

# Fax

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**Date:** 7 January 2009

**Subject:** **Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Mid County Parkway Project: SCH# 2004111103**

**Pages:** 5 (including cover sheet)

**Comments:**

From the desk of...  
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7 January 2009

Via FAX (951/787-7920), U.S. Mail and e-mail: [cbecthel@rctc.org](mailto:cbecthel@rctc.org)

Ms. Cathy Bechtel  
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Dear Ms. Bechtel & Mr. Dam:

**Re: Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Mid County Parkway Project: SCH# 2004111103**

The Friends of the Northern San Jacinto Valley (Friends) August 27, 2007 response comments on the July 2007 Supplemental Notice of Preparation (NOP) for this project noted several deficiencies in the National Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA) public scoping document. We asked that these deficiencies be corrected in the forthcoming Draft Environmental Impact Report/Draft Environmental Impact Statement (Draft EIR/EIS) to comply with the requirements of NEPA/CEQA.

We indicated it was particularly important to delineate the boundaries of the Multi-Species Habitat Conservation Plan (MSHCP) lands of the San Jacinto Wildlife Area and the Lake Mathews MSHCP lands. We requested the Draft EIR/EIS adequately inform the public as to the relative impact that project alternatives would have on these important wildlife conservation lands. These largely public lands have been designated for wildlife conservation pursuant to the federal Endangered Species Act (ESA) and the California Natural Community Conservation Planning Act (NCCP). In addition, we requested that the subject environmental documents demonstrate compliance with the requirements of Section 4(f) of the U.S. Department of Transportation Act of 1966 which specifies that publicly owned parks, recreation areas, wildlife or waterfowl refuges may not be used for projects which use federal funds, unless there are no feasible and prudent alternatives to the use of such land. In addition, the Section 4(f) requirements stipulate that the project includes all possible planning to minimize harm to federal, state, or regional wildlife conservation lands resulting from the proposed transportation use.

The subject NEPA/CEQA analysis does not include an examination of the all important Section 4(f) avoidance alternatives (Southern/Northern Avoidance Routes). Instead, the required Section 4(f) avoidance alternatives are obscured in an appendix of the voluminous environmental document. Consequently, the Riverside County Transportation Commission (RCTC) has effectively side-stepped the NEPA/CEQA mandates to examine reasonable alternatives capable of avoiding significant impacts to the Lake Mathews/Estelle Mountain wildlife conservation lands. The rejected Section 4(f) routes might not be preferred by the RCTC, but they clearly avoid adverse impacts to these endangered species habitats. Moreover, the RCTC rejection argument of greater project costs is not properly contrasted with the irreparable harm the transportation project will bring forth on what will be the last vestiges of biodiversity in western Riverside County.

The Section 4(f) mandate also requires that the subject transportation project include all possible planning to minimize harm to federal, state, and regional wildlife conservation lands. The subject Draft EIR/EIS attempts to quantify the direct impacts of the presented MCP Build Alternatives on endangered species habitat but provides poor consideration of the indirect impacts that the MCP will bring about on hundreds of acres of endangered species habitat. The Draft EIR/EIS acknowledges that all the MCP Build Alternatives considered will result in increased traffic noise adjacent to the MCP project alignment. The Friends are particularly concerned that the introduction of new or increased noise and light that the MCP will bring to the designated conservation lands for the Stephens' Kangaroo Rat (SKR) (RCHCA, 1995) will further jeopardize this endangered specie and numerous other MSHCP species. The adverse impacts of noise and light on habitat suitability for Heteromyid species such as the Stephens' Kangaroo Rat are well documented in the scientific literature (Brown et al, 1988; Price et al, 1991; Webster, 1962; Webster and Webster, 1971; Webster and Strother, 1972; Webster and Webster, 1975). The failure of the subject environmental document to consider the adverse impact of noise and light on SKR designated habitats at the San Jacinto Wildlife Area and the Lake Mathews-Estelle Mountain conservation lands must be corrected prior to further consideration of the Draft EIR/EIS.

Both NEPA and CEQA require that consultation/coordination with responsible and trustee agencies be integrated into the EIR/EIS document at the earliest possible time and to the fullest extent possible. Neither the federal Endangered Species Act, Section 7 consultation with the Federal Highway Administration nor the joint state (California Department of Fish and Game)/federal (U.S. Fish and Wildlife Service) analysis for the MSHCP/NCCP consistency determination are included in the subject NEPA/CEQA document. Consequently, neither of these pertinent environmental determinations is available for public review.

The Friends believe the approval of any of the presently proposed MCP Build Alternatives by the U.S. Fish and Wildlife Service and the California Department of Fish and Game will cumulatively jeopardize the continued existence of the Stephens' Kangaroo Rat. We believe that the additional direct and indirect incidental take of SKR the approval of a MCP Build Alternative will sanction must be subject to a cumulative impact analysis. The necessary cumulative evaluation will need to examine past and foreseeable future actions which could jeopardize SKR conservation. These include: 1) the overlaying of the recently approved Multiple Species

Habitat Conservation Plan (MSHCP) habitat conservation lands on the same lands previously designated for SKR conservation; 2) the failure of the Riverside County Habitat Conservation Agency (RCHCA) to adequately fund the SKR Habitat Conservation Plan; 3) the RCHCA failure to implement habitat management programs on the designated SKR reserves; 4) the dissolution of the March Air Force Base SKR reserve; and 5) the pending dissolution of the RCHCA, the Joint Powers Agency created to implement the SKR Habitat Conservation Plan.

The Friends believe the required ESA, Section 7 consultation this project requires is in itself a major federal action necessitating NEPA compliance and public disclosure. In a like manner, we believe the California Department of Fish and Game cannot avoid its state Wildlife Trustee obligations to properly implement CEQA before authorizing additional incidental take of SKR or other species conserved under the MSHCP/NCCP.

The Friends would also request that the Draft EIR/EIS public review record reflect our objection to the improper segmentation of the Mid County Parkway project from the Irvine Corona Expressway (ICE) which plans to tunnel through the Santa Ana Mountains. These projects are one in the same, and the segmentation of the environmental review of these projects only serves to mislead the public. We also believe the Draft EIR/EIS fails to adequately consider the adverse impacts the Mid County Parkway will engender in the area of climate change and cumulative air quality degradation. The Draft EIR/EIS does not properly consider the public health risks of additional air quality degradation on present and future residents living within 1,500 feet of the proposed Mid County Parkway.

Thank you for the opportunity to comment on the Draft EIR/EIS for this project. Please advise the Friends of the availability of the Final EIR/EIS. Please keep us informed of all meetings, all documents and all decisions made related to the Mid County Parkway.

Sincerely,

*Ann L. Turner-McKibben*

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Copy to: Susan A. Meyer, U.S. Army Corps of Engineers, Regulatory Division

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