

1. Introduction

This Responses to Comments document has been prepared to respond to public comments received on the Draft Environmental Impact Report (DEIR) for the proposed Esperanza Hills project. The DEIR was available for a 62-day public review period commencing December 4, 2013 and ending on February 3, 2014. Comments from the public were also heard at a public information meeting held on January 16, 2014 at Travis Ranch School in Yorba Linda. The California Environmental Quality Act (CEQA) Guidelines §15105(a) states that the Lead Agency shall provide a public review period of not less than 45 days for a proposed Environmental Impact Report when review by state agencies is required.

Distribution of the DEIR and the Notice of Availability for review and comment included the following agencies and organizations:

- Orange County -
 - County Clerk
 - OC Public Works/OC Planning
 - Orange County Fire Authority
 - Sheriff's Department
 - Integrated Waste Management
 - Orange County Transportation Authority
 - Orange County Water District
 - Public Libraries (East Anaheim, Yorba Linda)
 - Board of Supervisors (Third District Office)
 - Orange County Local Agency Formation Commission (LAFCO)
- Southern California Association of Governments
- State Department of Conservation
- Caltrans District 12
- Santa Ana Regional Water Quality Control Board
- California Department of Fish and Wildlife
- Department of Toxic Substances Control
- South Coast Air Quality Management District
- State Clearinghouse
- State Water Resources Control Board
- California Department of Parks & Recreation
- U. S. Department of the Army Corps of Engineers
- U. S. Fish & Wildlife Service
- Wildlife Corridor Conservation Authority
- Native American Heritage Commission

In addition, the Public Notice of Availability (NOA, Appendix A herein) and the Notice of Completion and Environmental Document Transmittal of a Draft Environmental Impact Report was posted on the County's website. Copies of the Draft EIR were made available for public review at the County Department of Public Works, the Yorba Linda Library, and the East Anaheim Library.

In accordance with CEQA Guidelines §15088, the County, as Lead Agency for the Proposed Project, has reviewed and evaluated written comments submitted during the public review period regarding the Esperanza Hills project.

The CEQA Guidelines, §15088, "Evaluation of Response to Comments," states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
- c) The written response shall describe the disposition of significant environmental issues raised (e.g. revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
- d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:
 - 1) Revise the text in the body of the EIR, or
 - 2) Include marginal notes showing that the information is revised in the response to comments.

No significant changes to the data and analysis contained in the Draft EIR have been required as a result of the comments received during this response process. The responses provided herein clarify, amplify, elaborate, and make minor modifications to the Draft EIR. The Draft EIR remains adequate and complete; therefore, recirculation per CEQA §15088.5 is not required. This Responses to Comments document has been prepared as and constitutes a separate section of the Draft EIR and will be incorporated as part of the Final EIR as presented to the Orange County Board of Supervisors for certification.

The County has elected, as appropriate, to revise the Draft EIR text where necessary to address errata or direct the reader's attention to information in the Responses to Comments document.

CEQA Guidelines §15088 addresses a Lead Agency's responsibilities in responding to comments. The Guidelines require, among other things, that the Lead Agency provide a good faith, reasoned analysis in response to significant environmental issues raised, particularly when the Lead Agency's position is at variance with the objections and recommendations raised by commenters. §15088 does not require an individuated, personalized response to each comment letter, and does not prevent the Lead Agency from responding to comments by way of a summary or comprehensive response that may apply to several individual remarks in comment letters.

The County believes that the provision of "Topical Responses" to certain comments in this case would best provide an informative and complete response to issues that were raised by multiple

parties. The County has also provided individual responses to each remark in letters received on the DEIR, but where appropriate has referred the reader to a general response. In this way, an understanding of the County's good faith, reasoned analysis can be both comprehensive and easier to grasp at a glance. The major contentions that lend themselves to Topical Responses are:

- The Proposed Project will increase the likelihood of wildfires.
- The Proposed Project will add traffic to the existing street system which is already inadequate during peak hours for vehicles accessing Yorba Linda Boulevard.
- Emergency evacuation would be hindered by the addition of residents and cars.
- Water supply and water pressure for residents and firefighting uses is inadequate.
- The adjacent parcels, including the Proposed Project and the proposed Cielo Vista project, should be analyzed in a single EIR.
- Biological resources would be impacted by the reduction of open space, and special status vegetation would be impacted by removal for development.

Public Resources Code §21091(d)(1) requires that the County, as Lead Agency, consider any comments on the proposed DEIR that are received within the public review period. In addition, a public meeting was held on January 16, 2014 where public comments were recorded. No additional environmental issues were raised at the meeting that had not been addressed in the DEIR. The County received 82 comment letters and/or emails on the DEIR from public agencies, organizations, and individuals during the public review period.

CEQA Guidelines §15204(a) provides that:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and need not provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

CEQA Guidelines §15204(c) further advises:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts or expert opinion supported by facts in support of the comments. Pursuant to §15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines §15204(d) states:

Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility.

CEQA Guidelines §15024(e) states:

This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or the lead agency to reject comments not focused as recommended by this section.

Each comment received on the DEIR is included in its entirety in this document. Each letter or email containing comments on the DEIR is followed by responses corresponding to comments submitted in the letter or email. Comments have been arranged herein under the following categories: Public Agency/Public Organization Comments, General Public Letters, and General Public Emails. Letters submitted as attachments to emails are included in the General Public Letters section. The public comments are generally shown in chronological rather than alphabetical order. No new significant environmental impacts are raised by the submitted comment letters.