

APPENDIX B
COMMENTS ON THE
NOTICE OF PREPARATION (NOP)



EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

Notice of Preparation

November 10, 2016

To: Reviewing Agencies

Re: East Lake Specific Plan Amendment No. 11 Project
SCH# 2016111029

Attached for your review and comment is the Notice of Preparation (NOP) for the East Lake Specific Plan Amendment No. 11 Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Richard J. MacHott
City of Lake Elsinore
130 S. Main Street
Lake Elsinore, CA 92530

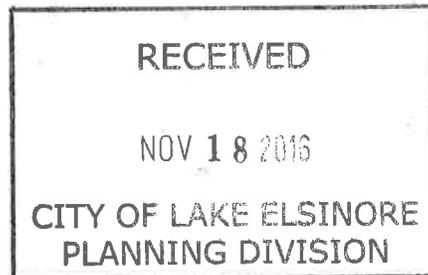
with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency



**Document Details Report
State Clearinghouse Data Base**

SCH# 2016111029
Project Title East Lake Specific Plan Amendment No. 11 Project
Lead Agency Lake Elsinore, City of

Type NOP Notice of Preparation

Description The ELSPA No. 11 is the proposed project. The proposed project consists of amending the existing ELSP to: overhaul land uses, development regulations, circulation, drainage, and architectural guidelines for the specific plan area; streamline development by making the specific plan area guidance documents more user-friendly; protect the natural resources in the Back Basin; and ensure that the City's "Action Sports Capital of the World" activities have a permanent location in the city. The proposed project would allow for a change from the predominantly residential and open space uses currently allowed in the specific plan area to predominantly sports- and recreation-oriented uses while also maintaining open-space.

Lead Agency Contact

Name Richard J. MacHott
Agency City of Lake Elsinore
Phone (951) 674-3124 x 209
email
Address 130 S. Main Street
City Lake Elsinore
Fax
State CA **Zip** 92530

Project Location

County Riverside
City Lake Elsinore
Region
Cross Streets
Lat / Long
Parcel No.
Township

Range

Section

Base

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Biological Resources; Geologic/Seismic; Toxic/Hazardous; Water Quality; Landuse; Minerals; Noise; Public Services; Traffic/Circulation; Other Issues

Reviewing Agencies Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 6; Office of Emergency Services, California; Native American Heritage Commission; State Lands Commission; California Highway Patrol; Regional Water Quality Control Board, Region 8; Caltrans, District 8; Department of Toxic Substances Control; State Water Resources Control Board, Division of Drinking Water

Date Received 11/10/2016 **Start of Review** 11/10/2016 **End of Review** 12/09/2016

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
 West Sacramento, CA 95691
 Phone (916) 373-3710
 Fax (916) 373-5471
 Email: nahc@nahc.ca.gov
 Website: <http://www.nahc.ca.gov>
 Twitter: @CA_NAHC



RECEIVED

NOV 22 2016

November 16, 2016 CITY OF LAKE ELSINORE
 PLANNING DIVISION

sent via e-mail:
rmachott@lake-elsinore.org

Richard MacHott
 City of Lake Elsinore
 130 S. Main Street
 Lake Elsinore, CA 92530

RE: SCH# 2016111029; East Lake Specific Plan Amendment No. 11 Project, Notice of Preparation for Draft Environmental Impact Report, Riverside County, California

Dear Mr. MacHott:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).

- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason,

we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an 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.
 - a. 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.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

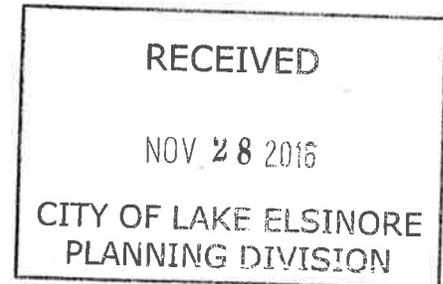
Barbara A. Lee, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

November 23, 2016

Mr. Richard J. MacHott
Planning Manager
City of Lake Elsinore
130 South Main Street
Lake Elsinore, California 92530



NOTICE OF PREPARATION (NOP) FOR THE EAST LAKE SPECIFIC PLAN AMENDMENT No. 11 PROJECT ENVIRONMENTAL IMPACT REPORT (SCH# 2016111029)

Dear Mr. MacHott:

The Department of Toxic Substances Control (DTSC) has reviewed the subject document. The following project description is stated in the NOP: 'The ELSPA No. 11 is the proposed project. The proposed project consists of amending the existing ELSP to: overhaul land uses, development regulations, circulation, drainage, and architectural guidelines for the specific plan area; streamline development by making the specific plan area guidance documents more user-friendly; protect the natural resources in the Back Basin; and ensure that the City's "Action Sports Capital of the World" activities have a permanent location in the city. The proposed project would allow for a change from the predominantly residential and open space uses currently allowed in the specific plan area to predominantly sports- and recreation-oriented uses while also maintaining open-space.'

Based on the review of the NOP, DTSC has the following comments:

1. The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. Historic uses of the site are not provided in the NOP. A Phase I Environmental Site Assessment may be appropriate to identify any recognized environmental conditions.
2. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.

Mr. Richard J. MacHott
November 23, 2016
Page 2

3. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
4. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.

If you have any questions regarding this letter, please contact me at (714) 484-5476 or email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,



Johnson P. Abraham
Project Manager
Brownfields Restoration and School Evaluation Branch
Brownfields and Environmental Restoration Program – Cypress

kl/sh/ja

cc: See next page.

Mr. Richard J. MacHott
November 23, 2016
Page 3

cc: Governor's Office of Planning and Research (via e-mail)
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
State.clearinghouse@opr.ca.gov

Mr. Guenther W. Moskat, Chief (via e-mail)
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
Guenther.Moskat@dtsc.ca.gov

Mr. Dave Kereazis (via e-mail)
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Mr. Shahir Haddad (via e-mail)
Supervising Engineer
Brownfields Restoration and School Evaluation Branch
Brownfields and Environmental Restoration Program – Cypress
Shahir.Haddad@dtsc.ca.gov

CEQA# 2016111029



COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY



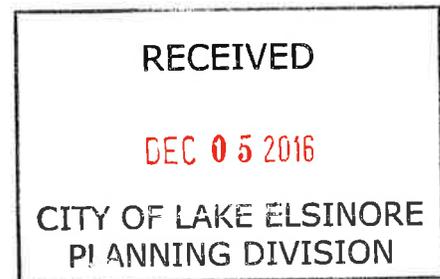
*Juan C. Perez, P.E., T.E.
Director of Transportation and
Land Management*

Transportation Department

*Patricia Romo, P.E.
Director of Transportation*

November 28, 2016

Mr. Richard J. MacHott
City of Lake Elsinore
Planning Division
130 South Main Street
Lake Elsinore, CA 92530



**RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE EAST LAKE SPECIFIC PLAN AMENDMENT NO. 11 PROJECT**

Dear Mr. MacHott:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the East Lake Specific Plan Amendment No. 11 Project. The project is located in the City of Lake Elsinore generally bounded by Lakeshore Drive to the north, Mission Trail and Corydon to the east, and Union Street to the south. The existing East Lake Specific Plan (ELSP) primarily allows for residential uses along with open-space uses, however, the Amendment No. 11 of ELSP proposes to accommodate a wide variety of unique sporting and recreational uses including commercial, restaurant, hotel, residential, and open-space uses.

The traffic study for the proposed development should address potential impacts and mitigation measures on any Riverside County roadways in the area included in the Riverside County General Plan. In addition, where the proposed project would add 50 or more peak hourly trips to County intersections, these intersections shall be analyzed. Necessary improvements to mitigate project impacts shall be identified, and responsibility for the needed improvements shall be designated. The County requests that its Traffic Study Guidelines be followed for the impact analysis for facilities within Riverside County. The most current version of the Traffic Study Guidelines can be found on the County website: <http://rctlma.org/trans/General-Information/Pamphlets-Brochures>.

Mr. Richard J. MacHott
November 28, 2016
Page 2

Thank you again for the opportunity to review the NOP for the East Lake Specific Plan Amendment No. 11 Project. We look forward to receiving the DEIR for the subject project. Please contact me at (951) 955-2016 with questions or comments.

Sincerely,



Russell Williams
Development Review Manager

RW:KKT:TT:rg

cc: Juan C. Perez, Director of Transportation and Land Management
Patricia Romo, Director of Transportation
Mojahed Salama, Deputy Director of Transportation

COMMENT CARD

EIR Scoping Meeting – East Lake Specific Plan Amendment No. 11

Name: YAN C NGUYEN Date: 12/1/2016

Email Address: VANNTO@GMAIL.COM Phone: (714) 725-4731

Street Address: 29338 FALL CLASSIC, LAKE ELSINORE, CA 92530

Comment (please print):

- HOPE DREAM EXTREME CITY REACHES :
- PROTECT THE NATURAL RESOURCE
- ENSURE THE " ACTION SPORTS CAPITAL OF THE WORLD " BECOMING REALITY
- MAINTAIN OPEN SPACE WITH PREDOMINANTLY SPORTS + REC ORIENTED USES (over)

Please give this comment card to a staff member tonight; or, send your written response by mail or email to the Project Contact listed below no later than 5 p.m. on Monday, December 12, 2016. Please visit the City's website at the following link to learn more: <http://www.lake-elsinore.org/city-hall/city-departments/community-development/planning/ceqa-documents-available-for-public-review/east-lake-specific-plan-amendment-no-11>.



RECEIVED
 DEC 06 2016
 CITY OF LAKE ELSINORE
 PLANNING DIVISION

City of Lake Elsinore
 Attn: Mr. Richard J. MacHott
 130 South Main Street
 Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

Comment (continued)

- OVERHAUL LAND USES

- STREAMLINE DEVELOPMENT

{ MIXED USE OF EAST LAKE SPECIFIC PLAN
AMENDMENT #11

December 01, 2016

Environment Impact Report –East Lake Specific Plan Amendment#11

Originally, East Lake Specific Plan is 3000 acres types and arrangements Of land uses, design guidelines, infrastructure, zoning and development Standards. It was prepared in 1993, evolved and become home to a dream Extreme character with active sports-related facilities such as skydiving, hang-gliding, motorcross and 18 hole golf course which have made the city a premier Regional action sports destination.

The amendment 11 would accommodate a wide range of unique sporting and recreational venues and supporting uses including commercial, restaurant, hotel, and open-space uses while also accommodating residential uses within

The specific plan area:

- Overhaul land uses, development regulations, circulation, drainage and Architectural guidelines for plan
- Streamline development by making the plan area guidance documents more user-friendly
- Protect the natural resources in the back basin
- Ensure that the city's "action sports Capital of the World" activities Have a permanent location in the City
- Change from current predominantly residential plus open space uses To predominantly sports and recreational oriented uses while also Maintaining open space

Subject to Environmental Impact Report (State)
Environmental Impact Statement (Federal)

-Aesthetics	Agricultural resources	Air Quality	Biological resources
-Cultural and Tribal Cultural resources	Geology, Soils and seismicity	Greenhouse Gas Emissions	Hazards & Hazardous Materials
Hydrology & water Quality	Land Use & planning	Mineral resources	Noise
Public Services	Transportation & Traffic	Utilities & Services system	

Seven Strategic Framework –General Plan

Land Use

Circulation

Growth Management

Housing Element

Community and Protection Services

Parks and Recreation

Historic Preservation

9 Land use Goals Policies and Implementation programs

Goal 1 Create a diverse and integrated balance of residential commercial industrial recreational public and open space land use

Goal 2 Establish and maintain the city as a year round recreation destination

Goal 3 Establish a development pattern that preserves aesthetic and Enhances the environmental resources of the city

Goal 4 Develop a viable downtown area that preserves potentially Historical structures and provides civic and cultural opportunities As well as destination for shopping, meeting and gathering for both tourists and residents

Goal 5 promote land use strategies that decrease reliance on auto use

COMMENT CARD

EIR Scoping Meeting – East Lake Specific Plan Amendment No. 11

Name: Rodney Agnew Date: 12-1-16
Email Address: J Phone: (951) 970-5967
Street Address: 17843 Grand LE

Comment (please print):

R.E. 96 ELEANORE WE signed Contracts months ago
But unable to use due to Property being Residential
not Commercial

(over)

Please give this comment card to a staff member tonight; or, send your written response by mail or email to the Project Contact listed below no later than 5 p.m. on Monday, December 12, 2016. Please visit the City's website at the following link to learn more: http://www.lake-elsinore.org/city-hall/city-departments/community-development/planning/ceqa-documents-available-for-public-review/east-lake-specific-plan-amendment-no-11.



City of Lake Elsinore
Attn: Mr. Richard J. MacHott
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

COMMENT CARD

EIR Scoping Meeting – East Lake Specific Plan Amendment No. 11

Name: Rosemary Agnew Date: 12-1-16
Email Address: rosemaryagnews@gmail.com Phone: (951) 970 5967
Street Address: 17843 Grand

Comment (please print):

RE: 96 ELEANORE LECA -
Need to have residential changed to commercial
contracts have been signed in Oct.

will follow up with written copy of plans
thy

(over)

Please give this comment card to a staff member tonight; or, send your written response by mail or email to the Project Contact listed below no later than 5 p.m. on Monday, December 12, 2016. Please visit the City's website at the following link to learn more: http://www.lake-elsinore.org/city-hall/city-departments/community-development/planning/ceqa-documents-available-for-public-review/east-lake-specific-plan-amendment-no-11.



City of Lake Elsinore
Attn: Mr. Richard J. MacHott
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

COMMENT CARD

EIR Scoping Meeting – East Lake Specific Plan Amendment No. 11

Name: Debbie Fitzpatrick Date: 12-1-16
Email Address: _____ Phone: (951) 970-5967
Street Address: 96 Eleanor

Comment (please print):

We need 96 Eleanor to be rezoned
for commercial. The building is
listed as Commercial by realtors

(over)

Please give this comment card to a staff member tonight; or, send your written response by mail or email to the Project Contact listed below no later than 5 p.m. on Monday, December 12, 2016. Please visit the City's website at the following link to learn more: <http://www.lake-elsinore.org/city-hall/city-departments/community-development/planning/ceqa-documents-available-for-public-review/east-lake-specific-plan-amendment-no-11>.



City of Lake Elsinore
Attn: Mr. Richard J. MacHott
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org



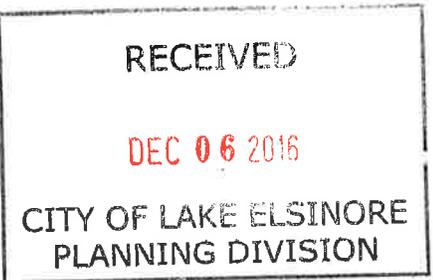
South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

December 6, 2016

rmachott@lake-elsinore.org

Richard MacHott, Planning Manager
City of Lake Elsinore
130 South Main St.,
Lake Elsinore, CA 92530

**Notice of Preparation of a CEQA Document for the
East Lake Specific Plan Amendment No. 11 Project**



The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft EIR. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website here: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the lead agency quantify criteria pollutant emissions and compare the results to the recommended regional significance thresholds found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a Draft EIR document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment (“*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*”) can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board’s *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB’s Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Finally, should the proposed project include equipment that generates or controls air contaminants, a permit may be required and the SCAQMD should be listed as a responsible agency and consulted. The assumptions in the submitted Draft EIR would also be the basis for permit conditions and limits. Permit questions can be directed to the SCAQMD Permit Services staff at (909) 396-3385, who can provide further assistance.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Mitigation Measure resources are available on the SCAQMD CEQA Air Quality Handbook website: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD’s webpage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the lead agency to ensure that project emissions are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact Jack Cheng, Air Quality Specialist by e-mail at jcheng@aqmd.gov or by phone at (909) 396-2448.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Planning and Rules Manager
Planning, Rule Development & Area Sources

JC:JW
RVC161110-07
Control Number

Sean Noonan

From: Grant Taylor <gtaylor@Lake-Elsinore.org>
Sent: Wednesday, December 07, 2016 4:16 PM
To: Sean Noonan; Eric Turner
Cc: Carole Donahoe; Richard J. MacHott, LEED Green Assoc.
Subject: FW: Attached Image

FYI team,

Scoping meeting comments from 150 acre property owner Bruce Keeton at the Lucas Oil Track.

Grant Taylor
Director of Community Development
City of Lake Elsinore
PH:(951) 674-3124, 270

From: Bruce Keeton [mailto:bruce@keetonconstruction.com]
Sent: Wednesday, December 07, 2016 3:41 PM
To: Grant Taylor <gtaylor@Lake-Elsinore.org>
Cc: Grant Yates <gyates@Lake-Elsinore.org>
Subject: Re: Attached Image

Grant,

To follow up on the public meeting last week, we want to confirm that we need additional flexibility in the zoning of our property. In addition to what you have designated, including general Commercial, we need to have Industrial and a Muti- family element. We understand, that even with this flexible zoning, we will need to submit a specific plan that would embody full compliance with all the appropriate ratios and considerations for development.

We look forward to working with the City in developing a plan that is mutually beneficial.

Thank you.

Bruce

Sent from my iPad

On Dec 1, 2016, at 11:22 AM, Grant Taylor <gtaylor@Lake-Elsinore.org> wrote:

There will be comment cards at the meeting tonight or put comments on your letterhead.

Grant Taylor
Director of Community Development
City of Lake Elsinore
PH:(951) 674-3124, 270

From: Bruce Keeton [<mailto:bruce@keetonconstruction.com>]
Sent: Thursday, December 01, 2016 9:36 AM
To: Grant Taylor <gtaylor@Lake-Elsinore.org>
Cc: Grant Yates <gyates@Lake-Elsinore.org>
Subject: Re: Attached Image

Grant,

How do I go about submitting my request in writing? These e-mails have been a request. If there is another format, please let me know. We must have as much flexibility as possible in order for any development to be realized. Thank you.

Bruce

Sent from my iPad

On Dec 1, 2016, at 8:31 AM, Grant Taylor <gtaylor@Lake-Elsinore.org> wrote:

Hi Bruce,

The ELSP EIR Scoping meeting tonight is to review the EIR. We will have boards of the land use map, aerial maps, etc. and will discuss the EIR and potential land uses. The current draft land use map shows your property as "Action Sports, Tourism, Commercial and Recreation". We have also placed a Waterbury TTM overlay on the property which reflects the existing entitlement. The schematic land use plan you submitted including industrial and multi-family residential is problematic in that the race track has been reduced significantly in size and no parking or staging areas are identified. The multi-family residential is adjacent to the race track creating noise and light conflicts.

We have reviewed about a half dozen potential uses on your property and are not inclined to change the map at this time based on speculation. We can always amend the Specific Plan when a formal project application is submitted. I would suggest you put your request in writing as a comment to the EIR so we can analyze and respond. The Draft Specific Plan which identifies the uses, standards, design is being prepared concurrently with the EIR and is expected to be available in March.

Tonight's EIR Scoping meeting is the beginning of the public process. You will have more opportunities to comment and make recommendations. It will be interesting to see the ELSP property owners and stakeholders comments. See you tonight.

Grant Taylor
Director of Community Development
City of Lake Elsinore
PH:(951) 674-3124, 270

From: Bruce Keeton [<mailto:bruce@keetonconstruction.com>]
Sent: Wednesday, November 30, 2016 8:59 PM
To: Grant Taylor <gtaylor@Lake-Elsinore.org>
Subject: Re: Attached Image

Thank you Grant for understanding what we are trying to achieve and compliment what the City is trying to achieve. All we we want, and what we understand you agree with, is that all we need is language in the document that includes industrial and multi-family along with the general commercial zoning...we will need to submit a specific plan with uses that compliment the specific plan and what what is mutually beneficial to the City and what the developers are able to deliver. This support from the City is what we are expecting at the meeting tomorrow. Please confirm. Thanks.

Bruce

Sent from my iPad

On Nov 22, 2016, at 12:40 PM, Bruce Keeton <bruce@keetonconstruction.com> wrote:

Thank you.

Sent from my iPhone

On Nov 22, 2016, at 12:01 PM, Grant Taylor <gtaylor@Lake-Elsinore.org> wrote:

Understood Bruce, thanks.

Grant Taylor
Director of Community Development
City of Lake Elsinore
PH:(951) 674-3124, 270

From: Bruce Keeton
[<mailto:bruce@keetonconstruction.com>]
Sent: Tuesday, November 22, 2016 11:42 AM
To: Grant Taylor <gtaylor@Lake-Elsinore.org>
Subject: Re: Attached Image

Grant,
All we are looking for is for you to add the words " industrial and multi-family " as approved uses. We know we will have to get approval with a specific plan. We will not exceed any current ratios in terms of square footage. That will make the marketing and the implementation of a specific plan more realistic. Please consider those additions with necessary approval constraints. Thank you.

Bruce

Sent from my iPad

On Nov 22, 2016, at 10:29 AM, Grant Taylor <gtaylor@Lake-Elsinore.org> wrote:

RE: East Lake Specific Plan EIR Scoping Meeting

Hello Bruce. Just wanted to make sure you received the ELSP EIR Scoping Meeting notice for 12/1/16 at 5pm. Hope to see you there. Staff and the consultants have reviewed your recent land use proposal and have several concerns including the Lucas Oil facility has been reduced in size and does not identify parking or staging and the facility next to residential is problematic as evidenced by Summerly residents complaining louder with each event. We're not persuaded to amend the plan at this time. Once we have a project that is real we can easily amend the Specific Plan as we have done ten times with the ELSP.

Grant Taylor
Director of Community
Development
City of Lake Elsinore
PH:(951) 674-3124, 270

From: Lake Elsinore Services
Sent: Tuesday, November 22, 2016 7:05 AM
To: Grant Taylor <gtaylor@Lake-Elsinore.org>
Subject: Attached Image

<0257_001.pdf>



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) 484-0459
www.wildlife.ca.gov

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



December 8, 2016
Sent by email

Mr. Richard J. MacHott
City of Lake Elsinore
130 S. Main Street
Lake Elsinore, CA 92530

Subject: Notice of Preparation of a Draft Environmental Impact Report
East Lake Specific Plan Amendment No. 11 Project
State Clearinghouse No. 2016111029

Dear Mr. MacHott:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the East Lake Specific Plan Amendment No. 11 Project (project) [State Clearinghouse No. 2016111029]. Pursuant to The Guidelines for the Implementation of CEQA (Cal. Code Regs., tit. 14, § 15000 *et seq.*; hereafter CEQA Guidelines), the Department has reviewed the NOP and offers comments and recommendations on those activities involved in the project that are within the Department's area of expertise and germane to its statutory responsibilities, and/or which are required to be approved by the Department (CEQA Guidelines, §§ 15086, 15096 & 15204).

The project involves an amendment to the existing East Lake Specific Plan, which covers an area of approximately 3,000-acres located south of Lakeshore Drive, west of Mission Trail and Corydon Road, and north of Union Street, in the City of Lake Elsinore, County of Riverside. The existing East Lake Specific Plan primarily allows for residential uses along with open space uses. The City of Lake Elsinore (City; the CEQA lead agency) proposes to amend the Specific Plan through this project to accommodate a wide variety of unique sporting and recreational venues and supporting uses including commercial, restaurant, hotel, and open space uses, in addition to accommodating residential uses. Specifically, the project proposes to amend the existing Specific Plan as follows:

- Overhaul land uses, development regulations, circulation, drainage, and architectural guidelines for the project area.
- Streamline development by making specific plan area guidance documents more user-friendly.
- Protect the natural resources in the Back Basin.
- Ensure that the City's "Action Sports Capital of the World" activities have a permanent location in the City.

Conserving California's Wildlife Since 1870

COMMENTS AND RECOMMENDATIONS

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the City in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the Department to adequately review and comment on the proposed project with respect to impacts on biological resources and the project's consistency with adopted and/or approved Habitat Conservation Plans (HCPs), NCCPs, and/or other local, regional, or state habitat conservation plans.

The Department recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable Department staff to adequately review and comment on the project, the CEQA document should include a complete assessment of the flora and fauna within and adjacent to the project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. The Department recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. The Department recommends that floristic, alliance- and/or association based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. The Department's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed project. The Department recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

Please note that the Department's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the project footprint and within offsite areas with the potential to be effected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service, where necessary. Note that the Department generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.
4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants>);
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]);

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The Department recommends that the DEIR provide a thorough discussion of the direct, indirect, and cumulative impacts expected to affect biological resources as a result of the project. The DEIR should include a discussion of both temporary and permanent impacts. To ensure that project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by project activities adjacent to natural areas (including all mitigation/conservation areas within the project area), exotic and/or invasive species, and drainage. The latter subject should address project-related changes on

drainage patterns and water quality within, upstream, and downstream of the project site, including: volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.

2. A discussion of potential indirect project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).

Please note that the project area supports significant biological resources and contains habitat connections, providing for wildlife movement across the landscape, sustaining both transitory and permanent wildlife populations. The Department encourages project design that avoids and preserves onsite features that contribute to habitat connectivity. The DEIR should include a discussion of both direct and indirect impacts to wildlife movement and connectivity, including maintenance of wildlife corridor/movement areas to adjacent undisturbed habitats.

3. An evaluation of impacts to adjacent open space lands (including mitigation/conservation lands) from both the construction of the project and any long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

Note that the DEIR must describe and analyze a range of reasonable alternatives to the project that are potentially feasible, would “feasibly attain most of the basic objectives of the project,” and would avoid or substantially lessen any of the project’s significant effects (CEQA Guidelines § 15126.6[a]).

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to

occur as a result of the project. When proposing measures to avoid, minimize, or mitigate impacts, the Department recommends consideration of the following:

1. *Sensitive Plant Communities*: The Department considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
2. *Mitigation*: The Department considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, including, but not limited to measures to ensure domestic animals (e.g., cats and dogs) cannot access mitigation areas, and removal procedures to implement if they do; proposed land dedications; long-term monitoring and management programs; control of illegal dumping; water pollution; and increased human intrusion, etc.

3. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring

of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

The Department recommends that local onsite propagules from the project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

4. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

The Department recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed, the Department recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

5. *Translocation of Species*: The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). The Department recommends that a CESA ITP be obtained if the project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

The Department encourages early consultation, as significant modification to the proposed project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. Please note that the proposed avoidance, minimization, and mitigation measures must be sufficient for the Department to conclude that the project's impacts are fully mitigated and the measures, when taken in aggregate, must meet the full mitigation standard. When the Department issues a CESA ITP, it is considered a discretionary action as defined in Title 14 of the California Code of Regulations, section 15357, under CEQA. Therefore, before the Department can issue the CESA ITP the CEQA Lead Agency must have completed the necessary steps under CEQA. If the project CEQA document fails to address all project impacts to listed species and does not include a mitigation monitoring and reporting program that will meet the requirements of a CESA ITP, the Department is required to prepare and issue a separate CEQA document prior to issuance of the CESA ITP.

Western Riverside County Multiple Species Habitat Conservation Plan

Within the Inland Deserts Region, the Department issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County MSHCP per Section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit.

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

of this project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please go to: <http://rctlma.org/epd/WR-MSHCP>.

The proposed project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. In order to be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement. The City of Lake Elsinore is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. The entirety of the project is located within the Elsinore Subunit (SU3) of the Elsinore Area Plan and occurs within independent MSHCP Criteria Cells 4759, 4740, 4742, 4743, 4843, 4844, 4845, 4846, 4940, 4939, 4937, 5038, 5036, 5033, 5140, 5137, 5131, and 5240. Because the proposed project is located within MSHCP Criteria Cells, it is subject to the Joint Project Review (JPR) process through the Regional Conservation Authority (RCA). In addition, MSHCP policies and procedures that apply to the proposed project include the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (MSHCP section 6.1.2), Protection of Narrow Endemic Plant Species (MSHCP section 6.1.3), Additional Survey Needs and Procedures for burrowing owl and Criteria Area Species (MSHCP section 6.3.2), and the Guidelines Pertaining to the Urban/Wildlands Interface (MSHCP section 6.1.4).

The DEIR needs to address how the proposed project will affect the policies and procedures of the MSHCP. Therefore, all surveys required by the MSHCP policies and procedures listed above to determine consistency with the MSHCP should be conducted and results included in the DEIR so that the Department can adequately assess whether the project will impact the MSHCP.

In addition, the Department specifically requests that the DEIR include a thorough accounting of existing mitigation and/or conservation lands as well as outstanding mitigation and/or conservation land obligations located with the project area. In 2003, the East Lake Specific Plan MSHCP Consistency Analysis was developed in order to demonstrate consistency with the MSHCP. Through this process a Back Basin Conservation Area of 770 acres was identified but not finalized by the City. Please see the attached enclosures for the complete history. The DEIR should include a discussion of how the City will address the process for completing the configuration of the Back Basin Conservation Area.

Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round).

This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, the Department determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, 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 <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Further Coordination

The Department appreciates the opportunity to comment on the NOP of a DEIR for the East Lake Specific Plan Amendment No. 11 Project (SCH No. 2016111029) and recommends that the City include as much detail as possible in the DEIR regarding proposed project elements, and detailed and specific mitigation measures. For questions pertaining to the comments provided in this letter, please contact Joanna Gibson at (909) 987-7449 or joanna.gibson@wildlife.ca.gov.

Sincerely,


Leslie MacNair
Regional Manager

Enclosure

cc: Heather Pert, California Department of Fish and Wildlife
Charles Landry, RCA
Laurie Correa, RCA
Karin Cleary-Rose, U.S. Fish and Wildlife Service
State Clearinghouse

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd. Suite C-220
Ontario, CA 91764
909-484-0459
www.wildlife.ca.gov

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



October 15, 2013

Grant Taylor
Director of Community Development
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Subject: Lake Elsinore Back Basin

Dear Mr. Taylor,

The California Department of Fish and Wildlife (Department) is writing this letter to provide our understanding regarding conservation in Lake Elsinore Back Basin to meet the requirements of Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Previously, the Department, U.S. Fish and Wildlife Service (Service), Western Riverside County Regional Conservation Authority (RCA), and the City of Lake Elsinore (City) exchanged maps and related information to identify lands to contribute to the 770 acres required for the Back Basin Conservation Area within the East Lake Specific Plan. However, the entire 770 acres needed to fulfill the obligations of the MSHCP for conservation has not yet been identified.

Enclosed is a summary prepared by the Department that details the history of conservation in the City of Lake Elsinore's Back Basin as it relates to the MSHCP. As outlined in the attached documents, there are currently 703.16 acres of conserved lands, mitigation lands, or lands currently under City ownership identified to contribute toward the goal of 770 acres of Conservation. However, the mitigation requirements (restoration and/or recording of easements) stipulated in associated permits need to be implemented before these lands may be counted toward the 770-acre goal. An additional 66.84 acres in the Back Basin needs to be identified by the City and agreed upon by the RCA, Department, and Service to meet the minimum 770 acres of conservation required for the MSHCP.

In addition, the RCA created a map to identify all existing, proposed, and potential mitigation lands to help guide the location of potential additional conservation lands (see figure titled "Lake Elsinore Back Basin/Conservation and Mitigation Properties" in attached enclosure). The Department and Service worked with the RCA to review the status and ownership of areas within the Back Basin to identify potential lands for conservation to meet the 770-acre requirement.

As a Permittee to the MSHCP, the City is responsible for facilitating contribution of additional conservation through the use of incentives and existing regulations to meet the 770 acres required for the Back Basin Conservation Area. We are available to review this information with

Conserving California's Wildlife Since 1870

Grant Taylor
October 15, 2013
Page 2 of 2

you, if needed. We look forward to working with you to complete this process. If you have any questions please contact Heather Pert at 858-538-0342.

Sincerely,



for Kimberly Nicol
Regional Manager
Inland Deserts Region

ec:

Leslie MacNair, CDFW
Jeff Brandt, CDFW
Karin Cleary-Rose, USFWS
Charles Landry, RCA
Laurie Correa, RCA
Stephanie Standerfer, Dudek

Enclosure

**Summary & Timeline of Back Basin Conservation Area
Prepared by California Department of Fish and Wildlife
October 15, 2013**

- A. In 2003, prior to the adoption of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), there were a series of meetings between the County of Riverside (County), Jim Bartel of the U.S. Fish and Wildlife Service, Ron Rempel of the California Department of Fish and Wildlife (Department, formerly known as Department of Fish and Game), and others to discuss conservation measures within the East Lake Specific Plan in the back basin of Lake Elsinore to provide consistency with the MSHCP.

- B. On October 9, 2003 the East Lake Specific Plan MSHCP Consistency Analysis (referred to herein as the East Lake Specific Plan Conservation Proposal) was prepared by Vandermost Consulting Services, Inc. on behalf of Laing-CP Lake Elsinore (Laing) and the City of Lake Elsinore (City) for the Laing-CP Elsinore Site. The document described 770 acres of proposed conservation within the East Lake Specific Plan area located within the Back Basin and described its consistency with the MSHCP conservation goals and objectives. The areas proposed for conservation in the East Lake Specific Plan (Figure 1. East Lake Preservation Areas) are summarized as follows:

East Lake Specific Plan Conservation Proposal

<u>Acres</u>	<u>Description</u>
356 acres	Lake Management Plan (LMP) Wetlands Mitigation. Condition of original Corps LMP Section 404 Permit and California Department of Fish and Wildlife 1600 permit. Conservation easement held by the Department.
155 acres	Adjacent to LMP Wetlands, condition of original Corps LMP Section 404 Permit
130 acres	Lake Elsinore Inlet Channel
71 acres	Open Space on the Laing-CP Lake Elsinore Site
33 acres	City of Lake Elsinore Open Space, contains known vernal pool
25 acres	Historic San Jacinto River on the Laing-CP Lake Elsinore Site
770 acres	Total Conservation

- C. The East Lake Specific Plan MSHCP Consistency Analysis was submitted to Joe Monaco at Dudek and Associates and to Richard Lashbrook at the County for review. As described in two letters (Dudek dated December 17, 2003 and the County dated February 3, 2004), the East Lake Specific Plan Conservation Proposal was a “suitable framework for determining consistency with the MSHCP” for the Back Basin (Attachments 1 & 2, respectively).

- D. Early 2004, The East Lake Specific Plan was approved by the City (prior to adoption of the MSHCP)
- E. On June 22, 2004 the MSHCP was adopted. It did not reflect the East Lake Specific Plan Conservation Proposal.
- F. Late 2004, the Department received a Notification for Streambed Alteration Agreement for Laing-CP Lake Elsinore Project (East Lake Specific Plan Amendment 6, "Laing/Summerly project"). At that time, Leslie MacNair (Department Staff Environmental Scientist) requested confirmation from Ron Rempel (Deputy Director with Department at that time) that the Department had previously agreed to this alternative conservation proposal. Ron Rempel confirmed that they had agreed that the conservation configuration identified in the East Lake Specific Plan Conservation Proposal would be acceptable to the Department provided a minimum of 770 acres is conserved within the Back Basin. He also indicated that all projects in the Back Basin would be required to demonstrate compliance with MSHCP species survey and conservation requirements. Therefore, additional conservation in the Back Basin may be required to meet the additional species requirements.
- G. In January 2005, the Department issued Streambed Alteration Agreement ("Agreement"; No. 1600-2004-0130-R6), pursuant to Section 1600 of the Fish and Game Code, for the Laing/Summerly Project. The Agreement incorporated conservation and mitigation requirements based on the East Lake Specific Plan Conservation Proposal.
- H. During 2006 through 2008 discussions took place between the Wildlife Agencies (Department and U.S. Fish and Wildlife Service), RCA, and the City. It was determined that some lands in East Lake Specific Plan Conservation Proposal were not within the City's ownership. Therefore, it was determined that these lands could not be identified for conservation to meet the minimum requirement of 770 acres in the Back Basin. The maps were revised by Dudek (on behalf of RCA) to reflect only those lands in City ownership that would be available at that time to meet the goal of 770 acres.
- I. During the summer of 2010 emails and maps of potential lands were exchanged between the RCA, City, and the Department. However, because of discrepancies in acreages and lack of staff at the City to resolve the differences, the maps were not finalized.
- J. In 2013, the Department reviewed the properties again with the assistance of the RCA. The Department revised the original list of properties from the East Lake Specific Plan Conservation Proposal to include only lands that are already in conservation or those currently owned by the City. The Department also included additional lands in the Back Basin that are identified for mitigation and conservation that were not identified in the East Lake Specific Plan Conservation Proposal.
- K. Below is a description of the properties the Department has determined as acceptable to contribute towards the 770 acres of conservation in the Back Basin at this time (Figure 2. Lake Elsinore Back Basin/Conservation & Mitigation Properties). Also included below is a

description of whether the lands may be attributed towards Public/Quasi Public lands or Additional Reserve Lands.

1) 356-Acre Wetland Area

At meetings, the Department agreed that the 356-acre wetland area would contribute to the MSHCP Conservation Area as Public/Quasi Public lands. Because this area served as mitigation for projects impacted prior to the MSHCP, these lands would not count towards the MSHCP requirements for Additional Reserve Lands.

2) 28-Acre Area

This area is located just south of the 356-acre wetland described above. This area was targeted for conservation in the MSHCP. This 28-acre area is a subset of the 155-acre area proposed in Vandermost's East Lake Specific Plan Conservation Proposal. Because 127 acres is privately owned land and has not been offered for conservation at this time, it is not being included in this letter as Conservation under the MSHCP. Therefore, the 127 acres of privately-owned land was deducted from the original 155 acre, thereby leaving 28 acres that may be counted toward Additional Reserve Lands under the MSHCP.

3) 115-Acre Inlet Channel Area (subset of 130 acres in original East Lake Specific Plan Conservation Proposal)

This area is the inlet channel to Lake Elsinore which includes the San Jacinto River channel from Lakeshore Avenue (south of I-15) to where it outlets into Lake Elsinore. This area was identified for conservation in the MSHCP. The area was intended for Proposed Linkage 8. The City owns 115 acres. The remaining 7 acres are owned by Riverside County Flood Control District and Elsinore Valley Municipal Water District. In the East Lake Specific Plan Conservation Proposal, a total of 130 acres was originally proposed for conservation; however, only 115 acres are being documented for conservation by this letter because the lands that are not currently controlled by the City are deducted out of the total. The 8 acres of privately-owned land and the 7 acres owned by Riverside County Flood Control District and Elsinore Valley Municipal Water District were deducted from the original 130 acre area, thereby leaving 115 acres that can be counted toward MSHCP Conservation Additional Reserve Lands.

4) 25-Acre Historic San Jacinto River Channel

This 25-acre strip of land that covers the historic San Jacinto River channel was conserved for MSHCP by Laing/Summerly project (1600-2004-0130-R6, Conditions 5A & 5B). A portion of this area was previously conserved by a conservation easement as mitigation for the Levee project (Agreement No. 5-671-88). However, as part of Laing/Summerly project, the easement was lifted from the area so that a larger 25-acre area could be restored and conserved, in perpetuity. As mitigation for Laing/Summerly project, Laing lowered the river channel and will be replanting the area. Within the channel, mitigation identifies the creation of 9 acres riparian habitat including 4.36 acres southern willow scrub and 4.64 acres mulefat. When restoration is complete, it will provide wetland, riparian, and upland habitats. A conservation easement over the 25 acres is required. Mitigation needs to be completed as required by permits and the conservation easement

must be recorded before the 25 acres can be counted as MSHCP Conservation Additional Reserve Lands.

5) 10-Acre West Edge of Laing/Summerly Project (New-not in original East Lake Specific Plan Conservation Proposal)

This 10-acre parcel was provided by Laing as mitigation for the Laing/Summerly Project (Agreement No. 1600-2004-0130-R6, Condition 5C) and is proposed to be created as a river corridor vegetated with wetlands, riparian and an upland habitat along the western edge of the Laing/Summerly Project. This area was also identified in Corps permits (2005-0422-RSS, 88-00215-RSS, and 2004-00748-RSS). A conservation easement is required. Once the habitat creation is completed as required by permits and the conservation easement has been recorded, the land can be counted as MSHCP Conservation Additional Reserve Lands.

6) 71-Acre Buffer Mitigation Area

This area was provided by Laing as conservation for the MSHCP and as mitigation for the Laing/Summerly project. It is located along the southern edge of the Laing/Summerly project. The mitigation and conservation of this site was also made a condition of their permits with the Department (Agreement No.1600-2004-0130-R6, Condition 5D) and Corps (Permit #2004-00748-RRS). This 71-acre area will serve as a buffer between the Laing/Summerly project and the 356-acre wetland area. Laing will restore 61.3 acres of the 71-acre site by planting alkali weed, saltgrass, mulefat, and California Buckwheat site as mitigation. The remaining 9.4 acres will consist of water quality wetlands. Once restoration is completed, the site will include water quality wetlands and native grassland/scrub habitat. Mitigation needs to be completed as required by permits and a conservation easement must be recorded before it can be counted as MSHCP Conservation Additional Reserve Lands.

7) 33-Acre Vernal Pool Mitigation Area

This area was provided by Laing as conservation for the MSHCP and as mitigation for the Laing/Summerly project required by the Department (Agreement #1600-2004-0130, Conditions 5F & 5G). The site preserves an existing vernal pool, known as the Australia pool, with Riverside fairy shrimp. The site was also to include mitigation for smooth tarplant for Laing/Summerly project. Smooth tarplant mitigation has been installed and monitoring of the mitigation site is still in progress. The placement of a conservation easement over the site was to be completed once the smooth tarplant mitigation and monitoring is complete. Laing's mitigation must be completed, including the monitoring and maintenance, and approved by the Department, and a conservation easement must be placed on it before it can be counted as MSHCP Conservation Additional Reserve Lands.

In addition, the Watersedge project submitted a proposal that would impact approximately four acres of this site as part of their proposed Borrow/Mitigation site located immediately west to this site. If the City approves this impact to the 33-acre site, replacement lands in the Back Basin would be required that replaces the habitat to make the 33-Acre mitigation whole for the Laing/Summerly permit.

8) 11.66-Acre Tract 30846 Mitigation Area (New-not in East Lake Specific Plan Conservation Proposal)

This area was provided as mitigation for development of Serenity Estates, Tract 30846 by KB Homes Coastal Inc. It satisfies mitigation requirements for ACOE Section 404 Permit No. 200500053 JPL and the Department's Agreement No. 1600-2003-5108-R6. The property is owned by Madison-Fairfield Homeowners Association and the conservation easement is held by Riverside Land Conservancy. These lands would count towards the MSHCP requirements for Additional Reserve Lands.

9) Borrow Site (53.5 acres) (New-not in East Lake Specific Plan Conservation Proposal)

Within the 53.5 acre Borrow site, 5.75 acres are located as mitigation requirements for Department's Agreement No. 1600-2007-0210-R6, Lake Elsinore Boat Ramp. The Boat Ramp mitigation must be completed, including the monitoring and maintenance, and approved by the Department, and a conservation easement must be placed on it before it can be counted as MSHCP Conservation Additional Reserve Lands. In order for the remaining 47.75 acres of the Borrow Site to be counted towards MSHCP Conservation Additional Reserve Lands, any area used for borrow should be restored and a conservation easement would need to be placed over the land and the land would need to be managed consistent with the requirements of the MSHCP.

Note: In order for any of the lands identified above to be counted as Additional Reserve Lands, they would need to be conserved and managed consistent with the requirements of the MSHCP.

Summary

The above land totals 703.16 acres. In order to meet the goal of 770 acres of conservation (ARL and/or PQP) agreed to by the Department, an additional 66.84 acres needs to be conserved in the Back Basin. All lands would need to be managed consistent with the MSHCP and protected, in perpetuity. Potential lands for conservation should include areas that were targeted for reserve assembly as described in the MSHCP (based on the written cell criteria) and/or provide connectivity to lands that are conserved and/or proposed for conservation. The lands should target lands that benefit shorebirds or wetland/marsh associated species, vernal pool species, sensitive plant species, and/or Planning Species for Subunit 3 and Proposed Extension of Existing Core 3, as described in the MSHCP.

Also, projects within the Back Basin are still required to demonstrate compliance with MSHCP species survey and conservation requirements. Therefore, additional conservation beyond the 770 acres in the Back Basin may be required to meet the additional species requirements.



*Engineering, Planning,
Environmental Sciences and
Management Services*

Corporate Office:
605 Third Street
Encinitas, California 92024

760.942.5147
Fax 760.632.0164

December 17, 2003

Mr. Richard Lashbrook
COUNTY OF RIVERSIDE
4080 Lemon Street, 7th Floor
P.O. Box 1605
Riverside, CA 92501

Subject: Laing CP 706-acre Development, Lake Elsinore

Dear Richard:

We have reviewed the biological information prepared by Glen Lukos and Associates and the MSHCP consistency analysis prepared by Vandermost Consulting Services, for the 706-acre Laing CP property located east of Lake Elsinore, within the City of Lake Elsinore. It is our understanding that while that, under the MSHCP, the City of Lake Elsinore would have the authority to determine MSHCP consistency for the project, the property owner has requested that the County of Riverside review the consistency analysis and provide their opinions.

Within the context of our review, we believe that the areas proposed for conservation, provide for substantial conformance to the requirements of the MSHCP. The primary conservation objectives of the MSHCP appear to be achievable with the proposed plan. In addition, the biological technical report contains specific mitigation measures and requirements that provide compensation for the loss of resources that were identified on the site.

In reviewing the material provided, we believe that the majority of mapping and survey work that is required at the project level to determine consistency with the MSHCP has been completed, with noted exceptions. The biological technical report recommends additional wet season surveys for vernal pool fairy shrimp. We concur with that recommendation.

In summary, we believe that the information provided provides a suitable framework for determining consistency with the MSHCP. We would be happy to discuss additional details relating to our review at your request.

Very truly yours,

DUDEK & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Joe Monaco", is written over a horizontal line.

Joe Monaco
Senior Project Manager



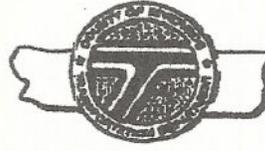
Richard K. Lashbrook
Agency Director

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY



James J. Miller
Director



George A. Johnson, P.E.
Director



Robert C. Johnson
Director

February 3, 2004

Michael Filler
John Laing Homes
31900 Mission Trail, Suite 225
Lake Elsinore, CA 92530

Subject: Eastlake Specific Plan and Laing CP 706-acre Development, Lake Elsinore

Dear Mr. Filler:

On October 9, 2003, we received documentation from Vandermost Consulting Services, Inc., analyzing the 3,000-acre back basin Eastlake Specific Plan in the context of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). The documentation includes a consistency analysis and aerial photograph depicting 770 acres of conservation area within the back basin, proposed to provide compliance with the MSHCP cell criteria, goals and objectives. The submittal of the consistency analysis and conservation area graphic was the culmination of meetings and discussions with the County, Jim Bartel of the U.S. Fish and Wildlife Service, Ron Rempel of the California Department of Fish and Game, and others, regarding how conservation measures within the back basin of Lake Elsinore could provide consistency with the MSHCP. In addition, a biological technical report for the 706-acre Laing CP development was included to provide specific survey information and conservation measures to comply with the MSHCP planning species and species overlay requirements.

On December 17, 2003, we received a letter from Dudek and Associates summarizing their review of the consistency analysis and biological technical report for the Laing CP 706-acre project in the context of consistency with the MSHCP. Dudek concluded that the areas proposed for conservation and related conservation measures provide consistency with the MSHCP. As described in the consistency analysis, the balance of the back basin will require biological surveys for MSHCP planning species and species overlays and may require avoidance of certain areas. Although the City of Lake Elsinore has the final authority to determine project compliance with the MSHCP, we agree with Dudek's findings that the information provided contains a suitable framework for determining consistency with the MSHCP. Please contact me with any questions.

Sincerely,

Richard Lashbrook
Transportation and Land Management Agency Director

Attachment

4080 Lemon Street, 7th Floor • Riverside, California 92501 • (909) 955-6838
P. O. Box 1605 • Riverside, California 92502-1605 • FAX (909) 955-6879

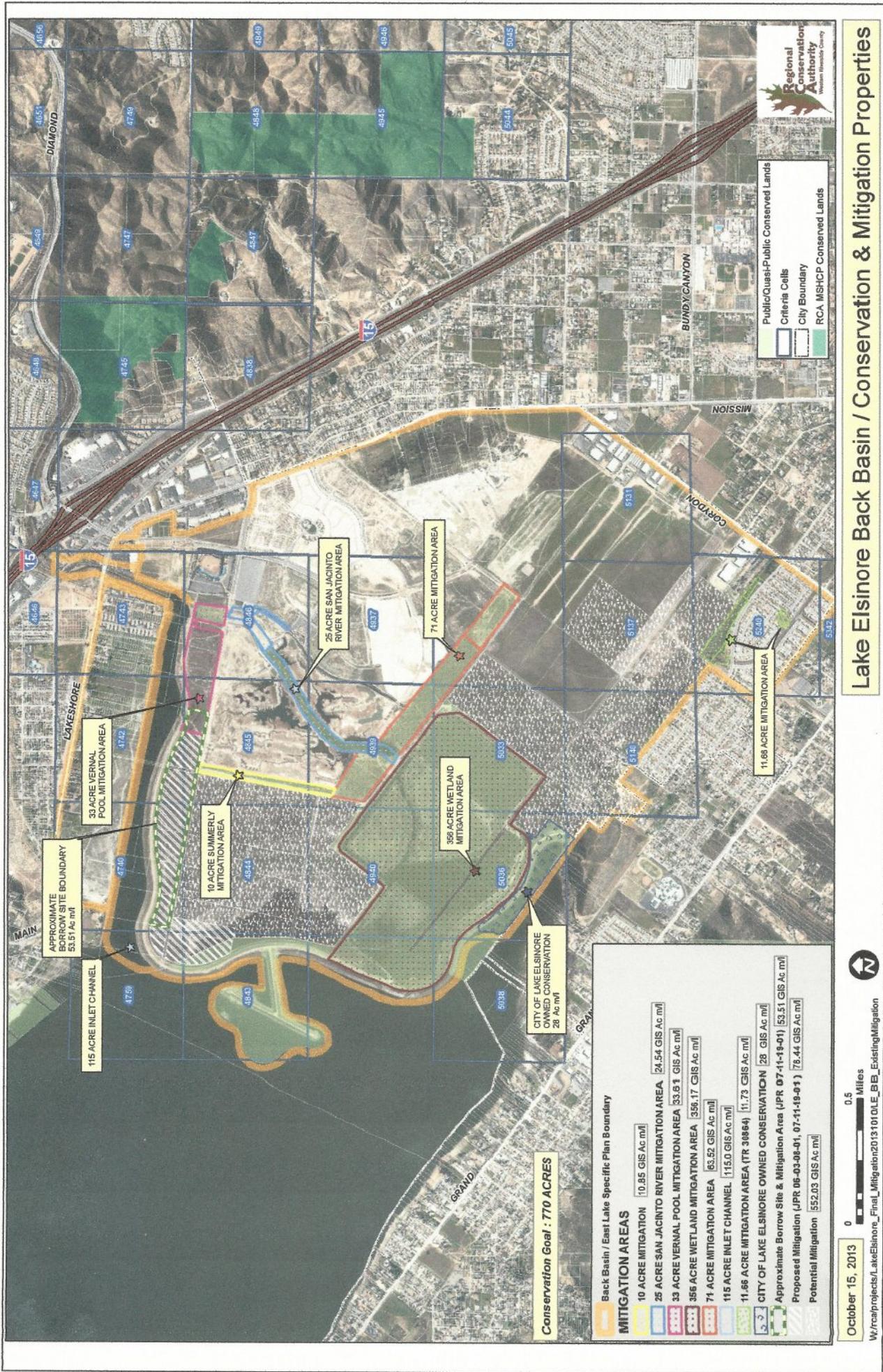


Figure 2.

COMMENT CARD

EIR Scoping Meeting – East Lake Specific Plan Amendment No. 11

#1

Name: PAUL PRIBBLE Date: 12-9-16

Email Address: MBNAVINT@VERIZON.NBT Phone: 714 356-2116

Street Address: 32301 CORYDON RD. LAKE ELSINORE, CA 92530

Comment (please print): BASED ON A REVIEW OF THE PROPOSED ELSP AMENDMENT #11. THERE APPEARS TO BE A CHANGE IN PLANNING AREAS AND LAND USES WHICH DO NOT COMPLY WITH THE LAND USES PERMITTED, SPECIFICALLY OUR PARCEL # 370-070-0211 WAS ENTITLED TO RESIDENTIAL LAND USES ON THE 48 ACRE PARCEL IN ACCORDANCE WITH (over)

Please give this comment card to a staff member tonight; or, send your written response by mail or email to the Project Contact listed below no later than 5 p.m. on Monday, December 12, 2016. Please visit the City's website at the following link to learn more: <http://www.lake-elsinore.org/city-hall/city-departments/community-development/planning/ceqa-documents-available-for-public-review/east-lake-specific-plan-amendment-no-11>.



EXHIBITS
A, B, C
ATTACHED

City of Lake Elsinore
Attn: Mr. Richard J. MacHott
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

Comment (continued)

THE ORIGINAL ELSP, IT APPEARS THAT THE PROPOSED AMENDMENT #11 HAS MODIFIED THE ORIGINAL ELSP LAND USE PLAN BY REMOVING RESIDENTIAL LAND USES OVER A MAJOR PORTION OF THE REMAINING UNDEVELOPED PROPERTY LOCATED WITHIN THE BOUNDARIES OF ENTITLED LAND USES OF THE ELSP CURRENTLY IN EFFECT, BASED ON THE REQUIREMENTS OF THE APPROVED ELSP, THERE IS A REQUIREMENT TO PROVIDE FOR NO MORE THAN 10,000 RESIDENTIAL UNITS AND IN EFFECT NO LESS THAN 10,000 RESIDENTIAL UNITS AS RESIDENTIAL UNITS MAY BE RELOCATED WITHIN ANY PLANNING AREA IN EQUAL AMOUNTS, ANY ADDITION OF RESIDENTIAL ~~IN~~ ANY PLANNING AREA IS LIMITED TO NO MORE THAN A 25% INCREASE IN ANY PLANNING AREA AND A DECREASE OF RESIDENTIAL UNITS IN A LIKE AMOUNT IN ANY OTHER PLANNING AREA. TO MAINTAIN THE APPROVED RESIDENTIAL UNITS ENTITLEMENT

LD

COMMENT CARD

#2

EIR Scoping Meeting – East Lake Specific Plan Amendment No. 11

Name: PAUL PRIBBLE Date: 12-9-16

Email Address: MENAVINT@VERIZON.NET Phone: 714 356-2116

Street Address: 32301 CORYDON RD, LAKE ELSINORE CA 92530

Comment (please print): AS ILLUSTRATED IN THE PROPOSED EISP AMENDMENT #11 THERE ARE NO RESIDENTIAL LAND USES ENTITLED ON OUR PARCEL 370-070-003 TO FACILITATE THE PROPOSED EISP AMENDMENT #11 WE WOULD PROPOSE THE ADDITION OF EITHER A MIXED USE LAND USE DESIGNATION BE PROVIDED (over)

Please give this comment card to a staff member tonight; or, send your written response by mail or email to the Project Contact listed below no later than 5 p.m. on Monday, December 12, 2016. Please visit the City's website at the following link to learn more: <http://www.lake-elsinore.org/city-hall/city-departments/community-development/planning/ceqa-documents-available-for-public-review/east-lake-specific-plan-amendment-no-11>.



City of Lake Elsinore
Attn: Mr. Richard J. MacHott
130 South Main Street
Lake Elsinore, CA 92530
rmachott@lake-elsinore.org

WITHIN THE AIRPORT LAND USE AREA, HOWEVER
RELOCATION OF THE MIXED USE ENTITLEMENT
AREA WOULD BE BETTER SERVED BY RELOCATION TO A
SITE ADJACENT TO CONTIGUOUS RESIDENTIAL DEVELOPMENT
ADJACENT TO THE SOUTHERLY PROPERTY LINE. THIS
SITE RELOCATION WOULD PROVIDE FOR A MORE HARMONIOUS
DEVELOPMENT OF THE PROPOSED LAND USES OF ELSP #11
THERE EXISTS IN THE PICTORIAL ILLUSTRATION OF ELSP #11
AN ERROR IN PROPERTY LINES AND NOT EXISTANT ROADWAYS
WHICH WERE CHANGED BY PM 01-04# IN 2002 WHICH PROVIDED
FOR PARCEL 370 090-003 TO BECOME A COMPONENT OF
THE AIRPORT USE AREA, WHICH COMPRISES 197 ACRES
OF THE ELSP. THIS PM 01-04 WAS APPROVED BY THE CITY OF
LAKE ELSINORE & RECORDED AS SUCH ON 2-20-03 SINCE
THE 48 ACRE PARCEL WAS PURCHASED TO BE USED AS
RESIDENTIAL DEVELOPMENT PROPERTY IN SUPPORT OF
AIRPORT USES. RESIDENTIAL USES WE ^{NEED} TAKE ISSUE TO BE ADDRESSED. END

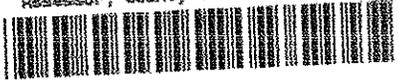
EXHIBIT A

Recording Requested By:
CITY OF LAKE ELSINORE

When Recorded Return To:
City of Lake Elsinore
Community Development Department
130 South Main Street
Lake Elsinore, CA 92530

No Fee, 6103 Government Code

DOC # 2002-099562
02/25/2002 08:00A Fee:NC
Page 1 of 4
Recorded in Official Records
County of Riverside
Gary L. Orso
Assessor, County Clerk & Recorder



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CERTIFICATE OF PARCEL MERGER NO. 01-04

Record Owners	Existing Parcels Assessor Parcel Numbers
Paul Pribble and Patricia Lenore Pribble	370-070-003
Paul Pribble and Patricia Lenore Pribble	370-120-002
Paul Pribble and Patricia Lenore Pribble	370-120-057

Legal Description of Merged Parcel

Pursuant to the Subdivision Map Act, Section 66499.20 3/4 and City of Lake Elsinore Ordinance 740, Section 16.20.080, the Merger of Lot 13 and a portion of Lot 15, Block E and Lot 16, a portion of Lot 18 and a portion of Lot 20, Block F of map titled "Plat Showing Resubdivision of Block D Elsinore" and filed in Book 6, page 296 of Maps, records of the County of San Diego, also being located in the Rancho La Laguna; was approved under Certificate of Merger Case No. 01-04 on Feb. 25, 2002, by the City of Lake Elsinore, California. The above property shall hereafter be described as follows:

(See attached Legal Description)

DEPARTMENT USE ONLY	
Signature of Recorder Owner(s) x <u>Paul Pribble</u> <u>Patricia Lenore Pribble</u>	This Certificate of Parcel Merger No. <u>01-04</u> is hereby approved.
	By <u>Ray Williams</u>
	Title <u>CITY ENGINEER</u>
	Date <u>Feb 25, 2002</u>

CE
C
A*

Order Number: 0625-506775
Page Number: 8

LEGAL DESCRIPTION

Real property in the City of Lake Elsinore, County of Riverside, State of California, described as follows:

PARCEL 1:

CERTIFICATE OF PARCEL MERGER NO. 01-04 RECORDED 2-26-2002 AS INSTRUMENT NO. 2002-99562, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY CALIFORNIA ALSO DESCRIBED IN THE DOCUMENT AS FOLLOWS:

LOT 13 IN BLOCK E OF ELSINORE, AS SHOWN BY MAP ON FILE IN BOOK 6 PAGE(S) 296 OF MAPS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA.

TOGETHER WITH

LOT 16 AND THE SOUTHWESTERLY RECTANGULAR 7.98 ACRES OF LOT 15 IN BLOCK F OF ELSINORE, AS SHOWN BY MAP ON FILE IN BOOK 6 PAGE(S) 296 OF MAPS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA.

TOGETHER WITH

LOT 15 IN BLOCK E, AND THE SOUTHWESTERLY 250 FEET OF LOT 18 AND THE SOUTHWESTERLY 250 FEET OF THE NORTHWESTERLY 920 OF LOT 20 IN BLOCK "F", AS SAID BLOCKS ARE SHOWN ON MAP OF ELSINORE ON FILE IN BOOK 6 PAGE 296 OF MAPS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA;

TOGETHER WITH THAT PORTION OF THE SOUTHWEST HALF OF COMO STREET, SHOWN ON SAID MAP AS AN UNNAMED STREET ADJOINING SAID LOTS, BOUNDED ON THE NORTHWEST BY THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF SAID LOT 15 AND BOUNDED ON THE SOUTHEAST BY THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 20 FEET OF SAID LOT 17;

ALSO TOGETHER WITH THAT PORTION OF THE NORTHEAST HALF OF SAID COMO STREET, BOUNDED ON THE NORTHWEST BY THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF SAID LOT 18 AND BOUNDED ON THE SOUTHEAST BY THE SOUTHWESTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID NORTHWESTERLY 920 FEET OF SAID LOT 20;

EXCEPTING THEREFROM THE SOUTHWESTERLY 280 FEET OF SAID LOT 15

PARCEL 2:

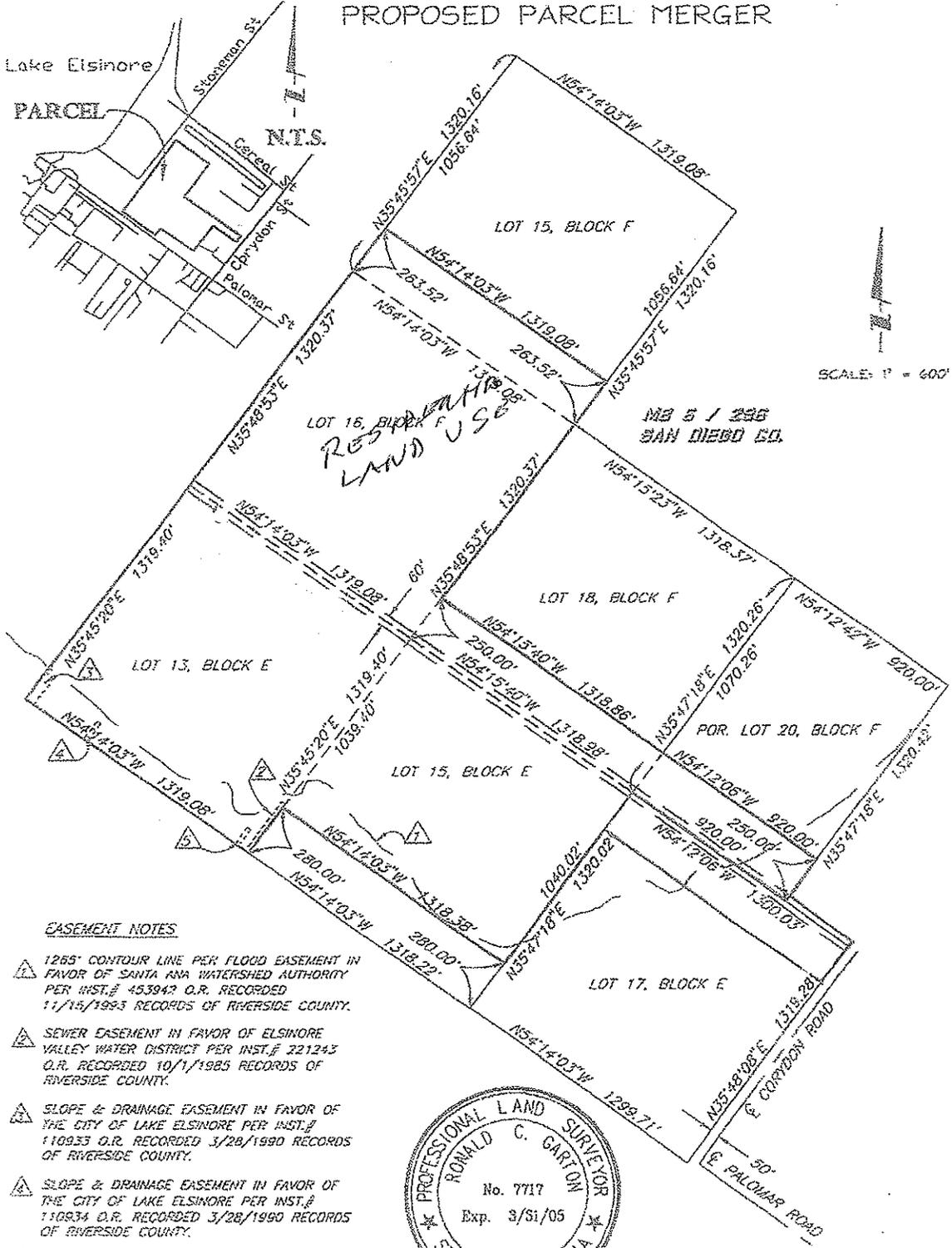
THE NORTHEASTERLY 200 FEET OF LOT 17 IN BLOCK "E" AS SHOWN BY MAP ON FILE IN BOOK 6 PAGE(S) 296 OF MAPS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA

EXCEPTING THE SOUTHEASTERLY 20 FEET OF THE NORTHEASTERLY 200 FEET OF LOT 17 IN BLOCK E AS CONVEYED TO THE CITY OF LAKE ELSINORE.

APN: 370-120-057-7, 370-120-058-8, 370-120-002-7 and 370-070-003-4

EXHIBIT CERTIFICATE OF PARCEL MERGER NO. 01-04

PROPOSED PARCEL MERGER



SCALE: 1" = 600'

EASEMENT NOTES

- ▲ 1255' CONTOUR LINE PER FLOOD EASEMENT IN FAVOR OF SANTA ANA WATERSHED AUTHORITY PER INST.# 453942 O.R. RECORDED 11/15/1993 RECORDS OF RIVERSIDE COUNTY.
- ▲ SEWER EASEMENT IN FAVOR OF ELSINORE VALLEY WATER DISTRICT PER INST.# 221243 O.R. RECORDED 10/1/1985 RECORDS OF RIVERSIDE COUNTY.
- ▲ SLOPE & DRAINAGE EASEMENT IN FAVOR OF THE CITY OF LAKE ELSINORE PER INST.# 110933 O.R. RECORDED 3/28/1990 RECORDS OF RIVERSIDE COUNTY.
- ▲ SLOPE & DRAINAGE EASEMENT IN FAVOR OF THE CITY OF LAKE ELSINORE PER INST.# 110934 O.R. RECORDED 3/28/1990 RECORDS OF RIVERSIDE COUNTY.
- ▲ SLOPE & DRAINAGE EASEMENT IN FAVOR OF THE CITY OF LAKE ELSINORE PER INST.# 110936 O.R. RECORDED 3/28/1990 RECORDS OF RIVERSIDE COUNTY.

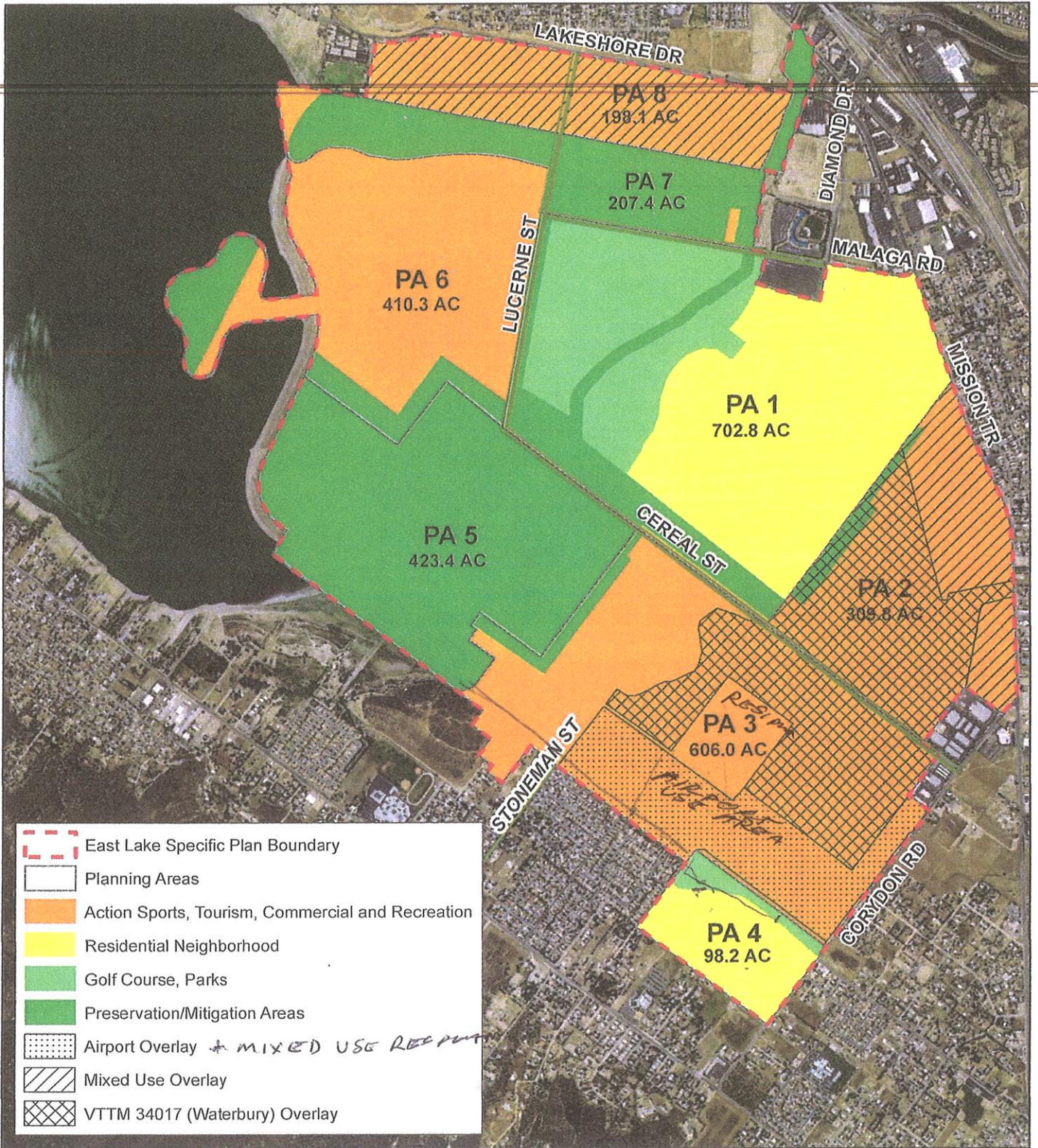



 PREPARED UNDER THE SUPERVISION OF RONALD C. GARTON, P.L.S. 7717
 EXP. 3-31-05

MENTOR AVIATION
PROPOSED PARCEL MERGER

The Keith Companies **TKC**

Professor: 12/5/2001 10:29:04 AM By: R. GARTON D:\31685\00\Brg\PROSSW001 Protor Ade Non Parent Survey Exhibit.DWG



November 1, 2016



0 0.275 0.55 Miles

City of Lake Elsinore GIS

FIGURE _
EAST LAKE SPECIFIC PLAN LAND USE MAP

-  Smooth tarplant (CNPS Sensitive Species)
-  Disturbed/Developed, DD
-  Disturbed Alkali Meadow, DAM
-  Disturbed Willow Scrub, W
-  Man-made Emergent Marsh
-  Agriculture, AGR
-  Ruderal, R
-  Ruderal Shrublands, RS

Proposed Project

Stoneman St

Como St

RUNWAY LOCATION

RESIDENTIAL LAND USE

Corydon Rd

Bryant St

Mission Trl



0 570 1,140 Feet

Source: Riverside County | \Sdr-pls\gis\Projects\0105701_KEL\S24636E\cellulaMap_Docs\3.2.1_VegetationCommunities.mxd | Last Updated: 08-24-05

Sean Noonan

From: Richard J. MacHott, LEED Green Assoc. <rmachott@Lake-Elsinore.org>
Sent: Monday, December 12, 2016 5:50 PM
To: Eric Turner; Sean Noonan
Cc: Grant Taylor
Subject: Fwd: COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

Here is another Scoping Session NOP comment E-mail.

Richard J. MacHott, LEED Green Associate
Planning Manager
City of Lake Elsinore

Sent from my iPhone

Begin forwarded message:

From: Terri Mullins <mullins.d.terri@gmail.com>
Date: December 12, 2016 at 4:37:35 PM PST
To: "rmachott@lake-elsinore.org" <rmachott@lake-elsinore.org>
Subject: Fwd: COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

Sent from my iPad

Subject: Fwd: COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

Richard J. MacHott, Planning Manage

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

(via email at rmachott@lake-elsinore.org)

SUBJECT: EAST LAKE SPECIFIC PLAN AMENDMENT NO.
11

Dear Mr. MacHott:

This email serves as a written response to the Notice of Preparation

of a Draft Environmental Impact Report for the East Lake Specific Plan Amendment No. 11 project"

As a homeowner and resident of Lake Elsinore, I hereby submit the following comments

:

The project description is insufficient to meet the requirements of CEQA and does not provide sufficient

information to accurately and adequately respond.

The project description is vague, overbroad, lacking in specificity and misleading in its terminology and thereby risks conveying an inaccurate portrayal to stakeholders of the intent and purpose of the environmental review and thus of the eventual project

As a homeowner and resident of the Summerly neighborhood, I am directly affected by the environmental effects of the project currently in terms of the impacts generated from the project and from the implementation of the mitigation measures intended to reduce project impacts. I anticipate that revisions to the project will have the potential to change aspects of the project's impact on the environment in ways that could reduce or could also exacerbate those impacts I experience while new impacts could also be introduced.

The City's solicitation of guidance as to the scope and content of the information to be included in the environmental review of the amended project by both existing community members and affected agencies as well as current and future proponents and stakeholders is crucially important to the projects success and the City's future. As such, obtaining public and agency input should be the goal and focus rather than merely meeting the legal requirement for public notice.

The NOP notice was distributed and the Scoping meeting held in a 30 day review period that encompassed two holidays (Veteran's and Thanksgiving). The blue postcard notice announcing the NOP and meeting described the project and utilized a font size that made it difficult to read or understand the proposed action. As a Summerly neighborhood resident and owner, my property backs up to Diamond Drive on Catcher's drive near the Diamond Stadium, the location of which was the subject of a Specific Plan developed for that area as a stand alone Specific Plan separate from the East Lake Specific Plan. The NOP project notice neither included a map nor utilized the the word Diamond in the project's title or description that would have provided clarity as to the project's applicability to an area covered under a different specific

plan. The notice referenced availability of documents for review related to the project as available on the City's website utilizing a lengthy website address that was difficult to access. The City's website did not include nor reference the NOP, its availability nor the Scoping Meeting anywhere one might look for or expect to find such information. It was not included on the City's meetings and event calendar, nor on the main City or individual department web site pages. The difficulty in accessing the information on the City's website combined with the shortened review period given the two holiday periods precludes the City from receiving full and accurate input as to the scope and content of the information to be included in the EIR.

Please consider revising and recirculating the NOP and reaching out to the agencies affected. Since the adoption of the earlier fragmented environmental documents, the City of Lake Elsinore has experienced changes in the physical environment that should be considered and addressed.

From my home on Catcher's Way, I can currently feel and am negatively impacted by the vibrations of vehicles traveling on Diamond Drive. Truck traffic and its resulting impacts on air quality, traffic, noise, vibrations, odor etc. will increase with the proposed changes to the project. The area's locational characteristics of a floodplain area in close proximity to an earthquake zone and subject to liquefaction, results in the exacerbation of impacts. The residential areas built under the current plan have been built on imported fill to raise the height level in order to meet the requirement to have the structures above the floodplain level. As such the construction impacts from truck traffic are more severe as more truck trips are required to bring the amount of fill necessary. The proposed amendment will increase the impacts not only from the project itself but from the increased impacts from the mitigation measures needed. The site's location near sensitive habitat raises the risks involved in locating outdoor recreational uses that would conflict with the preservation of that habitat. The lake has recently been closed to the public due to toxic algae blooms and special permission has been granted to treat the water with chemicals not previously considered.

The changes to the project will have significant cumulative affects on the residential character and financial viability of the City and additional review and study of the proposal should be required.

Thank you for the opportunity to comment.

Terri Mullins

29331 Catchers Way
Lake Elsinore CA 92530

email: weatherbyacres@gmail.com

phone: 949-310-0186



By Email (rmachott@lakeelsinore.org) and USPS Priority Mail

December 12, 2016

Richard J. MacHott
Planning Manager
City of Lake Elsinore
130 S. Main St.
Lake Elsinore, CA 92530

Re: Public Comment on Notice of Preparation for East Lake Specific Plan Amendment 11

Dear Mr. MacHott:

A Notice of Preparation ("NOP") is usually provided by a Lead Agency to other agencies to solicit comments from those agencies about issues and potential impacts they would like to see studied in the Environmental Impact Report ("EIR"). The City of Lake Elsinore, acting in its capacity as Lead Agency for Proposed Amendment 11 of the East Lake Specific Plan (the "Project"), invited the public to comment on the Project as part of the NOP process. We welcome this invitation.

The City has in effect invited thousands of new families into Summerly, Serenity and other adjacent new home communities, and these new residents have moved in with the expectation that the existing East Lake Specific Plan ("ELSP") would be built out. If the City proposes to change this plan, it owes each of those families and the other impacted property owners a full and complete analysis of the environmental impacts of these proposed changes. Active recreation, by way of example, has been operating under a conditional use permit until the ELSP- approved housing could be constructed. If the City wants to eliminate the approved housing under the plan in favor of the development of "Active Recreation", those impacts must be studied and understood. Accordingly, and on behalf of several property owners in the area, we respectfully request that the Lead Agency analyze the issues discussed below in the Project EIR.

Clarify Uses Allowed under "Action Sports, Tourism, Commercial and Recreation" ("ASTCR")

- The ASTCR designation is very broad, perhaps intentionally so. On its face, this designation seems designed to allow everything except residential development, which would appear to be excluded.
- Please define specifically and exhaustively each allowable use under each of the categories which collectively constitute ASTCR. CEQA allows broad land use categories only if the highest impact of the most impactful use is studied and modeled.
- The highest impact can be studied only if each allowable use is sufficiently defined and delineated from other similar and dissimilar uses. For example, does "Action Sports" allow motocross? Drag racing? Turbine (jet) driven vehicles? Turbine (jet) driven boats? Night lighting? Within each of



- these uses, would the land use designation allow only individual participants or would organized activities such as televised national racing events be allowed? Each of these answers will drive different assumptions in the noise, dust, glare, and other impacts required to be analyzed as part of the EIR.

Clarify whether Uses Allowed under ASTCR designation would be allowed on ALL properties with this designation

- From the materials made available to the public on December 1, it is unclear whether each of the uses allowed under the ASTCR land use designation would be allowed in EVERY planning area with this designation.
- City representatives at the NOP presentation anticipated that ALL uses allowed under ASTCR would be allowed under ALL properties with this designation. We think this approach would be a mistake and would greatly increase the environmental impacts of the Project.
- It would make more sense to limit the most noise-intensive and dust-intensive Action Sports uses to land shown as "PA 6" and possibly portions of land shown as "PA8" and "PA3," on the map provided by the City on December 1. These properties are located much further from dense residential communities the City has approved within the residential portions of PA 1 (aka Summerly). Conversely, PA2 which is immediately adjacent to hundreds of residences at Summerly and the residences across Mission Trail, might be more appropriate for less noise- and dust-intensive uses within the ASTCR designation, such as Tourism and Commercial. At minimum, this should be one of the alternatives modeled.

Model the most intensive use allowed for each category of ASTCR

- Whichever approach Amendment 11 adopts, please have each consultant clarify the precise uses modeled and ensure that they study the MOST intensive use for each of the environmental impacts being studied, with respect to the closest impacted residents.
- So for example, when studying noise, if national events of motocross are allowed in PA2, which involves the maximum number of vehicles operating at one time, an active PA system, music, and the roar of the crowd, then model the impact of that particular use on the closest residents of Summerly.
- If drag races would be allowed under ASTCR, then model and analyze the noise impacts of that particular use to the closest residents of Summerly. Etc.

Air Quality

- In studying air quality, most EIRs focus on traffic. I anticipate that your consulting team will study air quality under the well-understood industry traffic models.
- However, the air quality modelling for Active Sports and Recreation is less well developed and must be carefully and separately analyzed by your consulting team.



- Particulate matter is a special concern for people living nearby, especially for the smallest particles known as PM10. PM10 particulate matter has been linked to heart disease, lung cancer, asthma, and acute respiratory infections.
- Please make sure you use the latest scientific standards for modeling the particulate matter arising from the most intensive allowed Active Sports (for example, motocross on dirt).
- Please make sure you use the latest scientific standards for analyzing the impact of such particulate matter on the health of nearby residents as a key environmental aspect of the Project.
- Analyze the potential for visible emissions, public nuisance, and fugitive dust. Make sure you use the most recent regulatory requirements for this analysis, including without limitation SCAQMD significance thresholds.
- It is only through precise and accurate modeling and analysis, with each of the assumptions therein thoroughly explicated, that the public and the regulatory agencies for whom you are acting as Lead Agency (such as SCAQMD) will be able to understand and comment on your Project and its environmental impacts.

Preservation/Mitigation Areas

- If the Project proposes to designate privately owned property as “preservation/mitigation,” please describe the economic uses that would be allowed under such a designation.

Airport Impacts

- Airports have unique environmental impacts. If the ASTCR land use designation allows airport uses, then specifically identify where the runway for such use would be allowed within the Project. Environmental impacts of an airport cannot be understood without reference to the proposed runway location(s) and the flight paths and setbacks and restrictions that result from such location(s).
- For each allowable location, provide a graphic which indicates the appropriate Runway Projection Zone, the Inner Approach/Departure Zone, the Inner Turning Zone, Outer Approach/Departure Zone, Sideline Zone, and Rectangular Airport Safety Zone.
- Analyze whether any existing residences or future residences (for example, Summerly residences that have been approved but not yet constructed) would fall within such zones referenced above.
- If existing residences or other users fall within these zones, analyze whether avigational easements would be required for such proposed runway location(s) and whether the operation of such airport would be conditioned on the prior acquisition of such easements.
- Analyze the environmental and operational impacts of the restrictions required by the agencies responsible for airports for each such zone referenced above.
- Analyze the extent to which those impacts would limit other potential and existing uses allowed by the ASTCR designation under the Project.



- Analyze the extent to which proposed airport uses under the Project would be consistent and/or inconsistent with the Riverside County Airport Land Use Compatibility Plan, as required by Riverside County whenever a local agency proposes an airport land use designation.
- Analyze the impact of such proposed runway location(s) on public safety – risk of crash, sky dive malfunction, air quality, noise, etc.
- Analyze whether such allowable airport uses would comply with the requirements of the County of Riverside Airport Land Use Commission standards for noise, safety, airspace protection and overflight impacts.
- Analyze whether such allowable airport uses would comply with the requirements of the California Department of Transportation, Division of Aeronautics for noise, safety, airspace protection and overflight impacts.

Sewer, Water, Storm Drain and Water Quality

- To allow the public and regulatory agencies to understand the environmental impacts of the Project, please describe and provide graphical depictions of the sewer, water and storm drainage systems that are being proposed.
- Describe the water quality control plan for the Project. Specifically indicate the infrastructure proposed for on-site generated water and, if treated or conveyed through a separate proposed system, indicate the infrastructure proposed for the treatment or conveyance of storm water passing through the Project but generated off-site.

Property Rights

- We expect that your consulting team will respect the property rights of the owners of private property located within the Project. This letter also constitutes notice that any entry on property of my clients without prior written permission could result in City and consultant liability.
- If anyone on your consulting team desires to enter any property of our clients, please contact me in writing at least one week prior to any such proposed entry.

Transportation and Traffic – Modeling of Buildout

- Clearly show the entire circulation system associated with the build-out of the Project and analyze all impacts of the different potential build-out scenarios.
- Amendment 11 of the East Lake Specific Plan (the Project) appears to be different from all prior amendments in that it creates large bubbles in which many different uses are allowed, rather than a single specified use.
- Bubble type planning (where many different uses are permitted within a large planning “bubble”) is allowed only if the environmental impacts can be adequately analyzed.



- If the Project allows vastly different uses within a geographically large Planning Area, explain how the traffic and circulation model accounts for (1) the possibility that certain types of development may be built in one portion of planning area rather than another, and (2) the possibility that some or none of the allowed uses may be built in that planning area. By way of example, suppose the circulation model assumes that PA 2 at build-out will consist of 50% of its area dedicated to industrial buildings, and the remainder dedicated to active recreation.
- One possibility is that the industrial development might occur exclusively on the southernmost side of PA 2. That would create minimal impacts on Mission Trail/Oliver intersection, moderate impacts on Mission Trail/Victoria, and maximum impact on Diamond Drive/Corydon. The traffic model must analyze this possibility. But suppose instead that all of the commercial development were to occur in the northwest portion of PA 2. That would create maximum impacts on Mission Trail/Oliver, moderate impacts on Mission Trail/Victoria, and less impacts on Diamond Drive/Corydon. Again, the strains on the circulation system of this possible development scenario also must be modeled.
- Explain how the circulation model accounts for and analyzes the impact of each of the possible ways that the ASTCR “bubbles” might look upon final buildout.

Traffic and Transportation -- Cereal St and Lucerne St

- Regarding the East Lake Specific Plan, Army Corps of Engineers (ACOE) and California Fish and Wildlife (CFW) have consistently indicated they would reject any request to allow development (including roads and other infrastructure) in areas where the existing elevation is below 1234.
- The Project proposes that Cereal Street and Lucerne Street will be constructed below the elevation of 1234 in many places.
- Please identify what permits have been obtained or will be required to be obtained by the City and/or the development community in order to build this portion of the circulation model, as well as the City’s analysis of the likelihood of obtaining such permits.
- If the Lead Agency believes that these proposed portions of the circulation plan have previously been studied and approved, please provide the names and dates of those studies as well as the nature and dates of the resulting approvals.

Address Economic Viability

- Analyze the Project’s economic feasibility. This is a government-driven plan, not a market-driven one, the build-out of which likely will require several hundred million dollars of grading, street construction, water quality systems, and related infrastructure. If some or all of the Project turns out to be economically infeasible, then hugely important infrastructure may not be built. If the environmental analysis assumes buildout of an economically infeasible Project, then the analysis would be flawed.
- Economic infeasibility is generally applied to the analysis of alternatives to the Proposed Project. However, this analysis should also be applied, where, as here, the government is proposing radical new uses not promoted by any of the property owners in the Project area, and where those uses are highly unproven economically.



- Moreover, the infrastructure required by the Project is unique in several respects. First, the entire circulation system falls apart without the construction of several proposed new roads, particularly the construction of Diamond Drive all the way through to Corydon. Second, the federal permit under which the City acts as the lead agency for development in the back basin requires that certain drainage and other infrastructure and set-asides are all completed. If these conditions are not satisfied in their entirety, then ANY development in the Project is a violation of federal law.
- For these reasons, the environmental impact of the Project cannot be analyzed without an understanding of whether the Project can reasonably be expected to attain buildout, which in turn depends on whether the Project is economically infeasible as proposed.

Thank you for your allowing me the opportunity to participate in this process. I look forward to seeing the results of your team's research and analysis on the important issues raised above.

Very truly yours,

A handwritten signature in blue ink, consisting of a cursive 'L' followed by a series of loops and a final flourish.

Leonard P. Leichnitz
Managing Partner
Lumos Communities LLC

cc: Grant Yates, City Manager



SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
818 West 7th Street, 12th Floor
Los Angeles, CA 90017
(213) 236-1800
(213) 236-1825
www.scag.ca.gov

December 12, 2016

Mr. Richard J. MacHott, Planning Manager
City of Lake Elsinore, Department of City Planning
130 South Main Street
Lake Elsinore, California 92530
Phone: (951) 674-3124 x209
E-mail: rmachott@lake-elsinore.org

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the East Lake Specific Plan Amendment No. 11 Project [SCAG NO. IGR9063]

Dear Mr. MacHott,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the East Lake Specific Plan Amendment No. 11 Project ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.¹ Guidance provided by these reviews is intended to assist local agencies such as local jurisdictions and project proponents to take actions that help contribute to the attainment of the regional goals and policies in the RTP/SCS.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the East Lake Specific Plan Amendment No. 11 Project in. The proposed project revitalizes and promotes the character of the area by amending the existing East Lake Specific Plan to accommodate a variety of unique sporting and recreational values and supporting uses including commercial, restaurant, hotel and open-space uses while also accommodating residential uses within the specific plan area.

When available, please send environmental documentation to SCAG's office in Los Angeles or by email to sunl@scag.ca.gov providing, at a minimum, the full public comment period for review. If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Lijin Sun, Senior Regional Planner, at (213) 236-1882 or sunl@scag.ca.gov. Thank you.

Sincerely,

Ping Chang
Acting Manager, Compliance and Performance Monitoring

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
EAST LAKE SPECIFIC PLAN AMENDMENT NO. 11 PROJECT [SCAG NO. IGR9063]**

CONSISTENCY WITH RTP/SCS

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

2016 RTP/SCS GOALS

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

SCAG 2016 RTP/SCS GOALS	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and active transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*</i>

*SCAG does not yet have an agreed-upon security performance measure.

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG 2016 RTP/SCS GOALS	
Goal	Analysis
RTP/SCS G1: <i>Align the plan investments and policies with improving regional economic development and competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
RTP/SCS G2: <i>Maximize mobility and accessibility for all people and goods in the region</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

2016 RTP/SCS STRATEGIES

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

DEMOGRAPHICS AND GROWTH FORECASTS

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit <http://www.scag.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf>. The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts			Adopted City of Lake Elsinore Forecasts		
	Year 2020	Year 2035	Year 2040	Year 2020	Year 2035	Year 2040
Population	19,663,000	22,091,000	22,138,800	63,000	103,200	111,400
Households	6,458,000	7,325,000	7,412,300	20,800	32,400	35,000
Employment	8,414,000	9,441,000	9,871,500	20,900	30,300	31,700

MITIGATION MEASURES

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG’s Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016 (please see: <http://scagrtpscs.net/Pages/FINAL2016PEIR.aspx>). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.