

CALTRANS  
United States Department of Transportation  
Federal Highway Administration

**RECORD OF DECISION**

**California State Route 91 Corridor Improvement Project**  
SR-91 and I-15 in Orange and Riverside County, California  
Post Miles: ORA-91-R14.43/R18.91; RIV-91-R0.00/R13.04; RIV-15-35.64/45.14  
EA: 08-0F540

This Record of Decision (ROD) was developed pursuant to 40 *Code of Federal Regulations* (CFR) 1505.2 and 23 CFR 771.127. The California Department of Transportation (Caltrans), in cooperation with the Riverside County Transportation Commission (RCTC), have identified the need to improve the vehicle, person, and goods movement within the State Route (SR) 91 corridor to more effectively serve existing and future travel demand between and within Riverside and Orange counties; to provide improvements along the SR-91 transportation corridor, as well as to related local roads; and to reduce the diversion of regional traffic from the freeways into the surrounding communities.

The project's purpose and need are described in detail in Chapter 1 of the SR-91 Corridor Improvement Project (CIP) Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) approved in August 2012. The Notice of Availability for the Final EIR/EIS was published in the *Federal Register* on August 24, 2012, and a 30-day review period closed on September 24, 2012.

The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated December 23, 2016 and executed by FHWA and Caltrans.

**A. Decision**

This ROD approves a portion of the Ultimate Project of the Preferred Alternative identified in the Final EIR/EIS (Alternative 2, Design Variation f, referred to as "Alternative 2f"). After public review of the Draft EIR/EIS and full consideration of the technical studies prepared, public comments, and agency input, and after comments on the Final EIR/EIS were considered, Caltrans, as National Environmental Policy Act (NEPA) lead agency, selected Alternative 2f, also known as the "Ultimate Project" for the widening and improvement of the SR-91 corridor. This was based on the ability of this alternative to meet the project purpose and need; travel time savings; consistency with system planning; environmental impacts; funding availability; community input; and coordination with regulatory agencies and local stakeholders including Riverside County, Orange County, and the cities of Riverside, Anaheim, Yorba Linda, Corona, and Norco.

Alternative 2f, also known as the Ultimate Project, was proposed to be constructed in phases based on the funding available. A ROD for the Initial Phase was approved in October 2012, as funding was only available for the Initial Phase. The October 2012 ROD indicated that a future ROD would be required as funding becomes available to complete the Ultimate Project. Funding is now available to advance projects for implementing additional improvements to complete the Ultimate Project. The needed improvements to take the Initial Phase to the Ultimate Project are programmed to occur on (1) SR-91 from SR-241 to SR-71, which would include construction of one general purpose (GP) lane in each direction; (2) SR-91

from Interstate 15 (I-15) to Pierce Street, which would include one GP lane in each direction; (3) I-15 from Ontario Avenue to Cajalco Road, which would include extending the Express Lane to Cajalco Road; and (4) I-15 between SR-91 and Hidden Valley Parkway, which would include direct connectors between SR-91 eastbound (EB) to I-15 northbound (NB) and I-15 southbound (SB) to SR-91 westbound (WB). This is the third ROD for the SR-91 CIP “ultimate” project and is for the next phase. This ROD is for the SR-91 Corridor Operations Project (COP) portion of the Ultimate Project, with post miles 12-ORA-91-R17.36/R18.88 and 08-RIV-91-R0.0/R0.54. A Re-evaluation/revalidation of the SR-91 CIP Final EIR/EIS was completed for the COP, which included an updated Environmental Commitment Record (ECR) and was approved in March 2020. The funding sources include local initiatives and toll revenue collected from the SR-91 Express Lanes.

## **B. Project Description**

The SR-91 CIP (EA 0F540) was approved in 2012. As stated in the Final EIR/EIS, implementation of the project will be in phases over a 20-year period, beginning with an Initial Phase and culminating with completion of the Ultimate Project by 2035. Separate phases would be identified and programmed to incorporate the components of the improvements on SR-91 and I-15 between the Initial Phase and completion of the Ultimate Project by 2035, as funding becomes available.

RCTC, in cooperation with Caltrans, is proposing operational and safety improvements by constructing a portion of the SR-91 CIP Ultimate Project on WB SR-91 from Green River Road WB onramp to SR-241 to alleviate traffic congestion in this area (ORA Post Mile R17.36 to R18.88, RIV Post Mile R0.0 to R0.54). This portion of the Ultimate SR-91 CIP is being described as the SR-91 COP. As stated in the 2019 Federal Transportation Improvement Program (FTIP), the total programmed cost for the SR-91 COP is \$41,000,000. The 91 COP consists of the following project components:

- Adding a GP lane approximately 2 miles in length in the WB direction on SR-91 from Green River Road WB onramp to SR-241. This lane would terminate at SR-241. This would involve adding approximately 9 to 10 feet of outside widening to SR-91 at some locations and restriping in others
- Widening the County Line Creek Undercrossing (UC)
- Constructing new retaining walls approximately 3,200 feet in length and approximately 6 to 28 feet in height on the north side of SR-91
- Reconstructing a portion of Green River Road
- Replacing overhead signs
- Adding high mast lighting on the north side of the outside barrier

Environmental impacts associated with the Ultimate Project were analyzed in the SR-91 CIP Final EIR/EIS. Thus, most of the project components of the 91 COP portion of the SR-91 CIP have been analyzed under the Ultimate Project analysis. However, updates to several environmental resource areas are required due to passage of time, modification in design due to partial implementation of the Ultimate Project, and changes in the environmental setting and regulations. These changes are being analyzed with a Revalidation of the analysis conducted in the Final EIR/EIS to ensure no new significant environmental impacts would occur as a result of implementation of the COP portion of the SR-91 CIP and that there would be no need to prepare a Supplemental EIR/EIS. The Revalidation and Record of Decision (ROD) will be available online at RCTC’s website.

### **C. Section 4(f)**

Appendix B in the Final EIR/EIS, Resources Evaluated Relative to the Requirements of Section 4(f), discusses several Section 4(f) properties associated with the Ultimate Project. One resource, the Santa Ana River Trail, is in the vicinity of the COP portion of the SR-91 CIP. Section 4(f) of the U.S. Department of Transportation Act of 1966 prohibits transportation agencies to use or convert publicly owned recreation area for transportation purposes. For the SR-91 CIP Initial Phase, Section 4(f) coordination was initiated with the County of Orange and the City of Corona regarding an area of the Santa Ana River Trail near Green River Road. Through this coordination, it was determined that no impacts would occur to the trail.

For the SR-91 COP portion of the SR-91 CIP Ultimate Project, coordination was initiated again due to potential impacts to the parking lot along Green River Road and the Santa Ana River Trailhead. Caltrans proposed these impacts would be categorized as temporary occupancy with *de minimis* impact. Through coordination efforts during October 2019 through January 2020, County of Orange Parks and Recreation and Public Works, and City of Corona Recreation Services and Public Works concurred with Caltrans' determination. Attachment 5 in the Revalidation includes Section 4(f) coordination and concurrence documentation.

### **D. Summary of Beneficial Environmental Impacts**

The COP portion of the SR-91 CIP would enhance the movement of people and goods, public safety, and security through the improvement of driving conditions on SR-91, and it would also improve travel times and travel speeds, and provide consistency with system planning.

### **E. Summary of Adverse Impacts and Measures to Minimize Harm**

The COP portion of the SR-91 CIP would have construction and operational impacts. Chapter 3 of the Final EIR/EIS provided a detailed discussion of potential impacts resulting from the project and identified specific measures to avoid, minimize, and mitigate impacts. The approved Re-evaluation/Revalidation completed in March 2020 for the COP portion of the SR-91 CIP analyzed the project design changes. Adverse project impacts and measures are summarized below.

No additional impacts or measures to minimize harm related to the following resource areas were identified for the COP portion of the SR-91 CIP:

- Land Use
- Growth
- Farmlands/Timberlands
- Community Impacts
- Utilities/Emergency Services
- Traffic and Transportation/Pedestrian and Bicycle Facilities
- Cultural Resources
  - The proposed project improvements are within the previously designated area of potential effects (APE) for the SR-91 CIP. Of the 24 cultural resources identified in the SR-91 CIP, only 1 cultural resource is within the SR-91 COP APE: Green River Camp (CA-RIV-65321-1/33-10819). As described in the 2010 SR-91 CIP Historic Properties Survey Report (HPSR), archaeological testing completed in 2001 for the site resulted in the determination that the integrity of the site had been compromised by construction. The site was determined not eligible for the National Register of Historic Places, with California State Historic Preservation Officer concurrence in

2001; therefore, the site was not re-evaluated as part of the SR-91 CIP project. The SR-91 COP would not change this determination. Therefore, the original HPSR and Supplemental HPSRs remain valid and the finding of effect (No Adverse Effect) remains valid. The SR-91 COP portion of the SR-91 CIP would be consistent with what was analyzed in the SR-91 CIP Final EIR/EIS.

No new avoidance, minimization or mitigation measures (AMMs) are required.

- Hydrology and Floodplains
- Water Quality and Stormwater Runoff
- Geology/Soils/Seismic/Topography
- Paleontology
- Hazardous Waste/Materials
  - Updated information about potential hazardous material/waste sites that could affect the project site was analyzed in an *Initial Site Assessment (ISA) Addendum* that was approved in April 2019. No new hazardous waste/materials impacts were identified, and no new AMMs were determined to be required.
- Air Quality
- Energy
- Invasive Species
- Relationship between Local Short-Term Uses of the Human Environment and the Maintenance and Enhancement of Long-Term Productivity
- Irreversible and Irretrievable Commitments of Resources that would be Involved in the Proposed Project
- Cumulative Impacts
- Environmental Justice (Executive Order 12898)

Additional impacts related to the following resource areas were identified for the 91 COP:

### **Visual/Aesthetic**

The shrubs along Green River Road will be removed due to freeway widening which eliminates a 5' planting strip between the curb on Green River Road and the retaining wall/barrier for SR-91. These shrubs were planted as part of the 91 CIP Initial Phase per the Project Aesthetics and Landscape Master Plan (PALM) primarily for graffiti control and to soften the appearance of the wall. These plants are only visible from the city street and not visible from the freeway. Furthermore, wall aesthetics will be implemented on the new retaining walls consistent with the PALM. Proposed design has been coordinated and accepted by the City of Corona. None of the shrubs that will be removed were originally incorporated as part of ECR commitment V-2, which requires a 10:1 replacement of 5- to 15-gallon shrubs for removed trees, and no mitigation is required.

### **Noise**

A Supplemental Noise Study Report (SNSR) and Supplemental Noise Abatement Decision Report (NADR) were prepared to account for updates to the SR-91 COP portion of the SR-91 CIP since approval of the 2012 Final EIR/EIS. The base cost allowance for noise abatement reasonableness and feasibility increased from \$55,000 in 2012 to \$107,000 per benefited receptor.

The Supplemental NSR concluded that the following soundwalls would be needed to provide feasible abatement of traffic noise of reducing existing noise levels to 5 decibels (dB) for impacted receptors.

- Soundwall SW497A would be located along the WB SR-91 edge of shoulder and would provide feasible noise abatement for the frequent outdoor use area of one benefited receptor with minimum heights ranging from 6 to 10 feet. The reasonableness allowance for this soundwall is \$107,000. The Supplemental NADR determined that Soundwall SW497A is not reasonable from a basis of cost; therefore, a soundwall is not recommended to be constructed.
- Soundwall SW555A was considered along the WB SR-91 edge of shoulder and would provide feasible noise abatement for the frequent outdoor use areas of six benefited receptors with minimum heights ranging from 10 to 14 feet. The reasonableness allowance for this soundwall is \$642,000. The Supplemental NADR determined that Soundwall SW555A is not reasonable from a basis of cost; therefore, a soundwall is not recommended to be constructed.
- Soundwall SW555C was considered on the Chino Hills State Park (CHSP) property as an alternative to Soundwall SW555A and would provide feasible noise abatement for the frequent outdoor use area of one benefited receptor with a minimum height of 10 feet. The reasonableness allowance for this soundwall is \$107,000. The Supplemental NADR determined that Soundwall SW555C is reasonable from a basis of cost; however, the property owner is not in favor of the soundwall; therefore, a soundwall is not recommended to be constructed.
- Soundwall SW27C would be located on the private property of the Green River Village Mobile Homes in place of an existing chain-link fence and would provide feasible noise abatement for the frequent outdoor use areas of 17 benefited receptors with minimum heights ranging from 10 to 14 feet. The reasonableness allowance for this soundwall is \$1,819,000. The Supplemental NADR determined that Soundwall SW27C is not reasonable from a basis of cost; therefore, a soundwall is not recommended to be constructed.
- Soundwall SW528A was considered along the EB SR-91 mainline edge of shoulder and would provide feasible noise abatement for the Coal Canyon Trail, which is considered one receptor. The wall would have minimum heights ranging from 6 to 12 feet. The reasonableness allowance for this soundwall is \$107,000. The Supplemental NADR determined that Soundwall SW528A is not reasonable from a basis of cost; therefore, a soundwall is not recommended to be constructed.
- Soundwall SW528B would provide feasible noise abatement for the Coal Canyon Trail, which is considered one receptor, as an alternative to Soundwall SW528A. The wall would have heights ranging from 10 to 16 feet. This soundwall would be located along the State right-of-way line and have a reasonableness allowance of \$107,000. The Supplemental NADR determined that Soundwall SW528B is not reasonable from a basis of cost; therefore, a soundwall is not recommended to be constructed.

#### Measures to Minimize Harm Related to Noise

No additional measures to minimize harm related to noise from those identified in the 2012 Final EIR/EIS were identified for the COP portion of the SR-91 CIP.

#### Natural Communities/Threatened and Endangered Species

Since approval of the Final EIR/EIS, design changes have been incorporated into the SR-91 COP portion of the SR-91 CIP final design. One such design feature, the addition of high mast lighting, may have impacts on sensitive habitat that is covered under the Multiple Species Habitat Conservation Plan (MSHCP) on the north and south sides of SR-91. High mast lighting was added to meet design lighting requirements. The 12 high mast lights have a pole height average of 73.9 ft (ranging from 66.1' to 94.5') and are positioned about 430 feet apart. To comply with ECR commitment NC-9 and reduce the amount of light that reaches the MSHCP area, the design team specified a "forward throw" luminaire, added a 180-degree lighting shield, and lowered the heights of the high mast lights. With these changes in place, very low light levels reach the habitat adjacent to the project; most of the light that reaches is 0.1 foot-

candle (fc), and there are some instances where 0.2 fc reaches portions of habitat. It was determined that these measures will conform to MSHCP guidelines.

The potential impacts of other design features of adding a GP lane, widening the County Line Creek UC, constructing new retaining walls, reconstructing a portion of Green River Road, and replacing overhead signs, as well as the potential project impacts due to changes in the affected biological environment, were analyzed in a Supplemental Biological Technical Memo that was approved in August 2019. To complete the analysis of the biological environment for this memo, the following activities were completed:

- Identification of one new species from database searches;
  - Santa Monica Mountains dudleya (*Dudleya cymosa* ssp. *ovatifolia*)
- Habitat assessment site visit conducted April 2019; no suitable habitat for the Santa Monica Mountains dudleya was observed
- Review of the Natural Environment Study (May 2010) and Biological Opinion (November 2011)

#### Measures to Minimize Harm Related to Natural Communities/Threatened and Endangered Species

No additional measures to minimize harm related to natural communities or threatened and endangered species from those identified in the 2012 Final EIR/EIS were identified for the COP portion of the SR-91 CIP. Measure NC-3 has been updated to reflect the correct nesting bird season dates. Although no additional measures to minimize harm related to natural communities or threatened and endangered species were identified or warranted for the COP portion of the SR-91 CIP, future AMMs may be imposed as part of permit requirements to further reduce environmental effects, if warranted.

#### **F. Mitigation Monitoring or Enforcement Program**

An updated Environmental Commitment Record (ECR) for the SR-91 CIP is provided in Attachment 7 of the Revalidation for the COP portion of the SR-91 CIP. The ECR provides the language of each measure, the party/parties responsible for implementing the measure, the phase when each measure is applicable, and the timing of the implementation of each measure. The ECR provides a process for tracking and documenting implementation of the project AMMs during the design, construction, and operation of the COP portion of the SR-91 CIP.

As the local agency project sponsor, RCTC will be responsible for implementing and reporting the status of the measures in the ECR. RCTC will work cooperatively with the Caltrans Environmental Division and make regular progress reports on the ECR available to Caltrans. Monitoring forms will be completed by those party/parties responsible for implementing each measure in the ECR and verified by the party/parties responsible for monitoring and approval. Completed monitoring forms will be retained by RCTC and will be included with the as-built plans in the State archives. Caltrans will be responsible for construction management and oversight and assuring that all applicable AMMs in the ECR are fully implemented by designated and qualified personnel.

The ECR covers all the commitments made in the Final EIS/R and highlights those that are still outstanding from the Initial Phase of the project. Every effort will be made to fulfill these outstanding commitments as part of the COP portion of the SR-91 CIP, and the ECR will be the vehicle for monitoring progress. It may be appropriate to defer some of the commitments to future phases (e.g., if they would occur in locations where future construction work is planned). The ECR applies to the entirety of the SR-91 CIP Final EIS/R, and since the COP portion is the next phase, this means that the COP portion now has the opportunity to consider and attempt to achieve each outstanding mitigation obligation.

## **G. Responses to Comments on the Final Environmental Impact Report/Environmental Impact Statement**

Responses to comments on the Final EIR/EIS were covered in the ROD for the Initial Phase, as summarized below.

The following letters and e-mails with comments were received during the Final EIR/EIS circulation August 24 through September 24, 2012, from the following agencies and parties:

- Department of Energy National Nuclear Security Administration
- United States Environmental Protection Agency
- Pechanga Band of Luiseno Indians
- Native American Heritage Commission
- California Department of Parks and Recreation
- City of Corona
- Orange County Public Works
- Transportation Corridor Agencies
- Property Owner Association of Riverside County
- Hills for Everyone (Shute, Mihaly, and Weinberger, LLP)
- Wildlife Corridor Conservation Authority
- City of Anaheim, Department of Public Works
- Property Owner Association of Riverside County
- Chaffin's Garage, Inc.
- Villagio Homeowners Association
- Corona Gardens Apartment Complex
- Metropolitan Water District of Southern California

Letters received with substantive environmental comments have been summarized and responses are provided below:

### **Federal Agencies**

*United States Environmental Protection Agency:* The Final EIR/EIS did not adequately address the increased mobile source air toxic (MSAT) emissions associated with the expanded facility. and dispersion modeling should be conducted to better understand the MSAT impacts associated with the SR-91 CIP.

*Response:* The MSAT analysis for the SR-91 CIP followed the October 2009 FHWA MSAT guidance. All the SR-91 CIP Build Alternatives would reduce the regional diesel particulate matter (DPM) emissions compared to the no-build and existing baseline conditions. By 2035, all the MSAT pollutants would decrease with the SR-91 CIP Build Alternatives compared to the no-build and existing baseline conditions. Per the FHWA MSAT guidance, the SR-91 CIP would not result in any impacts from MSATs.

Caltrans has adopted the FHWA MSAT guidance for determining the long-term MSAT impacts of highway projects. FHWA does not recommend using any of the tools or models available to calculate emission concentrations. Dispersion modeling was not conducted along the project alignment.

## **Tribal Governments**

*Pechanga Band of Luiseno Indians:* Requested that, in conjunction with the tribal monitoring included in the project mitigation measures, a Cultural Resources Treatment and Monitoring Agreement be completed among the appropriate parties for this project.

*Response:* During final design and prior to any project-related ground disturbance, Caltrans will coordinate with the Tribe and other parties as appropriate to document the process for the appropriate preservation, avoidance, and/or mitigation for the identification of inadvertent discoveries, human remains/grave goods, and sacred sites; to outline the duties, compensation, and responsibilities of the Pechanga Tribal monitors; and to identify areas where Pechanga Tribal monitors will conduct monitoring.

## **State Agencies**

*California Department of Parks and Recreation:* Comments note the mitigation measures agreed to by RCTC, Caltrans, and State Parks.

No response is necessary.

## **Regional and Local Agencies**

*Transportation Corridor Agencies:* Identified concerns regarding ramp metering on NB SR-241 to EB SR-91 and the effects on traffic demand and potential loss of toll revenues during temporary ramp closures. Request to meet with RCTC and Caltrans to discuss these issues.

*City of Anaheim. Department of Public Works:* The project design, in the vicinity of SR-241, should allow for the planned SR-91/SR-241 Express Lanes connectors; the project's Transportation Management Plan (TMP) should allocate funding for police enforcement.

*Response:* To both Transportation Corridor Agencies and City of Anaheim, RCTC and Caltrans will continue to coordinate with the regional and local agencies to address any issues that arise during the design-build phase. It should be noted that the cited ramp metering and temporary ramp closures will not be implemented as part of the Initial Phase and will not result in effects or changes at the SR-91/SR-241 interchange. The cited improvements and temporary closures will be implemented as part of the Ultimate Project. This ROD specifically addresses the Initial Phase of the SR-91 CIP only; the Ultimate Project will be the subject of a separate, future ROD.

The SR-91 project design will allow for the SR-91/SR-241 Express Lanes connectors. The SR-241/SR-91 Express Lanes Connector project is one of several planned projects that would require design coordination with the SR-91 CIP. This project would be implemented after the SR-91 CIP and will be designed to be consistent with the SR-91 CIP.

The SR-91 CIP TMP provides for traffic law enforcement (typically by the California Highway Patrol) within the SR-91 CIP construction zone. The TMP will maintain traffic safety during construction, effectively maintain an acceptable level of traffic flow throughout the transportation system during construction, minimize traffic delays, facilitate reduction of overall duration of construction activities, and minimize detours and impacts to pedestrians and bicyclists.

## **Groups and Organizations**

*Hills for Everyone (Shute, Mihaly, and Weinberger. LLP):* Concerns regarding the adequacy of the Final EIR/EIS under the California Environmental Quality Act (CEQA), consistency with requirements of the



Land and the Water Conservation Fund (L&WCF) Act, mitigation for fire hazards, and consideration of impacts to wildlife movement.

*Response:* The analysis of impacts under the National Environmental Policy Act (NEPA) and CEQA is discussed in two places in the Final EIR/EIS, in slightly different contexts. The impacts under CEQA include thresholds and determinations of significance and are included in Chapter 4, California Environmental Quality Act Evaluation.

The land near the Green River Road off-ramp that would be used for the SR-91 CIP is not subject to compliance with requirements of the L&WCF Act because that land was not purchased or improved with L&WCF Act funds. The land in Chino Hills State Park (CHSP) that would be permanently used for the SR-91 CIP is in a part of CHSP where no L&WCF Act grant monies were expended; therefore, Section 6(t) would not apply.

The National Park Service indicated in their consultation letter, dated January 26, 2012, that" ... we have determined that L&WCF Act 6(t)(3) does not now apply to parcel #3 1, and that the proposed project, were it to be built today, would not cause a L&WCF Act conversion of parkland on parcel #31."

Hills for Everyone also requested that a fire barrier on the north and south sides of SR-91 adjacent to CHSP be constructed earlier than the Ultimate Project. However, the SR-91 CIP does not include construction of these barriers because the Initial Phase does not include widening or other major changes/improvements on this segment of SR-91. Measure UES-4 in the Final EIR/EIS details the requirements for this barrier as follows:

**“UES-4:** Fire Prevention Adjacent to CHSP. The final design of the SR-91 CIP Build Alternatives will include closing gaps so there is the equivalent of a continuous barrier 30 to 36 inches high on the edge of the shoulder on both WB and EB SR-91 from SR-71 to SR-241, as follows:

- Initial Phase: The 36-inch-high concrete barrier on WB SR-91 between SR-71 and Green River Road already included in the design alternatives will meet the requirements for this barrier;
- Ultimate Project: Close gaps to provide an equivalent continuous barrier 30 to 36 inches high on the edge of shoulder on SR-91 in both directions between Green River Road and SR-241 meeting Department standards applicable at the time.”

The temporary effects on wildlife and wildlife movement in areas adjacent to active construction areas such as noise and night light effects and permanent effects such as changes in openness ratios will be mitigated based on implementation of measures provided in the Final EIR/EIS. As a result, although B Canyon is not currently identified in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) for conservation, RCTC is committed to implementing the measures that will benefit Coal Canyon. In addition, RCTC has committed to contributing funds to a separate future project to widen the B Canyon box culvert as described in the Final EIR/EIS. This future project would be a coordinated effort of the Western Riverside Regional Conservation Authority (RCA), the wildlife resource agencies, Caltrans, and RCTC, depending on the ability of the RCA to amend the Western Riverside County MSHCP and to obtain the necessary property rights to ensure the wildlife corridor would be successful in the long term.

*Wildlife Corridor Conservation Authority:* Concerns with the mitigation for project effects at CHSP, including Coal Canyon; consistency with the L&WCF Act; construction of barriers on the north and south sides of SR-91 as soon as possible; and a Memorandum of Understanding (MOU) for wildlife crossing at Coal Canyon.

*Response:* Caltrans and RCTC worked very closely with State Parks to address the temporary and permanent project effects on CHSP. Extensive mitigation was developed in consultation with State Parks. Those measures address:

- Property acquisition
- Contribution of \$100,000 for planning and implementing improvements for regional trail connectivity (including improvements to the trail entrance at Prado Road)
- Aesthetic features on the retaining wall facing CHSP
- Barrier for fire prevention
- Construction activity during the fire season
- Limits on construction hours in/near CHSP
- Silt fence barriers during construction at Coal Canyon
- Future project for barriers near Coal Canyon

Caltrans Districts 8 and 12 will coordinate with State Parks on the development and implementation of an MOU related to Coal Canyon and improvements to this area in the vicinity of CHSP.

Caltrans is proposing to conduct planting in State right-of-way at Coal Canyon as a project independent of, and separate from, the SR-91 CIP. The purpose of that planting is to attract more wildlife to this undercrossing

#### **Other Comments**

In addition to the written comments described above, Caltrans and RCTC have received e-mails and verbal comments by phone from members of the general public. Those comments did not raise specific substantive environmental issues or ask specific questions regarding the analyses and conclusions in the Final EIR/EIS. The comments generally relate to the following topics: potential project effects on individual properties (full or partial acquisition or temporary construction easements, access during construction); the property acquisition process and schedule; update on where final noise walls will be provided; locations of the toll lane entrances and exits and other questions on specific project features; and questions on potential business opportunities and names of potential project contractors. RCTC has responded to these comments either by e-mail or via phone call.

As per 14 California Code of Regulations (CCR) Section 15088.5, Recirculation of an EIR Prior to Certification, the above comments and responses did not require recirculation of the EIR or revalidation. Specifically, 14 CCR 15088.5 (a)(1) – (a)(4) excuses the EIR and the analysis performed for the revalidation from recirculation because:

1. There are no new significant environmental impacts;
2. There are no new mitigation measures required;
3. There are no new alternatives or mitigation measures considerably different from those previously analyzed that would clearly lessen the significant environmental impacts; and
4. The Draft EIR did complete meaningful public review and comment.

#### **Updates to the Responses to Comments on the Final EIR/EIS**

*Coal Canyon MOU and CHSP Vicinity.* RCTC sent an *Agreement with Chino Hills State Park* to Governor Brown in February 2012 suggesting that “no mitigation is warranted for the Coal Canyon wildlife crossing.” RCTC also sent a *Letter of Intent* to the State Parks District Superintendent in March 2012 where they committed to build barriers in Coal Canyon to block light and glare in tandem with

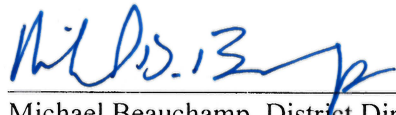
completion of the SR-91 widening in the area, which at the time was planned for completion in 2035. No further progress has been made towards the Coal Canyon MOU.

#### **H. Record of Decision Approval**

A ROD for the Initial Phase was approved in October 2012. At the time of approval of the Initial Phase ROD, funding was only available for the Initial Phase. Funding is becoming available to proceed with implementing the additional improvements to complete the SR-91 COP portion of the Ultimate Project.

The SR-91 COP portion of the SR-91 CIP, with the incorporated changes listed above and detailed in the 2020 Revalidation, has been determined to best provide a safe and efficient transportation facility. All practical measures to avoid, minimize, and mitigate environmental harm have been adopted and will be incorporated into this decision. The Ultimate Project was proposed to be constructed in phases based on available funding. This ROD is for the SR-91 COP portion of the SR-91 CIP, one phase that makes up the Ultimate Project. This ROD includes relevant information for the SR-91 COP portion of the SR-91 CIP only. Any information or impacts previously identified in the ROD approved in October 2012 are not repeated in this document.

The ROD for the SR-91 COP portion of the Ultimate Project of the SR-91 CIP is hereby approved.



Michael Beauchamp, District Director  
California Department of Transportation

4/13/2020  
Date