

**FINAL ENVIRONMENTAL IMPACT REPORT
VOLUME II OF II
RESPONSE TO COMMENTS**

**CITY OF BANNING CIRCULATION ELEMENT
GENERAL PLAN AMENDMENT
CITY OF BANNING
COUNTY OF RIVERSIDE, CALIFORNIA**

LSA

January 2013

**FINAL ENVIRONMENTAL IMPACT REPORT
VOLUME II OF II
RESPONSE TO COMMENTS**

**CITY OF BANNING CIRCULATION ELEMENT
GENERAL PLAN AMENDMENT
CITY OF BANNING
COUNTY OF RIVERSIDE, CALIFORNIA**

Submitted to:

City of Banning
99 E. Ramsey Street
Banning, California 92220

Prepared by:

LSA Associates, Inc.
20 Executive Park, Suite 200
Irvine, California 92614
949.553.0666

Project No. COB1101

LSA

January 2013

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INTRODUCTION

The Final Environmental Impact Report (EIR) for the proposed City of Banning Circulation Element General Plan Amendment project is comprised of the Draft EIR and Appendices (Volume I) and the Response to Comments (RTC) (Volume II). Specifically, this document portion of the EIR (Volume II) includes the Comments and Responses volume of the Final EIR and EIR modifications or Errata. The purpose of this document is to respond to all comments received by the City of Banning (City) regarding the environmental information and analyses contained in the Draft EIR. Additionally, any corrections to the text and figures of the Draft EIR generated either from responses to comments or independently by the City are stated in this volume of the Final EIR as an Errata. The Draft EIR text in Volume I has not been modified to reflect these clarifications.

RESPONSE TO COMMENTS

As required by the California Environmental Quality Act (CEQA) Guidelines Section 15087, a Notice of Completion (NOC) of the Draft EIR for the City of Banning Circulation Element General Plan Amendment project was filed with the State Clearinghouse on September 21, 2012, and the Notice of Availability (NOA) of the Draft EIR was filed with the Riverside County (County) Clerk on September 21, 2012.

The Draft EIR was circulated for public review for a period of 45 days, from September 21, 2012, to November 5, 2012. Copies of the Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies and interested individuals. Copies of the Draft EIR were also made available for public review at the City Planning Department, at one area library, and on the internet via the City's website.

Three comment letters were received during the public review period. Two comment letters were received after the public review period. Comments were received from three State agencies, one regional agency, and two local agencies. All six letters have been responded to within this document. Comments that address environmental issues are thoroughly responded to. Comments that (1) do not address the adequacy or completeness of the Draft EIR; (2) do not raise environmental issues; or (3) do request the incorporation of additional information not relevant to environmental issues do not require a response, pursuant to Section 15088(a) of the State CEQA Guidelines.

Section 15088 of the State CEQA Guidelines, Evaluation of and Response to Comments, states:

- a) The Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
- c) The RTC may take the form of a revision to the Draft EIR or may be a separate section in the Final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:

1. Revise the text in the body of the EIR; or
2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this volume of the Final EIR clarifies, amplifies, or makes minor modifications to the Draft EIR. No significant changes have been made to the information contained in the Draft EIR as a result of the responses to comments, and no significant new information has been added that would require recirculation of the document.

An Errata to the EIR has been prepared to make minor corrections and clarifications to the Draft EIR as a result of City review and comments received during the public review period. Therefore, this Response to Comments document, along with the Errata, is included as part of the Final EIR for consideration by the City Council prior to a vote to certify the Final EIR.

INDEX OF COMMENTS RECEIVED

The following is an index list of the agencies that commented on the Draft EIR prior to the close of the public comment period or immediately thereafter. The comments received have been organized in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed with a number below.

Comment Code	Signatory	Date
State		
S-1	Native American Heritage Commission	October 1, 2012
S-2	State of California Department of Transportation	November 27, 2012
S-3	State Clearinghouse (Native American Heritage Commission)	December 17, 2012
Regional		
R-1	South Coast Air Quality Management District	November 2, 2012
Local		
L-1	City of Calimesa	October 3, 2012
L-2	County of Riverside Transportation Department	October 31, 2012

FORMAT OF RESPONSES TO COMMENTS

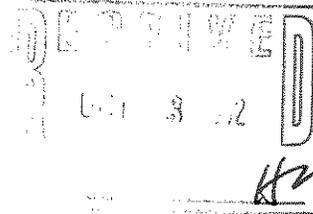
Responses to each of the comment letters are provided on the following pages. The comment index numbers are provided in the upper right corner of each comment letter, and individual points within each letter are numbered along the right-hand margin of each letter. The City's responses to each comment letter immediately follow each letter and are referenced by the index numbers in the margins. As noted in one of the responses, an Errata, with text revisions, has been prepared to provide corrections and clarifications to the Draft EIR.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



S-1



October 1, 2012

Mr. Zai Abu Bakar, Community Development Director

City of Banning

99 E. Ramsey Street
Banning, CA 92220

Re: SCH#2012011008; CEQA Notice of Completion; draft Environmental Impact Report (DEIR); for the "City of Banning Circulation Element General Plan Amendment Project," located in the City of Banning; Riverside County, California

Dear Mr. Zai Abu Bakar:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

S-1-1

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is also subject to California Government Code Section 65352.3 *et seq.*

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

S-1-2

S-1-3

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

S-1-4

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

S-1-5



Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

S-1-5
continued

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

S-1-6

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

S-1-7

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

S-1-8

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

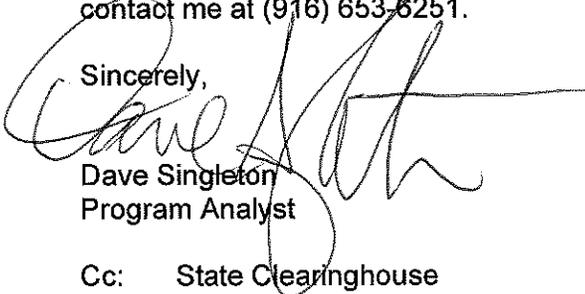
S-1-9

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

S-1-10

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts
Riverside County
October 1, 2012**

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Department
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.
gov
(909) 862-5152 Fax

San Manuel Band of Mission Indians
Carla Rodriguez, Chairwoman
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Morongo Band of Mission Indians
Robert Martin, Chairperson
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 849-8807
(951) 755-5200
(951) 922-8146 Fax

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 391820 Cahuilla
Anza , CA 92539
(951) 659-2700
(951) 659-2228 Fax

Serrano Nation of Mission Indians
Goldie Walker, Chairwoman
P.O. Box 343 Serrano
Patton , CA 92369
(909) 528-9027 or
(909) 528-9032

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 201-1866 - cell
mcontreras@morongo-nsn.
gov
(951) 922-0105 Fax

Cahuilla Band of Indians
Uther Salgado, Chairperson
PO Box 391760 Cahuilla
Anza , CA 92539
tribalcouncil@cahuilla.net
915-763-5549

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012011008; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the City of Banning Circulation Element General Plan Amendment; located in the City of Banning; Riverside County, California.

**Native American Contacts
Riverside County
October 1, 2012**

Ernest H. Siva
Morongo Band of Mission Indians Tribal Elder
9570 Mias Canyon Road Serrano
Banning , CA 92220 Cahuilla
siva@dishmail.net
(951) 849-4676

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012011008; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the City of Banning Circulation Element General Plan Amendment; located in the City of Banning; Riverside County, California.

STATE OF CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION (NAHC)

LETTER CODE: S-1

DATE: October 1, 2012

RESPONSE S-1-1

The comment is introductory and states that the Native American Heritage Commission (NAHC) is the State “trustee agency” pursuant to Public Resources Code (PRC) Section 21070 for the protection and preservation of the State’s Native American resources. The comment also states that the letter contains state and federal statutes relating to Native American historic properties of religious and cultural significance.

The comment is introductory in nature and outlines the NAHC’s authority and role as a commenting agency. The NAHC’s introduction in this comment is noted, and no further response is required.

RESPONSE S-1-2

The comment states that CEQA requires that any project that causes a substantial adverse change in the significance of a historical resource, which includes archaeological resources, is a “significant effect” requiring the preparation of an EIR. A Draft EIR was prepared for the proposed project and circulated for public review on September 21, 2012. The Draft EIR determined that there are no potentially significant impacts related to historical, paleontological, or archaeological resources as part of the proposed project because the project is limited to policy changes to the City’s Circulation Element of the General Plan and does not include any grading or excavation activities.

RESPONSE S-1-3

The comment states that a NAHC Sacred Lands File (SLF) search to identify potential Native American cultural resources should be conducted for the project. As discussed in Section 4.2, Cultural Resources of the Draft EIR, in compliance with CEQA and Senate Bill (SB) 18, Native American consultation with the NAHC was conducted for the proposed project. As part of this process, the NAHC conducted an SLF search on January 10, 2012. The results provided in a letter from the NAHC indicated an absence of Native American cultural resources within the project study area. The NAHC response letter also contained a list of seven Native American contacts with affiliations to the Cahuilla and Serrano Tribes and recommended that these individuals be contacted for information regarding cultural resources that could be impacted by the proposed project.

Project notification letters dated January 25, 2012, were sent out by certified mail to all seven contacts as recommended by the NAHC. No initial responses were received as a result of the project notification letters. However, two rounds of follow up were made through telephone calls and emails between February 10 and 15, 2012. Two responses were received as a result of these follow-up outreach efforts.

Gabriella Rubalcava, representing the Santa Rosa Band of Mission Indians Tribal Council, responded by email on February 15, 2012, indicating that the Santa Rosa Band of Mission Indians has no specific knowledge of cultural resources in the City and will defer to Joe Ontiveros in the Cultural

Resources Department for the Soboba Band of Luiseño Indians regarding further consultation and/or monitoring that may be required. Based on Ms. Rubulcava's response, the project information was sent to Mr. Ontiveros by email on February 16, 2012. No response was received from Mr. Ontiveros for the proposed project.

Yvonne Markel, the Environmental Office Manager for the Cahuilla Band of Indians, also responded to the second round of outreach efforts by email on March 2, 2012. Ms. Markel indicated that the Cahuilla Band of Indians had no knowledge of cultural resources within the City, and while it is outside of their reservation, it is within the Tribe's Traditional Use Area. On behalf of the Tribe, Ms. Markel requested that as a courtesy, the Tribe continue to receive updates and information as the project progresses, particularly with regard to cultural resources, if discovered. The Tribe also recommended monitoring by approved cultural monitors during any future ground-disturbing activities. Ms. Markel indicated that the Tribe would defer further consultation and monitoring efforts to the Morongo Band of Mission Indians and its Cultural Resources Department. No additional responses were received from any of the other parties contacted.

RESPONSE S-1-4

The comment states that NAHC Sacred Sites are confidential and exempt from the Public Records Act pursuant to California Government Code Section 6254. The City acknowledges the sensitivity and confidentiality of the information contained in the SLF. No records or maps have been made public, nor will they be made public in association with the City's consideration of the proposed project.

RESPONSE S-1-5

The comment letter states that early consultation with Native American Tribes in the area of the project site is the best way to avoid unanticipated discoveries once a project is underway. The comment also states that pursuant to California PRC Section 5097.95, the NAHC requests that pertinent project information be provided to Native American consulting parties. As described in Response to Comment S-1-3, the City conducted extensive consultation with local tribes and interested Native American individuals for the project. Consultation included providing those parties with pertinent project and location information. This consultation effort is detailed in the Draft EIR in Section 4.2, Cultural Resources.

As stated previously in Response to Comment S-1-2, the Draft EIR determined that there are no potentially significant impacts related to historical, paleontological, or archaeological resources as part of the proposed project because the project is limited to policy changes to the City's Circulation Element of the General Plan and does not include any grading or excavation activities.

RESPONSE S-1-6

The comment states that consultation with Tribes and interested Native American consulting parties on the NAHC list should be conducted in compliance with the requirements of the federal National Environmental Policy Act (NEPA), Sections 106 and 4(f) of the National Historic Preservation Act, and the Native American Grave Protection and Repatriation Act (NAGPRA), as appropriate.

The project is not a federal undertaking as defined under Section 106 of the National Historic Preservation Act (NHPA) or 36 Code of Federal Regulations (CFR) Part 800 regulations implementing Section 106. The project does not use federal funds and will not require any federal

permits. Therefore, the project does not fall under the regulatory oversight of Section 106. The project is not a federal transportation project, so it also does not fall under the jurisdiction of Section 4(f) of the Department of Transportation Act of 1966. Finally, since there is no federal involvement in the project, the requirements of NAGPRA do not apply.

The City did, however, conduct extensive consultation with Tribes and interested Native American individuals for the project. Please refer to Response to Comment S-1-3 for additional information.

RESPONSE S-1-7

The comment states that historic properties of religious and cultural significance are confidential and protected by California Government Code Section 6254. The comment further states that the confidentiality of such resources may also be protected by Section 304 of the NHPA. The City acknowledges the sensitivity and confidentiality of any identified resources. The SLF and any associated records maps are not for public distribution. In addition, because the project is not a federal undertaking, it is not regulated under Section 304 of the NHPA.

RESPONSE S-1-8

The comment identifies State laws regarding the accidental discovery of archaeological resources and the mandates to be followed in the accidental discovery of human remains. As stated previously in Response to Comment S-1-2, the Draft EIR determined that there are no potentially significant impacts related to historical, paleontological, or archaeological resources as part of the proposed project because the project is limited to policy changes to the City's Circulation Element of the General Plan and does not include any grading or excavation activities.

RESPONSE S-1-9

The comment states that effective consultation, in the opinion of the NAHC, is the result of an ongoing relationship between Native American tribes and Lead Agencies, project proponents, and their contractors. The City agrees that effective consultation is desired. The City has reached out to Native American tribes through the consultation process as detailed in the Draft EIR in Section 4.2, Cultural Resources, and described in Response to Comment S-1-3.

RESPONSE S-1-10

The comment states that the NAHC recommends avoidance when a project would damage or destroy Native American cultural resources. The comment further states that documentation and data recovery of such resources is required pursuant to the CEQA Guidelines. As stated previously in Response to Comment S-1-2, the Draft EIR determined that there are no potentially significant impacts related to historical, paleontological, or archaeological resources as part of the proposed project because the project is limited to policy changes to the City's Circulation Element of the General Plan and does not include any grading or excavation activities.

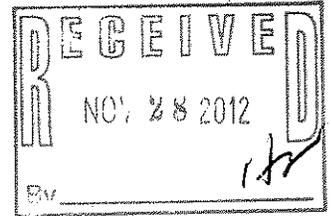
DEPARTMENT OF TRANSPORTATION

DISTRICT 8
PLANNING

464 WEST 4th STREET, 6th Floor MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
TTY (909) 383-6300



*Flex your power!
Be energy efficient!*



November 27, 2012

Zai Abu Baker
Community Development Director
City of Banning
99 E. Ramsey Street
Banning, CA 92220

City of Banning Circulation Element General Plan Amendment (Riv 10 PM 12.86)

Ms. Baker,

We have completed our review for the above mentioned project located in the San Gorgonio Pass Area. The proposed General Plan Amendment includes a change to the acceptable Level Of Service (LOS) for road work operating conditions from LOS C to LOS D. In addition the City is proposing to replace the I-10/Highland Home Road interchange.

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 Banning due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

S-2-1

The California Department of Transportation reserves the right to comment on this project at a future date. We recommend the following to be provided:

Forecasting

- Please include the future interchange improvement of Interstate-10/8th Street ramps which is part of the Financially Constrained Regional Transportation Plan (RTP) future project.
- Because a portion of the Interstate-10/Bypass project will likely be within the City limits of Banning, we would suggest highlighting a portion of the City Circulation Element map to show the area where potential future alignments of this facility are planned.

S-2-2

S-2-3

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

S-2-4

Ms. Baker
November 27, 2012
Page 2

↑
S-2-4

Sincerely,



DANIEL KOPULSKY
Office Chief
Community and Regional Planning

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

LETTER CODE: S-2

DATE: November 17, 2012

Comment S-2-1

The comment is an introductory comment and summarizes the proposed project and states that as the owner and operator of the State Highway System (SHS) and the responsible agency under CEQA, Caltrans reserves the right to comment on the proposed project. These comments are discussed and responded to in Comments S-2-2 and S-2-3, below.

Comment S-2-2

Caltrans requested that the future improvement of the I-10/8th Street interchange be included in the development of future (forecasting) traffic volumes for this project. Currently, 8th Street is a two-lane north-south roadway with an interchange at I-10. The ramp intersections (westbound [WB] Ramps and eastbound [EB] Ramps) along 8th Street are controlled by a stop sign. In the General Plan Build-out conditions, the City of Banning Circulation Element shows that 8th Street between Ramsey Street and Lincoln Street will be widened to a four-lane facility. This configuration (four lanes along 8th Street) is included in the City's General Plan Build-out traffic model, which was used to develop the forecast traffic volumes for the proposed General Plan Amendment. Additionally, this configuration is consistent with the future improvements proposed in the Financially Constrained Regional Transportation Plan (RTP).

Therefore, future improvements of the I-10/8th Street interchange are included in the traffic forecasting phase of this project. In addition, this interchange (I-10/8th Street) is not part of the proposed project, which is limited to the policy changes that will reduce acceptable level of service (LOS) from C to D and replace the future I-10/Highland Home Road interchange with an overcrossing.

Comment S-2-3

Alternatives for the I-10/Bypass project are in the preliminary planning stages and have not yet been defined. Therefore, it would be premature to identify potential alignments for this facility on the City's General Plan Circulation Element Map at this time. In addition, the proposed Banning General Plan Amendment project is limited to the policy changes that will reduce acceptable LOS from C to D and replace the future I-10/Highland Home Road interchange with an overcrossing. However, a figure indicating the I-10/Bypass study area is attached to this response for informational purposes only. At the time a preferred I-10/Bypass alignment is determined, the General Plan Circulation Element Map will be amended.

Comment S-2-4

The comment thanks the City for the opportunity to review the Draft EIR. This comment is not considered a substantive comment on the adequacy of the Draft EIR. Therefore, no changes were incorporated into the Final Environmental Impact Report (FEIR) as a result of this comment.



Edmund G. Brown Jr.
Governor

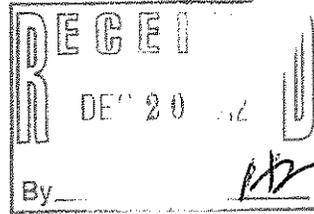
STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

S-3

December 17, 2012



Zai Abu Bakar
City of Banning
99 E. Ramsey Street
Banning, CA 92220

Subject: Circulation Element General Plan Amendment
SCH#: 2012011008

Dear Zai Abu Bakar:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on November 5, 2012. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2012011008) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

S-3-1

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



clear
11/05/12
wete e

RECEIVED

DEC 12 2012

STATE CLEARING HOUSE

October 1, 2012

Mr. Zai Abu Bakar, Community Development Director

City of Banning

99 E. Ramsey Street
Banning, CA 92220

Re: SCH#2012011008; CEQA Notice of Completion; draft Environmental Impact Report (DEIR); for the "City of Banning Circulation Element General Plan Amendment Project;" located in the City of Banning; Riverside County, California

Dear Mr. Zai Abu Bakar:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

S-3-2

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is also subject to California Government Code Section 65352.3 *et seq.*

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

S-3-3

S-3-4

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

S-3-5

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

↓ S-3-6

Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

S-3-6
continued

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

S-3-7

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

S-3-8

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

S-3-9

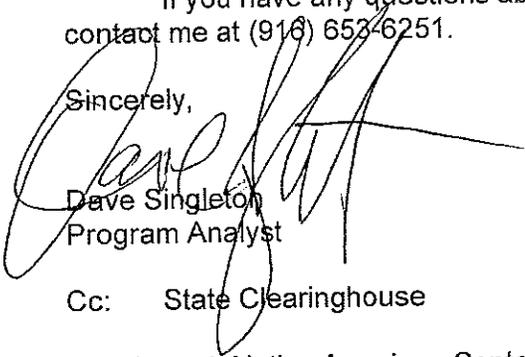
To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

S-3-10

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

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

LETTER CODE: S-3

DATE: December 17, 2012

RESPONSE S-3-1

This is a letter from the State Clearinghouse forwarding a comment letter from the Native American Heritage Commission (NAHC) on the proposed project. The comment letter from NAHC, dated October 1, 2012, is a duplicate comment letter that has been coded as Comment Letter S-1. References to the responses to Comment Letter S-1 are provided below.

RESPONSE S-3-2

Please refer to Response to Comment S-1-1.

RESPONSE S-3-3

Please refer to Response to Comment S-1-2.

RESPONSE S-3-4

Please refer to Response to Comment S-1-3.

RESPONSE S-3-5

Please refer to Response to Comment S-1-4.

RESPONSE S-3-6

Please refer to Response to Comment S-1-5.

RESPONSE S-3-7

Please refer to Response to Comment S-1-6.

RESPONSE S-3-8

Please refer to Response to Comment S-1-7.

RESPONSE S-3-9

Please refer to Response to Comment S-1-8.

RESPONSE S-3-10

Please refer to Response to Comment S-1-9.

RESPONSE S-3-11

Please refer to Response to Comment S-1-10.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

R-1

E-MAILED: NOVEMBER 2, 2012

November 2, 2012

Ms. Zai Abu Bakar, Director, zabubakar@ci.banning.ca.us
Community Development Department
City of Banning
99 E. Ramsey Street
Banning, CA 92220

Draft Environmental Impact Report (Draft EIR) for the Proposed City of Banning Circulation Element General Plan Amendment

The South Coast Air Quality Management District (AQMD) staff appreciates the cooperation that city staff has demonstrated with this project and the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final CEQA document.

R-1-1

In the project description, the lead agency proposes to amend the General Plan Circulation Element to include a policy change to the acceptable Level of Service (LOS) for roadway operating conditions throughout the city. The lead agency proposes changing the acceptable LOS threshold from LOS C to LOS D. In addition, the agency proposes to replace the future planned Interstate 10/Highland Home Road interchange with an overcrossing. AQMD staff requests clarification about the air quality analysis and consistency with the Regional Transportation Plan (RTP) developed by the Southern California Association of Governments and the AQMD's Air Quality Management Plan. The AQMD also has an additional comment concerning the presentation of truck routes in the Circulation Element. Details regarding these comments follow in the attachment.

R-1-2

Lastly, in order to minimize any potential impacts from this project, AQMD staff recommends that the lead agency consider other measures that may help to mitigate the increased congestion. This could include enhancing non-vehicular travel options such as walking, biking, and/or transit, and considering how the proposed threshold may impact sensitive receptors (such as schools or daycare centers) located next to particular intersections and roadways.

R-1-3

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The AQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

R-1-4



Ms. Zai Abu Bakar, Director
Community Development Department

2

November 2, 2012

Sincerely,



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

Attachment
IM:GM

RVC120925-04
Control Number



R-1-4
Continued

Air Quality Emissions Calculations

1. The Air Quality analysis in the Draft EIR presents the emissions of the proposed project and the existing General Plan in Table 4.1-F. In Appendix A of the Air Quality technical appendix, the tables used to calculate these emissions are presented. Although the emission calculations are not presented, it appears that the emissions were derived by multiplying the EMFAC 2007 emission factor at a speed of 30 mph by the VMT for two scenarios, with interchange (baseline) and with overcrossing (proposed project). AQMD staff requests some clarification regarding this calculation in the Final EIR. First, it is not clear that the speed will be consistent both with the existing LOS C threshold and the proposed LOS D threshold. The Final EIR should clarify how the proposed project may affect speed, and what effect this might have on emissions. Second, the details of the EMFAC run should be included in the Final EIR. These details include the assumed buildout year, the geographic area, fleet mix, and season. Lastly, the lead agency should consider using the most recent version of EMFAC (2011) when completing these calculations.

R-1-5

Consistency with the Air Quality Management Plan

2. Page 4.1-16 of the Draft EIR states that for a project to be consistent with the AQMP, “the pollutants emitted from the project should not exceed the SCAQMD daily threshold or cause a significant impact on air quality, or the project must already have been included in the AQMP projection.” The Draft EIR then concludes that since the project does not exceed AQMD thresholds, that this impact is less than significant. This conclusion is partially inconsistent with the AQMD CEQA Handbook Guidance. The AQMD CEQA Handbook recommends that projects apply both of the following tests to determine consistency with the AQMP. 1) Will the project result in an increase in the frequency or severity of existing air quality violations or cause or contribute to a new violation, or delay timely attainment of air quality standards? 2) Will the project exceed the assumptions in the AQMP?

R-1-6

Typically the first test is satisfied by the quantified air quality analysis in the rest of the Air Quality chapter (this project analysis shows that the first test yields a less than significant impact). However the second test is usually evaluated by determining if the project is contained within the latest Regional Transportation Plan from the Southern California Association of Governments that is fed into the Air Quality Management Plan modeling. The 2007 AQMP is based on the 2004 RTP, while the Draft 2012 AQMP is based on the 2012 RTP. Page 4.6-8 of the Draft EIR indicates that the currently conforming RTP is the 2008 RTP. However the 2012 RTP was determined to be conforming by the Federal Highway Administration and the Federal Transit Administration on June 4, 2012, prior to the circulation of the Draft EIR for the proposed project. The Final EIR should therefore discuss if this proposed project is consistent with the assumptions in both the 2004 and the 2012 RTP, including the proposed degradation of LOS from C to D.

R-1-7

Existing General Plan Street System in the Circulation Element

3. Currently truck routes are described in narrative form in City Council Resolution Number 2005-91 but not included in Figure 3.3 (Existing General Plan Street System) or any other graphic within the City of Banning Circulation Element or Draft EIR. For ease in viewing by residents, business and other interested parties, the AQMD staff recommends that the lead agency's approved truck routes be shown in the Final EIR similar to Figure 3.3, which highlights the current General Plan Street System. These truck routes should also be reviewed and modified as necessary to ensure that significant diesel truck traffic from recent and future projects does not adversely impact nearby homes, schools, and other sensitive receptors.

R-1-8

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD)

LETTER CODE: R-1

DATE: November 2, 2012

RESPONSE R-1-1

The comment is an introductory comment and is not considered a substantive comment on any analysis contained in the Draft EIR. Please refer to Responses to Comments R-1-2 through R-1-8, below. As requested, the SCAQMD's comments and responses have been incorporated into an Errata, which follows Response to Comment L-2-6.

RESPONSE R-1-2

The comment summarizes the project description and requests clarification regarding the air quality analysis and its consistency with the Regional Transportation Plan (RTP) developed by the Southern California Association of Governments (SCAG) and the AQMD's Air Quality Management Plan (AQMP). The comment also states that there is a concern for the presentation of truck routes within the Circulation Element.

Neither the I-10/Highland Home Road interchange nor the I-10/Highland Home Road overcrossing is included in the 2004 or 2012 RTP. Therefore, replacing the interchange with an overcrossing in the City's General Plan would not affect the SCAQMD's AQMP. The reference to the currently conforming RTP was updated to refer to the 2012 RTP instead of the 2008 RTP in the Errata of the Final EIR.

Please refer to Response to Comment R-1-8 for a detailed response to the concerns regarding truck route presentation in the City's General Plan.

RESPONSE R-1-3

The comment states that AQMD staff recommends that the City consider other measures that may help to mitigate increased congestion in order to minimize impacts from the proposed project.

The Draft EIR determined that changing the level of service (LOS) from C to D and replacing the planned Interstate 10 (I-10)/Highland Home Road interchange with an overcrossing would not result in any long-term air quality impacts. In addition, the proposed General Plan Amendments do not include any construction activities. Therefore, the proposed policy changes would not impact any alternative transportation options (i.e., bikeways, walkways, or bus routes) or impact sensitive receptors such as schools or day care centers within the area of the proposed project.

RESPONSE R-1-4

The comment states that pursuant to PRC Section 21092.5, AQMD requests all written responses to all comments contained within the comment letter prior to the adoption of the Final EIR.

As requested, a copy of the responses to Comment Letter R-1 will be included in the Final EIR and provided to AQMD prior to the adoption of the Final EIR.

RESPONSE R-1-5

The comment states that AQMD staff would like additional clarification on the emissions calculations for the air quality analysis.

The comment is correct in stating that the regional emissions were calculated by multiplying the regional vehicle miles traveled (VMT) by the EMFAC2007 emission rates. The VMT analysis was conducted to determine what effect replacing the planned I-10/Highland Home Road interchange with an overcrossing would have on the local vehicle emissions. The traffic analysis determined that changing the design LOS from C to D would not change the turning movements at any of the affected intersections. Therefore, the regional VMT and the associated emissions were not affected by the proposed change in LOS.

The comment is correct that EMFAC2011 is now available. However, the EMFAC2011 model does not provide fleet-wide emission rates that include autos, light trucks, and heavy-duty trucks. In addition, the SCAQMD's website still lists EMFAC2007 as an approved model.¹ Therefore, EMFAC2007 was used for this analysis.

RESPONSE R-1-6

The comment refers to the Draft EIR's conclusion, which states that since the project would not exceed the SCAQMD daily threshold or cause a significant impact on air quality, impacts to air quality are considered less than significant. The comment states that this conclusion is partially inconsistent with the AQMD CEQA Handbook Guidance, which recommends that projects apply both of the following tests to determine consistency with the AQMP:

- Will the project result in an increase in the frequency or severity of existing air quality violations or cause or contribute to a new violation, or delay timely attainment of air quality standards?
- Will the project exceed the assumptions in the AQMP?

As stated in the Draft EIR, the proposed project would not result in any increase in the short-term or long-term SCAQMD emissions thresholds. Please refer to Response to Comment R-1-7 for a description of the project's impact on the Regional Transportation Plan (RTP). Therefore, the Draft EIR determined that the proposed project is consistent with the SCAQMD's Air Quality Management Plan (AQMP).

RESPONSE R-1-7

The comment states that the Final EIR should indicate that the proposed project is consistent with the assumptions in both the 2004 and the 2012 RTP, including the change in operational LOS from LOS C to LOS D.

Neither the I-10/Highland Home Road interchange nor the I-10/Highland Home Road overcrossing is included in the 2004 or 2012 RTP. Therefore, replacing the interchange with an overcrossing in the City's General Plan would not affect the SCAQMD's AQMP. The reference to the currently conforming RTP was updated to the 2012 RTP in the Final EIR. Please refer to the EIR Errata for the indicated changes in text.

¹ <http://www.aqmd.gov/ceqa/handbook/onroad/onroad.html>

RESPONSE R-1-8

The comment states that the truck routes described in narrative form in City Council Resolution Number 2005-91 are not included in Figure 3.3 (Existing General Plan Street System) or any other graphic in the City of Banning Circulation Element or Draft EIR. AQMD recommends that the City's approved truck routes be shown in the Final EIR and highlight the current General Plan Street System, and that these truck routes should be reviewed and modified as necessary to ensure that significant diesel truck traffic from recent and future projects does not adversely impact sensitive receptors.

The truck routes described in City Council Resolution Number 2005-91 are not part of this General Plan Amendment. Truck routes described in the City's General Plan were only evaluated for the purposes of the air quality analysis and were not included as part of the traffic analysis. Therefore, the Final EIR was not updated to reflect this information.



City of Calimesa

908 Park Avenue • Calimesa, California 92320
Phone (909) 795-9801 • Fax (909) 795-6187
<http://www.cityofcalimesa.net>

L-1

October 3, 2012

City of Banning
Zai Abu Bakar, Community Development Director
99 East Ramsey Street
Banning, California 92220

**SUBJECT: CIRCULATION ELEMENT GENERAL PLAN AMENDMENT
STATE CLEARINGHOUSE #2012011008**

Dear Ms. Bakar:

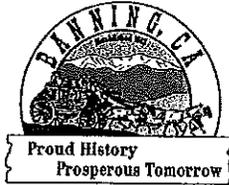
The City of Calimesa is in receipt of your Notice of Availability of the Draft Environmental Impact Report and Public Meeting Notice for the subject project. Staff has no comment on this project.

If you have any questions, please contact me at (909) 795-9801, ext. 229, or by email at jguarracino@cityofcalimesa.net. Thank you.

Sincerely,

Jerry Guarracino
Community Development Director

L-1-1



99 E. Ramsey Street
Banning, California 92220
Mailing Address: P.O. Box 998
Phone: 951 922-3125
Fax: 951 922-3128

**NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL IMPACT REPORT
AND PUBLIC MEETING NOTICE**

State Clearinghouse #2012011008
Project Title: City of Banning Circulation Element General Plan Amendment

NOTICE IS HEREBY GIVEN that the City of Banning (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared a Notice of Availability (NOA) for a Draft Environmental Impact Report (EIR) for the proposed City of Banning Circulation Element General Plan Amendment Project (Project). The EIR has been prepared pursuant to CEQA and the CEQA Guidelines. Copies of available materials may be reviewed or obtained from the City's Community Development Department at the address below.

Project Location: The project is located in the City. The City is located in the San Geronio Pass area and is served by Interstate 10 (I-10) as well as a network of arterial roadways and local streets. I-10 is an eight-lane divided freeway that runs through Banning, bisecting it into south and north communities. Malki Road (formerly Fields Road), Ramsey Street, Hargrave Street, 8th Street, 22nd Street, Sunset Avenue, and Highland Springs Avenue are the access streets that provide interchange access to I-10.

Project Description: The City is proposing to amend the General Plan Circulation Element. The General Plan Amendment (GPA) would include two components: a policy change to the acceptable Level of Service (LOS) for roadway operating conditions from LOS C to LOS D throughout the City; and replacement of the future planned I-10/Highland Home Road interchange with an overcrossing.

Environmental Issues: Environmental issues addressed in the EIR include: Air Quality, Cultural Resources, Greenhouse Gases, Land Use and Planning, Noise, and Transportation and Circulation.

Significant Environmental Effects: There are no significant environmental effects associated with the proposed Project.

Public Review Period: The Draft EIR will be available for a 45-day public review period from September 21, 2012 to November 5, 2012.

Written comments on this Draft EIR should be addressed to:

City of Banning
Community Development Department
99 E. Ramsey Street, Banning, California 92220
Attn: Zai Abu Bakar, Community Development Director

A copy of the Public Review Draft Environmental Impact Report is available at the above address and at the Banning Public Library, 21 W. Nicolet Street, Banning CA 92220, as well as at the City Community Development Department's website at www.ci.banning.ca.us.

All comments must be received in writing at the address below no later than 5 p.m. on November 5, 2012. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review at least 10 days prior to the City's certification of the Final EIR. Comments received and the responses to comments will be included as part of the record.

Notice of Availability
City of Banning
General Plan Circulation Element Amendment

Public Meeting: A public meeting has been tentatively scheduled to discuss the Project, answer questions, and receive public comments on the Draft EIR. The meeting is tentatively scheduled for October 10, 2012 from 6:00 p.m. to 8:00 p.m. in the City Council Chambers, Banning City Hall, Banning.

**BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING,
CALIFORNIA**

Zai Abu Bakar
Community Development Director

Dated: September 21, 2012
Date Published: September 21, 2012

↑
L-1-2
continued

CITY OF CALIMESA

LETTER CODE: L-1

DATE: October 3, 2012

RESPONSE L-1-1

The comment states that the City of Calimesa has received the Notice of Availability (NOA) for the Draft EIR and has no comment on the proposed project. Since the comment is not considered a substantive comment regarding the adequacy of the EIR, no further response is necessary.

RESPONSE L-1-2

The comment is a copy of the NOA that was provided to the City of Calimesa during the public circulation period. Since the comment is for information purposes only and not considered a substantive comment on the adequacy of the EIR from the City of Calimesa, no further response is necessary.



COUNTY OF RIVERSIDE TRANSPORTATION AND LAND MANAGEMENT AGENCY

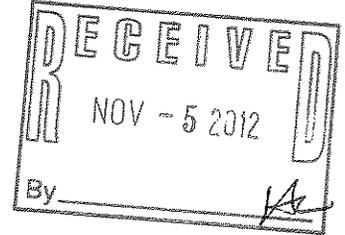


L-2

Juan C. Perez, P.E., T.E.
Director of Transportation

Transportation Department

October 31, 2012



City of Banning
Attn: Zai Abu Bakar, Community Development Director
Community Development Department
99 E. Ramsey Street
Banning, CA 92220

Subject: Draft Environmental Impact Report (DEIR) for the City of Banning Circulation
Element General Plan Amendment
City of Banning

Dear Ms. Abu Bakar:

Thank you for the opportunity to review the DEIR for the City of Banning Circulation Element General Plan Amendment. The proposed project is an amendment of the City of Banning's General Plan Circulation Element. The General Plan Amendment includes two components: a policy change to the acceptable Level of Service (LOS) for roadway operating conditions from LOS C to LOS D throughout the City, and replacement of the future planned I-10/Highland Home Road interchange with an overcrossing. We offer the following comments.

L-2-1

The Riverside County Transportation Department (RCTD) concurs with the proposed policy change to reduce the acceptable Level of Service (LOS) for roadway operating conditions from LOS C to LOS D throughout the City and with the proposed replacement of the future planned I-10/Highland Home Road interchange with an overcrossing. The RCTD has reviewed the City's Circulation Element and notes that there are several discrepancies between the County's Circulation Element and the City's proposed Circulation Element along the City/County boundary (please see attached map). These discrepancies include several roadway designations affecting future roadway capacities as well as a few differing intersection configuration designs. These discrepancies do not directly involve the proposed changes under this amendment, however, the County would request that the City coordinate any future update to the City's Circulation Element with the County to resolve these discrepancies.

L-2-2

RCTD requests that Riverside County Traffic Study Guidelines be followed for the impact analysis for facilities within Riverside County. The most recent Traffic Study Guidelines can be found on the RCTD website (http://www.rctlma.org/trans/gen_info_pamphlets.html).

L-2-3

City of Banning
October 31, 2012
Page 2

The cumulative analysis shall include all approved and pending development projects within the County of Riverside and the City of Banning that are located within one mile of the proposed General Plan boundary. Kevin Tsang in the Transportation Department should be contacted for information regarding cumulative projects in Riverside County (ktsang@rctlma.org).

L-2-4

Thank you again for the opportunity to review the DEIR. We look forward to coordinating the County's future planning efforts with the City to resolve the discrepancies in our respective Circulation Element plans. Please send the Draft EIR to my attention at the following address:

Riverside County Administrative Center
4080 Lemon Street, 8th Floor
Riverside, CA 92502

L-2-5

Sincerely,



Farah Khorashadi, P.E.
Engineering Division Manager

RF:FK:rg

Attachment

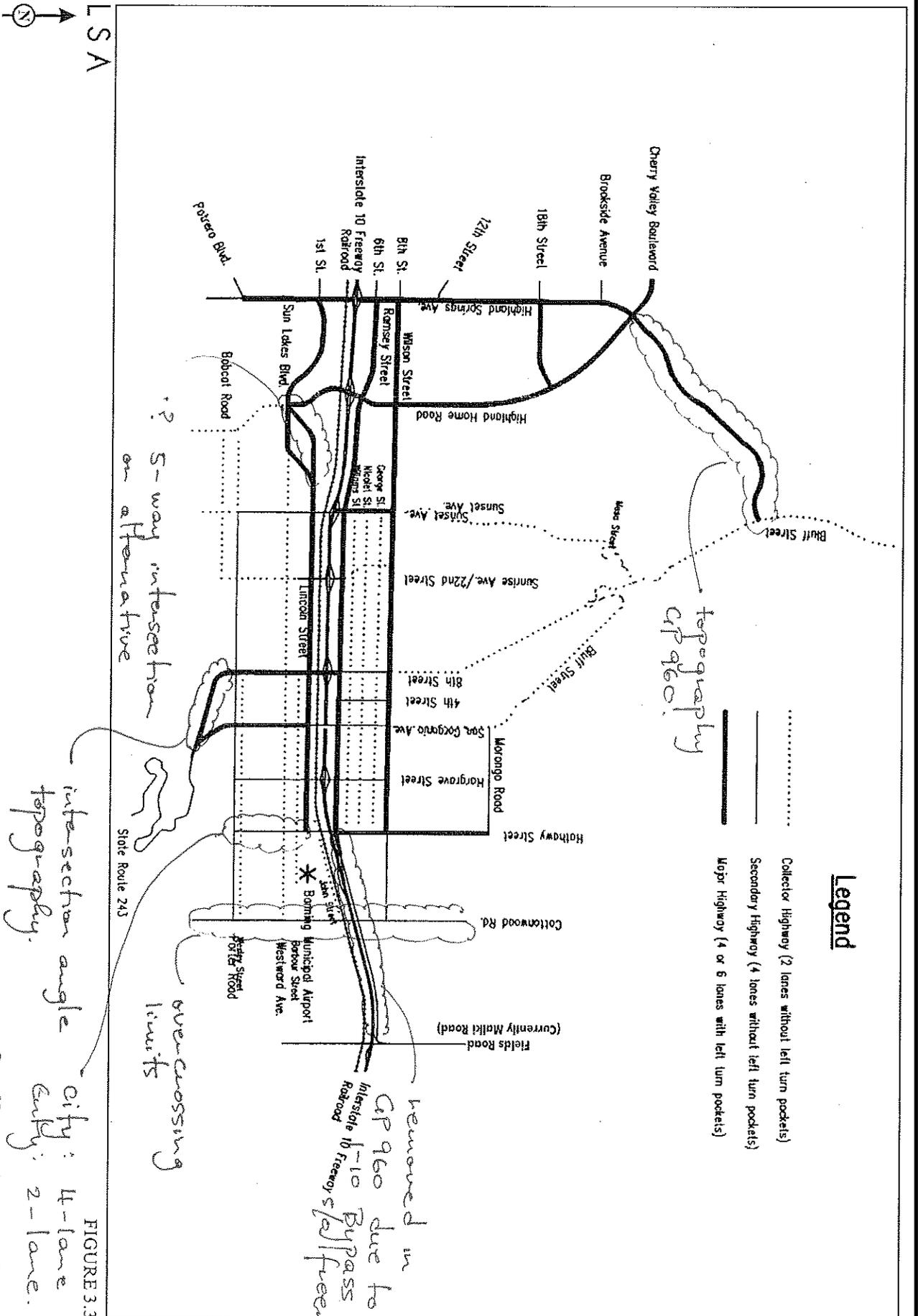


FIGURE 3.3

SOURCE: Kunzman Associates

FIGOB1101\GCP Street System.cdr (9/7/12)

City of Banning Circulation Element
 General Plan Amendment
 Existing General Plan Street System

COUNTY OF RIVERSIDE

LETTER CODE: L-2

DATE: October 31, 2012

RESPONSE L-2-1

The comment is an introductory comment and summarizes the proposed project. It is not considered a substantive comment on the adequacy of the Draft EIR. Therefore, no further response is necessary.

RESPONSE L-2-2

The comment states that the Riverside County Transportation Department (RCTD) concurs with the proposed policy change to reduce the acceptable LOS for roadway operating conditions from LOS C to LOS D throughout the City and the proposed replacement of the future planned I-10/Highland Home Road interchange with an overcrossing. However, RCTD states that there are several discrepancies between the County's Circulation Element and the City's proposed Circulation Element along the City/County boundary. These discrepancies do not directly involve the proposed changes under this amendment; however, the RCTD requests that the City coordinate with the County on any future updates to the City's Circulation Element to resolve these discrepancies.

The Draft EIR considers an alternative that evaluates no connection at the proposed location of the I-10/Highland Home Road interchange. This alternative is identified as the "I-10/Highland Home Road No Overcrossing (No Connection)" scenario. This scenario was presented as an alternative to the proposed project, identified as the "I-10/Highland Home Road With Overcrossing" scenario. The "I-10/Highland Home Road With Overcrossing" scenario would be consistent with the County's Circulation Element.

The discrepancies between the City and County Circulation Elements are not directly related to the proposed General Plan Amendment, which is only limited to the change in LOS and replacement of the I-10/Highland Home Road interchange with an overcrossing. Therefore, no revisions were made to the existing text as a result of this comment. However, the City will make continued efforts to coordinate any future updates to its Circulation Element with the County to resolve these differences.

RESPONSE L-2-3

The comment requests that the traffic analysis in the proposed project follow the Riverside County Traffic Study Guidelines (RCTSG).

The proposed General Plan Amendment includes a policy change to reduce acceptable LOS from C to D and to replace the future I-10/Highland Home Road interchange with an overcrossing. The proposed General Plan Amendment is not a development project and would not require any changes in land use. The RCTSG is primarily designed to serve as a guideline for preparing Traffic Impact Analyses for development projects that would require changes to existing land use and may result in an increase in traffic in the vicinity of the project and potential impacts to the surrounding circulation system. Therefore, the RCTSG are not directly applicable to the proposed the proposed project.

RESPONSE L-2-4

The comment requests that the cumulative analysis should include all approved and pending development projects within the County of Riverside and the City of Banning that are located within 1 mile of the proposed General Plan boundary.

The traffic analysis conducted for the General Plan Amendment evaluates changes to LOS and replacement of the future planned I-10/Highland Home Road interchange with an overcrossing (the proposed project) and the LOS analysis for a General Plan Build out scenario. The RCTSG states:

“The Traffic Impact Analysis is to be prepared to assess the following:

- **General Plan Amendments and Specific Plans:** Will the ultimate circulation system planned for the area be able to provide the required Level of Service, even with the additional traffic impact of the proposed land use changes? If not, what will be required in order to provide the required Level of Service?”

The traffic study prepared for the proposed changes included analysis for the ultimate circulation system, which is identified in the EIR as the General Plan Build Out scenario. Additionally, the General Plan Build Out condition can be interpreted as cumulative condition. Therefore, given the type of changes (change in LOS from C to D and replacement of the I-10/Highland Home Road interchange with an overcrossing) that are limited to policy changes, the analysis of an interim cumulative condition has been effectively addressed under the General Plan Build Out analysis as the Ultimate Circulation System.

RESPONSE L-2-5

The comment thanks the City for the opportunity to review the Draft EIR and asks that the City make efforts to resolve discrepancies with the County regarding the Circulation Element in its General Plan. The County also provides the mailing address to send the Final EIR.

This comment is not considered a substantive comment on the adequacy of the Draft EIR. Therefore, no changes were incorporated into the Final EIR as a result of this comment. However, copies of the RTC will be sent to the County of Riverside, as requested.

EIR ERRATA

INTRODUCTION

Any corrections to the Draft EIR text and figures generated either from responses to comments or independently by the City are stated in this section of the Final EIR. The Draft EIR text and figures have not been modified to reflect these EIR modifications.

These Final EIR Errata are provided to clarify, refine, and provide supplemental information for the City of Banning Circulation Element General Plan Amendment project. Changes may be corrections or clarifications to the text and figures of the original Draft EIR. Other changes to the Final EIR clarify the analysis in the Draft EIR based upon the information and concerns raised by commenters during the public review period. None of the information contained in these Final EIR modifications constitutes significant new information or changes to the analysis or conclusions of the Draft EIR.

The information included in this Final EIR Errata that resulted from the public comment process does not constitute substantial new information that requires recirculation of the Draft EIR. The California Environmental Quality Act (CEQA) Guidelines, Section 15088.5, states in part:

- (a) A Lead Agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The changes to the Draft EIR included in these Final EIR modifications do not constitute “significant” new information because:

- No new significant environmental impact would result from the project or from a new mitigation measure;
- There is no substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted that reduce the identified significant impacts to a level of insignificance;
- No feasible project alternative or mitigation measure considerably different from others previously analyzed has been proposed or identified that would clearly lessen the significant environmental impacts of the project; and
- The Draft EIR is not fundamentally or basically inadequate or conclusory in nature such that meaningful public review and comment were precluded.

Therefore, recirculation of the Draft EIR is not required because the new information added to the EIR through these modifications clarifies or amplifies information already provided or makes insignificant modifications to the already-adequate Draft EIR.

For simplicity, the Final EIR modifications contained in the following pages are in the same order as the information appears in the Draft EIR. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by underlining (underline) where text has been added. The applicable page numbers from the Draft EIR are also provided where necessary for easy reference.

PAGE 4.6-8 OF THE DRAFT EIR

The text under the subsection entitled Southern California Association of Governments in Section 4.6, Transportation and Circulation of the Draft EIR was updated to state that the current conforming RTP is 2012 and not 2008. This change was made in response to comments received from SCAQMD. This change to the Draft EIR does not result in a significant impact and has no material effect on the findings of the EIR.

Southern California Association of Governments. The 2012 RTP ~~was~~ been adopted by SCAG on April 4, 2012, and is ~~expected~~ was ~~to be~~ determined as conforming by the Federal Highway Administration (FHWA) and the Federal Transportation Administration (FTA) ~~by~~ on June 4, 2012. ~~Therefore~~ However, the current conforming RTP adopted by SCAG ~~remains~~ is the 2012~~08~~ RTP. ~~On May 8, 2008, the SCAG Regional Council adopted the 2008 Regional Transportation Plan (RTP).~~ The 2012~~08~~ RTP emphasizes the importance of system management, goods movement, and innovative transportation financing. The ~~201208~~ RTP strives to provide a regional investment framework to address the region's transportation and related challenges. It also looks to strategies that preserve and enhance the existing transportation system and integrate land use into transportation planning. The ~~201208~~ RTP includes goals and policies applicable to transportation.

The 2012 ~~Draft~~ RTP identifies the transportation vision for the region through 2035 and provides a long-term investment framework for addressing the region's transportation and related challenges. The plan is a balanced approach that focuses future investments on the best-performing projects and strategies that seek to preserve, maintain, and optimize the performance of the existing system. The 2012 ~~Draft~~ RTP includes goals and policies applicable to transportation. However, as stated above, the I-10/Highland Home Road interchange is not included in any long-range freeway planning studies by SCAG.

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING REQUIREMENTS

PRC Section 21081.6 (enacted by the passage of Assembly Bill 3180) mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

- The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the Lead Agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.
- The Lead Agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- A public agency shall provide the measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- Prior to the close of the public review period for a draft environmental impact report (EIR) or mitigated negative declaration (MND), a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the Lead Agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the Lead Agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a Lead Agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit that authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the Lead Agency, to approve,

condition, or deny projects as provided by this division or any other provision of law.

A Mitigation Monitoring and Reporting Program was not prepared for this project because no significant environmental impacts would result from implementation of the proposed project.