

MASTER RESPONSE 1: PUBLIC OUTREACH AND PUBLIC REVIEW PERIOD

Several comments were received regarding the level of public outreach and noticing that was performed with respect to the DEIR and whether noticing was conducted in accordance with CEQA requirements. Per CEQA Guidelines Section 15087, the CEQA lead agency, which in this case is CDCR, shall provide a public notice of availability at the same time that the State Clearinghouse of the California Office of Planning and Research receives a notice of completion regarding the DEIR. The public notice is to be sent to all organizations and individuals who have previously requested such notice in writing as well as through at least one of the following methods:

1. Publication (at least once) by the lead agency in a newspaper or other regular publication whose distribution covers the area potentially affected by the project.
2. Posting of notice in and around the project site.
3. Direct mailing to contiguous property owners or occupants.

CEQA also requires that the public notice be posted in the office of the county clerk of each county in which the project could be located for a period of at least 30 days. Public hearings may be conducted, but are not required, as part of public review of a DEIR.

INITIAL PUBLIC NOTICING AND COMMENCEMENT OF PUBLIC REVIEW

At the commencement of public review of the DEIR, CDCR provided notice of the availability of the DEIR in the following ways:

1. A notice of completion was filed with the State Clearinghouse on June 21, 2013. CDCR also provided 25 copies of the executive summary and 25 CD copies of the DEIR to the Clearinghouse at the time of filing.
2. The notice of availability of the DEIR was provided to the following County Clerk-Recorder offices (Note: The location addressed in the EIR that is covered by a particular office is noted in parentheses):
 - ▲ Amador County (Mule Creek State Prison [MCSP])
 - ▲ Riverside County (California Rehabilitation Center, Norco [CRC])
 - ▲ Sacramento County (Folsom State Prison/California State Prison, Sacramento [FSP/SAC])
 - ▲ San Bernardino County (California Institution for Men [CIM])
 - ▲ San Diego County (RJ Donovan Correctional Facility [RJD])
 - ▲ Solano County (California State Prison, Solano/California Medical Facility [CMF/SOL])

Delivery to each of the clerk-recorder offices was confirmed.

3. A copy of the notice of availability of the DEIR and a CD (electronic) copy of the DEIR were mailed to 274 recipients, which included federal, state, and local agencies; organizations; and interested individuals. The recipients included those agencies, organizations, and individuals who had requested information regarding the availability of the DEIR during public review of the Notice of Preparation (NOP).

4. Public notice regarding the availability of the DEIR for comment was published in the following newspaper publications (Note: the location addressed in the EIR that is covered by the distribution area of the listed publication is noted in parentheses):
 - ▲ Union-Times San Diego (RJD) – June 21, 2013
 - ▲ Sacramento Bee (FSP/SAC, MCSP, CMF/SOL)– July 12, 2013
 - ▲ Ledger Dispatch (MCSP) – June 21, 2013
 - ▲ The Reporter (CMF/SOL) – June 21, 2013
 - ▲ Inland Valley Daily Bulletin (CIM, CRC)– June 21, 2013
 - ▲ Folsom Telegraph (FSP)– June 26, 2013
5. Hard copies of the DEIR were mailed via FedEx to 11 repositories, including:
 - ▲ Folsom Public Library
 - ▲ Otay Ranch Branch Library
 - ▲ Ione Branch Library
 - ▲ San Ysidro Library
 - ▲ Chino Branch Library
 - ▲ Vacaville Public Library, Town Square
 - ▲ Cal Aero Preserve Academy Branch Library
 - ▲ James S. Thalman Chino Hills Branch Library
 - ▲ San Diego Public Library, Science/Industry/Government Publications Section
 - ▲ Norco Public Library

A cover letter was included with each hard copy requesting that the DEIR be made available for public review upon request.

ADDITIONAL PUBLIC NOTICING

Although not required by CEQA, CDCR provided additional public noticing in local papers. During public review of the DEIR, beginning on July 12, 2013, CDCR published quarter-page ads in the following newspapers:

- ▲ Union-Times San Diego (RJD) – July 20, 2013
- ▲ Ledger Dispatch (MCSP) – July 12 and 26, 2013
- ▲ The Reporter (CMF/SOL) – July 31, 2013
- ▲ Inland Valley Daily Bulletin (CIM, CRC) – July 17, 2013
- ▲ Folsom Telegraph (FSP/SAC) – July 10, 2013

These ads included a brief description of the project, the public review period, the addresses of each of the repositories mentioned above, and the dates and locations of nearby public hearings on the DEIR.

PUBLIC HEARINGS ON THE DEIR

CDCR scheduled 11 public hearings during the public review period to solicit verbal comments on the analysis of the DEIR. The hearings were held in locations proximate to each of the proposed project sites, and the hearings were focused both on the overall project and on impacts specific to the facilities proximate to the locations of the hearings. These meetings were scheduled in the same locations as the NOP scoping meetings, with the exception of Chino, because, as noted on page 2 of Volume 1 (the

Preface) of the DEIR, CIM was not evaluated at a project-level analysis in the DEIR. Beginning on July 18, 2013, CDCR conducted public hearings at the following locations and times:

1. On July 18, 2013, two public hearings were held at 3:00 p.m. and 5:00 p.m. at the Folsom Community Center, 52 Natoma Street, Folsom, CA 95630. The Folsom public hearings were rescheduled from their original date of July 17, and notice of the change was provided in the Sacramento Bee and Folsom Telegraph prior to the meeting. This location is proximate to the FSP/SAC site.
2. On July 22, 2013, two public hearings were held at 3:00 p.m. and 5:00 p.m. at City of Chula Vista Council Chambers, 276 Fourth Avenue, Chula Vista, CA 91910. This location is proximate to the RJD site.
3. On July 23, 2013, two public hearings were held at 3:00 p.m. and 5:00 p.m. at the City of Norco Council Chambers, 2870 Clark Avenue, Norco, CA 92860. This location is proximate to CRC.
4. On July 29, 2013, two public hearings were held at 3:00 p.m. and 5:00 p.m. at the City of Lone Council Chambers, 600 South Church Street, Lone, CA 95640. This location is proximate to the MCSP site.
5. On August 1, 2013, two public hearings were held at 3:00 p.m. and 5:00 p.m. at the City of Vacaville Council Chambers, 650 Merchant Street, Vacaville, CA 95688. This location is proximate to the CMF/SOL site.
6. On August 8, 2013, a public hearing was held at 6:00 p.m. at City of Chula Vista Council Chambers, 276 Fourth Avenue, Chula Vista, CA 91910. This public hearing was scheduled in response to public comments received at the July 22nd hearings, as explained in further detail below.

EXTENSION OF THE PUBLIC REVIEW PERIOD

Based on requests made during the July 22, 2013 public hearing in Chula Vista, CDCR extended the public comment period, scheduled an additional public hearing in Chula Vista at 6 p.m. on August 8, 2013 with Spanish translation services, and translated the executive summary of the EIR into Spanish. A notice of the extension of the public comment period and the Spanish translation of the executive summary were made available to the public beginning on August 2, 2013 in the following ways:

1. A public notice regarding the extension was published in the following papers:
 - ▲ Union-Times San Diego (RJD) – August 2, 2013
 - ▲ Sacramento Bee (FSP/SAC, MCSP, and CMF/SOL) – August 2, 2013
 - ▲ Ledger Dispatch (MCSP) – August 2, 2013
 - ▲ The Reporter (CMF/SOL) – August 2, 2013
 - ▲ Hispanos Unidos (RJD) – August 2, 2013
 - ▲ Inland Valley Daily Bulletin (CIM, CRC) – August 5, 2013
 - ▲ Folsom Telegraph (FSP/SAC) – August 7, 2013
 - ▲ El Latino (RJD) – August 8, 2013
 - ▲ Enlace (RJD) – August 10, 2013
2. An email was sent to all attendees of the public hearings that had occurred during the public review period through July 31, 2013. This included the July 18th Folsom public hearings, the July 22nd Chula Vista public hearings, the July 23rd Norco public hearings, and the July 29th Lone public hearings. An attendee that either did not provide an email address or an email address that was illegible did not receive the notice via email. This email was sent on August 2, 2013. Of the 78 intended recipients of the email, 10 were undeliverable.

3. The public notice of the extension of the public review period was also sent via US Mail to all agencies and interested parties that had received copies of the DEIR and/or the original public notice of availability of the DEIR.

CDCR also notified the State Clearinghouse of the extension of the public review period. In turn, the State Clearinghouse notified those state agencies that had been previously provided the notice of availability of the DEIR via mail on August 8, 2013.

This demonstrates that CDCR fully met CEQA's legal requirements with respect to public noticing and outreach during the public review period of the DEIR. CDCR also provided additional time (60 days, 15 more than CEQA requires) for agencies, organizations, and interested members of the public to review the DEIR and provide substantive comments. Except for the ten-day period required by CEQA Guidelines Section 15087 to allow commenting responsible and trustee agencies to consider responses to their comments on the DEIR, CDCR believes that no additional noticing or time for review is required beyond what has already been provided.

MASTER RESPONSE 2: EVALUATION OF CLOSURE OF CALIFORNIA REHABILITATION CENTER, NORCO

As described in the introduction to this Response to Comments document, Section 2.4.4, closure of the CRC is no longer associated with the legislative mandate in Senate Bill (SB) 1022 that directed CDCR to cease operations at this prison upon completion of construction of the authorized level II infill facilities by no later than December 31, 2016. SB 105 (2013), Section 21(b) suspended the earlier mandate in SB 1022 to cease operations at CRC by the end of 2016. Therefore, all comments that pertain to the CRC are no longer considered to be comments on the project as a result of the passage and Governor's approval of SB 105. Nevertheless, many comments were submitted in regard to the disposition of historic structures on CRC grounds, and while no longer relevant to the project, CDCR believes it is important to address these concerns.

Comments on the CRC addressed whether closure was a "discretionary" action (subject to CEQA) or a "ministerial" action (exempt from CEQA). Several commenters maintained the closure of CRC should be considered a discretionary approval of a "project" under CEQA that could result in significant impacts to resources of historic significance. Several commenters also asserted that closure does not release CDCR from its responsibility to maintain the historic resources under its control. Commenters also asserted that the State has responsibility to convey property, should all or a portion of CRC eventually be disposed of through subsequent passage of surplus legislation, that is in "good repair."

SUSPENSION OF MANDATE TO CLOSE CRC

On September 12, 2013, Governor Brown approved SB 105, which amended the previous requirement established in SB 1022 for CDCR to cease operations at CRC by December 31, 2016. SB 105, Section 21(a&b) specifically states:

Section 15 of Chapter 42 of the Statutes of 2012 is amended to read:

Sec. 15. (a) The Department of Corrections and Rehabilitation shall remove all inmates from, cease operations of, and close the California Rehabilitation Center located in Norco, California, no later than December 31, 2016, or six months after construction of the three Level II dorm facilities authorized in Section 14 of this act, whichever is earlier.

(b) The requirement in subdivision (a) is hereby *suspended* (emphasis added) pending a review by the Department of Finance and the Department of Corrections and Rehabilitation that

determines the facility can be closed. Closure of the facility shall not occur sooner than 30 days after notification in writing to the Chair of the Joint Legislative Budget Committee.

As a result, the former requirement from SB 1022 (Section 15 of Chapter 42 of the Statutes of 2012) that mandated CDCR to cease operations of CRC no longer applies, and the physical closure of CRC is no longer anticipated following the eventual activation of the proposed level II infill facilities (i.e., the proposed project). The DEIR, on page 6-1 of Volume 1 of the DEIR, had previously categorized the closure of CRC as a ministerial action over which CDCR had no discretion. Notwithstanding comments over whether this action is ministerial or discretionary, the approval of SB 105 effectively renders the issue moot; it no longer is relevant to the EIR or proposed level II infill facilities.

Because actions for closure are suspended pending additional review by CDCR and the California Department of Finance, the potential for closure is speculative. If closure were to occur in the future, it would require additional action by CDCR and the Department of Finance. Should the review required by the Legislature in SB 105 determine that closure of CRC is feasible, CDCR would evaluate the closure of CRC in accordance with CEQA requirements, if applicable.

Public Resources Code Section 21065 defines a project as an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The Legislature's action through passage and adoption of SB 105 prevents a previously scheduled activity (pursuant to SB 1022) from occurring. Therefore, no action related to the closure of CRC would be taken at this time, and no activity that could be interpreted as a project under CEQA would occur. CRC will continue to operate in its current capacity pending administrative evaluations by the Department of Finance and CDCR, and this would represent a continuation of existing conditions/operations.

The beginning of Chapter 6 of Volume 1 of the DEIR has been amended to include the following:

Note: On September 12, 2013, Governor Brown approved Senate Bill (SB) 105. Section 21 of the bill indefinitely suspends the closure of California Rehabilitation Center, Norco (CRC) until such time as CDCR and the California Department of Finance conduct an administrative review as to the feasibility of the closure of CRC. The closure of CRC is therefore no longer reasonably foreseeable. The DEIR's analysis of the potential environmental effects of the closure of CRC is no longer germane and has been removed from the EIR.

DISCRETIONARY VERSUS MINISTERIAL ACTION: ISSUE IS NOW MOOT

Although no longer applicable to the proposed project, as revised by SB 105, CDCR has provided the following additional response to clarify its past statements, including statements made in the DEIR closure would be a ministerial action. As noted on page 2-3 in Volume 1 of the DEIR, SB 1022, which was approved by Governor Brown on June 27, 2012, required the closure of CRC by December 31, 2016. SB 1022 specifically stated that:

The Department of Corrections and Rehabilitation shall remove all inmates from, cease operations of, and close [CRC], no later than either December 31, 2016, or six months after construction of the three Level II dorm facilities authorized in Section 14 of this act, whichever is earlier (italics added).

SB 1022 did not allow CDCR the discretion to do anything but remove all inmates from, cease operations of, and close the existing facility. CEQA defines a discretionary action as a situation where a government agency can use its judgment in deciding whether and how to carry out or approve a project (CEQA Guidelines Sections 15002(i), 15357). By contrast, approval of a ministerial project involves little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. CEQA does not apply to ministerial actions.

Here, as one component of a much larger project, the Legislature had required CDCR to close CRC. SB 1022 did not allow CDCR the authority or ability to use its own judgment to decide whether or not to close CRC, nor did the Legislature allocate any funding that would enable CDCR to decide how to close and whether to make repairs to any structure within the prison grounds. This lack of discretion was reemphasized by SB 105; it has taken new legislation to allow CDCR to not close CRC, further demonstrating that CDCR had no discretion in following the requirements of SB 1022 as to closure of CRC. Regardless, this issue is now moot due to SB 105.

CDCR further points out it nevertheless considered whether there would be any foreseeable significant adverse impacts from closure knowing the issue is one of public concern. As explained in the DEIR in Chapter 6 of Volume 1, none were identified.

BASELINE CONDITIONS AND REPAIR BUDGET PROCESS

CEQA Baseline

CDCR began operations at CRC in 1962 and currently operates within various portions of the 98-acre property. The subject property contained a former hotel, hospital buildings, military barracks, and various support structures. These buildings, formerly used as medical facilities during World War II and the Korean Conflict, were transferred to the State of California when they were determined to be no longer needed by the U.S. Navy. The remaining facilities were adapted for subsequent correctional use. With the exception of the hotel, the majority of the remaining buildings have been in active use as inmate housing and treatment since 1962. New construction has been limited to one new dormitory structure and perimeter security measures. CDCR evaluated the potential impacts of the aforementioned new construction to onsite historic structures as part of the 2000 Negative Declaration for the Norco Level II Men's Dormitory Replacement Project.

As a result of the significant damage caused in the San Francisco Bay area by the Loma Prieta Earthquake in October 1989, California voters subsequently passed the Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990. This legislation funded retrofitting, reconstruction, repair, replacement, or relocation of state-owned buildings or facilities that have earthquake or other safety deficiencies. As part of this program, a rating system of risk level was developed by the Division of the State Architect (DSA) that included seven levels of risk to reflect the expected performance of a structure during a seismic event. In 1994, as part of an engineering investigation for DSA, the former Norconian hotel building was determined to have a Risk Level VI rating (refer to Table 3-2), which meant it was in grave danger of significant damage following an earthquake (DASSE Design 1994), and posed a moderate risk to human life. Per this study, the former hotel building did not meet the seismic performance objective or the seismic force level criteria established by DSA. Even with specified repairs, the 1994 evaluation determined that the structure would not achieve a Risk Level III rating (negligible risk to human life). A goal of the seismic retrofit program was to have all occupied state-owned structures improved to a Risk Level III rating.

By the early 1990s, CDCR had ceased occupancy of the hotel in light of the significant cost of seismically retrofitting the structure and meeting building occupancy codes. During this period, CDCR relocated staff/inmates to modular facilities placed within the existing prison grounds (Note: CDCR's budgeting process for maintenance and repair of existing facilities is discussed below). The CRC administration building (the former hotel) has not been used by CDCR for prison operations since its closure.

Table 3-2 Acceptability of Risk by Type of Occupancy

Risk Level	Hospitals	Essential Facilities	Hazardous Materials	Public Schools	Nursing Prisons	Universities Research	Offices Courts	Other Occupancies	Key
I	○	○	○	○	○	○	○	○	○ ACCEPTABLE ◆ QUESTIONABLE ● UNACCEPTABLE
II	○	○	○	○	○	○	○	○	
III	◆	◆	◆	○	○	○	○	○	
IV	●	●	●	◆	◆	◆	◆	◆	
V	●	●	●	●	●	◆	◆	◆	
VI	●	●	●	●	●	●	●	●	
VII	●	●	●	●	●	●	●	●	

Risk Level	Aspect	Anticipated Results
I	Building: Risk to Life: Systems: Occupancy:	Potentially no structural damage; immediately repairable if any. Negligible non-structural damage; repairable. Negligible. Probably remain operational. Immediate, with only negligible disruption during clean-up.
II	Building: Risk to Life: Systems: Occupancy:	Negligible non-structural damage; repairable. Minor non-structural damage; repairable. Negligible. Minor disruption from hours to days. Minor disruption during clean-up.
III	Building: Risk to Life: Systems: Occupancy:	Minor structural damage; repairable. Moderate non-structural damage; repairable. Negligible. Disruption of systems for days to months. Within weeks, with minor disruptions
IV	Building: Risk to Life: Systems: Occupancy:	Moderate structural damage; substantial repair. Substantial non-structural damage; extensive repair. Moderate. Disruption of systems for months to years. Partially to totally vacated during repairs.
V	Building: Risk to Life: Systems: Occupancy:	Substantial structural damage; repair may not be cost effective. Extensive non-structural damage; repair may not be cost effective. Substantial. Total disruption of systems; repair may not be cost effective. Totally vacated during repairs.
VI	Building: Risk to Life: Systems: Occupancy:	Extensive structural damage, collapse likely, repair probably not cost effective. Extensive non-structural damage; repair may not be cost effective. Extensive, but not imminent. Extrication protracted and difficult. Total disruption of systems; repair probably not cost effective. Totally vacated during repairs (if repairable).
VII	Building: Risk to Life: Systems: Occupancy:	Unstable under existing vertical loads or earthquakes. Imminent threat to occupants and/or adjacent property. Total disruption of systems; repair probably not cost effective. Should be vacated until structural upgrading is accomplished.

Source: DASSE Design, Inc. 1994. Engineering Investigation of State Buildings for Seismic Retrofit – CDC – California Rehabilitation Center Administration Building 101. DSA #902.

Assertions were made in several comments that closure would cause the potential for significant degradation of the historic resources, or “demolition by neglect,” of the Norconian Club facilities between the time of closure and sale of the CRC as surplus property. CDCR believes the closure would have represented a continuation of existing baseline conditions. If a discretionary project does not change the baseline, it is not considered a significant impact under CEQA (and closure was not a discretionary element of the infill project).

Limited Annual Funds for Building Repairs

CDCR is responsible for the operation and maintenance of 34 existing state adult prisons, as well as the care of inmates housed in these facilities. As evidenced publicly in recent years, the limited availability of state funds for facility repair and upkeep of all state-owned assets – not just correctional facilities – has posed significant challenges to an agency with an extensive inventory of buildings and infrastructure. Court orders have required significant investment in prison health care and mental treatment facilities, dental facilities, and improvements to access compliance within correctional facilities; court orders have also resulted in the need for additional facilities to reduce inmate overcrowding. As a public agency responsible for housing over 130,000 incarcerated inmates, CDCR is obligated to maintain its existing facilities so they can operate safely and meet regulatory requirements. In light of the fact that the majority of existing prisons are many decades old, this requires continuous appropriations for expenditures on roofs, plumbing, wastewater and water treatment facilities, food preparation facilities, lethal electrified perimeter fences, and a variety of other infrastructure and program facilities. Such maintenance and repair requirements are required by Health and Safety Code (Section 57050(a)), California Government Code (Section 830(a)), and many other regulations and statutes.

CDCR can only address facility repairs based upon the fiscal resources provided each year in the Annual State Budget Act or, in some cases, special legislation. Such funds are either specifically designated for a repair/improvement project within the State Budget or they are funded from the CDCR Special Repair Budget. The funds are severely limited when viewed in light of need to repair 20- to 40-year-old facilities. Table 3-3 identifies the level of funding received by CDCR for special repairs and deferred maintenance in its 34 prisons since 2007.

Fiscal Year ²	Budget Allocated (in millions of \$)
2007/2008	46
2008/2009	46
2009/2010	0
2010/2011	26
2011/2012	26
2012/2013	26

Notes:

¹ Additional budget is allocated by the Department of Finance to CDCR for the maintenance of Division of Juvenile Justice (DJJ) facilities. During the 2007/2008 and 2008/2009 fiscal years, an additional \$3,000,000 was allocated for special repairs and deferred maintenance to DJJ facilities. No funding was allocated for special repairs and deferred maintenance to DJJ facilities in 2009/2010, and \$2,000,000 has been allocated every year since.

² Fiscal year budget extends from July 1 to June 30 of the following year.

Because of the limitations of the annually appropriated special repair funds many repair projects must be delayed to future years. CDCR estimates that the requests for funding by the 34 facilities total approximately \$750 million dollars. The budget allocated to CDCR provides for around three percent of the total funds needed for special repairs and deferred maintenance. Each budget request is evaluated in light of the priority for inmate care and custody. Given there is always a limitation on the amount of

special repair funding appropriated each year and there is such a significant backlog of awaiting repairs CDCR does not have the discretion to invest such funds in any facility or structure that is not in current use. The hotel building is a typical example of this situation: it no longer is in active use for administrative or inmate housing programs at CRC because of the risk of occupying a seismically unsafe building and because alternative space has already been provided.

MASTER RESPONSE 3: EVALUATION OF SOCIOECONOMIC EFFECTS UNDER CEQA

Multiple comments were received on the DEIR expressing concern that the analysis of environmental impacts failed to include analysis of the social and economic impacts of the proposed level II infill correctional facilities on communities throughout California, especially communities of color and economically disadvantaged communities. Many of these comments also disagreed with the need for the new level II infill correctional facilities and expressed frustration with budgetary funding of prison facilities rather than community enhancement or education. Furthermore, comments supported alternative programs such as alternative sentencing or housing to reduce prison populations.

SOCIOECONOMIC ISSUES RAISED DURING THE SCOPING PERIOD

Section 2.4.1 of Volume 1 of the DEIR documented that comments related to both social and economic impacts were raised during the public scoping period in response to the NOP of the DEIR and explained why these issues would not be addressed in further detail in the DEIR:

- ▲ **The perceived need (or lack thereof) for level II beds:** The issue of the need for the proposed infill facilities was raised by individuals opposed to the construction of additional state prison capacity in California. These commenters expressed beliefs that alternatives to incarceration (e.g., drug treatment, early release of infirm/medically incapacitated, etc.) should be investigated and, where feasible, implemented. They also suggested that greater efforts should be directed to reducing prison recidivism. By pursuing these and similar measures the commenters indicated that funding designated for the proposed infill project could be better spent on schools, job training, and general crime prevention. CDCR acknowledges and supports these recommendations. However, the Department believes more beds are needed to further reduce overcrowding as well as provide the needed space for education, health care, and vocational training for those sentenced to state prison. SB 1022 directs CDCR to implement these proposed projects in light of the need for more level II capacity and to provide new correctional facilities that are fully programmed with inmate services. Finally, these comments relate to social issues that are not related to physical changes to environmental conditions. Therefore, these comments are not addressed further in this EIR.
- ▲ **Economic impacts:** Comments were raised suggesting that the project may adversely affect property values, that the project may bring inmate families into the area of the project, and that inmate families increase crime. CDCR commissioned a study in 2008 of the potential impacts of prisons on property values and crime rates, as well as various social and fiscal impacts resulting from inmate families relocating near prisons to be near inmates (CDCR 2008). The study focused on a prison in a rural area (Kern County) and an urban area (Vacaville, the location of one of the project sites considered in this EIR). No correlation was found between the communities with prisons (either before or after construction of the prison or in comparison with other similar communities) and crime rates. Further, there was no evidence that property values were affected. (Anecdotally, many prisons are located in areas where relatively high-priced housing was subsequently constructed, including the City of Folsom, across from Folsom State Prison, and Larkspur, near San Quentin State Prison).

The study included surveys to identify the percentage of inmates' family members living in counties and cities that host specific prisons who moved there specifically to be near an inmate, and to

identify any abnormal fiscal or social impacts caused by their presence. Overall, the study found that the percentage of inmates with family members who might have moved to be near the inmate at the four prisons studied was less than 0.5 percent of the total inmate population. The study concluded that, because the number of inmate families that moved to be near the inmate was small, the fiscal and social impact of such families can also be reasonably assumed to be small (CDCR 2008). There is no reason to anticipate that a greater number of families would move to be near inmates at any of the project sites under consideration in this DEIR because the facilities studied in 2008 are similar in nature and purpose to the proposed facilities discussed herein. The CDCR study concluded that the location of prisons within communities does not affect property values or crime rates, that a very small number of families move to be near an inmate, and that no evidence exists that inmate families are more prone to criminal behavior than the general population.

CEQA REQUIREMENTS RELATED TO SOCIAL AND ECONOMIC IMPACTS

The State CEQA Guidelines establish the scope of analysis of social and economic impacts of a project under CEQA. These provisions, which are described below, provide a framework for considering the comments received on social and economic effects of the project, including issues such as health care, job opportunities, property values, and other socioeconomic impacts.

CEQA is concerned solely with whether a project may have adverse physical environmental effects. Accordingly, the State CEQA Guidelines provide that “[e]conomic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment” (CEQA Guidelines Sections 15064(e), 15131, and 15382). Although social and economic effects are not physical environmental effects, they can result in indirect effects on the physical environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from a project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. However, the CEQA Guidelines state that the focus of the analysis shall be on the physical changes.

CEQA does not require the analysis of generalized social and economic effects related to a range of prison-related and other issues, such as family and community dynamics, job opportunities, and property values, as suggested by many of the comments. A lead agency is also not required to analyze conclusory statements regarding social and economic impacts that are not supported by substantial evidence in the record. Analysis of the pros and cons of other budgetary decisions (such as funding education rather than prisons) is also not in the purview of a CEQA analysis. Further, as described above, there is no evidence of a connection between social and economic effects of prisons and environmental effects, and no such evidence was provided in comments.

ADEQUATE CEQA ANALYSIS OF THE PROJECT

The significant environmental impacts of the proposed project have been fully evaluated and presented in the Level II Infill Correctional Facilities Project DEIR. The analyses compare the future conditions after implementation of the proposed project with existing conditions before the proposed project, and consider the environmental effects of all inmates, visitors, and employees who would be housed at, work at, or travel to and from the proposed facilities. Appropriately, the DEIR evaluates the effects of all people associated with the proposed project and does not differentiate between the environmental impacts of inmates, visitors, or employees of different race/nationality/income levels. Such issues are of a social and economic nature and are only relevant in an EIR insofar as they connect the proposed project to a substantial adverse physical environmental effect or represent a measure of the magnitude of such an impact.

CEQA requires public agencies to identify all potential effects directly or indirectly resulting from a project on the environment. Therefore, the DEIR addresses both the direct physical effects of the project as well as the indirect physical effects. Direct effects are effects that are caused by a project and occur in the same time and place. An indirect environmental effect is a change in the physical environment that is not immediately related to a project, but that is caused indirectly by a project.

ALTERNATIVES TO THE PROPOSED PROJECT

The DEIR provides a robust consideration of a reasonable range of alternatives as required by CEQA Guidelines Section 15126.6(a). Four individual sites are evaluated at an equal level of detail for consideration of constructing the project at two or three of the sites (see Volumes 2 through 5). In addition, Chapter 5 of Volume 1 evaluated a fifth site (CIM) in detail along with consideration of design alternatives, offsite alternatives, and a no project alternative. The summary table provided in Volume 1, Chapter 1, of the DEIR presents a detailed summary of the potential environmental effects of the five infill sites considered.

The DEIR discussion of alternatives (see Volume 1, page 5-4) explains that an effort to reduce the number of inmates in state prison system to the extent that new prison beds are not needed is not a feasible alternative within the context of the CEQA process. Although CDCR has modified the inmate classification system and recent changes in the Penal Code have resulted in a reduction in the number of individuals being committed to state prison, there is currently no statutory mechanism for a further reduction of 2,376 (a number specifically cited in the legislation) level II inmates. SB 1022 will aid CDCR in providing additional level II dormitories to alleviate overcrowding while providing programming space for education, health/mental health care, and vocational training. CDCR believes these support services within a correctional facility potentially improve the opportunities for individuals to succeed once they have been released.

CONSIDERATION OF PUBLIC COMMENTS

CEQA directs public agencies to treat EIRs as “full disclosure” documents to ensure that the public is aware that public agencies have considered potential adverse environmental effects in their decision-making processes. In addition to the physical environmental effects disclosed in the DEIR, all comments provided to CDCR on the project through the CEQA process, whether on the DEIR analysis or the proposed level II infill correctional facilities, are included in their entirety in this FEIR, and will be considered by the decision makers at CDCR prior to certifying the EIR or rendering a final decision on the project.

In summary, CDCR supports many of the concepts expressed by commenters regarding alternatives to incarceration (e.g., drug treatment, early release of the infirm/medically incapacitated); that recidivism needs to be reduced, thus reducing the need for more capacity; and that state budgets should support schools, job training, and crime prevention. While programs have succeeded in reducing the overall state prison population, more beds are needed to alleviate overcrowding and provide programming space for education, health care, and vocational training programs that will equip inmates with the tools needed for better success once they are released.