

2 INTRODUCTION

The proposed project would provide for a new 1,500-bed health care facility and improvements to existing health care facilities at the Richard J. Donovan Correctional Facility at Rock Mountain (RJDCF) in an unincorporated portion of San Diego County, California. The California Prison Health Care Receivership Corporation (CPR) has been charged with creating a system where prison custody and health care staff together can provide inmates access to adequate health care and services in California prisons (see discussion in Section 3.1).

This chapter provides an overview of the proposed project; background on the purpose, focus, and use of this Draft Environmental Impact Report (EIR); a summary of the public review and participation process; and a description of the terminology used herein. A detailed description of the proposed project is provided in Section 3.4 of this Draft EIR.

2.1 PURPOSE AND INTENDED USE OF THE ENVIRONMENTAL IMPACT REPORT

The purpose of this Draft EIR is to evaluate the potential environmental effects associated with implementation of the proposed project, in conformance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.), as amended. CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority.

This Draft EIR is a public document that assesses the environmental effects of the construction and operation of the proposed project and indicates ways to reduce or avoid possible environmental damage. The Draft EIR also discloses significant environmental impacts that cannot be avoided, any growth-inducing impacts of the project, effects found not to be significant, and significant cumulative impacts of past, present, and reasonably foreseeable future projects in combination with the impacts of the proposed project. Mitigation has been recommended where feasible to reduce or avoid the proposed project's significant environmental impacts. These mitigation measures, including a description of timing of implementation, agency responsibility, and monitoring requirements, will be described in a mitigation monitoring and reporting program (MMRP) document. Once the Draft EIR is finalized, the MMRP will be prepared by CPR for consideration along with the project and the EIR in the project approval process.

An EIR is an informational document used in the planning and decision-making process. It is not the purpose of an EIR to recommend either approval or denial of a project. CEQA requires the decision makers to balance the benefits of a project against its unavoidable environmental risks. For this proposed project, even if environmental impacts are identified as significant and unavoidable, CPR may still approve the project if it believes that social,

economic, or other benefits outweigh the significant and unavoidable impacts. CPR would then be required to state in writing the specific reasons for approving the project, based on information in the Draft EIR and other information in the record. The document containing such reasons is called, per Section 15093 of the State CEQA Guidelines, a “statement of overriding considerations.”

2.2 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES/PERMITS

The California State prison system was found to be in violation of the U.S. Constitution’s prohibition against cruel and unusual punishment in the prison system’s administration of its health care system. As a result, medical health care for the State prison system has been placed in Federal Receivership until such time that conditions are improved and adequate health care is provided to inmates throughout the state.

The California Department of Corrections and Rehabilitation (CDCR) is under federal court receivership concerning the medical care system, and the Receiver, acting on behalf of CDCR, serves as the lead agency with primary authority for approval of the project. Additional agencies (listed below) with potential permit authority over the project, or elements thereof, will have the opportunity to review this document during the public and agency review period and will use this information when considering the issuance of any permits required for the project.

Public agencies with known permits, other approvals, or jurisdiction by law over resources on the site include, but may not be limited to, the agencies discussed below.

2.2.1 LEAD AGENCY

CPR, acting in the role of lead agency, has overall responsibility for project approval, including certification of the adequacy of this Draft EIR.

2.2.2 FEDERAL RESPONSIBLE AGENCY

U.S. Fish and Wildlife Service (USFWS): This Draft EIR may be used by the USFWS if the project is determined to have the potential to adversely affect any species listed under the federal Endangered Species Act (ESA). The USFWS is not subject to CEQA; however, they are able to use information in a CEQA document for their own requirements for compliance with the National Environmental Policy Act (NEPA), should a permit involving ESA species be required.

2.2.3 STATE RESPONSIBLE AGENCIES

California Department of Fish and Game (CDFG): The CDFG considers potential impacts to species listed under the California ESA (CESA). If there is a reasonably foreseeable possibility of a take of any CESA-listed species, CDFG would use this Draft EIR for the issuance of a CESA take permit.

Regional Water Quality Control Board (RWQCB): The RWQCB would be a responsible agency for issuance of a National Pollutant Discharge Elimination System (NPDES) permit project construction activities. For expansion of wastewater treatment capacity, a Wastewater Discharge Requirement (WDR) permit would be required.

California Department of Toxic Substances Control (DTSC): The DTSC is responsible for reviewing an environmental site assessment for a property and providing any recommendations for further investigation.

2.2.4 LOCAL RESPONSIBLE AGENCIES

San Diego Air Pollution Control District (SDAPCD): The SDAPCD considers overall construction and operation emissions and issues an authority to construct permit.

Otay Water District: The Otay Water District considers effects to water supply and utilities.

City of San Diego: The City of San Diego considers effects to wastewater utilities and treatment.

County of San Diego: The County of San Diego considers right-of-way (ROW) impacts for roadways in the unincorporated county; implements the San Diego County Multi-Species Habitat Conservation Plan (MSCP); and would be a responsible agency if the CPR seeks coverage for the take of species within the Plan area.

2.3 SCOPE OF THE DRAFT EIR

Pursuant to Section 15143 of the State CEQA Guidelines, a lead agency should limit the Draft EIR's discussion of environmental effects to specific issues where significant effects on the environment may occur. CPR used a variety of information to determine which issue areas could result in significant effects on the environment. This information included field surveys of the project site; review of project characteristics; and review of comments expressed during agency consultation, comments received on the notice of preparation (NOP), and comments expressed during a public scoping meeting.

An NOP was circulated to public agencies and the public on June 16, 2008, for a 30-day review period that concluded on July 16, 2008. The NOP notified the public that a Draft EIR would be prepared for the project and briefly described the elements of the project and the scope of the environmental analysis that would be presented in the Draft EIR. The NOP also requested public agencies and members of the public to provide their comments

on the scope and content of the Draft EIR that was to be prepared. A public scoping meeting was held July 1, 2008. The NOP and comments received on the NOP are included in Appendix A. Review of the NOP and public scoping meeting comments and preliminary analysis indicate that some environmental issue areas of the project may result in significant adverse effects on the environment. These issue areas include:

- ▶ Land Use and Planning
- ▶ Aesthetics and Visual Resources
- ▶ Traffic and Circulation
- ▶ Air Quality
- ▶ Noise
- ▶ Hydrology and Water Quality
- ▶ Biological Resources
- ▶ Cultural Resources
- ▶ Geology, Paleontology, and Mineral Resources
- ▶ Hazards and Hazardous Materials
- ▶ Employment, Population, and Housing
- ▶ Public Services
- ▶ Water Supply
- ▶ Utilities
- ▶ Cumulative and Growth-inducing Impacts

Consequently, the scope of this Draft EIR focuses on these issue areas.

2.4 EFFECTS FOUND NOT TO BE SIGNIFICANT

Based on a review of the NOP, public comments on the NOP, comments from the public scoping meeting, and on preliminary analysis, the project was determined to have no significant impact on agricultural resources and recreation. These issues are not evaluated further in this Draft EIR. The following sections explain why these issue areas were found to be less than significant.

2.4.1 AGRICULTURAL RESOURCES

The proposed project site was converted to a community facilities land use prior to construction of RJDCF during 1986 and 1987. The project site has been graded, developed, or is otherwise disturbed as a result of construction of the prison and associated facilities. No agricultural operations are known to exist within 2 miles of the project site. Therefore, no agricultural resources would be affected by the project and this issue is not evaluated further in this Draft EIR.

2.4.2 RECREATION

The Otay Mountain Truck Trail, a county-owned multi-use regional trail, runs from Otay Lakes and Otay Valley in the north, to the east of the George F. Bailey and East Mesa Detention facilities, before turning westward to Alta Road. This trail remains east of Alta Road and does not cross the RJDCF property. The Otay Valley Regional Park Concept Plan and the 2007 East Otay Mesa Specific Plan Amendment identify proposed trails directly to the north and east of the RJDCF property to serve as a potential connection to the Otay Valley Regional Park trail system and lower Otay Reservoir recreational facilities more than 3 miles north of the project site. All improvements would be located on state property and would not affect the existing or proposed trail system.

Although the proposed project would result in an increase in employees at RJDCF, these employees and their families would be distributed among several cities and unincorporated communities in San Diego County. As described in Section 4.11, Employment, Population, and Housing, of this Draft EIR, new staff at RJDCF would be taken, largely, from the existing employment workforce in the county. Because few employees would relocate to the area, and new area residents would be widely distributed across the county, and the proposed resident patients would not have access to the greater community, the proposed project is not anticipated to create significant demand on recreational facilities, and no existing recreational facilities would be substantially affected by the project. As such, recreational impacts are not evaluated further in this Draft EIR.

2.5 PUBLIC REVIEW AND PARTICIPATION PROCESS

Consistent with the requirements of CEQA, a good faith effort was made during the preparation of this Draft EIR to contact affected agencies, organizations, and individuals who may have an interest in the project. Early consultation with the relevant agencies, organizations, and individuals assisted in the preparation of this Draft EIR. As described above, this effort also included the circulation of the NOP on June 16, 2008, and a public scoping meeting in the City of San Diego on July 1, 2008.

CPR has filed a notice of completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that this Draft EIR has been completed and is available for review and comment by the public. The public review period will last 45 days, beginning November 4, 2008 and ending December 18, 2008.

2.5.1 PUBLIC MEETING

During the review period, a public hearing on this Draft EIR will be held at the following location and time to receive oral comments on the document.

Location: San Ysidro High School Performing Arts Center
5353 Airway Road, San Diego CA 92154
Date: Tuesday, November 18, 2008
Time: 5:00 p.m. to 6:30 p.m.

A public notice of availability of the Draft EIR, which also includes the date, time, and specific location of the public hearing, has been published in local newspapers of general circulation.

2.5.2 WRITTEN COMMENTS

Comments on the Draft EIR may be made either in writing before the end of the comment period (December 18, 2008) or orally at the aforementioned public hearing. Written comments should be mailed or e-mailed to the address provided below. Following the close of the public comment period, responses to the comments received on the Draft EIR will be prepared and published, and together with this Draft EIR will constitute the Final EIR.

Mail comments to:

Laura Sainz, CEQA Project Manager for the CPR
URS/Bovis Lend Lease Joint Venture
2400 Del Paso Road, Suite 255
Sacramento, CA 95834
chefsandiegopubliccomments@ursblljv.com

Copies of the Draft EIR can be reviewed at the locations listed below. In addition, the Draft EIR and all appendices can be viewed at the CPR website, at <http://www.cphcs.ca.gov/>, under “Construction Projects,” “San Diego.”

URS/Bovis Lend Lease Joint Venture
2400 Del Paso Road, Suite 255
Sacramento, CA 95834

R.J. Donovan Correctional Facility at Rock Mountain
Attn: Public Information Officer, Lieutenant Michael Stout
480 Alta Road
San Diego, CA 92179

San Diego County Library
Bonita – Sunnyside Branch
Government Reference Desk
4375 Bonita Road
Bonita, CA 91902

County of San Diego
Department of Land Use and Planning
Public Information Counter
5201 Ruffin Road, Suite B
San Diego, CA 92123

San Diego City Library
Otay Mesa – Nestor Branch
Reference Desk
3003 Coronado Avenue
San Diego, CA 92154

City of San Diego
Planning Department, Public Counter
202 C Street, 5th Floor
San Diego, CA 92101

City of Chula Vista
Planning Department, Public Counter
276 Fourth Avenue
Chula Vista, CA 91910

2.6 DRAFT EIR ORGANIZATION

This Draft EIR is organized into the following chapters:

Chapter 1, Executive Summary. Chapter 1 summarizes the project description, alternatives, the significant environmental impacts that would result from the project, and the mitigation measures proposed to reduce or eliminate those impacts.

Chapter 2, Introduction. Chapter 2 describes the purpose and organization of the Draft EIR, context, public review process, and terminology used in the Draft EIR.

Chapter 3, Project Description. Chapter 3 describes project location, background, proposed actions by CPR, project characteristics, and project objectives. This chapter also describes project construction.

Chapter 4, Environmental Setting, Thresholds of Significance, Environmental Impacts, and Mitigation Measures. For each environmental issue, such as biological resources, this chapter describes the existing environmental setting, discusses the environmental impacts associated with project construction and operations, and identifies mitigation for significant impacts, and discusses the level of significance after mitigation.

Chapter 5, Cumulative Impacts. This chapter discusses cumulative impacts that would result from the proposed project in combination with impacts from past, present, and reasonably foreseeable projects in the project area.

Chapter 6, Alternatives to the Project. This chapter describes alternatives to the project, at a level consistent with CEQA requirements. The alternatives are not analyzed at the same level as the project, which is consistent with the provisions of State CEQA Guidelines Section 15126.6(d). Rather, they present options that might reduce or avoid environmental impacts while attaining most of the project's basic objectives, and are compared to the impacts of the project.

Chapter 7, Other Considerations Required by CEQA. The potential for the project to foster economic or population growth, or remove obstacles to growth, are evaluated in this chapter. Project and cumulative impacts that cannot be mitigated to a less than significant level are also documented in this chapter.

Chapter 8, Preparers of the Environmental Document. This chapter includes a list of key staff that were involved in the preparation of this Draft EIR.

Chapter 9, References. This chapter sets forth a comprehensive listing of all sources of information used in the preparation of the Draft EIR. This includes the organizations and persons that were consulted during the preparation of the Draft EIR.

Appendices. The appendices contain various technical reports, letters, etc., summarized or otherwise used for preparation of the Draft EIR.

2.7 TERMINOLOGY USED IN THE DRAFT EIR

This Draft EIR includes the following terminology to denote the significance of environmental impacts from the project:

Less than significant Impact: A less than significant impact is one that would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.

Significant Impact: State CEQA Guidelines Section 21068 defines a significant impact as one that causes “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” Feasible mitigation measures or alternatives to the project must be considered to reduce the magnitude of significant impacts to less than significant levels.

Significant and Unavoidable Impact: A significant and unavoidable impact is one that would result in a substantial adverse effect on the environment that cannot be feasibly mitigated to a less than significant level. A project with significant and unavoidable impacts can still be approved, but CDCR would be required to prepare a

statement of overriding considerations, pursuant to State CEQA Guidelines Section 15093, explaining the social, economic, or other benefits of the project that outweigh the significant environmental impacts.

Thresholds of Significance: A criterion to define at what level an impact would be considered significant. A criterion is defined based on examples found in CEQA or the State CEQA Guidelines, scientific and factual data, the policy/regulatory environment of affected jurisdictions, and other factors.

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