

# ENDANGERED HABITATS LEAGUE

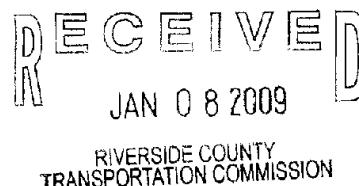
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



January 7, 2009

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Federal Highway Administration  
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**RE: Mid County Parkway DEIR/DEIS**

Dear Ms. Bechtel and Mr. Dam:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on this DEIR/DEIS for the Mid County Parkway (MCP). As a member of the original Riverside County Integrated Project Advisory Committees (CETAP, MSHCP, and General Plan), we recognize the close linkage between the permitting of transportation infrastructure and the adoption of the MSHCP. The Mid County Parkway is a key part of this “package deal.”

EHL thus does not oppose the concept of the MCP and indeed wishes to work with RCTC and other agencies to reconcile Riverside County’s transportation needs with the goals of the MSHCP. As discussed below, however, EHL has concerns regarding the proposed “Far South Alignment’s” consistency with the adopted MSHCP

Inconsistency with the MSHCP also amounts to inconsistency with the County of Riverside’s General Plan. The Open Space Element of Riverside County’s adopted General Plan acknowledges that the MSHCP is an integral part of the long-term land use vision adopted by the County. General Plan policies require that all the provisions of the MSHCP be “enforced.” Open Space Policy 18.1 provides that the County “[p]reserve multi-species habitat resources in the County of Riverside through the enforcement of the provisions of applicable MSHCP’s, if adopted.” (AI 10, emphasis added.) The County Board of Supervisors formally adopted the MSHCP on June 17, 2003. (See <http://www.rcip.org/mshcpadopted.htm>.) The adopted MSHCP explicitly reflects the County’s intent to “integrate the MSHCP into the General Plan.” (MSHCP at p. 1-8.)

Under the adopted MSHCP, an alternative MCP alignment to the originally developed route north of Lake Mathews is a conditionally covered project. This southerly alternative involved the widening and realignment of *existing* Cajalco Road

south of Lake Matthews. This alternative alignment concept utilizes existing infrastructure, provides the increased east-west mobility desired by regional transportation planners, and is coincident with the County's desire to expand the capacity of Cajalco Road as is reflected in the Circulation Element of the County's adopted General Plan.

Under the DEIR/DEIS, it now appears that the originally preferred route north of Lake Matthews is no longer under serious consideration because of community and seismic concerns. The Cajalco alternative alignment—as was anticipated in the MSHCP—has also now apparently been disfavored due to claimed conflicts with the Metropolitan Water District's Lake Matthews MSHCP. Instead, the DEIR/DEIS has developed a new "Far South" MCP alignment—well *south* of Cajalco Road—that was not anticipated in the MSHCP. Like the Cajalco route, the newly developed Far South route cuts through the PQP Lands relied upon for MSHCP permit issuance (through SKR reserves rather than through MWD reserves). And, like Cajalco, the Far South alternative produces habitat loss and fragmentation impacts above and beyond the original northern route and would require mitigation in addition to the 153,000 acres. Finally, like the Cajalco Route, it bisects Criteria Cells between Gavilan and Elsinore Roads. The damage done by these corridors—wherever they might be sited through preserve lands—is why the MSHCP permits only a *single* corridor.

However, instead of the single corridor the MSHCP envisioned along Cajalco, if this Far South MCP alignment is adopted there will be *two* major corridors running east-west south of Lake Matthews. That is, even if the Far South is approved and built, the County of Riverside's Circulation Element—consisting of covered projects under the MSHCP—will still contain the widening and straightening of Cajalco Road into a high speed, 6-lane east-west expressway east of Gavilan Road and into a "straightened" and realigned 4-lane arterial instead of its current tortuous 2-lane configuration as it proceeds west.

As acknowledged in the Cumulative Impacts section of the DEIR/DEIS, the MSHCP permits only a *single* major east-west highway through PQP Lands, rather than *both* Cajalco and the Far South. This is also in line with the Circulation Element of the Riverside General Plan, which also identifies *only one* major east-west corridor through habitat lands south of Lake Matthews.

As noted in Section 2.6.3 of the DEIR/DEIS, RCTC intends to use the coverage provided in Section 7.2.3 of the MSHCP for the MCP project. But this coverage cannot be used twice. In other words, it cannot be used by the County of Riverside for the Cajalco Road realignment and widening project *and* for the Far South MCP alignment, since *the MSHCP only provides conditional coverage for one transportation facility south of Lake Matthews.*

Although the DEIR/DEIS generally recognizes the problem presented by two major east-west alignments through PQP lands south of Lake Matthews, it fails to address the impacts on the MSHCP. Instead, the DEIR/DEIS mischaracterizes the clearly delineated

limitations the MSHCP places on conditional coverage of transportation corridors through this area. The DEIR/DEIS states that:

“in the event that County road improvements to Cajalco Road precede construction of the MCP project in the area described in Section 7.2.3 of the MSHCP (south of Lake Mathews), any existing improvements *at the time the MCP project is complete* would be subject to the design considerations identified in the MSHCP. Specifically, when the MCP is constructed, any portions of the existing *or future improved* Cajalco Road south of Lake Mathews from Gavilan Road 5.5 km (3.4 mi) west that are not needed to provide for local access will be removed and restored to a natural state consistent with the conditions in Section 7.2.3 of the MSHCP.” (DEIR/DEIS at p. 3.25-23, italics added.)

In other words, the DEIR/DEIS interprets the MSHCP’s removal condition to apply not only to the *existing* Cajalco Road 2-lane alignment, but also to any *future improved* Cajalco alignment as depicted in the Circulation Element of the County’s General Plan.

The DEIR/DEIS has fundamentally misinterpreted the MSHCP. Section 7.2.3 of the MSHCP applies only to the removal of the *existing* two-lane alignment, and not to the removal of any *future* improvements. This removal provision was intended instead to mitigate only for the realignment and expansion of the *now* existing Cajalco Road. Specifically, the MSHCP states:

“Beginning at Gavilan Road and proceeding westerly for roughly 3.4 miles, Cajalco Road shall be realigned to the southerly edge of the existing reserve in such a way as to minimize the existing reserve fragmentation. *Once the road is relocated, the existing* roadbed shall be removed and the area returned to a natural state including revegetation with native materials. Any remaining portions of existing Cajalco Road not needed to provide for local access will also be removed and restored.” (MSHCP, at 7.2.3, italics added.)

The “relocation” in the above quote refers to the upgrading and realigning of Cajalco Road, either in the manner envisioned in the County’s Circulation Element, and/or as part of the Cajalco alternative CETAP corridor. The MSHCP explicitly states that “[t]he Cajalco Road alternative would involve the realignment of existing Cajalco Road and the construction of a new four-lane divided roadway, or other configuration that could be demonstrated to meet the criteria outlined in this section, *to replace the existing two-lane roadway.*” (MSHCP, at 7.2.3, italics added.) This two-lane roadway—and *only* this existing roadway—is the “existing roadbed” the removal of which is required by the MSHCP in the event Cajalco Road is improved.

Despite the MSHCP’s clear provisions, the DEIR/DEIS inexplicably interprets the MSHCP to require the County to remove not only the old two-lane Cajalco roadbed, but also any portions of a *brand new* Cajalco alignment not needed for local access the County may have constructed in accordance with its General Plan by the time the Far

South MCP is built. In other words, the DEIR/DEIS assumes the County would build a new multi-million-dollar Cajalco 4-lane arterial, only to rip it out again a few years later. The County would of course never agree to such an absurd and wastefully expensive condition, and the DEIR/DEIS's statement on page 3.35-23 that it has so agreed has no factual basis.

So, where does that leave the Far South alignment of the MCP? The answer is that it is inconsistent with the MSHCP because it results in multiple east-west corridors. And how can it be made consistent? It can be made consistent only if (1) the County removes an expanded and realigned Cajalco Road from its Circulation Element, *and* (2) the County (with or without RCTC financial support) commits to remove and restore to natural conditions the roadbed of the existing two-lane Cajalco Road south of Lake Matthews if the Far South MCP is built. Absent these changes, the RCTC cannot rely on the MSHCP to mitigate the impacts of the Far South Alignment on biological resources under CEQA, NEPA or under the state and federal Endangered Species Acts.

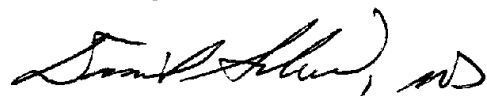
EHL accordingly recommends that the original northern alignment be pursued by working with MWD and the community. If that is not possible, the Cajalco route is already conditionally covered by the MSHCP. The fact that the resource agencies endorsed the MSHCP—which includes an expanded Cajalco corridor as a conditionally covered project—provides compelling evidence that any issues concerning the MWD's MSHCP in this area are resolvable.

But if issues with MWD over Cajalco improvements cannot be resolved, the Far South can also be adopted, *but only if Cajalco Road is never also widened into a major roadway and the existing Cajalco roadbed is eliminated.* The County Circulation Element should be amended to this effect. For interim traffic relief until the MCP is constructed, curve straightening on Calajco Road for safety as well as improvements to La Sierra and El Sobrante Roads should be considered, the latter allowing traffic to flow north of Lake Mathews. Coordination with the City of Corona would be part of this process.

EHL calls for increased coordination between MWD, RCTC, Corona, and Riverside County to work through these issues before finalization of the DEIR/DEIS to lay out a firm and plausible plan that ensures only a single east-west highway through the PQP Lands that are an irreplaceable cornerstone of the MSHCP.

Thank you for considering our comments.

Sincerely,



Dan Silver, MD  
Executive Director

Electronic copy: Juan C. Perez, Transportation Dept.  
US Fish and Wildlife Service  
Calif. Dept. of Fish and Game  
Western Riverside County Regional Conservation Authority  
Interested parties