



## Notice of Intent to Adopt a Mitigated Negative Declaration

An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared pursuant to the California Environmental Quality Act for the Terracina Specific Plan Project and is available for public review. Public notice is hereby given that the City of Lake Elsinore will consider approval of the MND and approval of the proposed project.

**Project Location:** The project is located in the northwestern portion of the City of Lake Elsinore, in western Riverside County. The project site contains 150.8 acres within the Alberhill District of the City and corresponds to the following eight Assessor's Parcel Numbers: 378-040-004 through 007, 378-040-012, 389-180-001 and 002, and 389-190-002. The southern project boundary is located adjacent to Lakeshore Drive, between Terra Cotta Road and Dryden Street. Hoff Avenue is located along the northern boundary.

**Project Description:** The Terracina Specific Plan Project consists of a residential development, with approximately 76.5 acres of residential, 22 acres of open space, 22.5 acres of roadways, 1.6 acres of park (2.1 gross acres), and 28.2 acres of graded slopes and basins. The Specific Plan has proposed two housing options. The Initial Study analyzes the higher density option of 499 residential units (448 single-family detached units and 51 multi-family attached units) while the currently proposed Tentative Tract Map shows the lower density option of 468 units. The project requires approvals from the City including rezoning from Single-Family Residential to Specific Plan, approval of a tentative tract map, and construction/development permits.

**Public Review and Written Comments:** The IS/MND, stating that the project would not have a significant effect on the environment if certain mitigation measures are followed, has been drafted and is available for review at <http://www.lake-elsinore.org/index.aspx?page=246> and the City of Lake Elsinore Planning Division (address below) from **September 27** through **October 28, 2013**. Please address any comments in writing to Kirt Coury at the address listed below.

**Contact Information:** Written comments and inquiries regarding the project should be directed by October 28<sup>th</sup>, 2013, 5 p.m. to:

Kirt Coury, Planning Consultant  
Community Development Department  
City of Lake Elsinore  
130 South Main Street  
Lake Elsinore, CA 92530  
(951) 674-3124 extension 274  
kcoury@lake-elsinore.org

**Hazardous Materials Statement:** The project area does not include any sites that have been included on lists of hazardous waste sites enumerated under Section 65962.5 of the California Government Code



Edmund G. Brown Jr.  
Governor

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



Ken Alex  
Director

October 28, 2013

Kirt Coury  
City of Lake Elsinore  
130 S. Main Street  
Lake Elsinore, CA 92530

Subject: Terracina Specific Plan Project  
SCH#: 2013091083

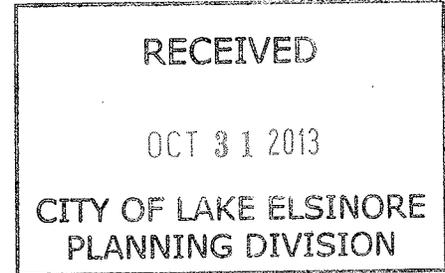
Dear Kirt Coury:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on October 25, 2013, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse



**Document Details Report**  
**State Clearinghouse Data Base**

**SCH#** 2013091083  
**Project Title** Terracina Specific Plan Project  
**Lead Agency** Lake Elsinore, City of

**Type** **MND** Mitigated Negative Declaration

**Description** The Terracina Specific Plan Project consists of a residential development with approximately 76.5 acres of residential, 22 acres of open space, 22.5 acres of roadways, 1.6 acres of park, and 28.2 acres of graded slopes and basins. The Specific Plan has proposed two housing options. The IS analyzes the higher density option of 499 residential units (448 single-family detached units and 51 multi-family attached units) while the currently proposed Tentative Tract Map shows the lower density option of 468 units. The project requires approvals from the City including rezoning from Single-Family Residential to Specific Plan, approval of a tentative tract map, and construction/development permits.

**Lead Agency Contact**

**Name** Kirt Coury  
**Agency** City of Lake Elsinore  
**Phone** (951) 674-3124 **Fax**  
**email**  
**Address** 130 S. Main Street  
**City** Lake Elsinore **State** CA **Zip** 92530

**Project Location**

**County** Riverside  
**City** Lake Elsinore  
**Region**  
**Lat / Long** 33° 41' 49" N / 117° 22' 30" W  
**Cross Streets** Lakeshore Drive and Terra Cotta Road  
**Parcel No.** 378-040-(004 to 007, 012), 389-180-(001 - 002), 389-190-002  
**Township** 5S **Range** 5W **Section** 26/34 **Base** SBB&M

**Proximity to:**

**Highways** SR-74, I-15  
**Airports**  
**Railways**  
**Waterways**  
**Schools** Lake Elsinore USD  
**Land Use** Open Space / Single-Family Residential (R-1) / Low Density Residential and Low-Medium Residential

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; 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 Supply; Wetland/Riparian; Water Quality; Growth Inducing; Landuse; Cumulative Effects

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Department of Housing and Community Development; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission

**Date Received** 09/26/2013 **Start of Review** 09/26/2013 **End of Review** 10/25/2013

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

PLANNING (MS 1221)

464 WEST 4<sup>th</sup> STREET, 6<sup>th</sup> Floor

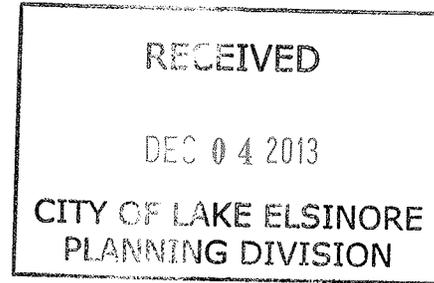
SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-6890

TTY (909) 383-6300

www.dot.ca.gov/dist8

*Flex your power!  
Be energy efficient!*

December 2, 2013

Kirt Coury  
Planning Consultant  
Community Development Department  
City of Lake Elsinore  
130 South Main Street  
Lake Elsinore, CA 92530

Terracina Specific Plan Project SCH#2013091083 (Riv 74 PM 13.96)

Mr. Coury,

We have completed our review for the above mentioned proposal develop 76.5 acres of residential, 22 acres of open space, 22.5 acres of roadways, 1.6 acres of park, and 28.2 acres of graded slopes and basin. The Initial Study analyzes the higher density option of 499 residential units (488 single-family detached units and 51 multi-family attached units). The project is located in the northwestern portion of the City of Lake Elsinore.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Lake Elsinore due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

We recommend the following to be provided:

**Traffic Study**

- It is projected that State facilities, i.e. the freeway ramps at Lake Street and at Nichols Road, will operate at unacceptable levels of service (LOS) during the peak hours. Please indicate how the project's impact on the State facilities will be mitigated.

These comments are not to be considered complete, final or inclusive. Additional comments may be provided at a future time.

Mr. Coury  
December 2, 2013  
Page 2

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

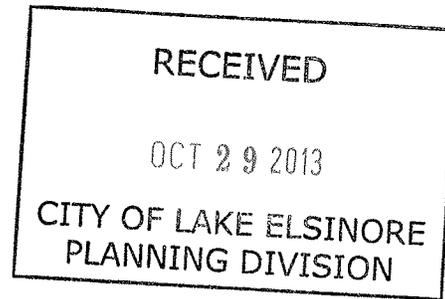
A handwritten signature in black ink, appearing to read "Daniel Kopulsky". The signature is fluid and cursive, with a large initial "D" and "K".

DANIEL KOPULSKY  
Office Chief  
Community and Regional Planning



State of California - Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764  
(909) 484-0167  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



October 25, 2013

Mr. Kirt Coury  
City of Lake Elsinore  
130 South Main St.  
Lake Elsinore, CA 92530

Subject: Mitigated Negative Declaration for the Terracina Specific Plan  
City of Lake Elsinore, County of Riverside  
State Clearinghouse No. 2013091083

Dear Mr. Coury:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the Terracina Specific Plan Project (Project), State Clearinghouse No. 2013091083. The Department is responding to the MND as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

#### Project Description and Geographic Location

The Project consists of 76.5 acres of residential development, 22 acres of open space, 22.5 acres of roadways, 1.6 acres of park, and 28.2 acres of graded slopes and basins on 150.8 acres within the Alberhill District of the City of Lake Elsinore. There are two Project alternatives, one with 499 residential units and one with 468 residential units. The preferred alternative is the 468 residential unit option. The site is bounded to the west by Terra Cotta Rd. (approximately), to the north by vacant land and mining uses, to the east by vacant land and residential development, and to the south by residential development. The site is currently vacant.

#### Biological Resources and Impacts

Current general biological surveys, rare plant surveys, narrow endemic plant surveys, burrowing owl focused surveys, least Bell's vireo surveys, vegetation mapping, and a Jurisdictional Delineation (JD) were conducted. The biological report states that vegetation habitats on the site include 35.23 acres of Riversidean sage scrub (RSS), 36.94 acres of disturbed RSS, 1.79 acres of southern willow riparian scrub (SWRS), 0.09 acres of emergent vegetation, 57.68 acres

of non-native grasses, and 22.74 acres of ruderal habitat. Acreage figures and descriptions of vegetation communities and riparian habitat JD may be reviewed by the Department and possibly changed.

One sensitive plant (Paniculate tarplant), and five species of special concern (SSC) (coastal California gnatcatcher, Cooper's hawk, yellow warbler, San Diego black-tailed jackrabbit, coastal western whiptail, and golden eagle) were observed on the site. Species with a moderate or low potential to occur are: Bell's sage sparrow, ferruginous hawk, least Bell's vireo, southern California rufous crowned-sparrow, loggerhead shrike, quino checkerspot butterfly, rosy boa, and Stephens' kangaroo rat.

A total of 130 acres of the site will be impacted including: 54.12 acres of non-native grassland, 22.70 acres of RSS, 1.12 acres of southern willow riparian scrub, 31.65 acres of disturbed RSS, 0.01 acres of emergent wetland vegetation, and 20.35 acres of ruderal vegetation. The MND indicates 17 acres of RSS will be avoided and 22 acres of open space will be maintained. The subsequent CEQA document should indicate if the open space and/or avoided RSS habitat will be placed into conservation.

All special plants should be surveyed as per the Department's 2009 guidance for Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. If the Department guidelines were not utilized, surveys conducted after the 2009 issuance of the guidelines should be updated to incorporate the guidelines. The guidance document can be found at the following link:  
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/ProtocolsforSurveyingandEvaluatingImpacts.pdf>

The mitigation avoidance measures proposed in the MND are: pre-construction nest surveys, pre-construction burrowing owl surveys, and the adjacency policies of the MSHCP. No specific acreage figures were proposed to mitigate impacts to biological resources and jurisdictional State waters. The CEQA document should not defer impact analyses or mitigation measures to discretionary regulatory actions, such as a Lake or Streambed Alteration Agreement.

The proposed project will result in the permanent loss of 1.55 acres of riparian/riverine areas subject to section 6.1.2 of the MSHCP. However, the MND does not include a Determination of Biologically Equivalent or Superior Preservation (DBESP). The MND contains habitat assessments and focused surveys for special-status animals (including species designated by Section 6.1.2 of the MSHCP). The MND indicates that impacts to riparian/riverine areas and associated special status species will be minimized to a less than significant level through participation in the MSHCP including mitigation to be determined in the DBESP. The CEQA document should not defer impact analysis or mitigation measures to regulatory discretionary actions. The subsequent CEQA document should include a copy of a DBESP or disclose specific mitigation measures which will reduce impacts to riparian/riverine habitats and special status species.

#### Natural Community Conservation Program

The proposed Project occurs within the Elsinore Area Plan of the Multiple Species Habitat Conservation Plan (MSHCP) area and is subject to the resource protection policies of the MSHCP. The City of Lake Elsinore is the lead agency and is signatory to the implementing agreement of the MSHCP. Compliance with approved habitat plans, such as the MSHCP is

discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the Project discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and Natural Community Conservation Plans (NCCP). An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. The Project does not include any Criteria Cells and will not affect Reserve Assembly. The project site is adjacent to MSHCP conservation area within Criteria Cell 4157. The MND states that the project will comply with the Guidelines Pertaining to the Urban Wildlands Interface (MSHCP section 6.1.4, pages 6-42) to protect species within the adjacent MSHCP conservation area.

#### Lake and Streambed Alteration Program

The MND states that a JD was conducted in October 2012. The JD is supposed to be in Appendix C, but Appendix C is the Preliminary Hydrology Analysis.

The Department is responsible for assessing and evaluating impacts to jurisdictional waters; typically accomplished by reviewing JD reports, supporting information, and conducting site visits. The Department may also recommend that additional project avoidance and/or minimization measures be incorporated, or request additional mitigation for Project-related impacts to jurisdictional areas.

The Department recommends submitting a Notification early in the Project planning process, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

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

Although the proposed Project is within the MSHCP and could be subject to Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, a Lake and Streambed Alteration Agreement Notification is still required by the Department. Additionally, the Department's criteria for determining the presence of jurisdictional waters are more comprehensive than the MSHCP criteria in Section 6.1.2. The Department requires a JD and the adequacy of the JD will be reviewed by the Department. Any mitigation measures required by the resource protection policies of the MSHCP should be included in the CEQA document.

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

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance and minimization measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. Please refer to section 15370 of the CEQA Guidelines for the definition of mitigation.

In the absence of the JD and specific riparian mitigation measures in the CEQA document, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process are not CEQA-compliant because they deprive the public and agencies of their right to know what the Project impacts are and how they are being mitigated (CEQA Guidelines Section 15002).

#### Cumulative Impact Analysis

The City of Lake Elsinore is a rapidly growing city. The Project will contribute to regional cumulative impacts pertaining to the loss of riparian habitat, foraging, live-in habitat for special status wildlife, and the loss of raptor foraging habitat. The CEQA document should provide an analysis of the cumulative effects of the Project in the Alberhill Area of the Elsinore Area Plan.

#### Department Recommendations

The Department has the following concerns about the Project, and requests that these concerns be addressed in a subsequent CEQA document:

1. The analysis in the CEQA document should satisfy the requirements of the Department's Lake and Streambed Alteration Agreement Program;
2. Vegetation clearance or construction should not be undertaken unless and until the applicant complies with the recommendations in this section of the letter and obtains the appropriate permits from the Department;
3. A discussion of the areawide significance of the Project area should be provided;
4. A subsequent CEQA document should include the Determination of Biologically Equivalent or Superior Preservation and Jurisdictional Delineations of waters of the State;
5. The subsequent CEQA document should include a discussion of adjacent conserved lands, the Project's footprint in relation to conserved lands, and an analysis of whether the Project would directly or indirectly impact MSHCP conserved lands;
6. The subsequent CEQA document should include a discussion of measures that could be taken to minimize impacts on adjacent conserved lands;
7. The subsequent CEQA document should clarify whether the 22 acres of open space is intended for use as conservation, and, if so, what measures will be taken to protect it;
8. The Project shall provide mitigation for impacts to sensitive biological resources (Riversidean Sage Scrub, Southern Willow Scrub, and any other riparian vegetation); and,
9. Provide an analysis of the cumulative effects of the project in the Alberhill Area.
10. Confirm that the habitat surveys were conducted as per the Department's 2009

Guidance for Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. If the Department guidelines were not utilized, surveys conducted after the 2009 issuance of the guidelines should be updated to incorporate the guidelines. The guidance document can be found at the following link: <http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/ProtocolsforSurveyingandEvaluatingImpacts.pdf>

- 11, The subsequent CEQA document should include the Jurisdictional Delineation conducted in October of 2012.

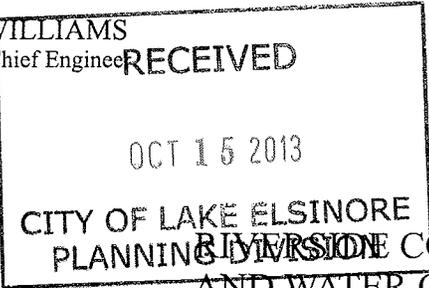
If you should have any questions pertaining to these comments, please contact Robin Maloney-Rames, Environmental Scientist at (909) 980-3818.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Brandt', with a large, sweeping flourish extending upwards and to the right.

Jeff Brandt  
Senior Environmental Scientist

WARREN D. WILLIAMS  
General Manager-Chief Engineer



1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
FAX 951.788.9965  
www.rcflood.org

71561\_7

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

City of Lake Elsinore  
130 South Main Street  
Lake Elsinore, CA 92530

Attention: KIRT COURY

Ladies and Gentlemen:

Re: TERRACINA SPECIFIC PLAN

The District does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check city land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District has not reviewed the proposed project in detail and the following checked comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue:

- No comment.
- This project would not be impacted by District Master Drainage Plan facilities nor are other facilities of regional interest proposed.
- This project involves District Master Plan facilities. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.
- This project proposes channels, storm drains 36 inches or larger in diameter or other facilities that could be considered regional in nature and/or a logical extension of the adopted \_\_\_\_\_ Master Drainage Plan. The District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.
- This project is located within the limits of the District's WEST ELSINORE Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities. For further information, contact the District's encroachment permit section at 951.955.1266.

GENERAL INFORMATION FOUR CORNERS S.D.

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped flood plain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.

If a natural watercourse or mapped flood plain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

HENRY OLIVO  
Engineering Project Manager

c: Riverside County Planning Department  
Attn: Kristi Lovelady

Date: 10/8/2013

**From:** [David Salene](#)  
**To:** [Eric Ruby](#)  
**Subject:** Fwd: Terracina Project, Lake Elsinore  
**Date:** Wednesday, April 16, 2014 9:00:25 AM

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this is the last correspondence from Pechanga. Does this help??

David Salene  
[dsalene@pacbell.net](mailto:dsalene@pacbell.net)  
714.745.6546

Begin forwarded message:

From: Anna Hoover <[ahoover@pechanga-nsn.gov](mailto:ahoover@pechanga-nsn.gov)>  
Subject: Terracina Project, Lake Elsinore  
Date: November 26, 2013 at 1:54:31 PM PST  
To: "[dsalene@pacbell.net](mailto:dsalene@pacbell.net)" <[dsalene@pacbell.net](mailto:dsalene@pacbell.net)>, Archaeological Associates <[archaeological\\_associates@hotmail.com](mailto:archaeological_associates@hotmail.com)>  
Cc: "Richard J. MacHott, LEED Green Assoc." <[rmachott@Lake-Elsinore.org](mailto:rmachott@Lake-Elsinore.org)>, "Kirt Coury" <[kcoury@Lake-Elsinore.org](mailto:kcoury@Lake-Elsinore.org)>, Michele Fahley <[mfahley@pechanga-nsn.gov](mailto:mfahley@pechanga-nsn.gov)>, Andrea Fernandez <[afernandez@pechanga-nsn.gov](mailto:afernandez@pechanga-nsn.gov)>

Mr. Salene,

Robert White from Archaeological Associates has informed us that you are requesting the Tribe to revise our mitigation measure CUL-9 from our Initial Study/Mitigated Negative Declaration letter dated October 28, 2013 for the Terracina Project.

Robert and I have discussed the two cultural sites that have been recorded within your Project boundaries (CA-RIV-5782 & -5783). According to him, RIV-5782, a milling feature, was destroyed during grading activity conducted by EVMWD that occurred some time ago and RIV-5783 consists of a light surface scatter with little depth. We would like you to know that CUL-9 was drafted based upon the IS language stating "The milling feature at RIV-5782 maybe destroyed in the event the study area is fully developed..." (emphasis mine; p31). As the Tribe has not had the opportunity to visit the Project, we provided the recommendation to relocate the milling feature based upon this language. If indeed this feature is no longer extant on the Project, then the mitigation measure is not valid and the City has the discretion to not apply this measure.

However, please note that the removal of surface manifestations of cultural remains does not preclude the potential for subsurface resources to be present. This is a highly sensitive area for the Tribe and is part of a Traditional Cultural Property, relating to the Tribe's origin and creation. Therefore, the Tribe requests controlled grading within the two site areas as

well as full-time monitoring of the Project by both a Riverside-County qualified archaeologist and a Pechanga Tribe monitor. To assist the City and yourself with additional information on controlled grading, we proposed the following mitigation measure:

CUL10-Prior to any grading at or near the vicinity of the known surface boundaries of CA-RIV-5782 and CA-RIV-5783, the Developer shall meet and confer with the Pechanga Tribe and the Project archaeologist to develop an appropriate controlled grading plan. The purpose of the controlled grading at and around the site is to afford the opportunity to determine whether any subsurface resources are associated with the sites and if so, to collect the resources for appropriate mitigation as determined in the provisions outlined in the Mitigation and Monitoring Plan developed by the Project archaeologist. All controlled grading shall be monitored according to the provisions of the Agreement required in CUL-3.

Please let me know if I can assist further. Have a happy Thanksgiving!

***Anna M. Hoover***  
**Cultural Analyst**  
**Pechanga Band of Luiseno Mission Indians**  
**P.O. Box 2183**  
**Temecula, CA 92593**

**951-770-8104 (O)**  
**951-694-0446 (F)**  
**951-757-6139 (C)**  
**[ahcoover@pechanga-nsn.gov](mailto:ahcoover@pechanga-nsn.gov)**



## PECHANGA CULTURAL RESOURCES

*Temecula Band of Luiseño Mission Indians*

Post Office, Box 2183 • Temecula, CA 92593  
Telephone (951) 308-9295 • Fax (951) 506-9491

Chairperson:  
Mary Bear Magee

Vice Chairperson:  
Darlene Miranda

Committee Members:  
Evie Gerber  
Bridgett Barcello Maxwell  
Richard B. Searce, III  
Germaine Arenas

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Cultural Analyst:  
Anna Hoover

October 28, 2013

### VIA E-MAIL and USPS

Mr. Kirt Coury  
Planning Consultant  
City of Lake Elsinore  
Community Development Dept  
130 South Main Street  
Lake Elsinore, CA 92530

**Re: Pechanga Tribe Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Terracina Specific Plan Project**

Dear Mr. Coury:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archaeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

The Tribe thanks the City of Lake Elsinore and the Developer for providing mitigation language that includes both archaeological and tribal monitoring during earthmoving activities. The State and Federal governments have mandated that cultural resources must be appropriately mitigated for within the confines of development projects. The Tribe appreciates the active role the City takes to maintain the significant history of the Tribe and California. While the mitigation measures (MM) address archaeological and tribal monitoring, human remains and inadvertent finds, the Tribe is concerned that they are not specific and are not the standard mitigation measures that the City generally employs. Therefore, the Tribe requests that the MM be revised as indicated below so that the Developer, the City and the Tribe have clear direction for the future development of this area.

### **PECHANGA CULTURAL AFFILIATION TO PROJECT AREA**

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), traditional landscapes, cultural areas and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as the close proximity of the Project to the Tribal reservation lands.

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area that comprises the Project property and is the closest affiliated tribe to the Property. The Tribe has been named the Most Likely Descendent (Cal. Pub. Res. C. §5097.98) on Projects in the nearby vicinity of the proposed Project and has specific knowledge of cultural resources and sacred places near the proposed Project which we have shared with the County on previous occasions on this and other projects.

The Tribe welcomes the opportunity to meet with the City to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction, if so desired.

### **REQUESTED TRIBAL INVOLVEMENT AND MITIGATION**

The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources. The Tribe's primary concerns stem from the Project's proposed impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work.

The Tribe is in receipt of the September 2013 Initial Study/Mitigated Negative Declaration (IS/MND). The proposed Project is located in a highly sensitive region of Luiseño territory – a traditional cultural landscape, and the Tribe believes that the possibility for recovering subsurface resources during ground-disturbing activities is high. The Tribe has over thirty-five (35) years of experience in working with various types of construction projects throughout its territory. The combination of this knowledge and experience, along with the knowledge of the culturally-sensitive areas and oral tradition, is what the Tribe relies on to make fairly accurate predictions regarding the likelihood of subsurface resources in a particular location.

Based upon the information provided to the Tribe, there are two cultural resources located within the Project boundaries; however, only one site, CA-RIV-5782, was observed

during the recent reconnaissance of the Property. In addition to the revised mitigation below, the Tribe requests that the development plans be designed to avoid the milling feature. Should this not be feasible, a suitable location for relocating the outcrop shall be identified during grading activities and the site shall be moved to a safe area, in perpetuity.

At this time, the Tribe thanks the City of Lake Elsinore for including mitigation language requiring both tribal and archaeological monitoring; however, the language in the IS/MND is not the City's standard language and we request those MM be utilized on this Project, as outlined below. We request that these revised measures/conditions of approval be incorporated into the final EA and any other final environmental documents approved by the City (underlines are additions; strikeouts are deletions).

**Mitigation Measure CUL-1:** All earth moving activities within the project area during construction shall be monitored by a Riverside County qualified archaeologist in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation.

**Mitigation Measure CUL-2:** ~~During construction of the project site, should cultural materials (not otherwise considered in the cultural resources technical report) be identified, the Lake Elsinore Planning Department shall be notified immediately. Construction affecting the area shall be halted and the City shall coordinate the appropriate efforts for handling and/or disposition of these materials. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.~~

**Mitigation Measure CUL-3:** At least 30 days prior to seeking a grading permit, the project applicant shall contact the appropriate<sup>1</sup> Native American Tribal Representative (Representative) to notify the Representative of the initiation of the grading, excavation and the monitoring program, and to coordinate with the City of Lake Elsinore and the Representative to develop a Cultural Resources Treatment and Monitoring Agreement.

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<sup>1</sup> Due to previous and prior coordination with the City of Lake Elsinore, the "appropriate" tribe is anticipated to be the Pechanga Tribe.

The Agreement shall address the responsibilities and participation of Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites and human remains discovered on the site. The archaeological monitor and the appropriate Tribe will evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.

**Mitigation Measure CUL-4 & 5:** The Tribe has no comments/revisions

**Mitigation Measure CUL-6:** If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." ~~The most likely descendant shall have 24 hours to make recommendations to the City for the disposition of the remains as provided in Public Resources Code 5097.98.~~ The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.

**Mitigation Measure CUL-7:** The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition.

**Mitigation Measure CUL-8:** All cultural materials, that are collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site, with the exception of sacred items, burial goods and human remains which will be addressed in the Treatment Agreement required in CUL-2 shall be tribally curated according to the current professional repository standards by the Pechanga Tribe. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility which meets the standards set forth in 36 CFR Part 79 for federal repositories. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

**Mitigation Measure CUL-9:** The Project shall be designed to avoid CA-RIV-5782. Should this not be feasible after consultation with the City and the appropriate Tribe, an

Pechanga Comment Letter to the City of Lake Elsinore  
Re: Pechanga Tribe Comments on Terracina  
October 28, 2013  
Page 5

appropriate open space location shall be chosen and designated as a relocation area for the milling feature. The Tribe understands that, due to size and existing fracturing, the feature may not be feasibly relocated; however, all attempts shall be made to relocate the feature. A long-term preservation plan shall also be developed between the Developer and the appropriate Tribe to ensure appropriate care and preservation.

The Pechanga Tribe looks forward to continuing to work together with the City of Lake Elsinore in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at [ahoover@pechanga-nsn.gov](mailto:ahoover@pechanga-nsn.gov) once you have had a chance to review these comments if you have any comments or concerns. Thank you.

Sincerely,

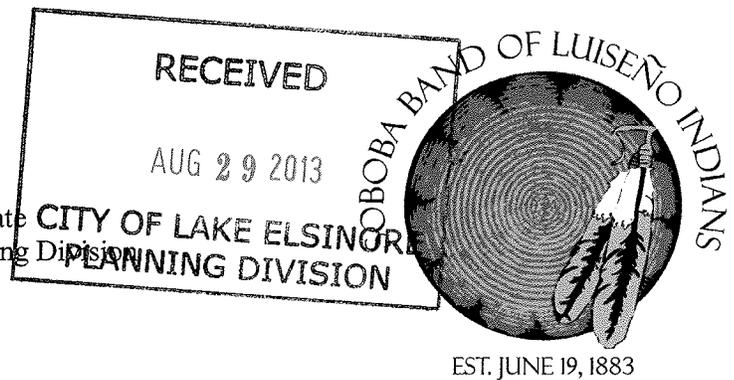


Anna Hoover  
Cultural Analyst

cc · Pechanga Office of the General Counsel

August 21, 2013

Attn: Richard MacHott, LEED Green Associate  
Community Development Department-Planning Division  
City of Lake Elsinore  
130 South Main Street  
Lake Elsinore, CA 92530



**Re: Tentative Tract No. 32786; Located northeast of the intersection of Terra Cotta Road and Lakeshore Drive in the City of Lake Elsinore, Riverside County**

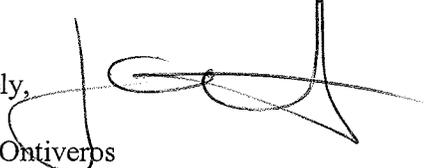
The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Luiseño Tribal Traditional Use Areas. The project location is part of a known village site and is in close proximity to other known sites. Both of these villages are known to the Luiseno by their traditional names, Pa'Axchey and Wee'va. It is also a shared use area that was used in ongoing trade between the Luiseño bands, not considered as a location occupied by one existing band, but rather the Luiseno Tribe. For these reasons the site is regarded as sensitive to the people of Soboba for the possibility of unanticipated finds.

Soboba Band of Luiseño Indians is requesting the following:

1. To initiate a consultation with the Project Developer and Land owner.
2. The transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.
3. Soboba Band of Luiseño Indians continues to act as a consulting tribal entity for this project.
4. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseño Indians requests that Native American Monitor(s) from the Soboba Band of Luiseño Indians Cultural Resource Department to be present during any ground disturbing proceedings. Including surveys and archaeological testing.
5. Request that proper procedures be taken and requests of the tribe be honored (Please see the attachment)

The Soboba Band is requesting that a face-to-face meeting take place between a representative from the Soboba Band and the City of Lake Elsinore. Please contact me with some available dates.

Sincerely,

  
Joseph Ontiveros  
Director of Cultural Resources  
Soboba Band of Luiseño Indians  
P.O. Box 487  
San Jacinto, CA 92581  
Phone (951) 654-5544 ext. 4137  
Cell (951) 663-5279  
[jontiveros@soboba-nsn.gov](mailto:jontiveros@soboba-nsn.gov)

**Cultural Items (Artifacts).** Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer should agree to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. When appropriate and agreed upon in advance, the Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

The Developer should waive any and all claims to ownership of Native American ceremonial and cultural artifacts that may be found on the Project site. Upon completion of authorized and mandatory archeological analysis, the Developer should return said artifacts to the Soboba Band within a reasonable time period agreed to by the Parties and not to exceed (30) days from the initial recovery of the items.

**Treatment and Disposition of Remains.**

A. The Soboba Band shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity.

B. The Soboba Band, as MLD, shall complete its inspection within twenty-four (24) hours of receiving notification from either the Developer or the NAHC, as required by California Public Resources Code § 5097.98 (a). The Parties agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes.

C. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The Soboba Band, as the MLD in consultation with the Developer, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains.

D. All parties are aware that the Soboba Band may wish to rebury the human remains and associated ceremonial and cultural items (artifacts) on or near, the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The Developer should accommodate on-site reburial in a location mutually agreed upon by the Parties.

E. The term "human remains" encompasses more than human bones because the Soboba Band's traditions periodically necessitated the ceremonial burning of human remains. Grave goods are those artifacts associated with any human remains. These items, and other funerary remnants and their ashes are to be treated in the same manner as human bone fragments or bones that remain intact.

**Coordination with County Coroner's Office.** The Lead Agencies and the Developer should immediately contact both the Coroner and the Soboba Band in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

**Non-Disclosure of Location Reburials.** It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

# ARCHAEOLOGICAL ASSOCIATES

May 16, 2013

Joseph Ontiveros  
Cultural Resources Manager  
Soboba Band of Luiseno Indians  
P.O. Box 487  
San Jacinto, CA 92581

**RE: Native American Scoping for a 151.15-acres (Tentative Tract No. 32786) located northeast of the intersection of Terra Cotta Road and Lakeshore Drive, City of Lake Elsinore, Riverside County.**

Dear Mr. Ontiveros:

Archaeological Associates has been retained to conduct an updated cultural resources survey of the above-mentioned 151.15-acre property. Presently, project proponents plan to develop the property with single family homes. The study area is bounded by Terra Cotta Road on the west, Lakeshore Drive and Arnold Avenue on the south, Dryden and Stoddard Streets on the east, and vacant land on the north. Legally, the project is situated within Sections 26 and 35, Township 5 South, Range 5 West, San Bernardino Base Meridian (*Alberhill* and *Lake Elsinore 7.5'* USGS Topographic Quadrangles).

Archaeological Associates surveyed the project area in 2004-2005. Two previously recorded prehistoric sites were evaluated during the course of our study. Neither were determined significant although monitoring of grading activities was recommended. The 2004 records search will be updated and the entire property will be re-surveyed. A sacred lands file check has been requested from the NAHC.

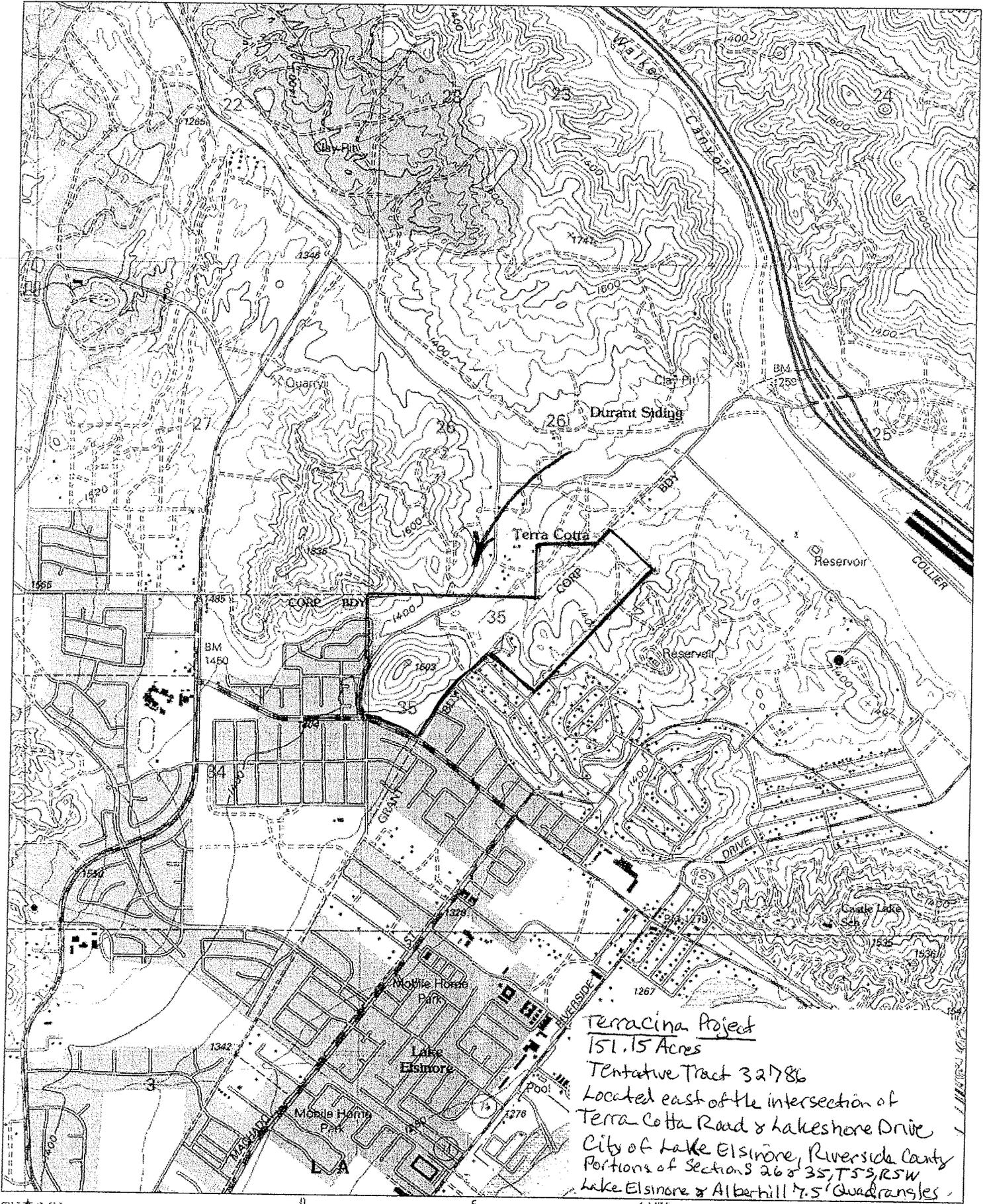
We are seeking input from the tribe with regards to places of importance that may or may not have been previously identified. In particular, if the tribe is aware of the presence of any prehistoric resources within or adjacent to the project area, we would very much like to hear from you. In the meantime, if you have any questions or desire additional information, please do not hesitate to contact me at (951) 244-1783.

Very truly yours,

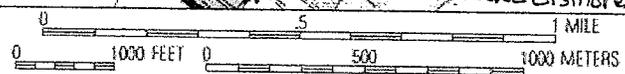


Laura S. White, M.A.  
Field Director

LSW:file;spectrum  
*by U.S. mail*



TN \* /MIN  
13°



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