

## **APPENDIX 9.1**

### **NOTICE OF PREPARATION AND SCOPING MEETING MATERIALS**



## NOTICE OF PREPARATION

**To:** Interested Agencies and Organizations (Refer to Attached Distribution List)

**Subject:** Notice of Preparation of a Draft Environmental Impact Report

**Lead Agency:**

Agency Name: City of Murrieta  
One Town Square  
City/State/Zip: Murrieta, California 90622  
Contact: Mr. Greg Smith  
Phone: 951.461.6414

**Consulting Firm:**

Firm Name: Atkins  
Street Address: 3570 Carmel Mountain Road  
Suite 300  
City/State/Zip: San Diego, California 92130  
Contact: Sharon Toland  
Phone: 858.514.1030

The **CITY OF MURRIETA** will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials.

Due to the time limit mandated by State law, your response must be sent at the earliest possible date but **not later than 30 days** after receipt of this notice (comment periods ends April 15).

Please send your response to **Greg Smith, Associate Planner** at the address shown above. We will need the name for a contact person in your agency.


**Project Title:** Murrieta Hills Specific Plan Amendment

**Project Location:** City of Murrieta Riverside  
City (nearest) County

**Project Description:**

The Murrieta Hills Specific Plan (MHSP) would amend and replace Specific Plan No. SMP-4 and includes the annexation of the project area into the City of Murrieta. The MHSP proposes up to 750 residences, commercial, mixed-use, and natural and improved open space on approximately 974 acres. The MHSP also includes construction of a public park, up to two water supply tanks, water quality basins, onsite public streets, and off-site road improvements, as warranted.

**Date** March 13, 2014

**Signature:**   
**Title:** Greg Smith, Associate Planner  
**Telephone:** 951.461.6414

## **Murrieta Hills Specific Plan Amendment EIR – Notice of Preparation Distribution List**

### **FEDERAL AGENCIES**

**US Army Corps of Engineers**  
Environmental Resources Branch  
P O Box 2711  
Los Angeles CA 90053-2325

**US Fish & Wildlife Service**  
Carlsbad Field Office  
Michelle Shaughnessy  
6010 Hidden Valley Rd  
Carlsbad CA 92009

**US Department of Agriculture**  
82-901 Bliss  
Indio CA 92201

**USDI Bureau of Land Management**  
Palm-Spring South Coast  
Field Office  
1201 Bird Center Drive  
Palm Springs CA 92262

**US Postal Service**  
AIS Coordinator  
4150 Chicago Avenue  
Riverside CA 92507-9503

### **STATE AGENCIES**

**Air Resources Board**  
Mike Tollstrup  
PO Box 2815  
Sacramento CA 95812

**Caltrans District 8**  
Planning & Local Assistance  
464 West 4th Street  
San Bernardino CA 92401-1400

**California Department of Conservation**  
801 K Street MS 24-01  
Sacramento CA 95814-3500

**California Department of Fish and Wildlife**  
3602 Inland Empire Blvd  
#C-220  
Ontario CA 91764

**California Department of Food & Agriculture**  
1220 N Street  
Sacramento CA 95814

**California Department of Forestry and Fire Protection**  
Riverside Unit  
210 W San Jacinto  
Perris CA 92570

**California Native American Heritage Commission**  
1550 Harbor Blvd Suite 100  
West Sacramento CA 95691

**State Water Resources Control Board**  
PO Box 100  
Sacramento CA 95812-0100

**California Office of Historic Preservation**  
1725 23rd Street Suite 100  
Sacramento CA 95816

**California Resources Agency**  
1416 Ninth Street Suite 1311  
Sacramento CA 95814

**California Department of Toxic Substances Control**  
CEQA Tracking Center  
PO Box 806  
Sacramento CA 95812-0806

**California Department of Toxic Substance Control**  
5796 Corporate Avenue  
Cypress CA 90630

**California Department of Water Resources**  
PO Box 942836  
Sacramento CA 94236

**California Energy Commission**  
PO Box 944295  
Sacramento CA 94244

**Integrated Waste Management Board**  
PO Box 4025 (MS-15)  
Sacramento CA 95812

**State Clearinghouse**  
Office of Planning & Research  
PO Box 3044  
Sacramento CA 95812

### **REGIONAL**

**South Coast AQMD**  
21865 East Copley Drive  
Diamond Bar CA 91765-4182

**Housing Authority of the County of Riverside**  
5555 Arlington Avenue  
Riverside CA 92504

**Regional Water Quality Control Board**  
Santa Ana Region (8)  
Kurt Berchtold  
3737 Main Street Suite 500  
Riverside CA 92501-3339

**Regional Water Quality Control Board**  
San Diego Region (9)  
9174 Sky Park Court, Suite 100  
San Diego CA 92123

**Riverside County Flood Control District**  
1995 Market Street  
Riverside CA 92501

**Riverside County Planning Department**  
PO Box 1409  
John Guerin  
4080 Lemon Street 9<sup>th</sup> Floor  
Riverside CA 92502

**Riverside County Department of Environmental Health**  
38740 Sky Canyon Drive  
Murrieta CA 92563

**Riverside Transit Agency**  
1825 Third Street  
PO Box 59968  
Riverside CA 92517-1968

**Riverside County Transportation & Land Management Agency**  
Environmental Programs  
4080 Lemon Street 2<sup>nd</sup> Floor  
Riverside CA 92502-1629

**Western Riverside Council of Governments**  
Barbara Spoonhour  
4080 Lemon Street  
3<sup>rd</sup> Floor MS1032  
Riverside CA 92501-3609

**Riverside Local Agency Formation Commission**  
George Spiliotis  
3850 Vine Street Suite 240  
Riverside CA 92507-4277

**Southern California Association of Governments**  
**Riverside County Office**  
Cheryl Leising  
3403 10<sup>th</sup> Street Suite 805  
Riverside CA 92501

**Riverside County Transportation Commission**  
4080 Lemon Street 3<sup>rd</sup> Floor  
Riverside CA 92501

**Riverside County Airport Land Use Commission**  
4080 Lemon Street 14<sup>th</sup> Floor  
Riverside CA 92501

### **LOCAL AGENCIES**

**City of Menifee**  
Community Dev Department  
29714 Haun Road  
Menifee CA 92586



**City of Menifee**  
Jonathan G. Smith Director of Public  
Works/Engineering  
29714 Haun Road  
Menifee CA 92586

**City of Wildomar**  
Matthew Bassi  
Planning Director  
23873 Clinton Keith Road  
Suite 201  
Wildomar CA 92595

**City of Wildomar**  
Dan York Public Works Director/City  
Engineer  
23873 Clinton Keith Road  
Suite 201  
Wildomar CA 92595

**Eastern Municipal Water District**  
Charles Bachmann Assistant GM  
Engineering & Construction  
PO Box 8300  
Perris CA 92572-8300

**Menifee Union School District**  
Robert Wolfe  
30205 Menifee Road  
Menifee CA 92584

**Perris Union High School District**  
District Administrative Center  
155 East 4<sup>th</sup> Street  
Perris CA 92570

**Murrieta Valley Unified School  
District**  
Charlene Stone  
41870 McAlby Court  
Murrieta CA 92562

**Menifee Police Department**  
Captain Mike Judge  
137 North Perris Boulevard  
Perris CA 92570

**Murrieta Police Department**  
Sean Hadden Chief of Police  
2 Town Square  
Murrieta CA 92562

**Wildomar Police Department**  
Riverside County Sheriff Dept  
Captain Shelley Kennedy-Smith  
333 Limited Avenue  
Lake Elsinore CA 92530

**Riverside County Fire Department  
Planning Division**  
Walter Brades  
Deputy Fire Marshal  
2300 Market Street Suite 150  
Riverside CA 92501

**Murrieta Fire Department**  
Matt Shobert Fire Chief  
1 Town Square  
Murrieta CA 92562

**Wildomar Fire Department**  
Steven Beach Fire Chief  
23873 Clinton Keith Road  
Suite 201  
Wildomar CA 92595

**OTHER**

**Elsinore-Murrieta-Anza Resource  
Conservation District**  
Kelcey Stricker Director  
21535 Palomar Road Suite A  
Wildomar CA 92595-7763

**United Murrieta Neighborhoods**  
Brian Youens  
23341 Red Willow Way  
Murrieta CA 92562

**San Bernardino Valley Audubon  
Society**  
PO Box 10973  
San Bernardino CA 92423-0973

**Endangered Habitats League**  
Dan Silver  
8424 Santa Monica Blvd  
Suite A 592  
Los Angeles CA 90069-4267

**Building Industry Association**  
Riverside County Chapter  
3891 11<sup>th</sup> Street  
Riverside CA 92501

**Pechanga Band of Luiseno Indians**  
Anna Hoover Cultural Resources  
PO Box 1477  
Temecula CA 92593

**Cahuilla Band of Indians**  
Environmental Office  
PO Box 391741  
Anza CA 92539

**Soboba Indian Reservation**  
PO Box 487  
San Jacinto CA 92383

**Southern California Edison**  
PO Box 800  
Rosemead CA 91772-0001

**Waste Management of Inland Valley**  
800 S Temescal Street  
Corona CA 92879-2858

**Southern California Gas Co.**  
Hemet Branch Office  
527 North San Jacinto Street  
Hemet CA 92543

**Metropolitan Water District**  
PO Box 54153  
Los Angeles CA 90054

**California Native Plant Society**  
Riverside/San Bernardino Chapter  
2126 S Concord Avenue  
Ontario CA 91761

**Norman Barnard**  
35899 Red Bluff Place  
Murrieta CA 92562

**Donald Beeler**  
14867 Tonikan  
Apple Valley CA 92307

**Rita Bergstein**  
22733 Islamare Lane  
Lake Forest CA 92630

**William Bucher**  
2626 North Tustin Ave  
Santa Ana CA 92705

**Robin Buote**  
897 S Woodbury Drive  
Orange CA 92866

**Laura Noonan**  
14083 Gopher Canyon  
Victorville CA 92394

**Patrick Noonan**  
6343 Kimmy Court  
San Diego CA 92114

**Patricia Thiele**  
6758 Svl Box  
Victorville CA 92395

**Nancy Wilson**  
144 E Vail Drive  
Yukon OK 73099



# **PROJECT INFORMATION PACKET**

## **I. INTRODUCTION**

Pursuant to *CEQA Guidelines* Section 15082, the City of Murrieta has distributed this Notice of Preparation/Project Information Packet for the Murrieta Hills Specific Plan Amendment (MHSPA) EIR. The Murrieta Hills Specific Plan Amendment EIR project consists of an amendment to the Murrieta Hills Specific Plan No. SPM-No.4 adopted by the Murrieta City Council in 1995, annexation of the property into the City of Murrieta, and annexation of surrounding properties into the City of Murrieta Sphere of Influence (SOI).

The sections that follow describe the project's location in the region, summarize the MHSPA EIR document, and list the issue areas to be evaluated through the EIR, which will be prepared in accordance with *CEQA Guidelines* Section 15164.

## **II. REGIONAL LOCATION**

The MHSPA area is comprised of approximately 974 acres currently located within the unincorporated portion of Riverside County. The site is located just west of the I-215 and east of Fromer Lane between Keller Road and Bottle Brush Road. The project area is located west of and adjacent to I-215, approximately three miles east of I-15. Immediately abutting the project area are the City of Menifee to the north with portions of unincorporated Riverside County and the City of Wildomar to the east, and the City of Murrieta and portions of unincorporated Riverside County to the south. The area to be annexed into the City's SOI consists of approximately 325 total acres on two sites adjacent to the MHSPA area. Figure 1 provides the proposed MHSPA location and proposed SOI boundary.

## **III. MURRIETA HILLS SPECIFIC PLAN AMENDMENT PROJECT DESCRIPTION**

### **Project Background**

The original Murrieta Hills Specific Plan was approved by the City of Murrieta (City) in 1995 (Specific Plan No. SPM-4, City Council Resolution No. 95-353). The original Specific Plan authorized 1,585 dwelling units on 985 acres located in the unincorporated area of Riverside County. At this time the project site was in the City's Sphere of Influence (SOI); however, the previous applicant did not pursue annexation and the site is longer within the City's SOI. The proposed MHSPA would amend and replace Specific Plan No. SMP-4. As described below, the MHSPA reduces the amount of dwelling units approved under Specific Plan No. SPM-4 from 1,585 to 700. The MHSPA provides a more compact design by eliminating development from the southerly and most westerly portion of the Specific Plan area, removing a memorial park from the plan, increasing the amount of natural space to be preserved within the MSHCP, and providing a more environmentally sensitive alignment for the extension of McElwain Road.

### **Proposed Murrieta Hills Specific Plan Amendment**

The MHSPA proposes residential, commercial, mixed-use, and natural and improved open space on approximately 974 acres. The MHSPA also includes construction of a public park, up to two water supply tanks, water quality basins, onsite public streets, and off-site road improvements, as warranted. Table 1 summarizes the land uses proposed in the MHSPA. A conceptual land use plan is provided in Figure 2.



**Table 1. Proposed Land Uses**

<b>Proposed Land Use</b>	<b>Approximate Acreage</b>	<b>No. of Units</b>
Single-Family Detached Residential (5,000 S.F. Average Lot Size)	215	474
Executive Homes (Future Phase) (10,000 S.F. Average Lot Size)	56	58
Multi-Family Residential	14	218
Community Commercial	27	---
Natural Open Space (Excluding HANS)	33	---
Open Space: HANS MSHCP	605	---
Major Roadways	24	---
<b>Total</b>	<b>974</b>	<b>750</b>

Source: RBF Consulting, Inc., February 2014.

The proposed land use plan for the Murrieta Hills Specific Plan is comprised of the following components:

- **Single-Family Residential** development is proposed to account for the majority of the housing within the Specific Plan area, totaling 474 homes on approximately 215.3 acres. Three categories of minimum lot sizes (4,800 SF; 5,500 SF; and 6,500 SF) are proposed.
- **Executive Single-Family Residential** development would provide the largest proposed residential lots. Lots would be a minimum of 10,000 SF and would be expected to yield 58 lots on approximately 55.7 acres.
- **Multi-Family Residential** development would consist of medium-density, attached multi-family dwelling units and would be expected to yield 168 dwelling units on approximately 14.5 acres.
- **Community Commercial** development would total approximately 27 acres and would serve residents within and around the Murrieta Hills community. Likely uses would include restaurants, convenience grocery, gas station, and other services.
- **Circulation** improvements would consist of approximately 23.2 acres onsite for the backbone street system that will serve the project area. Additional internal streets are anticipated to be required. The backbone systems proposed at the plan levels includes the essential system on which the overall circulation network will rely. Primary access into the project area would be provided from Keller Road along the northern portion boundary. Within the project area, circulation improvements include the construction of an internal roadway system connected to Keller Road. Additionally, off-site roadway improvements would include the extension of McElwain Road from the existing terminus to Keller Road, project frontage improvements to Keller Road, and potential improvements to the interchange of I-215 at Keller Road. A traffic impact analysis will be prepared in support of the EIR to determine which off-site improvements, if any, are required to serve the proposed project.
- **Open Space** proposed in the MHSPA would consist of two primary open space areas: the MSCHP natural open space preserve and the Linear Nature Park. The two open spaces together total approximately 638 acres.
- **Parkland Facilities** would include neighborhood and pocket parks, which are designated throughout the MHSPA development area as required design elements.

The MHSPA also proposes infrastructure improvements to provide water, sewer, drainage, and gas and electric service to the site. The project area would be served by the Eastern Municipal Water District (EMWD). The MHSPA proposes additional upgrades to the water system, including construction of one to two additional water tanks within the project area. Sewer services would also be provided by EMWD,



where the project area would connect to existing facilities in Zeiders Road. System upgrades, if required by the extension of these facilities to serve the project, will be addressed in the EIR. The project area is located within the San Jacinto Valley and Santa Margarita watersheds, as well as the Riverside County Flood Control District. The project would incorporate Low Impact Development measures and Best Management Practices as well as construct an approximately two-acre water quality basin in the northeast portion of the project site and may include the construction of additional basins, as determined necessary. In addition to land use and utilities plans, components of the MHSPA include design guidelines for future development, a recreation and open space master plan, circulation development standards, and a plan for implementation.

### **Proposed Annexation**

The project site is currently designated as RM (Rural Mountainous, 10-acre minimum lot size) in the Riverside County General Plan, with smaller portions designated RC-EDR (Rural-Community-Estate Density Residential, 2-acre minimum lot size). All of the parcels are zoned by Riverside County as R-R, Rural Residential. The Specific Plan area is to be annexed into the City of Murrieta through the Riverside LAFCO, and when annexed, will be under the jurisdiction of the City of Murrieta. The MHSPA proposes annexation into the City of Murrieta with an amendment to the City's General Plan proposed to change the existing land use to Specific Plan Area. A zone change is also proposed to rezone the property to the City's Specific Plan zone, which would result in the project area being governed by the provisions in the MHSPA documents.

The remaining area of the project site outside of the MHSPA boundary would be annexed into the City's SOI, but would not be annexed into the City. These areas would remain under the jurisdiction of the County of Riverside. The City's General Plan would be amended to include these areas in the City's SOI and pre-zone the sites with a zoning designation equivalent to the County's R-R zone. The project would amend the City's Development Code and Zoning Map to create this new zone, which would only be applied to the project area.

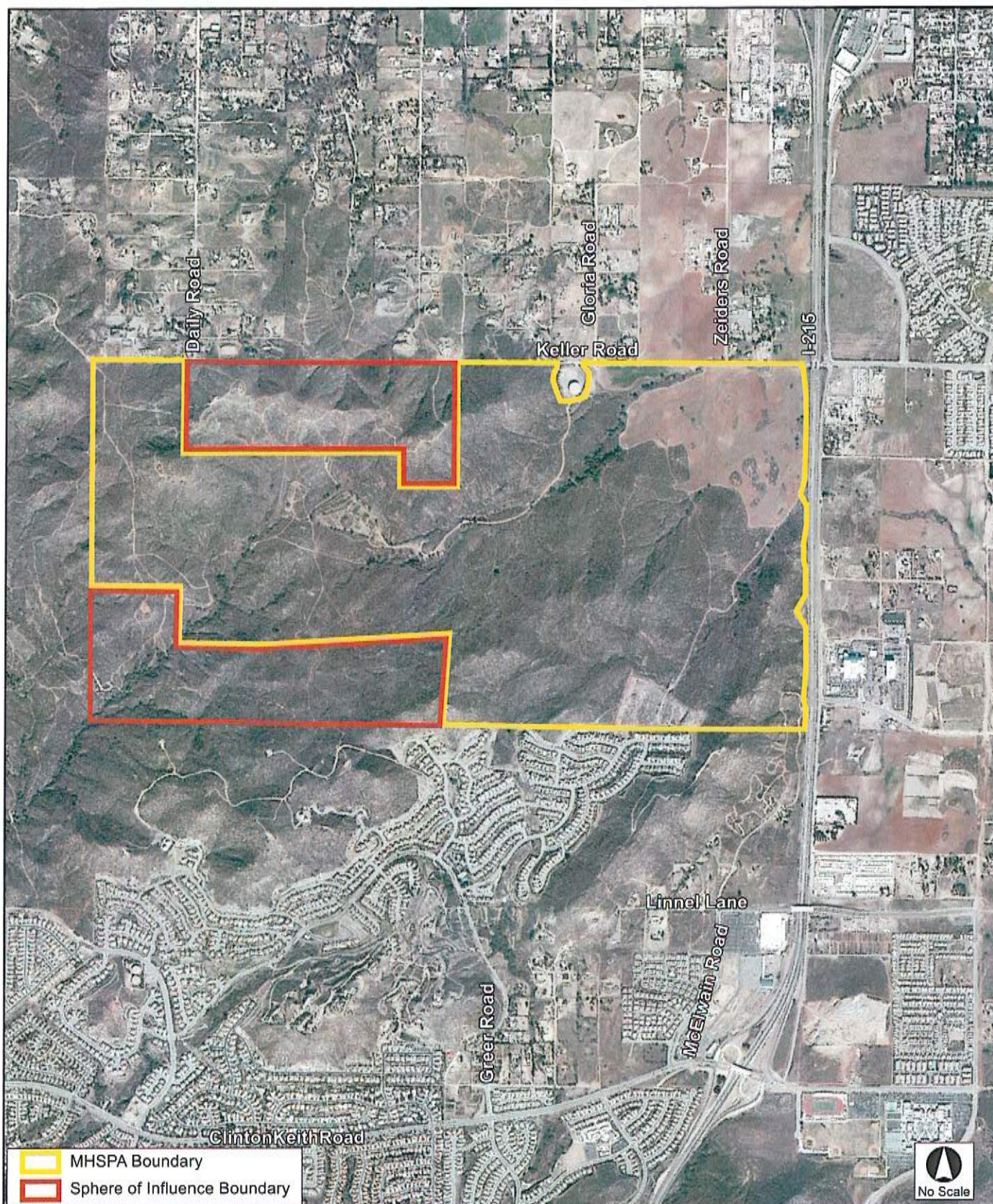
## **IV. ENVIRONMENTAL IMPACT REPORT**

The Murrieta Hills Specific Plan Amendment EIR shall evaluate potential environmental impacts resulting from the amendment and replacement of the original Murrieta Hills Specific Plan, including any required off-site improvements, and annexation of the property into the City. The MHSPA EIR supersedes the 1995 Murrieta Hills Specific Plan EIR and establishes new requirements and guidelines for the development of the master planned community. The MHSPA EIR will focus on the following potential environmental issues:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems

Due to the decision to prepare an Environmental Impact Report, an Initial Study was not prepared. This option is permitted under CEQA Guidelines Section 15063(a), which states that if the Lead Agency determines an EIR will be required for a project, the Lead Agency may skip further initial review and begin work on the EIR.





Source: RBF Consulting 2014

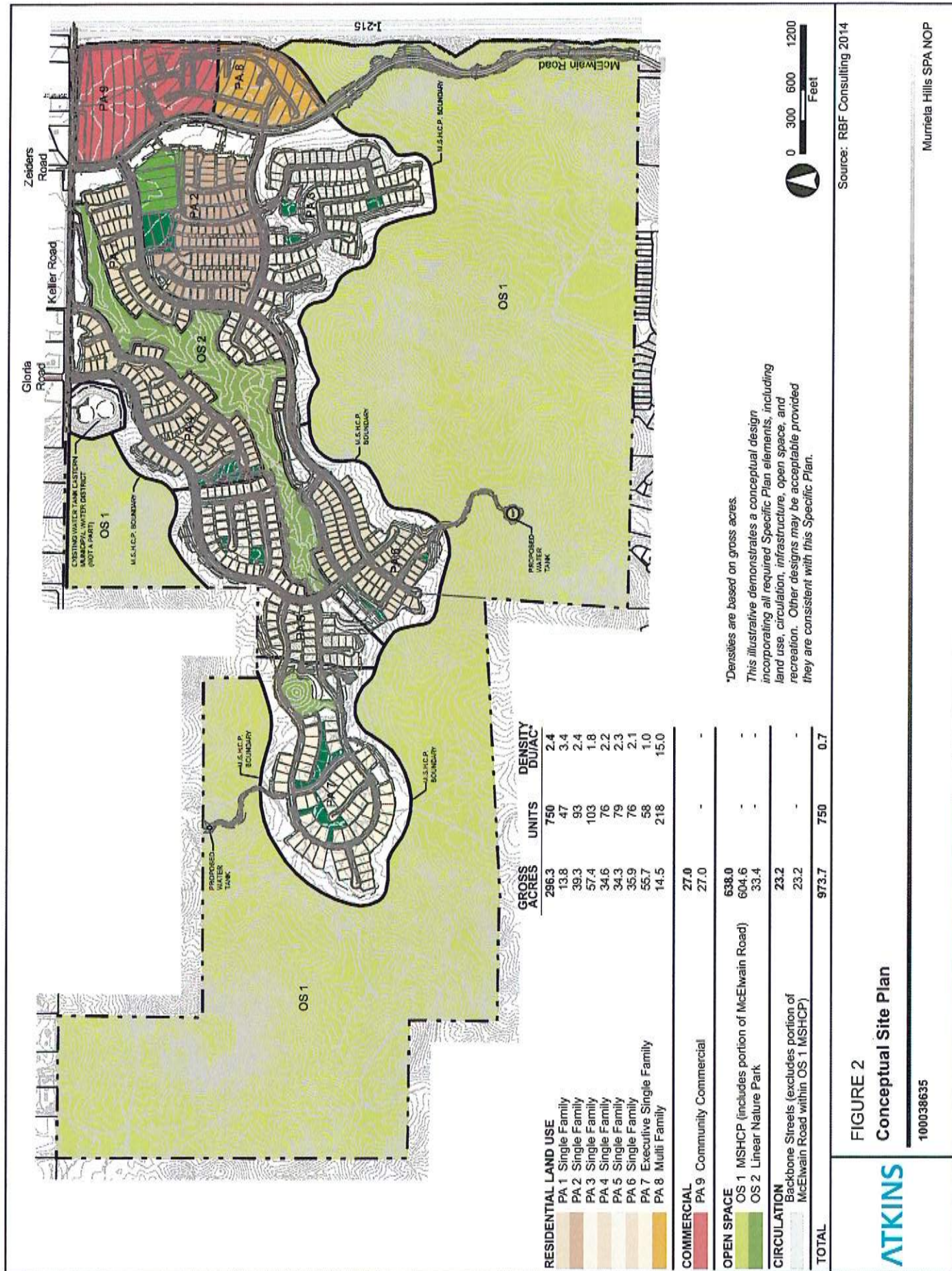
FIGURE 1  
Vicinity Map

ATKINS

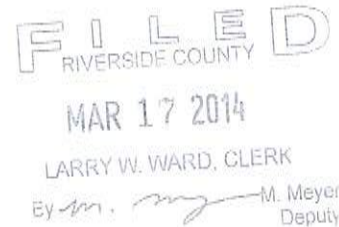
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Murrieta Hills SPA NOP









## NOTICE OF PREPARATION

**To:** Interested Agencies and Organizations (Refer to Attached Distribution List)

**Subject:** Notice of Preparation of a Draft Environmental Impact Report

**Lead Agency:**

Agency Name: City of Murrieta  
One Town Square  
City/State/Zip: Murrieta, California 90622  
Contact: Mr. Greg Smith  
Phone: 951.461.6414

**Consulting Firm:**

Firm Name: Atkins  
Street Address: 3570 Carmel Mountain Road  
Suite 300  
City/State/Zip: San Diego, California 92130  
Contact: Sharon Toland  
Phone: 858.514.1030

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**Project Title:** Murrieta Hills Specific Plan Amendment

**Project Location:** City of Murrieta Riverside  
City (nearest) County

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**Date** March 13, 2014

**Signature:** 

**Title:** Greg Smith, Associate Planner

**Telephone:** 951.461.6414

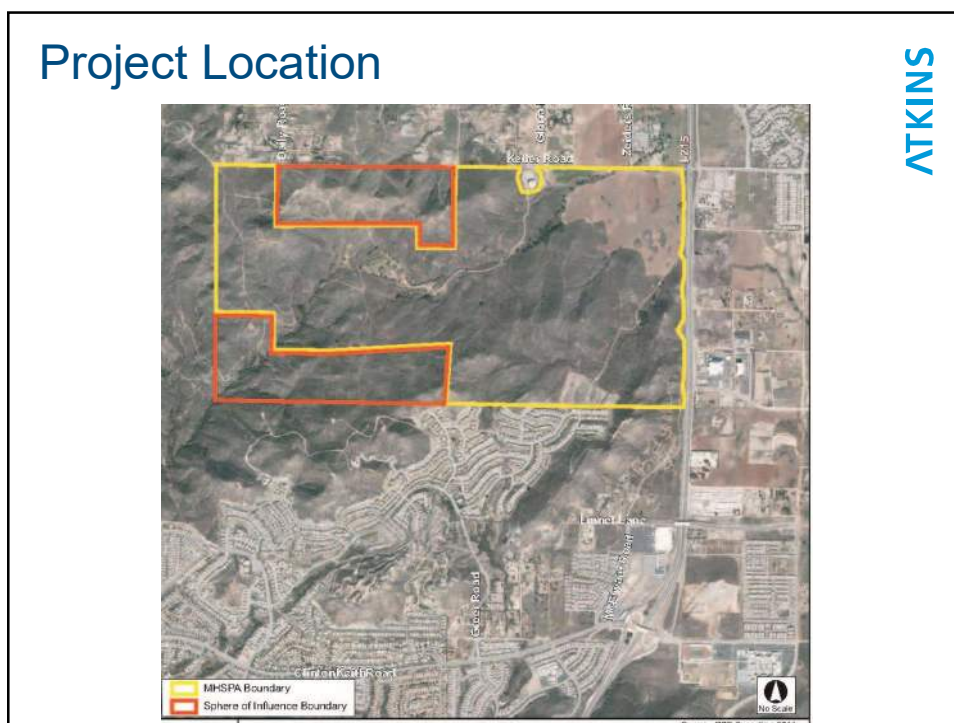
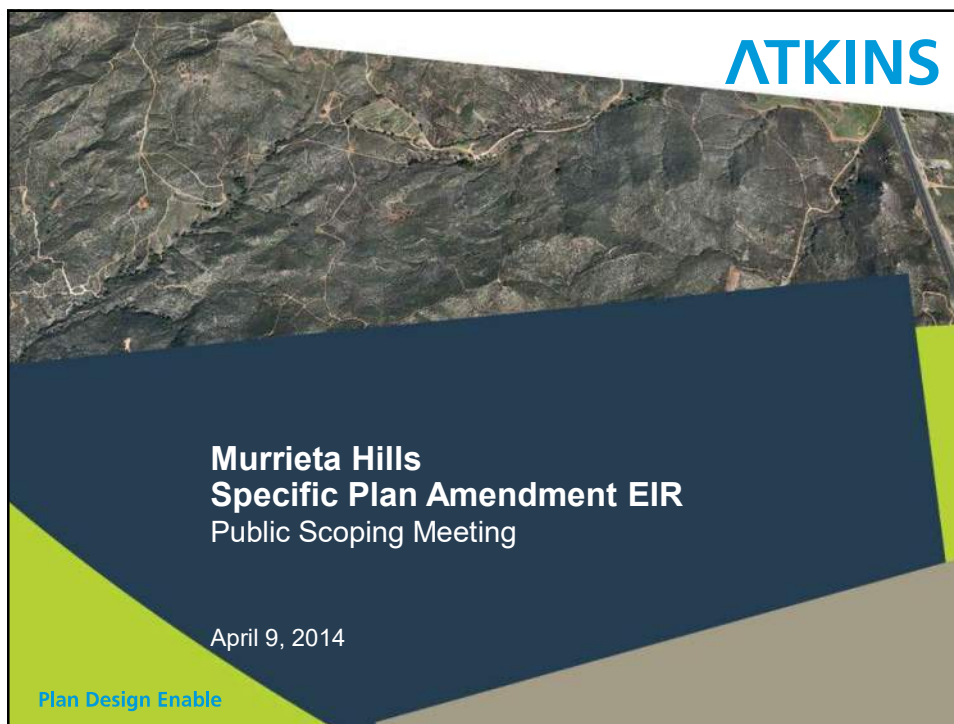
COUNTY CLERK  
Neg Declaration/Ntc  
Filed per P.R.C.  
POST

MAR 17 2014

Removed: \_\_\_\_\_

By: \_\_\_\_\_  
County of \_\_\_\_\_





## Project Components

ATKINS

- Amendment to Murrieta Hills Specific Plan No. SPM-No. 4 (adopted 1995)
  - 974 Acres
  - Previously authorized 1,585 homes
  - Proposed MHSPA includes 750 homes, 27 acres of community commercial, and a public park
- Annexation of Property into City of Murrieta
  - Zoned Specific Plan Area
- Annexation of surrounding properties into City of Murrieta Sphere of Influence
  - 325 Acres
  - Pre-zone equivalent to County's R-R zone

## Proposed Land Uses

ATKINS

Proposed Land Use	Approximate Acreage	No. of Units
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Source: RBF Consulting, Inc., February 2014.		



# Proposed Land Use Map



## Murrieta Hill Specific Plan Components

ATKINS

- Land Use Framework
  - Establishes allowed land uses, development standards, and required design element for each planning area
- Open Space and Parks
  - Establishes the overall plan layout and design concepts for open space, both natural and landscaped, and proposed recreational parks
- Circulation
  - Identifies the circulation system throughout the Specific Plan area
  - Identifies required improvements to serve the project
- Utility Infrastructure and Public Facilities
  - Identifies existing infrastructure and public facilities locations and availability in and around the Specific Plan area
  - Describes the master drainage, water, and sewer plan to implement the Specific Plan
- Design Guidelines
  - Establishes the Architectural and Landscape Guidelines for all development
- Implementation and Administration
  - Sets forth provisions for implementing plan, including development review requirements

## CEQA Process

ATKINS

- Lead Agency – City of Murrieta
- Scoping Process
  - NOP comment period ends April 15
  - Scoping Meeting
- Purpose and Use of the EIR
- Availability of Draft EIR
- Submit written comments to:
 

Greg Smith, Associate Planner  
One Town Square  
Murrieta, California 90622

## Issues to Be Addressed in the EIR

ATKINS

- |                                      |                                 |
|--------------------------------------|---------------------------------|
| • Aesthetics                         | • Land Use and Planning         |
| • Agriculture and Forestry Resources | • Mineral Resources             |
| • Air Quality                        | • Noise                         |
| • Biological Resources               | • Population and Housing        |
| • Cultural Resources                 | • Public Services               |
| • Geology and Soils                  | • Recreation                    |
| • Greenhouse Gas Emissions           | • Transportation and Traffic    |
| • Hazards and Hazardous Materials    | • Utilities and Service Systems |
| • Hydrology and Water Quality        |                                 |



## Potential Alternatives

ATKINS

- No Project (No Build) Alternative
- No Project (Existing Specific Plan) Alternative
- Reduced Project Alternatives

## Public Comments

ATKINS

EHL\_email\_3\_19\_14.txt

From: Dan Silver [dsilverla@me.com]  
Sent: Wednesday, March 19, 2014 1:53 PM  
To: Smith, Greg  
Cc: Kinser, Cynthia  
Subject: Murrieta Hills Specific Plan Amended

Dear Mr Smith

The Endangered Habitats League (EHL) is in receipt of the NOP for this project. We welcome a more consolidated footprint and greater natural open space compared to the original. As the DEIR is circulated we will be most interested in MSHCP conformance. We believe that natural open space will prove a lasting and valuable amenity for the City and its residents.

Please retain us on all mailing and distribution lists for this project.

Thank you  
Dan

Dan Silver, Executive Director  
Endangered Habitats League  
8424 Santa Monica Blvd., Suite A 592  
Los Angeles, CA 90069-4267

213-804-2750  
dsilverla@me.com  
www.ehleague.org



**BOARD OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.bof.fire.ca.gov](http://www.bof.fire.ca.gov)  
(916) 653-8007

**CITY OF MURRIETA**

MAR 31 2014

**RECEIVED  
PLANNING DEPT.**

Greg Smith, Associate Planner  
City of Murrieta  
One Town Square  
Murrieta, CA 90622

March 26, 2014

RE: Murrieta Hills Specific Plan Amendment, SCH #2014031045

Dear Mr. Smith:

The California State Board of Forestry and Fire Protection (Board) would like to issue comment on the scope and contents of the Murrieta Hills Specific Plan draft Environmental Impact Report.

After reviewing the provided information in the Notice of Preparation, it is clear the Project Area includes Very High Fire Hazard Severity Zones (VFHSZ). The Board is concerned about plans to manage wildfire risk in the planned development and respectfully requests that the Environmental Impact Report include an analysis of the wildfire risk to the project area, as well as any mitigation projects to manage fuels and limit the unreasonable risk of wildfire to the community.

Since the original Specific Plan was approved in 1995, many changes have been made to development requirements for land in VFHSZs. The Board would like to offer itself as a resource for the City of Murrieta to ensure the Murrieta Hills Specific Plan Amendment meets current fire safe development guidelines and to discuss the particular wildfire risks to the Project Area. The Board welcomes the City of Murrieta to continue ongoing collaboration and cooperation with the Board and CAL FIRE Riverside Unit through the Draft EIR and subdivision map review process.

Thank you for your consideration,

Edith Hannigan  
Board Staff  
[edith.hannigan@fire.ca.gov](mailto:edith.hannigan@fire.ca.gov)  
(916) 653-2928

CC: Environmental Coordinator, Riverside Unit  
Chris Browder, Deputy Chief Environmental Protection  
Dale Hutchinson, Southern Region Chief  
State Clearinghouse

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

PLANNING (MS 722)

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

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

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March 27, 2014

Greg Smith  
Associate Planner  
City of Murrieta  
Planning Department  
One Town Square  
Murrieta, California 90622

Notice of Preparation for Draft Environmental Impact Report / Riv 215 PM R14.51

Mr. Smith,

We have completed our initial review of the Notice of Preparation (NOP) for the Murrieta Hills Specific Plan Amendment that will amend and replace SP #SMP-4 and includes the annexation of the project area into the City of Murrieta. The MHSP proposes up to 750 Residences, Commercial, Mixed-use, and natural and improved open space on approximately 974 acres.

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

Our areas of concern, pertaining to State facilities, include hydrology/flooding and transportation/traffic issues in which the initial study identifies as having potentially significant impacts. Due to these potentially significant impacts and because the east portion of the Project area directly abuts I-215 we recommend the following to be analyzed in the preceding DEIR:

We recommend the following to be provided:

**Traffic Operations:**

- To accurately evaluate the extent of potential impact to the operational characteristics of the existing highway, a traffic study should be prepared for review.
- A traffic impact study is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures. The study should use as a guideline the *Caltrans Guide for the Preparation of Traffic Impact Studies*, which is located at the following website:

*"Caltrans improves mobility across California"*



Minimum contents of the traffic impact study are listed in Appendix "A" of the TIS guide.

- All state facilities, including intersections, impacted by the Project area, which include Interstate 215 (I-215), should be analyzed in the traffic study. Where applicable, such as signalized intersections and ramp interchanges, a synchro analysis, merge/diverge analysis, and a queuing analysis is recommended.
- The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.
- Mitigation measures to State facilities should be included in the traffic impact analysis. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.
- The lead agency should monitor impacts to insure that roadway segments and intersections remain at an acceptable Level of Service (LOS). Should the LOS reach unacceptable levels, the lead agency should delay the issuance of building permits for any project until the appropriate impact mitigation is implemented.
- The data used in the TIS should not be more than 2 years old.
- Caltrans endeavors that any direct and cumulative impacts to the State highway system be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.
- Traffic Analysis Scenarios should clearly be exhibited as exiting, existing + project, existing + project + ambient growth, and existing + project + ambient growth + cumulative.
- Clearly indicate LOS with and without improvements.
- Proposed improvements should be exhibited in preliminary drawings that indicate the LOS with improvements.
- Submit a hard copy of all Traffic Impact Analysis documents and an electronic Synchro Analysis file.

Additionally, we recommend the traffic study be submitted prior to the circulation of the DEIR to ensure timely review of the submitted materials and a preliminary scoping meeting to discuss any potential issues.

If future development is anticipated to impact State facilities drainage system please consider the following when development occurs:

### **Hydrology and Grading**

- Verify capacity of existing drainage structures within R/W where connections between private and Caltrans systems are proposed.
- Provide mitigation measures that offset drainage impacts to existing State drainage facilities.
- Existing capacity of affected State drainage systems cannot be exceeded. Should 100-year project runoff volumes be determined to exceed the maximum capacity of the existing State drainage facilities, construction of on-site detention basins, new drainage systems or other impact mitigation will be required.
- All existing tributary areas, area drainage patterns and runoff volumes having an impact to adjacent I-215 drainage facilities must be identified and analyzed in a project hydrology study.
- Future review of project drainage design will include an evaluation of runoff impacts to adjacent State R/W. Where applicable, compliance with pertinent National Pollutant Discharge Elimination System (NPDES)/water quality standards will be required.
- Ensure that "best management practices" (BMP's) used to treat site runoff entering State R/W are in compliance with all applicable National Pollution Discharge Elimination System (NPDES) or State Regional Water Resources Board regulations.
- Project grading and drainage impacts affecting State R/W should be identified and addressed prior to project approval.
- To ensure that proposed site grading and drainage design does not result in an adverse impact to State R/W, we ask that a requirement to review plans and provide written construction clearance be included among the project conditions of approval.
- Prior to issuance of construction permits, please forward copies of site grading and drainage plans when available so that we may determine the extent of project impact to the adjacent State right-of-way.
- To ensure that State R/W impacts associated proposed grading, landscaping, and construction of parking structures and walls are identified, our review of rough and/or precise grading, landscape and building plans will be required.



**Encroachment Permit**

- Any proposed alterations to existing improvements within State right-of-way may only be preformed upon issuance of a valid encroachment permit and must conform to current Caltrans design standards and construction practices.
- Review and approval of street, grading and drainage construction plans will be necessary prior to permit issuance.

Information regarding permit application and submittal requirements may be obtained by contacting:

Office of Encroachment Permits  
Department of Transportation  
464 West 4<sup>th</sup> Street, 6<sup>th</sup> Floor, MS-619  
San Bernardino, CA 92401-1400  
(909) 383-4526

When development does occur a need for encroachment permits will be necessary for any work performed within the State right-of-way. Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to State Highway R/W.

Thank you for providing us this opportunity to review the NOP for the Murrieta Hills Specific Plan Amendment and for your consideration of these and future comments. These recommendations are preliminary and summarize our review of materials provided for our evaluation. If this proposal is revised in any way, please forward appropriate information to this Office so that updated recommendations for impact mitigation may be provided. If you have questions concerning these comments concerning this project, or would like to meet to discuss our concerns, please Talvin Dennis at (909) 806-3957 or contact myself at (909) 383-4557 for assistance

Sincerely,



DANIEL KOPULSKY  
Office Chief  
Community Planning, IGR/CEQA Review

SOUTHERN CALIFORNIA



**ASSOCIATION of  
GOVERNMENTS**

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Keith Millhouse, Ventura County  
Transportation Commission

April 2, 2014

Mr. Greg Smith  
Associate Planner  
City of Murrieta  
Old Town Square  
Murrieta, California 90622  
(951) 461-6414

**RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact  
Report for the Murrieta Hills Specific Plan Amendment Project [IGR7988]**

Dear Mr. Smith:

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Murrieta Hills Specific Plan Amendment 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 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 its Sustainable Communities Strategy (SCS) component pursuant to 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.<sup>1</sup> Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that 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 Murrieta Hills Specific Plan Amendment Project. The proposed project proposes residential, commercial, mixed-use, and natural and improved open space on approximately 974 acres. The proposed project also includes construction of a public park, up to two water supply tanks, water quality basins, onsite public streets, and off-side road improvements.

**When available, please send environmental documentation to SCAG's office in Los Angeles or by email to [leep@scag.ca.gov](mailto:leep@scag.ca.gov) providing, at a minimum, the full comment period for review. If you have any questions regarding the attached comments, please contact Pamela Lee at (213) 236-1895 or [leep@scag.ca.gov](mailto:leep@scag.ca.gov). Thank you.**

Sincerely,

Jonathan Nadler,  
Manager, Compliance and Performance Assessment

<sup>1</sup> SB 375 amends CEQA to add Chapter 4.2 Implementation of the Sustainable Communities Strategy, which allows for certain CEQA streamlining for projects consistent with the RTP/SCS. Lead agencies (including local jurisdictions) maintain the discretion and will be solely responsible for determining "consistency" of any future project with the SCS. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a finding of consistency under SB 375 for purposes of CEQA streamlining.



**COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT  
ENVIRONMENTAL IMPACT REPORT FOR THE MURRIETA HILLS SPECIFIC  
PLAN AMENDMENT PROJECT [SCAG NO. IGR7988]**

**CONSISTENCY WITH RTP/SCS**

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS.

**2012-2035 RTP/SCS Goals**

The SCAG Regional Council adopted the 2012-2035 RTP/SCS in April 2012. The 2012-2035 RTP/SCS links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations (see <http://rtpscs.scag.ca.gov>). The goals included in the 2012-2035 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 2012-2035 RTP/SCS are the following:

SCAG 2012-2035 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 (non-motorized transportation, such as 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 non-motorized 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>

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 policy and supportive analysis in a table format. Suggested format is as follows:

SCAG 2012-2035 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.

### RTP/SCS Strategies

To achieve the goals of the 2012-2035 RTP/SCS, a wide range of strategies are included in SCS Chapter (starting on page 152) of the RTP/SCS focusing on four key areas: 1) Land Use Actions and Strategies; 2) Transportation Network Actions and Strategies; 3) Transportation Demand Management (TDM) Actions and Strategies and; 4) Transportation System Management (TSM) Actions and Strategies. If applicable to the proposed project, please refer to these strategies as guidance for considering the proposed project within the context of regional goals and policies. To access a listing of the strategies, please visit <http://rtpscs.scag.ca.gov/Documents/2012/final/f2012RTPSCS.pdf> (Tables 4.3 – 4.7, beginning on page 152).

### Regional Growth Forecasts

The Draft Environmental Impact Report for the Murrieta Hills Specific Plan Amendment Project should reflect the most recently adopted SCAG forecasts. To review the most recently adopted SCAG forecasts, please visit <http://scag.ca.gov/Documents/2012AdoptedGrowthForecastPDF.pdf>, which consists of the 2020 and 2035 RTP/SCS population, household and employment forecasts. The forecasts for the region and applicable jurisdiction are below.

Forecast	Adopted SCAG Region Wide Forecasts		Adopted City of Murrieta Forecasts	
	Year 2020	Year 2035	Year 2020	Year 2035
Population	19,663,000	22,091,000	109,300	121,100
Households	6,458,000	7,325,000	35,100	39,200
Employment	8,414,000	9,441,000	50,100	86,500

### MITIGATION

SCAG staff recommends that you review the SCAG 2012-2035 RTP/SCS Final Program EIR Mitigation Measures for guidance, as appropriate. See Chapter 6 (beginning on page 143) at: <http://rtpscs.scag.ca.gov/Documents/peir/2012/final/Final2012PEIR.pdf>

As referenced in Chapter 6, a comprehensive list of example mitigation measures that may be considered as appropriate is included in Appendix G: *Examples of Measures that Could Reduce Impacts from Planning, Development and Transportation Projects*. Appendix G can be accessed at: [http://rtpscs.scag.ca.gov/Documents/peir/2012/final/2012fPEIR\\_AppendixG\\_ExampleMeasures.pdf](http://rtpscs.scag.ca.gov/Documents/peir/2012/final/2012fPEIR_AppendixG_ExampleMeasures.pdf)



Johnson & Sedlack

ATTORNEYS at LAW

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April 2, 2014

**CITY OF MURRIETA**

Mr. Greg Smith  
City of Murrieta  
One Town Square  
Murrieta, California 90622

APR 3 2014

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**VIA US MAIL**

***RE: Written Request for all Public Notices for Murrieta Hills Specific Plan Amendment***

Greetings:

Please allow this letter to serve as a written request to receive all notices regarding the Murrieta Hills Specific Plan Amendment.

This written request is intended to include all public notices issued pursuant to the City of Moreno Valley ordinances as well as pursuant to the California Environmental Quality Act ("CEQA"), including notice of any CEQA determination regarding the subject project.

Please send all notices to the following address:

Johnson & Sedlack  
26785 Camino Seco  
Temecula, CA 92590

Thank you very much for your assistance.

Sincerely,




Raymond W. Johnson  
JOHNSON & SEDLACK

**From:** Guerin, John [JGUERIN@rctlma.org]  
**Sent:** Friday, April 04, 2014 11:36 AM  
**To:** Smith, Greg  
**Cc:** Cooper, Ed; Santos, Barbara  
**Subject:** Murrieta Hills Specific Plan Amendment - Notice of Preparation of an Environmental Impact Report

Thank you for providing the Riverside County Airport Land Use Commission (ALUC) with a copy of the Notice of Preparation of a Draft Environmental Impact Report for the Murrieta Hills Specific Plan Amendment. The project site is not within an Airport Influence Area and is not within 20,000 feet of any public-use airport. Furthermore, there are no proposed structures 200 feet or greater in height. Therefore, ALUC has no jurisdiction over this site and may be deleted from the contact list for this specific project.

The document preparers should be advised that there are two special or private-use aviation facilities in the area: Pines Airpark located east of I-215 and north of Scott Road (private-use) and a hospital heliport located just east of Interstate 215.

John Guerin  
951-955-0982 





# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

**CITY OF MURRIETA**

April 11, 2014

Greg Smith, Associate Planner  
City of Murrieta  
One Town Square  
Murrieta, CA 90622

APR 14 2014

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## **Notice of Preparation of a CEQA Document for the Murrieta Hills Specific Plan**

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 CEQA document. 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: [www.aqmd.gov/ceqa/hdbk.html](http://www.aqmd.gov/ceqa/hdbk.html). 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](http://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/ceqa/handbook/signthres.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). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA 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/ceqa/handbook/LST/LST.html>.

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/ceqa/handbook/mobile\\_toxic/mobile\\_toxic.html](http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html). 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.

#### **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 state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying possible mitigation measures for the project, including:

- Chapter 11 of the SCAQMD *CEQA Air Quality Handbook*
- SCAQMD's CEQA web pages at: [www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html)
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions
- Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>.

#### **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 me at [imacmillan@aqmd.gov](mailto:imacmillan@aqmd.gov) or call me at (909) 396-3244.

Sincerely,



Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review  
Planning, Rule Development & Area Sources





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](http://www.wildlife.ca.gov)

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



April 15, 2014

Mr. Greg Smith  
City of Murrieta  
One Town Square  
Murrieta, CA 90622

Subject: Notice of Preparation: Murrieta Hills Specific Plan Amendment Project  
Draft Environmental Impact Report  
State Clearinghouse No. 2014031045

Dear Mr. Smith:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) for the Murrieta Hills Specific Plan Amendment Project (Project) [State Clearinghouse No. 2014031045]. The Department is responding to the NOP as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

#### Project Description

The Project is located within an unincorporated portion of Riverside County, west of Interstate 215 (I-215) and east of Fromer Lane between Keller Road and Bottle Brush Road. The Project would amend and replace Specific SMP-4 and includes the annexation of the project area into the City of Murrieta. The Project proposes up to 750 residences, commercial, mixed-use, and natural and improved open space on approximately 974 acres. Additional proposed Project infrastructure includes the construction of a public park, up to two water supply tanks, water quality basins, onsite public streets, and off-site road improvements.

#### Biological Resources and Impacts

The CEQA document should contain sufficient, specific, and current biological information on the existing habitat and species at the Project site; measures to minimize



and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. The CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions, such as a Lake or Streambed Alteration Agreement.

If state or federal endangered or threatened species have the potential to occur on the Project site, species specific surveys should be conducted using methods approved by the Department or assume the presence of the species throughout the project site. The CEQA document should include recent survey data (CEQA Guidelines Section 15125(a)). The CEQA document should also address species of special concern and federal critical habitat. To assist with review, an accompanying map showing the areas of impact should be included in the subsequent CEQA document. Additional maps detailing the location of endangered, threatened, or special of special concern should also be included in the subsequent CEQA document.

#### Natural Community Conservation Program (NCCP) and California Endangered Species Act (CESA)

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 CESA, and administers the Natural Community Conservation Plan Program (NCCP Program). Within the Inland Deserts Region, the Department issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County Multiple Species Habitat Conservation Plan (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://www.rctlma.org/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 Murrieta is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. The majority of the Project is located within the Lower Sedco Hills Subunit (SU2) of the Sun City/Menifee Area Plan and covers all MSHCP Criteria Cells (i.e., 5252, 5253, 5254, 5255, 5355, 5356, 5357, 5358), of Cell Group C. The MSHCP states that conservation within Cell Group C will



contribute to assembly of Proposed Linkage 8 and Proposed Constrained Linkage 16, with conservation ranging from 60-70% focusing on the southern, central, and eastern portions of Cell Group C. Because the proposed Project is located with MSHCP Criteria Cells, it is subject to the Joint Project Review (JPR) process through the Riverside 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).

#### Lake and Streambed Alteration Program

The Department has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. 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 environmental document 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 <http://www.dfg.ca.gov/habcon/1600/forms.html>.

Although the proposed Project is within the MSHCP, a Notification of Lake or Streambed Alteration may be required by the Department, should the site contain jurisdictional areas, and the Project proposes impacts to these areas. Additionally, the Department's criteria for determining the presence of jurisdictional waters are more comprehensive than the MSHCP criteria in Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools).

The following information will be required for the processing of a Notification of Lake or Streambed Alteration and the Department recommends incorporating this information into the CEQA document to avoid subsequent documentation and project delays. Please note that failure to include this analysis in the project's environmental document could preclude the Department from relying on the Lead Agency's analysis to issue an LSA Agreement without the Department first conducting its own, separate Lead Agency subsequent or supplemental analysis for the project:



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

#### Cumulative Impacts

The Project is proposed in a densely populated region of southern California. The regional scarcity of biological resources may increase the cumulative significance of Project activities. Cumulative effects analysis should be developed as described under CEQA Guidelines Section 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.

#### Alternatives Analysis

The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6). The analysis should include a range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources. The Department considers Rare Natural Communities as threatened habitats, having both local and regional significance. Thus, these communities should be fully avoided and otherwise protected from Project-related impacts. The CEQA document should include an evaluation of specific alternative locations with lower resource sensitivity where appropriate. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat should be addressed.

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

#### Department Recommendations

In summary, the Department recommends that the Lead Agency address the following in the DEIR:

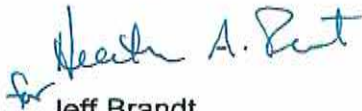


1. The CEQA document should quantify impacts to habitats and species as per the informational requirements of CEQA. An accompanying map showing the areas of impact should also be included.
2. The CEQA document should include recent biological surveys for fauna and flora (CEQA Guidelines Section 15125(a)). The Department recommends that the Lead Agency contact the Department's California Natural Diversity Database (CNDDDB) in Sacramento, (916) 327-5960, to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the California Fish and Game Code. If state or federal threatened or endangered species may occur within the project area, species specific surveys, conducted at the appropriate time of year and time of day, should be included with the CEQA document. Acceptable species specific surveys have been developed by the Department, and by the U.S. Fish and Wildlife Service, and are accessible through each agencies websites. Assessments for rare plants and rare plant natural communities should follow the Department's 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. If the Department's 2009 guidelines were not used, surveys conducted after the issuance of the 2009 guidance should be updated following the 2009 guidelines. The guidance document is available here:  
[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols\\_for\\_surveying\\_and\\_evaluating\\_impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols_for_surveying_and_evaluating_impacts.pdf)
3. The CEQA document should provide an analysis of habitat conservation plans and natural community conservation plans, including the MSHCP. The CEQA document should include a discussion of how the project will affect reserve assembly; how the Project will affect the goals and objectives of the NCCP; the applicable policies and procedures that pertain to the Project; a discussion of survey requirements; and a list of proposed mitigation measures pursuant to the NCCP. A copy of any documents discussing the Project's consistency with the NCCP (e.g., Joint Project Review, and Determination of Biologically Equivalent or Superior Preservation) should be included with the CEQA document.
4. The analysis in the CEQA document should satisfy the requirements of the Department's Lake and Streambed Alteration Program and CESA (if deemed necessary).
5. The CEQA document should provide a thorough analysis of direct, indirect, and cumulative impacts and identify specific measures to offset such impacts.
6. The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6).

Notice of Preparation of Draft Environmental Impact Report  
Murrieta Hills Specific Plan Amendment Project  
SCH No. 2014031045  
Page 6 of 6

The Department appreciates the opportunity to comment on the NOP of DEIR for the Murrieta Hills Specific Plan Amendment Project (SCH No. 2014031045). Please contact Joanna Gibson with questions or concerns regarding this letter and further coordination on project permitting needs at (909) 987-7449 or [Joanna.Gibson@wildlife.ca.gov](mailto:Joanna.Gibson@wildlife.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff A. Brandt".

Jeff Brandt  
Senior Environmental Scientist

cc: State Clearinghouse, Sacramento





**Scott A. Mann**  
Mayor

**Wallace W. Edgerton**  
Deputy Mayor

**John V. Denver**  
Councilmember

**Thomas Fuhrman**  
Councilmember

**Greg August**  
Councilmember

## CITY OF MURRIETA

APR 15 2014

**RECEIVED  
PLANNING DEPT.**

April 14, 2014

Greg Smith, Project Planner  
City of Murrieta Community Development Department  
1 Town Square  
Murrieta, CA 92562

RE: Notice of Preparation of a Draft Environmental Impact Report for the Murrieta Hills Specific Plan

Dear Mr. Smith:

Thank you for providing an opportunity for the City of Menifee Community Development Department to review the proposed notice of preparation for the Draft EIR for the Murrieta Hills Specific Plan. Menifee's Community Development Department has reviewed the notice and has the following comments:

1. The existing general plan land use designation of the property is Rural Community: Rural Mountainous per the County of Riverside General Plan. This land use allows for a density of 1 dwelling unit per 10 acres. The proposed project would substantially increase the density over what is currently allowed under the County's General Plan. This is a concern due to population increases and possible impacts to traffic, noise, recreational facilities, land use, water quality, hydrology, and biological resources. Impacts related to the change in land use should be analyzed in the EIR.
2. The rural mountainous designation is typically assigned to property with significant slopes or topography. Substantial amounts of grading, impacts to scenic resources, including hills and rock outcroppings to accommodate the proposed development on the property would be a concern and should be analyzed in the EIR for the project.
3. West of Zeiders Road and north of Keller Road, properties are currently designated and/or contain rural residential uses. Compatibility of the proposed project to the existing and proposed rural residential community is a concern and should be addressed in the EIR.
4. The project currently proposes three access points on Keller Road. It appears that most of the traffic from this project will utilize Keller Road. Impacts to traffic in the City of Menifee, particularly along Keller Road, Zeiders Road, Scott Road and the Scott Road Interchange are a concern. A traffic study should be provided to our City Engineering Department for peer review. All traffic impacts within the City of Menifee should be mitigated to less than significant levels.

5. The City of Menifee would like to coordinate with the City of Murrieta on any mitigation measures or future improvements on Zeiders Road, Keller Road, and Scott Road.
6. A condition should be applied to the project to include processing roadway improvement plans through the City of Menifee for any improvements within the City of Menifee right-of-way. The applicant shall be responsible for obtaining all necessary encroachment permits and inspections with all applicable fees.
7. The City of Menifee would like to coordinate with the City of Murrieta on drainage, particularly the Paloma Wash.
8. The Riverside County General Plan (Sun City/Menifee Valley Area Plan Figure 7, Trails and Bikeway System), indicates that a Community Trail is planned on Keller Road and adjacent to the Paloma Wash. The EIR should address and identify trail locations within the development and regional trail connectivity.
9. There are currently no parks in the project vicinity to serve the proposed residential, including multi-family residential parcel. Impacts related to recreation and parks should be discussed in the EIR and the proposed development should provide adequate park facilities within the boundaries of the development to serve the future residents.
10. The proposed annexation boundary creates two islands of unincorporated property adjacent to the project site. The annexation of these two portions of property should be considered to provide for logical jurisdictional boundaries. The EIR should address impacts related to the annexation.
11. The City of Menifee Community Development Department requests to receive subsequent notices on this project and any environmental documents prepared for the project.

Thank you again for the opportunity to review the project proposal. Please forward any environmental documents and/or hearing notices regarding the project, including the proposed annexation to my attention at this office.

Sincerely,



Lisa Gordon  
Planning Manager  
Community Development Department



Johnson & Sedlack

ATTORNEYS at LAW

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Telephone: (951) 506-9925  
Facsimile: (951) 506-9725

April 14, 2014

Mr. Greg Smith  
City of Murrieta  
One Town Square  
Murrieta, California 90622

**CITY OF MURRIETA**

**APR 15 2014**

**RECEIVED  
PLANNING DEPT.**

**VIA US MAIL**

***RE: Comments on Notice of Preparation for Murrieta Hills Specific Plan Amendment***

Greetings:

Thank you for the opportunity to comment on the NOP prepared for the Murrieta Hills Specific Plan Amendment (the "Project"). I hereby submit the following comments on behalf of URGE and local area residents.

The Project proposes annexation of 974 acres located in an unincorporated portion of Riverside County, west of I-215 and east of Fromer Lane between Keller Road and Bottle Brush Road. The Project also proposes to annex into the City of Murrieta's Sphere of Influence 325 acres on two sites adjacent to the Murrieta Hills Specific Plan Amendment Area.

At the time a specific plan was originally approved for the site in 1995, it was located within the unincorporated County of Riverside within the City's Sphere of Influence. The site is, however, no longer within the City's Sphere of Influence and has never been annexed by the City. The City and EIR should address whether or not rights under the original Specific Plan No. SPM-4, or any other development approval by the City or County, have vested. The EIR should also address the site's current County of Riverside zoning and land use designations, and what development could occur under those criteria since the site is no longer within the jurisdiction of the City of Murrieta.

Any EIR prepared for this Project must also address what action caused the site to be no longer located within the City of Murrieta's Sphere of Influence. The EIR should also address the environmental consequences of the decisions the LAFCO will be making with respect to this project including addressing: any detrimental effects to the County of Riverside and its planning from the annexation of land and annexation into the City's Sphere of Influence; a detailed discussion of the required jurisdictional and sphere of influence changes; the project's conformance with LAFCO requirements; any impacts to conservation under the MSHCP; etc.



An EIR for this Project must not rely on outdated studies, conclusions, mitigation measures, etc. incorporated in the 1995 approval of a specific plan for the site. Substantial changes in circumstance, technology/information, mitigation, and the Project itself have occurred which justify all new evaluations and information. Impacts should be compared to a baseline of the site "as is," that is undeveloped, and not as previously authorized under Specific Plan SPM-4, particularly since the site is not presently within the City of Murrieta's jurisdiction.

Given the substantial amount of MSHCP open space areas proposed with this Project, it is essential that biological impacts are thoroughly evaluated and disclosed in any EIR. Impacts from urban/wildlands interface should be evaluated in detail and certain, enforceable mitigation adopted to reduce such impacts. Runoff, lighting, invasive species, traffic, noise, and similar issues should be thoroughly addressed in the EIR. Also, if MSHCP areas are intended to double as areas for recreational and public access opportunities, trails, or similar uses, the EIR should address whether this conditionally compatible use under the MSHCP is in fact a compatible use with this Project. Any locations of such uses and potential impacts from these uses should be addressed. Any studies or determinations by Western Riverside County Regional Conservation Authority, the County of Riverside, or others relative to the MSHCP should be incorporated and disclosed in the EIR.

Aesthetic impacts should be minimized through the development of a Project that corresponds to the surrounding wilderness area and does not obstruct views. Building heights should be minimized and setbacks maximized. Any development should occur as much as possible with the natural topography and geography of the site.

Traffic impacts should be adequately addressed. The Project would develop 974 acres off of Keller Road and I-215 and three miles east of I-15. It is crucial the EIR being prepared for this Project adequately consider impacts to both I-215 and I-15 and associated highway facilities pursuant to Caltrans Guidelines.

It is also essential the EIR consider impacts from cumulative projects contributing traffic to these state highway facilities even if located in another jurisdiction. Impacts from new interchanges at Keller Rd. and French Valley Parkway, and projects proposed near those interchanges (e.g. Kaiser Permanente at the northeast corner of I-215 and Keller) must be considered. The impacts evaluated and disclosed in the County of Riverside's newly adopted Wine County Community Plan, for instance, should be considered in evaluating this Project's cumulative traffic impacts. The proposed "Temecula Village West" project in the City of Temecula (270-acres, 2,000 dwelling units) should also be considered.

The significance of greenhouse gas emissions should be evaluated in the EIR against SCAQMD's interim thresholds and CARB's thresholds. Potential impacts from GHG emissions should be set out in the EIR and mitigation adopted for those effects.

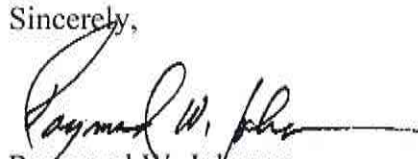
The overall amount of grading and/or excavation estimated as necessary onsite should be disclosed and considered in the air quality, traffic, and other analyses. This consideration is needed as the proposed site is quite hilly and contains several streams/waterways that may be



affected by grading runoff. The use of heavy equipment may also impact biology in the Project vicinity. Whether soils import or export would likely be needed should also be considered.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson", with a long horizontal flourish extending to the right.

Raymond W. Johnson  
JOHNSON & SEDLACK



**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luiseño Mission Indians*

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

April 16, 2014

**VIA E-MAIL and USPS**

Mr. Greg Smith  
Associate Planner  
City of Murrieta Planning Dept  
One Town Square  
Murrieta, CA 90622

**Re: Pechanga Tribe Comments on the Notice of Preparation for the Murrieta Hills Specific Plan Amendment**

Dear Mr. Smith:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government in response to the Notice of Preparation (NOP) dated March 13, 2014 for the above referenced Project. The NOP was received at our office on March 24, 2014. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). Please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archaeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

The Tribe submits these comments concerning the Project's potential impacts to cultural resources in conjunction with the environmental review of the Project and to assist the City in developing appropriate avoidance and preservation standards for the significant Luiseño Village that the Project will impact. The Tribe commented previously on an earlier iteration of the Project (*see* attached 2007 comments for your reference). At that time, the Tribe stated that there were known cultural sites, including a Luiseño village, that would be impacted by the proposed development. Although the Tribe appreciates the much-reduced footprint, the most sensitive cultural resources located within the Project boundaries are still slated for direct impact. The Tribe is very concerned that the Project is taking into account avoidance for sensitive biological species and other environmental issues; however, it has directly proposed destruction of the few remaining cultural sites affiliated with the original inhabitants of this area.

Chairperson:  
Mary Bear Magee

Vice Chairperson:  
Darlene Miranda

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

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Planning Specialist:  
Tuba Ebru Ozdil

Cultural Analyst:  
Anna Hoover



The Tribe generally recommends that an intensive archaeological survey be completed for every Project with participation by a Pechanga Tribe monitor; however, we are aware that the Project archaeologist will be conducting an updated survey soon. Further, the Tribe recommends that the final archaeological report include an adequate analysis not only of the Project but of the region as well (i.e., landscape/regional analysis). This area supported a dense precontact population and is an excellent area for a household archaeological study and ethnographic analysis. We would be happy to provide additional information and resources to assist with this analysis.

In light of the proposed impacts and our continued consultation with the City and the Project archaeologist, the Tribe requests to meet as soon as possible with the City, the Developer and the Archaeologist in order to better understand the proposed development and discuss potential avoidance and preservation strategies for the significant resources that will be impacted by the Project.

**THE CITY OF MURRIETA MUST INCLUDE INVOLVEMENT OF AND  
CONSULTATION WITH THE PECHANGA TRIBE IN ITS ENVIRONMENTAL  
REVIEW PROCESS**

It has been the intent of the Federal Government<sup>1</sup> and the State of California<sup>2</sup> that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. In this case, it is undisputed that the project lies within the Pechanga Tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that the City of Murrieta consult with the Tribe in order to guarantee an adequate knowledge base for an appropriate evaluation of the Project effects, as well as generating adequate mitigation measures.

**LEAD AGENCY CONSULTATION WITH THE PECHANGA TRIBE REQUIRED  
PURSUANT TO CAL. GOVT. C. §§ 65351, 65352, 65352.3, AND 65352.4  
(SENATE BILL 18 – TRADITIONAL TRIBAL CULTURAL PLACES LAW)**

As a Specific Plan Amendment will be processed on this Project, the Lead Agency is required to consult with the Pechanga Tribe pursuant to a State law entitled Traditional Tribal Cultural Places (also known as SB 18; Cal. Govt. C. § 65352.3). The purpose of consultation is to identify any Native American sacred places and any geographical areas which could

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<sup>1</sup>See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.

<sup>2</sup> See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4

potentially yield sacred places, identify proper means of treatment and management of such places, and to ensure the protection and preservation of such places through agreed upon mitigation (Cal. Govt. C. 65352.3; SB18, Chapter 905, Section 1(4)(b)(3)). Consultation must be government-to-government, meaning directly between the Tribe and the Lead Agency, seeking agreement where feasible (Cal. Govt. C. § 65352.4; SB18, Chapter 905, Section 1(4)(b)(3)). Lastly, any information conveyed to the Lead Agency concerning Native American sacred places shall be confidential in terms of the specific identity, location, character and use of those places and associated features and objects. This information is not subject to public disclosure pursuant the California Public Records Act (Cal. Govt. C. 6254(r)).

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

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), sacred sites, a Luiseño village and an extensive Luiseño artifact record within the boundaries of, and in a close proximity to, the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as extensive history with this Project, the City of Murrieta and other projects within the area. Pechanga considers any resources located on this Project property to be Pechanga cultural resources.

The Pechanga Tribe's knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history and ethno-history; and through recorded ethnographic and linguistic accounts. Of the many anthropologists and historians who have presented boundaries of the Luiseño traditional territory, none have excluded the Murrieta area from their descriptions (Sparkman 1908; Kroeber 1925; White 1963; Harvey 1974; Oxendine 1983; Smith and Freers 1994), and such territory descriptions correspond almost identically with that communicated to the Pechanga people by our elders. While historic accounts and anthropological and linguistic theories are important in determining traditional Luiseño territory, the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions.

Luiseño history originates with the creation of all things at *'éxva Teméeku*, in the present day City of Temecula, and dispersing out to all corners of creation (what is today known as Luiseño territory), including the present-day City of Murrieta. It was at Temecula that the Luiseño deity *Wuyóot* lived and taught the people, and here that he became sick, finally expiring to the north of Murrieta, at Lake Elsinore. Many of our songs relate the tale of the people taking the dying *Wuyóot* to the many hot springs within the world at that time and included the Hot Springs at Murrieta. He was ultimately taken to the Hot Springs at Elsinore, where he died (DuBois 1908). He was then taken back to Temecula and cremated at *'éxva Teméeku*. It is the Luiseño creation account that connects Elsinore to Temecula, and thus to the Temecula people who were evicted from the area and moved to the Pechanga Reservation, and are now known as



the Pechanga Band of Luiseño Mission Indians (the Pechanga Tribe). From Elsinore, the people spread out, establishing villages and marking their territories. These first people became the mountains, plants, animals and heavenly bodies we know today.

Many traditions and stories are passed from generation to generation by songs. One of the Luiseño songs recounts the travels of the people to Elsinore after a great flood (DuBois 1908). From here, they again spread out to the north, south, east and west, including to modern Murrieta. Three songs, called *Monívol*, are songs of the places and landmarks that were destinations of the Luiseño ancestors, several of which are located near the Project area. They describe the exact route of the Temecula (Pechanga) people and the landmarks made by each to claim title to places in their migrations (DuBois 1908:110). In addition, Pechanga elders state that the Temecula/Pechanga people had usage/gathering rights to an area extending from Rawson Canyon on the east, over to Lake Mathews on the northwest, down Temescal Canyon to Temecula, eastward to Aguanga, and then along the crest of the Cahuilla range back to Rawson Canyon. The Project area is located within the south central area of this culturally affiliated territory. The Native American Heritage Commission (NAHC) Most Likely Descendent (MLD) files substantiate this habitation and migration record from oral tradition. These examples illustrate a direct correlation between the oral tradition and the physical place; proving the importance of songs and stories as a valid source of information outside of the published anthropological data.

*Tóota yixélval* (rock art) is also an important element in the determination of Luiseño territorial boundaries. *Tóota yixélval* can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Riverside and Northern San Diego Counties are home to red-pigmented pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man, as the San Luis Rey style. The San Luis Rey style incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs. Tribal historians and photographs inform us that some design elements are reminiscent of Luiseño ground paintings. A few of these design elements, particularly the flower motifs, the net/chain and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

An additional type of *tóota yixélval*, identified by archaeologists also as rock art or petroglyphs, are cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground indentations, or cupules. Many of these cupule boulders have been identified within a few miles of the Project. Additionally, according to historian Constance DuBois:

When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock

with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed (1908:158).

There are several place names located close to the Project, including *Churúkuniknu Sákiwuna*, the place name which describes the actual hot spring from which the Murrieta Hot Springs derives its name. North of the hot springs is the place name called *Múuta Potéei*, whose translation means "the owl's nest." Today, residents know this distinctive set of hills as "the hogbacks." *Tótpa* describes the Santa Gertrudis River that bisects Murrieta (north-to-south) and eventually empties into the Temecula Creek at *'éxva Teméku*.

Thus, our songs and stories, our indigenous place names, as well as academic works, demonstrate that the Luiseño people who occupied what we know today as Murrieta, Temecula, and the areas in between are ancestors of the present-day Luiseño/Pechanga people, and as such, Pechanga is culturally affiliated to this geographic area.

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

### **PROJECT IMPACTS TO CULTURAL RESOURCES**

The proposed Project is located in a sensitive region of Luiseño territory and the Tribe knows that the current development will destroy sensitive and important cultural resources. The Tribe has over thirty-five (35) years of experience in working with various types of construction projects throughout its territory. The combination of this knowledge and experience, along with the knowledge of the culturally-sensitive areas and oral tradition, is what the Tribe relies on to make fairly accurate predictions regarding the likelihood of subsurface resources in a particular location.

The Pechanga Tribe is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources and the significant sites associated with a known Luiseño Village. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work. The Tribe requests to be involved and participate with the City of Murrieta in assuring that an adequate environmental assessment is completed, including all archaeological studies and analysis, and in developing all preservation, avoidance, monitoring and mitigation plans and measures for the duration of the Project.



The CEQA Guidelines state that lead agencies should make provisions for inadvertent discoveries of cultural resources (CEQA Guidelines §15064.5). The Tribe believes that adequate cultural resources assessments and management must always include a component which addresses inadvertent discoveries. Every major State and Federal law dealing with cultural resources includes provisions addressing inadvertent discoveries (See e.g.: CEQA (Cal. Pub. Resources Code §21083.2(i); 14 CCR §15065.5(f)); Section 106 (36 CFR §800.13); NAGPRA (43 CFR §10.4). Moreover, most state and federal agencies have guidelines or provisions for addressing inadvertent discoveries (See e.g.: FHWA, Section 4(f) Regulations - 771.135(g); CALTRANS, Standard Environmental Reference - 5- 10.2 and 5-10.3). Because of the extensive presence of the Tribe's ancestors within the Project area, it is not unreasonable to expect to find vestiges of that presence. Such cultural resources and artifacts are significant to the Tribe as they are reminders of their ancestors. Moreover, the Tribe is expected to protect and assure that all cultural sites of its ancestors are appropriately treated in a respectful manner. Therefore, as noted previously, it is crucial to adequately address the potential for inadvertent discoveries.

Further, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures for the permit must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage Commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. Given the Project's location in Pechanga territory, the Pechanga Tribe intends to assert its right pursuant to California law with regard to any remains or items discovered in the course of this Project.

### **RECOMMENDATIONS FOR DEIR ANALYSIS**

The Tribe further believes that a DEIR is not complete unless all impacts to cultural resources has been thoroughly vetted and analyzed, especially concerning the auditory and visual impacts, cumulative impacts and the growth-related or long-term impacts that a Project will have on the surrounding environment. Construction of the proposed residences will be a visual impediment to the scenic beauty of this region and to the known Luiseño village within the boundaries of the Project. An increase in over 1,500 new people into this area will further affect the natural quietness and increase traffic. Because of the size, complexity and impact the Project will have on the surrounding landscape, visual and auditory impacts to cultural resources should be thoroughly evaluated within the final document. As stated above, there is a known Luiseño village located within the Project boundaries. The Project as currently designed does not provide preservation of the known cultural sites; however, design alternatives should be pursued to avoid and preserve the cultural sites and reduce any projected visual and auditory impacts. We have an in-house planning specialist who can assist with design alternatives and other planning aspects to ensure that impacts to these irreplaceable cultural resources are avoided.

Cumulative impacts are also a major concern for the Tribe. The destruction of any "individual" cultural resource is detrimental to the whole cultural landscape as the destruction of

one piece of a complex destroys the integrity of the whole complex. This type of destruction also serves to further destroy the Tribe's traditional ancestral places. Unfortunately, most of the traditional ancestral places of the Tribe are on private and public lands which are constantly threatened by development. The Tribe is not anti-development; however, we increasingly struggle with lead agencies to protect and preserve our invaluable resources which continue to be destroyed and impacted on nearly a daily basis. Improper recordation and analysis of features within a larger community or habitation context allows for the piecemealing of sites and which can result in improper eligibility determinations which leads ultimately to damage or destruction. While the Tribe is aware that not all sites and cultural resources can be saved during development, it is important to acknowledge in project documentation that these are not renewable resources and thus the impairment or destruction of any site or resource IS a cumulative impact. The City must also take into account the impacts that this many new people will have on the cultural resources within the Project and surrounding it, including the potential for graffiti, looting, off-road vehicle destruction, among other impacts. The DEIR should further take into account not only any cultural resources that are located within the Project boundaries but those within a close proximity to the Project, regardless whether they exist within an arbitrary one-mile radius, that might be impacted as well. In this case, the DEIR should analyze the impacts to the entirety of the Luiseño village, which extends further to the east, should any of the sites not be preserved.

Finally, the Tribe is concerned about growth-related impacts to this area and their effects on cultural resources. We know that development brings people, and if people are not educated or aware of the importance of cultural resources or if they are not properly 'disguised', the resources will suffer through vandalism, looting, graffiti or destruction. As stated above, as proposed, a Luiseño village will be impacted by this Project and potentially by future developments. Based upon the current archaeological methodology, these sites have been subjected to site-by-site recordation and not viewed in their proper context. The Tribe recommends that they all be analyzed as one village. Also, because the Project's archaeological reports will be submitted to the Eastern Information Center (EIC) – the clearinghouse for such documents and the location archaeologists first go to for information, the Tribe requests that the City of Murrieta set a precedent and require that the Project archaeologist address both Project sites and the regional context in the study in order to assist future archaeologists and developers with awareness, preservation and avoidance of this important area.

Furthermore, the Tribe requests to work closely with the City and the Developer to develop a long-term strategy for better preservation of cultural resources located within the Project. For example, the Tribe has worked on several projects in which prominent rock outcroppings were preserved and avoided during construction activities. However, the Lead Agency did not provide for any long term care and as families and development moved into these areas, the rock outcroppings were subject to graffiti and the *tóota yixélval* was permanently impacted. We request to work together to preserve these resources by planting native species, engineering walls or fences, developing community watch groups, or other methods that deter vandals as appropriate.



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The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts.

The Pechanga Tribe looks forward to working together with the City of Murrieta in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at [ahoover@pechanga-nsn.gov](mailto:ahoover@pechanga-nsn.gov) once you have had a chance to review these comments so that we can schedule a consultation meeting. Thank you.

Sincerely,



Anna Hoover  
Cultural Analyst

Cc Pechanga Office of the General Counsel