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January 22, 2014

SENT VIA EMAIL AND U.S. MAIL

Orange County Planning
Attn: Mr. Ron Tippetts
300 North Flower
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Comments on Cumulative Impacts, Noise Impacts and Oil Production Impacts

Dear Mr. Tippetts:

This firm represents Protect Our Homes and Hills, an unincorporated citizens group consisting of residents and taxpayers in the City of Yorba Linda. We submit this comment letter on the deficiencies in the Draft Environmental Impact Report (“DEIR”) prepared for the Cielo Vista development project (“Cielo”). Specifically, the DEIR fails to include related projects in the cities of Brea and Chino Hills in the cumulative impacts analysis and contains an inadequate discussion and analysis of cumulative impacts and impacts from the proposed drilling pad, including noise impacts.

Cumulative Impacts Analysis

The cumulative impacts analysis is divided among the various impact subchapters making it difficult for the public and ultimately the decisionmaker to comprehensively grasp the full cumulative impact of the Cielo Project and other past, present and reasonably foreseeable future projects. The DEIR should provide a “**summary** of the expected environmental effects to be produced by those projects with **specific reference** to additional information stating where that information is available, and...A **reasonable analysis** of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.” CEQA Guideline 15130(b)(4-5). The DEIR fulfills none of these CEQA informational roles.

The DEIR identifies other projects in Section 3.0 but makes no effort to reasonably analyze the impacts of the identified projects in the cumulative impacts discussion and makes no reference to additional information and where that information is available. This analytical and informational omission renders the DEIR insufficient as an informational document.

January 22, 2014

Clearly, many of these projects have reached the level of permit processing or environmental review such that information concerning their specific impacts is readily available and should properly be part of the cumulative impacts analysis. If it is “reasonable and practical to include the projects” in the cumulative impacts analysis, they should be included. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723.

Instead, the DEIR relies on conclusions of significance or insignificance of impacts devoid of any reasoned analysis. This is not permissible under CEQA. *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397 (Discussion lacking even a “minimal degree of specificity or detail” is inadequate and the discussion must be more than a conclusion “devoid of any reasoned analysis.” 88 Cal.App.3d at 411. Similarly, in *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, EIR’s analysis of significant cumulative impacts was legally inadequate because it simply asserted that nonspecific cumulative development would have community character, agricultural and visual impacts. These analytical deficiencies must be corrected.

In addition, the DEIR fails to include pending projects in the nearby incorporated cities of Brea and Chino Hills. These projects are within 5 miles of the Cielo project and should be included in any cumulative impacts analysis:

Madrona (Canyon Crest)

Project Type: 162 homes on 367 acres
Location: Eastern Brea (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Brea
CEQA Status: FEIR released November 2012
Last Action: Appeal Hearing 1/21/14

Information available at: <http://www.ci.brea.ca.us/index.aspx?NID=180>

Foremost Community (Canyon Hills)

Project Type: 76 homes on 141 acres
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Chino Hills
CEQA Status: EIR approved 1987
Last Action: Awaiting Tract Home Design Review by Planning Commission

Information available at: <http://www.chinohills.org/index.aspx?NID=847>

Pine Valley Estates

Project Type: 98 homes on 192 acres
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Chino Hills
CEQA Status: Final Map Recorded 2009

January 22, 2014

Last Action: Revised Design Review by Planning Commission approved 2009

Information available at: <http://www.chinohills.org/index.aspx?NID=847>

Stonefield Development

Project Type: 28 homes on 34 acres
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Chino Hills
CEQA Status: Website is unclear but appears project is approved
Last Action: Website is unclear, but appears project is approved

Information available at: <http://www.chinohills.org/index.aspx?NID=853>

Note that information on other projects, including those listed in section 3.0, is generally readily available on the websites of the relevant agency. The DEIR should be revised to include this information in order to be compliant with the CEQA guidelines.

Drilling Pad and Noise Impacts

The approval of a contingent 1.8 acre “oil drilling pad” is inappropriate. Under CEQA, what will or could be built on the pad needs to be discussed in detail in the DEIR and all expected or reasonably foreseeable impacts from the proposed drilling pad need to be identified. Avoidance measures need to be analyzed and where avoidance is not possible, mitigation measures need to be identified and adopted.

Of particular concern to area residents is whether the new drilling pad will support horizontal drilling or fracking.

Reasonably foreseeable impacts include, but are not limited to: 1) pre-construction subsurface investigations on, near or from the pad; (2) construction impacts, including noise, air pollution, lighting and vegetation/soils impacts from vehicles and construction equipment; 3) visual impacts, air quality impacts, drilling apparatus noise and lighting and maintenance procedures associated with a fully operational drilling pad; 4) seismic impacts, including vibrations affecting wildlife and residents; and 5) impacts upon surface and groundwater resources.

Impacts associated with closing down existing wells and moving infrastructure to the new drilling pad need to be addressed and the expected operational life of an operational drilling pad as well as close down protocols need to be identified and analyzed.

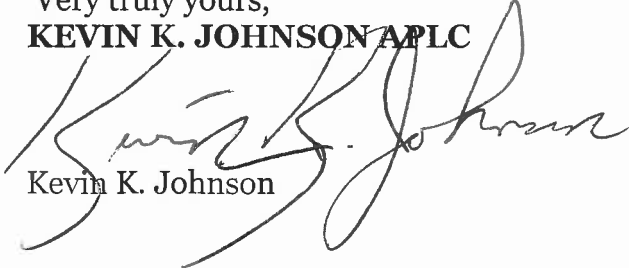
On the specific subject of noise, residents report that poorly maintained oil drilling rigs can be heard squeaking throughout the canyon area. The squeaking can continue for days before maintenance is performed. The canyon walls and other topographic characteristics provide unique sound channeling features and need to be considered in the DEIR, along with

January 22, 2014

the oil rigs noise impacts, as noise enhancing features requiring appropriate mitigation.

In view of the foregoing deficiencies in the DEIR, the document should be revised and recirculated for public review.

Very truly yours,
KEVIN K. JOHNSON APLC

A handwritten signature in black ink, appearing to read "Kevin K. Johnson", written over the typed name below.

Kevin K. Johnson

Cc: Supervisor Todd Spitzer via email