proposed Project and the associated project design features and conditions of approval, Project and cumulative impacts to hydrology and water quality are less than significant.

Mr. Kevin Canning

- 2 -

February 1, 2013

2. Impacts to Drainages Posed by Two Project Options

The NOP states that the site includes "four blue-line drainages" and "riparian habitat." The four drainages are prominent vegetated ravines with minor tributaries. The total number of drainage segments appear to be increased by faulting offsets. NOP Exhibit 6 indicates that Option 1 proposes to fill portions of all four drainages. The Option 1 primary connection (entry) road would extend south upon the existing oil field road through the southernmost ravine (Blue Mud Canyon) to Stonehaven Drive, thereby impacting Blue Mud Canyon's bottom and northern slope.

L9-3

Option 2 (NOP Exhibit 7) likewise would directly impact three Project site drainages while avoiding Blue Mud Canyon. However, it would extend the primary connection road west across a fifth vegetated drainage located outside of the Project boundary in the concurrently proposed Cielo Vista Project (NOP p.21; Exhibits 3 and 4). The DEIR's discussion of cumulative impacts (NOP p.21) should recognize how Option 2 inherently necessitates comment on the potential for both the Esperanza Hills and Cielo Vista Projects to combine to greatly impact the fifth drainage and so create a "cumulatively considerable" effect and "cumulative impact" on this drainage, its beneficial uses, and other local natural resources (CEQA Guidelines Section 15130(a)(1) and (b)(1)(A); 15065(a)(1,3); and 15355(a,b)). The DEIR should address the likelihood that this Option 2 entry connection may occur anyway in the future following construction of either the Esperanza Hills or Cielo Vista Projects, even if Option 1 were implemented in Blue Mud Canyon. The DEIR should list the anticipated environmental effects, posed by the construction of all "reasonably foreseeable future projects" projected for Yorba Linda on Exhibit 3 (including the proposed Esperanza Hills Project), on the water quality standards that are applicable to those local drainages.

L9-4

Effectively, a "canyon-fill" approach appears evident from either Option 1 or 2 (Exhibits 6 and 7) and would dramatically change the natural drainage patterns of all site drainages. Therefore, the DEIR should upgrade to "significant impact" the two "less than significant impact" categories checked on Hydrology c. and d. of the Initial Study checklist (NOP pp. 27-28).

L9-5

3. Protection of Beneficial Uses and Project Alternatives

Regional Board staff consider all ravines and minor drainages associated with the Project, whether located within or outside of the Project boundaries, to be unnamed tributaries of the Santa Ana River, Reach 2 according to the Basin Plan. Most of these tributaries and the water quality standards they support (water quality objectives and beneficial uses) would be severely impacted by the Project. According to the "tributary rule" of the Basin Plan, tributaries that are not specifically listed in the Basin Plan have the same beneficial uses as the surface waters and groundwater basins to which they are tributary (Santa Ana River, Reach 2, and Orange County Groundwater Management Zone, or GMZ)(Basin Plan p.3-5). The beneficial uses of the Santa Ana River, Reach 2 are:

L9-6

- Rare, Threatened, or Endangered Species habitat (RARE),
- Wildlife Habitat (WILD),
- Warm Freshwater Habitat (WARM),
- Water Contact Recreation (REC1),
- Non-Contact Water Recreation (REC2),
- Groundwater Recharge (GWR), and
- Agricultural Supply (AGR).

- L9-3 The DEIR is consistent with the information provided in the NOP and that impacts to four drainages and associated tributaries would occur during project grading. Impacts to Blue Mud Canyon have been avoided with the exception of a utility crossing, which could also serve as an access point such that impacts to Blue Mud Canyon total only 0.03 acre, consisting mostly of an artificial basin (0.02 acre of wetlands) constructed at the mouth of Blue Mud Canyon and a limited amount of ephemeral drainage (0.01 acre).

A complete analysis of the Proposed Project's biological resources and water quality impacts to the four blue-line drainages and riparian habitat including the entry road described in Option 1 in Blue Mud Canyon is found in Section 5.3 (Biological Resources) starting on page 5-91 and Section 5.8 (Hydrology and Water Quality) starting on page 5-341 of the DEIR. The Proposed Project grading and development will result in fill placement in two drainages, Canyon B and Canyon C as discussed on page 5-359 in Section 5.8 (Hydrology and Water Quality) of the DEIR. The DEIR concludes that project and cumulative environmental impact to biological resources, hydrology, and water quality is less than significant with mitigation.

- L9-4 The DEIR identifies all direct impacts to drainage courses and associated riparian habitat as significant impacts that require mitigation in order to reduce the impacts to less-than significant, including off-site impacts associated with Alternative 3. A Habitat Mitigation and Monitoring Plan (HMMP) has been developed and is included herein in Appendix C. The HMMP addresses impacts to jurisdictional waters. With the proposed mitigation, the habitat and functions of the impacted drainages would be replaced on site such that there would be no cumulative impacts to jurisdictional waters.

A complete analysis of the Proposed Project's biological resources and water quality impacts to the four blue-line drainages and riparian habitat including the entry road described in Option 1 in Blue Mud Canyon is found in Section 5.3 (Biological Resources) starting on page 5-91 and Section 5.8 (Hydrology and Water Quality) starting on page 5-341 of the DEIR. A complete analysis of project and cumulative environmental impacts associated with project alternatives is provided in Project Alternatives (Chapter 6) of the DEIR. In particular, Alternative 2 and Alternative 3 that have the primary access connecting to San Antonio Road through City of Yorba Linda open space (Drainage D on Exhibit 5-28 on page 5-127) is described on page 6-4 in Project Alternatives (Chapter 6). As discussed on page 6-24 (Chapter 6) and on page 6-58, Alternatives 2 and 3 would not result in additional environmental impacts in the area of hydrology and water quality. Impacts to biological resources for Alternative 2 are discussed on pages 6-17 through 6-20 (Chapter 6) of the DEIR.

With respect to the assertion that the Option 2 roadway may be constructed after project completion, there is no evidence that the San Antonio Road access in Drainage D will occur anyway, even if Option 1 were implemented in Blue Mud Canyon. It is unlikely that this access would occur after development of the Proposed Project under Option 1. Therefore, the San Antonio Road access is analyzed only under Option 2A and Option 2B. Pursuant to the requirements of CEQA, this access is not analyzed as part of this DEIR. Pursuant to the requirements of CEQA, a cumulative projects list is found on page 5-456 in Section 5.9 (Land Use and Planning) and Summary of Cumulative Impacts (Chapter 7) of the DEIR.

- L9-5 No change will occur to natural drainage patterns in the on-site drainages. The Proposed Project will provide detention basins to control the amount of flow but the patterns and volumes will remain substantially the same.

The project and cumulative impacts to potential altered drainage patterns and rate or amount of surface runoff are analyzed in Biological Resources, starting on page 5-91 (Section 5.3) and Hydrology and Water Quality, starting on page 5-341 (Section 5.8) of the DEIR. The DEIR concludes that none of the proposed options will result in substantial erosion or siltation on-site or off-site and would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-site or off-site. The Proposed Project and cumulative environmental impacts to hydrology and water quality associated with altered drainage are less than significant with mitigation and therefore consistent with the Initial Study and Environmental Checklist found in the NOP. The Conceptual Drainage Plans have been approved by the County of Orange, and no change is warranted.

L9-6 The County recognizes that the Beneficial Uses identified in the Basin Plan for Santa Ana River Reach 2 and Groundwater Management Zone (GMZ) are attributed to the un-named tributaries on the project site. The following Beneficial Uses have been identified for Santa Ana River Reach 2:

- Rare, Threatened, or Endangered Species (RARE)
- Wildlife Habitat (WILD)
- Warm Freshwater Habitat (WARM)
- Water Contact Recreation (REC1)
- Non-Contact Water Recreation (REC2)
- Groundwater Recharge (GWR)
- Agricultural Supply (AGR)

As noted, the County acknowledges that the Basin Plan attributes each of these uses to un-named tributaries; nevertheless, the project as proposed would not have significant impacts on certain of these Beneficial Uses while providing mitigation that would reduce other potential impacts to less than significant as addressed below. It is important to note that the Proposed Project's Conceptual Water Quality Management Plan (WQMP) has been reviewed by the County of Orange and "approved in concept." This report includes a Hydrological Conditions of Concern Report (HCOCR), which address potential adverse effects on downstream channels. With implementation of the measures set forth in the WQMP and the HCOCR, potential direct and/or indirect downstream impacts would be reduced to acceptable levels and would not be significant and would not contribute to significantly cumulative impacts.

Rare, Threatened, or Endangered Species (RARE) – The DEIR identified significant impacts to least Bell's vireo associated with removal of 0.05 acre of mulefat scrub (Alternative 1), 0.59 acre of mulefat scrub and 0.19 acre of black willow forest (Alternative 2), and 0.59 acre of mulefat scrub, 0.07 acre of black willow forest, and 0.42 acre of southern willow scrub (Alternative 3). As noted in the DEIR, mitigation through replacement of suitable habitat within Blue Mud Canyon will reduce these impacts to less than significant.

Wildlife Habitat (WILD) – Consistent with "Rare, Threatened or Endangered Species" above, the Proposed Project would impact riparian habitat used by various common and special-status species. This impact to riparian habitat was identified as significant in the DEIR, and mitigation through replacement of suitable habitat within Blue Mud Canyon will reduce these impacts to less than significant.

Warm Freshwater Habitat (WARM) – Consistent with "Wildlife Habitat" above, the Proposed Project would impact riparian habitat used by various common and special-status

species. This impact to riparian habitat was identified as significant in the DEIR, and mitigation through replacement of suitable habitat within Blue Mud Canyon will reduce these impacts to less than significant.

Water Contact Recreation (REC1) – All of the drainages on the site are ephemeral with the exception of Drainage D, which, beginning at its confluence with Drainage G, exhibits limited intermittent discharge due to urban runoff no more than a few inches deep when discharge is present. None of the drainages exhibit any potential for REC1 uses and there would be no impacts to REC1 uses associated with the project.

Non-Contact Water Recreation (REC2) – All of the drainages on the site are ephemeral with the exception of Drainage D, which, beginning at its confluence with Drainage G, exhibits limited intermittent discharge due to urban runoff no more than a few inches deep when discharge is present. None of the drainages exhibit any potential for REC2 uses and there would be no impacts to REC2 uses associated with the project.

Groundwater Recharge (GWR): The site exhibits minimal opportunity for groundwater recharge due to a prevalence of clayey soils, and infiltration was determined to not have a potential for adversely affecting groundwater. As such, the Proposed Project does not contribute significantly to on-site recharge or exhibit potential for contaminating groundwater. The extended detention basins on the site are designed to maintain discharge rates at current levels so that there are no adverse effects on downstream recharge. Groundwater recharge from the existing wastewater management system has been designed and incorporated into the system maintained by the Yorba Linda Water District.

Agricultural Supply (AGR) – The site supports no agricultural uses, and there are no agricultural uses in the vicinity, nor are there agricultural uses downstream that would use water from this site. As such, there would be no significant impacts on this Beneficial Use.

In summary, impacts to Beneficial Uses are either not significant or are mitigated to levels below significance.

Hydrology and Water Quality (Section 5.8) starting on page 5-341 of the DEIR provide comprehensive analysis of hydrological and water quality, as well as attributes and beneficial use of each drainage shed and the project and cumulative environmental impact to Reach 2 of the Santa Ana River in accordance with the Santa Ana River Basin Plan. The DEIR concludes that project and cumulative environmental impact to hydrology and water quality is less than significant since the amount of surface runoff and water quality is substantially the same as the existing condition. The County of Orange has approved the conceptual design and the water quality management plan, and no change is warranted.

Mr. Kevin Canning

- 3 -

February 1, 2013

The Orange County GMZ beneficial uses are Agricultural Supply (AGR), Municipal Supply (MUN), Industrial Service Supply (IND), and Industrial Process Supply (PROC).

L9-6
(cont'd)

The Hydrology and Biology Sections of the DEIR should contain studies that detail the hydrological and biological attributes of each drainage shed and watercourse that is to be impacted, including its ephemeral or perennial flows, wetlands and seasonal depressions, and associated plant and animal communities. One of these studies should be a Jurisdiction Delineation of the waters of the U.S. that are to be impacted. The overall lengths of these discrete tributaries, from their recognizable headwaters to the urbanized drains, should be measured and reported. Whether within or outside of the Project boundaries, these drainages and their water resources directly support the WILD, WARM, and potentially RARE beneficial uses of the watersheds that they drain, constituting a vital portion of the remaining regional block of Puente-Chino Hills wildlife rangeland and movement corridor.

L9-7

Regional Board staff note that the NOP only discusses the essentially identical Options 1 and 2, with no Project alternative that avoids impacting the drainages and watercourses on the Project site. NOP p.21 states, "Additional project alternatives will be determined based on project impacts." An adequate range of alternatives must be developed having the least overall impact to water quality standards. An increase in disturbed, developed, and paved areas can substantially contribute to impairment of water quality owing to non-point source pollutant loads in urban runoff, destructive hydromodification, direct loss of beneficial uses such as riparian and aquatic habitat, and loss of infiltration to groundwater. Alternatives must incorporate Low Impact Development (LID) design for capturing, reusing, and/or infiltrating stormwater, per Regional Board Order No. R8-2009-0030¹, as amended by Order No. R8-2010-0062, NPDES Permit No. CAS618030 (Orange County Municipal Separate Storm Sewer (MS4) urban stormwater runoff permit).

L9-8

At this stage, given no other alternatives than Options 1 and 2, we believe that the DEIR should designate the "No Project Alternative" (not mentioned in the NOP) to be the "environmentally superior alternative" under CEQA. The DEIR should consider within the "reasonable range of potentially feasible alternatives" (CEQA Guidelines Section 15126.6) bold alternatives to the Project that reflect objectives in the Orange County General Plan and current administrative initiatives to protect watershed integrity and support acquisition and restoration of dwindling habitat. Alternatives, including annexing the Project site, in part or in whole, to Chino Hills State Park to the north and east of the site, meet the "feasible" and "rule of reason" tests of Guidelines Section 15126.6(f) to "avoid or substantially lessen any of the significant effects," given the likelihood (from NOP review) that the Project will propose "Significant Environmental Effects Which Cannot Be Avoided if the Proposed Project is Implemented" (Sections 15126, 15126.2(b)).

L9-9

4. Avoidance of Drainages

The DEIR should emphasize that a guiding premise in implementing the Basin Plan is that direct and indirect impacts to water quality standards of all surface waters of the U.S. and state, including ephemeral drainages, identified wetlands and other isolated waters, and groundwater, must first and foremost be avoided. Any unavoidable impacts to water quality standards (i.e., dredge and/or fill projects, hydromodification, impacts to riparian habitat, etc.) must be minimized and mitigated with generous, in-kind mitigation. At a minimum, this mitigation program must replace the full water

L9-10

¹ "Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and the Incorporated Cities of Orange County within the Santa Ana Region, Areawide Urban Storm Water Runoff." These WDRs incorporate requirements of the Orange County Drainage Area Management Plan (DAMP).

- L9-7 A jurisdictional delineation (JD) was provided as Appendix E to the Biological Technical Report (Appendix D of the DEIR). The ephemeral or intermittent character of each drainage is characterized on page 10 of the JD as is the vegetation, which is described in significant detail on pages 10 through 14. The lengths of drainages within the study area are provided for each drainage course as required by the regulatory agencies for permitting purposes. Relative to the ability of the drainages to support WILD, WARM, or RARE, as noted, all of the drainages are ephemeral with the exception of a limited reach of Drainage D, which supports RARE Beneficial Uses as does the mouth of Blue Mud Canyon (Drainage F) due to artificial modifications (installation of K-Rail) made by Metropolitan Water District to protect infrastructure. The K-Rail impounds water sufficiently to support mulefat scrub which became established during the last few years, which in turn supports a least Bell's vireo territory. None of the remaining drainages exhibit any potential for supporting RARE, WARM or WILD Beneficial Uses where WARM and WILD are specific to aquatic uses. Finally, relative to whether the site exhibits any function as a regional wildlife corridor, see response to USFWS Comment L3-19 (U.S. Fish and Wildlife Service).

The Biological Resources, starting on page 5-91 (Section 5.3) and Hydrology and Water Quality, starting on page 5-341 (Section 5.8) of the DEIR provide comprehensive analysis of the biological and hydrological attributes and beneficial use of each drainage shed, including ephemeral or perennial flows, wetlands and seasonal depressions as well as the plant and animal communities/ habitats, and wildlife corridors this is potentially impacted by the project. A Preliminary Jurisdictional Determination Regarding Presence of Geographic Jurisdiction dated December 6, 2013 (Appendix C herein) has been received from Jason Lambert of the ACOE, and confirms the conclusions in the DEIR. An analysis of ACOE jurisdiction for each drainage area (Drainage A through G) associated with the project site is complete. On page 5-131, the DEIR states that none of the on-site drainages were determined to be intrastate/isolated waters outside ACOE jurisdiction; therefore, these drainages do not need to be addressed separately pursuant to the Porter-Cologne Water Quality Control Act and are then not subject to Section 401 certification by the Regional Board. As previously noted, the County has approved the Conceptual Drainage Plan.

The Study Area for the drainages is depicted in the DEIR on Exhibit 84 page 5-349 and Exhibit 85 page 5-151, Existing Conditions Hydrology Key Map and Hydrology Summary Table for Option 1 and Option 2, respectively. As depicted on these maps, the Study Area includes in the analysis the entire drainage areas outside the project site.

- L9-8 The Regional Water Quality Control Board's comments were based on the Notice of Preparation (January 2013). The comments were resubmitted as written in response to the DEIR. The DEIR included a No Project alternative that would avoid impacting drainages and watercourses. A complete analysis of Project Alternatives is found in Project Alternatives (Chapter 6) of the DEIR. The Proposed Project's hydrology and water quality impacts were evaluated consistent with the requirements of CEQA in Hydrology and Water Quality (Section 5.8) starting on page 5-141. As described therein, the Proposed Project would result in less than significant impacts under project or cumulative conditions (refer to pages 5-391 through 5-394). As described starting on pages 5-376 Low Impact Development features have been incorporated in to the project.

As indicated Section 6.10 on p. 6-93 of the DEIR, the No Project alternative is acknowledged as the "environmentally superior" alternative; however, as prescribed in CEQA, if that alternative is identified as such "... an environmentally superior alternative

among the other alternatives” shall be identified. Therefore, the Lower/Reduced Density alternative is identified as the environmentally superior alternative.

- L9-9 A complete analysis of a range of Project Alternatives, including Alternative 1 – No Project, is found in Chapter 6 of the DEIR. The suggested alternative of annexation of the Project site in part or in whole to the Chino Hills State Park would be similar to the environmental impacts associated with Alternative 1, the No Project Alternative. The environmental impacts of the No Project Alternative are analyzed on pages 6-6 through 6-11 of the DEIR. Alternative 1, with the exception of preserving the vast majority of the Project site as open space, is not capable of attaining most of the project objectives. Alternative 4 – Lower/Reduced Density starting page 6-78 provides an analysis of the environmental impacts of developing Planning Area 1 consisting of 218 lots on 310 acres. This analysis is similar to annexation of part of the Project site to Chino Hills State Park. Although Alternative 4 does meet most of the goals and objectives of the Proposed Project, it would not provide the number of homes, parks, trails, and amenities envisioned for an area that has been considered for future development as discussed in Land Use and Planning (Section 5.9) on page 5-401.

An inventory of unavoidable adverse impacts is found on page 10-1 (Chapter 10) of the DEIR. Unavoidable adverse impacts were identified associated with greenhouse gas emissions and noise.

The Biological Resources section, starting on page 5-91 (Section 5.3) and the Hydrology and Water Quality section, starting on page 5-341 (Section 5.8) of the DEIR provide comprehensive analysis of the biological and hydrological and water quality significant impacts that cannot be avoided with implementation of the Proposed Project pursuant to the requirements of CEQA. The DEIR concludes that the project and cumulative environmental impacts associated with hydrology and water quality are less than significant, and project impact and cumulative impacts to biological resources have been mitigated to a level of less than significance.

- L9-10 As noted, a Water Quality Management Plan (WQMP) has been developed and reviewed by the County of Orange and has been “approved in concept.” The WQMP includes a Hydrological Conditions of Concern Report (HCOCR), which address potential adverse effects on downstream channels. With implementation of the measures set forth in the WQMP and the HCOCR, potential direct and/or indirect downstream impacts would be reduced to acceptable levels and would not be significant and would not contribute to significantly cumulative impacts.

The function of CEQA is to identify significant impacts and propose mitigation that is sufficient to avoid impacts or reduce the impacts to less than significant level. “Generous” is not a modifier used in Appendix G of the CEQA Guidelines for determining the amount of mitigation required to reach a level below significance. As noted in the DEIR, impacts to wetlands are limited to 0.02 acre, 0.10 acre, and 0.04 acre for each of the respective alternatives, which will be fully mitigated such that there is no net-loss of wetlands. Similarly, the Proposed Project has identified sufficient mitigation to reduce impacts to ephemeral drainages to less than significant.

Chapter 4, Water Quality Objectives of the Santa Ana Region Basin Plan adopted in June 2011 states that each regional board shall establish such water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses as the prevention of nuisance; however, it is recognized that it can be possible for the

quality of water to be changed to some degree without unreasonably affecting beneficial uses. Factors to be considered by a regional board in establishing water quality objectives shall include economic considerations and the need for development of housing within the region. As discussed on page 5-359 of Hydrology and Water Quality (Section 5.8) of the DEIR, the proposed grading and development will result in fill placement in Canyon B and Canyon C thus substantially altering the existing drainage pattern on the site unless Project Design Features are incorporated into the Proposed Project. To address potential drainage and water quality issues, a Conceptual Water Quality Management Plan has been submitted and was approved by the County of Orange. Incorporation of Project Design Features included in the DEIR will result in no impacts to drainage.

Starting on page 5-360 of Hydrology and Water Quality (Section 5.8) of the DEIR a detailed description of the project design that includes hydrological modeling and facilities description for Option 1 and Option 2, hydrological conditions-post development (pages 5-370 through 5-371), construction best management practices (pages 5-373 through 5-376), Low Impact Development (LID) features (pages 5-376 through pages 5-378), hydromodification control BMPs (page 5-378), bio-treatment BMP features (page 5-383), source control BMPs (page 5-386), project WQMP basins and BMP maintenance (page 5-386), Project Design Features PDF 29 and PDF 30 (page 5-387), conditions of approval COA-1 through COA-9 (pages 5-389 through 5-391) to minimize environmental project impacts to water quality to a level of less than significant as discussed on pages 5-391 through 5-394 of the DEIR. Please see Comment L19 (Orange County Coastkeeper) acknowledging that the DEIR has addressed their concerns.

The DEIR states that as designed with the incorporation of the LID techniques, hydromodification control, bio-treatment, and source control BMPs, the Proposed Project does not violate any water quality standard or waste discharge requirement. Implementation of the Proposed Project will result in substantially the same total volume of runoff as in the existing condition, a decrease in time of concentration, an increase in infiltration potential, and a decrease in erosion as compared to the existing condition. Therefore, the Proposed Project is in compliance with the Regional Water Control Board – Santa Ana Region Basin Plan. All project environmental impacts and cumulative impacts have been reduced to a level of less than significance for hydrology and water quality.

Mitigation for project impacts to biological resources associated with waters of the United States and state including ephemeral drainages, identified wetlands and other isolated waters, and groundwater is discussed in Biological Recourse (Section 5.3) starting on page 5-91 of the DEIR. The DEIR concludes that with the incorporation of Mitigation Measures Bio-1 through Bio-11 project impacts and cumulative impacts have been reduced to a level of less than significance (pages 5-164 through 5-181).

Mr. Kevin Canning

- 4 -

February 1, 2013

quality function of the water quality standards that existed prior to impact and must result in no net loss of wetlands and wetland acreage. Mitigation should be implemented before impacts, or concurrently. Acquisition of, and compliance with, permits alone does not constitute mitigation.

L9-10
(cont'd)

If waters of the United States will be subject to a dredge or fill activity, then the project will likely require a Clean Water Act (CWA) Section 404 Permit from the United States Army Corps of Engineers (USACE) and a prerequisite CWA Section 401 Water Quality Standards Certification (Certification) from the Regional Board that construction and operation of the project will not adversely affect water quality standards (water quality objectives and beneficial uses). Section 401 Certifications are required before a Section 404 permit can be issued. The Certification program includes measures for the protection of water quality standards, with mitigation to compensate for permanent and temporary impacts to water quality standards and jurisdictional waters. Mitigation sites must be protected from other uses by conservation easements or other appropriate restrictive land use instruments.

L9-11

The jurisdictional study (and subsequent USACE staff determination) may find that wetlands or other surface waters are isolated from waters of the U.S. and are therefore outside of federal jurisdiction. These so-called "isolated waters" are nevertheless waters of the State, and consequently the Project may be subject to individual waste discharge requirements (WDRs) pursuant to the California Water Code. Certifications and WDRs must be discussed in the DEIR.

L9-12

The DEIR should reflect that issuance of a Certification or WDRs will be problematic for the Project as proposed, and any mitigation proposed offsite should not be expected to compensate for the beneficial uses that will be lost onsite. Therefore, we do not believe that the projected preservation of 146.9 non-contiguous acres, while commendable, sufficiently compensates for the cumulative and growth-inducing impacts to water quality standards posed by the proposed Project and those that will inevitably follow it. More than adequate mitigation for impacts to beneficial uses and jurisdictional waters should be identified in the DEIR.

L9-13

Since the violation of water quality standards is a significant impact under CEQA and water quality standards exist to protect beneficial uses, obliterating or impairing beneficial uses through the fill of a waterbody is therefore a significant impact and should be avoided, minimized, and/or mitigated in a manner that is acceptable to relevant Responsible Agencies that include the Regional Board, California Department of Fish and Wildlife (CDFW), and the USACE. Board staff believes the Lead Agency should not finalize its CEQA process for the Project until water quality standards mitigation agreed to by the Project proponent and all Responsible Agencies can be incorporated.

L9-14

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

Sincerely,



Mark G. Adelson, Chief
Regional Planning Programs Section

Cc: State Clearinghouse
U.S. Army Corps of Engineers, Los Angeles –Veronica Chan
U.S. Fish and Wildlife Service, Carlsbad – Karin Cleary-Rose
California Dept. of Fish and Wildlife, Los Alamitos – Valerie Taylor/Mary Larson
Orange County Resources and Development Management Dept., Watersheds - Mary Ann Skorpanich
Wildlife Corridor Conservation Authority – Judy Tamasi
X:Groberts on Magnolia/Data/CEQA/CEQA Responses/NOP-DEIR- County of Orange – Esperanza Hills SP.doc

- L9-11 The DEIR identified significant impacts to drainages subject to the jurisdiction of the Corps, RWQCB, and CDFW and both the County and the Project Applicant recognize that the Proposed Project will require authorizations from each of these agencies prior to grading. The DEIR also identified mitigation necessary to reduce these impacts to less than significant. Refer to response to Comment L9-7 concerning Section 401 requirements.
- L9-12 The U.S. Army Corps of Engineers conducted a verification visit on July 12, 2013 and has provided a letter dated December 6, 2013 (Appendix C herein) verifying the Jurisdictional Delineation Report.¹³ The project contains no “isolated, non-federal waters” that would be subject to state jurisdiction only.
- A complete discussion and analysis of jurisdictional delineation of wetlands and waters of the United States is found in Biological Resources (Section 5.3) on page 5-122 through 5-131. On page 5-131, the DEIR states that none of the on-site drainages were determined to be intrastate/isolated waters outside ACOE jurisdiction; therefore, these drainages do not need to be addressed separately pursuant to the Porter-Cologne Water Quality Control Act and are not subject to Section 401 certification by the Regional Board.
- L9-13 The purpose of the DEIR is to determine whether project impacts rise to the level of significance and if impacts are significant to determine whether impacts can be reduced to a level of less than significant through appropriate mitigation. It is not appropriate for the DEIR to speculate regarding the disposition of any state of federal agency relative to a particular project.
- As discussed in response to Comment L9-12, a Water Discharge Requirement (WDR) is not required for the Proposed Project because there are no isolated waters outside ACOE jurisdiction. A summary of cumulative impacts to water quality standards is found in Chapter 7 of the DEIR and an analysis of growth-inducing impacts is found in Chapter 8, page 8-1 and 8-2 of the DEIR and finds that the lack of developable land restricts the possibility that the Proposed Project will result in indirect growth-inducing impacts including to water quality.
- L9-14 As noted, the DEIR identified significant impacts to drainages subject to the jurisdiction of the Corps, RWQCB, and CDFW and the County and the Project Applicant recognize that the project will require authorizations from these agencies prior to grading. The DEIR also identified mitigation necessary to reduce these impacts to less than significant. Furthermore, the project has prepared a WQMP that has been “approved in concept” by the County of Orange that ensures protection of water quality in accordance with all applicable regulatory requirements. Similarly, the WQMP includes a report that addresses Hydrological Conditions of Concern that provides mitigation that reduces potential downstream impacts to less-than significant.
- The Proposed Project does not violate water quality standards as discussed in Hydrology and Water Quality (Section 5.8) page 5-391 through page 5-394 and concludes that project and cumulative environmental impacts to hydrology and water quality are less than significant.

¹³ U.S. Army Corps of Engineers, Letter from Jason Lambert dated December 6, 2013. Subject: “Preliminary Jurisdictional Determination regarding presence of geographic jurisdiction”.

Comment Letter L10
The Metropolitan Water District of So. California
January 27, 2014



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

RECEIVED

JAN 31 2014

COUNTY OF ORANGE

January 27, 2014

OC Planning
Attn: Kevin Canning
300 N. Flower St
Santa Ana, CA 92702-4048

Dear Mr. Canning:

Esperanza Hills Draft EIR (EIR No. 616) (Project No PA 120037) SCH #2012121071

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Draft Environmental Impact Report for the proposed Esperanza Hills Project (the Project). The County of Orange is acting as Lead Agency pursuant to the California Environmental Quality Act (CEQA). The proposed project includes the construction of 340 single-family residential units on 468.9 acres. Development will also include 13.9 acres of active and passive parks and approximately 7 miles of trails. The project will retain 230.8 acres of open space, including 146.9 acres of undisturbed natural open space, and 83.9 acres of landscaping as part of a fuel modification plan. Four access options were analyzed in the Draft EIR. Metropolitan has prepared the following comments:

L10-1

The proposed extension of Stonehaven Drive across Metropolitan's 97-inch-inside-diameter Lower Feeder pipeline and associated right-of-way as part of option 1 must not impact Metropolitan's ability to operate and maintain the existing manhole, air release and pump well structure located at this proposed crossing. In addition any proposed grading required to facilitate this new roadway will require Metropolitan's review and written acceptance. Detailed plans for the proposed road crossing under both options must be submitted to Metropolitan for review and acceptance.

L10-2

Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-6564. To assist in preparing plans that are compatible with Metropolitan's facilities, easements, and properties, we have enclosed a copy of the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or easements of The Metropolitan Water District of Southern California." Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

L10-3

700 N. Alameda Street, Los Angeles, California 90012 • Mailing Address: Box 54153, Los Angeles, California 90054-0153 • Telephone (213) 217-6000

**Response to
Comment Letter L10
The Metropolitan Water District of So. California
January 27, 2014**

- L10-1 The County acknowledges receipt of a letter from the Metropolitan Water District (MWD) dated January 27, 2014 providing comments on the Proposed Project.
- L10-2 The Project Applicant will comply with grading plan review requirements by MWD to ensure that road construction does not interfere with MND facilities on the Project site.
- L10-3 The County appreciates and notes where information can be obtained relating to MWD pipeline drawings and rights of way, and acknowledges receipt of the attached Guidelines. All on-site MWD facilities will be clearly identified on plans.

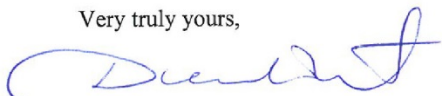
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

OC Planning
Page 2
January 27, 2014

We appreciate the opportunity to provide input to your planning process and we look forward to further coordination on this Project. If you have any questions, please contact Sean Carlson at (213) 217-6276.

L10-4

Very truly yours,



Deirdre West
Manager, Environmental Planning Team

SC/sc/rdl
(J:\EnvironmentalPlanning and Compliance\COMPLETED JOBS\January 2014\EPT Job No. 2013012802)

Attachment: Guidelines for Developments in the Area of Facilities, Fee Properties, and/or easements of The Metropolitan Water District of Southern California

L10-4 Contact information for MWD is noted.

Guidelines for Developments in the
Area of Facilities, Fee Properties, and/or Easements
of The Metropolitan Water District of Southern California

1. Introduction

a. The following general guidelines should be followed for the design of proposed facilities and developments in the area of Metropolitan's facilities, fee properties, and/or easements.

b. We require that 3 copies of your tentative and final record maps, grading, paving, street improvement, landscape, storm drain, and utility plans be submitted for our review and written approval as they pertain to Metropolitan's facilities, fee properties and/or easements, prior to the commencement of any construction work.

2. Plans, Parcel and Tract Maps

The following are Metropolitan's requirements for the identification of its facilities, fee properties, and/or easements on your plans, parcel maps and tract maps:

a. Metropolitan's fee properties and/or easements and its pipelines and other facilities must be fully shown and identified as Metropolitan's on all applicable plans.

b. Metropolitan's fee properties and/or easements must be shown and identified as Metropolitan's with the official recording data on all applicable parcel and tract maps.

c. Metropolitan's fee properties and/or easements and existing survey monuments must be dimensionally tied to the parcel or tract boundaries.

d. Metropolitan's records of surveys must be referenced on the parcel and tract maps.

e. Metropolitan's pipelines and other facilities, e.g. structures, manholes, equipment, survey monuments, etc. within its fee properties and/or easements must be protected from damage by the easement holder on Metropolitan's property or the property owner where Metropolitan has an easement, at no expense to Metropolitan. If the facility is a cathodic protection station it shall be located prior to any grading or excavation. The exact location, description and way of protection shall be shown on the related plans for the easement area.

4. Easements on Metropolitan's Property

a. We encourage the use of Metropolitan's fee rights-of-way by governmental agencies for public street and utility purposes, provided that such use does not interfere with Metropolitan's use of the property, the entire width of the property is accepted into the agency's public street system and fair market value is paid for such use of the right-of-way.

b. Please contact the Director of Metropolitan's Right of Way and Land Division, telephone (213) 250-6302, concerning easements for landscaping, street, storm drain, sewer, water or other public facilities proposed within Metropolitan's fee properties. A map and legal description of the requested easements must be submitted. Also, written evidence must be submitted that shows the city or county will accept the easement for the specific purposes into its public system. The grant of the easement will be subject to Metropolitan's rights to use its land for water pipelines and related purposes to the same extent as if such grant had not been made. There will be a charge for the easement. Please note that, if entry is required on the property prior to issuance of the easement, an entry permit must be obtained. There will also be a charge for the entry permit.

5. Landscaping

Metropolitan's landscape guidelines for its fee properties and/or easements are as follows:

a. A green belt may be allowed within Metropolitan's fee property or easement.

b. All landscape plans shall show the location and size of Metropolitan's fee property and/or easement and the location and size of Metropolitan's pipeline or other facilities therein.

- 2 -

3. Maintenance of Access Along Metropolitan's Rights-of-Way

a. Proposed cut or fill slopes exceeding 10 percent are normally not allowed within Metropolitan's fee properties or easements. This is required to facilitate the use of construction and maintenance equipment, and provide access to its aboveground and belowground facilities.

b. We require that 16-foot-wide commercial-type driveway approaches be constructed on both sides of all streets crossing Metropolitan's rights-of-way. Openings are required in any median island. Access ramps, if necessary, must be at least 16-foot-wide. Grades of ramps are normally not allowed to exceed 10 percent. If the slope of an access ramp must exceed 10 percent due to the topography, the ramp must be paved. We require a 40-foot-long level area on the driveway approach to access ramps where the ramp meets the street. At Metropolitan's fee properties, we may require fences and gates.

c. The terms of Metropolitan's permanent easement deeds normally preclude the building or maintenance of structures of any nature or kind within its easements, to ensure safety and avoid interference with operation and maintenance of Metropolitan's pipelines or other facilities. Metropolitan must have vehicular access along the easements at all times for inspection, patrolling, and for maintenance of the pipelines and other facilities on a routine basis. We require a 20-foot-wide clear zone around all above-ground facilities for this routine access. This clear zone should slope away from our facility on a grade not to exceed 2 percent. We must also have access along the easements with construction equipment. An example of this is shown on Figure 1.

d. The footings of any proposed buildings adjacent to Metropolitan's fee properties and/or easements must not encroach into the fee property or easement or impose additional loading on Metropolitan's pipelines or other facilities therein. A typical situation is shown on Figure 2. Prints of the detail plans of the footings for any building or structure adjacent to the fee property or easement must be submitted for our review and written approval as they pertain to the pipeline or other facilities therein. Also, roof eaves of buildings adjacent to the easement or fee property must not overhang into the fee property or easement area.

- 4 -

c. Absolutely no trees will be allowed within 15 feet of the centerline of Metropolitan's existing or future pipelines and facilities.

d. Deep-rooted trees are prohibited within Metropolitan's fee properties and/or easements. Shallow-rooted trees are the only trees allowed. The shallow-rooted trees will not be permitted any closer than 15 feet from the centerline of the pipeline, and such trees shall not be taller than 25 feet with a root spread no greater than 20 feet in diameter at maturity. Shrubs, bushes, vines, and ground cover are permitted, but larger shrubs and bushes should not be planted directly over our pipeline. Turf is acceptable. We require submittal of landscape plans for Metropolitan's prior review and written approval. (See Figure 3).

e. The landscape plans must contain provisions for Metropolitan's vehicular access at all times along its rights-of-way to its pipelines or facilities therein. Gates capable of accepting Metropolitan's locks are required in any fences across its rights-of-way. Also, any walks or drainage facilities across its access route must be constructed to AASHTO H-20 loading standards.

f. Rights to landscape any of Metropolitan's fee properties must be acquired from its Right of Way and Land Division. Appropriate entry permits must be obtained prior to any entry on its property. There will be a charge for any entry permit or easements required.

6. Fencing

Metropolitan requires that perimeter fencing of its fee properties and facilities be constructed of universal chain link, 6 feet in height and topped with 3 strands of barbed wire angled upward and outward at a 45 degree angle or an approved equal for a total fence height of 7 feet. Suitable substitute fencing may be considered by Metropolitan. (Please see Figure 5 for details).

7. Utilities in Metropolitan's Fee Properties and/or Easements or Adjacent to its Pipeline in Public Streets

Metropolitan's policy for the alignment of utilities permitted within its fee properties and/or easements and street rights-of-way is as follows:

- 5 -

g. Permanent structures, including catch basins, manholes, power poles, telephone riser boxes, etc., shall not be located within its fee properties and/or easements.

h. We request that permanent utility structures within public streets, in which Metropolitan's facilities are constructed under the Metropolitan Water District Act, be placed as far from our pipeline as possible, but not closer than 5 feet from the outside of our pipeline.

i. The installation of utilities over or under Metropolitan's pipeline(s) must be in accordance with the requirements shown on the enclosed prints of Drawings Nos. C-11632 and C-9547. Whenever possible we request a minimum of one foot clearance between Metropolitan's pipe and your facility. Temporary support of Metropolitan's pipe may also be required at undercrossings of its pipe in an open trench. The temporary support plans must be reviewed and approved by Metropolitan.

j. Lateral utility crossings of Metropolitan's pipelines must be as perpendicular to its pipeline alignment as practical. Prior to any excavation our pipeline shall be located manually and any excavation within two feet of our pipeline must be done by hand. This shall be noted on the appropriate drawings.

k. Utilities constructed longitudinally within Metropolitan's rights-of-way must be located outside the theoretical trench prism for uncovering its pipeline and must be located parallel to and as close to its rights-of-way lines as practical.

l. When piping is jacked or installed in jacked casing or tunnel under Metropolitan's pipe, there must be at least two feet of vertical clearance between the bottom of Metropolitan's pipe and the top of the jacked pipe, jacked casing or tunnel. We also require that detail drawings of the shoring for the jacking or tunneling pits be submitted for our review and approval. Provisions must be made to grout any voids around the exterior of the jacked pipe, jacked casing or tunnel. If the piping is installed in a jacked casing or tunnel the annular space between the piping and the jacked casing or tunnel must be filled with grout.

- 6 -

g. Overhead electrical and telephone line requirements:

1) Conductor clearances are to conform to the California State Public Utilities Commission, General Order 95, for Overhead Electrical Line Construction or at a greater clearance if required by Metropolitan. Under no circumstances shall clearance be less than 35 feet.

2) A marker must be attached to the power pole showing the ground clearance and line voltage, to help prevent damage to your facilities during maintenance or other work being done in the area.

3) Line clearance over Metropolitan's fee properties and/or easements shall be shown on the drawing to indicate the lowest point of the line under the most adverse conditions including consideration of sag, wind load, temperature change, and support type. We require that overhead lines be located at least 30 feet laterally away from all above-ground structures on the pipelines.

4) When underground electrical conduits, 120 volts or greater, are installed within Metropolitan's fee property and/or easement, the conduits must be incased in a minimum of three inches of red concrete. Where possible, above ground warning signs must also be placed at the right-of-way lines where the conduits enter and exit the right-of-way.

h. The construction of sewerlines in Metropolitan's fee properties and/or easements must conform to the California Department of Health Services Criteria for the Separation of Water Mains and Sanitary Services and the local City County Health Code Ordinance as it relates to installation of sewers in the vicinity of pressure waterlines. The construction of sewerlines should also conform to these standards in street rights-of-way.

i. Cross sections shall be provided for all pipeline crossings showing Metropolitan's fee property and/or easement limits and the location of our pipeline(s). The exact locations of the crossing pipelines and their elevations shall be marked on as-built drawings for our information.

- 7 -

j. Potholing of Metropolitan's pipeline is required if the vertical clearance between a utility and Metropolitan's pipeline is indicated on the plan to be one foot or less. If the indicated clearance is between one and two feet, potholing is suggested. Metropolitan will provide a representative to assist others in locating and identifying its pipeline. Two-working days notice is requested.

k. Adequate shoring and bracing is required for the full depth of the trench when the excavation encroaches within the zone shown on Figure 4.

l. The location of utilities within Metropolitan's fee property and/or easement shall be plainly marked to help prevent damage during maintenance or other work done in the area. Detectable tape over buried utilities should be placed a minimum of 12 inches above the utility and shall conform to the following requirements:

1) Water pipeline: A two-inch blue warning tape shall be imprinted with:

"CAUTION BURIED WATER PIPELINE"

2) Gas, oil, or chemical pipeline: A two-inch yellow warning tape shall be imprinted with:

"CAUTION BURIED _____ PIPELINE"

3) Sewer or storm drain pipeline: A two-inch green warning tape shall be imprinted with:

"CAUTION BURIED _____ PIPELINE"

4) Electric, street lighting, or traffic signals conduit: A two-inch red warning tape shall be imprinted with:

"CAUTION BURIED _____ CONDUIT"

5) Telephone, or television conduit: A two-inch orange warning tape shall be imprinted with:

"CAUTION BURIED _____ CONDUIT"

- 8 -

m. Cathodic Protection requirements:

1) If there is a cathodic protection station for Metropolitan's pipeline in the area of the proposed work, it shall be located prior to any grading or excavation. The exact location, description and manner of protection shall be shown on all applicable plans. Please contact Metropolitan's Corrosion Engineering Section, located at Metropolitan's F. E. Weymouth Softening and Filtration Plant, 700 North Moreno Avenue, La Verne, California 91750, telephone (714) 593-7474, for the locations of Metropolitan's cathodic protection stations.

2) If an induced-current cathodic protection system is to be installed on any pipeline crossing Metropolitan's pipelines please contact Mr. Wayne E. Risner at (714) 593-7474 or (213) 250-5085. He will review the proposed system and determine if any conflicts will arise with the existing cathodic protection systems installed by Metropolitan.

3) Within Metropolitan's rights-of-way, pipelines and carrier pipes (casings) shall be coated with an approved protective coating to conform to Metropolitan's requirements, and shall be maintained in a neat and orderly condition as directed by Metropolitan. The application and monitoring of cathodic protection on the pipeline and casing shall conform to Title 49 of the Code of Federal Regulations, Part 195.

4) If a steel carrier pipe (casing) is used:

(a) Cathodic protection shall be provided by use of a sacrificial magnesium anode (a sketch showing the cathodic protection details can be provided for the designers information).

(b) The steel carrier pipe shall be protected with a coal tar enamel coating inside and out in accordance with AWWA C203 specification.

n. All trenches shall be excavated to comply with the CAL/OSHA Construction Safety Orders, Article 6, beginning with Sections 1539 through 1547. Trench backfill shall be placed in 8-inch lifts and shall be compacted to 95 percent relative compaction (ASTM D698) across roadways and through protective dikes. Trench backfill elsewhere will be compacted to 90 percent relative compaction (ASTM D698).

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o. Control cables connected with the operation of Metropolitan's system are buried within streets, its fee properties and/or easements. The locations and elevations of these cables shall be shown on the drawings. The drawings shall note that prior to any excavation in the area, the control cables shall be located and measures shall be taken by the contractor to protect the cables in place.

p. Metropolitan is a member of Underground Service Alert (USA). The contractor (excavator) shall contact USA at 1-800-422-4133 (Southern California) at least 48 hours prior to starting any excavation work. The contractor will be liable for any damage to Metropolitan's facilities as a result of the construction.

8. Paramount Right

Facilities constructed within Metropolitan's fee properties and/or easements shall be subject to the paramount right of Metropolitan to use its fee properties and/or easements for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove any of the facilities from the fee properties and/or easements, such removal and replacement shall be at the expense of the owner of the facility.

9. Modification of Metropolitan's Facilities

When a manhole or other of Metropolitan's facilities must be modified to accommodate your construction or reconstruction, Metropolitan will modify the facilities with its forces. This should be noted on the construction plans. The estimated cost to perform this modification will be given to you and we will require a deposit for this amount before the work is performed. Once the deposit is received, we will schedule the work. Our forces will coordinate the work with your contractor. Our final billing will be based on actual cost incurred, and will include materials, construction, engineering plan review, inspection, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice will be forwarded for payment of the additional amount.

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10. Drainage

a. Residential or commercial development typically increases and concentrates the peak storm water runoff as well as the total yearly storm runoff from an area, thereby increasing the requirements for storm drain facilities downstream of the development. Also, throughout the year water from landscape irrigation, car washing, and other outdoor domestic water uses flows into the storm drainage system resulting in weed abatement, insect infestation, obstructed access and other problems. Therefore, it is Metropolitan's usual practice not to approve plans that show discharge of drainage from developments onto its fee properties and/or easements.

b. If water must be carried across or discharged onto Metropolitan's fee properties and/or easements, Metropolitan will insist that plans for development provide that it be carried by closed conduit or lined open channel approved in writing by Metropolitan. Also the drainage facilities must be maintained by others, e.g., city, county, homeowners association, etc. If the development proposes changes to existing drainage features, then the developer shall make provisions to provide for replacement and these changes must be approved by Metropolitan in writing.

11. Construction Coordination

During construction, Metropolitan's field representative will make periodic inspections. We request that a stipulation be added to the plans or specifications for notification of Mr. [redacted] of Metropolitan's Operations Services Branch, telephone [713] 250- [redacted], at least two working days prior to any work in the vicinity of our facilities.

12. Pipeline Loading Restrictions

a. Metropolitan's pipelines and conduits vary in structural strength, and some are not adequate for AASHTO H-20 loading. Therefore, specific loads over the specific sections of pipe or conduit must be reviewed and approved by Metropolitan. However, Metropolitan's pipelines are typically adequate for AASHTO H-20 loading provided that the cover over the pipeline is not less than four feet or the cover is not substantially increased. If the temporary cover over the pipeline during construction is between three and four feet, equipment must be restricted to that which

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imposes loads no greater than AASHTO H-10. If the cover is between two and three feet, equipment must be restricted to that of a Caterpillar D-4 tractor-type tractor. If the cover is less than two feet, only hand equipment may be used. Also, if the contractor plans to use any equipment over Metropolitan's pipeline which will impose loads greater than AASHTO H-20, it will be necessary to submit the specifications of such equipment for our review and approval at least one week prior to its use. More restrictive requirements may apply to the loading guideline over the San Diego Pipelines 1 and 2, portions of the Orange County Feeder, and the Colorado River Aqueduct. Please contact us for loading restrictions on all of Metropolitan's pipelines and conduits.

b. The existing cover over the pipeline shall be maintained unless Metropolitan determines that proposed changes do not pose a hazard to the integrity of the pipeline or an impediment to its maintenance.

13. Blasting

a. At least 20 days prior to the start of any drilling for rock excavation blasting, or any blasting, in the vicinity of Metropolitan's facilities, a two-part preliminary conceptual plan shall be submitted to Metropolitan as follows:

b. Part 1 of the conceptual plan shall include a complete summary of proposed transportation, handling, storage, and use of explosives.

c. Part 2 shall include the proposed general concept for blasting, including controlled blasting techniques and controls of noise, fly rock, airblast, and ground vibration.

14. CERCLA Requirements

a. When Environmental Documents Have Not Been Prepared

1) Regulations implementing the California Environmental Quality Act (CEQA) require that Metropolitan have an opportunity to consult with the agency or consultants preparing any environmental documentation. We are required to review and consider the environmental effects of the project as shown in the Negative Declaration or Environmental Impact Report (EIR) prepared for your project before committing Metropolitan to approve your request.

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2) In order to ensure compliance with the regulations implementing CEQA where Metropolitan is not the Lead Agency, the following minimum procedures to ensure compliance with the Act have been established:

a) Metropolitan shall be timely advised of any determination that a Categorical Exemption applies to the project. The Lead Agency is to advise Metropolitan that it and other agencies participating in the project have complied with the requirements of CEQA prior to Metropolitan's participation.

b) Metropolitan is to be consulted during the preparation of the Negative Declaration or EIR.

c) Metropolitan is to review and submit any necessary comments on the Negative Declaration or draft EIR.

d) Metropolitan is to be indemnified for any costs or liability arising out of any violation of any laws or regulations including but not limited to the California Environmental Quality Act and its implementing regulations.

b. When Environmental Documents Have Been Prepared

If environmental documents have been prepared for your project, please furnish us a copy for our review and files in a timely manner so that we may have sufficient time to review and comment. The following steps must also be accomplished:

1) The Lead Agency is to advise Metropolitan that it and other agencies participating in the project have complied with the requirements of CEQA prior to Metropolitan's participation.

2) You must agree to indemnify Metropolitan, its officers, engineers, and agents for any costs or liability arising out of any violation of any laws or regulations including but not limited to the California Environmental Quality Act and its implementing regulations.

15. Metropolitan's Plan-Review Cost

a. An engineering review of your proposed facilities and developments and the preparation of a letter response

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giving Metropolitan's comments, requirements and/or approval that will require 8 man-hours or less of effort is typically performed at no cost to the developer, unless a facility must be modified where Metropolitan has superior rights. If an engineering review and letter response requires more than 8 man-hours of effort by Metropolitan to determine if the proposed facility or development is compatible with its facilities, or if modifications to Metropolitan's manhole(s) or other facilities will be required, then all of Metropolitan's costs associated with the project must be paid by the developer, unless the developer has superior rights.

b. A deposit of funds will be required from the developer before Metropolitan can begin its detailed engineering plan review that will exceed 8 hours. The amount of the required deposit will be determined after a cursory review of the plans for the proposed development.

c. Metropolitan's final billing will be based on actual cost incurred, and will include engineering plan review, inspection, materials, construction, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice will be forwarded for payment of the additional amount. Additional deposits may be required if the cost of Metropolitan's review exceeds the amount of the initial deposit.

16. Caution

We advise you that Metropolitan's plan reviews and responses are based upon information available to Metropolitan which was prepared by or on behalf of Metropolitan for general record purposes only. Such information may not be sufficiently detailed or accurate for your purposes. No warranty of any kind, either express or implied, is attached to the information therein conveyed as to its accuracy, and no inference should be drawn from Metropolitan's failure to comment on any aspect of your project. You are therefore cautioned to make such surveys and other field investigations as you may deem prudent to assure yourself that any plans for your project are correct.

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17. Additional Information

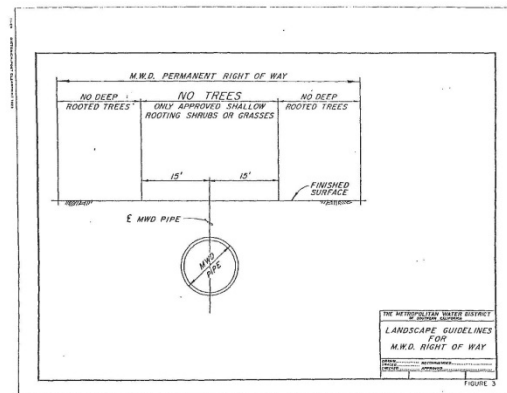
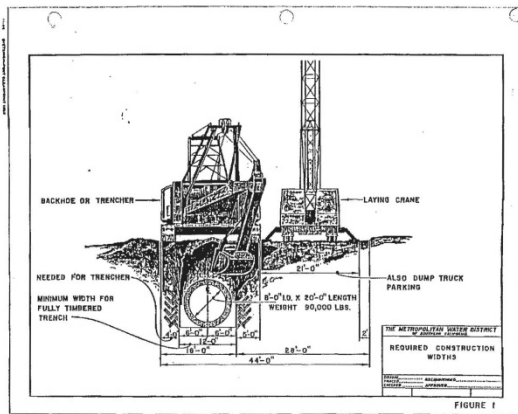
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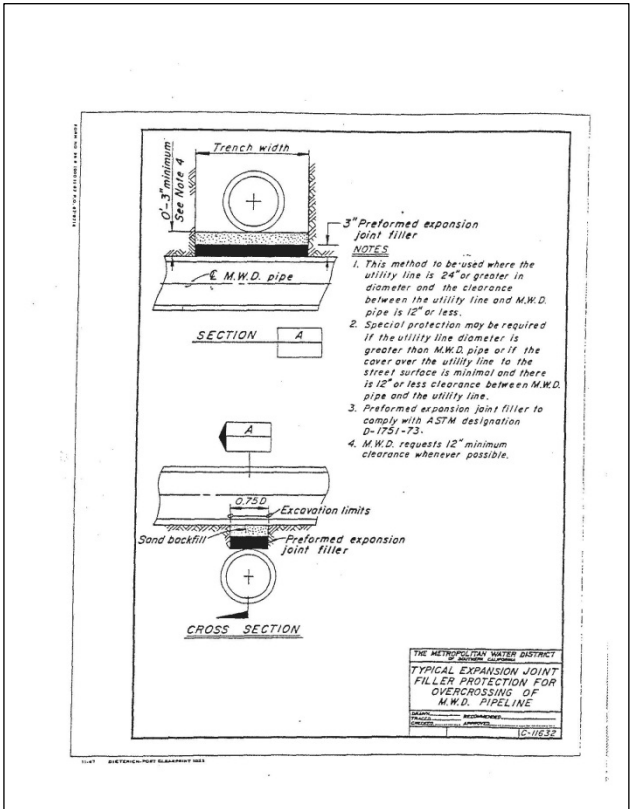
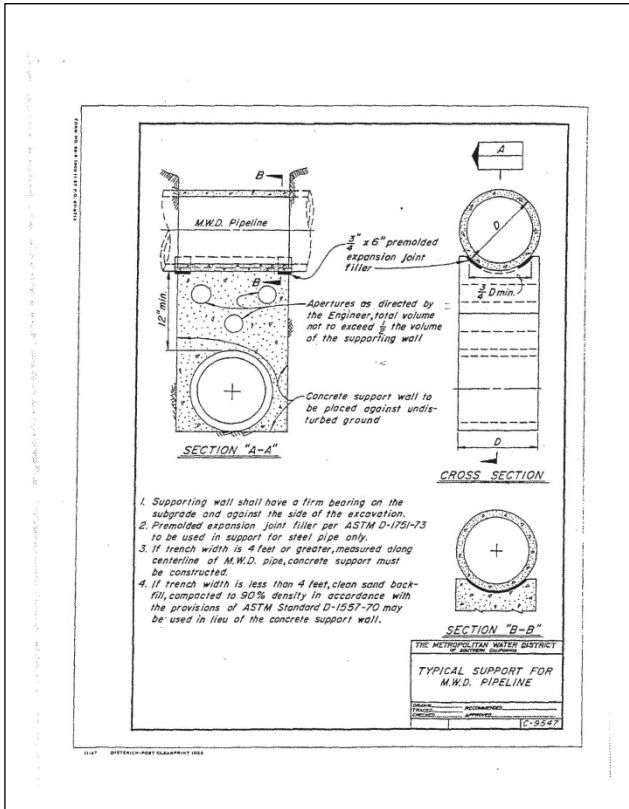
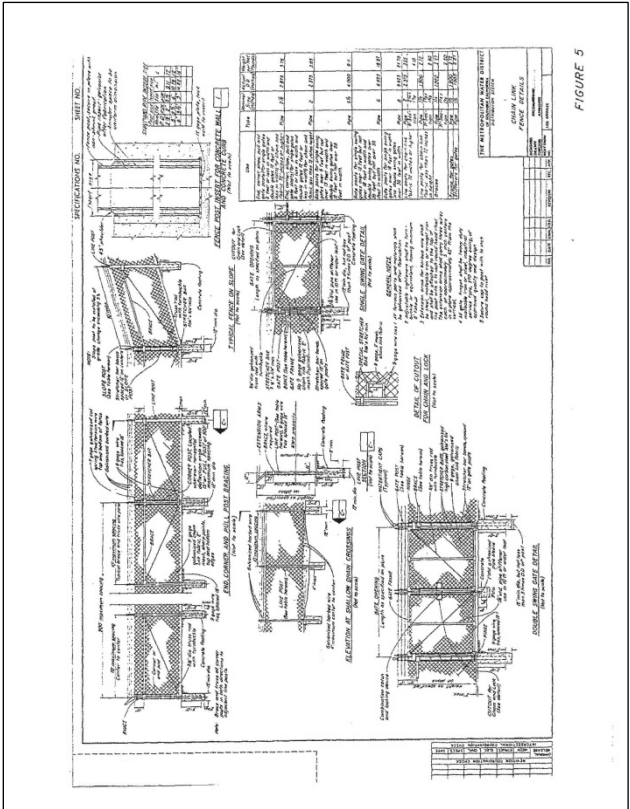
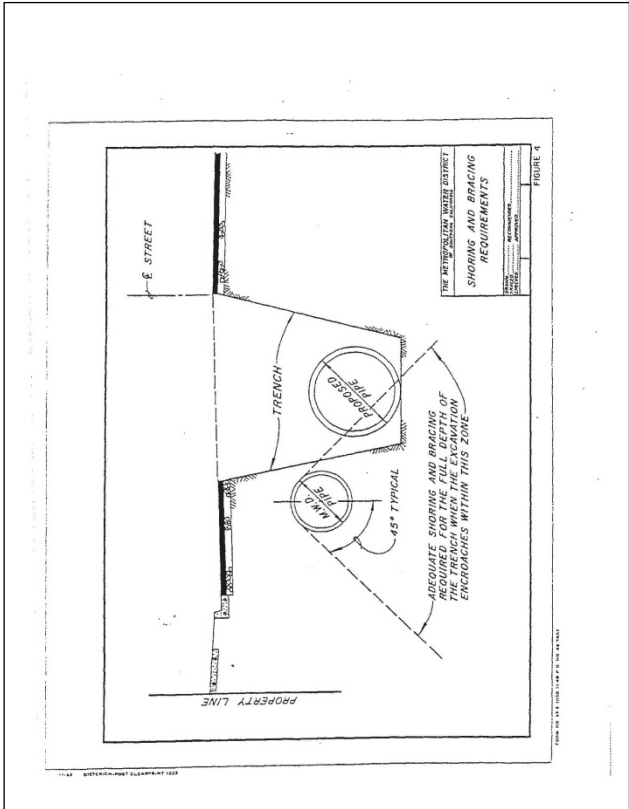
Civil Engineering Substructures Section
Metropolitan Water District
of Southern California
P.O. Box 54153
Los Angeles, California 90054-0153
(213) 217-6000

JEH/MRW/lk

Rev. January 22, 1989

Encl.





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Comment Letter L11
California Native Plant Society
February 2, 2014



California Native Plant Society
ORANGE COUNTY CHAPTER

P.O. Box 54891
Irvine, CA 92619-4891
occnps.org

February 2, 2014

Kevin Canning, OC Planning
300 N. Flower St.
Santa Ana CA 92702-4048

Re: Esperanza Hills Project, EIR No. 616

Dear Mr. Canning:

The Orange County Chapter of the California Native Plant Society has long had an interest in preservation of the Chino-Puente Hills as natural open space. They are a refuge for native plants, which in turn provide habitat for wildlife that passes along the corridor sheltered by the Hills. The corridor in turn is essential to maintaining healthy native plant and animal populations throughout the greater Los Angeles area and stretching along the Santa Ana Mountains into San Diego County. The Esperanza Hills Project would remove approximately 469 acres from that natural open space and correspondingly impact the corridor's functioning. That impact may be eased a bit by instituting the proper mitigations for project impacts and employing the proper plant palettes for fuel modification zones and landscaping.

L11-1

GENERAL COMMENTS

Blue Mud Canyon is identified on several maps in several chapters, and is noted in the several contexts of those chapters. But it is not so identified on the Exhibits based on the *Study Area Drainages* map (Exhibit 5-24). Those Exhibits should include a note that Drainage F = Blue Mud Canyon. The pertinent text does equate the two, and so should the Exhibits.

L11-2

Ch. 5.1 appears to be missing pp. 14-15? Page 10 is text, pp. 11 and 12 (mis-numbered as 11) and 13 are maps, followed by p. 16 with text.

L11-3

The California Native Plant Society is a statewide non-profit organization. Its membership is open to all.

CNPS is dedicated to the preservation and enjoyment of California's native plants and their habitats.

The Orange County Chapter of CNPS focuses that dedication on the native plants and natural vegetation of Orange County and adjacent Southern California.

**Response to
Comment Letter L11
California Native Plant Society
February 2, 2014**

L11-1 The County acknowledges receipt of a letter from California Native Plant Society, Orange County Chapter letter dated February 2, 2014. An analysis of the Project impacts to Chino-Puente Hills biological resources is found in Biological Resources (Section 5.3) beginning on page 5-91 of the DEIR and Project impacts to wildlife movement is found on page 5-152. The DEIR determines that none of the project options would interfere substantially with the movement of any native resident or migratory wildlife species or with established native residents or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Therefore the project's environmental impact to wildlife corridors is less than significant.

The project will not remove 469 acres of open space. Refer to response to Comment L4-5 (California Department of Fish and Wildlife) for a discussion of the amount of impacted area and the amount of undisturbed open space associated with Option 1 and Option 2. Grading for the Proposed Project would impact a maximum of 340.2 acres of open space, substantial portions of which would be planted with native or native compatible plant material following grading. Fuel modification will also result in thinning of vegetation in the fuel modification Zone C and Zone D; however, these areas will continue to function ecologically for a variety of wildlife species such as more urban-adapted avifauna, which have the ability to use both open space and the urban/wildlife interface. Please see Topical Response 6, Biological Resources/Open Space, for a more detailed discussion. It is also important to note that, as documented in responses to Comment L3-19 (U.S. Fish and Wildlife Service) and Comment L50-52 (Shute, Mihaly & Weinberger), the site does not occur within a regional wildlife corridor and no significant impacts will occur to wildlife corridor functions relative to fauna or flora.

In summary, Option 1 results in 336.50 acres of impacted vegetation communities in the Study Area and 162.68 acres of biological open space. Option 2 results in 340.183 acres of vegetation communities impacted in the Study Area and 171.14 acres of biological open space. (See Topical Response 6 – Biological Resources/Open Space for a description of biological open space and associated biological functions.)

L11-2 The comment is correct that Drainage F is the same feature as Blue Mud Canyon. The canyon names used in the Proposed Project description are called out on Exhibit 4-8 - Physical Characteristics. However, in Section 5.3 - Biological Resources, because off-site drainages are included in the Study Area, each of the drainages was assigned a letter designation that is consistent throughout the chapter.

L11-3 Aesthetics (Section 5.1) pages 5-12 and 5-14 are intentionally left blank due to the size (11"×17") of Exhibits 5-4 and 5-5. No information is missing from the DEIR.

February 2, 2014

page 2 of 5

ON MITIGATION AND OPEN SPACE

It appears that much of the onsite mitigation is planned to be done within Blue Mud Canyon:

- Ch. 9, p. 9-2, Bio-1 and Bio-4: "... **revegetation plan** for mulefat scrub, black willow riparian forest, and blue elderberry woodland located within Blue Mud Canyon. The plan will also incorporate California black walnut ... to mitigate the loss of 0.48 or 0.22 acre of walnut woodland associated with Options 1 and Option 2, respectively. ... The plan shall include replacement of habitat at a minimum ratio of 1:1; ..." According to Tables 5-3-5 and 5-3-6, 0.24 or 0.79 acre of mulefat scrub will be impacted, 0.0 or 0.19 of black willow riparian forest, and 11.37 or 13.63 of blue elderberry woodland. So a total of 12.09 or 14.83 acres are needed for mitigation of these impacts, evidently all to be placed in Blue Mud Canyon.
- Ch. 9, p. 9-3-4, Bio-6: "... **Restoration Plan** for mulefat scrub, black willow riparian forest, coast live oak riparian woodland, and other appropriate wetland/riparian habitats at an acreage ratio of 1:1 to be located within Blue Mud Canyon." According to Tables 5-3-5 and 5-3-6, 5.61 acres of coast live oak riparian woodland will be impacted, bringing the total to 17.70 or 20.44 acres needed for mitigation in Blue Mud Canyon.
- Exhibit 5-36 shows a proposed mitigation area of 5.27 acres along the Blue Mud streambed, plenty to accommodate mitigation of the impacts to 0.29 or 0.98 acres of riparian habitats but not enough for the other mitigations proposed above.
- Ch. 5.7, p. 5-310 and p. 5-326: Blue Mud Canyon is to be the site of "... two large fuel modification areas (fuel breaks) ..."
- Ch. 4.3, p. 4-11: "... a primary connection ... following an existing dirt road that has been used for oil well and utility access purposes." is planned for the proposed development. (NB: The existing/proposed road crosses Blue Mud Canyon just about where the active trend of the Whittier Fault also crosses the Canyon. The reach of canyon within the project boundary is entirely within the fault's Alquist-Priolo Zone. See Exhibits 5-49 and 5-56, also Ch 5.5, p. 5-223.)
- Ch. 4.3, p. 4-19: "... incorporate two fire breaks in Blue Mud Canyon, a habitat restoration area, and installation of a California-friendly plant palette that provides greater resistance to fire while providing year-round color." (It seems contradictory to plan to do revegetation/restoration, as outlined in Bio-1, -4 and -6 above, while also planning to install "California-Friendly" [i.e. likely non-native] plants in the same area. A judicious selection can easily be made of native--i.e. original California Friendly--plants that will provide year-round color for the primary connection while not conflicting with nearby restoration/mitigation purposes.)

It seems like a lot to put all the above into the roughly 50 acres of Blue Mud Canyon that's within the property boundary. (That very rough acreage was obtained by measuring to scale the various maps on which a scale is indicated.)

The DEIR does not appear to include a breakdown of the acreage of each of the natural open spaces shown in Exhibit 5-30 and others: Blue Mud Canyon, adjacent area along the eastern property line, the northwest corners of both Planning Areas, the southern and eastern sides of

L11-4

L11-5

L11-6

L11-7

L11-8

L11-9

L11-10

L11-11

L11-4 A Habitat Mitigation and Monitoring Plan (HMMP) that addresses impacts to California walnut woodland, blue elderberry woodland, and southern willow scrub has been completed and is included in the Final EIR that provides a minimum of 1:1 mitigation for each of these communities where they occur outside CDFW jurisdiction under Section 1600. Impacts to black willow forest and mulefat scrub were not considered significant per se. However, impacts would be considered significant where these fall into CDFW jurisdiction pursuant to §1602 of the *Fish and Game Code* and would also be mitigated at a ratio of 2:1. Impacts to CDFW jurisdiction total 1.90 acres for Option 1, 2.09 acres for Option 2, and 2.57 acres for Option 2A when unvegetated drainage courses are included. Mitigation will be based on the Option selected and would be performed at a ratio of 2:1 for riparian impacts and 1:1 for unvegetated channel. Candidate areas covering up to 5.3 acres have been identified in Blue Mud Canyon (Drainage F) as depicted in Exhibit 6 of the HMMP (Appendix C herein). It is also important to note that an additional area for mitigation of walnut woodland and blue elderberry woodland has been identified in project open space north of Drainage D at the northwest corner of the site. This additional area was depicted on Exhibit 11 of the Biological Technical Report (Appendix D of the DEIR) but was inadvertently not included in Section 5.3 (Biological Resources) of the DEIR. Areas for the upland mitigation have been expanded in the HMMP and now cover up to 14.70 acres so that, combined, a total of 20.0 acres of candidate mitigation areas have been identified on the site with a total of 15.21 acres required for Option 1, 17.10 acres for Option 2, and 16.97 acres for Option 2A when jurisdiction and upland mitigation requirements are combined.

Refer to response to Comment L3-6 (U.S. Fish and Wildlife Service) for a complete discussion of on-site proposed mitigation areas for Project-impacted vegetation communities. The proposed mitigation areas are adequate to provide a 1:1 ratio as specified in Mitigation Measures Bio-1 and Bio-6 of the DEIR.

L11-5 The HMMP referenced in response to Comment L11-4 above identified a total of 20.0 acres on-site as suitable for the California walnut woodland, blue elderberry scrub, southern coast live oak, southern willow scrub, and areas of CDFW jurisdiction requiring mitigation. Impacts to the coast live oak forest, per se, were determined to not be significant due to the highly degraded character of the oaks, many of which were damaged or killed by the 2008 Freeway Complex Fire. However, the limited area that consists of southern coast live oak riparian forest (totaling 0.54 acre) will be subject to mitigation under §1602 of the *California Fish and Game Code* as it was included in the impacts to CDFW jurisdiction for each Option. The HMMP prepared for the Proposed Project incorporates coast live oaks in the proposed riparian restoration (up to 44 oaks would be planted) as well as within the California walnut and blue elderberry restoration areas, accounting for up to an additional 76 oaks for a total of up to 120+ coast live oaks within project open space, providing a significant increase in the total numbers of oaks on the site.

Refer to response to Comment L3-6 (U.S. Fish and Wildlife Service) for a complete discussion of Project impact to southern coast live oak forest. The proposed mitigation area of 18.90 acres for Option 1 and 17.064 for Option 2 will be adequate to provide a 1:1 ratio for the riparian portion of southern coast live oak forest consistent with the requirements of Mitigation Measures Bio-1 and Bio-6 of the DEIR.

L11-6 See responses to Comments L11-4 and -5 above. It is also important to note that the HMMP included in the FEIR includes 5.30 acres of suitable riparian mitigation area within Blue Mud Canyon providing for 2:1 mitigation for impacts to CDFW riparian habitat and 1:1 mitigation

for unvegetated streambeds through restoration of riparian habitat, ensuring the impacts are reduced to less than significant. Refer to response to Comment L3-6 (U.S. Fish and Wildlife Service) for a complete discussion of the proposed mitigation areas. The proposed mitigation areas are adequate to provide a 1.1 ratio as required in Mitigation Measures Bio-1 and Bio-6 of the DEIR.

- L11-7 The Fuel Modification Plan is discussed in Hazards and Hazardous Materials (Section 5.7) of the DEIR starting on page 5-275. Refer to response to Comment L4-6 (California Department of Fish and Wildlife) for a discussion of potential impacts from the Fuel Modification Plan to biological resources in Blue Mud Canyon. The HMMP prepared for the FEIR identifies a 300-foot fuel break, which although planted and treated as a Fuel Modification Zone C (i.e., 50% thinning) is not included as “project mitigation.” As depicted on Exhibit 4 of the HMMP, a portion of the Project mitigation will overlap with an area designated for removal of fire-prone vegetation. The dominant species for the target habitats, including the California walnut, blue elderberry and coast live oak are not considered “fire prone” and existing individuals would be preserved and additional individuals would be planted as set forth in the HMMP. The areas would be planted with a suite of acceptable native species that would not require removal or maintenance and would function at “natural” capacity for wildlife and, as such, would be fully functional and compatible for both habitat mitigation and public safety.
- L11-8 A complete analysis of Project impacts and cumulative impacts to geological conditions, the Whittier Fault, and the Alquist-Priolo Zone is found in Geology and Soils (Section 5.5) of the DEIR starting on page 5-203. The DEIR concludes that Project impacts and cumulative impacts with incorporation of Mitigation Measures Geo-1 through Geo-19 are less than significant.
- L11-9 The “California friendly” plant palette has been modified to include all natives within any area proposed for mitigation or within 50 feet of such areas. See Tables 8, 9 and 10 of the HMMP for species to be incorporated into the habitat restoration.
- L11-10 See responses to Comments L11-4 and -5 above.

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February 2, 2014

page 3 of 5

Planning Area 2. Knowing these acreages is basic to knowing whether there is adequate mitigation acreage onsite.

Table A, below, compares acreages of open space mentioned in different parts of the DEIR. It is not at all clear that all are using the same definition of or measurement of "open space." Accurately knowing the acreage of natural open space is basic to knowing whether there is adequate mitigation acreage onsite; this confusion of acreages doesn't help the reader know that.

TABLE A: Comparison of Open Space Acreages in Esperanza Hills Project DEIR		
source	acres of parks	acres of open space
Table 5-9-6, OC General Plan, Recreation Element	max. 13.61	"... excess of 230."
Esperanza Specific Plan, 2.2	15 to 16	129, natural 126 to 128, landscaped & irrigated slopes, fire breaks, fuel modification zones, = about 255 total
Parks and Open Space Plan 6.1, Concept and Objectives		140.0 to 151.3, natural; "primarily existing canyons with intermittent water flow, ridgelines, and other undisturbed natural space."

Ch. 9.p. 9-3-4, Bio-6 is a bit confusing: it starts out with all the habitats mentioned above being mitigated at an acreage ratio of 1:1, seemingly including California live oak forest. Then it jumps into the detailed ratios of how many acorns/liners are to be planted to mitigate for oaks removed. The text should be revised to clarify what's "mitigation for oaks," based on numbers of acorns and/or container-grown plants, and "mitigation for everything else," based on acreage impacted.

Exhibit 5-25 shows that the site's existing California live oak forest is growing in a linear distribution along upper Drainage D and nowhere else. This suggests that there's an oak-preferred soil type or combination there that's not in the other drainages. (Though it is possible that oaks once grew in the other drainages but were logged out long ago and have not regenerated.) The soils mapped in Exhibit 5-27 correlate with this habitat's current location. Ch. 5.3, Mitigation Measure Bio-6 calls for the removed oaks to be mitigated with a detailed ratio of locally collected acorns and/or liners (presumably grown from the locally-collected acorns), which are to be planted in Blue Mud Canyon--where no oaks are now growing and the combination of soil types is not the same.

Exhibit 5-26 shows that the populations of Braunton's milkvetch and intermediate mariposa lily are highly localized along specific ridges, suggesting that they are growing there because their preferred soil type is there. It is known that milkvetch prefers gravelly clay soils over granite or sandstone while mariposa lily prefers slightly mafic soils. The soils mapped in Exhibit 5-27 correlate with these special-status species' locations. Ch. 5.3, Mitigation Measures Bio-2 and

L11-11
cont'd

L11-12

L11-13

L11-14

L11-15

- L11-11 Please refer to Topical Response 6, Biological Resources/Open Space, for details regarding the commenter's acreage requests.
- L11-12 Please refer to Topical Response 6, Biological Resources/Open Space. Also refer to response to Comment L4-5 (California Department of Fish and Wildlife) for a complete discussion of the portion the Project Site to remain undisturbed natural habitat. In summary, 162.68 acres of biological open space are associated with Option 1 and 171.14 acres of biological open space are associated with Option 2. Even though all fuel modification zones, parks, WQMP basins, trails, and landscaped and irrigated slopes are considered "open spaces" for purposes of recreation as described in Recreation (Section 5.13, page 5-541), they are considered "impacted vegetation associations" in Biological Resources (Section 5.3). Refer to Table 5-3-5, Summary to Impacts to Vegetation Associations/Cover Types, Option 1, on page 5-140 and Table 5-3-6, Summary of Impacts to Vegetation Associations/Cover Types Option 2, on page 5-142.
- L11-13 As noted, impacts to southern coast live oak forest within the jurisdiction of CDFW associated with Drainage D will be mitigated at a 1:1 ratio totaling 0.54 acre. In addition, coast live oaks will be incorporated into the walnut and elderberry restoration areas such that up to approximately 120 coast live oaks will be planted within restored portions of the site.
- L11-14 The soils within the reaches of Drainage D that support the southern coast live oak forest consist of Anaheim clay loam, and the areas where oaks will be planted will include Anaheim clay loam and Anaheim loam, which are suitable for oaks.
- L11-15 Braunton's milk-vetch is growing on Anaheim clay loam, which is one of the more common soil types on the site. A rare-plant restoration plan has been prepared and has identified suitable locations for planting of the nursery-grown container stock that will be propagated from seeds obtained from the on-site population. These locations include similar exposure, slope, and soils. In addition, topsoil from the existing location of the Braunton's milk-vetch will be salvaged and incorporated into the restoration site to preserve a substantial component of the seed bank.

Similarly, the intermediate mariposa lily occurs on south-facing slopes that contain Calleguas clay loam, which is very common on the site, including within the open space areas overlooking Blue Mud Canyon. As such, this provides the same exposure, slope, and soil type for the proposed relocation.

February 2, 2014

page 4 of 5

Bio-3 "... provide for planting of ... greenhouse-propagated individuals ... in the Study Area within an undisturbed area of suitable habitat and soils, slope and exposure." But the project will remove the only places within the study area that have "suitable habitat and soils, slope and exposure."

L11-15
cont'd

Mitigation Measures Bio-2 and -3 do not specify where the propagules to be greenhouse-propagated are to be collected or acquired. Ideally, they would be collected onsite.

- For the milkvetch: Ch. 5.3, p. 111 notes that the most recent survey "... found many of the dried remains of the plants still intact; however, all individuals of this short-lived perennial had expired." It is to be hoped that sufficient seed was dropped and that sufficient rain will fall that the population will regenerate in situ, and provide the preferred locally native seed to be greenhouse propagated.
- For the mariposa lily: It is known that a population of bulbous species will contain many individuals that do not bloom in a given year, so it is likely that there are many more intermediate mariposa lily bulbs in the surveyed population area than were counted in 2010. We recommend that large blocks of soil containing the dormant bulbs be dug before grading and planted as is in the mitigation site--which would in effect bring the preferred soil with the bulbs. Some of the blocks could be broken up to provide propagules for greenhouse propagation.

L11-16

Ch. 5.3, p. 5-97 et seq. discuss that the Study Site is currently in early post-fire recovery, and the possibility that it will not recover according to expected trajectories or to the prior mix and layout of habitat types. In particular, it is possible that chaparral bush mallow will remain dominant in areas that formerly were coastal sage scrub, rather than being early-successional, as suggested on pp. 5-102 and 5-103. Chaparral bush mallow is not listed as a habitat type in Table 5-3-2, but perhaps it should be, as it may now be as permanent as the other types.

L11-17

Bush mallow's current dominance in sites that formerly hosted a mosaic of coastal sage scrub, purple sage scrub, sagebrush/monkeyflower scrub, and in ecotones with chaparral and blue elderberry woodland illustrates that vegetation changes over time and in response to disturbance, thus is a moving target. "Restoring" it to some pre-determined (by humans) state and assuming that it'll stay like that over time is unrealistic. Attempting to keep it at that state is also unrealistic, requiring a regular if not constant input of human time, effort and funds--i.e. thinking of it as a garden to be managed by humans rather than as a living ecosystem that manages itself according to the natural forces acting on it.

L11-18

ON FUEL MODIFICATION AND PLANT PALETTES

Many of the DEIR's chapters mention that an "approved plant palette" is to be devised, and that it will consist of "California friendly plants," a mix of native and non-native vegetation. This palette seems to be derived from, if is not the same as, the Orange County Fire Authority's

L11-19

- L11-16 Seed for Branton's milk-vetch was collected while the population was flowering, and the seed has been cleaned and stored by S&S Seed for use in the future restoration project.

The intermediate mariposa lilies were counted in the aftermath of the 2008 Freeway Complex Fire during a year of above-average rainfall, with the combination of these conditions creating optimal conditions for the plants. Such optimal conditions ensured that the survey results represent the high end of the population as present. Nevertheless, the commenter is correct that not all bulbs bloom each year and that, even under the optimal conditions associated with the 2010 surveys, the surveys likely did not capture the entire population and, as such, salvage of soil clumps has been incorporated into the final rare plant restoration plan.

- L11-17 The bush mallow is clearly a successional species as evidenced by its decline on other sites in Orange County. For example, it was dominant on slopes in Laguna Beach for well over a decade following the Laguna Fire and now is almost gone. This is the most likely scenario for the project site. More importantly, bush mallow has been clearly identified as a common component of the site in the post-fire condition, and since bush mallow has no special status, such impacts would not be considered significant under CEQA.

- L11-18 Native vegetation communities in Southern California are adapted to a variety of types of disturbance, and their composition changes through time based on the type of disturbance. A goal of all ecological restoration programs is to create habitat with a composition that will respond or adapt to such disturbances. The habitat restoration proposed for the site is not intended to remain static through time, but is expected to respond and adapt to various conditions through time. No attempt to maintain the habitat in its initial condition is proposed other than for removal of non-native invasive species that have potential for long-term degradation, as well as removal of certain species that present unacceptable fire risk. The project HMMP is included in Appendix C herein.

- L11-19 The HMMP includes the plant palette for habitat restoration areas as well as the proposed plant palette for the fuel break zone and the fuel management zone. No non-native invasive species are included in the HMMP, which proposes only native species. Refer to response to Comment L3-20 (U.S. Fish and Wildlife Service) concerning the approved plant palette for Fuel Modification Zones (FMZ). PDF 16 and Mitigation Measure Haz-7 require the use of the approved OCFA prohibited and approved plant palette. Any changes or corrections made by OCFA in the future will be used by the HOA since Mitigation Measure Haz-6 on page 5-334 requires annual review and update of Community Evacuation Plan and Mitigation Measure Haz-10 on page 5-335 requires the ongoing compliance with maintenance of fuel modification zones.

February 2, 2014

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(OCFA) approved *Fuel Modification Plant List*. This list is included as Appendix E in the DEIR's Appendix J, *Fire Protection and Emergency Evacuation Plan*. (This list still includes all the many misspellings that we have called to OCFA's attention.) Table B, attached, excerpts the Orange County native plants from the OCFA list. Table C, attached, excerpts the non-native plants from the OCFA list, and notes which are known to persist in Orange County wildlands. Many of the plants so noted have persisted at old ranches and similar sites. The fact that they have persisted for years without human care indicates that they are adaptable to our climate and soils; it's only a matter of time until they produce seed that can germinate successfully here.

L11-19
cont'd

Plants from other Mediterranean climates have the potential to invade our wildlands. Plants that make soft fruits, especially small red berries, will readily spread as far as the birds that eat the fruits fly before dropping the seeds in little piles of fertilizer. Plants that make wind-dispersed seeds--small and light, with any kind of wing or parachute structure--will spread as far as the wind blows. Larger, heavier seed can travel inside animals, and get planted with a pile of fertilizer. Then it costs wildland managers--and, ultimately, taxpayers--funds, time and energy to remove the invaders. Better to not plant them in wildland-adjacent sites.

L11-20

The Esperanza Hills Project puts homes right next to preserved wildlands. The development's perimeter, especially, and common spaces should be landscaped with the many, many native plant species likely to have grown in the Chino-Puente Hills area before it was largely converted to non-native grassland. Many of the species are excellent landscape plants and suitable for fuel-modification zones, and should be included in this palette. For example, see the attached Table B. Over time, these native plantings could be a seed source for natural restoration of the project's preserved areas.

L11-21

Much of the specified fuel modifications' continuing effectiveness appears to rely on regular irrigation in the Fuel Modification Zones. In these days of drought and climate change, how can it be certain that water will be available to continue such irrigation into the perpetuity that seems implied? The DEIR does not appear to include any provision for bringing recycled water to the Zones that are mandated to be regularly irrigated. This lack should be remedied.

L11-22

Thank you for the opportunity to comment on the Esperanza Hills Project DEIR.

Respectfully,

Celia Kutcher
Conservation Chair

- L11-20 As noted in response to Comment L11-19 above, no non-native invasive species will be utilized in restoration areas or areas subject to various types of management for fuel modification purposes. Refer to response to Comment L3-20 (U.S. Fish and Wildlife Service) concerning Project prohibited plant palette. The approved plant palette includes plants approved by the OCFA.
- L11-21 Refer to response to Comment L3-20 (U.S. Fish and Wildlife Service) concerning planting palette in FMZs. As depicted on Exhibit 5-70, Conceptual Fuel Modification Plan – Option 1 on page 5-301 and Exhibit 5-71, Conceptual Fuel Modification Plan – Option 2 on page 5-303 in Section 5.7 (Hazards and Hazardous Materials) of the DEIR, FMZs encircle the developed portions of the Project Site and provide fuel breaks to protect biological resources mitigation areas. The FMZs as well as the undisturbed natural areas provide a buffer between the development portion of the Project Site and the preserved wildlands of CHSP. For a complete discussion of the Proposed Project's indirect impacts to native habitats, refer to Indirect Impacts on page 5-158 through 5-162 Biological Resources (Section 5.3) of the DEIR. The DEIR includes project design features PDF 11 through PDF 16, pages 5-162 through 5-164 and Mitigation Measures Bio-2 through Bio-9 that address edge effect impacts to surrounding natural habitats from the Proposed Project and cumulative impacts. The DEIR concludes that the Proposed Project and cumulative environmental impacts with the incorporation of project design features and mitigation measures is less than significant.
- L11-22 A detailed discussion of the Fuel Modification Plan vegetation management for each fuel modification zone A through D is found starting on page 5-300 of Hazards and Hazardous Materials (Section 5.7) of the DEIR. Fuel Modification Zones C and D, together are 100 feet wide, and are not irrigated. Fuel Modification Zone B, 50 feet wide, is irrigated. However, OCFA requires the plantings in Zone B to be fire resistant and drought tolerant and states that the irrigation system be designed and maintained to address best water conservation practices. For a discussion on water services refer to Utilities and Service Systems (Section 5.15) starting on page 5-625 of the DEIR. The DEIR concludes on page 5-649 through 5-651 that the Proposed Project will have sufficient water supplies available to serve the project. The YLWD Water Master Plan and the 2013 NEAPS have considered the extent of the total development proposed and indicated that adequate water supply exists to serve the Proposed Project and cumulative projects. Therefore, the DEIR concludes project and cumulative impact to water supply is less than significant.

TABLE B
OC NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 1 of 3

common name	botanical name	type
Big Leaf Maple	Acer macrophyllum	tree
Southern Woolly Lotus	Acmispn [=Lotus] heermannii	perennial
Deerweed	Acmispn [=Lotus] scoparius	shrub
White Alder	Alnus rhombifolia	tree
Sand Bur	Ambrosia chamissonis	perennial
False Indigobush	Amorpha fruticosa	shrub
Nuttall's Snapdragon	Antirrhinum nuttallianum ssp. nuttallianum	subshrub
Eastwood Manzanita	Arctostaphylos glandulosa ssp. glandulosa	shrub
Mulefat	Baccharis salicifolia	shrub
Willow Baccharis	Baccharis salicina [= B. emoryi]	shrub
Coyote Bush	Baccharis pilularis ssp. consanguinea	shrub
California Brickellbush	Brickellia californica	shrub
California Brome Grass	Bromus carinatus	bunch grass
Beach Evening Primrose	Camissonopsis [=Camissonia] cheiranthifolia	ground cover
Big Pod Ceanothus	Ceanothus megacarpus	shrub
Greenbark Ceanothus	Ceanothus spinosus	shrub
Punchbowl Clarkia	Clarkia botatae	annual
Bushrue	Cneidium dumosum	shrub
Chinese Houses	Collinsia heterophylla	annual
Summer Holly	Comarostaphylis diversifolia	shrub
California Coreopsis	Coreopsis californica	annual
California Croton	Croton californicus	perennial
Bush Poppy	Dendromecon rigida	shrub
Blue Dicks	Dichelostemma capitatum	bulb
Lance-leaved Dudleya	Dudleya lancolata	succulent
Chalk Dudleya	Dudleya pulverulenta	succulent
Giant Wild Rye	Elymus [=Leymus] condensatus	bunch grass
Coast Sunflower	Encelia californica	shrubby perennial
Hoary California Fuchsia	Epilobium [=Zauschneria] canum	perennial
Sapphire Woolly Star	Eriastrum sapphirinum	annual

TABLE B: OC NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 2 of 3

common name	botanical name	type
Yerba Santa	Eriodictyon trichocalyx	shrub
Thickleaf Yerba Santa	Eriodictyon crassifolium	shrub
Golden Yarrow	Eniophyllum confertiflorum	shrub
California Poppy	Eschscholzia californica	perennial
California Coffee Berry	Frangula [=Rhamnus] californica	shrub
Alkali Heath	Frankenia salina	ground cover
Globe Gilia	Gilia capitata	annual
Gum Plant	Grindelia stricta	ground cover
Rush Rose	Helianthemum scoparium	perennial
Salt Heliotrope	Heliotropium curassavicum	ground cover
Chaparral Yucca	Hesperoyucca [=Yucca] whipplei	shrub
Toyon	Heteromeles arbutifolia	shrub
Coastal Goldenbush	Isocoma menziesii	shrub
Bladderpod	Isomeris arborea	shrub
California Black Walnut	Juglans californica	tree
Spiny Yucca	Juncus acutus	perennial
Yellow Bush Penstemon	Keckelia antirrhinoides	shrub
Heart Leaved Penstemon	Keckelia cordifolia	vinyl shrub
Blue Stemmed Bush Penstemon	Keckelia ternata	shrub
Coastal Goldfields	Lasthenia gracilis [=L. californica]	annual
Chaparral Honeysuckle	Lonicera subspicata	vinyl shrub
Miniature Lupine	Lupinus bicolor	annual
Coulter's Lupine	Lupinus sparsiflorus	annual
Chaparral Mallow	Malacothamnus fasciculatus	shrub
Monkeyflower	Mimulus species	perennial
Wishbone Bush	Mirabilis californica	perennial
Baby Blue Eyes	Nemophila menziesii	annual
Chaparral Nolina	Nolina cismontana	shrub
Yellow Evening Primrose	Oenothera elata ssp. californica [=O. hookeri]	perennial
Prickly Pear	Opuntia littoralis	cactus
Oracle Cactus	Opuntia oriolea	cactus
Coastal Cholla	Opuntia prolifera	cactus

TABLE B: OC NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 3 of 3

common name	botanical name	type
California Plantain	Plantago erecta	annual
California Sycamore	Platanus racemosa	tree
Western Cottonwood	Populus fremontii	tree
Sticky Cinqufoil	Potentilla glandulosa	perennial
Holly Leaved Cherry	Prunus ilicifolia ssp. ilicifolia	shrub
California Everlasting	Pseudognaphalium [=Gnaphalium] californicum	short-lived perennial
Coast Live Oak	Quercus agrifolia	tree
Scrub Oak	Quercus berberidifolia	shrubtree
Nuttall's Scrub Oak	Quercus dumosa	shrub
Spiny Redberry	Rhamnus crocea	shrub
Hollyleaf Redberry	Rhamnus ilicifolia	shrub
Lemonade Berry	Rhus integrifolia	shrub
Sugarbush	Rhus ovata	shrub
Golden Currant	Ribes aureum	shrub
White Flowered Currant	Ribes indecorum	shrub
Fuchsia Flowered Gooseberry	Ribes speciosum	shrub
Coulter's Matlila Poppy	Romneya coulteri	perennial
Mexican Elderberry	Sambucus mexicana	shrubtree
San Miguel Savory	Satureja chandleri	perennial
Common Tule	Schoenoplectus [=Scirpus] acutus	perennial
California Bulrush	Schoenoplectum [=Scirpus] californicus	perennial
Blue Eyed Grass	Sisyrinchium bellum	perennial
White Nightshade	Solanum douglasii	shrub
Purple Nightshade	Solanum xanti	shrub
Foothill Needlegrass	Stipa [=Nassella] lepida	bunch grass
Purple Needlegrass	Stipa [=Nassella] pulchra	bunch grass
Creeping Snowberry	Symphoricarpos mollis	shrub
Woolly Blue Curis	Trichostema lanatum	shrub
California Bay Laurel	Umbellularia californica	shrubtree
Western Verbena	Verbenia lasiostachys	perennial
Desert Wild Grape	Vitis girdiana	vine

TABLE C
NON-NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 1 of 7
"known invasive in oc wildlands?": as noted in Roberts, 2006, *The Vascular Plants of Orange County...*

common name	botanical name	type	known invasive in oc wildlands?
Glossy Abelia	Abelia x grandiflora	shrub	no
Desert Carpet	Acacia redolens	ground cover	yes
Woolly Yarrow	Achillea tomentosa	ground cover	no
Aeonium	Aeonium decorum	ground cover	no
---	Aeonium simsii	ground cover	no
Foxtail Agave	Agave attenuata	succulent	yes
---	Agave victoriae-reginae	succulent	no
Carpet Bugle	Ajuga reptans	ground cover	no
Italian Alder	Alnus cordata	tree	no
Tree Aloe	Aloe arborescens	shrub	yes
---	Aloe aristata	ground cover	no
---	Aloe brevifolia	ground cover	no
Medicinal Aloe	Aloe vera	succulent	no
Blue Hibiscus	Alyogyne huegeli	shrub	no
Kangaroo Paw	Anigozanthos flavidus	perennial	no
Red Apple	Aptenia x 'Red Apple'	ground cover	yes
Strawberry Tree	Arbutus unedo	tree	no hybridization danger?
Silver Spreader	Artemisia caucasica	ground cover	no
Bougainvillea	Bougainvillea spp. hybs. cvs	vinyl shrub	yes
Mexican Blue Palm, Blue Hesper Palm	Brahea armata	palm	no
San Jose Hesper Palm	Brahea brandegeei	palm	no
Guadalupe Palm	Brahea edulis	palm	no
Green Carpet Natal Plum	Carissa macrocarpa 'Green Carpet'	ground cover	no

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TABLE C
NON-NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 2 of 7
"known invasive in oc wildlands?": as noted in Roberts, 2008, *The Vascular Plants of Orange County* ..."

common name	botanical name	type	known invasive in oc wildlands?
Sea-Fig, Ice Plant	<i>Carpobrotus chilensis</i>	ground cover	yes Cal-IPC: moderate
Snow-in-Summer	<i>Cerastium tomentosum</i>	ground cover	no?
Carob	<i>Ceratonia siliqua</i>	tree	yes
Oxeye Daisy	<i>Chrysanthemum leucanthemum</i>	perennial	no
---	<i>Cistus crispus</i>	shrub	no?
---	<i>Cistus incanus</i>	shrub	no?
Sageleaf Rockrose	<i>Cistus salvifolius</i>	shrub	no?
White Rockrose	<i>Cistus x hybridus</i>	shrub	no?
Orchid Rockrose	<i>Cistus x purpureus</i>	shrub	no?
Citrus	<i>Citrus</i> spp., hybs, cvs	shrub, tree	no
Bush Morning Glory	<i>Convolvulus oneorum</i>	shrub	no
Prostrate Coprosma	<i>Coprosma petriei</i> (= <i>pumila</i>)	ground cover	no
Creeping Coprosma	<i>Coprosma x kirkii</i>	ground cover	no
Coreopsis	<i>Coreopsis lanceolata</i>	perennial	no hybridization danger?
Australian Fuchsia	<i>Correa pulchella</i>	ground cover	no
---	<i>Cotoneaster buxifolius</i>	shrub	no?
Likiang Cotoneaster	<i>Cotoneaster congestus</i> 'Likiang'	ground cover/ vine	no?
Parney's Cotoneaster	<i>Cotoneaster ladeus</i> (= <i>parneyi</i>)	shrub	no? Cal-IPC: moderate
---	<i>Crassula lactea</i>	shrub	no
---	<i>Crassula multicaeva</i>	ground cover	no
Jade Plant	<i>Crassula ovata</i> (= <i>argentea</i>)	shrub	yes
---	<i>Crassula tetragona</i>	shrub	no

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TABLE C
NON-NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 3 of 7
"known invasive in oc wildlands?": as noted in Roberts, 2008, *The Vascular Plants of Orange County* ..."

common name	botanical name	type	known invasive in oc wildlands?
White Trailing Ice Plant	<i>Delosperma 'Alba'</i>	ground cover	no
Blood-Red Trumpet Vine	<i>Discifolia buccinatoria</i>	wine	no
Hop Bush	<i>Dodonaea viscosa</i>	shrub	yes
Rosea Ice Plant	<i>Drosanthemum floribundum</i>	ground cover	yes
---	<i>Drosanthemum hispidum</i>	ground cover	no
Devilflower	<i>Drosanthemum speciosum</i>	ground cover	no
Silverberry	<i>Elaeagnus pungens</i>	shrub	no
Loquat	<i>Eriobotrya japonica</i>	tree	no
Coral Tree	<i>Erythrina</i> spp.	tree	yes
---	<i>Escallonia</i> spp., hybs, cvs.	shrub	no
Mexican Poppy	<i>Eschscholzia mexicana</i>	perennial	no
Winter Creeper Euonymus	<i>Euonymus fortunei</i> 'Winter Creeper'	ground cover	no
Pineapple Guava	<i>Feijoa sellowiana</i>	shrub/tree	no
Beach Strawberry, Sand Strawberry	<i>Fragaria chiloensis</i>	ground cover	no
Blanketflower	<i>Gaillardia x grandiflora</i>	perennial	yes
Gazania	<i>Gazania hybrids</i>	perennial	yes
Training Gazania	<i>Gazania rigens leucolaena</i>	ground cover	yes
Maidenhair Tree	<i>Ginkgo biloba</i>	tree	no
Lavender Starflower	<i>Grewia occidentalis</i>	shrub	no
Sweet Hakea	<i>Hakea suaveolens</i>	shrub	no
Ullac Vine	<i>Hardenbergia comptoniana</i>	wine	no
Ivy	<i>Hedera helix</i> , <i>H. canariensis</i>	ground cover	yes Cal-IPC: high
Sunrose	<i>Helianthemum mutabilehumularium</i>	ground cover	no

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TABLE C
NON-NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 4 of 7
"known invasive in oc wildlands?": as noted in Roberts, 2008, *The Vascular Plants of Orange County* ..."

common name	botanical name	type	known invasive in oc wildlands?
Red Yucca	<i>Hesperaloe parviflora</i>	perennial	no
Aaron's Beard	<i>Hypericum calycinum</i>	ground cover	no
Evergreen Candytuft	<i>Iberis sempervirens</i>	ground cover	no
Globe Candytuft	<i>Iberis umbellatum</i>	annual	no
Red Hot Poker	<i>Kniphofia uvaria</i>	perennial	no
Crape Myrtle	<i>Lagerstroemia indica</i>	tree	no
Primrose Tree	<i>Lagunaria patersonii</i>	tree	yes
Redondo Creeper	<i>Lampranthus filicaulis</i>	ground cover	no?
Trailing Ice Plant	<i>Lampranthus spectabilis</i>	ground cover	no?
Ice Plant	<i>Lampranthus aurantiacus</i>	ground cover	yes
Lantana	<i>Lantana cultivars & hybrids</i>	shrub	yes
Trailing Lantana	<i>Lantana montevidensis</i>	shrub	yes
French Lavender	<i>Lavandula dentata</i>	shrub	no
Australian Tea Tree	<i>Leptospermum laevigatum</i>	shrub/tree	no
Texas Ranger	<i>Leucophyllum frutescens</i>	shrub	no
Texas Privet	<i>Ligustrum japonicum</i> 'Texanum'	shrub	yes
---	<i>Limnium pectinatum</i>	ground cover	yes hybridization danger?
Sea Lavender	<i>Limnium perezii</i>	perennial	yes hybridization danger?
American Sweet Gum	<i>Liquidambar styraciflua</i>	tree	no
Tulip Tree	<i>Liriodendron tulipifera</i>	tree	no
Hall's Honeysuckle	<i>Lonicera japonica</i> 'Halliana'	shrubby vine	yes hybridization danger?
Bird's Foot Trefoil	<i>Lotus corniculatus</i>	ground cover	yes hybridization danger?

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TABLE C
NON-NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 5 of 7
"known invasive in oc wildlands?": as noted in Roberts, 2008, *The Vascular Plants of Orange County* ..."

common name	botanical name	type	known invasive in oc wildlands?
Macadamia Nut	<i>Macadamia integrifolia</i>	tree	no
Rocky Pt. Ice Plant	<i>Malephora luteola</i>	ground cover	yes
Mayten Tree	<i>Maytenus boaria</i>	tree	no
Pink Melaleuca	<i>Melaleuca nesophila</i>	shrub/tree	no?
New Zealand Christmas Tree	<i>Metrosideros excelsus</i>	tree	no
---	<i>Myoporum 'Pacifcum'</i>	ground cover	no?
---	<i>Myoporum debile</i>	shrub	no?
Boobyalla	<i>Myoporum insulare</i>	shrub	no?
---	<i>Myoporum parvifolium</i>	ground cover	no?
Oleander	<i>Nerium oleander</i>	shrub	yes
Bottle Palm	<i>Nolina</i> (= <i>Beaucarnea</i>) <i>recurvata</i>	shrub/small tree	no?
Mexican Grass Tree	<i>Nolina longifolia</i>	shrub	no? hybridization danger?
Mexican Evening Primrose	<i>Oenothera speciosa</i> (= <i>berlandieri</i>)	ground cover	yes hybridization danger?
Mondo Grass	<i>Ophiopogon japonicus</i>	ground cover	no
Sweet Olive	<i>Osmanthus fragrans</i>	shrub/tree	no
Freeway Daisy	<i>Osteospermum fruticosum</i>	ground cover	yes
Mexican Palo Verde	<i>Parkinsonia aculeata</i>	tree	yes
Ivy Geranium	<i>Pelargonium peltatum</i>	ground cover	no
Photinia	<i>Photinia x fraseri</i>	shrub	no
Chinese Pistache	<i>Pistacia chinensis</i>	tree	no
Victorian Box	<i>Pittosporum undulatum</i>	tree	yes
Woolly Plantain	<i>Plantago insularis</i>	annual	no? hybridization danger?

TABLE C

NON-NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 6 of 7
"known invasive in oc wildlands?": as noted in Roberts, 2008, *The Vascular Plants of Orange County* ..."

common name	botanical name	type	known invasive in oc wildlands?
Evergreen Plantain	<i>Plantago sempervirens</i>	ground cover	no? hybridization danger?
Cape Plumbago	<i>Plumbago auriculata</i>	shrub	yes
Elephant's Food	<i>Portulacaria afra</i>	shrub	no
Spring Cinquefoil	<i>Potentilla neumanniana</i> (= <i>tabernaemontani</i>)	ground cover	no hybridization danger?
Carolina Laurel Cherry	<i>Prunus caroliniana</i>	shrub/tree	yes hybridization danger?
Pomegranate	<i>Punica granatum</i>	shrub/tree	yes
Puya	<i>Puya</i> species	succulent shrub	no
Firethorn	<i>Pyracantha</i> species	shrub	yes Cal-IPC: limited
Cork Oak	<i>Quercus suber</i>	tree	no hybridization danger?
Italian Buckthorn	<i>Rhamnus alaternus</i>	shrub	yes hybridization danger?
Indian Hawthorne	<i>Rhaphiolepis</i> spp. & cvs	shrub	no
African Sumac	<i>Rhus lancea</i>	tree	yes hybridization danger?
Rosemary	<i>Rosmarinus officinalis</i>	shrub	yes
Autumn Sage	<i>Salvia greggii</i>	shrub	no hybridization danger?
Lavender Cotton	<i>Santolina chamaecyparissus</i>	ground cover	no?
Green Lavender Cotton	<i>Santolina rosmarinifolia</i> (= <i>virens</i>)	shrub	no?
Goldmoss Sedum	<i>Sedum acre</i>	ground cover	no
Green Stonecrop	<i>Sedum album</i>	ground cover	no
---	<i>Sedum confusum</i>	ground cover	no
---	<i>Sedum lineare</i>	ground cover	no
Pork and Beans	<i>Sedum x rubrotinctum</i>	ground cover	no

TABLE C

NON-NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 7 of 7
"known invasive in oc wildlands?": as noted in Roberts, 2008, *The Vascular Plants of Orange County* ..."

common name	botanical name	type	known invasive in oc wildlands?
Blue Chalk Sticks	<i>Senecio serpens</i>	ground cover	no
Firewheel Tree	<i>Stenocarpus sinuatus</i>	tree	no
Giant Bird of Paradise	<i>Strelitzia nicotai</i>	perennial	no
Bird of Paradise	<i>Strelitzia reginae</i>	perennial	no
Cape Honeysuckle	<i>Tecoma</i> (= <i>Tecomaria</i>) <i>capensis</i>	viny shrub	no
Yellow Bells	<i>Tecoma stans</i>	shrub/tree	no
Germander	<i>Teucrium x lucidrys</i> (= <i>chamedrys</i>)	ground cover	no
Lemon Thyme	<i>Thymus x otriodorus</i>	ground cover	no
Star Jasmine	<i>Trachelospermum jasminoides</i>	ground cover	no
O'Connor's Legume	<i>Trifolium fragiferum</i> 'O'Connor's'	ground cover	yes hybridization danger?
Hyron Rose Clover	<i>Trifolium hirtum</i> 'Hyron'	ground cover	yes Cal-IPC: moderate hybridization danger?
---	<i>Verbena peruviana</i>	perennial	no? hybridization danger?
Dwarf Periwinkle	<i>Vinca minor</i>	ground cover	no?
Zorro Annual Fescue	<i>Vulpia myuros</i> 'Zorro'	annual grass	yes Cal-IPC: moderate
Coast Rosemary	<i>Westringia fruticosa</i>	shrub	no
Grass Tree	<i>Xanthorrhoea</i> species	perennial	no
Shiny Xylosma	<i>Xylosma congestum</i>	shrub	no?

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Comment Letter L12
Orange County Fire Authority
January 30, 2014



ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602

Keith Richter, Fire Chief

(714) 573-6000

www.ocfa.org

January 30, 2014

Kevin Canning
Orange County Planning
PO Box 4048
Santa Ana, CA 92702-4048

Re: Esperanza Hills DEIR

Dear Mr. Canning,

Thank you for the opportunity to comment on the subject document. OCFA would like to comment as follows:

- Emergency Access and evacuation will need to be finalized and approved by OCFA and Orange County Sheriff's Department (OCSD) prior to approval of grading. L12-1
- PDF 23 allows for HOA review of the evacuation plan. All HOA changes shall be reviewed by OCFA and OCSD before changes are made, this requirement shall be spelled out in the CCR's. L12-2
- HAZ 5 mitigation: Please add OCFA (DFM Bonano) and OCSD (Lt. Wren) shall approve fire access and evacuation plan listed in the FPEP. L12-3
- PS-1: OCFA will require the Secured Fire Protection Agreement. L12-4
- OCFA did not review, comment, or approve the Dudak report or its findings. L12-5
 - Page 5-499: The Fuel Modification Plan, the Fire Master Plan, and the evacuation have not been approved as of this time, they are listed in the FPEP, but only on a conceptual basis. L12-6
- Estate Lot 1 on access plan will be reviewed separately based on unique and significant fire protection requirements for this parcel. L12-7

In addition, all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal. L12-8

If you have any additional questions, please contact me at (714) 573-6057.

Sincerely,


Kris Concepcion
Division Chief

Serving the Cities of: Aliso Viejo • Buena Park • Cypress • Dana Point • Irvine • Laguna Hills • Laguna Niguel • Laguna Woods • Lake Forest • La Palma
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Westminster • Yorba Linda and Unincorporated Areas of Orange County

RESIDENTIAL SPRINKLERS AND SMOKE ALARMS SAVE LIVES

**Response to
Comment Letter L12
Orange County Fire Authority
January 30, 2014**

- L12-1 The County acknowledges receipt of a letter from Kris Concepcion, Orange County Fire Authority (OCFA) dated January 30, 2014.
- L12-2 The Proposed Project will be conditioned to obtain OCFA and Orange County Sheriff's Department (OCSD) approval for emergency access and evacuation prior to issuance of grading permits.
- L12-3 The Proposed Project will be conditioned to require OCFA and OCSD review and approval of all Homeowners' Association changes to evacuation plans. This requirement will be included in the Covenants, Conditions, and Restrictions for the Esperanza Hills community.
- L12-4 The Proposed Project will be conditioned to require approval of the fire access and evacuation plan included in the Fire Prevention and Protection Plan (FPEP) by OCFA (DFM Bonano or successor) and OCSD (Lt. Wren or successor).
- L12-5 Mitigation Measure PS-1 requires that a Secured Fire Protection Agreement be entered into with OCFA, if deemed necessary. Mitigation Measure PS-1 will be amended to state that the Secured Fire Protection Agreement is required prior to issuance of grading permits. (See Section 2 - DEIR Errata - herein).
- L12-6 The County acknowledges that OCFA did not review, comment on, or approve the FPEP report or its findings.
- L12-7 The Proposed Project will be conditioned to require separate review of Estate Lot 1 with regard to fire protection requirements.
- L12-8 The Proposed Project will be conditioned to comply with standard conditions related to water supply, built-in fire protection systems, road grades and width, access, and building materials.

Comment Letter L13
Orange County Transportation Authority
February 3, 2014



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COUNTY OF ORANGE

February 3, 2014

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Contract Planner
OC Public Works/OC Planning
300 N. Flower P.O. Box 4048
Santa Ana, CA 92702

**Subject: Notice of Availability (NOA) of Draft Environmental Impact
Report for Esperanza Hills Project**

Dear Mr. Canning:

Thank you for the opportunity to review the above referenced document. The Orange County Transportation Authority (OCTA) has the following comments provided for your consideration:

This comment pertains to the list of the existing transit service in Yorba Linda (City) under 5.14 Transportation and Traffic, Section 6, p. 5-555. Currently, in addition to the routes stated in the Draft Environmental Impact Report, Route 38 also provides OCTA bus service to the City in the Savi Ranch Center. Please revise list to include Route 38.

The closest routes to the Project are Routes 26 and 38, however the distance from the Project to these routes are well beyond the OCTA Transit Accessibility Policy range of ½ mile radius from a bus stop. Therefore, the project site would not be served by OCTA bus service.

If you have any questions or comments, please contact me by phone at (714) 560-5907 or by email at dphu@octa.net.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dan Phu', is written over a faint, larger signature.

Dan Phu
Section Manager, Environmental Programs

Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92863-1584 / (714) 560-OCTA (6282)

L13-1

L13-2

L13-3

L13-4

**Response to
Comment Letter L13
Orange County Transportation Authority
February 3, 2014**

- L13-1 The County acknowledges receipt of a letter from the Orange County Transportation Authority (OCTA) dated February 3, 2014. The letter was transmitted via email.
- L13-2 The DEIR hereby incorporates the addition of Route 38 to the bus routes stated in Section 5.14 - Transportation and Traffic (page 5-555) per OCTA. Route 38 provides bus service to the City of Yorba Linda in the Savi Ranch Center.
- L13-3 The County notes that the closest routes to the Proposed Project (Routes 26 and 38) are beyond the OCTA Transit Accessibility Policy range of one-half mile radius from a bus stop.
- L13-4 The County acknowledges that further contact with OCTA should be directed to Dan Phu at the telephone number or email address listed.

Comment Letter L14
Local Agency Formation Commission (LAFCO)
January 30, 2014



LOCAL AGENCY FORMATION COMMISSION

ORANGE COUNTY

January 30, 2014

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ALTERNATE
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Supervisor
3rd District

ALTERNATE
VACANT
Councilmember

CAROLYN EMERY
Executive Officer

Mr. Kevin Canning
OC Public Works/OC Planning
300 N. Flower
P.O. Box 4048
Santa Ana, California 92702-4048

RE: OC LAFCO Comments – Draft EIR No. 616 (Esperanza Hills)

Dear Mr. Canning:

Thank you for the opportunity to comment on the County of Orange's Draft Environmental Impact Report (EIR) No. 616 for the proposed Esperanza Hills project. Orange County LAFCO initially submitted comments in its *Notice of Intent to Prepare Draft Environmental Impact Report – Esperanza Hills Specific Plan* comment letter submitted to the County of Orange on February 1, 2013 (*Attachment A*).

Based on the information contained within the Draft EIR and our initial concerns, OC LAFCO's interest in the project as it relates to CEQA is twofold:

1. OC LAFCO is a responsible agency under CEQA for any future annexation of the Esperanza Hills project to the City of Yorba Linda.
2. The proposed development of the Esperanza Hills project in unincorporated Orange County without a definitive plan and process in place for the long-term delivery of reliable and efficient public services to future residents raises substantive issues and should be addressed in the environmental report.

OC LAFCO AS A RESPONSIBLE AGENCY

The Orange County Local Agency Formation Commission (OC LAFCO) is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act," Gov't. Code Section 56000 *et seq.*).

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<http://www.oclafco.org>

L14-1

L14-2

**Response to
Comment Letter L14
Local Agency Formation Commission (LAFCO)
January 30, 2014**

- L14-1 The County acknowledges receipt of a letter from the Orange County Local Agency Formation Commission (LAFCO) dated January 30, 2014 and a letter from LAFCO dated February 1, 2013, during the comment period for the Notice of Intent. LAFCO's interest as it relates to CEQA and possible future annexation of the Proposed Project to the City of Yorba Linda is noted.
- L14-2 LAFCO is recognized as a responsible agency under CEQA for providing comments on the DEIR and for the future annexation of the Esperanza Hills project to the City of Yorba Linda.

Page 2 of 5

Esperanza Hills DEIR Comments

Under the Act, OC LAFCO is required to make determinations regarding a proposal for changes of organization or reorganization (Gov't. Code Section 56880). In making these determinations, the Act also prescribes the factors that OC LAFCO must consider in making its determinations, including any policies adopted by OC LAFCO to create planned, orderly and efficient patterns of development (Gov't Code Section 56668).

L14-2
cont'd

Because of this role and pursuant to Section 21069 of the Public Resources Code, OC LAFCO is a responsible agency for the future annexation of the Esperanza Hills project to the City of Yorba Linda. Additionally, and pursuant to Section 15086 of the California Environmental Quality Act (CEQA) Guidelines, OC LAFCO is responsible for reviewing and providing comments on this Draft Environmental Impact Report.

OC LAFCO COMMENTS

OC LAFCO has reviewed the draft document and offers the following comments on DEIR No. 615:

L14-3

4.0 Project Description

Annexation – Whole of the Project

CEQA Guidelines Section 15378 states that the a "project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change to the environment.

In this case, the anticipated development of Esperanza Hills and the adjacent Cielo Vista projects would result in direct physical changes to the environment. While there are separate Draft EIRs in circulation for both projects, OC LAFCO believes that both projects are inextricably tied and should be considered part of the "whole of the action." The Draft EIR for the adjacent Cielo Vista project (proposing 112 homes directly west of Esperanza Hills) has also been distributed for comment and is being reviewed by the public, responsible agencies, and decision makers simultaneously with the subject document.

It is difficult to comprehend the combined impacts of both projects when reviewing two separate EIRs. CEQA notes, "that environmental considerations do not become submerged by chopping large projects into many little ones, each with a potential impact on the environment which cumulatively may have disastrous consequences." (Burbank-Glendale-Pasadena Airport v. Hensler (1991) 233 CA3rd577).

5.9 Land Use and Planning

Page 5-409, third sentence, states: "An annexation occurs when a city, together with the landowner, incorporates additional territory to its boundary." This sentence should be revised to state: "Annexation involves the addition of unincorporated territory to an

L14-4

- L14-3 Please refer to Topical Response 5 – Segmentation/Piecemealing. The Proposed Project and the proposed Cielo Vista project are owned by separate, private entities, requiring separate approvals and analysis. It was not anticipated that the two projects would be processed together and, in fact, the proposed Cielo Vista project was submitted to the County in April 2010, while the Esperanza Hills project was submitted in August 2012. The potential cumulative effects and related issues for the Proposed Project and the proposed Cielo Vista project were considered and analyzed in the Esperanza Hills DEIR. The commenter is referred to Chapter 7, Table 7-1-2 - Cumulative Impacts Summary (page 7-4) for cumulative impacts, including the proposed Cielo Vista project. In addition to the analysis provided in Chapter 7 - Summary of Cumulative Impacts, assessment of impacts as they relate to the proposed Cielo Vista project were included in each topical environmental discussion in Chapter 5.
- L14-4 The DEIR text on page 5-409, sentence 3 is modified to the text suggested by LAFCO as follows:

Annexation involves the addition of unincorporated territory to an existing city's boundary. Annexation of undeveloped property to a city can be initiated by the landowner or the city and is subject to review and approval by the Orange County Local Agency Formation Commission.

The following clarifying text is included by the County:

However, in this instance, annexation could not occur without approval by the landowner, consistent with *California Code of Regulations* §§57075-57090.

It should be noted that the Project Applicant submitted an application to LAFCO on February 27, 2013 to initiate the annexation process. LAFCO has declined to move forward with the process at the time of this writing.

Page 3 of 5

Esperanza Hills DEIR Comments

existing city's boundary. Annexation of undeveloped property to a city can be initiated by the landowner or the city and is subject to review and approval by the Orange County Local Agency Formation Commission."

L14-4
cont'd

5.12 Public Services

Fire Protection and Emergency Response Services

The Draft EIR assumes that the project will receive the same level of fire and emergency response services whether the project remains unincorporated or is annexed into the City. The EIR should discuss and compare the impacts for the project area that result from fire and emergency response: (1) provided through the City's contract (Yorba Linda contracts with the OCFA for fire protection), and (2) provided directly through the OCFA if the project remains unincorporated.

L14-5

Police Protection and Law Enforcement Services

The Draft EIR assumes that the project will receive the same level of law enforcement services whether the project remains unincorporated or is annexed into the City. The EIR should discuss and compare the impacts for the project area that result from law enforcement services provided: (1) through the City Contract which specifies a level of service and staffing for protection of City residents, and (2) provided directly through the Orange County Sheriff's Department if the project remains unincorporated.

L14-6

6.0 Alternatives

The State CEQA Guidelines cite the importance of various alternatives in the EIR as critical for informed decision making: *"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."* (CEQA Guidelines 15126.6)

L14-7

OC LAFCO is requesting the EIR include the discussion of an "Annexation" alternative and adequately address the following significant impacts under the alternative:

- The development of a 340-unit residential project that is not in full compliance with City standards.
- The potential impacts to the developer and/or residents that would result from having to upgrade or otherwise improve street widths, sidewalks, and other infrastructure to be consistent with City standards for annexation.

OC LAFCO is also requesting that the EIR include a discussion of a "No Annexation" alternative and adequately address the following significant impacts under that alternative:

L14-8

- L14-5 The Orange County Fire Authority provides fire protection and emergency response service to both the Project site and the City of Yorba Linda. There would be no change to the level of service either with or without annexation.
- L14-6 The Orange County Sheriff's Department provides police protection and law enforcement services to both the Project site and the City of Yorba Linda. There would be no change to the level of service either with or without annexation.
- L14-7 LAFCO requests an Alternatives analysis of the Proposed Project if annexed to the City, assuming the project is not in full compliance with City standards. Consistency with the City of Yorba Linda General Plan was analyzed beginning on page 5-431 of the DEIR, Subsection 5. Consistency with City of Yorba Linda General Plan. As shown in Table 5-9-11, page 5-434, the Proposed Project is substantially consistent with the General Plan goals and policies.

The identified areas where the Proposed Project would not be in compliance with City standards relate to the City's Hillside Development/Grading/Fire Protection Ordinance as detailed on page 5-445 of the DEIR. The inconsistencies relate to retaining wall heights, fuel modification zone alternative methods for three lots because of off-site slope conditions, and views of Estate Lot 1 from Chino Hills State Park due to the requirement for fuel modification, which precludes screening of the residence with landscaping.

Because the Proposed Project is a private community, the responsibility for streets and sidewalks rests with the Homeowners' Association. However, where streets, sidewalks, and utilities interface with City facilities, the Proposed Project has been designed consistent with standard designs. No upgrades or improvements would be required if annexation occurs.

Potential project-related impacts anticipated to occur in all other topical areas (e.g., aesthetics, air quality, noise, traffic and circulation) would not change as a result of annexation into the City of Yorba Linda.

- L14-8 LAFCO requests analysis of a "No Annexation" alternative using significant impacts which are addressed as follows:
- By definition, the Project site is not considered a County "island" because it is not surrounded on all sides by cities. If the Project site is not annexed, it would continue to operate under County jurisdiction consistent with the County General Plan and municipal code.
 - Law enforcement, fire protection, and emergency response services would be provided by County agencies, as both the Project site and the City of Yorba Linda are currently. As a private community, streets and maintenance would be provided through a Homeowners' Association governed by County-approved Covenants, Conditions, and Restrictions.
 - Fiscal impacts are not CEQA issues. LAFCO jurisdiction only applies if annexation occurs. Code enforcement would be the responsibility of the HOA. There would be no change related to local representation and government accountability.
 - County service providers currently travel through, and provide service to City residents. As the Project site is adjacent to City neighborhoods, there would be a less than significant impact from an extension of existing services.

City police and fire services are currently provided through County personnel. With or without annexation, the Project site would be served by the same providers.

Page 4 of 5

Esperanza Hills DEIR Comments

- The creation of a large, developed and inhabited unincorporated County island consisting of a 340-unit residential development project.
- Potential reduced levels of services to Esperanza Hills residents for: law enforcement, fire protection and emergency response services, roads (maintenance, street sweeping, lighting), code enforcement, and local representation and government accountability.
- The short-term and long-term fiscal impacts to the County of Orange of assuming responsibility of, and service costs for, providing the following municipal services to a 340-unit residential project in unincorporated County territory:
 - Law enforcement.
 - Fire protection and emergency response services.
 - Roads (maintenance, street lighting, landscaping, sweeping).
 - Code enforcement.
 - Local representation and government accountability.
- Impact to the City and its residents resulting from County service providers traveling through the City to adjacent residential neighborhoods to serve the Esperanza Hills project.
- The application of a municipal services agreement between the County and the City for the City to provide services to the Esperanza Hills project.

L14-8
cont'd

Creation of a Developed, Inhabited Unincorporated County Island

As part of its post-bankruptcy external restructuring program, the County has implemented changes in policy direction to:

- Decrease the County's responsibility of the delivery of municipal services;
- Focus on the provision of regional services; and
- Work with the Orange County cities to annex adjacent unincorporated areas.

L14-9

Over the past 15 years, the County has worked with OC LAFCO and local cities to implement the transition of unincorporated areas to adjacent cities. Development of the Esperanza Hills project in unincorporated territory would create a developed, inhabited unincorporated area adjacent to the City of Yorba Linda, and could create significant environmental consequences with respect to how municipal services will be provided to future residents.

The Final EIR should address any potential significant impacts to the future residents of the Esperanza Hills project and adjacent City residents, as a result of developing the proposed 340 single-family residences in unincorporated County territory. Specifically, the Final EIR should address: (1) the ability and the capacity of the County to adequately provide the above mentioned municipal-level services to the Project and, (2) the potentially significant environmental impacts to the City's residents resulting from

L14-10

- L14-9 Comment noted. No specific “environmental consequences” were identified related to provision of municipal services for future residents.
- L14-10 As noted above, the County (Orange County Sheriff’s Department and Orange County Fire Authority) currently provides service to the unincorporated areas as well as the City of Yorba Linda. It is not anticipated that providing services to the Proposed Project will result in potentially significant environmental impacts based on the existing services and the provision of fees related to future expansion of services and/or facilities as required in Mitigation Measure PS 1 (page 5-508 of the DEIR). As noted on page 5-498 of the DEIR, the emergency service call volume for Esperanza Hills has been estimated at 0.17 calls per day, with the majority of the calls anticipated to result from emergency medical service.

Page 5 of 5

Esperanza Hills DEIR Comments

County service providers traveling through the City's adjacent residential neighborhoods to serve the Esperanza Hills project.

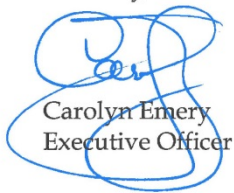
↑ L14-10
cont'd

The County, as lead agency from the Esperanza Hills project, should address any inconsistency in the development standards as currently proposed in County jurisdiction with those of the City of Yorba Linda to ensure that the project can be annexed into the City without affecting future residents of the project or the City. Additionally, the EIR should explore the concept of municipal service agreements as an alternative to services provided by the County and should assess the comparative impacts to the environment.

L14-11

Thank you for the opportunity to comment on the DEIR. If you have any questions or concerns regarding this response, please contact me by email (cemery@oclafco.org) or by phone at (714) 834-2556.

Sincerely,



Carolyn Emery
Executive Officer

- L14-11 Consistency analyses between the Proposed Project and the City of Yorba Linda General Plan, the Zoning Ordinance, and the Hillside Development/Grading/Fire Protection Ordinance is provided in Section 5.9 - Land Use and Planning, beginning on page 5-431. Utilities and service systems have been coordinated and will be approved by the respective providers. As noted on page 5-505, a Secured Fire Protection Agreement will be entered into between the Proposed Project and OCFA. Please refer to response to Comment L16-3 regarding police protection. Provision of utilities and service systems has been coordinated with and will be approved by the service providers for the City of Yorba Linda. Where required, development and service agreements will be provided between the Project Applicant and the service providers.



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City of Laguna Woods

CAROLYN EMERY
Interim Executive Officer

LOCAL AGENCY FORMATION COMMISSION

ORANGE COUNTY

February 1, 2013

Kevin Canning, Contract Planner
OC Public Works
300 N. Flower Street
Santa Ana, CA 92702-4048

**Subject: Notice of Intent to Prepare Draft Environmental Impact Report
- Esperanza Hills Specific Plan**

Dear Mr. Canning:

The Orange County Local Agency Formation Commission (OC LAFCO) has reviewed the County's Initial Study and Notice of Preparation of an Environmental Impact Report for the Esperanza Hills Project (Project). OC LAFCO appreciates this opportunity to review and comment on the Initial Study pursuant to the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.: "CEQA") and the State CEQA Guidelines (14 C.C.R. § 15000 et seq.).

LAFCO's interest in the Esperanza Hills project as it relates to CEQA is as follows:

1. LAFCO is a responsible agency under CEQA for the any potential annexation of the Esperanza Hills project to the City of Yorba Linda.
2. The project raises several issues that may have future implications for LAFCO, the City of Yorba Linda, and the County of Orange.

In summary, the proposed development of the Esperanza Hills project in unincorporated Orange County without a definitive plan and process in place for annexation to the City of Yorba Linda raises issues about:

- Consistency with existing policies for sphere of influence and the creation of developed, inhabited unincorporated islands.
- The long-term delivery of reliable and efficient public services to future residents.
- The impacts to the City and its residents resulting from County service providers travelling through the City and adjacent residential neighborhoods to serve the Esperanza Hills project.

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Response to Initial Study and Notice of Preparation for Esperanza Hills Project
February 1, 2013
Page 2 of 3

LAFCO AS RESPONSIBLE AGENCY

OC LAFCO is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 *et seq.*). Under the Act, LAFCO is required to make determinations regarding an annexation and to consider the environmental impact report of a Lead Agency (Government Code Section 56881). The Act also establishes the factors which OC LAFCO must consider in making its determinations for a proposed change of organization, including any policies adopted by OC LAFCO to create planned, orderly and efficient patterns of development (Government Code Section 56668). Because of this role and pursuant to Section 21069 of the Public Resources Code and Title 14, California Code of Regulations, section 15381, OC LAFCO would be a responsible agency for annexation of the Esperanza Hills project to an adjacent city and/or special district.

LAFCO has reviewed the NOP and provide the comments contained within this letter as the County begins preparation of the EIR.

LAFCO COMMENTS

The Final Environmental Impact Report ("EIR") must address the impacts of all of the project components, including but not limited to the annexation process, and all necessary and feasible mitigation. In particular, the EIR should address the factors as identified in Government Code Section 56668. These factors include, but are not limited to, the following considerations:

1. **As a responsible agency, LAFCO must independently review and consider the adequacy of the lead agency's environmental documents prior to approving any portion of the proposed project. (State CEQA Guidelines § 15096.)**
 - The Final Environmental Impact Report must be adequate for the purposes of annexation and should include substantive discussion of the LAFCO annexation process. (State CEQA Guidelines § 15096.)
2. **The "Project Description" must be clearly articulated and must include a description of the proposed annexation of the project area to the City of Yorba Linda.**
 - The Final Environmental Impact Report must be adequate for the purposes of annexation and should contain the information that is in a subsequent section entitled "Annexation to City of Yorba Linda."
 - The "Project Description" in the Final EIR must clearly identify the potential for the annexation of the unincorporated portions of the project area as part of the "whole of the project" which would require LAFCO review and approval. (See State CEQA Guidelines § 15124(d)(1)(B); see also State CEQA Guidelines §

Response to Initial Study and Notice of Preparation for Esperanza Hills Project

February 1, 2013

Page 3 of 3

15378(a) [defining the term “project” as including the whole of an action]; see also State CEQA Guidelines § 15378(c) [explaining that the word “project” includes “activity [that] is being approved and which may be subject to several discretionary approvals by governmental agencies”].) The Final EIR must also discuss the timing of annexation relative to timing of the proposed development plans.

3. The “Public Services and Utilities” should include discussion of all services required by the development and the timing of those services to the project area.

- Government Code section 56653 requires that each application for a change of organization include a “plan for providing services within the affected territory.” Among other things, the plan for services must indicate “when those services can feasibly be extended to the affected territory” (Gov’t Code 56653(b)(3)). Although the focus of Subsection 56653(b)(3) is on the timing of the *initiation* of services, the point of this subsection, especially considered with the remaining requirements of Section 56653, is on continuous, reliable services to the affected area. The Final EIR’s discussion of impacts in the area of public services must be made with reference to and consistent with the plan for services submitted under the Act, in particular, Government Code section 56668, which contains the criteria for approval of the annexation of the project area.

Thank you for this opportunity to respond to the Initial Study and Notice of Preparation. Please send one complete set of the Draft EIR when it is available for public review and comment. If you have any questions or concerns regarding this response, please contact me (cemery@oclafo.org) or Benjamin Legbandt, Policy Analyst (blegbandt@oclafo.org) by email or at (714) 834-25456.

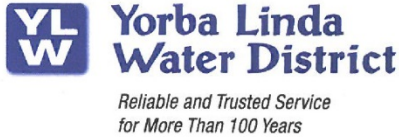
Sincerely,



Carolyn Emery
Interim Executive Officer

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Comment Letter L15
Yorba Linda Water District
January 30, 2014



January 30, 2014

Kevin Canning, Contract Planner
OC Planning
P.O. Box 4048
Santa Ana, CA 92702-4048

Subject: Comments regarding the Draft Environmental Impact Report (DEIR) For Esperanza Hills Project (Project) - SCH# 2012121071

Yorba Linda Water District (District) as the water and sewer collection service provider for the proposed Project offers the following DEIR comments:

- Water and sewer infrastructure for this Project shall be constructed with the proposed adjacent Cielo Vista Project. Representatives for each of the two projects were advised by District staff that water and sewer services and facilities for the two projects must be planned and designed in concert to serve the combined area. In summary, separate or piece-meal development of water and sewer services is not acceptable.
- Two points of connection from the existing to the proposed potable water system will be required.
- Regarding sewer services for the projects, the representatives for the two projects were each advised that the District will require gravity-sewer service from the Project, extending southerly and westerly downward to and through the Cielo Vista Project to connect to existing District sewers. Engineering studies by the project developers will be required to confirm the size of the sewer lines throughout the projects, and to confirm that the existing downstream sewers have adequate existing capacity for the additional flow.
- As stated in the Conditional Will Serve letter, "the applicant must satisfy certain conditions specified by the District and agreed to by the applicant before service will be available to supply the Project. Any future, binding commitment by the District to service this Project will be subject to the availability of water and sewer facilities and the planning, design, and construction of adequate facilities to meet the demands of the project in accordance with the terms and conditions of an Application to an Agreement with the Yorba Linda Water District for Water and Sewer Service executed by the applicant and the District; both in accordance with the District's policies existing at the time such agreements are executed."

L15-1

L15-2

L15-3

L15-4

1717 E. Miraloma Avenue Placentia, CA 92870 714-701-3000 714-701-3058 Fax

**Response to
Comment Letter L15
Yorba Linda Water District
January 30, 2014**

- L15-1 The County acknowledges receipt of a letter from Yorba Linda Water District (District) dated January 30, 2014. The Project Applicant will continue to work with the District to plan and design infrastructure for water and sewer services as required. YLWD requires that the Project Proponent supplies facilities and enters into a Development Agreement once the Project is entitled. The Proposed Project has been designed consistent with the requirements of the Northeast Area Planning Study and can accommodate demand from the proposed Cielo Vista project if so required.
- L15-2 Comment noted. As proposed, two underground reservoirs will serve the Project site.
- L15-3 As noted in Section 5.15 - Utilities and Service Systems, on page 5-643 of the DEIR, the Project Applicant will enter into a Development Agreement with YLWD for water and sewer service. The Project Applicant was informed of the District's requirement for gravity-sewer service prior to preparation of the DEIR. Preliminary Sewer Reports (Appendix Q in the DEIR) identify the appropriate alignments and pipe sizes for the proposed gravity flow sewer facilities.
- L15-4 The County and the Project Applicant acknowledge the District's requirement for an Application to an Agreement with the Yorba Linda Water District for Water and Sewer Service.



Yorba Linda Water District

Kevin Canning
January 30, 2014
Page 2

- Regarding Item 8 of page 5-288, *Water Supply and Capacity*, the District takes exception to the Freeway Complex Fire comment "It was later determined that the fire hydrants in the upper portion of Hidden Hills, which were served by a pump system rather than a gravity fed system, failed. Three electrical pumps stopped working because of a wiring short, and the emergency gas powered pumps overheated quickly and stopped working." Delete this language in its entirety and replace it with: "OCFA and the District recommend a gravity storage supply system for all scenarios. A hydro pneumatic/pump system does not meet YLWD standards and will not be permitted in lieu of a gravity storage system."

L15-5

- Additional detailed DEIR comments are listed as follows:

<u>Page</u>	<u>Section</u>	<u>Comment</u>
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5-316	5.7.5h	Modify the sentence, "The addition of a gravity-fed firefighting water supply will directly address issues concerning the loss of water to hydrants during the 2008 Freeway Complex Fire," to read: "The addition of a gravity-fed reservoir, potable water system, will enhance potential fire flow availability."
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L15-6

5-633	5.15.3b	Revise "The system shall be designed to yield minimum static pressures of 60 psi at reservoirs' high water level, residual pressures of 40 psi during non fire demands,..." to "The system shall be designed to yield minimum static pressures of 60 psi at reservoirs' mid water level,..."
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L15-7

78	Appendix J	Item no. 2, add the word "minimum" after "20 PSI" – typical all fire hydrant pressure call-outs, per District standards.
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Item no. 3, revise "1,000 gallons per minute to "1,500 GPM"- typical all minimum residential fire flow demand call-outs, per District standards.

Item no. 4, revise "500 feet" to "300 feet" – typical all minimum residential fire hydrant spacing call-outs, per District standards.

L15-8

- L15-5 Although the Proposed Project does not include a hydro-pneumatic pump system for residential or emergency water transport, the DEIR is hereby amended as follows on page 5-288: The text:

~~It was later determined that the fire hydrants in the upper portion of Hidden Hills, which were served by a pump system rather than a gravity fed system, failed. Three emergency gas powered pumps overheated quickly and stopped working.~~

is replaced with:

OCFA and the District recommend a gravity storage supply system for all scenarios. A hydro pneumatic/pump system does not meet YLWD standards and will not be permitted in lieu of a gravity storage system.

- L15-6 The following text modifications are included herein:

- Page 5-316 (5.7.5h) - "The addition of a gravity-fed reservoir, potable water system, will enhance potential fire flow availability. ~~firefighting water supply will directly address issues concerning the loss of water to hydrants during the 2008 Freeway Complex Fire.~~"

- L15-7 The following text modifications are included herein:

- Page 5-633 (5,.15.3b) - "The system shall be designed to yield minimum static pressures of 60 psi at reservoirs' ~~high~~ mid water level, residual pressures of 40 psi during non-fire demands . . ."

- L15-8 The following text modifications to page 78 of the FPEP (Appendix J in the DEIR) are included herein:

Item 2. All on-site fire hydrants will flow at 20 psi minimum.

Item 3. As such, fire flow for residences will provide a minimum 1,500 ~~1,000~~ gallons per minute for a duration of one hour . . .

Item 4. Spacing distance between on-site hydrants will be 300 ~~500~~ feet in residential areas.



Yorba Linda Water District

Kevin Canning
January 30, 2014
Page 3

<u>Page</u>	<u>Section</u>	<u>Comment</u>
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4-1	Appendix P	Section 4.2, modify "Reservoirs are sized to include storage for the Esperanza Hills project only unless agreements are reached with adjoining property owners and development agreements between adjoining property owners and YLWD are entered into as set forth above." to "Reservoirs shall be sized to include the Esperanza Hills and Cielo Vista developments together." Modify Table 4-2 to reflect two developments. This modification is also required for the <i>Preliminary Water Report</i> , Option 2.
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L15-9

5-1	Section 5.2	Under "Esperanza Hills Infrastructure Improvements," delete the call-out to the 780 Zone connection. The final potable water connection points will be determined during design, and confirmed with hydraulic modeling. Furthermore, per the North Area Planning Study, the recommended connections will be to the 1,000-ft. Zone. This modification is also required for the <i>Preliminary Water Report</i> , Option 2.
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L15-10

Should you have any questions regarding this letter, please contact Anthony Manzano, Sr. Project Manager, at (714) 701-3106, or contact me at (714) 701-3102.

L15-11

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Conklin'.

Steve Conklin, P.E.
Acting General Manager

CC: Kris Concepcion, OCFA
Pete Bonano, OCFA

- L15-9 As indicated in Section 4.2 of Appendix P in the DEIR, reservoirs will be sized to include storage for the Esperanza Hills project only unless agreements are reached with adjoining property owners, including but not limited to Cielo Vista, and agreements are entered between Yorba Linda Water District and adjacent properties. In the event that any agreements are reached with YLWD and adjoining property owners, the reservoirs will be sized to meet the demands as determined in the Northeast Area Planning Study and any further analysis required by YLWD. With respect to environmental impacts, the reservoirs will be underground and not visible, regardless of size. There would be no additional impacts in other areas beyond those analyzed in the DEIR. The size of the reservoirs will not affect the grading plan. Both locations have been designed for maximum capacity.
- L15-10 Section 5.2 of the Preliminary Water Reports (Options 1 and 2) (Appendix P in the DEIR) for Esperanza Hills is herein modified to delete the 780 Zone connection. As noted by the commenter, the final potable water connection points will be determined during design and confirmed with hydraulic modeling.
- L15-11 The County notes the appropriate contact information provided by the District.

Comment Letter L16
Orange County Sheriff's Department
January 31, 2014

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Kevin Canning
FROM: Lt. R. Wren
DATE: January 31, 2014
RE: Esperanza Hills Project

5.14 Traffic

In consideration of the Orange County Congestion Management Program, using the Intersection Capacity Utilization methodology for signalized intersections, and the Highway Capacity Manual for un-signalized intersections, peak hour operating conditions were analyzed to determine Level of Service ratings based on the wait time at each intersection during peak hours. Intersections are rated "A" through "F." Via Del Agua and Yorba Linda Blvd is the only intersection studied to receive an "F" rating. The study predicts that putting a traffic signal at Via Del Agua will improve that intersection to an "A" rating.

L16-1

Traffic signal synchronization, while in controlling traffic during day to day conditions, is not utilized during an emergency evacuation.

5.12.1 Existing Conditions

L16-2

No response

5.12.3 Project Impacts Prior to Mitigation

- *The noted response time standard is incorrect.*
- *The County did not allot six deputies to the Yorba Linda Police Services contract and they are not additional deputies and should not be considered as additional resources.*
- *It is unclear what is meant by..."beyond the personnel recently expanded and in place."*
- *It is not known if there will be the need for additional services from the Orange County Sheriff's Department. The Esperanza Hills project is in unincorporated Orange County and because it was not developed and did not generate any calls for service, it was not a factor during the development of the law enforcement services contract.*

L16-3

5.12.5 Level of Significance After Mitigation

(2) Police Protection

"...resulting in the addition of several staff members to serve the City and the unincorporated areas" is not an accurate statement.

L16-4

5.12.6 Cumulative Impacts

L16-5



**Response to
Comment Letter L16
Orange County Sheriff's Department
January 31, 2014**

- L16-1 The County acknowledges receipt of a letter from the Orange County Sheriff's Department dated January 31, 2014. Comment noted that during emergency evacuations, traffic signal synchronization is not utilized.
- L16-2 Comment noted that no response was provided for the Existing Conditions section of the DEIR.
- L16-3 The following are responses related to comments for Section 5.12 (Public Services), Subsection 5.12.3 - Project Impacts Prior to Mitigation:
- As noted, the information regarding the call time standard used by the Orange County Fire Authority was obtained from a report to the Orange County Grand Jury for 2011-2012. Updated information from the 2014 Orange County Fire Authority Standards of Coverage and Deployment Plan shows:
 - Recommended total response time for arrival in urban areas is 7 minutes 30 seconds
 - Current service delivery objectives indicate an urban area response time total of 8 minutes 45 seconds from receipt of call at the dispatch center 90% of the time. Performance percentile measurements have been increased from 80% to 90%.
 - Target time was identified as 7 minutes 20 seconds based on the performance objective established in the 2006 OCFA Standards of Coverage
 - Information regarding the Yorba Linda Police Services was obtained from information provided by Steve Doan, who heads the North County Sheriff's Department operations at the time OCSD took over policing services for Yorba Linda in January 2013. A newspaper article in which Deputy Doan was quoted for details regarding the new operations stated that 20 deputies will be assigned to patrol within City boundaries and another 6 will be allotted to patrol unincorporated pockets within the City limits.
 - According to an interview with Lt. Bob Wren on April 10, 2014, the OCSD priority response time is 4 minutes 19 seconds as derived from the Yorba Linda Police Services annual report for 2013 authored by Lt. Wren.
 - The statement "... beyond the personnel recently expanded and in place" refers to the expanded operations resulting from OCSD coverage of Yorba Linda.
 - OCSD currently provides service to unincorporated Orange County. According to Lt. Wren, six deputies were allocated to handle unincorporated Orange County within Yorba Linda prior to taking over the contract to provide police services for Yorba Linda. That deployment was factored into the contract with the City of Yorba Linda. Any additional areas that would need to be handled in the future, such as Esperanza Hills, would need to be analyzed if and when the project is constructed, along with the workload at that time. Budget allocations between the County and City contract would be determined by OCSD, but it is unlikely that the Proposed Project will affect current services.
- L16-4 See response to Comment L16-3 above.

Orange County Sheriff's Department Internal Memo

- "As noted, additional personnel has been added..." *is not an accurate statement.*
- It is assumed that by "Reverse 911" they mean "Alert OC." *That needs to be clarified.*

L16-5
cont'd

Appendix J – Fire Protection and Emergency Evacuation Plan

4.3.1 Partial Community Evacuation

"Since evacuation of the community at maximum usage may require in excess of 1.5 hours, a conservative trigger threshold is required in order to fully evacuate the community..." *These assumptions need to be explained. The concept of a partial community evacuation needs to be explained.*

L16-6

4.3.2 Social Aspects of Wildfire Evacuation

The statement, "Typically, an organized population, like an HOA more readily accepts instruction..." *needs some type of validation.*

L16-7

The statement, "There are two types of evacuation envisioned..." needs some type of validation. I have only seen one type of evacuation.

L16-8

The statement, "Orderly movement...planning, training, education...pre-planned protocol...orderly movement during wildfire and other emergencies is not typically unmanageable" implies there is some training program envisioned to accomplish these things. This statement needs to be clarified.

L16-9

4.3.3 Evacuation Trigger Threshold

The study indicates that the Esperanza Hills community will evacuate if there is a fire burning west of the 71 during Santa Ana winds, or if they are told to by public safety officials. The report implies there will be a community response that is unique to Esperanza Hills and the residents will know what to do because they are Esperanza Hills residents. This premise needs to be validated.

L16-10

4.3.4.1 Wildfire Evacuation Scenario – Off Site Evacuation

The capabilities of Alert OC need to be explained further. People have to sign up for Alert OC in order to receive messages.

L16-11

"Esperanza Hills residents receive warning within minutes of fire reporting" That will not occur with Alert OC. This needs to be clarified.

L16-12

"Vehicles will be metered" that statement is not accurate.

L16-13

"... it could take 90 minutes or more to move residents to the west" The direction in which cars will be directed is dependent on many factors and they may or may not be directed west.

L16-14

4.3.5 On-site relocation

L16-15



- L16-5 See responses to Comment L16-3 and Comment L16-4 above regarding additional personnel. As noted on page 5-289 of the DEIR, Orange County has initiated Alert OC; residents can sign up to have a message sent to cell phones to directly inform them of emergency evacuation events. The County also uses Reverse 911 and radio and television news sources. The concept for emergency alerts is the same, but the terminology is different.
- L16-6 Please refer to Topical Response 1 - Fire Hazard and Topical Response 2 – Evacuation Plan for additional information regarding evacuation times. Page 5-317 of the DEIR states:
- The Proposed Project will allow consideration of partial evacuation because of the ember-resistant and fire-hardened construction for the structures and implementation of fuel modification zones around the structures. Residents nearest the fire front could be partially evacuated to structures on-site away from the fire front. Also, because of the ember-resistant and fire-hardened structures with the fuel modification zones, the residents could shelter within their homes. . .
- L16-7 The comment does not raise an environmental issue. However, to clarify, residents in development governed by HOAs are provided with guidelines and rules (CC&Rs), which are enforceable. It is anticipated that HOA-adopted evacuation plans would be adhered to by residents.
- L16-8 The comment does not raise an environmental issue. However, to clarify, please refer to response to Comment L16-6 above, which discusses “partial” evacuation as opposed to full evacuation.
- L16-9 The comment does not raise an environmental issue. However, to clarify, please refer to PDF 23 and PDF 26 on page 5-333 of the DEIR, which require the Homeowners’ Association to implement the Community Evacuation Plan and provide ongoing evacuation plan information to residents of Esperanza Hills.
- L16-10 Please refer to responses to Comment L16-7 and Comment L16-9 above.
- L16-11 Please refer to responses to Comment L16-5, -6, and -9 above regarding implementation of evacuation plans and information dissemination to residents.
- L16-12 Please refer to responses to Comment L16-6 and Comment L16-9 above.
- L16-13 The commenter provides no information regarding the assertion that the statement is not accurate. The intent of the comment was that vehicles would be monitored, particularly at the intersections controlled by OCSD. It is unclear whether this is related to an environmental concern.
- L16-14 Comment noted. The comment does not raise an environmental issue. Additional analysis of the evacuation time is contained in the updated evacuation report from Linscott Law & Greenspan included herein as Appendix F (Updated Fire Evacuation Analysis) and referenced in Topical Response 2 - Evacuation Plan.
- L16-15 Please refer to response to Comment L16-6 above and page 5-317 - Project Emergency Plan in the DEIR.

Orange County Sheriff's Department Internal Memo

I am not familiar with this concept and have never seen it in use. This concept needs to be explained and clarified.

L16-15
cont'd

5.0 Implementation Conditions

The Project will not be treated differently than any other group of homes in the affected area. There will not be an immediate trigger as indicated in this section.

L16-16

6.0 Conclusion

The assumption that the community will be READY, SET, and GO just because they live in Esperanza Hills needs to be further clarified.

L16-17

The statement, "Orderly movement...planning, training, education...pre-planned protocol...orderly movement during wildfire and other emergencies is not typically unmanageable" implies there is some training program envisioned to accomplish these things. This statement needs to be clarified.

L16-18

Cumulative Impacts

The project area includes the 112 home Cielo Vista project and the 340 home Esperanza Hills project. Together, these projects present significant evacuation issues because of their proximity to and the fire dangers associated with Chino Hills State Park. There are five potential entrance and exit points and it is recommended that as many of them as possible be built and that all of the homes from both of the developments have access to all of the exits during an emergency evacuation. The EIR identifies two access points for the Esperanza Hills project which would present evacuation challenges during less than ideal conditions.

L16-19



- L16-16 Please refer to Topical Response 2, which includes information regarding evacuation triggers under Red Flag Warning Period and Non-Red Flag Warning days.
- L16-17 Please refer to response to Comment L16-9 above.
- L16-18 Please refer to response to Comment L16-9 above.
- L16-19 Please refer to Topical Response 1 and Topical Response 2 for clarification and updated information regarding Fire Hazards and Evacuation Plans.