

CHAPTER 12

Comments on the Draft EIR and Responses to Comments

Table 11-1 on page 11-1 lists the agencies, organizations, and individuals that submitted comments on the Draft EIR during the public review and comment period. Comment letters are included in Chapter 11. The responses to comments are numbered to correspond to the number and letter for each comment that appears in the margins of the comment letters. This section includes brief summaries of each comment and the corresponding responses. The comment summaries are not meant to be a comprehensive restatement of the actual comment, but rather are included to assist the reader. For the full comment please see the actual text within the corresponding comment letter in Chapter 11.

The revisions to the Draft EIR were developed in response to comments received during the public review period. This Final EIR reprints the Draft EIR with revised text. Where the responses indicate additions or deletions to the text of the DEIR, additions are included as underlined text, deletions as ~~stricken text~~. The revisions do not significantly alter the conclusions in the Draft EIR.

Letter 1 Responses: Federal Emergency Management Agency

Comment 1A

The comment states that all buildings constructed within a riverine floodplain must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

Response 1A

The Draft EIR discusses impacts from flooding on page 3.7-8. The project would not construct any buildings within a floodplain. The floodplain would not be affected by the proposed project.

Comment 1B

The comment states that any development must not increase base flood elevation levels within a Regulatory Floodway as delineated on the Flood Insurance Rate Map (FIRM). This includes any man-made change to improved or unimproved real estate, including buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. The comment requests a hydrologic and hydraulic analysis be performed prior to the start of development and demonstrate there would be no rise in base flood levels. No rise is permitted within regulatory floodways.

Response 1B

The project objective is to reduce risk of dam failure. Following construction, the inundation area below the dam would not change from the pre-drawdown condition. The project would provide conveyance of an emergency release to the Perris Valley Storm Drain. This conveyance would not impede the existing drainage system along Ramona Expressway or require any modification to the floodplain. See Section 10.3.

Comment 1C

The comment states that upon completion of any development that changes existing Special Flood Hazard Areas, participating communities in the National Flood Insurance Program (NFIP) are required to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. As soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision.

Response 1C

The project would provide conveyance of an emergency release to the Perris Storm Drain and is not expected to modify or alter the current Flood Hazard Areas. This conveyance would not impede the existing drainage system along Ramona Expressway or require any modification to the floodplain. See Section 10.3.

Comment 1D

The comment notes that many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards. The comment suggests contacting the local community's floodplain manager for information on local floodplain management building requirements and provides the Riverside County floodplain manager contact information.

Response 1D

The project would provide conveyance of an emergency release to the Perris Storm Drain. This conveyance would not impede the existing drainage system along Ramona Expressway or require any modification to the floodplain. See Section 10.3.

Letter 2 Responses: California Emergency Management Agency

Comment 2A

The comment states that the Public Safety portion of the Draft EIR incorrectly notes the California Government Code section 8589.5 as requiring cities to have emergency procedures in place for evacuation. The comment requests that the revised language be updated in the Final EIR.

Response 2A

The following changes to page 3.10-2 have been made in response to the comment:

California Government Code Section 8589.5

This section of the California Code of Regulations ~~requires~~ states that cities ~~have~~ may adopt emergency procedures ~~in place~~ for the evacuation and control of populated areas within the limits of inundation below dams. The responsibility for disaster planning and emergency response belongs to the local jurisdictions per Government Code 8589.5. The appropriate public safety agencies of any city, county, or city and county, the territory of which includes any of those areas, may adopt emergency procedures for the evacuation and control of populated areas below those dams. The Office of Emergency Services shall review the procedures to determine whether adequate public safety measures exist for the evacuation and control of populated areas below the dams, and shall make recommendations with regard to the adequacy of those procedures to the concerned public safety agency. In conducting the review, the Office of Emergency Services shall consult with appropriate state and local agencies.

Comment 2B

The comment recommends that the dam owner prepare an Emergency Action Plan in accordance with FEMA publication 64, and the Standardized Emergency Management System (SEMS) in coordination with affected jurisdictions.

Response 2B

The proposed project will improve the safety of the dam, but would not necessitate a change in the existing emergency response procedures. DWR maintains a comprehensive Emergency Action Plan specific to Perris Dam that incorporates the Standardized Emergency Management System (SEMS) and includes an emergency notification process and list of contacts.

Letter 3 Responses: Department of Toxic Substances Control

Comment 3A

The comment states that the Department of Toxic Substances Control (DTSC) provided comments on the Notice of Preparation that were not addressed in the Draft EIR. The comment requests that DTSC comments be addressed in the Final EIR.

Response 3A

The Draft EIR discusses the potential for the project to create a hazard to the public in Section 3.6. The comments received by DTSC concerning the NOP are included in Appendix D. Other than fuel use, demolition of transite pipe, and handling of blasting equipment, the project would not have the potential to create hazards through the release of hazardous materials or waste. Issues raised in DTSC's NOP comment letter are addressed in Section 3.6 of the Draft EIR.

Comment 3B

The comment states that DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties.

Response 3B

The Draft EIR discusses the potential for the project to create a hazard to the public in Section 3.6. No extraordinary clean-up oversight would be required for the proposed project beyond that typically required for this type of work.

**Letter 4 Responses:
Department of Fish and Game****Comment 4A**

The comment states that the CDFG does not believe Mitigation Measure 3.3-1c adequately mitigates for the permanent loss of Least Bell's Vireo (vireo) habitat and does not reduce the impact to less than significant. A 1:1 ratio does not provide a biologically equivalent compensation to meet the requirements of the Riparian Policy. The comment recommends mitigating at a minimum 3:1 ratio to compensate adequately for permanent impacts to vireo habitat and lists items to be included in the DBESP such as a restoration plan that includes staffing, monitoring, management, irrigation, and success criteria.

Response 4A

The Draft EIR notes on page 3.3-69 that compensation ratios would require concurrence by CDFG and USFWS. The Draft EIR based the 1:1 replacement ratio for permanent impacts to vireo habitat on the fact that the affected habitat was not a natural streambed, and the MSHCP requires 1:1 replacement for impacts to Public/Quasi Public land. DWR will apply for coverage under the MSHCP with a compensation proposal of equal or superior value as required by the MSHCP and with concurrence of CDFG and USFWS.

Comment 4B

The comment states that the location of the proposed restoration/conservation would need to be approved by the Wildlife Agencies through the Public/Quasi-Public replacement process. The comment recommends the following mitigation for permanent impacts to riparian vegetation:

To compensate for the permanent impacts to riparian habitat (on the west end) DWR shall provide restoration of vireo quality riparian habitat at a minimum 3:1 replacement-to-impact (33 acres). The site shall be approved by the Wildlife Agencies and preserved in perpetuity.

Response 4B

DWR will apply for coverage under the MSHCP with a compensation proposal of equal or superior value as required by the MSHCP, and with concurrence of CDFG and USFWS.

Comment 4C

The comment states the Draft EIR needs to specify the total area of permanent and temporary impacts to SKR habitat.

Response 4C

DWR conducted protocol presence surveys for SKR within the proposed project impact areas. The survey results are included in Appendix C. No SKR were identified in the project impact area. Therefore, no compensation is required through the SKR HCP. The Draft EIR states on page 3.3-72 that approximately 47 acres of grassland habitat below the dam would be affected by the proposed project (see Table 3.3-8). The area was not historically occupied. Nonetheless, mitigation measure 3.3-4 requires DWR to conduct preconstruction surveys for SKR and comply with the SKR HCP. Furthermore, the Emergency Outlet Extension alternative will be revised and re-evaluated in a subsequent CEQA document as stated in Section 10.3.

Comment 4D

The comment states the Draft EIR does not specify if the proposed emergency outlet extension will be an open trapezoidal channel for its entire length or if it will be underground from the outlet structure to Lake Perris Drive (section 2.5.4, page 2-19 and Impacts 3.3-6, pages 3.3-74 and 3.3-75). The comment requests the DEIR specify which design alternative will be built and states that CDFG recommends the underground design alternative to reduce impacts to small mammals. If the open channel design is selected then the area isolated by the channel needs to be included as a project related loss and accounted for in the analysis and replacement of SKR and PQP lands by the project.

Response 4D

See Section 10.3. Mitigation requirements will be implemented consistent with the alternative selected.

Comment 4E

The comment states the Draft EIR does not adequately address the impacts and mitigation to Los Angeles Pocket Mouse (LAPM) and how it meets consistency with the MSHCP. The DEIR needs to identify the total acres of impacts (temporary and permanent) to LAPM habitat. The comment further states the Draft EIR failed to describe the acreage of impacts to LAPM in the biological resources impacts section of the document and needs to describe how the measures proposed will meet consistency with Section 6.3.2 of MSHCP. The DEIR needs to be revised to include impacts and appropriate mitigation to offset the permanent loss of LAPM habitat and PQP lands.

Response 4E

Survey results summarized in Appendix C identify the presence of LAPM within the construction area below the dam. The LAPM is a Species of Special Concern covered in the MSHCP. The species is not listed as threatened or endangered on the federal or State Endangered Species Act. Nonetheless, Impact 3.3-6 notes that impacts to grassland and sage scrub habitat could impact LAPM. Mitigation measures 3.3-6a through 3.3-6e would minimize impacts to LAPM through avoiding direct impacts. Compensation of PQP land at a 1:1 ratio in accordance with MSHCP requirements and with CDFG and USFWS concurrence would mitigate for permanent loss of LAPM occupied habitat.

Comment 4F

The comment states the Draft EIR does not adequately provide mitigation measures to offset the loss of the fish habitat. To mitigate for the loss of shallow-water habitat, the creation of shallow-water habitat should be provided. The comment recommends grading the area southwest of Bernasconi Road, within the construction zone, and expanded into a cove with additional fish habitat features designed in consultation with CDFG staff.

Response 4F

Impacts to shallow-water habitat are evaluated on page 3.3-79. Figure 3.3-7 identifies the extent of 10-foot deep water that existed prior to the drawdown. The Figure shows that most of this area would remain unchanged following the refilling of the lake. A portion of the shallow-water to the northeast would be affected by the borrow area. Approximately 24 acres of this area would be deepened due to excavation. Mitigation measure 3.3-9a requires that the excavation area be a distance of at least 125 feet from the 1588 elevation line to minimize loss of shallow water habitat along the edge of the lake. Mitigation measure 3.3-8 commits DWR to implementing a fishery restoration plan to assist in revitalizing the fishery following completion of the project. The Draft EIR concludes that with these measures in place, even with an overall reduction of 24 acres of shallow-water habitat, the remaining 69 acres would be sufficient to re-establish a healthy fishery and provide foraging habitat for waterfowl. Mitigation measure 3.3-9b commits DWR to minimizing impacts to shallow water habitat through optimization of excavation layouts. The Draft EIR recognizes that there will be some loss of shallow water habitat, but that the loss would not be considered a significant environmental impact of the project. See response to comment 4L.

Comment 4G

The comment states the Draft EIR needs to include a discussion of the methods to be used to excavate the lake by “dry construction,” identify impacts to fish associated with the methods to be used to isolate the site for the replacement tower, and identify mitigation measures to reduce impacts to fish from these impacts.

Response 4G

Dry construction at the new outlet tower would occur on the shoreline. A shaft would be constructed at the edge of the shoreline. Since the construction activities would not be in the lake, no aquatic resources would be affected. Once the new outlet tower is constructed in the excavated shaft, the rock and soil separating the shaft and the lake would be removed. Removal of this “earth plug” would require blasting. This blasting could affect the immediate area around the construction site. As the “earth plug” is removed, turbidity in this area would increase temporarily. Some fish mortality is likely during this process as noted on page 3.3-77.

Comment 4H

The comment states the Draft EIR does not identify impacts associated with the construction of the new approach channel to the outlet tower or appropriate mitigation to offset these impacts. The comment requests that a detailed plan be included in the Final EIR to minimize the degradation of the water quality in Lake Perris along with measures to minimize impacts to fish resources affected by the blasting. The comment recommends that DWR work with the CDFG to

properly dispose and minimize waste, including fish species that are killed or injured from construction activities.

Response 4H

DWR acknowledges that blasting underwater could result in fish mortality and temporarily reduced water quality. This one-time event would not be expected to adversely affect water quality significantly or the long-term viability of the fishery. DWR will coordinate with CDFG and Lake Perris SRA prior implementing this construction activity, including assistance with collection and disposal of affected fish.

Comment 4I

The comment states the Draft EIR indicates that additional lowering of the lake may be required to complete the excavation of the new approach channel. If there will be a need for further reduction, the impacts to the fish associated with this action need to be identified and appropriate mitigation provided.

Response 4I

The lake level will not be lowered further during construction specifically for the outlet tower approach channel.

Comment 4J

The comment requests that more adequate mitigation be provided under Impacts 3.3-8 and 3.3-9 of the Draft EIR to offset impacts to sport-fish and their habitat in Lake Perris. The comment also requests that the Draft EIR should address impacts to the fisheries and provide mitigation to offset these impacts.

Response 4J

The Draft EIR acknowledges impacts to the fishery on page 3.3-77. Mitigation measure 3.3-8 commits DWR to implementing a fishery restoration plan for a period of three years. As discussed in the response to Comment 4K below, the fishery restoration plan's duration is increased from three to five years.

The Draft EIR recognizes the recreational value of Lake Perris as a public trust asset. Impact 3.12-3 notes that the project would significantly impact the sport fishery and waterfowl hunting opportunities that existed at the Lake Perris SRA prior to the drawdown. Mitigation measure 3.3-8 would assist in returning the fishery to its pre-drawdown condition, but the Draft EIR acknowledges that the fishery may not recover fully.

Comment 4K

The comment states that the fishery impacts associated with this project are significant and that there is not adequate mitigation for fishery impacts provided in the Draft EIR. The comment also states that CDFG agrees that installation of fish habitat as mitigation is necessary and recommends that the mitigation measures and monitoring studies be undertaken for a minimum of ten years and until the fish population returns to pre-drawdown levels.

Response 4K

Mitigation measure 3.3-8 would assist in returning the fishery to its pre-drawdown condition, but the Draft EIR acknowledges that the fishery may not recover fully. DWR does not agree that implementation of the fishery restoration plan would benefit from 10 years of monitoring, but concurs that five years of coordination would be sufficient to provide feasible restoration. In response to this comment Mitigation Measure 3.3-8 has been revised as follows:

Mitigation Measure 3.3-8: DWR in consultation with the Lake Perris SRA and CDFG shall plan for restoration of the fishery resource at Lake Perris to a sustainable population that supports recreation uses.

- DWR shall fund habitat placement and fish monitoring in Lake Perris for ~~three~~ five years, once the lake level is restored to Elevation 1588, under an agreement with CDFG.
- DWR shall continue to coordinate and work with CDFG on appropriate activities to restore fish levels after reservoir restoration for a ~~three~~ five-year period. These efforts may include additional habitat placement and/or fish stocking.

Comment 4L

The comment states the Draft EIR fails to identify any mitigation for the permanent impacts to waterfowl and that no mitigation was provided to offset the 24 acres of permanent loss of shallow-water habitat for resident and migratory birds. The comment recommends equivalent acreage of shallow-water habitat be created and maintained in perpetuity to adequately mitigate these impacts for waterfowl and recommends the borrow area be re-contoured to maximize aquatic plant growth for waterfowl use.

Response 4L

The Draft EIR discusses the project's affect on shallow-water habitat on page 3.3-78. The Draft EIR notes that this habitat is used for fish rearing and foraging by waterfowl. The Draft EIR notes that the project could reduce these foraging habitats by 26 percent. The remaining habitat would remain available to waterfowl. The Draft EIR concludes that the lake will continue to provide foraging opportunities for waterfowl following the completion of the project. The remaining 69 acres of 10-foot deep water would provide substantial foraging opportunities for waterfowl. Waterfowl are not subject to Endangered Species Act mitigation or compensation requirements. The Draft EIR concludes that since the lake would remain available to waterfowl for foraging following completion of the project, no compensation would be required. However, in response to this comment as requested by CDFG, DWR has included the following mitigation measure to ensure that temporal impacts to waterfowl are mitigated to a less than significant level.

Mitigation Measure 3.3-9c: DWR in consultation with CDFG shall fund the restoration of up to 24 acres of duck foraging habitat within the San Jacinto Wildlife Refuge area. DWR shall provide management assistance for a period not to exceed five years, after which time management costs will be the responsibility of CDFG.

Comment 4M

The comment states that notification to CDFG for a Lake and Streambed Alteration Agreement is required because the project will impact the lake and associated fish and wildlife resources. The

comment states the notification will need to address project impacts to the lake, riparian habitat, and fish and wildlife resources.

Response 4M

DWR will submit an application to CDFG for a 1602 Lake and Streambed Alteration Agreement prior to starting the project as noted on page 2-28.

Comment 4N

The comment states the Draft EIR misrepresents the Lake Perris SRA and San Jacinto Wildlife Area (SJWA) lands in terms of the MSHCP in the “Habitat Conservation Plan” section of the Draft EIR. The Draft EIR failed to explain that these lands are identified as PQP lands in the MSHCP. The comment requests that the Draft EIR clearly identify the permanent loss of PQP lands by the project and provide an analysis documenting that the replacement lands provide equivalent or superior biological value to the PQP lands lost.

Response 4N

The Draft EIR notes that the project is located within PQP lands of the MSHCP on page 3.3-82. As discussed on pages 3.3-70 and 3.3-82 of the Draft EIR, DWR will apply to the RCA for coverage under the MSHCP to mitigate and compensate project impacts to biological resources. Since the MSHCP designates Lake Perris SRA as Public/Quasi Public (PQP) land, DWR is aware that permanent loss of habitat in the construction zone will require off-site compensation. The compensation lands will be required to provide equivalent or superior habitat value to the land that is permanently affected. As partner agencies in the MSHCP oversight, concurrence from CDFG and USFWS will be required.

Comment 4O

The comment states the Draft EIR fails to adequately identify and discuss the project impacts to biological resources and does not provide sufficient mitigation to offset the impacts.

Response 4O

As discussed in responses to comments 4A through 4N, DWR believes it has identified mitigation commensurate with the project impacts. The mitigation for impacts to habitats will require approval from RCA, CDFG, and USFWS. As lead agency, DWR will implement mitigation measures in coordination with CDFG and Lake Perris SRA.

Letter 5 Responses: Department of Parks and Recreation

Comment 5A

The comment states that the lake drawdown has altered the visitor experience and affected resources. The reduction in recreational opportunities and the long-term construction period is expected to exponentially affect the already impacted visitor experience, recreational opportunities and other related resources. The comment states that State Parks will remain committed in working with DWR and they support the proposed project.

Response 5A

The Draft EIR acknowledges on page 3.12-9 that the drawdown has impacted visitorship. The Draft EIR commits DWR to mitigation measures to improve public outreach during the drawdown period.

Comment 5B

The comment requests that coordination be made with State Parks on retaining large boulders to adorn the finished trail for Mitigation Measure 3.1-3. Coordination should include pre-construction photo documentation and post-construction landscape design to determine the size and location of the boulders.

Response 5B

Mitigation measure 3.1-3 requires DWR to provide large boulders to mitigate aesthetic impacts of constructing the haul road. DWR will coordinate with State Parks to develop a post construction landscape design. In response to this comment Mitigation Measure 3.1-3 has been modified as follows:

Mitigation Measure 3.1-3: DWR shall ensure that the construction contractor retain some of the large naturally weathered boulders currently within the Bernasconi pass to adorn the finished road to retain some of the original character of the trail. DWR shall coordinate a post-construction landscape plan for the Bernasconi pass trail with State Parks.

Comment 5C

The comment requests that State Parks be consulted, provide input and/or be in coordination with DWR and other agencies for all Mitigation Measures 3.3-1a through 3.3-11.

Response 5C

DWR is committed to implementing mitigation measures 3.3-1a through 3.3-11. Although, implementation of these mitigation measures does not require approval from State Parks, DWR believes it beneficial to coordinate with State Parks prior to implementing each of these mitigation measures within the SRA. DWR has implemented several measures already (shown on Figure 2-4) in coordination with State Parks and assumes that the working relationship will continue to remediate the dam in the interest of public safety while minimizing impacts to recreational facilities to the extent possible.

Comment 5D

The comment states that all impacts to listed or otherwise protected species and their habitats need to be avoided or mitigated for to the satisfaction of the regulatory agencies.

Response 5D

The Draft EIR identifies State and federal regulations and resource agencies responsible for protecting sensitive habitats and species. Section 3.3 of the Draft EIR identifies jurisdiction of the resource agencies and explains the steps DWR will pursue to comply with regulations including applying for coverage under the Western Riverside County MSHCP.

Comment 5E

The comment states in Table 3.3-7 several species of bats are listed as having low or no potential to occur within the Biological Survey Area. Surveys in 1997 and 1998 recorded several of these species occurring at Lake Perris SRA such as the pocketed free-tailed bat, western mastiff bat and the western yellow bat.

Response 5E

Biologists who surveyed the site, did not observe or find any sign of the bat species listed above. Suitable foraging and roosting habitat for the pocketed free-tailed bat were not observed on-site. In addition, a list of species provided by the Department of Parks and Recreation and included on Table 3.3-4, did not include any bat species. Even though these species were recorded as having low or no potential to occur, they would be covered under Mitigation Measure 3.3-7d, which states that if any natal roost sites are found during pre-construction surveys they shall be avoided and non-disturbance buffer zones established by a qualified biologist in coordination with USFWS and CDFG.

Comment 5F

The comment suggests additional research regarding the Area of Potential Affect (APE). The comment also provides additional sites that should be included within the project footprint in addition to the four already discussed in the DEIR.

Response 5F

In response to the comment, the APE was modified to include archaeological sites within ½-mile of the project footprint. These include sites CA-RIV-1849, -463, -1697, -62, -604, -452, -489, -605, and -3024. The new APE map has been appended to the Lake Perris Dam Archaeological Survey Report (DWR, 2008).

Comment 5G

The comment suggests addressing indirect impacts to cultural resources such as blasting, diesel exhaust, dust, and project personnel that may have the potential to adversely impact sites outside of the direct project footprint.

Response 5G

In response to this comment, the following change was made to Mitigation Measure 3.4-1:

Mitigation Measure 3.4-1: In the event that prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and DWR shall consult with a qualified archaeologist to assess the significance of the find according to *CEQA Guidelines* Section 15064.5. If any find is determined to be significant, DWR and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. DWR (as applicable) shall make the final determination. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, DWR shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

Indirect impacts to archaeological sites CA-RIV-1849, -463, -1697, -62, -604, -452, -489, -605, and -3024 may occur as a result of project-related activities, such as blasting, diesel exhaust, and dust. Therefore, DWR shall develop and implement a mitigation and monitoring plan for these sites prior to project implementation. Since several of these sites include rock art panels, the plan shall be developed in consultation with a qualified rock art conservator.

Comment 5H

The comment states that Native American consultation may not have been adequately addressed and suggests a follow up phone call be made to the identified representative.

Response 5H

The Native American respondent did not provide specific information about cultural resources located within the project area. CEQA does not require or suggest follow-up phone calls to Native American individuals or groups identified by the Native American Heritage Commission. However, DWR will send a follow-up letter to the Native American respondent.

Comment 5I

The comment suggests that the site safety plan for removal of hazardous building materials include park visitors.

Response 5I

The site safety plan prepared for the removal of transite pipe will include measures to ensure that no releases of hazardous materials occur that could affect park visitors. The removal will be performed by an accredited abatement contractor. The removal will be performed in accordance with all applicable local, State, and federal regulations and industry-standard best management practices, which includes the exclusion and safety of the public at large. See Impact 3.6-2 and accompanying Mitigation Measure 3.6-2 on page 3.6-6 of the DEIR.

Comment 5J

The comment requests to edit the Riverside County General Plan Land Use Planning section on page 3.8-1 to state that State Parks holds jurisdiction and land use authority for Lake Perris SRA.

Response 5J

The Draft EIR includes County General Plan land use designations since Lake Perris SRA is located within Riverside County. Figure 3.8-1 identifies the County General Plan land use designations. However, in response to this comment the following change has been made to page 3.8-1:

General Plan Land Use Designations

General Plan land use designations in the project vicinity are illustrated in **Figure 3.8-1**. The figure references the Riverside County General Plan and the City of Perris General Plan land use designations. Land use in ~~and around~~ Lake Perris SRA is designated and maintained by State Parks. ~~largely governed by the Riverside County General Plan and~~ The Lake Perris SRA is part of the County of Riverside Reche Canyon/Badlands Area Plan (County of Riverside, 2003). Lake Perris is surrounded by lands designated as Public Facilities (PF), Open Space-Conservation Habitat (OS-CH), and Open Space-Recreation (OS-R). The Land Use Element of the General Plan for the County of Riverside defines these land use categories as follows: ...

Comment 5K

The comment requests coordination with State Parks regarding noise impacts as identified in Mitigation Measure 3.9-1b.

Response 5K

DWR will coordinate with Lake Perris SRA throughout the construction process. In response to the comment the following change is made to mitigation measure 3.9-1b:

Mitigation Measure 3.9-1b: In coordination with DPR at Lake Perris SRA, construction contractors shall implement the following:

- Signs shall be posted at the construction sites that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number in the event of problems.
- An on-site complaint and enforcement manager shall respond to and track complaints and questions related to noise.

Comment 5L

The comment states that in Impact 3.12-2 on page 3.12-14 the DEIR fails to identify how and who will be responsible for patrolling to ensure park visitors and boaters will not enter the construction zone along the southern shoreline of the lake. The comment requests for more explanation in detail of the “exclusion buoy”, specifically the number, configuration or manner the system will be placed or operated, and information on who will be responsible for directing wayward boaters away who do not observe or recognize the construction exclusion zone.

Response 5L

DWR will coordinate with DPR at Lake Perris SRA throughout the construction process. Mitigation measure 3.10-1a outlines measures needed to prevent park visitors from entering the construction zone. Fencing would be constructed and maintained at the lake shore to prevent boat landings. Mitigation measure 3.10-1b requires DWR to prepare a site safety plan in coordination with DPR at Lake Perris SRA to establish patrolling and site access control procedures throughout the construction period.

Letter 6 Responses: Coachella Valley Water District, Desert Water Agency, Metropolitan District of Southern California (Review Extension Request)

Comment 6A

The comment requests a 45-day extension of the public review and comment period for the Draft EIR.

Response 6A

In response to the comment, the public review period was extended an additional 45 days. The review period for the Draft EIR was extended to 90 days total, from January 11, 2010 to April 12, 2010.

Comment 6B

The comment states the assumption associated with the preferred alternative of returning Lake Perris to its historical operating level of 1588 feet above sea level is unrealistic given the ecosystem problems in the Delta, which have lead to severe restrictions in SWP exports.

Response 6B

See response to comment 10A.

Comment 6C

The comment states that the Draft EIR focuses heavily on preserving the recreational uses of Lake Perris, and the commenter believes this is unwarranted given that Lake Perris is first and foremost supposed to be used for water storage and supply. If Lake Perris is no longer able to serve this purpose in a dependable, cost-effective manner, then other alternatives must be more seriously considered.

Response 6C

See response to comment 10B.

Comment 6D

The comment states that the alternative selected for the project not only address the seismic safety issues but also meet the needs of the agencies and ratepayers, which historically have paid for the vast majority of costs associated with the dam.

Response 6D

See response to comment 10B.

Comment 6E

The comment states that the request for a 45-day extension to the public review period is reasonable given the significant issues raised by the Project and the substantial financial commitment associated with implementation of the preferred alternative.

Response 6E

In response to the comment, the public review period was extended an additional 45 days. The review period for the Draft EIR was extended to 90 days total, from January 11, 2010 to April 12, 2010.

Comment 6F

The comment notes that two of the three letters the commenters submitted regarding the NOP were not included or addressed in Appendix A of the Draft EIR. The commenters request that all three letters be included as part of the administrative record for the proposed project.

Response 6F

The two NOP comment letters that were addressed directly to DWR's Director Lester Snow have been added to the Final EIR.

Letter 7 Responses: City of Perris

Comment 7A

The comment states that the project falls outside of the purview of the City and the work takes place within the confines of the Lake Perris State Park.

Response 7A

Most of the work would fall within the Lake Perris State Recreation Area (SRA), however a portion of the emergency outlet extension would be constructed adjacent to Ramona Expressway outside of the SRA, as seen in Figure 2-7.

Comment 7B

The comment states that the City is concerned about the new emergency outlet. In addition, it states that both the City and RCFCWCD commented on the NOP regarding the consideration of the emergency outlet's impact on the proposed master drainage facility Line U. The Draft EIR does not mention the Line U facility or any discussion of future master drainage facilities. The comment states that discussion of drainage is limited to analysis of how the project could impact existing facilities and drainage patterns.

Response 7B

See Section 10.3. DWR would coordinate with RCFCWCD and the City of Perris to ensure consistency with the Master Drainage Plan (MDP) for the area. DWR is interested in aligning the emergency outlet extension project with that of the MDP.

Comment 7C

The comment states that it is clear the proposed emergency outlet channel would impact the future MDP facility as they run in the same alignment.

Response 7C

See Section 10.3. The Draft EIR evaluates the proposed project against the baseline condition. DWR would coordinate with RCFCWCD and the City to accommodate reasonably foreseeable future land uses in the MDP area.

Comment 7D

The comment states the emergency outlet could reasonably be used to convey storm runoff given that it is being designed for a capacity of 1500 cfs and the design flow rate for Line U is 965 cfs at its confluence with the Perris Valley Storm Drain (PVSD). The comment also states that as a condition of issuing encroachment permits for the outlet's crossing of city streets, we should require that the emergency outlet be designed as a dual use facility that serves a flood control purpose.

Response 7D

See Section 10.3. The Draft EIR identifies the need for an encroachment permit from the City of Perris on page 2-28. DWR would coordinate with RCFCWCD and the City of Perris to ensure consistency with the MDP for the area.

Comment 7E

The comment states the current ROW footprint for the Ramona Expressway is not sufficient to achieve build-out of the roadway per the circulation element. DWR needs to install emergency outlet channel minimum of 92' north of Ramona Expressway centerline.

Response 7E

The Draft EIR identifies the need for an encroachment permit from the City of Perris on page 2-28 for any activities within City rights-of-way. DWR believes that the ROW boundary and the proposed facilities are beyond a 92-foot offset from the apparent center line of the existing Ramona Expressway. DWR would coordinate with the City of Perris to ensure consistency with the City's circulation element right-of-way requirements.

Comment 7F

The comment states that there are two alternatives proposed for the emergency outlet facility and that DWR should make sure that local residents and businesses are aware of the potential impact to the motocross facility.

Response 7F

Notices were sent out to all interested parties who attended the public meeting for the NOP and/or commented on the proposed project, including the Fairgrounds. In addition, newspaper notices were printed in a local newspaper to indicate the Draft EIR's availability at the local library and the DWR website.

Comment 7G

The comment states that the City requested analysis of the project's impact to local traffic, particularly Ramona Expressway, however there was no traffic study included within the EIR.

Response 7G

The proposed project would not cause long-term effects or add to local traffic once completed. Construction related traffic would be temporary and no full road closures would be required. Therefore, a traffic study was not necessary. Mitigation measure 3.13-1 identifies required elements of a traffic safety plan to be implemented by the construction contractor during construction to minimize impacts to traffic and ensure local access at all times.

Comment 7H

The comment states there was no discussion within the EIR of how material would be moved from the channel excavation site to the dam. The commenters request where and how dirt trucks will get on and off the highway if Ramona Expressway is to be used. The commenters suggest that trucks be restricted to signalized locations for safety reasons and provide a mechanism to repair the City roads damaged during construction.

Response 7H

Dirt haul trucks from the borrow site to the stability berm location would not need to access local roadways during the soil haul operations. Access to the construction site within the Lake Perris SRA would be from the east side of Lake Perris SRA. The construction activities would increase traffic on local roadways slightly. Some lane closures on Lake Perris Drive may be needed to install the emergency outlet extension. As discussed on page 3.13-4, traffic impacts during construction would be less than significant. As noted on page 3.13-7, no road closures would be needed outside the Lake Perris SRA.

Comment 7I

The comment states that accessing an alternate source of borrow material from an outside quarry site would have significant negative impact on the City of Perris due to approximately 2 million cubic yards of material being hauled on city streets to the dam. It would be likely to create a distortion in the local demand and thus price of raw construction materials, causing the cost of all other local construction projects to increase. The City strongly opposes use of an alternate borrow location out of the project area.

Response 7I

The alternate borrow site alternative is discussed on page 6-16 of the Draft EIR. The Draft EIR concludes that the alternative would result in greater impacts to habitat, traffic, roadways, and air pollution. Hence, the off-site borrow area alternative is not preferred.

Letter 8 Responses: Riverside County Fire Department

Comment 8A

The comment states that the project will add to the cumulative adverse affect on the Fire Department's ability to maintain the current level of service. These impacts include fire and medical emergencies and public service calls due to the increased presence of road maintenance vehicles and potential traffic congestion. Mitigation measures should be considered in order to help reduce these impacts to a level below significance.

Response 8A

As stated in the Draft EIR, the proposed project is expected to have a less than significant impact to public services since the potential for increased demand for public services will be brief and minimal. The Draft EIR does include mitigation measure 3.13-1, which requires the construction contractor to prepare a traffic safety plan. As part of such a plan, the Fire Department would be made aware of such things as lane closures. No long term or full road closures would be needed for the project.

The temporary and minimal potential for increased demand, along with traffic safety plans, make the impacts to public services less than significant and do not require additional mitigation.

Comment 8B

The comment states that the project needs to have a secondary access with concurrence and approval of both the Transportation and Fire Departments. The comment suggests that construction could increase the demand for emergency services.

Response 8B

DWR would ensure that access for emergency responders is maintained at all times during construction. In response to this comment the following mitigation measure has been added to page 3.13-7:

Mitigation Measure 3.13-2d: DWR shall require the construction contractor contact emergency services departments including the police and fire department when lane closures are planned. Access to the Lake Perris SRA for emergency service providers will be maintained at all times. DWR and the contractor shall coordinate with local emergency services providers to ensure that roadway obstructions are minimized.

Letter 9 Responses: Riverside County Habitat Conservation Agency

Comment 9A

The comment states that in the second bullet under Mitigation Measure 3.3-4 of the Biological Resources section, the RCHCA, not RCA, is the Agency that implements the SKR HCP and is the contact agency regarding SKR related matters within the project area. The comment also states that RCHCA is not aware of an approved SKR translocation program that would allow for the relocation of impacted SKR. Mitigation for the incidental take of SKR is described in the subsequent comments.

Response 9A

DWR would implement a trapping and relocation effort only if approved by RCHCA. Otherwise, if SKR are found within the proposed construction zone, DWR will assume that some direct take may occur and will consult with USFWS and CDFG to determine compensation requirements. No SKR have been located within the proposed construction zone as reported in Appendix C of the Draft EIR. Mitigation measure 3.3-11 requires that DWR coordinate with RCHCA and compensate for permanently lost SKR habitat as required by the HCP.

In response to the comment, the following change was made to Mitigation Measure 3.3-4:

Mitigation Measure 3.3-4: DWR shall implement the following measures:

- DWR shall have a qualified biologist with a Stephens' kangaroo rat handling permit, conduct pre-construction surveys for the Stephens' kangaroo rat within the grassland habitat to determine and map the location and extent of Stephens' kangaroo rat occurrence(s) within the project impact area. Confirmed Stephens' kangaroo rat precincts shall be avoided with the establishment of a non-disturbance buffer zone approved by the USFWS and CDFG. DWR shall stake, flag, fence, or otherwise clearly delineate the construction right-of-way that restricts the limits of construction to the minimum necessary to implement the project that also would avoid and minimize impacts on the Stephens' kangaroo rat.
- Where avoidance of confirmed Stephens' kangaroo rat precincts is infeasible and unavoidable, and if approved by the ~~RCA~~ RCHCA, DWR shall have qualified biologists permitted or otherwise approved by the USFWS conduct a pre-construction Stephens' kangaroo rat trapping and relocation effort to minimize take of the Stephens' kangaroo rat during construction.

Comment 9B

The comment states that the SKR HCP does not require that indirect impacts to the SKR be mitigated. The comment also states that because the project is a "public" project, if incidental take of SKR will occur, mitigation for incidental take of SKR occupied habitat within the San Jacinto Lake Perris Core SKR Reserve would be achieved by replacing each acre of SKR occupied habitat disturbed within the reserve with an acre of SKR occupied habitat outside of the reserve. Replacement habitat must be approved by the USFWS, CDFG, and the RCHCA.

Response 9B

DWR conducted SKR surveys below the dam. The results of these surveys are included in Appendix C. No SKR were found in areas to be impacted by construction. Furthermore, the area to be impacted as shown on Figure 2-3 is not identified as historically occupied by the SKR HCP. As noted on page 3.3-84 of the Draft EIR, DWR will implement Mitigation Measure 3.3-11 if occupied SKR land is directly impacted. DWR will comply with the SKR HCP and obtain approval from the RCHCA.

Comment 9C

The comment states that if take of SKR will occur outside of the San Jacinto Lake Perris Core SKR Reserve, the RCHCA would issue authorization directly to DWR because the project is a "public" project and DWR is exempt from having to obtain RCHCA member agency permits. The comment also states that under any of the circumstances above it is exempt from mitigation fees because this is a public works project.

Response 9C

DWR conducted SKR surveys below the dam. The results of these surveys are included in Appendix C. No SKR were found in areas to be impacted by construction. Furthermore, the area to be impacted as shown on Figure 2-3 is not identified as historically occupied by the SKR HCP. As noted on page 3.3-72 of the Draft EIR, DWR understands that if SKR are found during

construction, and operations would disturb SKR occupied habitat, it would be required to comply with the SKR HCP and obtain approval from the RCHCA.

Letter 10 Responses: Coachella Valley Water District, Desert Water Agency, Metropolitan District of Southern California (Joint Comment Letter)

Summary

Some comments included in the Joint Comment Letter address environmental issues within the scope of the EIR, but also raise issues related to DWR's policy reasons for and against the proposed project and legal and policy considerations regarding financing the project. Comments directed at DWR's policy decisions and legal authority to finance the project are generally not comments relating to an environmental issue resulting from the proposed project that need to be responded to in an EIR. However the responses below provide some information and background on these issues to ensure that the public and decision-makers have a better understanding of the context in which the proposed project was developed, and how they relate to the environmental issues discussed in the EIR.

Overall, the Draft EIR is responsive to the direction and suggestions DWR received from Lake Perris' major stakeholders, including the State Water Contractors (SWC). The proposed project was the most highly-ranked reservoir option in the reconnaissance study and was preliminarily identified as the least costly reservoir option in the supplemental study requested by the SWCs.

Comment 10A

The comment states the comments submitted on the NOP were not considered in preparing the Draft EIR. Specifically, MWD, CVWD and DWA (Agencies) disagree on the conclusion that the proposed project would not be affected by reliability issues of the State Water Project (SWP) deliveries. The comment states that it is not reasonable to assume that Lake Perris will be maintained at historical operating levels.

Response 10A

The Draft EIR evaluates the proposed project which is the remediation of Perris Dam. As requested by Metropolitan in their comments on the NOP, the Draft EIR discusses the status of the State Water Project (SWP) on page 2-1, including a discussion of the reduced deliveries expected from the system in the future, which reduces the overall reliability of the SWP water supply. As more fully discussed in response to Comment 10F below, the Draft EIR concludes that operating the reservoir under the historic operating plan is feasible and reasonably foreseeable.

Comment 10B

The comment states that the objectives for the proposed project remain skewed toward preserving the recreational and environmental uses at Lake Perris. The comment states that Lake Perris is first and foremost a water supply and storage facility and those alternatives to restoring the lake to its historic operating level should be more seriously considered by DWR.

Response 10B

The project objectives listed on page 2-7 and 6-1 of the Draft EIR reflect the multiple uses currently supported by Lake Perris. The objectives are not skewed toward recreational beneficial uses, but they do acknowledge the objective of maintaining all the beneficial uses of the facility, including recreational uses. DWR acknowledges that the primary purpose of the facility is a water supply and storage facility. Lake Perris is a terminal reservoir (paid for primarily by the three contractors that can contractually take water from it) that serves as a SWP regulatory (helps meet peak water supply demands) and emergency water storage facility. For a more full discussion of project objectives, please see response to Comment 10J below.

Comment 10C

The comment states that if DWR proceeds with the proposed project, it should acknowledge that the primary reason for proceeding is to promote recreational and environmental uses at the lake for which the State is financially responsible under the Davis-Dolwig Act.

Response 10C

As stated above, the project objectives of the Draft EIR reflect the multiple uses currently supported by the Perris Reservoir. The proposed project does not change how the reservoir has been historically operated primarily for SWP purposes and does not change or interfere with the reservoir's primary purpose of being a SWP regulatory and emergency water storage facility.

The comment does bring up an important issue of funding and the Davis-Dolwig Act (Water Code §11900 *et seq.*). While the comment does not address environmental issues resulting from the proposed project, the Davis-Dolwig Act and how it affects the funding for the proposed project is a critical component of DWR's decision-making process and ultimately affects the feasibility of the proposed project, as a whole, and certain aspects of the proposed project. Thus, a brief discussion of the Davis-Dolwig Act and its effect on DWR's ability to fund the project is merited.

The Davis-Dolwig Act expresses the Legislature's intent that full utilization shall be made of the recreational and fish and wildlife enhancement potential of state water projects to the extent consistent with other project purposes. The Act states that SWP facilities be constructed in a manner to meet recreational needs and that the project construction costs attributable to recreation features be borne by the people. (Water Code § 11900.) Essentially, costs associated with "the enhancement of fish and wildlife and the development of public recreation" are charges not to be paid by SWP contractors, or nonreimbursable costs. (*See* Water Code § 11912.) Water Code section 11913 states that it is the Legislature's intent that nonreimbursable costs be funded through appropriations from the General Fund.

There are two main costs that DWR considers nonreimbursable costs. First are specific costs that are incurred on single-purpose items or facilities, such as the construction and operations and maintenance (O&M) of a pier used for recreation only. The second are joint costs which are indivisible costs for facilities serving more than one purpose and which must therefore be allocated by formula. The allocation is based on an assessment of each facility's value as a recreational asset. For joint costs, a portion of the O&M and capital cost at every SWP facility is

allocated to recreation, as opposed to specific costs to operate, maintain, and improve recreation facilities. These joint, recreation-related costs, on a statewide basis, average about 3 percent for O&M and 6 percent for capital spending. For Perris Reservoir and Dam, specifically, recreation costs are allocated as 3.1 percent for O&M and 5.7 percent for capital spending as published in Bulletin 132 Appendix B.

As a result of the above allocation, DWR agrees with the comment in that a portion of the total costs of the proposed project, i.e., those costs allocated to recreation and fish and wildlife enhancement, will be nonreimbursable costs. DWR will have to secure a source of funding for the nonreimbursable costs and will likely look to the Legislature for an appropriation to cover those costs. If the Legislature decides against funding a portion of the proposed project and DWR cannot secure another source of funding, then DWR may have to reconsider the proposed project and determine whether it is indeed feasible.

DWR does not agree with the comment's suggestion that the primary purpose of the proposed project is to promote recreational and environmental uses at Perris Reservoir. As noted above, and will be discussed throughout the following responses, the primary purpose of the proposed project is to address the seismic instability of the Perris Dam. The project objectives were developed in response to that underlying purpose and were intended to help DWR develop a reasonable range of alternatives to evaluate in the Draft EIR. The project objectives were not prioritized in the Draft EIR and no particular objective was given special deference in the analysis.

Comment 10D

The comment states the Draft EIR is not adequate, urges DWR to fully address the submitted concerns and requests that the final selected alternative addresses the seismic safety issues at the dam as well as meets the needs of the agencies and ratepayers.

Response 10D

The Draft EIR adequately assesses the proposed project described in Chapter 2 of the Draft EIR. Chapter 6 of the Draft EIR evaluates project alternatives. DWR is committed to working cooperatively with all SWCs to implement system repair and improvement projects that serve the needs of the SWCs.

Comment 10E

The comment states the restoration of Lake Perris to historical operating levels should be characterized as an alternative, rather than an objective. The comment states that by including this overly narrow project objective, DWR appears to have preordained selection of the proposed project as the preferred alternative.

Response 10E

This comment expresses concern that because this particular project objective is improperly narrow, the Draft EIR process is not meaningful because there is only one project that could meet the objective. As discussed below, DWR agrees that the language of the objective is narrow.

However, the objective as it was originally drafted did not preclude DWR from developing and analyzing a reasonable range of alternatives.

The Draft EIR included various alternatives to the proposed project that involved different reservoir water levels. It identified potential adverse environmental impacts that would result from the various alternatives. While the objective at issue was indeed narrow, it ultimately did not preclude the environmental review of the proposed project and the reasonable range of alternatives.

In response to this comment, and to be more consistent with the environmental review included in the Draft EIR, the project objective has been modified in the Final EIR on pages 2-7 and 6-2 as follows.

- Maximize beneficial use of Lake Perris SRA ~~by restoring reservoir to pre-drawdown water levels.~~

The alternatives analysis in Chapter 6 has been revised to reflect this change. Importantly, the conclusions of the alternatives analysis do not change with the modification of this objective's language.

Comment 10F

The comment questions whether the project objective to “[m]aintain SWP delivery commitments” on page 2-7 is a valid objective for this particular project. The comment states that there is no assurance that sufficient supplies of water will be available to refill Lake Perris and to maintain the reservoir at its historic operating level from year to year given the problems in the Bay-Delta that have resulted in severe reductions. As such, it is not clear how the proposed project will assist DWR in maintaining its SWP delivery commitments, especially in the near term.

Response 10F

The Joint Comment Letter questions whether maintaining SWP delivery commitments is a valid objective for the proposed project. It then provides several reasons why the SWCs do not believe this particular project objective is valid. For the sake of focus and clarity, the following series of responses will address the various reasons as separate comments.

With regard to comment 10F, DWR acknowledges that the ongoing issues in the Delta have affected, and will continue to affect DWR's ability to divert water from the Delta and move that water south to locations such as Lake Perris. However, information before DWR demonstrates that refilling the reservoir is both feasible and reasonably foreseeable.

The Draft EIR relied on the 2009 Draft SWP Delivery Reliability Report (Reliability Report) in stating that the long-term average of future SWP water deliveries are predicted to be 60 percent of the Table A amount identified in State Water Contractor contracts. Since the Draft EIR was released, a final version of the Reliability Report was released and the 60 percent long-term average remained unchanged.

Sixty percent of Table A represents about 2.5 million acre feet (MAF) of water that DWR will, on average, be able to deliver to its SWP contractors. Of that 2.5 MAF, MWD is contracted to receive around 1.3 MAF. Thus, based on the Reliability Report and SWP contracts, it is reasonably foreseeable that at least a million acre feet will be moved south of the Tehachapi Range in any given year.

At its current level, Lake Perris needs about 50 thousand acre feet (TAF) of water to bring the reservoir level back to the historical maximum operating level of 1588. 50 TAF represents approximately 4 percent of the amount DWR can reasonably expect will be delivered to MWD and 2 percent of the overall amount of water DWR will, on average, be able to deliver to the SWP contractors. Since the amount of water required to refill Lake Perris represents such a small percentage of water DWR will be able to deliver to the SWCs as a whole and MWD specifically, it is reasonably foreseeable that DWR will have the operational flexibility to move 50 TAF into Lake Perris once construction on the dam is completed.

The comment also states there is no assurance that sufficient supplies will be available to maintain the reservoir at its historic operating levels from year to year. Although water deliveries in the future may be 60 percent or less than the Table A amounts, the system will still operate at this reduced level, and there will be opportunities to deliver water to Perris Reservoir. The 2009 Reliability Report demonstrates that opportunities for delivering SWP Article 21 water (water delivered to contractors to store water locally at times when extra water and capacity is available beyond that needed by normal SWP operations) exist even with the Delta problems. In fact, the estimated Article 21 deliveries maximum is expected to increase because the demand for such water is assumed to increase.

Lastly, the comment states that it is not clear how the proposed project will assist DWR in maintaining SWP delivery commitments, especially in the near term. With regard to the near term, during the drawdown and construction period, Lake Perris will indeed have a reduced capacity to store water and thus a reduced ability to operate as regulatory and emergency water storage facility. Nonetheless, the proposed project is expected to meet this objective for two primary reasons. First, even at a reduced capacity, Lake Perris will still be able to provide an emergency water supply if it is needed during the remediation period.

Second, the proposed project, especially the construction phase, was developed so that interruptions to SWP water deliveries would be kept to a minimum, if not prevented. With this particular objective in mind, DWR will work with the SWCs to ensure they receive their SWP allotments during the course of the construction period, and that any water delivery interruptions that may arise will not result in any overall reduction in water supply.

In the long term, the proposed project will allow Lake Perris to more fully operate as a regulatory and emergency water supply facility. As explained more in the response to Comment 10H, remediating the dam to allow Lake Perris to operate at historical levels will provide DWR and the SWCs with more flexibility that will ultimately allow for the maintenance of SWP water delivery commitments.

Comment 10G

The comment states the Draft EIR concludes, but without support, that the proposed project “would not affect, or be affected by SWP reliability.” The comment states the conclusion defies logic and requests that DWR must provide a reasoned basis for this belief as part of the environmental analysis contained in the Draft EIR.

Response 10G

The proposed project is the remediation of the Lake Perris dam, along with the replacement of the outlet tower and construction of an outlet conveyance. SWP reliability affects the proposed project only in determining whether water would be available to refill the reservoir upon completion of the dam remediation. As discussed above in the response to comment 10F, although water deliveries in the future may be 60 percent or less than the Table A amounts, the system will still operate at this reduced level, and water will be delivered to Perris Reservoir.

The proposed project is not to maintain historical operations, but rather to remediate the dam to allow for historical operating levels. DWR acknowledges that future water reliability may result in future operations of the facility that do not mirror historical operations. However, the proposed project will not be directly impacted by reduced SWP reliability. The proposed project would remain feasible even if the reservoir’s operating plan is modified or applied differently in the future as a result of reduced water deliveries. The review of alternatives demonstrated that the proposed project provided flexibility in meeting water supply objectives at an equal or lesser cost than the other alternatives.

With regard to the proposed project’s affect on SWP reliability, see response to comment 10F. DWR does not anticipate any reduction in water deliveries to result from the proposed project. Any temporary disruption in service would be made up in subsequent deliveries. The proposed project has been designed to maintain the flexible storage capacity of the facility as described in the response to comment 10H.

Comment 10H

The comment states that to the extent the project objective of maintaining SWP supply commitments is based on water supply needs, the Draft EIR vastly overstates the importance of the facility to the agencies when the discussion asserts that Lake Perris provides “a key water supply to Southern California State Water Contractors including the Metropolitan Water District of Southern California” (see p. 2-1 and p. S-1). The agencies take delivery of SWP water but do not consider this facility to be critical to meeting their water supply, management or storage needs.

Response 10H

Although it is outside the scope of the project description to get into a detailed description of the value of Lake Perris as a key water supply facility and whether it is critical to the needs of the SWCs, the Draft EIR recognizes that Lake Perris is a SWP regulatory and emergency water storage facility that serves a number of purposes. Lake Perris is a terminal storage reservoir that helps meet peak water supply demands and provides emergency storage, recreation, and fish and wildlife enhancement. DWR uses the reservoir to meet peak summertime water demand in

southern California when the California Aqueduct is operating at its maximum capacity. When the California Aqueduct is out of service in emergencies, or subject to flow reductions for maintenance or other reasons, DWR can supply some contractors with water from Lake Perris. The Department refills the reservoir when water and energy conditions are favorable.

In addition, the Monterey Agreement, Article 54, provides Metropolitan the flexibility to withdraw or borrow and then replace SWP water that is stored in the lake in amounts above its allocated SWP water supplies. This practice provides Metropolitan more flexibility to manage its different water supplies by allowing it to change the timing of its SWP water supply allocation. If Metropolitan is able to repay the borrowed water with Article 21 supplies that it would not otherwise have been able to use or store, then it is possible for Metropolitan to receive more total water than it would have absent the borrowing.

DWR considered all of the above in establishing the maintenance of SWP delivery commitments as a project objective.

Comment 10I

The comment states the objective of maintaining SWP delivery commitments cannot be used as a basis for moving forward with the proposed project. Rather, this objective supports pursuing more economical alternatives that could provide real water supply benefits to the agencies.

Response 10I

The objective to maintain SWP deliveries is consistent with DWR's responsibilities for maintaining and operating the SWP system. This includes maintaining the Perris Reservoir in a condition capable of operating as a SWP regulatory and emergency supply storage facility. DWR recognizes that it is possible that there are more cost-effective means of obtaining the water supply and storage benefits historically provided by Lake Perris and encourages the SWCs to explore these means. However, although the value of Lake Perris to the SWCs may play a role in determining whether it is justified from a water supply and storage perspective and may affect whether and how to proceed with the remediation project, it does not affect the environmental analysis of the proposed project or its alternatives.

Comment 10J

The comment states the Draft EIR are inappropriately skewed toward maintaining and promoting the recreational and environmental uses of Lake Perris and in comparison, places less emphasis that the lake as "primarily a water supply reservoir" (p. 2-5). The comment states that DWR will need to assess the feasibility of implementing the proposed project in the absence of funding from the agencies. DWR cannot expect the agencies to pay for the costs of a project that is too costly and unnecessary to meet their water supply and storage needs.

Response 10J

The project objectives listed on page 2-7 of the Draft EIR reflect the multiple uses currently supported by Perris Reservoir. The objectives are not skewed toward recreational beneficial uses, but they do acknowledge an overall objective of maintaining all the beneficial uses of the facility,

including recreational uses. The project objectives were not prioritized and they do not change or interfere with the reservoir's primary purpose as a SWP water supply and storage facility.

In developing the proposed project, DWR worked with the major stakeholders of Perris Reservoir, including the SWCs. At the request of the SWCs, DWR conducted a reconnaissance study to evaluate alternatives of permanently lowering, maintaining the existing lake level, or raising the normal maximum operating level of the reservoir. The goal was to determine whether any of these alternatives might be preferable to remediating the foundation for Perris Dam to allow for historical operating levels.

The stakeholders were asked to identify issues that could be important in the evaluation of the impacts resulting from changing the water surface elevation of Lake Perris or the height of the dam. The stakeholders ultimately identified thirteen significant issues for evaluation with each of the reservoir options. The evaluation performed resulted in a qualitative analysis as to the positive or negative impacts that a given reservoir option would have upon an issue.

The report concluded that the historical, or as-designed, option was the most highly rated reservoir option. Construction magnitude, water storage, recreation, and environmental impacts were designated as the major issues associated with any remediation or change of the Perris Dam or Reservoir, and accounted for 64 percent of the weighting given to all thirteen issues. Importantly, a sensitivity analysis was conducted and showed that, with a 33 percent increase or decrease in the weighting given to each of the four major issues, the ranking of the as-designed reservoir option remained essentially unchanged.

In light of the above process, characterizing the project objectives as inappropriately skewed toward one or two issues is unmerited. DWR developed a proposed project that, at the reconnaissance level, was demonstrated to be the most highly rated reservoir option in that it had the overall most positive impact on the thirteen issues identified by the various stakeholders. Moreover, when primary importance was placed on each of the four major issues, the proposed project remained the most highly rated reservoir option regardless of which major issue was heavily weighted. With the results of the reconnaissance study in mind, DWR developed the proposed project and its objectives with the reasonable anticipation that it was the best reservoir option to both address the underlying purpose of the project which was to address the seismic instability of the Perris Dam and meet the overall objective of maintaining the beneficial uses of the facility.

DWR understands that there may be disagreement between it and the SWCs as to the relative merit of Lake Perris as a SWP regulatory and emergency water supply facility. However, arguing that the project objectives are inappropriately skewed toward environmental and recreational uses because three out of nine project objectives are focused on those uses is not correct and ignores the process DWR followed to develop the proposed project.

Ultimately, this comment addresses the issue of who should pay for the dam remediation. This issue and how the costs of the proposed project should be allocated are not appropriately addressed in the CEQA context. As explained in the response to comment 10C, DWR acknowledges that a certain portion of the proposed project's costs will be nonreimbursable costs.

However, the determination of those costs will be made in processes outside the scope of the Final EIR, specifically, and CEQA in general.

Comment 10K

The comment states the Draft EIR should not have used the historical operating level of Lake Perris as the project baseline. By doing so, the Draft EIR has muddied the analysis of environmental impacts and feasible mitigation measures, particularly in the sections regarding biological resources and growth inducement. The comment states that the drawdown activities were previously exempted under CEQA and already have occurred; therefore, they cannot be considered part of the proposed project.

Response 10K

Section 2.4 of the Draft EIR discusses the baseline condition used to assess impacts of the proposed project. Although the CEQA Guidelines identify the condition at the time of the issuance of the NOP is normally the project baseline, the Draft EIR extends the baseline to the pre-drawdown condition in order to address adverse effects of the drawdown itself. This extension of the baseline condition is seen as a more conservative approach that will allow DWR to more fully identify impacts of the drawdown and accommodate concerns of stakeholders including the USFWS, CDFG, and DPR. By extending the baseline condition, a more comprehensive impact analysis is conducted that encompasses the entire project notwithstanding the emergency action taken to ensure public safety. In the interest of full disclosure, this approach allows the public and decision-makers to have a greater understanding as to the reality of the impacts caused by the dam's seismic instability and promotes a full consideration of the greatest potential environmental impacts.

Comment 10L

The comment states the Draft EIR failed to account for the ecosystem problems in the Bay-Delta and their adverse effect on the supply and delivery of SWP water to Southern California. According to this comment, this omission has resulted in an inaccurate description of existing conditions and, in turn, the use of a flawed environmental baseline throughout the Draft EIR. The comment also states the comments submitted by the agencies on the NOP (dated July 2, 2007) raises this issue and notes that the dismissal of the ecosystem problems in the Bay-Delta has resulted in an analysis of potential impacts, feasible mitigation measure and alternatives that is fundamentally inadequate.

Response 10L

The Draft EIR adequately characterizes the effect to Perris Reservoir of reduced reliability of the SWP system. The Draft EIR assumes that operating the dam under the historic operating levels (although not necessarily historical operations) is feasible and reasonably foreseeable even with reduced system reliability. See response to comment 10F. The Draft EIR appropriately evaluates impacts compared to a pre-drawdown baseline condition which provides a more conservative impact analysis. See response to comment 10K.

Comment 10M

The comment states that apart from selecting a flawed baseline to assess impacts, the Draft EIR oscillates between using pre- and post-drawdown conditions. The comment provides examples of sections in the Draft EIR where this issue occurs.

Response 10M

The Draft EIR consistently uses the pre-drawdown condition as the baseline. However, in the interest of full disclosure, the Draft EIR identifies the impacts that have occurred as a result of the emergency draw-down. The vegetation that has grown up on the exposed lakebed following the drawdown is seen as providing temporary mitigation for loss of riparian habitat along the original lakeshore (page 3.3-70). The Draft EIR does not require mitigation for the removal of this temporary vegetation. Impacts to recreation on the lake consider the pre-drawdown condition as the baseline. Impacts to recreation from the drawdown itself are discussed on page 3.12-9.

Comment 10N

The comment states the analysis of construction and operational impacts is inconsistent throughout the Draft EIR and notes certain sections that address one or the other. The comment requests that construction and operational impacts of each component of the project be analyzed for each resource that is potentially affected.

Response 10N

The Draft evaluates potential impacts for both construction and operation of each element of the proposed project where applicable. Some impacts such as those related to air quality and noise are the result of construction activities and are not affected by operations. Refilling of the reservoir would affect the new vegetation that has emerged on the exposed lake shore and was discussed in section 3.3.7. The refilling would not impact any other environmental resource and therefore was not discussed in other impact sections. The Draft EIR assumes that the water would be refilled over time subject to the water demands of the SWCs and the availability of water, which is similar to pre-drawdown conditions. Once constructed, the proposed project assumes that the facility would operate in the same way it did under pre-drawdown condition, with the addition of an outlet channel. Therefore, few operational impacts not part of the pre-project condition would occur as a result of the dam remediation and outlet tower components of the project. Operational impacts of the new outlet channel are discussed throughout the document including the hydrology, aesthetics, and land use sections.

Comment 10O

The comment states the Draft EIR's analysis of alternatives is not adequate as there only 18 pages devoted to possible alternatives to the proposed project. The comment states there is no way to accurately evaluate the relative merits of the alternatives presented in the Draft EIR and there is no way to assess the degree to which each alternative would support water supply and storage functions, as opposed to other functions.

Response 10O

The Draft EIR evaluates alternatives of the proposed project that could avoid significant impacts of the proposed project as required in the CEQA Guidelines. The CEQA Guidelines require that

alternatives be evaluated sufficient to determine whether significant impacts would be avoided, but that analysis is not required to have the same level of detail as the proposed project analysis. Chapter 6 of the Draft EIR identifies several alternatives as required by CEQA. The analysis in Chapter 6 summarizes the environmental impacts of each alternative. In response to this comment, the Final EIR has been modified to provide more explanation of the conclusions of the alternatives analysis. If DWR were to decide to implement one of the project alternatives described in Chapter 6, subsequent CEQA analysis would be required.

As discussed in the response to Comment 10J, the reconnaissance report concluded that the historical, or as-designed, option was the most highly rated reservoir option with construction magnitude, water storage, recreation, and environmental impacts designated as the major issues associated with any remediation or change of the Perris Dam or Reservoir. The revised discussion of alternatives in Chapter 6 concludes that the Recreation Alternative would be the environmentally superior alternative rather than the proposed project. This revised conclusion is based in part on the observations that the emerging habitat at the lowered lake level would over time replace the habitat values of the original lake shore. In addition, the riparian area below the dam would not be affected.

Comment 10P

The comment states the agencies do not understand why economic factors were used to evaluate the alternative borrow site, but not used to assess alternatives to the dam remediation, outlet tower replacement and emergency outlet extension components of the proposed project, which are more critical. The comment also states that the decision to assess the economic feasibility of one minor component of the project, but not other more important components, is inexplicable and seems arbitrary at best.

Response 10P

An analysis of alternative borrow sites, including economic factors, was provided so that the public and decision-makers could have a more thorough understanding of why the current lake bed is proposed as the borrow site.

A study was undertaken as a supplement to the Perris Dam Reconnaissance Study to develop reconnaissance level cost estimates for four of the options: normal reservoir levels of 1542 ft., 1563 ft., 1588 ft. and 1640 ft. This study, including the identification of the four options to be analyzed, was done at the request of the SWCs and has been included as **Appendix BB** of the Final EIR.

Comment 10Q

The comment states that the process to screen and evaluate alternatives resulted in an inadequate range of viable alternatives being considered in the Draft EIR. It also states that, given the primacy of Lake Perris as a water supply and storage facility, an alternative cannot and should not be discounted or dismissed simply because it would not provide the same type or level of recreational and environmental benefits as the proposed project.

Response 10Q

Consistent with the requirements of CEQA, DWR used the following factors as screening criteria to develop alternatives: it must meet most of the objectives of the proposed project; avoid or lessen the proposed project's significant adverse environmental impacts and; be feasible and implementable in a reasonable period of time.

Using these criteria, five alternatives to the proposed project were examined in detail in Chapter 6 of the Draft EIR. They include a no project alternative, alternatives to increase and decrease the dam capacity, a recreation-focused alternative and decommissioning the dam.

The five alternatives provide the public and decision-makers with information on the consequences of various courses of action, other than the adoption of the proposed project. The information enables the public and decision-makers to compare the environmental consequences of possible alternative course of action that could be taken to address the seismic instability Perris Dam with the environmental consequences of the proposed project.

The comment seems to suggest that the range of alternatives considered in the Draft EIR was artificially constrained by the desire to provide the same level of recreational and environmental benefits as the proposed project. Given the primacy of Lake Perris' use for water supply and storage, the comment argues, alternatives cannot and should not be dismissed because they would not provide the same type or level of recreational and environmental benefits as the proposed project; and this is what the Draft EIR did. The comment also appears to conclude that the proposed project was chosen primarily for its level of recreational and environmental benefits and that other alternatives were rejected because they did not provide the same level of benefits.

As discussed in the response to Comment 10J, at the request of the SWCs, DWR conducted a reconnaissance study to evaluate alternatives for permanently lowering, maintaining the existing lake level, or raising the normal maximum operating level of the reservoir. The report concluded that the historical, or as-designed, option was the most highly rated reservoir option and it was on this basis that this alternative was chosen as the proposed project. If funding is not obtained for the nonreimbursable costs of the project, DWR and the SWCs may have to reevaluate whether and how the project should go forward.

Contrary to the comment, the selection of alternatives was not constrained by the ability—or inability—to protect recreation and the environment. The Draft EIR analyzed several alternatives that would not protect recreation to the same extent or in a similar way as the proposed project. For example, the no project, dam decommissioning, and reduced capacity alternatives would not provide the same type or level of protection to recreation as the proposed project and were still included in the Draft EIR.

All of the alternatives except decommissioning the dam would meet the primary purpose of the proposed project to address the seismic instability of the Perris Dam and continue the primary purpose of Lake Perris reservoir as being a SWP regulatory and emergency water storage facility. All the alternatives would help achieve the objectives of meeting SWP delivery commitments.

Table 6-2 of the Draft EIR summarizes the results of the alternatives analysis. The proposed project would result in fewer impacts than the other alternatives. The Final EIR has been modified to provide more explanation of the conclusions of the alternatives analysis.

Comment 10R

The comment states that the Reduced Capacity and Dam Decommissioning Alternatives would meet Metropolitan's objectives better than the proposed project. The comment acknowledges that these alternatives are characterized as being environmentally inferior to the proposed project and, as such, is presumed to be the reason why these two alternatives were not subjected to detailed analysis in the Draft EIR. The comment states that this demonstrates the flaws in the project objectives, particularly the objective of restoring the reservoir to the pre-drawdown condition, as they do not recognize the relative importance of Lake Perris' various uses. The comment also states the Draft EIR fails to give serious consideration to the alternatives mentioned as well as other alternatives and that the project is being driven by considerations that have little to do with the water supply and storage needs of the agencies.

Response 10R

The reduced capacity and dam decommissioning alternatives were determined to be environmentally inferior to the proposed project. Their analysis and the conclusions of the alternatives analysis has been modified in the Final EIR to provide more explanation. With the modifications to the alternatives analysis included, the level of analysis of the two alternatives is reflective of what is necessary to allow an informed comparison of the impacts of the project with those of the alternatives.

The level of analysis, however, is not related to the adequacy or appropriateness of the project objectives. As explained in the response to Comment 10E, the objective of restoring the reservoir to its pre-drawdown condition has been modified to better reflect the range of alternatives developed and the analysis conducted in the Draft EIR.

Regarding the relative importance of the various uses, the project objectives of the Draft EIR reflect the multiple uses currently supported by the Perris Reservoir. The proposed project does not change how the reservoir has been historically operated and does not change or interfere with the reservoir's primary purpose of being a regulatory and emergency water storage facility.

Comment 10S

The comment states the Draft EIR fails to give serious consideration to the alternatives mentioned as well as other alternatives and that the project is being driven by considerations that have little to do with the water supply and storage needs of the agencies.

Response 10S

See responses to comments 10F, 10 G, 10H, 10J, and 10Q.

Comment 10T

The comment states the Draft EIR fails to account for the ecosystem problems in the Bay-Delta and their adverse effect on the supply and delivery of SWP water. The Draft EIR undermines the

delineation and analysis of the proposed project's objectives, environmental baseline and potential impacts and makes it impossible to do a legitimate comparison of possible alternatives.

Response 10T

See response to comment 10F.

Comment 10U

The comment states the proposed project in its current form is not supported by MWD and requests that more detailed analysis of possible alternatives be conducted by DWR. The comment also states that if the proposed project is changed or an alternative is pursued, then some or all of the comments may not be applicable.

Response 10U

See responses to comments 10A through 10R.

Comment 10V

The comment states the proposed project should not interrupt or impede water supply operations or impede access to the water and requests the Final EIR address this issue.

Response 10V

One project objective is to maintain SWP delivery commitments. DWR does not anticipate any reduction in water deliveries to result from the proposed project. Any temporary disruption in service would be made up in subsequent deliveries. The proposed project has been designed to maintain the flexible storage capacity of the facility.

Comment 10W

The comment states operation of the Perris Hydroelectric Plant and maintenance of deliveries to MWD's member agencies require that Lake Perris storage be available for use throughout the entire period of the proposed project and requests the Final EIR address this issue.

Response 10W

One project objective is to maintain SWP delivery commitments. The proposed project has been designed to maintain the flexible storage capacity of the facility, including during construction.

Comment 10X

The comment states it is not clear from the Draft EIR whether DWR is legally required to provide a constructed channel for releasing water in the event of a dam emergency. The comment asks why is construction of such a facility being proposed if not required.

Response 10X

The purpose and need for the outlet channel is discussed on page 2-7 of the Draft EIR. Division of Safety of Dams (DSOD) requires the dam facility be capable of a drawing down 10 percent of a full reservoir (water surface elevation 1588') within ten days. To meet this requirement, a 1,500 cfs controlled release is necessary. Currently, without a conveyance structure, a release of 1,500 cfs would flood developed areas immediately downstream of the dam, which were

undeveloped areas when the dam was constructed. The emergency outlet extension would prevent flooding of the residential area caused by a controlled emergency release.

Comment 10Y

The comment requests the Final EIR should identify MWD's facilities and fee property and indicate whether there would be any impact from the proposed project.

Response 10Y

The potential to encounter underground utilities is addressed on page 3.11-5. DWR is aware of Metropolitan's facilities in the area and the project is designed to avoid impacting these facilities. As noted on page 2-19 of the Draft EIR, the emergency outlet extension would be installed to traverse over Metropolitan's Perris Bypass Pipeline, without disrupting the pipeline's service. As part of the project, prior to construction, DWR would consult with Metropolitan to determine appropriate construction methods near Metropolitan's facilities.

Comment 10Z

The comment states the Draft EIR does not discuss or address how reservoir storage levels will be affected during the dam remediation phase of the proposed project. The comment requests the Final EIR address the potential impact from storage levels on MWD's water supply and operation planning.

Response 10Z

As described on page 2-11 of the Draft EIR, the reservoir water level would remain at its existing level throughout construction. Water levels would not be drawn down further.

Comment 10AA

The comment asks if DWR considered the potential effects of their potential permanent cutoff wall on the stability and seepage conditions in the embankment and foundation. The comment requests the Final EIR address this issue.

Response 10AA

The Draft EIR discusses CDSM construction methods on page 2-26. DWR has analyzed the effects of a cutoff wall on seepage and stability. If a permanent cutoff wall is constructed, it would not be deep enough to prevent seepage from continuing down gradient. The purpose of the wall would be to assist in dewatering the shallow construction area at the toe of the dam.

Comment 10BB

The comment requests the Final EIR address the potential for the sedimentation to reduce MWD's conveyance capacity and as a result increase operation and maintenance costs. The comment also requests the Final EIR address the potential interference to MWD's normal water delivery in regards to the volume and duration of discharging seepage water into the conveyance system.

Response 10BB

Dewatering operations would be conducted in a manner that would avoid water quality concerns. Studies have indicated that there will be minimal sediment in the discharge water. Discharge

options include returning extracted water to the reservoir. DWR would consult with Metropolitan and obtain Metropolitan's approval prior to conveying recovered water to Metropolitan's delivery system as we have with past studies and tests.

Comment 10CC

The comment requests further information be provided on what flows may be introduced into MWD's conveyance system, the conveyance path of these flows, the quantity and quality of the flows, and the characterization of constituents present in any groundwater that may be encountered during construction dewatering operations. The comment requests that all information must be provided to MWD for review and approval prior to any connections being made to the system.

Response 10CC

Dewatering operations would be conducted in a manner that would avoid water quality concerns. Discharge options include returning extracted water to the reservoir. DWR will analyze seepage flow that is anticipated during and after construction and would consult with Metropolitan and obtain Metropolitan's approval prior to conveying recovered water to Metropolitan's delivery system. In past dewatering studies and tests, DWR has coordinated with Metropolitan to conduct water quality tests on seepage water collected prior to water being conveyed back to Metropolitan's system.

Comment 10DD

The comment requests that further information needs to be provided to clarify why pumping into MWD's system is necessary as part of the construction dewatering operations. The comment also asks if any alternatives, such as pumping back into Lake Perris, have been considered, and if not, why.

Response 10DD

Dewatering operations would be conducted in a manner that would avoid water quality concerns. Discharging into Metropolitan's system is one option being considered along with returning extracted water to the reservoir. DWR would consult with Metropolitan and obtain Metropolitan's approval prior to conveying recovered water to Metropolitan's delivery system.

Comment 10EE

The comment requests the Final EIR address the connection of the proposed outlet tunnel to the existing tunnel, which has the potential of disrupting MWD's water supply operations for a prolonged timeframe.

Response 10EE

DWR would consult with Metropolitan, would obtain Metropolitan's approval prior to conveying recovered water to Metropolitan's delivery system, and would coordinate the transition with Metropolitan so as to minimize the interruption to service. Temporary disruption in service would be compensated.

Comment 10FF

The comment asks what measures are available to prevent the existing outlet tower and associated conveyance system from being damaged by blasting activities during construction of the proposed outlet tower and 300-foot long tunnel.

Response 10FF

Blasting will be used to excavate at the area for the new tower and for the access channel. The new tunnel will be constructed using a tunnel boring machine, which will have no adverse impacts on adjacent structures. The new tower is over 350 feet from the existing tower and the blasting will be done underwater, so damage due to blasting debris will not be an issue. The blasting will induce pressure waves but the pressure quickly dissipates over distance. The blast size will be controlled such that increased lateral load on submerged portions of the existing tower will be less than what the tower has experienced in its lifetime due to earthquakes.

Comment 10GG

The comment requests the Final EIR address the potential impact of the proposed Emergency Outlet Extension alignment and staging area of the proposed Stability Berm that may either cross or be adjacent to MWD's facilities. These facilities are critical to MWD's delivery reliability and cannot be impacted by the dam remediation work.

Response 10GG

See Section 10.3. DWR is aware of Metropolitan's facilities in the area and the project is designed to avoid impacting these facilities. As noted on page 2-19 of the Draft EIR, the emergency outlet extension would be installed to traverse over Metropolitan's Perris Bypass Pipeline, without disrupting the pipeline's service. As part of the project, prior to construction, DWR would consult with Metropolitan to determine appropriate construction methods near Metropolitan's facilities.

Comment 10HH

The comment requests that both alignments be located outside of MWD's easement and states three requirements that are to be followed at the crossing.

Response 10HH

See Section 10.3 and the response to comment 10 GG.

Comment 10II

The comment states that a geotechnical analysis addressing the induced instability and induced deformation of MWD's pipeline is required and that detailed plans of the drainage conveyance facilities must be submitted to MWD for review and approval.

Response 10II

See Section 10.3 and the response to comment 10 GG.

Comment 10JJ

The comment states all measures taken to protect any structural, operational, or water quality impacts to MWD's pipeline will need to be identified and provided to MWD for review and

approval. The comment requests that the Final EIR confirm if there are any other impacts to MWD's fee property or other facilities in the area and to indicate that DWR will coordinate with MWD to ensure construction and operation activities do not impact those facilities or easements.

Response 10JJ

As part of the project, prior to construction, DWR would consult with Metropolitan to determine appropriate construction methods near Metropolitan's facilities. DWR is unaware of any other impacts to MWD's fee property or other facilities not already identified and analyzed in the Draft EIR

Comment 10KK

The comment states that discussion of refilling of Perris Lake was not readily identified in the impact analysis sections throughout the Draft EIR. The comment notes that in MWD's comment letter on the NOP, they requested discussion of potential impacts to other facilities and SWP contractors during refill of the reservoir in the Final EIR.

Response 10KK

See response to comment 10F. Refilling of the reservoir would submerge the new vegetation that has emerged on the exposed lake shore. The refilling would not impact any other environmental resource. The Draft EIR assumes that the water would be refilled over time subject to the water demands of the SWCs and the availability of water, which is similar to pre-drawdown conditions.

Comment 10LL

The comment states **Table 2-1** and **Table 2-2** do not specify whether and to what extent construction activities for each project component will adversely affect MWD's water deliveries. The comment requests the Final EIR address this issue.

Response 10LL

See response to comment 10F. Construction activities would be coordinated with Metropolitan in instances that might impact water deliveries to Metropolitan.

Comment 10MM

The comment requests that the specifications of any equipment imposing loads greater than AASHTO H-20 loading that cross over MWD's pipeline be submitted for their review and approval. The comment notes that additional protective measures may be required to accommodate this equipment crossing.

Response 10MM

As part of the project, prior to construction, DWR would consult with Metropolitan to determine appropriate construction methods near Metropolitan's facilities.

Comment 10NN

The comment states the potential impact on the reservoir's water quality must be examined. The comment also requests the Final EIR addresses the final morphology and geologic substrate of Lake Perris following construction of the proposed project, the potential impacts to water quality

resulting from a change in the current morphology or geology of the lake. The comment states the Final EIR must include mitigation measures that fully address any water quality impacts arising from construction of the proposed project and/or operation of the reservoir at levels above the previously-exposed construction areas.

Response 10NN

Mitigation Measure 3.7-1b commits DWR to implementing a stormwater pollution prevention plan. The mitigation measure has specific best management practices identified to protect water quality within Perris Reservoir during construction. In response to this comment an additional item has been added to the mitigation measure 3.7-1b in the Final EIR as follows:

- Following completion of the project, the construction contractor will remove and properly dispose of all construction debris from the inundation zone of the lake. A qualified inspector (Registered Environmental Assessor with the State of California) will survey the construction zone within the inundation area following completion of construction activities. The survey will document any staining or areas where soil contamination may have occurred during construction, including along the length of the haul road within the inundation area. The contractor will remove and properly dispose of any contaminated soils identified in the construction area, which were not previously identified and removed. If necessary, as determined by the qualified inspector, soil samples will be collected from areas suspected to be contaminated to determine whether soil contamination has occurred. Appropriate cleanup of contaminated areas will be conducted.

Comment 1000

The comment states the staging area and stockpiling must be located outside MWD's easement.

Response 1000

See Section 10.3. The entire construction zone is identified on Figure 2-3. Staging areas would be included entirely within the construction zone shown on Figure 2-3. DWR is aware of Metropolitan's facilities in the area and the project is designed to avoid impacting these facilities. As noted on page 2-19 of the Draft EIR, the emergency outlet extension would be installed to traverse over Metropolitan's Perris Bypass Pipeline, without disrupting the pipeline's service. As part of the project, prior to construction, DWR would consult with Metropolitan to determine appropriate construction methods near Metropolitan's facilities.

Comment 10PP

The comment asks if it is possible to accomplish the berm foundation excavation safely with the reservoir in service, how is the safety of the downstream population affected while this excavation is accomplished, would the safety be improved by emptying the reservoir during this period, would the construction costs be reduced if the reserved were emptied, and what is the justification for spending the additional costs associated with keeping the reservoir in service.

Response 10PP

Excavation at the toe of the dam would not affect the integrity of the dam with the lowered water level. The reduced water surface elevation ensures the dam would be safe during construction.

Comment 10QQ

The comment states that blasting activities required at the lakeshore must be submitted to MWD for review and comment. The comment notes that blasting restrictions, including vibration limitations, will be imposed for any work adjacent to MWD's facilities.

Response 10QQ

DWR contractors are required to restrict blasting vibration and velocities. Blasting activities that have the potential for impacting MWD facilities will be coordinated with MWD.

Comment 10RR

The comment states the Draft EIR does not include provisions to ensure that MWD will be able to access, operate and maintain their Lake Perris Bypass Pipeline, Lakeview Pipeline, and above-ground facilities during construction activities on the proposed project. This concern needs to be addressed in the Final EIR.

Response 10RR

DWR is aware of Metropolitan's facilities in the area and the project is designed to avoid impacting these facilities. As noted on page 2-19 of the Draft EIR, the emergency outlet extension would be installed to traverse over Metropolitan's Perris Bypass Pipeline, without disrupting the pipeline's service. As part of the project, prior to construction, DWR would consult with Metropolitan to determine appropriate construction methods near Metropolitan's facilities.

Comment 10SS

The comment states that MWD should be included in the agency list of discretionary permits required for the proposed project since part of the proposed work involves crossing MWD's pipeline and right of way easements, and involves connection to MWD's conveyance system for groundwater dewatering and dam seepage.

Response 10SS

DWR is aware of Metropolitan's facilities in the area and the project is designed to avoid impacting these facilities. As noted on page 2-19 of the Draft EIR, the emergency outlet extension would be installed to traverse over Metropolitan's Perris Bypass Pipeline, without disrupting the pipeline's service. As part of the project, prior to construction, DWR would consult with Metropolitan to determine appropriate construction methods near Metropolitan's facilities.

Comment 10TT

The comment states that the Stormwater Pollution Prevention Plan (SWPPP) must include Best Management Practices (BMPs) to protect the lake itself from any effects of the construction related activities, in addition to specifying BMPS that would prevent construction pollutants from running offsite into receiving waters.

Response 10TT

Mitigation measure 3.7-1b includes best management practices to prevent construction activities from adversely affecting Perris Reservoir water quality.

Comment 10UU

The comment states the Draft EIR does not address potential adverse impacts to water quality within Lake Perris itself and if there are any short-term or long-term effects, they must be analyzed in the Final EIR. The comment also states that feasible mitigation measures must be analyzed and be included in the Final EIR. Please refer to the amendment to Mitigation Measure 3.7-1b for Comment 10NN.

Response 10UU

Mitigation measure 3.7-1b includes best management practices to prevent construction activities from adversely affecting Perris Reservoir water quality.

Comment 10VV

The comment states that existing seepage is collected, metered and delivered to MWD as SWP supply. Less seepage would mean that MWD would take more water directly from the lake or the bypass pipeline.

Response 10VV

The Draft acknowledges on page 3.7-10 that downstream water supplies would not be affected by the proposed project.

Letter 11 Responses: Riverside County Flood Control and Water Conservation District

Comment 11A

The comment states the EIR should evaluate and address any potential impact to the District's Master Drainage Plan (MDP) facilities that a portion of the proposed project is located within.

Response 11A

See Section 10.3. The Draft EIR notes that the RCFCWCD has established Master Drainage Plans. The Draft EIR concludes on page 3.7-8 that the proposed project would not adversely affect local storm water drainage systems.

Comment 11B

The comment states that the proposed project appears to be in conflict with the proposed Perris Valley Line U MDP facility and suggests that DWR coordinate early with the RCFCWCD on the design of the emergency outlet release facility to explore possible alternatives of incorporating the MDP facility in the proposed project. The comment also states responsibility and permitting requirements prior to any construction and operation of the proposed facility.

Response 11B

See Section 10.3. DWR would coordinate with RCFCWCD to ensure consistency with the MDP for the area. The Draft EIR concludes that construction of the outlet extension would not impede storm flows. Use of the facility for storm water runoff may be considered by DWR, but is not a component of the proposed project.

Comment 11C

The comment states that the existing Perris Storm Drain is an earthen channel that is an interim facility that does not have the capacity to convey the FEMA estimated 100-year peak flow of 11,300 cfs. The comment requests that DWR conduct a hydraulic assessment and probability analysis of the 1,500 cfs occurring during a 100-year storm event.

Response 11C

The probability that the emergency outlet channel will be needed is extremely low. The project does not change the probability of a release; it conveys the flow safely to the local drainage during a release. As noted on page 3.7-11 of the Draft EIR, the probability that an emergency release occurs during a 100-year flood event is extremely low. Constructing capacity for this possibility would result in a substantially oversized facility. While it may be possible for the conveyance to safely pass both the required release and the design 100-year flood event, the Department does not agree that the conveyance or the downstream drainage should be designed or modified to convey these two infrequent events.

Comment 11D

The comment requests that the Final EIR fully address impacts associated with the construction and subsequent operation and maintenance of the proposed connection and channel improvement to the Perris Valley Channel. The comment also notes that the District's access along the Perris Valley Channel will need to be preserved.

Response 11D

The Draft EIR acknowledges on page 2-28 that connection of the emergency outlet extension with the PVSD will require coordination and approval from RCFCWCD. Table 2-7 shows this encroachment permit as a necessary approval of the project. DWR will design the connection including velocity dissipaters in coordination with RCFCWCD.

Comment 11E

The comment states that the Final EIR should include a MSHCP consistency report with all of its supporting documents and provide mitigation, as needed, in accordance with all applicable MSHCP requirements. The proposed project may affect MSHCP public/quasi public lands associated with the channel's right-of-way. The comment requests that the consistency report address, at a minimum, Sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP.

Response 11E

DWR is currently coordinating with RCA to ensure consistency with the MSHCP. As noted on page 3.3-71 DWR will be required to provide compensation for permanently impacted biological resources.

Comment 11F

The comment requests that the Final EIR address potential impacts to federal and state jurisdictional features and that coordination with the District should be established for any regulatory permits required for construction and operation of the portion of the project within the District's rights-of-way.

Response 11F

The Draft EIR acknowledges on page 2-28 that an encroachment permit from RCFCWCD is necessary to connect to the Perris Storm Drain.

Letter 12 Responses: Southern California Air Quality Management District (SCAQMD)

Comment 12A

The comment states that AQMD staff is concerned about the project's regional impacts on air quality and requests that the lead agency further mitigate the project's NO_x, PM₁₀, and PM_{2.5} emissions based on recommendations attached with the comment letter.

Response 12A

The Draft EIR assesses impacts to air quality from construction of the proposed project in Section 3.2. Mitigation measures 3.2-1a through 3.2-1i would reduce emissions from construction activities. In response to the comment, two additional mitigation measures are added:

Mitigation Measure 3.2-1j: DWR shall implement the following measures during construction:

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site, and
- Require construction parking to be configured such that traffic interference is minimized.

Mitigation Measure 3.2-1k: On-site construction equipment shall meet EPA Tier 3 or higher emissions standards. A copy of each unit's certified tier specification, BACT documentation, and CARB or AQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

Comment 12B

The comment provides recommendations for mitigating NO_x and PM_{2.5} emissions from the construction phase of the project.

Response 12B

See response to comment 12A.

Comment 12C

The comment states that additional mitigation measures to reduce off-road construction equipment are available on the AQMD website.

Response 12C

The Draft EIR evaluates impacts to air quality in Section 3.2. Mitigation measures 3.2-a through 3.2-k.

Letter 13 Responses: Eastern Municipal Water District

Comment 13A

The comment states that Eastern Municipal Water District has no comments/concerns at this time.

Response 13A

Comment noted, no response required.

Letter 14 Responses: City of Perris

Comment 14A

The comment states that an open rectangular concrete channel system to convey the 1500 cfs emergency discharge from the dam would also serve a dual purpose and convey the anticipated drainage runoff of 1000 cfs in the master drainage plan Line "U". Joint use could mean the Riverside County Flood Control could participate or accept responsibility for the maintenance and thereby reduce costs to DWR as well as reduce the right-of-way required along Ramona Expressway.

Response 14A

See Section 10.3. DWR will coordinate with RCFCWCD to ensure consistency with the Master Drainage Plan for the area. The Draft EIR concludes that construction of the outlet extension would not impede storm flows. Use of the facility for storm water runoff may be considered by DWR.

Comment 14B

The comment states that a 180-foot right-of-way would be required in the event a soft bottom unlined open channel is preferred over the concrete channel and costs of the channel would be approximately \$9 million in addition to right-of-way.

Response 14B

The Draft EIR assumes that a permanent easement of 160-feet would be required.

Comment 14C

The comment suggests that an alternative be evaluated, specifically creating a “linear lake” that has an oversized open channel from the outlet works of the dam to the motocross park, that discharges to the Perris Valley Storm Drain via the rectangular concrete open channel. The comment describes reduction of costs and benefits with this alternative.

Response 14C

See Section 10.3. Based on the recommended alternative, DWR has begun developing a new alternative that will require additional CEQA compliance documentation.

Comment 14D

The comment suggests another alternative of utilizing the existing MWD right-of-way northerly of Rider Street as an alternate alignment for the outlet channel.

Response 14D

DWR evaluated utilizing the MWD right-of-way through the residential community. The alignment alternative was rejected for numerous technical reasons. Primarily, the corridor is not wide enough to accommodate a new conveyance structure. There is very little space on either side of the existing underground Colorado River Aqueduct. In addition, mobilizing construction equipment within the alignment would be difficult since portions of the existing CRA conduit are unreinforced concrete, which limits loads that can be applied to the surrounding area.

Comment 14E

The comment states that the City is concerned that the proposed installation of barrier walls below ground to protect the dam may adversely affect the availability of water from the subterranean stream. The comment states that potential impacts should be analyzed and documented in the EIR and also notes that DWR represented that there would be no adverse effects.

Response 14E

The Draft EIR discusses CDSM construction methods on page 2-26. If a permanent cutoff wall is constructed, it would not be deep enough to prevent seepage from continuing down gradient. The purpose of the wall would be to assist in dewatering the shallow construction area at the toe of the dam. The Draft EIR concludes that the subterranean stream would not be affected by the project since it is significantly deeper than the CDSM columns.

Letter 15 Responses: Friends of Northern San Jacinto Valley

Comment 15A

The comment states that issues and concerns have largely been ignored or given short shrift in the Draft EIR and consequently, the Draft EIR fails as a CEQA information document. The comment states that the document does not provide the necessary information and analysis for the public,

lead, responsible, and trustee agencies to make well informed decisions on the project and requests the project be deferred pending preparation of a legally adequate CEQA document.

Response 15A

The Draft EIR adequately discloses the types and level of impacts this project will have on the environment.

Comment 15B

The comment requests that the attached copy of the 1979 Mitigation Agreement entered into by DWR, CDFG, and Metropolitan be included in the administrative record. The comment states that the Draft EIR did not examine the extent this project, prior activities, and ongoing DWR operations impinge (direct and indirect impact) on designated wildlife mitigation lands in front of the Lake Perris Dam and the proposed rock quarry/project haul road site in the Bernasconi Hills.

Response 15B

All comments to the Draft EIR become part of the administrative record. By virtue of the fact that the 1979 Mitigation Agreement was attached to your comment letter, it is now included in the administrative record.

The Draft EIR adequately evaluates impacts of project construction on the grasslands below the dam. Temporary and permanent impacts to grasslands are summarized in Table 3.3-8. Mitigation measures to avoid, minimize, and compensate for impacts to biological resources are provided in Section 3.3. Through the applicability of the MSHCP and the SKR HCP, concurrence from the RCA, RCHCA, CDFG, and USFWS will be necessary prior to implementing mitigation and identifying appropriate compensation lands. Permanent impacts to grassland habitat within PQP lands will be mitigated at least at a 1:1 ratio as required by the MSHCP.

Comment 15C

The comment requests that the attached copy of the California Department of Fish and Game Management Authorization (May 6, 1996) and requests in its entirety that the document *Final Joint Environmental Impact Statement and Environmental Impact Report regarding Authorization for Incidental Take and Implementation of a Long-term Habitat Conservation Plan for the Stephens' Kangaroo Rat in western Riverside County, California – February 1996*, be included in the administrative record. The comment notes that the State NCCP Act does not exempt a project in a Natural Community Conservation Planning area from CEQA and notes that the California Endangered Species Act (CESA) species incidental take of endangered species shall be minimized and fully mitigated and the mitigation required for the incidental take shall be roughly proportional in extent to the authorized take.

Response 15C

The Draft EIR discusses the SKR HCP on page 3.3-83. The Draft EIR acknowledges that DWR will be required to obtain approval from the RCHCA for impacts within the SKR HCP area. Mitigation measure 3.3-11 requires the DWR to comply with the SKR HCP requirements.

Comment 15D

The comment states that the Draft EIR fails to qualify and quantify the incidental take this project will precipitate on the endangered SKR, to examine measures/alternatives to minimize and fully mitigate incidental take, and does not include a cumulative analysis of SKR take.

Response 15D

The Draft EIR adequately evaluates impacts to SKR on page 3.3-72. Mitigation measure 3.3-4 specifically addresses potential impacts to SKR. Based on the protocol surveys conducted below the dam, no SKR would be directly impacted by the project. The results of the surveys are included in Appendix C. Furthermore, the area to be impacted as shown on Figure 2-3 is not identified as historically occupied by the SKR HCP. As noted on page 3.3-72 of the Draft EIR, DWR would be required to comply with the SKR HCP and obtain approval from the RCHCA for temporary or permanent impacts to grasslands.

Comment 15E

The comment states that should MWD's Dam Decommissioning Alternative ultimately be selected for implementing, the subject CEQA review cannot be relied upon to support that project decision. Decommissioning of the Lake Perris Reservoir/State Recreation Area would warrant its own Environmental Impact Report.

Response 15E

The Draft EIR discusses the Dam Decommissioning Alternative on page 6-10. As summarized in Tables 6-1 the alternative would not meet several project objectives. As summarized in Table 6-2 the alternative would avoid some of the significant impacts of the project and result in some impacts that the proposed project would avoid. The analysis in Chapter 6 explains why the alternative was not chosen as the preferred project alternative. If DWR intended to approve this alternative, an additional CEQA assessment would be necessary to ensure that impacts of the alternative were analyzed in sufficient detail and mitigation developed if necessary to avoid or substantially lessen those impacts.

Letter 16 Responses: Sierra Club, Moreno Valley Group

Comment 16A

The comment asks what will be done to ensure that the riparian habitat on the east end of the lake survives remediation.

Response 16A

The Draft EIR acknowledges on page 3.3-66 that the riparian habitat at the original lake shore has been adversely affected by the drawdown. Temporary measures to sustain the habitat have included providing an irrigation system. The Draft EIR notes on page 3.3-68 that the emerging willow habitat at the new lake shore is providing temporary mitigation for the impacted riparian habitat. This temporary mitigation is providing least Bell's vireo habitat in place of the affected riparian area. Mitigation Measure 3.3-1b commits DWR to implementing a restoration plan to ensure that willow habitat returns following refilling of the reservoir.

Comment 16B

The comment refers to a question asked at the public meeting of how long it would take to fill the lake because of the low availability of water and from where the water would come.

Response 16B

Water to fill Lake Perris is delivered through the SWP system. Refilling the lake will be based on the availability of supply in the SWP system once the remediation is complete. Refilling could be as short as two months, but could take up to two years or more. Also see the response to Comment 10F.

Comment 16C

The comment requests a map that shows all the area known as Lake Perris State Recreation Area (SRA) and the adjacent San Jacinto Wildlife Area (SJWA) be included in the Final EIR. The map should show which state agency is responsible for which lands. The map also should show ownership of all lands and which ones have conservation easements as well as who gave each easement. The map must also show the lands that are in private and/or other government control as well as those lands which are adjacent to the SJWA/SRA.

Response 16C

The Draft EIR identifies the construction zones that will be impacted during construction in Figure 2-3. Figure 3.8-1 identifies designated land uses in the construction area. The entire Lake Perris SRA and Fairgrounds is owned by the State of California. The outlet conveyance traverses private land from Lake Perris Drive to the Perris Storm Drain. Except for some portions of the emergency outlet conveyance, the project would be constructed within the Lake Perris SRA which is considered to be a conserved area within the MSHCP. The portion of the Lake Perris SRA above the dam is managed by DPR for recreation. The portion of the Lake Perris SRA below the dam is managed by CDFG for habitat conservation values. The Draft EIR identifies temporary and permanent impacts to conserved habitat in Table 3.3-8. Mitigation Measures 3.3-1a through 3.3-11 mitigate impacts to biological resources from temporary and permanent impacts through impact minimization, restoration, and compensation.

Comment 16D

The comment requests to identify the lands that will replace disturbed SKR habitat. The comment asks how many acres will be “disturbed” and will contractors be working into the night and using lighting. The comment notes that lighting and headlights will “disturb” SKR habitat and increase predation. The comment asks how will noise disturbance from construction and machinery be prevented.

Response 16D

Impacts to SKR are discussed on page 3.3-72. DWR conducted protocol presence surveys for SKR within the proposed project impact areas. The survey results are included in Appendix C. No SKR were identified in the project impact area. Table 3.3-8 identifies acreages temporarily and permanently impacted by the project. Mitigation Measure 3.3-4 requires DWR to conduct preconstruction surveys for SKR and comply with the SKR HCP for impacts within the SKR

HCP boundary. Permanently affected habitat will be mitigated as outlined in Mitigation Measure 3.3-11.

Comment 16E

The comment asks how many acres of habitat for SKR and species covered by the MSHCP will be directly or indirectly “disturbed” by the remediation program. The comment asks how many of these acres will be replaced, where would the replacement acreage be located, and what temporary noise walls will be used to lessen impacts on wildlife.

Response 16E

No SKR were found within the proposed project impact area. See response to comment 16D. Table 3.3-8 on page 3.3-75 outlines the expected acreages to be impacted by the project within the SKR HCP and MSHCP. Sound walls are not proposed to mitigate noise impacts on biological resources in the area. The Draft EIR acknowledges that noise from construction activities will likely disturb wildlife in the vicinity for the duration of the construction. Table 3.9-8 describes noise impacts and mitigation proposed to lessen this impact. Once construction is completed, wildlife is expected to return to the park.

Comment 16F

The comment states concerns regarding whether nightlight/headlights will be restricted from spilling outside of the immediate project area and how the proposed outlet or discharge channel may cause fragmentation and impacts within a core SKR reserve. The comment asks how will this impact be mitigated, will the earthen version of this channel become riparian habitat, and if so, this habitat should be quantified and explained.

Response 16F

Nighttime work will be limited to cement deep soil mixing (CDSM) activities that require continuous concrete batching over periods of a few days. Otherwise, nighttime construction will not occur. Impacts to biological resources from limited nighttime construction are not viewed as being significant indirect impacts.

The earthen open channel would not be filled with water, so no riparian habitat would be created. The open channel would revert to grassland.

Comment 16G

The comment states concern for the more than 25 percent reduction in shallow water habitat and the overall net loss despite helping the SJWA with 15 acres of rehabilitation. The comment requests a depiction which shows where the ‘0 – 10’ water levels are now and where they will be after remediation.

Response 16G

Figure 3.3-7 shows the pre-drawdown shallow water areas (10 feet deep or less) and the proposed excavation area. Mitigation measure 3.3-9b encourages the avoidance of the shallow habitat areas within the borrow area, but even with mitigation, the Draft EIR concludes that over 25 percent of the pre-drawdown shallow water habitat could be affected. See response to comments 4F and 4L.

Comment 16H

The comment states the “Perris Waterfowl Analysis” is inadequate and that the Friends of the Northern San Jacinto Valley and Greg Cardiff from the San Bernardino Valley Audubon Society should have been contacted for more accurate lists. The comment asks if the list was shown to knowledgeable present and past employees of the SRA.

Response 16H

The Draft EIR includes lists of observed avian species in Tables 3.3-3 and 3.3-5. Table 3.3-5 is the Audubon Christmas Bird Count list, which includes over 10 years of surveys data. Although these lists are not intended to be exhaustive, they provide an overview of species that have been observed at the site. Table 3.3-7 includes sensitive species and evaluates their potential for occurring on site. These lists adequately summarize the potential for avian species, both common and threatened to occur on site.

Comment 16I

The comment requests that the nine bullet points that aquatic ecologist Mike Podlech recommends in Appendix C4 as mitigations be adopted with the word “shall”.

Response 16I

The recommendations included in Appendix C4 include short-term, construction phase and post filling phase. The short-term measures suggest that pre-drawdown monitoring, post-drawdown stocking, bag limits, and habitat enhancement would assist in managing the fishery. DWR has provided assistance to enhance the remaining shallow water habitat during the drawdown period. Mitigation Measures 3.3-8, 3.3-9a, and 3.3-9b implement many of the measures identified in Appendix C4 to minimize long-term impacts to the fishery.

Comment 16J

The comment questions whether the proposed project is really the environmentally superior alternative and if it serves the California Department of Parks and Recreation mission statement. The comment states that the Recreation Alternative would allow for an increase in opportunities for high-quality outdoor recreation, and as word spreads, generate more users at Lake Perris. The comment states that the effects on both the biological resources and humans from the proposed project’s noise and petroleum pollution from powerboats/jet skis, as well as human pollution, have not been taken in account in the Draft EIR.

Response 16J

The Draft EIR compares project alternatives in Chapter 6. The Draft EIR notes that the Recreation Alternative would permanently reduce the storage capacity of the Perris Reservoir as well as permanently reduce water recreation activities. For these reasons, the Draft EIR concluded that the Recreation Alternative did not meet all of the project objectives stated in Section 6.1.3, including maximizing beneficial uses of the facility. Table 6-2 has been revised to show that impacts to biological resources would be lessened with the Recreational Alternative, since the riparian impacts below the dam would be eliminated. The revised discussion of alternatives in Chapter 6 concludes that the Recreation Alternative would be the environmentally superior alternative rather than the proposed project. This revised conclusion is based in part on

the observations that the emerging habitat at the lowered lake level would over time replace the habitat values of the original lake shore. In addition, the riparian area below the dam would not be affected.

Comment 16K

The comment notes that Sierra Club would strongly object to the use of this environmental document to decommission the dam. The comment expresses concern that increasing the water level is needed to maintain ground water, but there is no study showing the potential for increased liquefaction for lands outside the SRA caused by leakage pre- and post-remediation of the dam.

Response 16K

The Draft EIR discusses the Dam Decommissioning Alternative on page 6-10. As summarized in Tables 6-1 the alternative would not meet several project objectives. As summarized in Table 6-2, the alternative would avoid some of the significant impacts of the project and result in some impacts that the proposed project would avoid. The analysis in Chapter 6 explains why the alternative was not chosen as the preferred project alternative. As discussed in section 3.7, the proposed project would not reduce groundwater levels below the dam or increase liquefaction hazards. If DWR intended to approve the Dam Decommissioning Alternative or the Increased Dam Capacity alternative, an additional CEQA assessment would be necessary to ensure that impacts of the alternative were analyzed in sufficient detail and mitigation developed if necessary to avoid or substantially lessen those impacts.

Comment 16L

The comment expresses concern about the project's impacts on air quality in the non-attainment area. In addition, the mitigation measures suggested by the South Coast Air Quality Management District (SCAQMD) need to be added to the measures included.

Response 16L

See response to comment 12A.

Comment 16M

The comment expresses concern about diesel trucks queuing up to get a load of dirt and inching forward every few minutes. The comment states that the "no idling for more than five minutes" condition would allow this long line of diesel trucks to be a non-ending source of pollution. The comment requests that DWR adopt or improve the following conditions of approval to address this issue: "All off-road equipment with a horsepower rating of 25hp or greater used during the remediation of the dam shall meet a minimum Tier 2 rating and 80% of aid equipment shall meet a minimum Tier 3 rating." The comment notes that this condition was recently accepted by another major project in the region.

Response 16M

See response to comment 12A.

Comment 16N

The comment requests a hard copy of the Final EIR and requests that DWR explain who the decision-making body will be and the location of the meeting(s). The comment requests that all

future meetings and documents be sent to the address Moreno Valley Group of the Sierra Club, 26711 Ironwood Avenue, Moreno Valley, CA 92555.

Response 16N

Section 1.2.6 of the Draft EIR describes the CEQA process implemented by DWR. DWR certifies Final EIRs through an action of the Director that is not conducted during a public meeting. Future notifications regarding the project will be sent to this address.

Comment 16O

The comment asks if there is any figure in the Draft EIR that shows the ownership of the lands in and around Lake Perris.

Response 16O

Figure 3.8-1 identifies designated land uses in the project area. Land ownership information is available at the Riverside County Planning desk. See response to comment 16C.

Letter 17 Responses: 46th District Agricultural Association, Lake Perris Fairgrounds

Comment 17A

The comment addresses the value of the Fairgrounds, the value of the Ramona Expressway visibility of the Fairgrounds, and the unique agricultural, educational, economic, social, entertainment and recreational opportunities provided by the Fairgrounds. The comment states the Fairgrounds act as an emergency resource, if necessary.

Response 17A

Comment noted.

Comment 17B

The comment states the 46th District Agricultural Association (DAA) is dependent upon income generated from the annual Southern California Fair, an Off-Track Horse Racing facility, facility rentals, parking revenues, associated revenue streams and sponsorships, leases and rental income from renters for economic stability.

Response 17B

Comment noted.

Comment 17C

The comment states the DAA has long-term contracts with a number of individual renters that would be adversely affected and financially impacted. The comment states that parking and traffic ingress and egress would be affected by the project.

Response 17C

See Section 10.3. The Draft EIR acknowledges on page 3.12-17 that the open channel alternative would significantly impact the Fairgrounds. The Draft EIR concludes that the Fairgrounds would remain functional and that the permanent removal of the 160-foot easement for the conveyance would remove some parking and the motocross facility. The underground alternative would avoid these permanent impacts.

Comment 17D

The comment states that existing structures are located within 150' to 300' of the north edge of Ramona Expressway.

Response 17D

The Draft EIR acknowledges in Figure 3.8-2 the proposed project would result in the removal of facilities within the 160-foot easement paralleling Ramona Expressway.

Comment 17E

The comment states the DAA has no additional land available to develop and that ongoing development of the property/programs and future ability to generate revenue will be substantially impacted. The comment states that the project may cumulatively and irreversibly affect the DAA's ability to sustain normal business operations. In addition, the prospect of the project moving forward has depreciated the value of the property and the ability to negotiate with current and future generation of renters. The comment also states that planned and un-planned investment in capital improvements/repairs to the property takes on an entirely new dimension of uncertainty.

Response 17E

See Section 10.3. The Draft EIR discusses the impact to the Fairgrounds on pages 3.8-13 and 3.12-17. The Draft EIR concludes that the open channel alternative would significantly impact the existing facilities on the site within the construction easement. The Draft EIR considers alternatives to the open channel alternative that would avoid these significant impacts. The underground alternative evaluated throughout the document would avoid permanent impacts to the Fairgrounds, but would be substantially more expensive to construct. Providing conveyance for an emergency release is a DSOD requirement to operate the dam. The easement across the Fairgrounds for a conveyance facility has been considered since the dam was completed in the 1970s. The Draft EIR acknowledges that existing land uses in the path of the conveyance may be significantly affected as DWR installs the essential conveyance extension. DWR will coordinate with the Fairgrounds to minimize impacts to its operations as stated in Mitigation Measures 3.8-1a through 3.8-1c. Effects to revenues and property values are not considered as environmental impacts in the Draft EIR. However, DWR will work closely with the Fairgrounds to minimize the long term reduction in property available for Fairground functions.

Comment 17F

The comment states that there are many other considerations that will require thorough identification.

Response 17F

See response to comment 17E.

Comment 17G

The comment states that the Project Background has disregarded the agricultural, educational, economic, and social, entertainment and recreational opportunities the Fairgrounds offer and that the complete context and social analysis be applied to the EIR process. The comment also states that the Draft EIR merely mentions the Land Use issue of the Fairgrounds and has minimal discussion addressing the economic and operational impacts.

Response 17G

See Section 10.3 and response to comment 17E.

Comment 17H

The comment asks why it is necessary to construct the Emergency Release Channel now when the dam has been in continual operation since 1974.

Response 17H

As noted on page 2-7 of the Draft EIR, DSOD requires that the dam have the ability to release 1500 cfs. When the dam was constructed, there was little development within the inundation zone that would be affected by an emergency release. With the remediation of the dam, DWR has re-evaluated the emergency release inundation and has determined that protecting the developed areas below the dam is a necessary priority. In the event of an emergency release, the outlet conveyance extension to the Perris Storm Drain would prevent substantial flood damage to commercial and residential land uses.

Comment 17I

The comment asks if the existing system of pipelines could be used to perform a controlled drawdown of the lake and what other systems are currently in place and if modifications can be made to the existing systems.

Response 17I

The emergency outlet conveyance must be capable of releasing at least 1500 cfs which provides substantially more capacity than Metropolitan's outlet facility can accommodate.

Comment 17J

The comment asks if an emergency drawdown through the proposed Emergency Outlet in the event of a catastrophic failure would make a substantial difference to public safety. The comment asks what consequences would arise if the channel were not constructed.

Response 17J

Figure 3.7-3 of the Draft EIR shows the estimated inundation zone if the dam were to completely breach (break) and the entire reservoir were to flow out. An emergency release is made as soon as the operator is aware the dam is in danger of breaching. The controlled release would lower the lake level quickly, significantly reducing or eliminating the extent of this inundation zone. If the

dam was to suddenly fail (full breach occurring within minutes), the emergency outlet would be of no value.

Comment 17K

The comment asks how the quarry operation and blasting affects will be mitigated.

Response 17K

Blasting would be necessary in the existing quarry within the Lake Perris SRA and for constructing the new Outlet Tower. Noise impacts from blasting are discussed on page 3.9-13. Mitigation Measures 3.9-1a through 3.9-1d would result in minimizing impacts. Mitigation Measure 3.9-1d requires that DWR prepare and implement an extensive blasting plan to minimize noise and ensure public safety.

Comment 17L

The comment asks what will be done to maintain the beneficial use of the Fairgrounds.

Response 17L

See Section 10.3. Mitigation Measures 3.8-1a through 3.8-1c will assist in minimizing effects to the Fairground. These measures require DWR to minimize the construction zone through the Fairgrounds to the extent feasible and to avoid construction activities during major events at the Fairgrounds. However, the Draft EIR acknowledges that these mitigation measures will not be sufficient to avoid the significant effects altogether. Installing the permanent open channel through the Fairgrounds will reduce the land available for Fairground activities, which is seen as a significant and unavoidable impact of the open channel emergency outlet conveyance extension alternative.

Comment 17M

The comment asks what the construction specifics of the channel are (i.e. design, alignment, timetables, security/safety, and maintenance) and what will be done to minimize impacts to the Fairgrounds.

Response 17M

Mitigation Measures 3.8-1a through 3.8-1c will assist in minimizing effects to the Fairground. These measures require DWR to minimize the construction zone through the Fairgrounds to the extent feasible and to avoid construction activities during major events at the Fairgrounds.

Comment 17N

The comment asks could the emergency release be through an underground pipe system.

Response 17N

See Section 10.3. The underground alternative is evaluated throughout the document.

Comment 17O

The comment asks could a retention basin system be excavated outside the lake or in front of the dam to provide greater ecological habitat.

Response 17O

A detention basin below the dam would not provide the conveyance to the Perris Storm Drain. The detention would essentially need to be a second dam which is infeasible at this location due to the geology of the surrounding area.

Comment 17P

The comment asks who will maintain the channel now and in the future and what landscape and beautification features will be part of the channel.

Response 17P

DWR would be responsible for maintaining the outlet channel. The Draft EIR discusses the aesthetics of the channel on page 3.1-6. Mitigation Measures 3.1-2a through 3.1-2c require DWR to prepare and implement a maintenance plan for the open channel that would include trash and graffiti removal. The measures also require DWR to coordinate with the City of Perris to ensure that the facility is properly maintained.

Comment 17Q

The comment asks what security measures and features will be built into the project.

Response 17Q

Access into the open channel would be controlled with a fence. Mitigation Measure 3.1-2c requires that DWR coordinate with the City of Perris to ensure that fencing is consistent with City guidelines.

Comment 17R

The comment asks how the infrastructure of the Fairgrounds will be addressed to maintain continuous operation. In addition, the comment asks how DWR will address the short-term, long-term, adverse and permanent factors on the Fairgrounds business model both on a tangible and intangible basis.

Response 17R

See Section 10.3. The Draft EIR discusses impacts to utilities serving the Fairgrounds on page 3.11-5. The Draft EIR notes that as part of the project DWR would conduct an underground utilities search to determine location of underground utilities. Utility services would be rerouted during construction to minimize temporary service interruptions. DWR would coordinate with local utility providers to minimize the service interruptions.

For a tunneled Emergency Outlet Extension through the Fairgrounds, DWR would coordinate with the Fairgrounds and tenants to minimize temporary disruptions to access and business operations during construction as provided in mitigation measures 3.8-1a, 3.8-1b, 3.8-1c and 3.12-4.

For a channeled Emergency Outlet Extension through the Fairgrounds, DWR would either relocate impacted Fairgrounds facilities and/or tenants pursuant to the California Relocation Assistance Act and/or the Federal Uniform Relocation Assistance and Real Property Acquisition

Act. The project would be designed to maximize compatibility with current uses and DWR would coordinate with the Fairgrounds and tenants to minimize adverse permanent impacts.

Comment 17S

The comment asks why Project Objectives fail to mention mitigating impacts to the Fairgrounds while specifically identifying an objective to “Maximize the beneficial uses of the Lake Perris SRA by restoring the reservoir to its pre-drawdown water levels”.

Response 17S

The project objectives include maintaining beneficial uses of the Lake Perris SRA. However, the Draft EIR acknowledges that the project would significantly impact the facility. DWR is equally committed to minimizing impacts to the Fairgrounds and will work with the Fairgrounds to minimize the impact. However, the Draft EIR acknowledges that in order to implement the proposed project, a permanent easement will be necessary across the Fairgrounds. See responses to comments 10E and 17R.

Comment 17T

The comment asks how the construction of the channel can not have substantial detrimental effects to the Fairgrounds.

Response 17T

The Draft EIR acknowledges on pages 3.8-13 and 3.12-17 that the open channel alternative would result in significant and unavoidable impacts to the Fairgrounds. Mitigation Measure 3.8-1a through 3.8-1c would lessen impacts, but the permanent removal of space for parking and for motocross is unavoidable for this alternative.

Comment 17U

The comment asks how traffic will be managed day and night, weekdays and weekends to avoid backups on Ramona Expressway and to accommodate daily fairground operations.

Response 17U

The Draft EIR discusses impacts to traffic in Section 3.13. Mitigation Measures 3.13-1 through 3.13-2c would ensure that traffic is not significantly affected. Mitigation Measure 3.8-1c would require that DWR coordinate with the Fairgrounds to limit construction activities during peak traffic events at the Fairgrounds.

Comment 17V

The comment asks what resources are available to the DAA to mitigate the damage that has already been put in motion and may further occur.

Response 17V

Currently no environmental impacts have occurred at the Fairgrounds attributable to the drawdown or the planning of the Perris Dam Remediation project. Any loss in revenues associated with reduced visitorship is not clearly related to the drawdown and is not considered to be an environmental impact according to the CEQA Guidelines. DWR is committed to working

with the Fairgrounds to lessen impacts wherever feasible while implementing this public safety project.

Comment 17W

The comment states the DAA supports actions taken to protect, upgrade, and restore the water delivery system.

Response 17W

Comment noted.

Comment 17X

The comment states that the DAA views the release channel project as permanently detrimental to all activities given the information and requests project objectives require extensive examination to incorporate acceptable objectives that reach beyond those identified in the Draft EIR.

Response 17X

See Section 10.3. The project objectives listed on page 2-7 serve as the guide for implementing the project. The purpose of the project is to ensure that Perris Dam is remediated to accommodate its designed capacity while ensuring public safety and preventing potential flood damage. See response to comment 10E and 17R.

Letter 18 Responses: Brian Flanagan

Comment 18A

The comment requests a copy of the EIR and asks when the job will go out to bid and what the scope of work will be.

Response 18A

Request noted. The commenter must contact DWR for information regarding bids and scope of work.

Letter 19 Responses: DEIR Public Meeting Oral Comments

Comments 19A

The comment states that the California State Parks appreciates the working relationship with DWR and agrees with the preferred alternative that is being presented in the Draft EIR.

Response 19A

Comment noted.

Comments 19B

The comment asks if the riparian area in front of the dam was formed because of the dam leaking and if seeping from underneath the dam will continue to occur.

Response 19B

The Draft EIR notes that dam seepage is likely to continue in the future and that it may result in shallow groundwater in areas that could support riparian vegetation. The Draft EIR does not consider that this additional seepage and possible creation of new riparian vegetation will mitigate for the loss of the existing riparian habitat below the dam.

Comments 19C

The comment requests that the seepage impact on the new berm be addressed as well as how the capacity of the lake is going to be increased by the borrow area. The comment asks how the capacity will compare to the capacity when the dam was first built, taking into account the borrow area and whether the lake got shallower. The comment also requests confirmation on whether the lake is actually shallower.

Response 19C

Approximately two million cubic yards of materials will be excavated from the borrow area, increasing the capacity behind the dam by approximately 1200 acre feet (400 million gallons). This is an increase in total storage behind the dam of less than one percent.

Comments 19D

The comment states that many people in the City of Perris were not informed about this meeting and suggests that the notice be made available closer to the dates of public hearings and that either the City of Perris or DWR needs to provide the information in the newspaper or Facebook to inform the residents.

Response 19D

In response to this comment an additional public Town Hall meeting was conducted at Perris City Hall on March 24, 2010. DWR placed ads in the Riverside Press-Enterprise on multiple days leading up to the public meeting. DWR also coordinated with the County Supervisor and Mayor of the City of Perris to better publicize the meeting. At this workshop, presentations were given on the liquefaction hazard and remediation proposal as well as the emergency procedures in place regionally to respond to major disasters.

Comments 19E

The comment states that the Draft EIR did not address questions and comments put forth two years ago by the commenter and associated organization. The comment expresses concerns about egress and access to the property during all times of construction. The comment also asks how the infrastructure will affect the fairgrounds, particularly utilities, and how the project would interrupt business, specifically the loss of revenue.

Response 19E

The Draft EIR acknowledges that the Fairgrounds would be significantly impacted by the open channel alternative through the loss property available for parking and the motocross. The Draft EIR discusses impacts to traffic in Section 3.13. Mitigation Measure 3.13-1 requires DWR to prepare a traffic control plan to ensure that traffic is not significantly delayed during the construction of the outlet channel. Mitigation Measure 3.8-1c requires DWR to coordinate with

the Fairgrounds to avoid traffic delays during major events at the Fairgrounds. Loss in revenues is not considered to be an environmental impact according to the CEQA Guidelines.

Comments 19F

The comment states the Draft EIR does not address permanent renters of motorcross facilities in the area doing business on the Fairgrounds. The comment asks if there are other alternatives to the emergency release channel, if there are existing pipelines that can be used and what the consequences are if there is no emergency release channel and conditions stay the same.

Response 19F

See Section 10.3 of the Draft EIR. The Draft EIR concludes that the motocross facility would be permanently reduced in size or eliminated due to the open channel alternative. Other alternatives are being considered by DWR that include the underground alternative. However, the costs of the underground alternative are substantially greater than the open channel. The purpose of the outlet conveyance extension is described on page 2-7. Without the conveyance extension, controlled releases would flood the entire Fairgrounds and impact Ramona Expressway and the residential area to the south.

Comments 19G

The comment asks if the City of Perris has a disaster plan in the event the dam breaks during a 7.2 earthquake and what the chances for survival are if the dam is not complete.

Response 19G

The City of Perris and County of Riverside are responsible for providing emergency services to the region. The Office of Emergency Services (OES) coordinates emergency notification and evacuation procedures with the City and County. Information on the OES is available at their website: www.oes.ca.gov. DWR has implemented a restriction on the water surface of the lake until a repair is completed. DWR believes that the current water level in the lake is sufficient to provide the needed level of safety to prevent a catastrophic failure even if a major earthquake were to occur before the repair is made.

Comments 19H

The comment acknowledges and states appreciation for the need to restore the dam to safer conditions. Commenter also states concerns with getting the recreation facility back to previous conditions, the aspect of the state park returning back to a reasonable level, and identifying mitigation for it.

Response 19H

Section 3.12 evaluates impacts to recreation at Lake Perris SRA. The proposed project would restore the reservoir water level to its original elevation. This would provide for similar recreation opportunities following completion of the project as were previously available prior to the lake drawdown, although as noted on page 3.12-17 the fisheries may not recover fully to the pre-drawdown condition. Mitigation Measures 3.3-8, 3.3-9a, and 3.3-9b implement many of the measures identified in Appendix C4 to minimize long-term impacts to fishery resources. Mitigation Measures 3.12-1a and 3.12-1b require DWR to assist Lake Perris SRA with restoring

visitorship and repair physical damage to the facilities caused by the drawdown. During the drawdown, DWR has implemented measures shown in Figure 2-4 to maintain recreation opportunities at the lake to the extent possible.

Comments 19I

The comment asks why the existing Metropolitan Water District easement to the east was not used as an option. This option would not have disrupted the Lake Perris Fairgrounds and business during construction.

Response 19I

DWR evaluated utilizing the MWD right-of-way through the residential community. The alignment alternative was rejected for numerous technical reasons. Primarily, the corridor is not wide enough to accommodate a new conveyance structure. There is very little space on either side of the existing underground Colorado River Aqueduct. In addition, mobilizing construction equipment within the alignment would be difficult since portions of the existing CRA conduit are unreinforced concrete, which limits loads that can be applied to the surrounding area.

Comments 19J

The comment asks about the impact on the wells downstream, including the well acquired by a private water company by the City of Perris, the wells owned by Eastern Water District, and owned by private farmers/landowners downstream.

Response 19J

DWR does not supply groundwater to the neighboring areas. The project would not change the existing condition. Seepage will continue below the CDSM walls proposed to remediate the dam. The Draft EIR discusses this issue on page 3.7-10. The Draft EIR concludes that the project would not impair access to groundwater in neighboring areas.

Comments 19K

The comment states that an alternative for the Mid-County Parkway, a proposed transportation corridor to relieve traffic congestion for east-west travel in western Riverside County, , was deleted due to the problems associated with fixing the dam. The commenter requests that this alternative be analyzed.

Response 19K

One of the early alternatives for the Mid-County Parkway was near Perris Dam. DWR did raise concerns over this route because of the impact to the dam, not necessarily because of the issues associated with remediation of the dam. Since that time, the Riverside County Transportation Commission has modified the alternatives and recirculated the Draft Environmental Impact Report for that project. The alternative near the dam has been removed from consideration.

Comments 19L

The comment states that the project will create a lot of problems and disruption for the populous (i.e. noise, dust). This should be addressed for the surrounding community and ensure they are aware of public meetings and discussions. The comment also addresses displaying information of the process.

Response 19L

The Draft EIR acknowledges in Section 3.9 that the project will result in temporary significant nuisance noise impacts to park visitors. However, the nearest residences will not be adversely impacted by construction due to the distance from the construction zone. Regarding noise and dust, please refer to the responses to comments 3A and 5I.

Comments 19M

The comment suggests that there should be more public meetings to address public safety.

Response 19M

See response to comment 19D.

Comments 19N

The comment asks if the solution presented in the Draft EIR will fix the problem.

Response 19N

The proposed repair of the dam will increase the factor of safety of the dam embankment to a satisfactory level acceptable by the Division of Safety Dams, the regulatory agency for dams in California.

Comments 19O

The comment asks if building the proposed stability berm in front of the dam will prevent the crumbling of the dam in an earthquake.

Response 19O

The purpose of the proposed project is to ensure the dam can withstand the maximum earthquake predicted for the site.

Comments 19P

The comment asks if the existing dam will slump due to potential liquefaction below in the event of an earthquake.

Response 19P

The purpose of the proposed project is to ensure the dam can withstand the maximum earthquake predicted for the site. Please see Section 2.2.3 of the Draft EIR for further information.

Comments 19Q

The comment asks what the turnover time for water in Lake Perris is when an acre foot of water enters.

Response 19Q

Lake Perris supplies water to the Metropolitan Water District of Southern California, Coachella Valley Water District, Desert Water Agency, and Perris recreation facility (i.e. landscaping and mitigation). Deliveries at any given time are based on water allotment agreements and the needs of the water agencies. DWR makes continuous deliveries from Lake Perris, except when maintenance and repair outages are necessary. Looking at the current reservoir and dam seepage

alone, which is collected and delivered to MWD, three to four acre-feet of water flows out of the reservoir each day. The actual detention time of water entering the reservoir is almost impossible to calculate given the complexities of the lake hydraulics combined with continuous, but fluctuating water deliveries.

Comments 19R

The comment requests the names of DWR staff to be contacted for a response to the question and states that the commenter should not be required to wait for the Final EIR for a response.

Response 19R

The commenter was given the names of David Panec and Jeanne Kuttel to contact with questions about the facility. Their contact information is provided below:

David Panec: (916) 653-0772

Jeanne Kuttel: (916) 653-7336

Comments 19S

The comment asks how land containing riparian and wildlife area for the construction of the second dam will be replaced.

Response 19S

As described in Section 3.3 of the Draft EIR, DWR will compensate for loss of riparian habitat at a ratio approved by CDFG and USFWS. DWR will comply with the Western Riverside County MSHCP, managed by the RCA.

Comments 19T

The comment asks if there is a percentage breakdown available for the effectiveness of the proposed repair and what the overall impacts are to the community.

Response 19T

No specific percentage breakdown exists. The proposed dam remediation would significantly reduce the risk of dam failure. Ultimately, the remediation design and implementation would require approval of the California Division of Safety of Dams.

Comments 19U

The comment asks what the impact is to the community after implementing mitigation.

Response 19U

Once the dam has been remediated, the risk of dam failure will be minimal.

Comments 19V

The comment asks if all three construction aspects proposed will happen simultaneously.

Response 19V

Construction may occur simultaneously, although the dam remediation project would be the first to start. Table 2-1 shows construction duration estimates for each project component.

Comments 19W

The comment asks when the dam will be returned to full capacity.

Response 19W

Estimated construction duration is included in Table 2-1. The dam remediation is expected to be complete by 2014.

Comments 19X

The comment asks if the filling of the dam is contingent on all three phases of the proposed project being completed.

Response 19X

Prior to filling the reservoir to its original level, the dam remediation and outlet tower rehabilitation will need to be complete. The outlet conveyance extension could be completed at a later date.

Comments 19Y

The comment asks how the downstream wells will be affected.

Response 19Y

The Draft EIR discusses this issue on page 3.7-10. The Draft EIR concludes that the project would not impair access to groundwater in neighboring areas.

Comments 19Z

The comment asks how much water will be pumped out, where the water goes after being pumped out, and whether the water returns back in the lake or if it is going to go into the flood control system.

Response 19Z

Section 2.2 describes how the Perris Reservoir is operated. SWP water is delivered to the reservoir via the Santa Ana Pipeline. Water is delivered to Metropolitan from the reservoir for treatment and distribution. Groundwater extracted from the dewatering wells will be conveyed to Metropolitan's system or returned to the lake.

Comments 19AA

The comment asks if other alternatives were studied and if so, what those alternatives are.

Response 19AA

Chapter 6 of the Draft EIR summarizes alternatives evaluated. Alternatives include Reduced Capacity Alternatives, an Increased Capacity Alternative, and Decommissioning of the Dam.

Comments 19BB

The comment asks why Metropolitan's right-of-way channel was not considered as a route and why reasoning is based on the fact that the right-of-way is not owned. The comment also states why a compromise cannot be made with DWR and Metropolitan for this access and use.

Response 19BB

See response to Comment 19I.

Comments 19CC

The comment asks if the EIR is available in any language other than English.

Response 19CC

The Draft EIR is only available in English. The Executive Summary has been translated into Spanish and is available on the DWR website: <http://www.water.ca.gov/lakeperris/docs/LagoPerris.doc>. While translation of the entire Draft EIR into other languages is not planned, if details about this project are needed in a language besides English, DWR will work to provide translator services on a case by case basis.

Comments 19DD

The comment asks if someone were to call the Department, if there would be someone available who can speak another language.

Response 19DD

DWR will work to provide translator services on a case by case basis. The language spoken and personnel resources available may affect the timeliness of the reply.

Comments 19EE

The comment states that the new evacuation canal is going to be smaller than the existing emergency gate. The comment asks if this is due to the Perris Channel only being able to hold 1500 cubic feet per second for the emergency evacuation water. The comment asks if that is why the emergency channel is being downsized.

Response 19EE

When originally designed by DWR in the 1960's, Perris Dam was to be larger than the current dam. The outlet valve was sized for that larger reservoir. DSOD requires the dam have an emergency outlet valve capable of evacuating 10 percent of the water level on the dam in 10 days. Given the existing reservoir capacity at the 1588 elevation maximum pool, the needed flow capacity to meet this requirement is 1500 cfs. DWR intends to design the capacity of the channel to convey the evacuated flows to meet the 1500 cfs requirement.

Comments 19FF

The comment asks if the downsizing of the emergency channel is contingent upon the Perris Channel.

Response 19FF

The size of the outlet conveyance extension is determined by DSOD and not the capacity of the Perris Drain.

Comments 19GG

The comment states that the heaviest rain this year occurred and Ramona Expressway and Rider could not contain the water. There is concern that in an emergency that these two outlets cannot contain it, as seen with the example of the flooding from the recent rain storm.

Response 19GG

The Draft EIR discusses storm drainage along Ramona Expressway on page 3.7-11. The need for the emergency release conveyance is extremely low. The likelihood that this release would occur during a peak flood event is extremely low.

Letter 20 Responses: Vincent Agnifili (comment card)

Comment 20A

The comment states that there is already a system of pipelines and asks if they could be used to perform a controlled or emergency release. The comment asks what the consequences of not constructing the channel are.

Response 20A

If there were a controlled release the pipelines downstream would be drawing as much of the storage as they could from the reservoir. If the existing system of pipelines, powerplants and pumping plants downstream of the dam were to become inoperable by an earthquake (which is the most likely occurrence in which there would need to be a controlled release) then there would be no way to safely convey the required release.

No conveyance currently exists from the outlet valve to the Perris Drain. Without the conveyance extension, the Fairgrounds, Ramona Expressway and potentially the residential areas south of the Ramona Expressway could be inundated.

Comment 20B

The comment states that traffic impacts to the fairgrounds have not been addressed.

Response 20B

Traffic impacts are discussed in section 3.13. Mitigation Measures 3.13-1 through 3.13-2c would ensure that impacts to traffic near the Fairgrounds are minimized. Mitigation Measure 3.8-3c requires DWR to coordinate with the Fairgrounds to avoid construction activities during major events.

Letter 21 Responses: Marion Ashley (comment card)

Comment 21A

The comment asks if DWR considered using MWD's easement to the east for the overflow channel instead of the southern portion of the fairgrounds property.

Response 21A

See response to comment 14D.

Letter 22 Responses: Sue Nash (comment card)

Comment 22A

The comment asks how much safer the dam will be compared to current conditions and what is the percentage of a dam failure.

Response 22A

The remediation of the dam will reduce risk of dam failure to acceptable levels set by DSOD.

Comment 22B

The comment requests that the EIR should compare the acre-feet increased capacity of the Increased Capacity Alternative and the increased capacity in the Preferred Alternative gained by the borrow area.

Response 22B

The Perris Dam reconnaissance Study evaluated the use of the facility for increased storage. See response to comment 19C.

Letter 23 Responses: Lee Cussins

Comment 23A

The comment states that the Draft EIR is inadequate with respect to the Lake Perris Bike Trail, specifically the 10 mile mostly paved trail around Lake Perris that a significant number of individuals use every day. The Draft EIR does not mention the trail closure at the construction site or the proposed mitigation.

Response 23A

The Draft EIR acknowledges that the east side of the reservoir will be closed during construction including the bike trail. Impacts to biking are discussed on page 3.12-15. The Draft EIR notes that after construction, the new road over Bernasconi Hills will be converted for use as a bike trail.

Comment 23B

The comment states that proposed plans or discussion on improving the bike path should be formalized.

Response 23B

The Draft EIR notes on page 3.12-15 that as part of the project, the Bernasconi Pass road will be converted to use as a bike path.

Comment 23C

The comment notes that the winter rain of 2010 has damaged the trail over the hill. The comment assumes that this will be repaired well before construction begins.

Response 23C

The trail over Bernasconi Pass is not maintained by DWR. The proposed project would substantially alter the trail from its current condition. The converted trail will be in a condition suitable for biking, but the converted trail will not be maintained by DWR.

Letter 24 Responses: David Dorado

Comment 24A

The comment states that a widespread, shallow (<6 feet), non-shore region of land needs to remain for aquatic plant life due to the breeding nature of migratory fowl. This will allow the birds to grow and provide an offshore isolated subsurface “island” for the birds to be able to build nests, be protected from people and predators from shore, and also be protected from boat wakes.

Response 24A

The Draft EIR acknowledges the project’s potential to reduce shallow water habitat on page 3.3-78. Mitigation Measures 3.3-9a and 3.3-9b would minimize impacts to waterfowl to less than significant levels since ample foraging opportunities will remain on the reservoir following construction. See response to comment 4F.

Comment 24B

The comment states that the haul road should be constructed at a distance of approximately 20-25 feet from the shoreline with a thick layer of shoreline plant growth to camouflage vehicles and trucks driving by. A “natural blind” area would reduce impacts on the aquatic birds near shore, especially feeding and fear impacts.

Response 24B

The haul road will be cleared within the exposed lakebed. In areas where willow scrub woodland habitat is emerging near the lake shore, the road will maintain a maximum distance. Mitigation Measure 3.3-1a requires these emerging habitats to remain in place during construction to provide temporary mitigation for the loss of high quality riparian habitat on the original lake shore.