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October 21, 2019

City of Menifee,
Attn: Ryan Fowler, Senior Planner
29844 Haun Road
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(951) 723-3740
rfowler@cityofmenifee.us

Re: Comments on Draft Environmental Impact Report (DEIR):
General Plan Amendment No. 2016-287
Change of Zone No. 2016-288
Specific Plan No. 2016-286
Tentative Tract Map No. 2016-285 (TR 37131)
Collectively "Rockport Ranch" or "the project"
Request for Notice

Dear Mr. Fowler,

I am writing to comment on the Draft Environmental Impact Report prepared in connection with the Rockport Ranch project and the planning applications referenced above.[1] These comments supplement the concerns raised at the Scoping Meeting held on September 14, 2017, and a comment letter submitted by the undersigned dated October 4, 2017. 6a

In keeping with my earlier comments, I remain concerned by the unmitigated loss of agricultural land, the depletion of the underground aquifer through creation of the man-made lake, and possible environmental issues related to methane and/or nitrates remaining in the soil following cessation of dairy activities. 6b

A. Conversion of the property from Agriculture to Specific Plan

Both the Initial Study and the CEQA Environmental Checklist form acknowledged the impact to agricultural resources were "potentially significant." The IS further acknowledged CEQA checklist items V.2 a, b and e would have a "potentially significant impact." (DEIR pages 126, 754). Nonetheless the DEIR concludes "the Project is not forecasted to cause any 6c

[1] Draft Environmental Impact Report available at http://www.cityofmenifee.us/DocumentCenter/View/8640/Draft-EIR---8-2019. References to the DEIR and attachments shall be to PDF page numbers in the online documents.

significant adverse impacts to agricultural resources or resource value. No unavoidable impact to agricultural resources will result from implementing the Project." DEIR page 26. 6c cont.

The DEIR suggests this conclusion based entirely on the Agricultural Land Evaluation And Site Assessment (LESA), Appendix B to the DEIR. LESA refers to a methodology with quantitative results than can be useful in conducting a CEQA analysis, and is intended to provide lead agencies with "an optional methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process." Instruction Manual for the California Agricultural Land Evaluation And Site Assessment Model prepared by California Department of Conservation, (citing Public Resources Code Section 21095) available at https://www.conservation.ca.gov/dlrp/Documents/lesamodl.pdf. Select pages of the Instruction Manual are attached hereto as Exhibit A. LESA methodology can be helpful, but standing alone does not provide a definitive determination of the impact of conversion of agricultural land. 6d

The LESA model assigns quantitative ratings to six factors: two land evaluation factors and four site assessment factors. If either score is less than 20, the effect is "not considered significant." See Exhibit A, page 12. The ratings assigned to the Rockport Ranch project are described in the DEIR beginning on pages 4.3-7. Although the LESA analysis involves several factors, I would like to focus on the water resources component. 6e

Per the DEIR, the project's LESA score is 40.357, with Land Evaluation (LE) factors (a combination of Land Capability Classification and Storie Index factors) having a total of 22.357 and Site Assessment (SA) factors having a total of 18. This latter number is critical because since it is below 20, this suggests a finding that the project impact is not significant, even though the combined number would suggest a different result. 6f

Some of the SA factors are purely quantitative -- Project Size and the amount of surrounding land dedicated to farmland (Surrounding Agriculture). These numbers seem correct. Protected Resource Land is given a score of zero. However, the Water Resource Availability is more problematic. 6g

Without providing a table indicating the other options available, the report concludes the "Project site is classified as Option 11." See Exhibit A, page 7 for a listing of all options. Option 11 is defined as land where irrigated production is feasible; but physical and economic restrictions exist. In drought years, irrigated production is not feasible." The report goes on to explain, 6h

> "This is because the well that supplies water on site contains high levels of Total Dissolved Solids (TDS) over 2,000 parts per million (ppm), which is considered severe and will restrict crop growth. The well water would need to be filtered or supplemented with potable City water and then blended. Both options are cost prohibitive for agricultural production." DEIR page 143, Appendix B page 12.

But irrigation need not be limited to potable water. The Eastern Municipal Water District (Menifee's water provider) is widely viewed as an industry leader in use of recycled or reclaimed 6i

water. Appendix B1.[2] The EMWD regularly uses 100 percent of its recycled water supply within its 555-square mile service area. EMWD is one of the largest by-volume recyclers in the nation. About 75 percent of EMWD's recycled water is sold to agricultural, irrigation, landscaping and industrial customers – at reduced rates. Reclaimed water is currently used in the cultivation of potatoes, lettuce, carrots, tomatoes, strawberries, sugar beets, grain crops, citrus, avocado, grapes, sod farms, fiber, fodder, seed crops and ornamental nursery stock within the EMWD's coverage zone. See Exhibit B2. Because of the reclaimed water program, irrigation during drought years is both physically possible and economically practical.[3] Completely missing from the LESA analysis is any recognition that the project site is connected to the EMWD's reclaimed water lines, and that use of reclaimed water for irrigation purposes is not just possible, but required whenever possible. Section 5.602 of the EASTERN MUNICIPAL WATER DISTRICT ADMINISTRATIVE CODE, amended by Resolution No. 2015-034 on May 8, 2015 sets forth "(a) Mandatory Use Requirements Policy [to wit]: 6i cont.

> (1) "Recycled water (or other non-potable) supplies shall be used to the maximum extent possible for any approved use." Approved recycled water uses listed below include, but are not restricted to: . . . . • Agricultural irrigation…Exhibit B4

Given the EMWD's strong program to make reclaimed water economically feasible for agriculture, to summarily reject the possibility that irrigation could be used during drought years seems incorrect. With reference to the viability of agriculture, nitrates do not necessarily preclude use of the water for agriculture, as nitrates are found in fertilizers commonly used for agriculture. Given the volume of water predicted to evaporate from the man-made ornamental lake on an annual basis, an alternative and perhaps better use of that precious resource might be agriculture, or at least irrigation of a community garden. 6j

Based on the conclusion that irrigation in the project area is not feasible, the LESA and the DEIR conclude the final Water Resource Score for the project site is 30. Review of a more complete table reflecting Water Resource Scoring (Exhibit A, page 7) suggests a more appropriate score for the project is likely to be 100 – Irrigated production is feasible in both drought and non-drought years, and there are no physical or economic restrictions. If this seems overly generous, at a minimum it must be recognized that irrigated production is feasible in both drought and non-drought years, even if physical and/or economic restrictions exist. If just economic restrictions exist, the score should be 95 (option2) (or 90 if economic restrictions apply in non-drought years, i.e. option 3). Or if for some reason both physical and economic restrictions are deemed to exist in drought years–the <u>lowest</u> possible score that should be assigned for this factor is 65 (not 30). This small change completely changes the LESA analysis. 6k

Using the revised water resource availability score, the SA score is either 28.5, 27.75 or 23.25 (meaning both the LE and SA scores are above 20) and the overall score would be either 50.857, 50.107or 45.607. This minor adjustment to the LESA analysis requires a completely 6l

[2] Exhibits B1 –B4, attached hereto are available at the EMWD website, https://www.emwd.org/recycled-water-service and related pages.

[3] It should be noted that the Abacherli Dairy was listed as the Eastern Municipal Water District's fourth largest agricultural customer in a 2014 offering circular. See Exhibit B3.

different conclusion – using either of these numbers yields a conclusion the conversion of this farmland **is significant**. See Exhibit C for a recalculation of the final LESA score using these alternative assumptions, and Exhibit A, page 12 for LESA scoring thresholds. 6l cont.

The revised LESA indicates the conversion of the farmland to development is significant, and mitigation is appropriate. I would simply ask the Planning Department and the City Council to reconsider the findings in this area, and consider mitigation measures, which could include conservation of nearby farmland, or a retooling of the project to include an agricultural component—such as to create a community garden in lieu of the man-made lake. In considering mitigation, the City should be conscious that preservation of farmland is an important goal in Riverside county and in the state of California. 6m

B. **Groundwater issues**

Although the Menifee Valley fortunately is situated over a large aquifer, recent droughts have demonstrated that the aquifers are not unlimited. The Planning Division and City Council should seriously consider whether it is an appropriate use of California's most precious natural resource to continue approving new subdivisions with ornamental lakes that lose large amounts of water to evaporation each year. As noted, the relatively small lake proposed for this project is itself predicted to lose 6,100,384 gallons to evaporation annually; when loss from seepage is included, the annual figure for lost water is predicted to be 13,635,579 gallons. DEIR Appendix J4, page 1. 6n

The LESA also raises questions about the groundwater on the project site. The LESA indicates the well water is unusable for irrigation because of the nitrates built up during the dairy era. If the aquifer that the well draws from is polluted with Nitrates that is a serious environmental problem that does not appear to be adequately addressed in the DEIR. The LESA hints at environmental health risks caused by the presence of high levels of methane in the soil. These could be substantially exacerbated by the grading required for creation of the lakes, and suggest the proposed lake could become contaminated and cause an increased health risk. High concentrations of nitrates in the soil and groundwater of a former dairy is not surprising, and typically accompanies high methane levels in soil (which is documented in the Methane report, Appendix H). But the presence of nitrates in the well water (and possibly in the aquifer) do not appear to be addressed at all in the appendices devoted to water quality and hydrology issues (Appendices J1, J2a, J2b, J3 and J4), or more generally in environmental review of the site[4] Moreover, the review of Methane issues primarily concerns construction and grading, but does not address potential negative effects of Methane in the soil over the long term. Negative effects of Methane and Nitrates in the soil can be expected to last for decades, and cannot be limited to just a grading issue as discussed in the Methane appendix. Issues related to methane and nitrates are illustrated in articles attached hereto as Exhibit D. 6o

[4] Please note that the EMWD "will serve" letter (Appendix J3), dated March 12, 2018 with a one year expiration notice, has expired.

C. **Impact on Cultural Resources**

Possible cultural resources of Native Americans are being addressed through participation of tribal monitors in the cultural assessments. My concern is with the limited analysis provided of the historic period, from the late nineteenth century when there was dry farming and ranching in the area. This is particularly relevant as a structure was apparently located on the southern part of the property dating back to 1901 (the remains of which may have been destroyed in preparation for the new project). Although some specific context for the project site is provided in Appendix E-1, Cultural Resources Assessment, including a one page summary of Menifee Valley History, no information is provided on whether the project site was part of one of the early farms or ranches referenced. A few of the early ranchers in the historic period are mentioned—such as Robert Kirkpatrick and William Newport—a title search could have easily provided information as to early owners/settlers on the site, As the Callie Kirkpatrick elementary school (located on part of Robert Kirkpatrick's original holdings) is not far from the project, it is possible the site formed part of the 3000 acres under Kirkpatrick's control. In addition, the history of the Dairy (and ranch house) that operated on the property for at least 37 years and elsewhere in Riverside County for nearly a century is relevant to this analysis. 6p

The review of the trees on the site also seems to ignore the historical context, evaluating the trees only for their value as unique or native trees, and based on age. But the arborist's analysis does not take into account the more nuanced definition of a heritage tree in Menifee's Municipal Code Section 9.86.020: "Heritage trees such as those with certain characteristics (age, size, species, location, historical influence, aesthetic quality or ecological value) receive special attention and preservation efforts." In particular, the Eucalyptus trees along the south of the property—which are simply described as volunteers—no doubt have developed from the extensive eucalyptus tree planting in the nineteenth century. An issue of Rural Californian, Volume 31, page 105 references William Kirkpatrick demonstrating the excellent growth of his Eucalyptus. See Exhibit E. 6q

D. **Alternatives Analysis**

The alternatives analysis reflects findings that the project will cause no significant environmental effects. This is problematic as discussed above. Also, the chief rationale for rejecting the lower density project is that it is economically unfeasible – but it has not been analyzed to a sufficient degree to make such a determination. Moreover, no real attempt has been made to develop an agriculture related alternative or a lower density alternative. An Environmental Impact Report ("EIR") should include a reasonable range of alternatives that could attain most of the basic objectives of the project while avoiding or lessening the significant effects of the project. The alternatives analysis is "the core of the EIR." In re Bay Delta, (2008) 43 Cal. 4th 1143. This DEIR has not provided a range of alternatives as required. 6r

E. **Request for future notice.**

We request all notices of documents or hearings related to this proposed project and urge the Agency to reconsider the DEIR in light of the above. 6s

Sincerely,

Jan L. Westfall

Cc: Sarah Manwaring, City Clerk (smanwaring@cityofmenifee.us)

Exhibits A – Attached.