Transcripts

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DEPARTMENT OF CORRECTIONS
PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT

CHULA VISTA, CALIFORNIA
JULY 22, 2013

LEVEL II INFILL CORRECTIONAL FACILITY PROJECT

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF FACILITY PLANNING CONSTRUCTION AND MANAGEMENT

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PUBLIC COMMENT (continued)
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Chula Vista, California.
Public Hearing on Draft Environmental Impact Report
July 22, 2013, 3:23 p.m.
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MR. SLEPPY: We'll go ahead and get this started so you don't have to sit around much longer.

First, thank you all for coming out.

I'm Bob Sleppy, I'm with the Department of Corrections and Rehabilitation. I'm directing the EI- -- Environmental Impact Report process for this proposed infill Level II project that we're working at several sites in California. We're going to take you through a little slide show, talk about the project, and then we're going to open this up to a -- in the world of doing Environmental Impact Reports, you always provide the public with an opportunity to give you comments on environmental -- contents of the environmental document, issues, things like that.

That goes into our administrative record for what gets considered when we get to the end point of deciding which site to pursue and things like that, so it's a really important part of the environmental due process. This thing is not going to work on command.

I know it's not going to work on command.

MR. MUNDHENK: I'll just do it.

MR. SLEPPY: Okay. So why are we here? In California when you're doing a development, physical development that affects the environment, be it a city, a county or, in our case, a state agency, you have an obligation to prepare an environmental analysis to give a full environmental impact report like we've done here or it could be a smaller document depending on the nature of the environmental effects. But it makes you tell the community what you think the negative physical consequences on the environment are going to be. Not so much social, not so much intangibles, but particularly grading and traffic and loss of habitat and things like that.

So that process ends with a -- gets to a point where there's a Draft Environmental Impact Report which goes out for public review, in this case for 45 days, it's about halfway through that process right now, comment period ends on August 8th of this year.

We then take all the comments we get through this process tonight and other direct written communication and we respond to those comments in a document called the Final Environmental Impact Report.

All of that information, the draft, the final, comments we get in venues like this goes up to our agency executive staff who then sit down and decide what they want to do, if they want to certify this EIR as complete, if they want to go ahead and implement one or more of these projects. So we're right in the middle of that.

Gary Jakobs here who's the guy responsible for doing a technical environmental analysis is going to talk about the findings of the EIR, talk a little bit about traffic levels and things like that. I'm just going to give you sort of how the project is, how it's authorized and what we're hoping to achieve.

Let's jump to that.

Department of Corrections is responsible for currently operating 33 existing state prisons in California. They're staggered from one end of the state to the other and from west to east. We just opened our 34th prison which is up in San Joaquin County close to Stockton. That is our first new medical prison we've done in many, many, many years. It's a major, major project, has 1700 beds. That project reflects, as do a lot of our work right now, the fact we have a lot of court orders we're trying to respond to when it comes to overcrowding, so

1 inmates -- we have too many inmates to a facility to
2 adequacy of medical care to the inmates, adequacy of
3 mental health treatment and care as well as even
4 things like dental care. We have to provide better
5 dental care and we're doing that.
6 Anytime we build something new, we try to hit
7 all those marks when we're building it. We don't just
8 build a cell, we don't just secure the perimeter, we
9 build all that other space that goes with housing an
10 inmate until their felony conviction is done. And
11 that includes vocational space, educational space,
12 areas for the doctors to work, for the psychiatric
13 folks to work to treat inmates, the specialized space
14 you need for that type of circumstance.
15 All of our prisons have essentially the same
16 security standard. No matter what their internal
17 security level is between Level III and Level IV and
18 Level II, we have a very secure perimeter. We have
19 folks like our warden here tonight who know how to
20 keep the public safe.
21 About a year ago, the Department did its
22 first comprehensive overlook at where it's -- kind of
23 where it's going, where it's been and where it would
24 like to end up. And this is reflective of all these
25 court orders, particularly the issue of the cost to

1 state prisons when you balance it against other State
2 costs, so we're trying to get our labor costs down,
3 our operational costs down.
4 This plan was the first time in many moons
5 that we decided to start describing and identifying an
6 operational level for a prison. For many, many years
7 we just kept on bringing inmates in because they kept
8 on coming to us from the counties and we had to put
9 them someplace so we ended up with really high levels
10 of overcrowding. We had gymnasiums full of inmates,
11 we had libraries full of inmates, which is not the way
12 to operate a good correctional facility, it's not fair
13 to anybody, officers, inmates, all that kind of stuff.
14 So now we're looking at, at each of our
15 prisons, sort of a single level that would be its
16 ideal level to operate at. Most of this is responsive
17 to the federal court order for overcrowding which
18 would like to get us to 137 and a half percent of
19 capacity. The simplest way to look that is if you
20 have 100 cells, that's your 100 percent design
21 capacity. If you put 30 percent of them with two
22 inmates, that's how you get to 130 percent.
23 We are trying to throughout the state adjust
24 each prison to kind of meet how it's designed and how
25 it functions so some have a little higher, some have a

little lower target. This is important for this project because this project comes along and says why don't you build 2376 new Level II, a lower level security level prison, and while you do it, don't expect to overcrowd them.

So when you build these facilities, we have to plan that they would operate at this level we're doing -- trusting in the EIR. So for the -- we have a single facility that's 792 beds, we can put two of those together and get 1500 beds. We wouldn't put all three of them together in one prison.

This plan in particular talks about that we're moving into a time when we're going to have more of a lower security level inmate than a higher security level inmate. We've taken a look at the way we classify inmates, how we grade them for what housing situation they find themselves in when they get committed to us and we're headed towards having more inmates, and it's a lower Level II, which is our second lowest classification level.

For the inmate, that means they're living in a little more communal situation, they're living in a dormitory, they're not living in a celled housing unit. They have a little more freedom to move about, they don't have as many personal restrictions on their

movement. This is sort of a demonstrated behavior, the inmates, if they can show that they'll get along, they can over time graduate down to this type of facility.

For us it means we get more inmates kind of housed in the same square footage so we get a little more cost effectiveness for the taxpayer and we're able to have a little more freedom to take them to class, take them to vocational, things like that because they're not acting out as often.

Of course, big change in the State's incarceration system occurred about a year and a half ago when the legislature changed a few Penal Code requirements that a lot of convictions now do not come to state prison, a lot of them go to county jail, it's called realignment. The warden here can probably talk all day on that, I'm not an expert on that, but what it caused -- the effect was we dropped about 30,000 inmates out of our system that no longer are in the state prison. We actually ended up closing one of our women's facilities because we had such a drop in female population in our prison system.

So we are doing a project that comes out of the legislature. We don't hardly get to do anything unless the legislature passes a bill, governor signs

it, funds it and tells us what they want us to do.

In this case, it said, go build 2376 Level II beds -- and I'm going to go into some more slides here to talk about where you can consider building it and that you're going to use an existing model, a prison, that we know works, works very well, very good layout for everybody, and establishes how much funding we have to get that done.

The proposal has a funny hitch about it. While we're supposed to build 2300 new beds, we're going to close a prison in 2016 that's one of our oldest and sort of -- it's not our oldest, that would be San Quentin, it's a very old prison, it was actually a military base and a hotel, an historic hotel that was conveyed to the State from the military, the Navy. Certainly never meant to be a prison so the housing units are not really great and they're hard to renovate so the choice was to move everybody into a much better circumstance and just close that prison. So we have a build new and we're closing one of our -- one of our tougher prisons to live in.

Okay. We talked about the classification levels, if you're officers, these are common to you. If you're a general member of the public, you might

not know much about them.

These four, four Roman numeral, to describe different behavioral and types of folks, allows us to separate them and how to handle them. The first two are higher security, Level IV and Level III. Those inmates end up in a celled arrangement, so one or 150 percent of them, so maybe some cells have one, some have two, are in a celled housing unit, it's a more -- has more isolation to it, more separation, protects the inmates from each other a little bit, protects our officers and our staff. But that's our higher security folks that really act out, aren't good about getting along with others.

When you demonstrate little better behavior and also meet other criteria, you can get down to being a Level II inmate. And the watershed difference between a Level IV and Level III and Level II is you move into a dormitory housing situation. So it's like six of you in a room instead of only one or two.

Once again, we're setting a capacity, we're no longer just keep on bringing inmates in until the place is overcrowded beyond reason. So this one is either 792 or it's 1500 depending on which slide we're looking at.

Next slide. Just want to show you this. The

two pictures on the left are what RJ Donavan looks like right now. There's two tiers of cells in a single housing unit with an observation post that looks out on it. You can lock all the doors remotely and things like that, it's all under control.

What we're proposing to build are the two pictures on the right which area a dormitory, a little freer, six inmates to a room. There would be a wall across there, a wall is missing. But once again, two tiers, but a little more freedom for the inmates.

Next slide. Legislature said, why don't you consider putting these new beds at the prisons that have a medical rating of intermediate care. We have several levels of medical care and psychiatric care in our state prisons, and one of them is intermediate care. And the -- kind of my simple way of describing that, it's not like an acute care emergency room, it's more like going to see your regular doctor in a clinical situation. So RJ Donovan is one of these prisons as well as our other proposed site up in Mule Creek where staff is -- already got all the staffing for medical care as well as a lot of the mental health staff.

We have 11 of those prisons statewide that are rated at that capacity. Only really essentially

five or seven of them had room to build something new. So we started with the seven prisons. Of those seven prisons, we get five locations where we can build something.

That's the whole picture where we started from and then we get down to those sites.

Keep going.

So that's the overall perspective of what we're doing. We have this 2300, we have either a 792- or a 1500-bed, everything meets our standard security perimeter, things like that, low buildings, lighting typical 24-day operation, no one gets to go home for weekends and weekends are usually when we have visitation with inmates, that's pretty typical of the state prison system.

If you're living in San Diego and you're worried about somebody -- an inmate climbing over the fence, we have a very high standard for external security at our state prison system. And that constitutes two outer cyclone fences with a lethal electrified fence between them. So this is proven to be a very good way of keeping folks in and not trying to get out.

We had to tell the legislature and governor where we really thought we'd build. Even though we

were told to look at all these alternatives, we had to tell them where we thought we were going to build. We have proposed a build out at RJ Donovan over here on the right, a 792-bed addition, and up in Amador County by Jackson, just downhill from Jackson, a 1500-bed, there's a little more room up there for that one, so that would constitute our 2300 beds total.

We have an Environmental Impact Report that addresses the construction effects with that on both those sites equally. Of course today we're talking about RJ Donovan.

Next. There's -- all of our alternative sites as well as some cases we have a double and some cases we have a single. We have looked at having a double, a 1500-bed here but there's -- it's pretty close, not a lot of room.

All right. What do we own out there?

We own everything inside the yellow line. We bought this prison property many, many years ago back in the '80s for one of our early new prisons and we started bidding in the '80s. It was activated sometime in '85, '86, '87, someplace in there, it's been a Level III, Level IV prison for a long time. There's been a lot of things proposed to be built out there, but this is probably the only one that's going

to be taken seriously.

The county jail is just up the hill from us, not part of our operation, but the county jail just happens to be located up the hill from us. We have a really big canyon which we have dedicated to wildlife conservation, only some years ago transferred it over to California Fish and Game. We face onto Alta Road which Otay Mesa Road to get to our property. The yellow line is everything we own. And as you can see, a good part of that isn't really useable for anything but gnat catchers.

There are private proposals all around us because that's local government, that's their choice so we don't control property around us, they have a major power plant out there and other commercial retail proposals all around us. We would build entirely on land we already own, so from a local tax base standpoint, we're not taking away any taxable land.

We have to do a few things. We have to obviously have a little better road than we have. We have to figure out where our gate's going to be. We have to, in come cases, look at potentially moving our firing range, things like that. So these are kind of typical operational and physical issues you have to do

when you do an EIR.

In particular, we're going to talk a little bit about road access, there's been a lot of interest here locally on changing our roads and so we're going to talk about that. We do have plenty of on-site parking for anybody that would work there.

So here is kind of a close-up of it. You see that -- if you came in on our entrance road right now just above Chris's head, you would go by this State open field, pretty much a barren field, a little bit of grassland, not much to it. We stay out of the gnat catcher habitat which is to the north and east of us. This is sort of underutilized part of our property, entirely State owned.

We have to relocate our gate. We control access to all our prisons by having people come through that we know who they are with a pass or permission to enter. So we would move our gate a little farther out than it is currently on that road.

We do look at in the Environmental Impact Report building a 1500-bed facility as an alternative, CEQA makes you, environmental review process makes you look at alternatives. This would be twice as many inmates, it'd be more staff and so the consequence of it is it sort of doesn't fit well and we have to move

a lot things around.

We're moving along through a typical public process for the potential entitlement decision to construct something. We -- this will end up having an operational budget of about 20 to $25 million for this addition, staffing and things like that. We have a construction budget, the total budget is about $200 plus million. That's funds we borrow on a long-term basis through the Treasurer's Office. We hope to start construction in the beginning of 2014 as we can move through the public process and construction documentation. We need to have it ready to occupy at the end of 2016 because we're supposed to close this other prison by 2016.

I'm going -- before Mr. Jakobs gets up and talks about some of the findings he has, I'm going to talk about a could of key issues that came up from the County and from some of our neighboring landowners.

One of those is they were concerned about fire access. It struck folks down here as a little bit different that we only had one entrance to the prison. We're very concerned about security, so we tend to, almost state prison-wide, have one entrance to a prison. So we've done the analysis to talk about why that is and that we really want to keep it that

way.

We need to pay into a fair share to what's going on in the area. There's upgrading of the wastewater collection system and we're proposing to pay our share of that which any developer we would to. As I said, we have to move our gate a little bit to the east.

We're committed to putting a signal light at Otay Mesa and Alta Road because our traffic in the future demands a signalization and not a stop sign.

We have at the request of an adjacent landowner possibility of extending another road into the project site. We prefer not to do that, it's very costly, it affects our security access by having two entrances to the prison. So we at this point aren't interested -- we prefer not to do that, but we have an analysis of that in the EIR.

Gary Jakobs who is really knowledgeable about EIR stuff is going to get up and talk about what's in the EIR. We want to make a couple little important points. This is unusual to have an Environmental Impact Report done on multiple sites but we wanted to look at all the sites we could possibly build this on statewide, which is four of them, so this EIR is like more chapters of it. But it's a pretty large

document, we're trying to look at all of them equally, we've been able to do that including Vacaville and Folsom as well as up there in Jackson.

We're compelled to look at alternatives. When you cause something to be out of whack, you should look at alternatives to see if you can minimize that, and Gary's going to talk about that in a little bit.

And then of course we're -- if mitigation is feasible, let's say we disturbed natural habitat, we have an obligation to go try to replace and maybe enhance that natural habitat. Those are called mitigation measures.

As we get into this I just wanted to emphasize a couple things. This is a chance to give us comments about the EIR, what's in the EIR, if you think the traffic analysis is good or missing something, it's a chance to just express concerns or opinions about the project itself because we're going to take these comments back to our secretary, Secretary Beard, so he sees what the whole view was.

This is not the only time you can do this. We have up through the 8th of August. If you want to produce a written letter, that's fine. Written letter is just as important as the spoken word today.

We're holding other hearings on this. If you want to come to one of the others, we have a couple more scheduled in other parts of the state on other aspects of this project and other sites.

We have a court recorder which is a nice function because she gets every word for the most part that you say, so it's a very accurate recordation of what you might say today. At some point we make that transcript available when it's done and we accept it.

With that, I invite Gary to give us a little overview of the EIR and then we'll invite you to come up and give us comments about the EIR document.

MR. JAKOBS: Okay. Well, it's good to see everybody here. I'm going to talk a little bit about the process that we went through so you understand a little bit about how the EIR was prepared but then really get into the issues.

As Bob said, we looked at several sites at an equal level of detail which is very unusual for Environmental Impact Reports. What CEQA requires is that you look at the proposed project and then, at a lesser level of detail, a comparative level of detail, look at alternatives.

Well, in this case, we started out with several sites that we looked at and we looked at them

all at an equal level of detail, four of them essentially survived the screening process that went through the environmental review, and two of them, Mule Creek State Prison and RJ Donovan, are the ones that are now the focus although there are other sites in Folsom, in Vacaville where equal level detailed EIRs have been prepared and they also can be selected. So the selection is open to several different sites.

For ease, and this hopefully helps in navigating your review of the EIR, we prepared each of the sites in an individual volume. So Volume 2 is for the RJD prison, Volume 1 is a summary document, it summarizes our findings of all of the different environmental documents that we prepared on each site, and that document is also available to everybody. You can actually go online and review the whole thing if you'd like. A lot of fun to review the whole document. Go online if you want to do that. But Volume 1 summarizes the findings of all the different environmental documents. And then Volume 2 is the detailed analysis of the RJD project.

What does EIR do? It's full scope which means there are not any potential environmental issues that we did not address. We addressed each and every environmental issue that is typically addressed in an

Environmental Impact Report.

In each technical section we look at regulatory background, what do the different environmental regulations say, what do they mandate, and then we look at the environmental setting, what is out there today. We also looked a little bit of history because these prisons, RJD is one, have had population reductions over time, and that's important for considering service capacity, things like that.

And then we overlaid the environmental impacts on top of the setting, keeping in mind that there are certain mandates that regulations require us to do no matter what that reduce environmental impacts. Then in the end, what is the residual environmental impact, is it significant? And significant is under the California Environmental Quality Act, defined as a substantial and adverse change in the physical environmental conditions. So that's a legal definition, substantial and adverse, big and bad change in the physical environmental conditions. Not the social conditions, not the economic conditions, but the physical and environmental conditions.

These are the issues that we addressed. Starting with visual resources, I'm not going to

repeat all of them, air quality, biological resources, cultural resources, geology and soils, hazardous materials, hydrology, noise, public services, utility providers, transportation and traffic, water supply. We also looked at whether or not construction would induce growth in any way in the community that could also cause environmental impacts.

And then this concept of cumulative impacts which means, does this project, along with other projects in the area, contribute, does it multiply the impacts, does it contribute to impacts that would happen from a variety of projects and would it result in significant effects? We also looked at cumulative impacts of all of the beds being constructed statewide. So we looked at it in two different ways.

We had one significant and unavoidable impact. What does that mean? It means that we tried to reduce the impact to the best degree that we could but we could not demonstrate in one instance that we could bring that impact down to a level that is less than significant. And what is that? It's construction-related traffic. There's going to be a high volume of traffic during construction. The Department is going to prepare a transportation management plan during construction to reduce trips,

but because the detail of that plan still is being worked out, we cannot demonstrate that we would reduce the impact to a less-than-significant level and so we say that it is significant and unavoidable. It's still the goal of the Department to make it less than significant, but we're not absolutely sure.

As far as other impacts, there are a number of impacts that would be significant but that we can reduce to a less-than-significant level. Air quality, biological resources, geology -- actually paleontology, these are all significant impacts that would occur but there are measures in the documents that the Department has committed to implement that would reduce those impacts to a less-than-significant level. It's by design, by avoidance, by doing something to change the way that it would otherwise occur without any controls whatsoever and reduce the impact to a less-than-significant level.

Hazards and hazardous materials, now that wouldn't occur with the single facility that is now being proposed, but if it were two -- if it were 1500 beds, that alternative that would result in 1500 plus, that would result in site contamination impacts because the firing range would have to be moved.

Transportation, again, there are several

impacts, but they would be reduced to a less-than-significant level through mitigation, through traffic signalization. That would go a long way to reducing those impacts.

Right here you see this alternative access road that we did evaluate in the Environmental Impact Report, it was suggested as an alternative that we evaluate, and we did. We found that construction of that road would actually result in grater significant effects than not having that road, and so that's a finding of the EIR.

And then here's the process.

Bob, did you want to take over here?

MR. SLEPPY: Thanks, Gary.

So we're finally getting to where you get to talk. Took a long time getting there, sorry about that.

We're -- in this public process it's very typical of getting entitlement for anything, housing tract, whatever you're building, we're in that same boat. We've been going through this process for of asking people what they thought should be in the EIR, we've addressed what we think is relevant to that. We're out for public review, the chance for the public to comment about this, good qualities and bad

qualities. That ends on August 8th, that closes our public record of input. We then answer all those comments in another document called a the final EIR which everybody gets a copy of when we get it done, and then we, at a point, go to our executive staff, our secretary and others, who decide if the EIR is good enough to meet muster in terms of approving one or more of the alternative proposals for the project.

This is your chance to come up. We're going to make this informal. We hope you are somewhat orderly. Only one person talks at a time. Please identify yourselves, at least someway we can remember you in the record, your name or something else you want to go by. We hope you signed in if you want a copy of -- be on our mailing list for the next meeting, if we have any more down here.

We invite you and we hope you stick to three to five minutes. You don't have to all repeat the same thing unless you truly want to, that's fine too.

Our court recorder is going to get hopefully the 99 percentile of your words so we'll have a very clear objective recordation on something, because I'm bad at notes.

We don't tend to answer commentary, we tend to just hear your comments and then actually answer

them in the final EIR. But if someone has a really particular question, we'll see if we can answer it.

So with that, the microphone is yours. Just, as I said, come on up, tell us who you are if you want to. The written word -- if you're like me in high school and didn't want to do any public speaking, the written word is just as important as the spoken word here. So if you want to send us a handwritten comment, letter or an e-mail, you can do that too and there's lots of ways to get ahold of us.

So thank you for all coming out. We're going to do this again at about 5:00, 5:30 if you want to stick around. We're glad to see folks interested in our project.

And try to use the microphone.

MS. ESPITIA: Hi. My name is Kathy Espitia (phonetic). And the reason why I'm here is because I'm against the prison expansion --

MR. SLEPPY: Please use the microphone.

MS. ESPITIA: You can't hear me from here?

MR. SLEPPY: Yeah, it would be better. We wouldn't want to miss your words.

MS. ESPITIA: Hi. My name is Kathy Espitia. I'm the coordinator of the Mexicano -- Chicano Mexicano Prison Project here, it's a grassroots

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organization organizing around the prison question for the last 20 years here in San Diego. And we don't think that building more or expanding more prisons in the State of California or anywhere that it's going to solve the problems that we have and that our families face. We don't deal with the concrete problems and issues that we have, and I don't think by building more prisons is going to help. T1-1 cont'd

Also, you know, it's really sad that you guys hold a meeting at 3 o'clock, 5 o'clock when we're all working people and don't have the luxury to miss work to come to these meetings. So I really -- I'm upset that you guys have these meetings where really the community can't really come and voice their opinion. But we say no to prison expansions. T1-2

MR. BARRERA: Hello. Thank you for opening up the -- for comments.

My name is Chris Barrera. I do graduate work at UCSD, I teach at San Diego City College, I grew in up in Chula Vista.

I'm also a little bit surprised that we're not hearing about the social impact that you're describing here and that you're distinguishing that from what you're calling environmental. And I understand that the definition is clear by -- in the T1-3

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wording, but I take issue with that definition. An environmental impact for South Bay, for San Diego at large is going to be just as bad as it was when Donovan was built here, okay. T1-3 cont'd

So I just have some comments about what you're saying in terms of the people who are there and why it's important for you to take those things into consideration when you're actually building this because we're not worried in this community about the people jumping the fences because those people are from our community, okay. Not just from San Diego but from across California. And so if you're not asking questions about the environmental impacts on the communities of color, the economic communities, the different -- the differentiations, if you're not talking about those factors as part of the economic problem as well as the environmental problem, then you're missing the big picture here, and I think that needs to be included in a project like this, in any proposal that's being introduced like this. T1-4 T1-5

I don't know if there are points and bullet points available in Spanish, I don't know if you if would also consider the fact that Chula Vista is largely a Spanish-speaking community, so that way we can participate in the discussion with you as well. T1-6

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Lastly, I just want to say overcrowding is not a justification for expansion, so I think we need to back up a little bit and begin discussing those other sort of problems that are really important to a lot of people here that -- as the person just before me said could not be here, and so those things we need to -- we need to back up and actually talk more about that before expanding, despite historical reductions, despite -- you know, we need to talk more about how we're categorizing, all of that needs to be more on the table before we start expanding Donovan. T1-7

MR. SLEPPY: Thank you.

MR. MALONE: My name is Reverend Dennis Malone, I represent Community Compassionate Ministries as well as All Of Us or None San Diego. We're also a grassroots organization. But I just want to follow-up on -- I didn't get your name, sorry.

MR. BARRERA: Chris.

MR. MALONE: -- on Chris's comments regarding social impact. T1-8

I know there are some states such as Iowa who are doing racial environ- -- environmental impacts so much as doing racial impacts and how that impacts the community. I would like to see that also being done here before we go any further.

It's really troubling to me as well that we know that African-Americans have been -- the numbers that just impact African-Americans in the prison systems has been so devastating on our community. And not to have that even be considered, I just don't think CDCR, you know, really cares about people. And to have this forum is almost like a slap in the face to our community. It says to me, it says to me, we don't care how many people, black people get in our cells, Hispanic people, we're going to keep on building these prisons regardless of what you're saying, wasting all this money on doing these environmental studies and so forth that nobody -- if we can take time out and start listening to the voters, to the public and hear what the public really has to say about incarceration. T1-9

Like, I know this is not falling on deaf ears. I mean, it's all -- it's all in the media. We have people who have sacrificed so much to get our voices heard out here, it seems, though, doing this right now, it shows me that you don't -- nobody is hearing us or no one really cares and how the hell you come up with this money to do this. I mean, that's a joke in itself.

I mean, this -- economically -- economically

in the times that we're facing, I don't see how this is -- to me, it's like we're just playing king of the court, we're just going through the hoops, we're going to do what we want to do regardless of what you say. But I hope this has given us in the community ammunition but we got a lot more work to do because if we're this far along in this process, that shows me that we have so much more to do to get our voices really heard and be taken seriously because we know there are terms here to incarceration. T1-9 cont'd

I worked at Donovan last year as far as staff there on the reentry program. Our whole program got cut. Well, we were getting people jobs before they were released to the streets. That program gets cut. And I see -- I see where you build another minimum yard -- or essentially that's a minimum yard to me, it's a Level II category, but that's essentially a minimum yard, expanding the minimum yard, and that's what they did for more beds, and that's saying that it's needed out there. T1-10

Most of the people in that minimum yard that are there now are prime candidates for these alternative sentencing or housing into the community. If that type of money was put in to residential treatment programs here in San Diego, half of Donovan

can get shut down. I mean, you're going the wrong direction. We're going in the wrong direction. And I just don't really think that we're going to be able to achieve the goals unless we have a complete, like, revolution out there and just stop the trucks from coming out there, whatever you -- however -- when you start the construction on it, we have to block the streets, block off -- don't put no stoplight up there. Block the streets so the construction trucks won't get there and send them back -- back to where they came from because we do not need no more beds. We need less beds. Thank you. T1-10 cont'd T1-11

MR. SLEPPY: Thank you.

MS. BERGMAN: I'm Gretchen Burns Bergman, and I'm the cofounder and executive director of a New Path, stands Parents for Addiction, Treatment & Healing. And I'm here representing thousands of voices of mothers with our mom's unit to end the war on drugs campaign. T1-12

And we urge you to stop plans for infill prison bed expansion. We know all too well that if you build them, you will fill them. This doesn't do anything to solve our prison overcrowding crisis which has amounted to cruel and unusual punishment.

San Diego doesn't need new prison cells. A T1-13

1 majority of the people behind bars are there for
2 nonviolent drug offenses, for a simple drug
3 possession. They shouldn't have been sent to prison
4 to begin with, and I think we all know that. We can't
5 incarcerate our way out of what is essentially a
6 public health problem. We need to put our funding and
7 resources into treatment services and education, not
8 prison beds. Our schools are overcrowded, we need to
9 put our funding there. There's almost no treatment
10 for drug addiction. We need to put our funding there.
11 We can reduce the population through early
12 release as Reverend Malone talked about and certainly
13 with alternative sentencing programs.
14 The social impact, which, again, I agree with
15 Chris, I don't know why we're not talking more about
16 the social impact, which is extraordinarily
17 destructive and affects primarily our communities of
18 color, but the environment impact is negative as well.
19 And the fact that this environmental report was not
20 translated in Spanish is -- I don't even know what to
21 say. So we would -- we would recommend that at least
22 you extend the time period so that you can address the
23 community that would be most affected by it.
24 Don't be fooled, prisons are not good for
25 economic growth and will not be good for San Diego,

T1-13 cont'd

T1-14

T1-15

1 for our families and community of San Diego.
2 And I just have to add on a personal note, I
3 know RJ Donovan, I have a son who is a nonviolent drug
4 offender, he spent 11 years cycling through the
5 criminal justice system, short term, longer terms at
6 Donovan, and somehow graduated to a Level III, this
7 nonviolent offender who had never done anything
8 violent in his life because he possessed marijuana,
9 that's how it started, and then he couldn't get out of
10 the system because he would get caught for dirty tests
11 and things like that.
12 This system has failed all of us, so we need
13 to be -- I don't want to just say no more beds at
14 Donovan in particular but certainly no more beds in
15 California.
16 MR. SLEPPY: Thank you.
17 MS. THORTON-ZETINO: Good afternoon. My name
18 is Susan Thorton-Zetino. I am here as many things, a
19 concerned and active citizen; a member of CURB,
20 Californians United for a Responsible Budget; a board
21 member of A New PATH, Parents For Addiction, Treatment
22 & Healing; also a member of FACT, Families Against
23 California's Three-Strikes Law. I'm a citizen of --
24 my business is in Chula Vista, I live down the street
25 and I'm also a former CDCR educator who worked at RJ

T1-15 cont'd

T1-16

T1-17

Donovan Correctional Facility. T1-17 cont'd

I also would like to extend the statement that we would like an extension of the DEIR of at least 50 days to allow it to be translated into Spanish considering the location of Donovan and the neighborhoods and communities that are impacted -- what would be the construction and additional beds. T1-18

I feel that -- you used the word tangible, this gentleman here, about things that were tangible and not tangible. We may not be talking about physical construction or physical -- what you'd consider tangible affects of these -- of this construction, but to us in the community, to those of us who have loved ones in the system and to those of us that would be affected by more beds, it is a very tangible affect that would be taking place. T1-19

I feel that new construction would be premature considering that right now California has been ordered to reduce the population. So to build new beds would not -- the analogy is if your bathtub is overflowing, do you just open up the drain, do you make the bathtub bigger or do you turn off the water that's filling up that bathtub? So before we just build more beds, we need to see what happens with the full three-judge panel, how the state, how the T1-20

governor, how CDCR chooses to reduce that population as we might not even need these beds as well as you have a couple thousand three strikers that have not -- have not yet been processed through that are affected by Proposition 36 and it's a very slow trickle of their cases being heard and them being sentenced. So I think -- and a lot of those are lifers with indeterminant sentences falling at a Level II simply because that's the lowest level they can go to, they can never go to a Level I based on their sentence. So we have a lot of people that, you know, are still yet to be determined what would happen with that population of that Level II inmate. T1-20 cont'd

I think that any new construction would be completely premature. And it's not like -- San Diego doesn't need jobs based on the suffering of other people in the community. We have plenty of other things going on for ourselves that we don't need more jobs down at the border. And that's in addition to the whole traffic situational of one road in, one road out. T1-21

We don't want new beds, we don't need new beds. We want California to have true sentencing reform and to address the issues of, again, education, our schools being overcrowded, not having the T1-22

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facilities within the community that these people come from such as treatment facilities, transitional housing, things that these people need. So far San Diego County is only building a new women's jail, that's the only thing that I've seen happen with the money that's supposed to be coming in to San Diego. I haven't seen that much of an insurgence of transitional housing or treatment facilities, and that's really what we need in San Diego, no more beds. Thank you. T1-22 cont'd

MR. CHILDS: Hello. My name is Dennis Childs. I'm a professor of literature at the University of California San Diego and I'm also a graduate of Hover High School in City Heights San Diego.

And with all due respect to the gentleman that started our proceedings today, I realize that there's this kind of, you know, semantics issue of what environmental impact means and he -- and like Susan just said, you instructed us that we really don't want to address intangibles, we want to talk about the real tangible environmental impacts. T1-23

But when you're from communities like City Heights or Logan Heights or any number of other communities in San Diego, that's up and down the state

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who are part of this ridiculous and obscene binge of criminalization and mass incarceration, those impacts on our families are very tangible, very tangible. Where when you go to the ten-year reunion at Hoover High School, you can't get enough people to come because a lot of them are locked up, okay. So this -- this is not an abstract discussion.

A lot of my closest friends in high school never had a chance to graduate high school let alone go to, you know, a four-year university and be in a position such as mine because -- you know, the gentleman spoke of the number of state prisons in California is now 34, right? At the same period, how many universities have been built since that binge? Probably about two universities built in the time that something like 30 prisons have been built since 1980. And those numbers aren't exact, but they're definitely in the right spirit. T1-23 cont'd

So the kids, the youth of San Diego and urban and rural communities in California know where State of California is planning for them to be, and it's not in universities and junior colleges and state universities. The plan is for -- the youth and the very livelihood, the very kind of backbone and spine of the state, they're planning on putting them in

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cages. And whether it's a kinder and gentler cage, it doesn't matter to the people of San Diego and the State of California, it doesn't matter at all. T1-23 cont'd

And in terms of what the gentleman said, Reverend Malone, about black and Latino youth, Chicano youth, many of you, I'm sure, are familiar with the statistics, one in 100 adults in the United States are incarcerated right now. As we sit here in this room and have a polite discussion, one in 100 adults -- if you look at racial demographics, it gets to the point of being nearly -- I don't want to say "nearly," it's genocidal on our communities. Let's just say it honestly. T1-24

One in nine black men between 20 and 30 are currently incarcerated in the United States of America. And so if you want to talk about costs -- and the gentleman, I -- I was appreciative of the note -- of the noting in the presentation that -- what was the word, that this project of mass incarceration has been pretty expensive, it's been pretty expensive. So -- I mean, Susan's point is well taken. So the answer to this pretty expensive process is to spend more and lock up more people, right. T1-25

And so what it really comes down to, everyone has been saying this, the people -- the people, the

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voters of California have now figured out -- even the ones that aren't personally impacted have figured out that they would rather send people to college than to prison, it actually costs less. But there's a shell game going on there. There's a certain demographic in California that actually profits off of this process, and I'm not even naming names, it's not about personal attacks. It's about you need to check for your moral conscience. And even if you don't check for your moral conscience, the people of California have had enough. They've had enough of this. T1-25

So, you know, one of the phrases as an educator, I work in high schools, junior high schools here in San Diego, I teach the youth of California at one of the preeminent universities in the country, and one of the phrases that youth activists have come up that never have a chance to go to a place like UCSD is education not incarceration. It really has a catchy kind of sense to it, doesn't it? And it's not about making a catchy phrase, it's a literal life and death situation for these families. T1-26

Like Susan was talking about, most of the people that we're talking about, the reason why you can talk about expanding a Level II is that most people are in for nonviolent drug-related offenses.

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And what you're basically saying is by putting people in situations like that is that you want to create the next, quote, unquote, violent offender because what happens when you get out of one of these facilities? What job opportunities are there for you? When you have to check that box on the have you comitted a felony before, how do you get a job? You know, I've heard also the Band the Box Campaign. T1-26 cont'd

And the State is under federal -- there's a federal fiat saying that we need to get rid of overcrowding. And the only way -- the only sensible way to get rid of overcrowding is to deincarcerate. T1-27

I also have heard of a study that is by a gentleman named James Austin that was commissioned by the federal courts that have been overseeing this process of trying to get the State of California to stop putting people in positions where people are dying of treatable illness because of the horrifying situation of healthcare, and that's a really, really loose use of the term, when people are dying of treatable illnesses in these facilities. T1-28

James Austin has come up with a plan that can reduce the population by 30,000 people without putting -- without building any new facilities by sending people home. And that is the only same thing

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that we can do in this situation, and I just don't understand, as everyone has been saying, how you can sit here and put up flowcharts and nice overhead shots and talk about, you know, taking care of endangered species or the environment of the area when people's lives are being destroyed by the this process. Destroyed. T1-28 cont'd

And, again, you know, the kind of pathway that I have is an exceptional one, and we in this room, the people that you hear in this room, are not going to let elected officials of our state do this to us anymore. So you're going to be held accountable.

And the environmental impacts that we are all talking about again, sir, are not intangibles, they're not intangible, they're very tangible, we feel it every day. My father, my brother's father, a lot of us have had people inside these facilities and have gone through the humiliation and the terror that they represent for poor people, people of color, blacks, Latinos across the board. T1-29

2.5 million people are locked up in the United States, and California is at the front of that. California has more prisoners in this state right now than the entire country had in 1967. How is that possible?

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Well, again, I think that there's a real asymmetry here. There's the people of California and then there's the people who are profiting off of this genocidal process.

T1-29 cont'd

MR. SLEPPY: Anyone else? Okay.

MR. OWEN: Hi, how are you guys doing? My name is Michael Owen. I too am from UC San Diego, graduate student there. But I've been in San Diego since 1997, originally from Long Beach, California, not too far up the highway.

And my appeal is to the board, but it's also to the elected officials here in Chula Vista and also throughout San Diego County. Because I came here in '97, and I joke a lot and I tell people, I remember when I got here in '97, Chula Vista essentially stopped at the freeway, right, you know. Then I remember around 2000 when some of the east lake developments happened, and now, hey, you know, there's almost houses all the way towards Donovan, right, so I mean, you know, this entire area has -- this entire area has expanded.

However, high school -- sort of secondary opportunities have barely expanded in this area and post secondary opportunities with the exception of for-profit schools that come down here and exploit

T1-30

poor black and brown people like University of Phoenix and stuff like that.

They -- they -- they don't -- these things haven't expanded. So my appeal is actually -- is actually to the local officials, the people who are thinking, you know, hey, this is something I can put on a ballot box, you know, not really saying where I think the jobs came from but say, hey, you know, in blah, blah, blah, I added 900, you know -- 900 jobs. All of the -- as has been said already, all of the statistics suggest that prison expansion does not add jobs for the communities in which -- in which these prisons are built. I mean, my -- my assumption probably is that the unions will likely just get people transferred and sort of -- some sort of pay to drive down from the -- from the prison that they worked at in Riverside all the way down here.

So my appeal is to the board but also to have this on public record to the local and regional elected officials, many of whom I went to college with. I'm 34 years old, I went to the great University of San Diego, got a bachelor's there and a master's there, but I've taught at the local colleges, and now I'm back working on a Ph.D. so -- so many of these people are people I know by name but now they're

T1-30 cont'd

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now elected officials.

My appeal would be to them to stand up with people who have elected you, the people you went to school with, you know, you now have children who are going to school and expand opportunities when it comes to education.

T1-30 cont'd

Also -- also push for -- push for these early -- early release programs and also employment opportunities. To the extent that I just recently talked to a person who was actually incarcerated at Donovan for part of his life, and -- and he's saying, hey, you know, at least when you're paroled but you're also on some sort of official probation, there are hiring opportunities for poor people. But, hey, you know, if they say, hey, you know, congratulations, early release, you're not on any more paperwork, you know, good luck trying to find a job. Manpower, all these different places aren't responsible for hiring people.

T1-31

So -- so -- so my appeal would be to people who's sitting here on the city council, elected officials, people who would be reading this public record. It did come across to me that, hey, neither the spoken word or the written letters really matters -- matter all that. That's why you say, hey,

T1-32

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you know, you can feel free to write a letter, right, because we're not going the listen to either. But -- but for the people who will be reading this historic record, that's sort of the appeal that I would have to you all who are looking at the numbers and treating it as such.

T1-32 cont'd

I would also ask you all to -- to change the circumstances and not have this be just about prisons, right, you know, take the other situations in which you yourselves or your family histories have experienced such subjugation, right.

I would only assume that, you know -- you know, a certain northern European Teutonic nation sometime in the 1940s or '30s were having similar discussions about sort of the easiest way and sort of the most environmental way to build pins to board human beings, and not only assume that, you know, on the West Coast of Africa, you know, there emissaries being sent to the kings of Western Europe and suggesting, hey, well, you know, if we double them up or sort of make them go parallel as opposed to sort of perpendicular, you know, so -- so what if we use a schooner as opposed to, you know, a clipper ship to transport people, you know, what would the effect be on the environment?

T1-33

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So -- so -- so -- so just -- you know, like I said, it's a little haphazard, but elected officials, people who are appointed, please sort of consider these things and take these things back.

T1-33 cont'd

MS. BERNAL: Hello. My name is Monica Bernal. I'm from San Diego, California. I'm a fourth generation San Diegan. And I am really proud to be binational. I like the fact that we're really close to Mexico, and I consider -- to consider that, I agree that I would like a Spanish version of this EIR and I also would like a 50-day extension.

T1-34

I bring up that we're close to Mexico because being raised in Sherman Heights which is right next to Logan Heights, I know what it is to live through environmental racism. I know all that industry affects people's asthma. And if you look maybe five miles south of where Donovan is currently, there is a river called Rio Alamar, and that's endangered.

There are three colonias and they -- the compañero that was before me, he talked about how Chula Vista has grown rapidly. Well, TJ has grown maybe ten times more than that and it's because of the maquiladora industrial complex. And there are people that have been violated because they throw battery waste, which is really close to Donovan. This river

T1-35

is in danger.

I think it's called -- I'm going to butcher these name, Colonia Cuicuilco, Colonia Porrua and Nueva Esperanza which are very, very close to these prisons. There aren't very good statistics because no one really cares about the environments down there. That's why the 1994 NAFTA was passed, because we are not going to affect our environment but we're going to send Kodak and all these other companies right down the border. So, you know, people are saying that there aren't environmental issues, there are, and it's environmental racism, and we go through it all the time.

T1-35 cont'd

I also wanted to ask -- water. San Diego is a desert, people forget that. Are we going to ask the County of San Diego to provide water for this facility? And if we are, I would not like that, I don't believe in that. There's multiple reasons. One of the main reasons, I know farmers, local farmers not corporate farmers are affected by not having water, they can't grow their crops. And I would rather buy local and they cannot grow their crops because they can't afford the water and they have to raise their prices, so they're -- they're kind of screwed.

T1-36

Also someone brought up earlier -- I agree

T1-37

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with everyone else speaking about the social issues, I'm trying to keep it environmental, but I agree with all the social issues. T1-37

But in the presentation -- I wasn't thinking about this at all, but in the presentation, someone brought up the issue of the new medical facility. And there's medical facilities barely -- that's barely being built because -- there's two things. One, hepatitis has been rampant in California prisons and it affects communities because when people come out, we are the ones that get it because they don't know, they don't have the medical, we end up getting it. So that's an issue. T1-38

So there's also the issue of these new facilities. We think that they are nice and state of the art and they're great and it's painted very pretty, but we end up with horrible things called -- things called like the shoe, where people are tortured and held in solitary confinement. Well men right now are on a hunger strike and today marks their 15th day without eating. I can't go skipping a meal without eating and without getting cranky and these men have -- are putting their life on the line, so it affects people and they're being tortured by California and our tax money is being paid to do that. T1-39

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So -- there are other things I'd like to bring up. I don't know, that's pretty much it, my time might be up, but thank you -- oh, wait. No, one more thing. I'm sorry.

It's an insult to say that there's only going to be one main entrance. I believe a prison in Honduras was burnt down and prisoners died. I kind of feel like people say, no, we're just going to have one entrance, it's okay if they die. It's just very insulting to say it doesn't really matter, we're just going to have one entrance. That's it. T1-40

MR. SLEPPY: Thank you.

MS. ALVAREZ: Hello. I'm a student at Cal State University San Marcos. And I just think the irony here of this hearing today is because thousands of inmates are on hunger strike like Monica just said. They're on hunger strikes to improve their living conditions. And I walked in when you guys had the picture of the six-man cell. These -- here we have these men fighting for living conditions, humane living conditions, and you want to put six men in one cell the size of a bathroom. T1-41

I want to take a second to thank you guys for hearing us because I've been calling the secretary and the governor and I've been getting voicemails. I T1-42

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believe that my -- for reelection, my vote is going to go elsewhere. I'm not going to vote for the governor and I'm not going to vote for the secretary because of these reasons. We -- and I want to make sure that you guys know that you guys will be held accountable as well for your jobs.

T1-42 cont'd

And I know you made a comment that this is a one-way kind of conversation, and I think this should be an open dialogue, not just the one way. I think by mentioning that, you're kind of saying that you don't care. And you should hear the same comments over and over. I think you made a comment saying like try to keep the comments different, but you should hear the same comment over and over so when you guys go back, you guys remember what we have to say. Thank you.

T1-43

MR. JAKOBS: Could you please announce your name? Can we get your name?

MR. SLEPPY: That's okay.

MS. ALVAREZ: Flower Alvarez.

MR. SLEPPY: Thank you.

MR. SORIA: Hi. My name is Alfredo Soria, I'm a resident of San Diego, I'm also an educator with San Diego Unified. And just a few comments.

T1-44

I know this is supposed to be about environmental impacts and that this meeting is

supposed to be more centered around that and -- you know, I think it's a sad reflection of what's going on. I mean, at this point, it seems like we're more concerned about some birds and some bees and some lizards and wildflowers than we are about community, than we are about, you know, the students and things like that.

T1-44 cont'd

As an educator, I -- I'm a special education educator, and I understand that a large part of the population that I'm teaching now as youth is going to end up in prison statistically and I want to be an advocate not only for the city and for my community but also for the population I'm working with.

You know, I'm looking at this and I'm thinking about job opportunities for my students, I'm not thinking about what kind of comforting cell they'll have if they don't have that opportunity later on.

T1-45

You know, I would really want to know what kind of -- when is the meeting where we're going to talk about those issues? Because this one was announced, but is there ever going to be a meeting where we can talk about these things that the majority of this room wants to talk about, does that happen, or are we relegated to only talking about some birds and

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some bees and a random canyon, things like that, things that are probably inaccessible to the majority of the community anyway if they wanted to go there. It's not exactly a public park right there, it's between two correctional facilities.

So those are my comments. I mean, most of the things that I did want to say have been spoken right now, but -- yeah. Thank you.

MR. SLEPPY: Thank you very much. All right.

MS. ZUNIGA: Hi. My name is Diana Zuniga, I'm the statewide organizer for Californians United for a Responsible Budget. We're a statewide coalition of about 50 organizations working on prison and jail spending and using the resources that we waste on prisons and jails for education, for social services, for things our communities actually need.

I think it's pretty ridiculous right now that we're in a meeting where you all are proposing to expand prisons when, like many others have said, people are on hunger strike right now. We've just learned that 140 women were sterilized without their permission in CDC custody. We have people that are inside that are now contaminated with Valley Fever in the Central Valley prisons. Again and again we're hearing of the horrific things that are going on in

T1-45 cont'd

T1-46

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these prisons, in the prisons that you all are constructing, and now you want to construct three additional facilities. It's really sad and it's just very ridiculous.

And like you were saying, you know, we are under federal receivership right now and the Court has told Jerry Brown that he has to reduce the prison population, he has to. He has to expand good time credits and he has to implement these things now. I don't understand why at this point, when the Court has said this is what's happening and this is what needs to happen, you all are thinking about building more prisons. There's several other things that we can do, like everyone else said, have the prisoner paroled, expansion of medical parole, expansion of compassionate release, expansion of ACP, bringing women back home to their children. There's so many other things that you all can be doing with this money, and instead you're choosing to build prisons.

I just want to say, you did talk about the facility in Stockton, which we've already known, the media has already put out reports that it's actually disenfranchising the community around that particular facility. So the San Joaquin Valley is not benefitting from that facility at all. And I can

T1-46 cont'd

T1-47

T1-48

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e-mail you all the article that was recently distributed a few weeks ago if you're not aware of it.

The same thing that's happening in the Stockton area, the fact that it's draining the area around, employment is going down, it's not sustainable for the economy, it's going to happen in San Diego once again. T1-48 cont'd

The prison will only bring more pollution, impact the air quality, create overcrowded schools, increase traffic, increase the amount of sewage output and use thousands of gallons of water that the San Diego community can benefit from. T1-49

I really urge you guys to listen to everyone that has spoken so far. We need the EIR translated in Spanish. We need a 50-day extension. We need times that the community can actually come inside and have community input into this process. People are at work right now. It's not feasible for them to come out. T1-50

And we also need some sort of racial, social or health impact report that's created to assess the needs -- the issues that are going on within the prisons. T1-51

So please take our considerations to -- in your thoughts and please don't build this prison. T1-52

We also want to know, in the draft EIR, it's T1-53

stated that this project and CDCR are not subject to the policies of local agencies such as the San Diego Air Pollution Control District and the Regional Air Quality, we would like to learn more about this. Why are they not accountable to these two entities that basically protect the San Diego community? So we need a little bit more information on that in the final EIR report. Thank you. T1-53 cont'd

MR. SLEPPY: Thank you.

Okay. Thank you very much. Appreciate it.

One last.

MR. MENDOZA: Good afternoon. My name is Rosa Mendoza. I'm a youth organizer with Youth Service Coalition and also a member of CURB.

Me, Diana and another person drove all the way from Los Angeles to come and speak about this expansion because, honestly, we think it's ridiculous. We don't need another jail, we don't need another prison. I honestly don't understand why CDCR is planning to build another prison. You say you're done building another one in Stockton, so why do you need another one? Another one after another one after another one? Are you guys going to keep this trail going for young people, especially people of color, especially poor people of color, especially T1-54

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undocumented people that suffer every single day just trying to cross over here, trying to get a job, get arrested and then go back? It's not fair. T1-54 cont'd

You guys personally aren't impacted by this but I personally am. I have a brother who's serving a life without parole sentence for a crime he didn't do. He was 18. He will never see the light of day again. Do you think that's fair for my family? I don't think so, right. T1-55

By building and expanding these jails, 1, you're creating more pollution and sewage, No. 2, you're bringing more police into communities which is really unnecessary and, No. 3, you're causing more traffic, which we're already an overpopulated state. T1-56

We're creating a clean and straight path for our youth. From an overcrowded school to an empty jail cell, do you honestly believe that expanding prisons is the answer to Governor Brown's federal issues? If you just keep gathering inmates to another prison, is that going to solve the issue? It's honestly not. You're creating more prisons and separating families every day. You're building graves for your next new batch of inmates because to you they're not humans, they're numbers. T1-57

California doesn't need no more prisons.

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Start thinking solutions. In reality, you are killing more animals, you're killing crops, you're killing human beings and you're damaging the water system which we need our water to survive. T1-57 cont'd

The prison will not provide safety nor solve the problems that San Diego and neighboring cities are facing. San Diego doesn't need a new prison and can't afford one, and it honestly doesn't want one.

Get your EIRs and you guys honestly just leave San Diego and actually come back when you have found real solutions. T1-58

You guys say this the expansion is going to cost $810 million. You know that with $100 million you could create 25,000 new jobs, 50 youth centers and hire 500 intervention workers. Imagine what you can do with $ 810 million. Thank you.

MR. PEÑA: Hello. My name is Juan Peña and I'm with the -- I'm here as a California youth organizer that has been impacted by the prison system. T1-59

As Rosie said, me and Diana drove over here from LA, you know, this is ridiculous that you're trying to build a new prison. Why talk about a new prison when you could build more schools, fix our schools. I went to a school that had no books, our classroom was overpopulated and our teachers didn't

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even teach, sit in the corner, you know.

San Diego doesn't need any prisons. California has trying to build it's way out of its overcrowded prisons for 30 years. Building doesn't stop overcrowding, it just spreads terrible conditions over more lives. T1-59 cont'd

Prison expansion has left California with the current inhumane prison system that has deemed cruel and unusual punishment by the Supreme Court. Ordinarily dozen ways to reduce the prison population, including expanding good time credits and using inmates and permanently medically incapitated (sic) prisoners, including an older prison -- prisoner parole program -- parole program, expanding good -- oh, no, I read that -- expanding the alternative custody program and reform drug policy. T1-60

I don't even know what to think, thinking about building more prisons or expanding them or new jails. You know, like you're not really talking about our community, how is it going to affect this community? It already messed up LA like really bad. There's nothing but police roaming our streets, you know, trying to get one of our youth, a brown or black youth from the community, low income community. And once we're in prison, we can't get out of it. Thank T1-61

you. T1-61 cont'd

MR. SLEPPY: Thank you very much.

All right. Thank you very much. Appreciate it. Public meeting is adjourned. Thank you for coming out, appreciate it. Good comments.

(Recess taken from 4:41 p.m. to 5:33 p.m.)

MR. SLEPPY: We have some new folks, right? Were you here before? Should we go through the whole presentation again, or you just want to get up and talk?

AUDIENCE MEMBER: I want to hear it.

MR. SLEPPY: Okay. There we go. Very good. All right. One vote for hearing it again.

Okay. We're glad to see you all here. This is our hearing for our Environmental Impact Report on our proposed infill project to provide more local -- to actually replace Level II beds we're going to lose up at -- in California Rehabilitation Center in Norco.

This is our public hearing on the EIR, the Environmental Impact Report, so it's your chance to give us your comments.

I'm Bob Sleppy, Department of Corrections and Rehabilitation. I'm working on the EIR. We've got some of our staff here as well as the warden and his staff so it's a good audience for you to talk to in

terms of your comments going to people that run prisons and design them.

So we have a little slide show here which you've already got in the agenda. We're going to go over kind of CEQA, California Environmental Quality Act, which is the type Environmental Impact Report we're doing, we've got this Bill that told us what our choices are in terms of what to build to meet future demands for Level II inmates and then how we go through the approval process.

So let's just get on to the blueprint. Our Department for the first time in many, many -- literally decades about a year and a half ago did sort of a long view of where its future was. It covered a lot of issues, it reflected on the fact that we've had so many court orders for medical treatment, mental health treatment of inmates, access compliance, dental, things like that, so we have to address that in the physical activities we operate in California. We talked about changing the way we run prisons from sometimes letting them go if they're real high overcrowding situations where we have more than two inmates per cell and we've got them in libraries and gymnasiums and things like that, which we did until about a year and a half ago when the Penal Code was

changed. So we came up with something called an operational standard. So we look at -- and say a certain prison, a certain physical characteristics of it allow us to have so many people in that kind of space, both staff and inmates. And that reflects providing all the treatment that they need to be housed in a good secure environment.

Out of that Bill -- out of the blueprint came a couple things. One in particular was a recognition we're moving towards more Level II type of inmates instead of the higher security Level III and Level IV inmates. So up in Sacramento we have a Level IV prison, in Cochran we have a Level IV prison, those are very secure, a lot of separation of the inmates from each other and staff. This is a Level II which is the lower end of our secure type prisons, where the inmates end up in a dormitory situation. They have a lot more ability to move about during the day. We made sure in this particular funded project that they have all the school opportunities and vocational opportunities and recreational opportunities, healthcare -- access to healthcare and mental health treatment. So it's a real good place to end up, you know, as you go through the system.

The legislature took -- relative to the

1 inmate, the legislature took our plan and said let's
2 authorize two things. That you build 2376 new
3 Level II beds, you have to do it at sites that are
4 available, available land at seven State prisons that
5 we have. And secondly, that when we get done with it
6 in 2016, that we close the rehabilitation center up in
7 Norco which is essentially a World War II hospital and
8 barracks. And it was really never designed as a
9 prison and it's a difficult place to renovate and
10 bring up to current space standards and clinical and
11 things like that.
12 Big change in our population occurred once
13 again about a year and a half ago when the legislature
14 and governor agreed to change some of the laws, they
15 kind of put laws on how you are sentenced and so
16 instead of sentencing you to state prison for certain
17 crimes you get sentenced to the jails. And the State
18 has funding a lot of jail expansion because of that.
19 But our population dropped by about 30,000 inmates
20 since the implementation of that.
21 We always talk about within Department of
22 Corrections are different security levels, we use
23 Roman numerals for that. Level III and Level IV are
24 the higher security cell-type housing unit, Level II
25 is a dormitory. The outside perimeter securities is

1 the same as it is for all those -- three of those. A
2 minimum security like a conservation level is a
3 Level I. That's our workers and our -- some of our
4 fire camp type inmates.
5 The next slide which shows you a picture of
6 the way RJ Donovan is today. Most of the housing
7 units are the celled-type thing, notice maximum two
8 beds per cell. There's a lot of ability to keep
9 people from getting at each other, a little
10 security -- a lot more security for staff and inmates'
11 safety. But it's a little less free in terms of
12 moving around during the day and moving out to
13 programs and things like that.
14 What we're proposing to build is a dormitory
15 housing unit. We have one of these up in Cochran. We
16 think it's a good, useful positive environment to be
17 incarcerated in. And in particular, the authority for
18 this project tells us we need to build all the other
19 space that goes with being housed in a prison, like
20 vocational and educational.
21 The legislature told us where we could
22 consider building these. Of these seven prisons we
23 have five physical sites we can build on. So there's
24 enough room to put at least a 792-bed facility or
25 potentially 1584-bed which is two of them put

1 together.
2 When you look at all seven of those it turns
3 out there is only one place between Folsom and
4 Sacramento and only one place between our prison in
5 Vacaville and Solano. So we actually end up with only
6 five sites.
7 We started this EIR from the perspective of
8 treating all five of those equally so that we at the
9 end of the day could choose any of them for the
10 construction of these beds. We've dropped one of
11 those, the CIM up in Chino, just didn't have the water
12 and sewer capacity that was foreseeably expandable so
13 we dropped that as a current alternative.
14 We actually have 11 prisons like this in
15 California that have this intermediate level of
16 medical care. But five of those just there is no room
17 to build on and so we didn't consider those prisons.
18 Basic project is either the 792-bed
19 configuration or 1585-bed configuration. It's not a
20 whole new prison, which would be all -- if you put
21 them all together. That would cause us to have a
22 whole new warden and a whole new administrative staff.
23 This allows us to basically supplement staff but not
24 add a whole new prison's worth.
25 We of course have all of our security, we

1 have lighting, we have towers, things like that so we
2 can assure community safety.
3 All of our perimeters are two cyclone fences
4 with a lethal electrified fence in between which has
5 been a very good barrier to escapes.
6 We were asked by the legislature and
7 Department of Finance to make up our minds from the
8 get-go, which ones would you propose to build on as
9 you go into your environmental review process. Even
10 though we're looking at alternatives equally we have
11 proposed to build a 792-bed addition to RJ Donovan out
12 here on Otay Mesa and we've proposed to build a
13 1584-bed facility next to Mule Creek State Prison in
14 Amador County by Ione.
15 So those are addressed in the EIR but those
16 are the ones we've -- we feel is a good place for us
17 to expand the prison.
18 We also looked at alternatives at the
19 different sites. Some were big enough to have both,
20 either a 792- or a 1500-bed, but in this case, those
21 are just alternatives.
22 The prison itself is way out on the Mesa.
23 It's been out there since about '84 or so, activated
24 in '87 the warden just told me. Again, we are there
25 at that yellow line starts our property. Part of it

is not really useable to build on, it's got a lot of natural habitat that it's been dedicated to that.

We have a little bit of room down here in the lower south eastern corner that we're proposing to put this 792-bed facility on. We have -- the sheriff is just up the hill from us. We've been out there for all this time operating the existing prison.

You get there off of Otay Mesa Road and Alta, that's how you get to our property. And we have a couple other -- a lot of industrial development going on around us.

We have to do a few things to build it. We have to move some roads around, we have to add water -- we have to move the water line, we have to, in one scenario, potentially move our firing range if we build a larger facility.

There's a lot of questions about our road system and we're going to get into that a little bit. And of course, we need to make sure we have parking for everybody because we wouldn't want people parking off-site.

This is the site plan as we have described it so far. This is all the detail it would have. That's the 792-bed facility, that's its own little standalone facility. We don't join that because it's up against

the Mesas and it's just too complicated physically and we don't like to mix security levels together. So that's a standalone facility, operated by the current prison staff, it'll have its own parking lot entrance off of our shared entrance road.

If we did manage to put a double-deck, put a 1500-bed, that's what that would look like, that is an alternative, it's sort of pretty close in terms of squeezing things, we'd have to move the rifle range in particular, so that's at this point an alternative but it's not our proposed project.

Basics of the construction operational budget, construction budget, schedule. We have this issue within the legislation that authorizes it that we have to close CRC, the rehabilitation center in Norco by the end of 2016 so we're trying to get this all done and up and running because we're not adding in that new beds to the State prison system. So that's kind of our overall schedule.

There was some unique issues that came up through this process that were in here today. One of those is the fire folks are kind of concerned about the fact that we only have a single entrance to the prison and typically residential developments have two entrances. We have our own fire department and we

always fight our own fires from the initial response. We prefer to only have one entrance to the prison so at this point we're fully within meeting fire codes. Prisons are built with a lot of concrete and a lot of steel so they're not much of a fire hazard.

We need to make sure we're paying into the community services, in particular the regional water, waste water treatment system up here going on in Chula Vista and we're going to pay our fair share into that.

We need to move our access point, our gate, the gate that controls folks going on to our property a little bit to the east so we still have one gate to both facilities.

We are going to propose a signal light Otay and Alta Road intersection because of our additional traffic kind of makes that a necessity. And we looked at extending another road into the prison which would benefit some folks. We felt that if it compromised our security and it added an entrance we didn't like to operate with and in particular it was very expensive.

Gary Jakobs from our -- Ascent doing our Environmental Impact Report, he's going to take you through the environmental effects. We just want to, again, talk about that this is a fairly large now

because they analyzed four sites equally so they're all big volumes. There's one volume for here and one volume for the other three sites.

The EIRs are about physical effects to the environment and we look at the significant effects, is there a mitigation, is there a way to avoid that. And so that's what the EIRs are really about, especially mitigation and avoidance.

Gary is going to give this -- this leads us to our public hearing when Gary is done. We look forward to more comments if you have more or additional comments, this is a good time to tell us your thoughts on the EIR, the contents of it as well as the projet overall.

Once again, this is not adding to the State prison system Level II capacity, it simply replaces it and it replaces it with a much more responsive to inmate needs and court orders facility.

So Gary.

MR. JAKOBS: Well good evening. Good evening to the people who are new here and hello again to the people who already were at the hearing before.

My name is Gary Jakobs with Ascent Environmental and I'm going to walk through the environmental review process and some of the basic

findings of the EIR.

The EIR is full scope. So what does that mean? That means that we look at each of the environmental issues that one typically looks at under the California Environmental Quality Act.

California Environmental Quality Act, by the way, is a statute, it's a law. I've been preparing Environmental Impact Reports for over 30 years. What we write is prescribed by law, so, you know, we address issues in a way that the law says we can and we don't address issues the law says we don't touch.

CEQA, California Environmental Quality Act mandates that we look at the physical environmental impacts for a project, not the economic effects, not the social effects. In fact, CEQA says do not look at those. I know that's not very satisfying sometimes and we certainly heard at the last hearing a lot of discussion about social effects of the project and certainly we're taking notes and the testimony is very important. But it's not what the Environmental Impact Report covers and it's not what the statute allows us to address.

What it does address is the physical environmental changes. What are the changes to the environment that could occur, the physical environment

to biological resources, traffic, air quality, noise, things like that that could result from a project.

We look at the regulatory setting, we look at what do the regulations say as far as environmental protection. We look at the actual physical setting of the environment at the time we prepare the EIR. And then we look at the impacts of the project, what are the physical changes? Under CEQA a significant environmental impact is a substantial and adverse change in the physical environmental conditions surrounding a project. So that's the definition. Substantial and adverse, big and bad changes in the physical environment associated with the project.

UNIDENTIFIED SPEAKER: May I ask a quick question about that?

MR. JAKOBS: Sure.

UNIDENTIFIED SPEAKER: What does the statute say about distance from the actual construction site for that physical impact? T1-62

MR. JAKOBS: Well, I'll address that and then I'll continue on.

The statute doesn't talk about any distances at all. What the statute says is that you have to look at the effect of the project. So in some instances we'll look at a very narrow area, if it's

geology, what's happening on the project site. If it's greenhouse gas we look global. So it just depends on what the issues that we examine.

UNIDENTIFIED SPEAKER: Thanks.

MR. JAKOBS: As Bob said, we did examine several sites at an equal level of detail. This is a summary document. This summarizes the findings of our Environmental Impact Report for four different sites and several alternatives throughout the State of California. And this volume right here just addresses RJ Donovan. There are three other volumes like this, one addressing Mule Creek State Prison, one addressing Vacaville and one addressing Folsom where other projects were proposed and are being evaluated at an equal level of detail. Folsom and Vacaville are considered alternatives, though. Mule Creek and Donovan are considered the proposed projects.

These are the issues that the Environmental Impact Report addressed, anything from visual effects, air quality, biological resources, cultural resource effect, greenhouse gas emissions, geology and soils, hydrology, noise, population and housing, whether or not the project would induce new population in the area, public services, traffic and transportation, utilities, water supply, whether or not new growth

would be induced by developing the project and then the cumulative effects. And cumulative effects are effects of this project in combination with other projects that might be proposed that can have an effect on the same resources. So there are other projects proposed in the Mesa, we looked at those in combination with the project.

The EIR identified one significant and unavoidable impact, which means that we could not mitigate this, we couldn't reduce this effect to a less-than-significant level through standard mitigation. It's traffic during construction. There's a high density of traffic that will come in during the construction period. There will be a traffic mitigation program, a management plan that will be developed. We have some performance standards with it but we can't assure that we're going to able to reduce traffic sufficiently to say that there won't be a significant effect. So that is identified as a significant and unavoidable impact.

Air quality, biological resources, paleontological resources, all of these were identified as significant affects but there are measures in the Environmental Impact Report that the Department has committed to that will reduce those

effects to a less-than-significant level.

The same with hazards, and that only relates to if there's a double facility, a complex built, 1500 and some odd beds because it would require relocation of a firing range and clean up of that.

Hydrology, transportation, again, impacts would occur -- significant impacts would occur to these resources but they're reduced to a less-than-significant level through mitigation.

One of the alternatives that Bob mentioned earlier is -- there it goes. This alternative access road, it's an extension of Enrico Fermi. This was an alternative that had been recommended by one of the early commenters on the scoping for the EIR and we evaluated it and it would have more environmental impacts than not building it. And it was not a significant impact that it would avoid so the EIR identified it as an environmentally inferior alternative to provide access to the project. That's my summary of the EIR. Here's the process.

MR. SLEPPY: So it's your turn. We hope you'll at least tell us who you are when you get up. And if you want to stay in contact with us I hope you signed up in the back with some type of information so we can get ahold of you again, e-mail. So you're

welcome to come up. We have a court recorder so it's best if only one person talks at a time. And we're glad somebody is here. All yours.

MR. ALEXANDER: I'll start. My name is Paul --

MR. JAKOBS: Come up to the microphone.

MR. MUNDHENK: If you would come up to the microphone. And please state your name, as you did.

MR. ALEXANDER: Here?

MR. JAKOBS: Yeah, please.

MR. ALEXANDER: Yeah. My name is Paul Alexander, I'm an instruction -- instructor at San Diego City College. I wasn't quite aware of exactly who the people -- can you guys tell me who you are, who's who again?

MR. SLEPPY: I'm Bob Sleppy, work for the Department.

MR. ALEXANDER: For the Department...

MR. SLEPPY: Of Corrections and Rehabilitation.

MR. ALEXANDER: Up and down California?

MR. SLEPPY: Yes. The whole state.

MR. JAKOBS: My name is Gary Jakobs and I'm with Ascent Environmental. We've prepared the Environmental Impact Report and my staff of Amanda

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Olekszulin and Chris Mundhenk.

MR. ALEXANDER: Okay.

MR. JAKOBS: And then also Susanne as well in the back.

MR. SLEPPY: And the court recorder.

MR. ALEXANDER: And the court reporter. I thought you mentioned a warden was here?

MR. SLEPPY: The warden is here.

MR. ALEXANDER: Hi. Just making sure I know everybody. I want to stay on good terms with everybody, especially the warden.

So I mean --

MR. SLEPPY: It's always good to be on good terms with the warden.

MR. ALEXANDER: Say what?

MR. SLEPPY: It's always good to be on --

MR. ALEXANDER: You know, so I had a few questions and of course some of them are -- are not directly related to the environmental impact. But I'm wondering kind of on when you're deciding on the environmental impact, what kind of connections to the human beings that are kind of being impacted directly from the environment that they're being incarcerated in. And also, at what point in these discussions do the kind of moral implications of expanding the --

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expanding the correctional facilities whether that be in San Diego or whether it be up and down the state. I'm not sure who first --

MR. SLEPPY: I'll give you a couple quick responses. You know, there are things in an Environmental Impact Report -- there are a couple things in it -- there's several things in the Environmental Impact Report where if a human being is exposed to, let's say, toxic gases from something that's going on next door or because you're digging the ground or something, you certainly look at that. So it's not correct to think that we don't look at the human being in the process of doing an Environmental Impact Report. Noise, physical is purely a human issue that something is noisy. And we have a standard for it and we kind of measure it, we know where it's hurtful or just annoying. Lighting, we can do a lot of lighting, if people want to say the night sky or don't want to get blinded going down the street --

MR. ALEXANDER: I'm assuming we're not talking -- sorry to interrupt. We're not talking about the inmates?

MR. SLEPPY: Well, yeah. Inmates are in the same facility so anybody inside those areas that -- I think there was some comments earlier about concern

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about pollution coming across from Mexico, you know, because it could have affect our people, many people on our side. So we do look at that. I just have to say again, though, that this is not about -- this project, this SB -- Senate Bill 1022 does not expand the State prison system. When we're done we are to close an equal-size prison. This is about closing down a prison that is really in need of major renovation to meet the kind of standards that we expect a state prison system to have. So it is not an expansion.

MR. ALEXANDER: Thank you. I think that's pretty much most of my questions.

Some of the other issues that many of us clearly are interested in as far as the environmental impact on the human beings that are actually being incarcerated, are there discussions like that that also take place before the expansions of prisons, or is it just kind of -- are those not as important in the same way that the environmental issues are?

MR. SLEPPY: Actually we've been going through the process of looking at how this prison should be basically designed and that is -- that process is -- benefits by all the work we've done in the last couple years on mental health treatment, what

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type of setting should an inmate that has a mental health issue should they be in? Is there treatment space? Is there the right kind of housing? Inmates with medical and intermediate level care, is there enough capacity to treat them within the grounds of that facility? Is there room for educational space? Is there room for vocational space?

So to us, we have looked at the individuals, how they're housed, how they relate to each other spatially, security for everybody, staff and the inmates, the community. So really when you look at that little icon of the site plan in there it's just all kinds of work that's been done by each little aspect of how they're going to be in that room, be in that hallway, be in that clinical space, is it sufficient in light of all of our court orders to improve, especially mental health and medical and dental care. So yeah, to me there's a lot of human conditions that's been considered in that design.

MR. ALEXANDER: And that's in that kind of large report that you guys have been --

MR. SLEPPY: No. That's in a separate document that describes how we come up with the plan. Before we come up with a plan we have to start with -- inside of it, you know, kind of the spatial issue, the

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relationship between things, and then we start putting walls around it and then we get the whole facility. So yeah, before we get to a little site plan, we have to know how those things all work together to have the right square footage, the right site lines, enough electricity to run a housing unit and things like that.

MR. ALEXANDER: And that information is also available? T1-68

MR. SLEPPY: It's actually -- simply we can't -- we can't do the EIR until we know we've done that. But no, it's not a document that's currently available for public review.

MR. ALEXANDER: Okay. But the environmental issues are but not necessarily these other issues. T1-69

MR. SLEPPY: We just couldn't have drawn that little site plan unless we knew there was enough room in the housing unit for everybody and all of their --

MR. ALEXANDER: Yeah. I'm just -- because I want to make sure I'm not addressing somebody -- I know it's bigger than any one person so I'm just trying to understand the issue and those issues that we can, you know, focus our attention kind of where it needs to be as opposed to saving salamanders or some of the other -- not to dismiss some of the other work T1-70

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but -- thank you very much. T1-70 cont'd

MR. JAKOBS: Mr. Alexander?

MR. ALEXANDER: Yes.

MR. JAKOBS: If I just may add one thing to your question.

MR. ALEXANDER: Yes.

MR. JAKOBS: A lot of the decisions that resulted in the need for the project and our evaluation of it were generated at the legislative level. So the legislature establishes the sentencing, it establishes the, you know, how long people are in prison, certain laws get passed and then they also established a bill to propose this project and then we're evaluating it. Ultimately also comments that we hear tonight and other comments that are provided in writing, that the Secretary of the Department of Corrections will review those, that testimony.

MR. ALEXANDER: Right.

MR. JAKOBS: He'll be considering that in the overall project approval process.

MR. ALEXANDER: Right. I guess the irony I guess for a lot of us that are in attendance today is, you know, hearing that, you know, California is supposed to be reducing the prison population size and then at the same time we're, you know, increasing the T1-71

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beds -- at least in San Diego, whether it might be beds for beds, but anyways, again, thank you for being here and for the presentation. T1-71 cont'd

MR. RUIZ: Thank you for giving me the opportunity to speak. My name is Vior Ruiz, I'm a Ph.D. candidate at the University California San Diego and I teach classes on race, spatial segregation and the impact of environmental degradation on people of color. And I'm currently teaching a class right now called environmental racism with actually a focus on how prisons have both historically and currently impacted communities of color. T1-72

One of the larger questions I would have is, are there other alternatives for addressing overcrowding in California prison populations besides creating new infrastructure that would actually invest more in putting more people in incarceration? So are there other alternatives that you're considering?

And then second, I would ask: How is it that your new facility is going to deal with the issue of epidemic? In Avenal, California as well as Pleasant Valley, there is currently cases where over 40 prisoners have died in the last seven years as a result of Valley Fever. And so how is it that you're going to be dealing with epidemics, in particular for T1-73

these prisoners? T1-73 cont'd

MR. SLEPPY: Well, we have, in terms of the latter, we have full medical capability now, we have hospitals, we have treatment. Valley Fever is an endemic condition to an enormous part of the southwestern United States. It isn't just up in Avenal or up in Cochran -- or up in Coalinga. So, you know, we're trying to address that with the receiver to see if we can either move some of those inmates out of that area where there's a higher possibility of getting them up to our medical staff to decide what's appropriate to deal with.

In terms of the Environmental Impact Report, we already know, you know, what our projected inmate population is going to be, we have good projections for that. So we continue to need the 2300 beds, physical, you know, facilities. So we haven't -- the EIR doesn't look at changing the Penal Code again.

MR. RUIZ: Right. I think I would also call attention to the fact that most recently seven infected inmates are currently taking legal action against California Governor Jerry Brown precisely for this reason. There's actually a current case that's pending and there are over -- people who are currently housed in the Pleasant Valley Prison are a thousand T1-74

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times more likely to contract Valley Fever. Can you address that?

MR. SLEPPY: I can't talk about lawsuits.

MR. RUIZ: Okay.

MR. SLEPPY: But I would like to make it clear that, you know, Valley Fever, as I said it before, it's not something that occurs just in one part of Kings County, it's up in the upper San Fernando Valley, it's out in the desert, it's out in Mexico -- New Mexico so it's not unique just to --

MR. RUIZ: I think one of the questions is, how is it that you're addressing the disproportionate risk that prisoners have for an epidemic?

MR. SLEPPY: We have looked at it. We believe the receiver is providing adequate medical care in medical facilities. We just opened up a new hospital so we feel -- you know, we have contracted space for a hospital so we feel we have the medical response potential to mitigate that.

MR. RUIZ: Okay. And then have you made this available in other forums that can address communities that are disabled, the report, such as in braille?

MR. SLEPPY: What was that?

MR. RUIZ: The report, the Environmental --

MR. SLEPPY: No. The report is not available

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T1-74 cont'd

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T1-76

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in braille.

MR. RUIZ: Okay. So that's something you might consider.

And then 4 is, have you considered the housing crisis that could actually result from an influx of correctional officers coming not only by themselves but with their families, and the impact that it could actually have on social relations for children in the schools, where children of correctional facility officers.

MR. JAKOBS: The EIR does evaluate that. It evaluate ands population and funds.

MR. RUIZ: Okay. Thank you.

MR. SLEPPY: Anyone else? Sorry. Apologize.

MS. QUINTANIA: Hello. My name is Rosa Quintania, I'm a graduate opportunity at UC San Diego as well. And I have a question before I actually start with what I want to say. Will this document be translated into Spanish for more folks to be aware of what's going on in Chula Vista?

MR. SLEPPY: Haven't made that decision yet.

MS. QUINTANIA: By when will we know?

MR. SLEPPY: Don't have a date but it will be soon.

MS. QUINTANIA: Can I get an estimate?

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T1-77

T1-78

T1-79

T1-80

MR. SLEPPY: No. I have to go back and talk to a lot of people and decide if we're going to do it or not and how we can do it and how fast we can do it.

MS. QUINTANIA: Okay. Thank you. So in addition to a clarification that Gary pointed out about CEQA and not being able to look structurally into the social and economic impacts, I just want to say that already structurally we're not treating humans as good as we would like to treat animals. So I would like to point to the numerous studies as to why there should be more prison reduction rather than expansion, in addition to the environmental damage, in addition to the lessening of our school quality and a broken education system and in addition to local economic disasters. I would like to say that there's an active ignorance of these studies, there's an active segregation of the people of color that are put into jail, that are students of color that proportionally being pipelined into these jail systems. And there's an active devaluation of the education system, by large you all are actively ignoring all these studies by structurally maintaining the CEQA -- the CEQA regulations that do not allow you to address social and economic impacts.

So I encourage you to please revise your

T1-81

environmental study cases and actually the CEQA regulation so that you're able to look at the environmental damages as it includes people of color in particular here in Chula Vista. So just saying that I would like for you to expand your research in looking at these pretty posters, I would actually say that as an educator I would give you a fail because you're being incomplete in your citations and in your research.

So as a student in a university system, I would like to say that I encourage you all to continue to further your research because right now this would fail. And of course, we are in a broken education system. So I would prefer for you all to have a research as it impacts humans rather than animals. Thank you.

T1-81 cont'd

MR. SLEPPY: Thank you.

Anyone else?

MS. KALIQ: Hi, my name is Jessica Kaliq and I'm here today -- well, I guess originally I had gotten involved in trying to figure out what's going on with our prison systems because of my father being incarcerated most of my life and not being able to write him because he's Caucasian and I'm half black. So growing up my whole life was the issue of not

T1-82

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having a parent at home and him ultimately passing away because of all of his issues and not being able to get the proper help.

So I'm here today because, you know, I do not have my father and my whole life I have suffered and struggled and still struggle to this day because, you know, he has not been in my life and still isn't and won't be, you know, ever again. But that's not what we're really here to talk about today. That's originally why I had gotten involved, I just wanted to somewhat share my concern that I do not agree with the prison system and it has failed my family miserably. And you know, my grand kids -- or my kids will never get to see their grandfather.

But I would really like to see a shift in where we're going, you know, as a state and as a country to have, you know, a better education system. You know, we're losing seats in our classrooms but we're maintaining the level of beds in our prisons. And I know this is not an issue -- a decision that happened here, it goes back to, you know, our state legislature and I guess this was passed a year ago and you know, unfortunately I'm just barely getting involved now. But hopefully we can, you know, get things started from here on out to try to make some

T1-82 cont'd

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kind of positive change for our lives and, you know, for everyone who suffers and struggles and -- you know, in the prisons and the families who, you know, parents and spouses and whoever are incarcerated. So I just wanted to say that.

Just on principle alone the fact that we're maintaining the level of beds and only can talk about environmental impacts is just devastating on a very personal level. So that's that on that.

But the things that I can say about this is I'm definitely very upset, there's going to be an increased amount of traffic, absolutely not okay. If there's anyway we can stop on that then, you know, whatever we can go with. And I think esthetically the prison will be hideous. And San Diego is a beautiful place and the prison will definitely make it less desirable to look at.

MR. SLEPPY: Thank you.

MS. KALIQ: But I did have one question. It sounded like the expansion of this site since the other one will be closed, that there will be more access to vocational and educational programs in the prison facility?

MR. SLEPPY: Yes. It's going to be a very different type of environment for the inmate than up

T1-83 cont'd

T1-84

T1-85

T1-86

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at CRC.

MS. KALIQ: That's definitely very good news.

MR. SLEPPY: I'm sorry about your dad.

MS. KALIQ: Thank you.

MR. SLEPPY: Okay. Well that closes our hearing and we appreciate you coming out. And we'll try to make a decision about the translation and extension of the review period quickly.

UNIDENTIFIED SPEAKER: Can I just ask a question on the translation issue again? You said "we'll make the decision," whose decision exactly is that? T1-87

MR. SLEPPY: Oh. It's -- the Department has to decide, you know --

UNIDENTIFIED SPEAKER: The Department just generally or... T1-88

MR. SLEPPY: There are issues with that so we'll just have to take a look at it.

UNIDENTIFIED SPEAKER: Because I know there's precedent for this. T1-89

MR. SLEPPY: Oh, yeah. No, I'm not going to argue that. I've worked on translations, we both have.

UNIDENTIFIED SPEAKER: So how do we become aware of that? T1-90

MR. SLEPPY: Hopefully because you signed in we can send an e-mail out to folks. Okay.

Thank you. Again, we appreciate you coming out.

(Proceedings are adjourned at 6:17 p.m.)

STATE OF CALIFORNIA)
)
COUNTY OF SACRAMENTO)

I, Maricela P. Jones, a Certified Shorthand Reporter, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name.

Dated: August 4, 2013

Maricela P. Jones
CSR No. 13178

Transcript T1 Response	**Public Hearing** **Chula Vista Council Chamber, Chula Vista, California** July 22, 2013

T1-1 Introductory comments and the commenter's opposition to new prison construction and community concerns are noted. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-2 The comment expresses concerns that the public meeting times are not sufficient to allow people to attend. Refer to Master Response 1, Public Outreach and Public Review Period. Based on requests made at the July 22nd public hearings, CDCR held an additional public hearing on August 8, 2013 at 6 p.m., consistent with the request made in this comment. CDCR initially established its meeting schedule with the hope it would be accommodate a variety of needs. The 3 p.m. start time was intended to accommodate public agency staff who wanted to comment during their typical work hours, and the 5 p.m. start time was intended to accommodate persons working a typical day and coming to the hearing on their way home from work. Although the later hearing *began* at 5 p.m., none ended before 6:30 p.m., even if no commenters were present. Although CEQA does not require public hearings to accept comments on DEIRs, CDCR felt it was important to provide a variety of opportunities for the public to comment.

T1-3 The comment expresses concern regarding lack of discussion of social impacts. As described in Section 15131 of the CEQA Guidelines, an EIR need not address social and economic issues, unless a social or economic effect of a project can be shown to lead to a substantial and adverse change in the physical environment. No such link was provided in this comment, or subsequent comments. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-4 The comment reflects the commenter's opinion that the primary concern should not be confinement of inmates but the communities affected by the presence of a prison. CDCR acknowledges this opinion. While CDCR's primary mission is the confinement of individuals convicted of certain crimes it believes that each facility should be operated in a manner that is respectful of the surrounding community. Towards this goal, each prison maintains a Community Advisory Committee that provides an opportunity for local representatives to interact with CDCR prison wardens and other management staff on a regular basis. Besides protecting community safety, each prison represents a significant employment center particularly in rural communities. The commenter is also referred to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-5 The comment expresses concern regarding lack of discussion of socioeconomic impacts and expresses general socioeconomic concerns. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-6 The comment requests translation of DEIR bullet points into Spanish. Refer to Master Response 1, Public Outreach and Public Review Period. This response describes actions taken by CDCR with regard to providing Spanish translation services during public hearings and through the translation of the DEIR's executive summary.

T1-7 The comment expresses concern that overcrowding is not a justification for expansion. However, as explained in the DEIR, CDCR is obligated to provide housing for inmates at the direction of the legislature, including as set forth in Senate Bill (SB) 1022. As stated in Section 3.1, "Project Objectives," on page 3-1 of Volume 1 of the DEIR, the primary and fundamental objective of the proposed Level II Infill Correctional Facilities Project is to fulfill the mandates of SB 1022 by providing additional level II prison housing, related support buildings, and inmate rehabilitative programming space adjacent to existing CDCR prison facilities. CDCR anticipates the need for these new facilities because proposed changes to its inmate classification criteria are expected to result in an increased number of level II inmates. SB 1022 implements a key element of the Blueprint (CDCR 2012a), which is to construct level II dorm facilities. This legislation also provides funding for support space within the new level II infill correctional facilities for educational/vocational training, as well as providing necessary treatment and clinic space to address inmate health and mental health care.

Recently the Governor approved SB 105 (Statutes of 2013) that suspended closure of CRC in light of concerns for meeting on-going federal court orders regarding state prison overcrowding. Accordingly, the proposed level II infill correctional facilities will, at least in the near term, assist CDCR in meeting these orders.. For additional response related to socioeconomic concerns, refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

T1-8 The comment expresses concern regarding lack of discussion of the disproportionate numbers of African-Americans in prison and the effects on communities. This comment raises complex issues with respect to who ends up in State prison; as described above, CDCR is tasked with housing convicted inmates, regardless of ethnicity, sex, etc. This is a social impact; no link to or association with environmental impacts of the proposed project is provided by the commenter. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

T1-9 The commenter's opposition to new prison construction and community concerns is noted. Refer to Response to Comment T1-8 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

The comment also expresses concern that comments will not be heard. All comments provided to CDCR on the project through the CEQA process, whether on the DEIR analysis or the project itself, are public record and will be considered by the decision makers at CDCR prior to rendering a final decision on the project.

T1-10 The comment expresses concerns regarding funding for inmate rehabilitation programs and expresses opposition to new prison construction and support of alternate treatment programs. Please refer to Response to Comment O2-3 for a discussion of CDCR's commitment to inmate rehabilitation programs. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-11 The commenter's opposition to new prison construction is noted. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-12 The commenter's opposition to new prison construction is noted. Refer to Response to Comment T1-7 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-13 The commenter's opposition to new prison construction and community concerns is noted. Additionally, the commenter's suggestions for alternative use of funding are also noted. Refer to Response to Comment O2-3. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-14 The commenter's opposition to new prison construction and community concerns is noted. With respect to the comment's request to evaluate social impacts, refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

The comment also requests translation of the DEIR into Spanish and extension of the public comment period. Please refer to Master Response 1, Public Outreach and Public Review Period.

T1-15 The comment states that prisons are not good for economic growth. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-16 The commenter's personal experience and opposition to new prison construction is noted. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-17 Introductory comments are noted. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-18 The comment requests translation of the DEIR into Spanish and extension of the public comment period. Please refer to Master Response 1, Public Outreach and Public Review Period.

T1-19 The comment reflects concerns related to social effects of the project. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-20 The comment reflects disagreement that additional beds are needed in the State prison system and expresses opposition to the proposed project. Please refer to Response to Comment T1-7 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-21 The comment raises concerns regarding a single point of entry to RJD. The single entry point and emergency access to/from RJD was discussed on pages 3.11-15 to 3.11-16 of DEIR Volume 2. CDCR has a long-standing practice of providing only a single public entrance road to state prisons. Specifically at RJD, (1) CDCR plans to retain the current single entrance road because it provides direct access between the state prison and the adjacent County Jail, which is an advantage during circumstances that require mutual aid; (2) a second entrance would require 24/7 operation and staffing of an additional gatehouse; (3) construction of the proposed second entrance poses significant additional construction costs to CDCR, and; (4) a new road would result in additional impacts to native habitat and potential jurisdictional wetlands that occur within the proposed right-of-way. Furthermore, the State Fire Marshal confirmed that a second entrance to RJD was not needed to maintain adequate fire protection and general site safety as RJD has an existing onsite fire station. Additionally, prison construction uses building materials that have a low risk of catching fire in comparison to residential and commercial buildings.

T1-22 The commenter's opposition to new prison construction and community concerns are noted. This comment does not raise issues related to the adequacy of the DEIR. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-23 The commenter's opposition to new prison construction and community concerns is noted. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-24 The commenter's opposition to new prison construction and community concerns is noted. With respect to racial inequity of the prison population, please refer to Response to Comment T1-8. Please also refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-25 The comment reflects disagreement with budgetary support for prisons. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-26 The commenter's opposition to new prison construction and community concerns related to released inmates is noted. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-27 The comment reflects concern about overcrowding and support for the further release of current inmates. Refer to Response to Comment T1-7. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-28 The comment expresses concern related to the current level of healthcare provided to inmates and a lack of discussion of potential social impacts. Refer to Response to Comment T1-7 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-29 The commenter's opposition to new prison construction and concerns related to the effects on communities associated with prisons are noted. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-30 The commenter's opposition to new prison construction, support for education, and community concerns are noted. It should be noted that the DEIR did assess potential impacts related to employment, population, and housing due to the construction and operation of level II infill correctional facilities at RJD in Volume 2, Section 3.4 of the DEIR.

The comment also expresses concern that comments will not be heard. All comments provided to CDCR, regarding the proposed project, as part of the public review period for the DEIR are part of the public record. All comments whether written or from public testimony will be considered by CDCR decision makers prior to rendering a final decision on the proposed project.

T1-31 The comment reflects support for early release and employment opportunities. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-32 The comment expresses concern that comments will not be heard. All comments provided to CDCR on the project through the CEQA process, whether on the DEIR analysis or the project itself, are public record and are considered by the decision makers at CDCR prior to rendering a final decision on the project.

The commenter's opposition to new prison construction and community concerns is noted. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-33 The commenter's opposition to new prison construction is noted. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-34 The comment requests translation of the DEIR into Spanish and extension of the public comment period. Please refer to Master Response 1, Public Outreach and Public Review Period.

T1-35 The comment raises overall environmental issues in the region, but are not specific to the project. In terms of potential socioeconomic impacts, please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

T1-36 DEIR Volume 2, Section 3.12, "Utilities," evaluates the adequacy of water supply to serve either a single or double level II infill correctional facility at RJD. The analysis is based on a review of utilities agreements, consultation with project engineers, consultation with the Otay Water District (OWD), review of a prior Subarea Master Plan of Potable and Recycled Water for the R.J. Donovan Correctional Facility Expansion (Dexter Wilson Engineering, Inc., 2008) pertaining to a larger project that was not constructed, and CDCR's projected water demand estimates for the level II infill correctional facilities. As documented throughout Volume 2, Section 3.12, the water demand related to a single, level II correctional facility (plus existing demand) at the RJD Infill Site is far below the water demand planned for the RJD property in OWD's (the supplier's) most recent Urban Water Management Plan. The Urban Water Management Plan has determined that OWD has sufficient supplies to accommodate existing and planned future land uses. Therefore, it is expected that the project would not adversely affect the ability of OWD to supply water to the project or other customers, including farmers.

It is also noted that, in conformance with Title 24 California Building Standards Code), the new facility would be designed and operated to minimize the use of water throughout the infill prison.

T1-37 The comment reflects concerns for social issues. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-38 The comment reflects concerns related to adequate healthcare facilities and the potential for transmission of illnesses from CDCR patients to people in the surrounding communities. It should be noted that CDCR is in the process of improving the degree to which health care services are provided within state prisons, through the design of new prisons like the proposed project and the Health Care Facilities Improvement Program. Regardless, CDCR does and will continue to comply with applicable requirements related to the provision of healthcare to inmates.

T1-39 The comment reflects the commenter's concern about living conditions for inmates in "Security Housing Units" (SHU) within CDCR prisons and is noted. The comment does not accurately reflect how CDCR operates such housing units; however, this is not an environmental issue. The proposed infill facilities would not have this type of security housing. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided. The proposed level II infill correctional facilities authorized by SB 1022 do not contain such units.

T1-40 The comment raises concerns regarding the safety of a single entrance to RJD. Refer to Response to Comment T1-21. CDCR has its own onsite fire station that will be upgraded to serve the additional correctional facility (equipment, staff, etc.). Prison construction utilizes building materials with a low risk of combustion, such as concrete and steel.

T1-41 The commenter's concern about humane prison facilities is noted. The comment does not accurately reflect the project design, nor the design of other CDCR facilities. A typical cell is 6 x 8 feet, with one or two bunks. The floor plan for the Level II facility is an open dormitory style plan, with proportionately larger floor plans for the larger number of inmates who will be housed in the space. CDCR believes the infill dormitory housing units will provide a safe and humane living condition. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-42 The commenter's opposition to new prison construction and appreciation for provision of forum to provide community concerns is noted. All comments provided to CDCR on the project through the CEQA process, whether on the DEIR analysis or the project itself, are public record and are considered by the decision makers at CDCR prior to rendering a final decision on the project. However, no specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-43 The comment expresses concern that comments will not be heard. Refer to Response to Comment T1-32.

T1-44 The comment reflects concerns related to social effects of the project. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-45 The comment reflects concerns related to social effects of the project and inquires about a potential meeting to discuss social issues related to a prison. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. It bears noting that the hearing was held as part of the CEQA process and CEQA—the California Environmental Quality Act—is intended to address environmental issues.

T1-46 The comment reflects concerns related to the reported existing conditions for inmates in existing CDCR facilities as well as reported prior practices at state prisons. The commenter indicated opposition to new prison construction. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-47 The comment reflects concern about overcrowding and support for further reduction of the inmate population. Refer to Response to Comment T1-7 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-48 The comment expresses concerns related to detrimental economic effects on the community. CDCR recently completed construction of the California Health Care Facility in Stockton; this facility is going through the process of activation. CDCR is not aware of reports from San Joaquin County that the project is "disenfranchising the community" and that the community is "not benefitting" economically from the project. CDCR believes such concerns are premature given the facility has only been open since July 2013. None of these reports were provided to CDCR. Further, CDCR believes this comment is not relevant to the environmental impacts of the project. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

T1-49 CDCR believes that the potential environmental effects associated with the construction of the proposed level II infill correctional facilities at RJD have been adequately addressed in DEIR Volume 2 for consideration by decision makers and the public. Specifically, Section 3.1 addresses air quality impacts; Section 3.10 addresses public service impacts, such as to schools; Section 3.11 address transportation impacts; and Section 3.12 addresses impacts to the sewer and wastewater treatment system as well as water supply impacts. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-50 The comment requests translation of the DEIR into Spanish and extension of the public comment period. Please refer to Master Response 1, Public Outreach and Public Review Period.

T1-51 The comment requests analysis of socioeconomic impacts and impacts to inmates. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. In addition, the DEIR did evaluate potential health impacts associated with the proposed project in terms of air quality, hazards and hazardous materials, and noise. Please refer to DEIR Sections 3.1, "Air Quality," 3.6, "Hazards and Hazardous Materials," and 3.9, "Noise" in Volume 2 through 5. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-52 The commenter's opposition to new prison construction is noted. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-53 The commenter requests clarification as to why CDCR is not subject to local policies. As stated in the DEIR (for example, see DEIR Volume 2, page 3.1-12), CDCR, as a state agency, is a sovereign entity and is not subject to local plans and policy regulations. (See, e.g., *Guy Hall v. City of Taft* (1956) 47 Cal.2d 177 [when state agency engages in such sovereign activities as the construction and maintenance of its buildings, it is not subject to local regulations unless the constitution says it is or the legislature has consented to such regulation].) Nevertheless, a discussion of relevant local plans and policies is provided in the resource sections of the DEIR because conflicts with them could indicate the potential occurrence of other physical environmental effects. As it relates to air quality, CDCR is subject to the policies of the San Diego Air Pollution Control District, which is a special district of the state. Further, as discussion on page 3.1-14, the thresholds of significance reflect County thresholds. While CDCR is not *required* to comply with local policies it takes such policies into consideration in when relevant to the project.

T1-54 The commenter's opposition to new prison construction and community concerns is noted. Refer to Response to Comment T1-7 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-55 The prison sentence of the commenter's family member is noted. The commenter's opposition to new prison construction and community concerns is noted. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-56 CDCR believes that the potential impacts of the construction of level II infill correctional facilities at RJD have been adequately addressed in DEIR Volume 2 for consideration by decision makers and the public. Specifically, Section 3.1 addresses air quality impacts; Section 3.10 addresses public service impacts, such as to schools; Section 3.11 address transportation impacts; and Section 3.12 addresses impacts to the sewer and wastewater treatment system as well as water supply impacts. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-57 The comment expresses opposition to the project and concerns related to the environmental impacts of the proposed project. Refer to Response to Comment T1-56 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. The commenter's opposition to new prison construction is noted. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-58 The comment reflects disagreement with budgetary support for prisons. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-59 The comment reflects disagreement with budgetary support for prisons. The commenter's opposition to new prison construction and concern for social impacts is noted. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-60 The comment reflects concern about overcrowding and support for de-incarceration. Refer to Response to Comment T1-7 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-61 The comment reflects concerns related to social effects of the project. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-62 The CEQA statutes do not provide specific distances for the area in which analysis of environmental effect due to construction of a facility are to be evaluated. However, CEQA Statute Section 21060.3, "Environment," states that, " 'environment' means the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance." Therefore, the DEIR addresses the physical environmental effects of the project and discusses the environmental setting for each environmental resource area (see Section 3.2). In some cases, that means a narrow area around the project site (such as for geologic resources). In other instances the area of potential effects is much larger; for example, the analysis of greenhouse gas emissions addresses the global issue of climate change. CDCR believes the DEIR adequately describes the geographic area that may be affected by implementation of the proposed project.

T1-63 The comment expresses concerns related to the environmental impacts on inmates. Refer to Response to Comment T1-51 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-64 The comment expresses concern regarding lack of discussion of social impacts. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-65 The comment expresses concerns related to the environmental impacts on inmates. The EIR addresses impacts on inmates where they, like any other population, would be exposed to noise, toxic air contaminants, and other issues addressed for the population at large. Refer to Response to Comment T1-51 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-66 The comment expresses concerns related to the environmental impacts on inmates. Refer to Response to Comment T1-51 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-67 The level II infill correctional facility site plan is based on CDCR research used to determine the appropriate design of prison facilities, taking into consideration a number of issues including mental health treatment. Experts in the field of inmate mental health were consulted in the development of the infill building plans. CDCR believes the proposed design incorporates and considers sufficient space for mental health treatment, medical care, and dental care, educational and vocational space. The living conditions of the inmates are consistently considered in the design of the facilities.

The specific design guidelines for the level II infill correctional facilities are in a separate detailed document. The EIR summarizes the proposed design to provide the reader an understanding of the proposed action and to establish what project is being analyzed in the EIR (see DEIR Volume 1 Chapter 3). However, the design guidelines are not a publicly accessible document. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-68 Refer to Response to Comment T1-67.

T1-69 The DEIR on the proposed level II infill correctional facilities, as well as the supporting administrative record are available for public review, which include description of the project objectives, potential project locations, and description of the proposed facilities. As explained in Response to Comment T1-67, the level II dorm site plan provided in the EIR is based on CDCR's program and design efforts to provide appropriate dorm and program space for inmates. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-70 The comment expresses concern that comments will not be heard. Refer to Response to Comment T1-42.

The commenter's opposition to new prison construction and community concerns is noted. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-71 The comment reflects disagreement that additional beds are needed in the State prison system. Refer to Response to Comment T1-7. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-72 The comment questions if there are alternative approaches to address overcrowding in the State prison system. Refer to Response to Comment T1-7. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-73 The comment questions how the new facilities would deal with epidemics. CDCR provides medical treatment to inmates in all its facilities. The health care improvement program is being implemented statewide by CDCR under the direction of the Federal Receiver and its California Health Care Receivership Corporation (CHCRC), which are the court-appointed body responsible for overseeing the administration of adequate healthcare throughout the State prison system, CDCR believes that the healthcare providers at CHCRC and its own prison management staff are fully prepared to prevent and/or address potential communicable disease exposures. The staffing plans for each proposed infill facility include additional clinical staff resources.

The occurrence of Valley Fever is an issue related to spores located in soils generally associated with the San Joaquin Valley and some desert regions of California; it is also associated with other areas in southwestern United States such as Arizona and New Mexico. CDCR notes, however, that this fungal infection is not a communicable disease, such as influenza or measles. None of the locations of the proposed infill facilities under consideration by CDCR, including at RJD, are located in areas where there is a high potential for contracting Valley Fever. However, in coordination with CHCRC medical staff each proposed level II facility would include all necessary related support buildings and inmate programming space including proper medical treatment facilities for this and other diseases. Appropriate procedures are in place to respond to medical emergencies including potential epidemics.

T1-74 The comment calls attention to legal action against Governor Jerry Brown. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-75 The comment expresses concern as to how the new facilities would deal with epidemics. Please refer to Response to Comment T1-73.

T1-76 The comment requests making the DEIR available to disabled communities. Please refer to Master Response 1, Public Outreach and Public Review Period. The DEIR is not required to be and has not been translated into braille.

T1-77 Volumes 2 through 5 of the DEIR include a discussion of the potential employment, population, and housing impacts attributable to the development of level II infill correctional facilities at the four proposed project sites, including effects on regional population and employment trends, regional housing supplies, and employment opportunities. In addition, Section 3.10 of Volumes 2 through 5, address potential impacts to public services due to the project, including police, fire protection, emergency medical response, schools, and parks. As summarized in Table 1-1 of Volume 1 of the DEIR, the project would result in less-than-significant impacts related to substantial population growth, increased demand for housing at all the potential infill sites, police, fire protection, emergency services, and schools.

T1-78 The comment requests translation of the DEIR into Spanish. Please refer to Master Response 1, Public Outreach and Public Review Period.

T1-79 The commenter questions when CDCR will make a decision regarding translation of the DEIR into Spanish. Please refer to Master Response 1, Public Outreach and Public Review Period.

T1-80 The commenter questions when CDCR will make a decision regarding translation of the DEIR into Spanish. Please refer to Master Response 1, Public Outreach and Public Review Period.

T1-81 The comment reflects concerns related to social effects of the project. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-82 The commenter's opposition to new prison construction and community concerns are noted. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-83 The comment expresses concern regarding lack of discussion of social impacts. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T1-84 The comment expresses concern about increased traffic due to an infill correctional facility at RJD. Refer to Response to Comment T1-21.

T1-85 The comment expresses concern regarding negative aesthetic impacts of an infill correctional facility at RJD. DEIR Volume 2, Section 3.13, "Visual Resources," describes the existing visual characteristics and quality of the RJD Infill Site, the remainder of property owned by the CDCR at RJD, and the surrounding area, and evaluates the effects on the visual environment resulting from the development of a level II infill correctional facility at the infill site, including light- and glare-related impacts. As summarized in Table 1-1 of Volume 1, the project was found to result in less-than-significant impacts related to scenic vistas, visual character, and light and glare.

CDCR also notes that the RJD infill site, as well as the existing prison, is situated in a portion of Otay Mesa that already contains many land uses of an institutional, public infrastructure, or industrial nature. These includes a County jail, automotive recycling centers, an existing electrical generation plant, an asphalt plant, and International Border Crossing shipping container transfer facilities. Construction of an additional electrical generation plant that will be situated directly across from the existing RJD entrance is also pending.

T1-86 The comment asks if the new facility would provide more vocational and educational programs. CDCR's Blueprint calls for level II dorm facilities that use a flexible design originally developed for the substance abuse program at the California Substance Abuse Treatment Facility and State Prison at Corcoran. This design includes program space conducive to multiple types of inmate programming including substance abuse, medical and mental health treatment, vocational and academic programs. The legislative authority for the proposed infill projects provided by SB 1022 also supports the need for space and staffing for a variety of inmate programming services. Refer to Response to Comment O2-3 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

T1-87 The commenter questions when CDCR will make a decision regarding translation of the DEIR into Spanish. Please refer to Master Response 1, Public Outreach and Public Review Period.

T1-88 The commenter questions when CDCR will make a decision regarding translation of the DEIR into Spanish. Please refer to Master Response 1, Public Outreach and Public Review Period.

T1-89 The comment states that there is precedent for translation of an environmental document into another language. Please refer to Master Response 1, Public Outreach and Public Review Period.

T1-90 The commenter questions how people will be made aware of a translated document. Please refer to Master Response 1, Public Outreach and Public Review Period.

T2

DEPARTMENT OF CORRECTIONS
PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT

NORCO, CALIFORNIA
JULY 23, 2013

LEVEL II INFILL CORRECTIONAL FACILITY PROJECT

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF FACILITY PLANNING CONSTRUCTION AND MANAGEMENT

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Norco, California
Public Hearing on Draft Environmental Impact Report
July 23, 2013, 3:13 p.m.
--oOo--

MR. SLEPPY: So we're going to go ahead and get started with a little presentation and then we'll give you an opportunity to get up and give us comments about this.

Thank you all for coming out. We're going to do the same meeting about 5 o'clock this afternoon if you want stick around or tell somebody if they're are interested to come see us.

I'm Bob Sleppy with the Department of Corrections and Rehabilitation. I'm overseeing our Environmental Impact Review process for this -- what we call our Level II infill project as it has a consequence to the City of Norco because it ends up in the closure of the current prison here according to the statute.

So I want to go through what the project is about and some of the considerations, take a look at some of the other places they're proposing to build replace it and then you'll get a chance to get up and give us comments about practically anything but

especially in the Environmental Impact Report. So we'll see if we can make all this high-class technical stuff work.

This is part of -- we're just like a development proposal coming before the City Council, we have an obligation to do an Environmental review process as any development project does in California so we have to go through the California Environmental Quality Act. This is a step in that process, the draft Environmental Impact Report, it's out for public review, there's a copy floating around back there. And part of that is to -- is to provide an opportunity for public comment on that document.

How -- where we're going, what we're doing. This is our public hearing. We want to talk about the background of how this project came about, it's a little unusual, give you an overview. Gary Jakobs here with Ascent Environmental, which has been responsible for the Environmental Impact Report is going to give you kind of a blow by blow about what's in the EIR and then we're going to close talking about our approval process as well as giving you a chance to speak this afternoon.

Department of Corrections is faced with tons of challenges. You know, we have about 110,000

1 inmates in the system currently, we've been under
2 pressure to reduce overcrowding according to court
3 orders, we're under pressure to improve medical care
4 to inmates, mental healthcare to inmates, dental care
5 to inmates and it -- it keeps going. So we've been
6 looking at our whole situation, how many prisons we
7 have, how we address providing public safety to the
8 public for those who get a felony conviction need to
9 come to the State, and this is very much a part of
10 that process.
11 And when the Department took a hard look at
12 it about a year and a half ago, we came up with
13 something called our blueprint, it's on our website if
14 you want to take a look at it yourself, CDC website,
15 really interesting plan. And a couple of elements of
16 it apply to this situation. One of those is that we
17 have four ways of classifying inmates.
18 So an inmate comes in to us, a felon comes in
19 to us. We've gone through the process and we decide
20 whether they're a Level IV, a Level III, a Level II or
21 a Level I. Level IV are the bad folks for the most
22 part, don't get along, might act out, have problems,
23 that kind of stuff. Your Level I inmate at the bottom
24 of the system are the welfare and conservation crews
25 and out fighting forest fires so they're a little

1 different situation in terms of their behavior and how
2 they want to work with people and things like that.
3 But one thing we noticed is over the years,
4 we got to where we tended to classify inmates at the
5 higher level, III's and IV's, tended to put them in
6 the celled environments, not like this prison, but a
7 much higher classification, a lot more isolation, a
8 lot more kind of control on them. We realized that we
9 probably could back off that a little bit. That
10 really if inmates are going to really succeed when
11 they parole out, that maybe they need to get into a
12 little better living situation, a little better
13 opportunity for education and mental health treatment,
14 things like that. So we believe that we're headed
15 towards not so much needing more high security prisons
16 like we have out in the Central Valley and places like
17 that, but actually a lower, which is this Level II.
18 The Level II really only -- the only real
19 difference is that they go from being a celled housing
20 unit -- we have -- no, we don't have a picture of
21 that -- celled housing unit to a dormitory. They get
22 to be in a communal situation with about five to six
23 to a room. It allows us to have a little better
24 staffing ratio, it allows the inmate to live in a
25 little more comfortable situation and, in particular,

there's more opportunities for classroom, school, vocational, things like that in that setting because it's a little different level of isolation and security.

Out of our plan last year was recognition by the legislature that we need to do two things. One is to build more Level II facilities and also to recognize that they'd like to have CRC closed because it's very old, it's very hard to renovate, very costly to renovate, it doesn't meet a lot of our new standards for the way we provide medical treatment, psychiatric treatment and things like that.

So the Bill does an interesting thing, it first authorizes us to go build up to 2376 new Level II beds, but also it says, when you get done in 2016, you shall close this prison and cease operations there. So it has a very direct consequence to the community.

Part of all of this is connected to something called realignment, which about -- also about a year and a half ago the legislature changed some of the sentencing rules in California and that's how our populations have come down, a lot of the felonies now stay in the counties and jails, so that's partially why our population has come down.

The legislature said, why don't you look at building these new beds at what we call our intermediate level of care prisons. We have 33 prisons in the State plus a brand-new one that just opened up in Stockton which is a hospital. But all those prisons have gone through a system of figuring out what it is they can provide in terms of medical and psychiatric care.

And an intermediate care, I kind of make it sound like it's like outpatient and you go to see your doctor at a medical facility. It's not acute care, it's not hospitalization, things like that, but it's got a full complement of physicians and stuff for kind of routine.

We have 11 of those prisons statewide that have that rating, have that medical program there and the staff to support it. It turns out that more than half of those, there's no place to build if you try to fit another facility on to the ground, and that was the key ingredient. Key ingredient was use property we own already, use a type of prison that we already have, don't invent a new prison, and we have this kind of prison up in the Valley. So about half of these didn't work out.

The legislature went ahead and said, okay,

here is where you can build these. You can take a look at where you want to build these. It turns out, of those seven named prisons, there's only five places to build because two of them are side by side, the Folsom State Prison, the old historic prison, and Sacramento State Prison are side by side and so are Solano and our medical facility in Vacaville. So out of those we only get one site. So we had started with five sites that we did consider building this new facility at.

We get to build it in increments of either 792 beds or 1584 beds. And this is also a significant departure from the past where we thought a prison could start at so many beds and get overcrowded to a much higher level, and all of our prisons operated that way for a lot of years. That's how you got our prisons to 200 percent, you had every cell with two inmates in it. 100 percent would be one inmate, one cell.

We now are setting an operational kind of objective for each prison that doesn't have this high and low. It has simply appropriate operational level that we know we can staff it properly, that inmates have little space, they're not all stacked up on top of each other, that we can provide programming like

vocational and educational opportunities and we can provide adequate medical and mental healthcare. So when we talk about 792 or 1584, that will be the operational count for that facility. We won't suddenly have twice as many inmates in it.

These are pretty basic. They copy something we have at a prison up in Cochran in Central Valley, it's a 792 beds little module, we didn't want to start from scratch, it's very expensive to do that. The smaller one adds about 190 staff to the existing prison; the larger one, about 370 staff. They're typical prisons, 24 hours a day, visitation on weekends, things like that.

Though we use the word "low security" to talk about a Level II inmate, it's kind of a funny thing to an officer because they are still felons and you don't want them jumping over the fence and going out to lunch at somebody's house. So we still have the same perimeter, still have the same perimeters and security system as we do at the higher security prisons, so the outside looks just like any prison.

In fact, CRC has this very kind of perimeter, two fences with a lethal electrified fence in between it. This is true, it can be very, very good at keeping inmates inside and lowering our operational

costs also. So there's no change in our security. It's just that the inside is a dormitory type of setting.

We were asked -- we were told by the legislature, before you get started, you got to propose where you think you're going to build. Even though you got all these alternatives, you got to tell us where you think you're going to build just to get started. We put exhibits of both of those sites up in back and we're going to have them up here in a second.

So we went ahead and said we really like the operation of RJ Donovan down on the border, borderline down by Otay Mesa in South San Diego. It's a good prison, it's got a little bit of room for something, it's kind of a small prison, so in addition doesn't overload it.

And then up in Ione which is kind of close to Jackson in the foothills outside Sacramento, we have a big prison and we're proposing to add a 1500-bed facility. That's the maximum number of beds we get to build under this authority.

The way they look down at RJ Donovan, we got a little 60-acre area that's kind of flat and vacant so it's pretty handy. We got infrastructure, things like that. It would kind of add to the existing

operation. We don't get a whole new infrastructure of staff, we only get maybe a captain to run something like, so it's subordinate to the main prison. We don't like bubble onto the current prison because you don't want to mix Level II and Level III together typically, so that's why they're stand alone.

And in Mule Creek, we've got a -- kind of up the hill a little bit, a really large parcel, we think this will work, be a good place for it. We've got all the infrastructure we need for that. So that's our two proposals that we would hope to implement.

We have alternatives at those prisons plus the other two that were named in the bill, Vacaville and Folsom. So our Environmental Impact Report is kind of unusual in that it looks at a real broad range of options at the same level of environmental analysis as the proposed projects are.

These are big projects. We have a total of $800 million, it's kind of commensurate with what we just spent up in Stockton for a 1700-bed facility. We're trying to get to construction in the spring of 2014 because we have a requirement to activate it by the end of 2016. These are big construction projects good for a couple of years and then they're done and then we go to an operational level, kind of get a feel

for what they would be.

This bill is unusual in that it tells us we shall close a prison when we're done, we shall close. We don't have any discretion in that choice. The legislature told us, Governor approved -- agreed with it, that's a quote out of the Bill so that's what's a little unusual about this.

A lot of folks wonder what happens after you close it. Usually when you have State property that you no longer have a need for, it goes up to be surplused and sold out to the private sector, public sector, whoever else wants it. We don't have that authority yet, but that will be probably forthcoming in a year or so.

When we leave the prison, we don't have an interest in starting it up again, it's not going to be mothballed, it is just going to be closed. But we will provide -- we want to make sure, you know, the vandals don't go down there and steal all the plumbing, so we will lock it up, keep security out there and that kind of stuff, make sure people aren't climbing the fences and taking things out of there. We'll also, you know, want to maintain our mechanical, our boilers and things like that that are sitting there, you don't want to just ignore those kind of

thing. But for the most part, it'll be a very low key closure, staffing and activity at the prison ones we cease operations there.

I'm going to ask Gary Jakobs to talk about our EIR a little bit, it's a little bit unusual which makes it really deep in reading because we treat all these sites equally. He's going to talk about the significant environmental effects that we project at these two sites here and then I'll give a little conclusion and we'll invite you to come up and give us testimony if you'd like to do that.

MR. JAKOBS: Good afternoon, everybody. I'm Gary Jakobs with Ascent Environmental. And as Bob said, I'm going to talk about the EIR.

This was unusual. Normally when we prepare an Environmental Impact Report, we are looking at one property and we're preparing one document. But in this case, we looked at several properties throughout the State, we addressed each property in an individual Environmental Impact Report. And the reason we did that was to provide the communities where the projects would be located information very relevant to their community plus we've prepared a summary document.

So this is a typical -- this is Volume 1 which is a summary document, it addresses each of the

projects, I'll talk about the CRC in just a moment. It addresses each of the projects in summary fashion, so all in one place so you can see what a summary of the impacts are of all the different projects.

And this is for the Donovan facility down in San Diego. This is what a typical volume that addresses one of the proposed new infill projects looks like, so each of the communities received this. So as I said, we've looked at equal level of detail for each of these project sites so the Department could select any of them for the infill project.

The EIR looks at alternatives. If there's a significant impact, we look at alternatives that could avoid that impact, we do our best to come up with measures to mitigate, to compensate for significant impacts whenever they're identified so that we can reduce those impacts to a less-than-significant level. We can't always do that. Sometimes the EIR will conclude that there's a significant and unavoidable impact.

A great example would be air quality. Let's say that we're in an area where the air quality is already in poor condition and the project, just through its operations, would add air pollution to the area, it would be above some prespecified thresholds

that the local air district has identified and we do everything we can to try to reduce the effect but sometimes can't do that. In that instance, I'm just giving you an example, we'd say it's a significant and unavoidable impact.

CEQA, California Environmental Quality Act, still allows you to approve the project in that instance, but the lead agency, the Secretary for Corrections, would need to come up with what is called a statement of overriding considerations explaining why they're still going to go ahead and approve the project in spite of significant impact. That's part of the law.

The Environmental Impact Report is full scope. We looked at the full range of issues that the California Environmental Quality Act asked us to look at. There weren't any that we scoped out, that's a term that's used to say, hey, there's just some impacts that wouldn't occur. So we -- we -- in this instance, we looked at the full range, and you'll see a list of those in a moment.

We evaluated the regulatory background, what do the different regulations say about reducing environmental impacts already, what are we already mandated to do under law, and then we establish what

the setting is, these are the conditions, the environmental conditions of each of the properties we looked at at the time that we initiated the Environmental Impact Report. And then we overlay the projects on top and we identify whether or not there would be a significant environmental impact before -- significant environmental impact or not.

What is a significant effect? It is -- and this is all defined by law, it is a substantial and adverse change in the environment as a result of the proposed project. Substantial and adverse change in the physical conditions of the environment. It's not the social effects, it's not the economic effects. So CEQA is very specific about what we are supposed to look at, and we are required to follow the law.

These are the issues that each of the Environmental Impact Reports address, that each of the sites address. I'm going to say that for the CRC, though, it's a little bit different. So for all of the sites, we looked at visual resources, air quality, biological resources, cultural resources, geology, greenhouses gases, this is a full list of issues that we addressed.

Why was it different for CRC? Again, this goes to the statute, this goes to CEQA and what CEQA

says we can and cannot do. Under CEQA, a project is defined as a discretionary action that can be made by the lead agency.

So the lead agency, the agency making a decision, has to have discretion to approve a project or not. If they don't have discretion, it's not a project under CEQA. If they have no choice in the matter, it's not considered a project, it's considered exempt from the California Environmental Quality Act.

That said, with CRC, it is -- there's no discretion on whether or not that facility will be closed. However, we still evaluated the implications of closure. So in Volume 1, we go through and we look at what the implication of closure would be because we felt like it was important to disclose that nevertheless.

And here you have it. That's what the slide says, same thing.

Bob, do you want to go through the process?

MR. SLEPPY: Thank, Gary.

So this is very much the part of the process where the public is invited to give us their thoughts both on adequacy of the environmental analysis, just your opinion on the project, all this gets wrapped up into something called an administrative record and

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goes back to our chief in Sacramento so they know how the public felt about something, a choice.

We're proposing those two sites. Obviously if you work here, you're -- you're at risk of losing your employment if this thing goes along the way the statute is written out. We don't know who's going to get assigned where if you're still, but those are obviously two of the places where it'll be -- in one case, 375 new jobs, and the other case, 190 new jobs. So we don't know how this location and relocation is going to occur, that's way down the road and the responsibility of others, but that is a consequence, we don't deny that. So you can maybe talk about that too.

We're glad you're here. We have a court recorder so when you speak, we hope one of you speaks at a time and you not only identify yourself but maybe tell us something in particular about where you live, an e-mail address, things like that so we can get back to you. And we're going to turn on that microphone. There you go. And you're invited to come on up. You got questions, we'll try to answer questions too.

MR. OKORO: My name is Andrew Okoro, I'm the city manager for the City of Norco. First of all, I want to thank you for coming out to make this T2-1

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presentation to the general public here today.

The City staff, we have read the documents that have been provided with respect to the environmental report. I am here to submit for the record the City's concerns with respect to the work as proposed. And I also have with me the City's cultural resources consultant Mr. Bill Wilkman who is going to speak for the benefit of those in the -- in the audience who will speak to the City's concerns with respect to the adequacy of the report that is being presented here today. T2-1 cont'd

So I will go ahead and give you a copy of our concerns.

MR. JAKOBS: Thank you very much.

MR. OKORO: And I will call Mr. Wilkman, Bill, to come and speak to those concerns so that members present here in our audience will take note. T2-2

MR. SLEPPY: Thank you for that.

MR. WILKMAN: Good afternoon. Thank you for allowing me to speak today.

Before I get into any of the details that I would like to talk about, I wanted to mention some overriding concerns that the City has regarding the Norconian. T2-3

First of all, our main concern is the

preservation and protection of an important historic resource, the Norconian, the hotel era is on the National Register. That includes the hotel building that is on the prison property. And we've been greatly concerned for a number of years that the building has been allowed to deteriorate and not to be maintained and, therefore, putting it at risk of deteriorating so much that it can't be repaired. T2-3 cont'd

We basically have three goals that we're trying to achieve in what we're doing here in our comments. One is to make sure that when the prison closes, that the Norconian facilities are left in good condition, that they're repaired and they're left in good condition. T2-4 Two, that the facilities are properly documented including all the facilities on the site not just the hotel era, but we also have our naval hospital era and we have a weapons research era. T2-5

And first of all, we're looking to have the site protected until it has a future use, in other words, that there's an active program ongoing to make sure that once the facility is left, that nothing can happen to it to make it further deteriorate. T2-6

We have some issues with the report that I'd like to go over briefly. One of them is that the -- this act is not subject to CEQA. We disagree with T2-7

that. The action to close the prison is a part of a larger discretionary action made by the State legislature. And it really isn't any different than the City Council of Norco directing the planning department to overhaul the general plan. That may be a mandate, it may be something you have to do, but it is not something that they can do without paying attention to CEQA, so we disagree with that fundamental assertion. T2-7 cont'd

Another concern we have is the idea that once closed, the funds will be requested to secure the property and provide property maintenance. We are greatly concerned that waiting until the facility is closed is too late. The funding and the programming of the organization to properly secure and to properly guard the facility from intrusion need to be in place before the prison closes and not something that's asked for after the prison closes. T2-8

Another point made in the Draft Environmental Impact Report is that Senate Bill 1022 does not include any authority or funding to renovate any buildings. We don't believe that the fact that there isn't any funding absolves the State from the responsibility to provide for the renovation of the buildings and to make sure that they're left in good T2-9

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condition. These requirements are already a part of existing State law that says that a State agency that has a historic resource under its control is responsible for maintaining that historic resource. Obviously that has not been taking place for a long time and the mere fact that SB-1022 does not include funding for that, does not absolve the State from the requirement that they live up to that requirement. T2-9 cont'd

The Environmental Impact Report also says that the closure activities will be limited to property and landscape maintenance, the inspection of mechanical equipment and infrastructure and placing temporary coverings over street-level windows. We don't believe that these security measures are adequate. We believe that in order to make sure the facility does not become the victim of vandalism and deterioration or theft, requires the presence of 24-hour security on the site that will actively monitor what is happening on the property to keep it secure from entry. T2-10

Another concern that we have is that the Draft Environmental Impact Report asserts that the closure of CRC would not involve any alterations and, therefore, is not subject to the significant adverse change aspects of CEQA in regard to the historic T2-11

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resource.

We believe that the mere leaving of the prison site, the mere departure from the prison site is, in fact, a potential alteration to the site because it no longer will have the opportunity to be guarded and maintained as a -- as an historic resource, and so there is actually an action -- this action does affect the nature of the facility. T2-11 cont'd

Another related assertion that's made in the Environmental Impact Report is that the closure involves no physical alterations, and I would reiterate the fact that we believe that leaving the site, in fact, is equivalent to a physical alteration of the property in the sense that there would be nothing there to assure that that property is not damaged or items stolen or that there's vandalism, things of that nature. T2-12

Another assertion in the report that we disagree with is the assertion that the site is already fully surveyed. This, in fact, is not true. The site has only been surveyed for the hotel era. There are at least three other historic uses of the site that are 50 years old or older that have not been surveyed. They consist of the naval hospital era, the weapons research era and the drug rehabilitation era. T2-13

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Those are all three uses of the property that have not been surveyed.

Now, the Navy is in the process of surveying the property for the hospital era and the weapons research era, but that report is not completed and we have received no assurance from the Navy as to when we can expect that. And even if the Navy is doing that survey, it's really up to the State to survey its property for its action and not to rely upon the survey done by another entity. T2-13 cont'd

The Draft Environmental Impact Report also asserts that weather and other factors have led to deterioration. And it's true that weather has caused the building to deteriorate. But the main reason the building has deteriorated is because the roof has developed holes, those holes have not been repaired and rain has been allowed to enter the building and that has had a dilatory effect on the interior of the building. The building has also not been secured from the entry of wildlife and we have feral cats and raccoons and other kinds of animals using the building for their purposes and obviously not the intent of the building. T2-14

The report basically says that continued deterioration is a forgone conclusion, and we believe T2-15

very strongly that this is not acceptable to say that the facility is simply going to deteriorate and there's nothing we can do about it. There has been an ongoing responsibility on the part of the State to maintain this building, to keep it from water damage and wildlife damage and things of that nature, and it has been taking place for many years. So we believe the State has the responsibility to bring the building back to a weather-tight condition and to -- to make sure that it stays that way until it passes on into private hands. T2-15 cont'd

We also note in the report an interesting assertion that the building is unsafe to enter. There's no objective evidence that we have been presented with that indicates the building is unsafe to enter. And what is interesting, I think, to us is when you look at the report, it suggests that another agency -- another public agency or a private entity could restore the building and bring it back to usable condition. If a private entity or another public agency can restore the building, we don't understand how it is that it can be claimed that the building is unsafe to enter and, therefore, it's not possible to repair it. T2-16

Those are the comments that we have and I

appreciate the -- your giving me the opportunity to make these. And I'll step down for the next -- unless you have any questions. T2-16 cont'd

MR. SLEPPY: No. Thank you.

Come on up, if you don't mind, just so we can get you to a microphone.

MS. DIXON: My name is Linda Dixon and I'm on the board of directors of the Lake Norconian Club Foundation.

I agree with Mr. Wilkman in his entirety. We have had major problems in this area as a nonprofit whose solely focus is on the historic properties of the hotel and the surrounding buildings for the last ten years that I've been involved.

I was not surprised by your presentation that you made no mention of this historic property. This has been a continuing problem for us for all of these years. The State of California has chosen to ignore many appeals both in Sacramento and our local CDR to maintain this historic structure. T2-17

We, as a nonprofit, have appealed time after time, agreed to go in and pay for the sealing of the roof and the preservation and protection of this building. Everything that we've tried to do has been ignored as if this building did not exist. Well, let

me tell you right now, this building does exist. This is the National Register of Historic Places for the building, the surrounding buildings and the property. T2-17 cont'd

You, the CDR, has allowed the historic landscaping to deteriorate although you do say that you'll try to find some money to maintain some kind of landscaping. For your information, we have pictures, we have articles and we have videos of every single piece of artifacts in that hotel on every floor, in every room. You cannot allow the CDR to leave and leave this building unattended. Under State law, any historic building on State property must be preserved and maintained. T2-18

In case you are now becoming interested, this is the hotel. This is the way it was when you took over. And have you seen it now? You tell me that it's too safe to go into. I can drive to the backside and I can tell you windows that were closed six months ago are now open. Do not tell me it's unsafe to go into. T2-19

In the many meetings that I have attended, we have pleaded for copies of those reports. They've been ignored. Why? Because there are no such reports. We have been told by Sacramento that they treat their wardens of the various institutions as T2-20 T2-21

kings or queens of their own kingdom and that they will not interfere with any decisions they make. Look at the hotel out there now and look at all the historic buildings around it and you can see what wonderful decisions they've been making. T2-21 cont'd

We demand that you not abandon this building to vandals. We demand that this roof be repaired and put back into the state it was when you took possession of this property. This is not just a one-time statement, this statement holds teeth and we're not going to rest until this jewel of this community is preserved. T2-22

I would ask that the Lake Norconian Club Foundation or the City of Norco, someone, be able to go on to those grounds to survey what you have done by way of destruction, by neglect, to be able to make notes on where repairs need to be made, how the roof needs to be sealed. T2-23

Our offer stands, but at this point, with all of these years of ignoring our pleas, it is up to the State of California to do those repairs. Do not tell me you do not have money. You're currently out there with no money that are sealing, repairing parking lots. You're doing all of these wonderful things to this prison out here that's going to be closing, but T2-24

you cannot afford to close the windows, close the doors, secure the building, seal the roof. This is ridiculous.

I would like to enter this into the testimony and into the record so that you will know and it will go forward -- this report will go forward so that everyone who has chosen to ignore this building and these historic sites will now know what we've been saying is the actual truth. T2-24 cont'd

MR. SLEPPY: Thank you.

Next?

MR. HUNGERFORD: Hello, my name is Roy Hungerford, I'm a resident of Norco. And I just want to let you guys know that the citizens of Norco are not going to go quitely about this. We are going to be here and we're going to get louder and louder as this goes on. And the reason is because you guys are going to go away; however, the hotel will still be here. And you guys have neglected the hotel, and we've heard great testimony from the people who spoke before me regarding that. T2-25

But one thing I want to touch on is the items inside the hotel. I worked at the Beverly Hills Hotel when it closed for renovation, that hotel was built in 1912 and it was similar to this hotel. When we closed

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that hotel, things disappeared, fireplace mantles, wall sconces, windows. Basically everything that could be ripped off the wall was taken.

So I would like to make sure that great effort is put in to preserve these items, as Linda mentioned. Everything in the hotel is documented. So I would also as a citizen demand that you let somebody in to check that list, and if things are missing now, then you should be holding the warden criminally responsible for theft. There's no reason that the wardens are not allowing people to come in and visit these sites unless they're hiding something that they stole stuff from the hotel. So I know for a fact that this occurred at the hotel I worked at and that hotel was built well before this one.

T2-25 cont'd

As far as retrofitting and stuff like that, that hotel faced the very same situation that this hotel faces for somebody to come in and fix it up. And I understand it's not your responsibility to fix it up and that's fine, a private person coming in will do that -- or a company.

T2-26

So please get with the warden, put them on notice. Also, if they go in and they find things are missing, I would call for an internal investigation of the warden since these original things were

T2-27

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documented. Put them on notice.

T2-27 cont'd

MR. SLEPPY: Thank you very much.

MS. AZEVEDO: Hello, my name's Kathy Azevedo and I'm serving as the mayor of Norco. I just -- before anyone else came up, I just wanted to give you a little brief history and then I have some hard fact questions to ask.

I just wanted you to know that I've been on City Council and served as the mayor three terms for ten years, and all ten of those years I have tried to just get roof repair. I've visited many, many different senators and assemblymen who have tried to help us with getting the roof repaired or better yet just to turn on the generator so the pumps would go on and drain the water off the flat potions of the roof. I've done everything I can as a council person and the mayor of this City on my end.

T2-28

I'm proud to tell you that the City of Norco has CLG status, certified local government status, only 56 cities in the entire state that have over 500 cities has this status. And that status is granted because we have historic significance in our city, primarily the hotel.

With that, I've helped and participated in getting the Lake Norconian Club Foundation started.

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And one of the requirements to have CLG status is to have a historic commission which is also in place here in the City. And then of course we have our rich cultural resource in Bill Wilkman.

So the City, I just want you to know, is very prepared and we're very, very educated on this process. I'm hoping soon you'll hear from Kevin Bash who is a past mayor and council member who is truly a walking historian when it comes to the items that are at the hotel and the process.

T2-28 cont'd

But most of the process is that -- some of the questions that I'd like to ask you is when we talk about -- I notice on your paperwork you talked about geology and the soils, there's, in my opinion, an antiquated report that says that the building is seismically unsafe, and that's one of the reasons we can't enter.

The Lake Norconian Club Foundation has brought in a top, his name is David Cook, seismic professional who says that the ground is not sand, it's actually granite, it's probably one of the safest buildings here in the City. So I'm just wondering if part of that exit plan, if you will be using that old one or there will be a current study on determining the safety of that building.

T2-29

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Another thing that was told to me by the prison was that DGS had came in and said that it was unsafe to even do the roof repairs. I've written several letters and have talked with several men, I can name one of them, Bob McKinnen from Sacramento, who tells me that that's not true, that they've not been out, they've not assessed the roof at all and they have no plans to do so. So I think that before there's this rule about not being able to enter, we need to address that and get accurate reports. No one has been able to give us a report, and I've been told from Sacramento it's because there has been no report.

T2-30

Speaking about the roof, that's only been our goal is just because we knew that one day this would happen, we knew that the prison is in severe ADA noncompliance. The buildings were built in 1940, they had a 15-year life span, as you said, we've got Class III and IV prisoners, it's a public safety issue for the residents of my town. Those are all those issues that need to be considered.

T2-31

And I just also wanted to mention to you in my efforts to have this, you know, hotel, at least the roof repair or if it was once -- no longer a prison, that we are very aware that there's 3,000 beds that are sitting empty at the Chino prison, the Stark

T2-32

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facility. I just want to make sure that you guys are aware of that. I guess it was a youth facility. It was explained to me by some folks at the prison that because it was completely empty, that they could no longer use that; however, they're employing five employees just to maintain these 3,000 beds that are only 15 or 20 minutes from our town. It seems to me like this would be the natural -- when you talk about the millions and millions of dollars that you're spending, then you wouldn't lose those jobs, that's only 15 minutes from here. I just think that some of the money that you're spending on that could be used for preservation than to spend the kind of money that you're spending on these facilities that are so far away from Norco. T2-32 cont'd

And finally what I just wanted to mention is while I've talked a lot about all the cultural resources inside the hotel, it's not the only building that has cultural significance. For example, there's beautiful stained glass in the church, there's just -- there's theaters, there's all kinds of buildings that are also on that prison, and so I just want to make sure that you're aware that it's not just the one building. T2-33

And the final thing that I just would like to T2-34

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ask for as thinking about -- as my position in the City is you talked about an exit plan briefly, but I mean, we really need to know here what is the exit plan and that there will be some sort of a document that could be submitted to the City of Norco that would help us understand exactly what will take place once this prison is relocated. T2-34 cont'd

And thank you for your time.

MR. SLEPPY: Thank you.

MR. BASH: Thank you all for coming.

This is a really complicated site and I --

MS. OLEKSZULIN: Can we get your name?

MR. BASH: Oh, my name is Kevin Bash, Councilman Kevin Bash, sorry.

It's a really, really complicated site and there's a long paper trail of non-returned phone calls, over 100 letters asking for things to be done that have spanned over ten years, and what I'm going to try to do is touch on some of the things that people haven't touched on. T2-35

And the first topic, I was surprised to hear there'd be a loss of jobs. I was told by Mrs. Hysen that there would not be a loss of jobs except for new hires so I was surprised by that. And I'd kind of like to know if, in fact, we do have some residents to T2-36

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find out if they are going to lose their jobs because she told us right on the prison site that would not happen. T2-36 cont'd

You say that you're going to keep the landscaping, but a lot of the landscaping that's actually part of the contributing factor for the historic resource, you've allowed that to die. In fact, most of the grass, the trees. There's two single homes that are part of the Norconian that are close to 100 years old and they're just being allowed to die. It took sneaky employees to get in and water it. They retired so now I assume they're dying. You had all the eucalyptus trees, there's hundreds of plants that were there up until about 2004, 2005. So when you leave, forgive me, but I don't have a lot of confidence that you will keep your word on that. T2-37

The discretionary and not discretionary, again, the woman said that very well. I don't understand that because one of my fears is that if we don't get working on this soon, and I think a year is too long to wait, I could be looking at 300- -- 3 million square feet of permanent buildings plus another, oh, maybe a million square feet of semi-permanent and temporary buildings. So I'm very concerned that when you leave, I may have 110 acres of T2-38

rubble especially if you continue to let things deteriorate. What I don't understand is while you're here you don't have to take care of it, and when you leave, you don't have to take care of it. T2-38 cont'd

I'm also concerned about the interpretation of CEQA. One of the documents I asked for the last time you were here was how -- I was told that at some point in the last five years, some of the historic resources have been mitigated by talking about something in some midwestern town where there was something very similar to this complex. I've talked to SHPO directly, I've talked to people in the prison who know such document exists. One of the questions I have for you is: How did you mitigate the historic resources when you built the barracks, what, five, six, seven years ago? I suspect you did not. T2-39

One of the things that I want to make you aware of, I'm concerned of it with the Norconian, I'm also concerned with the naval hospital era. Most of those buildings were designed by a man named Claud Beelman. Claud Beelman was one of the greatest architects that ever lived coming out of Los Angeles, has more buildings in on National Register than any other Los Angeles architect. I'm very concerned we're not going to be caring for those. T2-40

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And just to give you sort of a heads-up, there's a document that determines military bases' historic significant, Significance written by Steve Mikesell. And what's important about that is one of the paragraphs in that talks about military hospitals. Even a building from the military hospital is eligible for the National Register just by virtue of the fact that it's implied that it's historic -- things historic happened in that building. And as long as its architectural integrity is still intact, it -- it's a slam dunk. T2-41

Well, what you have sitting there is, as far as I can tell, the last-standing World War II naval hospital in existence designed by one of the greatest architects that ever lived and is sitting next to an existing resource that is actually on the National Register.

We talked about the roof. It's very, very frustrating that we have been trying for ten years to get the roof fixed but you have a building that's sitting empty which is the old Coreman Quarters, you fixed the roof on that in the last few years. I don't understand, that's an empty building with nobody in it. T2-42

I, too, like the mayor, I don't understand T2-43

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why we're spending $700 million to build 1500 beds when 15 minutes away we have another 2-, 3,000 sitting over there that, because of a little glitch in the law, we can't put prisoners over there, and in the meantime, we're letting prisoners out. That really bothers me. T2-43 cont'd

The seismic study, my understanding is, according to David Cook, is that the seismic study is for people who are forced to be in the building, we're referring to the Norconian. But there are hundreds maybe thousands of buildings like that all across the State of California in which you can go inside those buildings safely, hotels, restaurants, all kinds of things. I don't understand why we're not allowed to put tourists into that building, and in order to show people what's there, to maybe get funding to fix the roof. We've actually offered to fix the roof, to create a map for that roof, and we've been ignored. T2-44

Again, I don't want to wait a year to plan. It's a really complex site, so I want to make sure I touch on everything.

Wow, I remembered all my notes, I'm impressed. T2-45

I guess -- finally, I guess, what I really want to say is that this is a resource that if we work

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together with GSA, I believe we can create something very unique in the City of Norco. But if we don't start now, if we don't start working together, if we don't -- if we don't develop better trust, the City of Norco, myself, the mayor, the residents, we're going to end up with rubble, and I'm really, really afraid that's going to happen. T2-45 cont'd

Again, for me, the most glaring thing is when you guys tell us you're going to take care of the landscaping, and I've been looking at it all dying for the last five years, there's a credibility issue. Thank you. T2-46

MS. STILLER: My name is Diana Stiller, I'm a resident here in Norco, I teach social studies at the high school and I was recently appointed to the Historical Preservation Commission, so of course I share the concern -- same concern that everyone else has already mentioned for the historical value of the Norconian. T2-47

I'm one of those people who almost chokes up and goes into tears when it rains. As much as we need rain here, all I can think about is the damage that goes on inside the building.

But I also want to point out, to echo what Kevin said, I'm a little skeptical we can trust the T2-48

State to provide the security and the maintenance that you promised as this prison is being closed, the inmates are being moved out and what is left, because what it sounds like to me is those buildings are just going to sit there.

That prison property is surrounded by neighborhoods, there are baseball and soccer fields there. The riverbed, which who knows who's down in the riverbed, is all right there. It's a prime location for vagrants and problems, and I don't trust the State to take care of them, to protect the citizens of Norco from what might go on there, let alone the buildings and historical value, I think it's a huge potential for not just rubble but for all kinds of things that could go on there, and I don't see anything that tells us what's going to happen or how long the buildings will sit there, particularly the dormitory and things like that, thank you. T2-48 cont'd

MR. SLEPPY: Thank you.

MR. NEWTON: Good afternoon, my name is Greg Newton and I'm on the board of directors of the Lake Norconian Club Foundation.

I do concur with the statements made by Mr. Bash, Mr. Wilkman, Mrs. Dixon and Mayor Azevedo.

And some of this I may repeat, but as the T2-49

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last speaker mentioned about not trusting the State in maintaining this property, if you were to go a little further down to the riverbed next to the Corydon Staging Area and look at the State property there that you have failed to maintain along the riverbed, I think this would give us a pretty good indication of what to expect, what you're going to do with the prison and the hotel property. T2-49 cont'd

In 6.1, Aesthetics, you make a statement of fact that you will maintain the building and landscape to maintain the visual character and scenic quality of the site. You've neglected it for years. You've allowed the landscaping to die at the hotel, please tell me what reasons we would have to believe that you would continue with this. T2-50

6.5 under cultural resources, it was previously mentioned about the structural analysis that the building's unfit seismically, and I would like you to acknowledge that you've received the structural report from the Lake Norconian Club Foundation and, as Mr. Bash mentioned, that you have also reviewed that. T2-51

Further on in the last paragraph, the hotel buildings have continued to deteriorate due to age, weather and many other factors. In your report, I T2-52

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would like you to tell us what are the "many other factors" that you're considering. T2-52 cont'd

And in -- my last statement is 6.10 in land use and planning. You talk about disrupting an established community would include maintenance of the grounds and facilities, there would be no change to the land use of the site; therefore, there would be no adverse effects relating to consistency with applicable land use policies. I believe at this point in time you are violating the land use policies of the City of Norco. This is a historical preservation overlay over that complete property, and you've chosen to ignore it. T2-53

And in closing, you know, I'm not sure if this is a systemic policy in the sense with the prison systems that -- it's like the cats. You ignore the cats, you let them die, you've done the same thing with the hotel. You're going to ignore the hotel and let it die. Thank you. T2-54

MR. JAKOBS: Mr. Newton, you referred to the report and you'd like us to look at the structural report. Has that been submitted?

UNIDENTIFIED SPEAKER: Yes, for years.

MR. JAKOBS: Could you submit a copy as part of the record?

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UNIDENTIFIED SPEAKER: Over and over and over.

MR. JAKOBS: We appreciate that. Would it be possible to submit the report as part of your comments on the EIR?

MR. NEWTON: If I could find it in the back of my truck, I will give it to you. As it's been said, it's been submitted to you numerous times. T2-55

MR. JAKOBS: I understand what you're saying. We're preparing the Environmental Impact Report, and if you could please --

MR. NEWTON: Find a copy.

MR. JAKOBS: -- submit it to us, that would be great, thank you.

MR. NEWTON: And if you would have your clerk give me a name and address and we'll resend it again. T2-56

MR. JAKOBS: Thank you very much.

MR. SLEPPY: Thank you for that, we appreciate it.

Who's next?

MR. HOFFMAN: Ken Hoffman, I'm a resident of Norco. I'm going to look at this as perspective. I've been living in this area since 1957. I got to see the changes in the site when it was changed over from the Navy, the hospital, watching it grow up, the T2-57

changes, the addition of the barracks later on. It is a big change. I can recall going over there and going to Lake Norconian Club , not part of that, part of the Navy, and looking around and seeing how wonderful the hotel looked.

But shame on you. I just retired after almost 30 years of public service. I don't trust the State, I'm sorry. They are very delinquent in what they have done and what they said they are going to do. It changes with every political season. Every time the legislature gets in there, they ignore the laws or they change them to fit what they want to do. We see this happen every day. T2-57 cont'd

Do I trust you to do the security around it? I doubt it. I know what the State will do. It'll hire the lowest bidder in security company and that's exactly what we will get. We'll get the lowest service for the dollar. I've seen it happen in other areas of Riverside County. The buildings will deteriorate; furthermore, they will continue to be a pile of rubble like Kevin Bash says. T2-58

For me, it's watching that building for the last over 50 years and the site deteriorate. This didn't happen over night. And for the last ten years, the City has been very aggressive in trying to get T2-59

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things changed, and for every reason they've been ignored. So shame on you and shame on the State, shame on corrections for letting this happen. Thank you. T2-59 cont'd

MR. SLEPPY: Thank you.

UNIDENTIFIED SPEAKER: I just have a quick question. Have you personally been out to the prison site? T2-60

MR. SLEPPY: Yes, I have.

UNIDENTIFIED SPEAKER: Have you been to Lake Norconian where the water and everything is? T2-61

MR. SLEPPY: Yes. I worked for the State also for many years and I worked on the original sizing and retrofit project as well as recently in the last three years ago we had a chance to tour the whole prison, so, yeah, pretty familiar with it.

MS. JENSEN: Good afternoon, gentlemen, my name is Michelle Jensen and I'm also a resident of Norco.

You know, I've heard a lot of stories. I don't -- I'm too young to remember what the Norconian used to look like when it was first built, but I've heard a lot of stories and a lot of history behind that hotel. And, you know, I think it's a shame that the taxpayers of the State of California are the ones T2-62

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who are having to wait to actually see what the Norconian actually looks like today and the many tries of the City of Norco has provided to the State of California wanting to get on to the property so we can preserve this historical site.

I personally would love to go up there and see what this property does look like and what it could possibly be. I know that the Foundation and the City of Norco have envisioned this hotel to reopen, whether or not it be for parties or whatever. But I agree with everybody here, shame on the State of California for ignoring the taxpayers and what the taxpayers want to achieve for the city we live in. Thank you. T2-62 cont'd

MR. SLEPPY: Thank you.

MS. DIXON: I just have one quick question, Linda Dixon again.

When will we be able to get a copy of the minutes of this meeting and how can we get a copy, just to be -- you know, to be assured because of our distress that everything that has been said here today is going to be submitted. T2-63

MR. SLEPPY: I have to check with our attorneys and our contractors, but City manager will know and he'll get the first copy.

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MS. DIXON: Thank you.

MR. SLEPPY: I think it will be not too long, just that she's got to put together, plus we've got more hearings still going on for another week and a half, so that we can have -- so we just want to have it all packaged right and proof it and things like that, we're not trying to keep it a secret.

MR. HOFFMAN: Ken Hoffman, I have one further question.

MR. SLEPPY: Talk loud, talk really loud because we want our court recorder who came all the way down here to record this.

MR. HOFFMAN: And let me ask you one other question. In your public review period, you note the several areas where the Environmental Impact Report is available for public reading. You list three sites in Chino, and I understand that Chino prison was considered for expansion, that's probably why you did it. Last time I checked the City of Norco, we have a public library. Why isn't the draft report here somewhere on location, here? T2-64

MR. SLEPPY: It was sent to the public library.

MR. HOFFMAN: But you don't have it listed at all on your -- at all on your sheet -- T2-65

MR. SLEPPY: I'll --

MR. HOFFMAN: -- nowhere.

MR. JAKOBS: We apologize for not listing it, but it's available at city hall, Chris, and at the local library, it's also available on-site -- online, so it is available at a variety of locations. We apologize for not having it listed locally, but it is available. It's just an oversight on our part, and we apologize for that. But it's widely available. We're not trying to --

MS. OLEKSZULIN: We have CDs.

MS. JAKOBS: And we also have the CDs.

MR. DIXON: My name's Ed Dixon, I live in Norco. I'd just like to ask you gentlemen a question. What have you seen here this afternoon and what is your comment about public comments? T2-66

MR. SLEPPY: I think it makes me glad to be a Californian, so -- no, I'm serious. That we have this opportunity is great. We don't -- you know, it's hard to get out there to every community that has a prison to see how they feel about it, so...

MR. DIXON: Now I'd like to make a statement. The prisoners in this state get free dental, color TV, rec rooms, we need Sheriff Joe Arpaio from Arizona over here to straighten the system out. Thank you. T2-67

MR. SLEPPY: That, I won't comment on.

MR. NEWTON: Greg Newton, one more question on the minutes and the reports of this meeting. T2-68

Will it be available to the City manager and city hall before the review period ends by August 8?

MR. SLEPPY: I doubt that just because we're running public hearings all the way through next week.

MR. NEWTON: So if there are errors or omissions in what transpires today, if that review comment period has ended, what recourse do we have? T2-69

MR. SLEPPY: We take that under consideration if somebody points out what they believe is an error.

MR. NEWTON: What type of consideration? T2-70

MR. SLEPPY: Well, we have to see. If it's six months from now, it would be difficult for --

MR. NEWTON: No, I'm talking August 8th.

MR. JAKOBS: What will happen is -- as you see, we have a filing appropriation period. When the final EIR is prepared, what we'll do is we'll -- all your comments, they are being taken verbatim, so they are -- and we've worked with this court reporter, we like this court reporter because she has been very good at accurately transcribing what is said and we are very confident she will do a good job at this.

We're going to be responding to all of the

comments also, that will be in the final EIR. And then that will be released -- at least the law requires that it's released at least ten days prior to certification. So it will be released here, you'll get a chance to review it. And I'm just telling you what the law says. The law says ten-day minimum. So you'll at least have those ten days, I'm not sure if it'll be longer or not, so you'll have at least ten days to go through and say they got it right or they didn't get it right, we agree, we disagree with their responses, and I've got additional comments or not, it's all part of the process, so...

MR. SLEPPY: But we'll try very hard to get it to the City manager quickly.

MR. CARDIN: I hate microphones. Greetings, Joe Cardin, relatively new resident to the City of Norco. I've lived in Torrance, I've also lived in Huntington Beach.

I just want to make sure I get this straight. You guys have lived on -- or you have resided on State property since '57, I believe it was said earlier, you've taken State dollars to support yourself in a historic site that belongs basically to the residents of Norco and the State of California and you're proposing that you're going to leave it, not even T2-71

boarded up, open to the elements, to be done with whatever is done -- and I apologize, I misunderstood the meeting times, I didn't get to see the complete EIR.

I just want to make sure I heard that correct, that you're taking tax dollars, lived on State property and you're going to walk away like a bad tenant? I just want to make sure I got that straight and on the record. T2-71 cont'd

The second thing I wanted to mention is in the other cities that I've lived in, there's been places such as the Banning House, there's Hearst Castle, there's the adobe that's just down the street, I think it's called the Yorba-Slaughter Adobe that's been preserved, and those are all parts of our history as Californians much like the missions are and much like this property is. I just find it irresponsible for you guys as a State entity using tax dollars for all this time to walk away and not put anything back into it before you leave. T2-72

Do you have any comment on that?

MR. SLEPPY: No. The Department of Corrections does not have as much budget control, I think, as folks think we do. We have to go through a pretty big process to get any dollar to repair

anything, and so we alone just can't make a unilateral decision to spend money. We have to go through the legislature, Department of Finance, governor, folks like that. But your comments are well --

MR. CARDIN: But you've had how many years to prepare for this and you have nothing in there for that, no contingency plan to leave this place safe and in place for whatever entity to take it over. T2-73

MR. SLEPPY: We need to do the budget proposal for finance and for the legislature to -- you mentioned the closure plan, we haven't gotten to that point yet of coming up with a specific closure plan for the facility.

MR. CARDIN: Isn't this all part of the process of the closure plan -- T2-74

MR. SLEPPY: It is, but at this point, a component we haven't gotten to in time yet in terms of our process.

MR. CARDIN: Okay. I've worked with State entities, I've worked with federal government entities, and mostly what they do is nothing until they have to replace something, which is reflective of what happened here. There's been no maintenance plan whatsoever on this, it's just been capital investments when they could -- he referenced the roof earlier on T2-75

something, I'm sure that was on somebody's desk and they felt that they had to get it through for whatever reason. So I just want people to understand that, yeah, there's probably no plan in place, but we need to push for something in this. And do we have that opportunity in here to push for extra budgeting?

MR. SLEPPY: I think you just did it today.

MR. CARDIN: Good. Got my message across. Thank you very much.

MR. SLEPPY: All right. We're going to stick around and do this again at about 5:15. If you've got more folks you think would like to come up and hear us, we're glad to be here. I'm glad you all showed up. Thanks for letting us use your great city hall.

(Recess taken from 4:24 p.m. to 5:20 p.m.)

MR. SLEPPY: Okay. I'm going to take a chance and get started with our presentation and then have our hearing, if that's okay with everybody.

UNIDENTIFIED SPEAKER: Yes.

MR. SLEPPY: Okay. Yes. It will be my fault if people come in at 5:45.

Okay. I'm Bob Sleppy, Department of Corrections and Rehabilitation, Gary Jakobs who worked on our Environmental Impact Report.

We're here for a presentation about what the

T2-75 cont'd

infill Level II project is, for all of you to learn a little more about it and also to take testimony on our Environmental Impact Report, our big report that talks about the consequences of building new prisons here in California.

So I'm going to go through a few slides, I'll give you a little education about where this project came from. At a point we'll open up to public hearing and we have a court recorder to take all your comments. And we're -- we're glad to see folks show up for this.

So what's in an Environmental Impact Report is the State has a requirement for any type of development project, be it if you're applying to a city or a county for a use permit or even a State agency when we build something, we have to do it through a procedure that's in law and regulation, assess the significant adverse effect of that proposal. So if you're going to build a building and you're going to cover the ground up, you're going to have to have the utilities to it and have traffic coming to it and things like that. So you have to go through a process. And part of that process is to produce a Draft Environmental Impact Report, put it out to the public for their comments and review and

then respond to those comments later on. We're at that key point when we're asking for your input.

We're going to run down kind of how we got here, what we did and why and what the options are for the new replacement facilities here and, in particular, end with public testimony.

So the Department, of course, is challenged on all fronts when it comes to running a State prison system. We have older facilities for the most part except for one brand-new one up in Stockton. We have always a capacity issue with court orders about that issue, about overcrowding, we have court orders about mental healthcare for inmates, medical treatment for inmate, access compliance, we have a lot of inmates that are getting older and can't climb the stairs and things like that. We have a court order about dental care so we cover almost -- the whole amount. We've had a lot of pressure to bring down our population so we have a more responsible housing and be able to provide programs for the inmates that are there.

The Department put together something called its blueprint about a year and a half ago. It's just sort of an overview of where the Department is and where it would like to go. It was put together by the administration with support from the Department and a

lot of others. It's a pretty interesting document. It's on our website if you want to download it and take a look at it.

In particular, it sets the operational -- projected operational level for each of our current prisons, it talks about overcrowding. And then one thing in particular that's near and dear to many officers, it talks about changes to our inmate classification system. So you go and get yourself a felony, you get tried, you get convicted, you come to us and we decide what level of inmate you're going to be in terms of how you're going to be housed. Are you going to be in a cell where you're isolated from other inmates, or are you going to be in a dormitory setting where there's more inmates around you, what type of inmate are you going to be, and that's called our classification system.

When we did a looksie at the past, we realized that maybe our classification system is too rigid. Inmates just didn't stand a chance of getting, even with good behavior, down to this lower classification level and they had more chance for training and education and things like that.

So one aspect of this one proposal out of this plan is to change our classification system, and

the result is we end up with more Level II inmates than Level III and Level IV into the future. That's kind of demonstrated by the fact we converted two State prisons currently to full Level II from what they used to be, one was a facility up in the Valley and Folsom State Prison are now full of Level II male prisoners.

When we decided we needed more Level II beds, the legislature agreed with us, Department of Finance, the governor and said, well, you better go build some more, you better go build some more Level II beds. Out of that came Senate Bill 1022 which is how we get to do anything, we use legislation, gets approved by the governor, that gives us authority to do a project, to go build something, get the money, get the direction and then they tell us sort of how to do that.

That bill also contains -- its very last revision tells us that we are to cease operations at the center here when we're done activating these new prisons. And that was because of the age of the facility, the cost of renovating it and, once again, all these court orders that makes us do -- change physical space and add space and things like that, it's one of our more nonstandard prisons.

Realignment, of course, has brought down our inmate population by diverting some inmates to jails through changing the Penal Code. Some people agree with that, some people don't, but it's a fact of life our inmate population has dropped substantially which helps us get to these operational levels, which in the case of this project is either 792 beds in a facility or 1584 beds in a facility. We're not going to have these high predicted at least levels of overcrowding in the future.

So we're going to talk about Senate Bill 1022 and what it told us to go build. We have a rating system for our medical capacity in all of our prisons. We now have a court-ordered medical staff that come into our prisons and take responsibility for inmate healthcare. And one of the classifications of a prison is that it can provide kind of an outpatient clinical ability for the inmates. So there's a dispensary, doctors, nurses that take care -- not acute care and not surgery, not things like that, those are for -- restricted to facilities we have statewide.

But we have 1 prisons that have that rating. The legislature wanted us to build at those type of prisons because we already had the medical staff

1 committed, we're already doing the clinical
2 improvements there, so they wanted us to target that
3 kind of prison.
4 Of those prisons, about half of them don't
5 have any room. San Quentin doesn't have any room, LA
6 city out in the desert doesn't have any room, so those
7 weren't available. But these prisons between them
8 had -- among them, among them, had five potential
9 development sites.
10 We had a development site at RJ Donovan, we
11 had a development site out at Mule Creek in Amador
12 County by Jackson. We had -- between Sac and Folsom,
13 we had one site, and between Solano and the medical
14 facility in Vacaville, we had one site. At a point,
15 we were also considering Chino too but dropped down to
16 not being considered at this time because we just
17 didn't have the engineering information to prove it
18 had water and sewer capabilities without a whole lot
19 of studies. So that was our world of where we could
20 look at to put these new replacement Level II
21 facilities.
22 The basic project is we're supposed to use
23 the dorm, we have already designed and used
24 successfully at Cochran, the drug treatment facility
25 up in Cochran, we're supposed to use that as our

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1 model, that's the 792-bed kind of configuration, a
2 dormitory. In total, we get to build 2376 beds, but
3 we don't get to do that all in one place, we don't get
4 to build a whole new prison, we get to build just
5 these accessory smaller capacity facilities next to an
6 existing prison.
7 There's two configurations. We put two of
8 the 792 together to get 1584 but we don't put all
9 three together in one. The smaller one is about 190
10 new staff on top of the current staff at the
11 respective prison. The bigger one is about 370 to '75
12 staff at the 1500-bed.
13 Visiting, all that stuff stays the same.
14 It's typical of prison correctional operation.
15 One thing that isn't different about these
16 facilities, though the inside may have what we call a
17 lower security inmate, a Level II inmate, so they get
18 to be in dormitories, the outside of the perimeter is
19 exactly the same as all of our modern prisons. It's
20 two big cyclone fences with a lethal electrified fence
21 in between them. So it's a -- so far a very good
22 barrier to inmates, thinking they wanna -- there to go
23 home, so we like using that, it lowers our labor cost
24 too because we don't have to have the staff and the
25 towers except when it's shut down.

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So legislature also told us, you have to pick a couple right off the bat that you think you might build at, you can't just go anywhere. So we have these five sites. And we took a look at the Division of Adult Institutions, took a look at what we had. And they felt they'd like to put 792 at RJ Donovan, had room for it. They have kind of a little bit smaller basic prison to start with. And they like setting one up at Mule Creek where we have a lot of property, a lot of property, and they have a smaller baseline prison. They just like the current operation and structure of those prisons, so those are our proposed projects. There's examples of them in the back, and I'm going to show that shortly.

What it looks like when you put it on the ground is you take that 792, the little crosshatch things are the housing units and the other little white boxes are the support facilities for that, kind of fits in there on the entrance road to the prison, allows it to be still close to the prison but not physically connected to it, it's the oversight of the current warden and his staff. We don't have to move the range, and if it kind of works well within the property we own, we don't need to buy more property, take it off the tax rolls, all that kind of business,

we've got water and sewer out there and all those kinds of things.

The other one is up in Mule Creek, we're proposing to put the 1500-bed, Level II. You can see the six housing units again and the shared space, the yards where the green is. This is a little bigger project in that it of course is twice as big but it involves a lot of grading and we have to put in a new road, there's no good way to get to it right now, but we felt that's a good site too. So that's our proposed place that we're studying and very well may end up approving when we're done with this EIR.

But we have looked at all these, and in some cases, we've done a double and sometimes a single if there's that much room, so this is our full range of possible places we can build this when we're done with this EIR.

Budget, when you put them both together, they're about $55 million to operate the 2300 beds. It's about 810 million in total construction dollars and construction oversight to build this. This is very close to what we have had to spend in Stockton for the new medical facilities, very similar price per square foot. We're trying to make a decision on this at the end of this calendar year, we're trying to go

to construction in 2014 because we have this little issue here which is that legislation said, you have to get out of CRC by the end of 2016, close it down, get out of it and get these activated and everybody settled down in a new cell, a new dormitory.

This is unusual in that the legislature, not us, told us, you shall close them. So that's where the closure language comes from. It's hard for the Department to go against that because we're subordinate to legislation and the statute regarding authority.

What will we do with the center? We will close it up. We're not prolined (sic) to reopen it, so we're not necessarily going to try to maintain everything in a perfect readiness position, but we do obviously have to secure it from unauthorized entries and vandalism and people stealing stuff, we need to kind of keep an eye on our mechanical equipment. We haven't yet really perfected the closure plan, but that's kind of our first look at it.

In contrast, a couple other of the Youth Authority facilities we have sort of kept them up and potentially reopenable. This one is a little different since it'll probably end up being surplused and sold, you know, back to the community when we're

done closing it.

Gary Jakobs here is going to talk about what's in the EIR, fascinating topics if you like the environment, but good overview, he's going to talk about how we did this. Then when we're done with that part, we're going to invite you to come up and give your comments. We just had a really good session earlier, heard a lot from the community about protecting the hotel and the other historic properties and what's going to happen when we close it. So we got a good bunch of comments earlier this afternoon and you're invited to talk about whatever you want to talk about, hopefully something to do with the project, though.

So, Gary, there you go.

MR. JAKOBS: Thank you.

Good evening, everybody. I'm Gary Jakobs with Ascent Environmental, we're the firm that was hired by the State to prepare the Environmental Impact Report for this project.

Environmental Impact Reports are prepared under CEQA, the California Environmental Quality Act. CEQA requires that for any discretionary project that's a project for which the lead agency has the ability to make a decision on, that you prepare some

kind of CEQA document. And in the case of this, we prepared an Environmental Impact Report because the project would have potentially significant environmental affects.

We did something unusual here. Most EIRs are prepared on a project and alternatives are compared to the project and there -- the alternatives analysis is at a much lesser level of detail. In the case of this project, we actually prepared -- as Bob said, we prepared in an equal level of detail Environmental Impact Reports for all the potential sites that the State was looking at. And that was the Donovan site in San Diego, the Mule Creek site in Ione east of Sacramento, the Folsom site in Folsom and the Vacaville site in the City of Vacaville.

Each one of them had a document like this prepared, so this is what is prepared in each one. We sent out these documents to each relevant community, so the community of Folsom gets Folsom documents and so on. We also prepared a summary document that is a little bit thinner. It's a summary of the Environmental Impacts of each of the sites that we looked at and it also addresses closure of the CRC.

The EIR is required to determine what the impacts are and to evaluate alternatives that could

reduce those impacts when they're significant and also to try to reduce the impacts through mitigation. Mitigation is a means of reducing impacts through avoidance, through compensation, there's all kinds of ways to reduce an impact.

Environmental Impacts are considered significant when they are -- when there is a substantial and adverse change in the physical environmental conditions that it would affect. So if you have a lot of traffic and you have traffic congestion in an area, there may be a significant impact to traffic.

The Environmental Impact Report is full scope, meaning that for each of the sites that -- where a project may be proposed, we looked at all the issues that are typically looked at in an Environmental Impact Report, and I'll show you a list in just a moment.

For each issue, we look at the regulatory setting, what are the regulations, the existing laws require the State to do already. And then we look at the setting, what are the conditions at the time the Environmental Impact Report was initiated, the physical and environmental setting for each of the issues that we looked at.

We then layered on top of that the impact, what would the project do to the various issues that we evaluated, and then mitigation measures, how do we try to solve the problems that allegedly we create.

These are the various issues that we examined. We looked at the visual resources, agriculture, air quality, biology all the way down the list to cultural resources, greenhouse gas emission, land use and planning, water supply, traffic transportations, we looked at all those, the issues that CEQA requires us to evaluate.

CRC is unusual so the legislature created CEQA. It's a State law. The legislature can also change CEQA and they can exempt certain projects from CEQA.

In the language that addresses CRC, it states that the State shall close it. Gives the State no discretion. And because of that, it's not considered a discretionary action and it's exempt from CEQA, the actions surrounding the closure of CRC.

That stated, we nevertheless looked at the impacts of closure of CRC in this Volume 1 document. Even though it was exempt from CEQA, we nevertheless evaluated it. So we did look at that, felt that it was important to provide that kind of information.

So that's the summary of what's in the Environmental Impact Report and how we went about preparing it. And then this shows the process that we're going through right now to -- when the EIR was released and when the final EIR will be prepared, which is in the fall, that's when it would be released for public review, and that will look at your comments, comments that everybody provides, provide responses to those comments, particularly on environmental issues, and then following that process, the EIR can be certified and the project can be considered for approval at that point.

MR. SLEPPY: Okay. Thank you, Gary.

Just a couple comments before we open it up. No. 1, we have a court recorder. So every word you say, if you say it one person at a time, she's going to get it down, she's really good at this. I think she'll capture a lot of those words. So try to give us your name or something about who you are so we can distinguish you from the next speaker, try to speak nice and clearly so she can get it all.

We hope you don't go more than about three to five minutes. But you can get up a second time if you've got something else you want to say.

We got a lot of really interesting comments

earlier. A couple things I just want to clarify. You know, there's a lot of talk that we need a closure plan for CRC. We don't have one. We don't have a detailed closure plan yet, we need to figure out what it's going to cost us, get the budget, you know, figure out what the aspects of that are, you know, are we going to actively take care of things or are we just going to lock the gate? I don't have that detail yet, but it was a good point and I look forward to doing something a little more definitive than what we've got so far.

The transcript, we're going to try to make this available as soon as we can when it's done and all the attorneys have gone through it and it's got no typos, I don't know exactly what day that's going to be, but we're going to promise to get it to the City manager as soon as that's available. We think it's maybe a couple weeks or so.

We had a lot of comments -- or at least a few questions about why not use Stark. One important difference, we've got a couple closed Youth Authority facilities statewide over in Paso Robles, up in Ione we have one and over at Stark which is on the campus of the prison over there.

There's a fundamental design difference in a

Youth Authority facility. The wards are handled from one place to another and they don't get to walk around like they do inside a prison so we have a different security system. We don't have the double fences, we don't have the lethal electrified fence, we have a lot more site line issues between buildings just because the wards are handled as they move between buildings.

We typically -- except in extreme emergencies like we did have after Sam had a riot, we don't like to put all the inmates into that type of physical facility. So right now, even though we have that facility being modestly maintained at a very low level, to use it for these Level II inmates would require it to be essentially demolished from almost one end to the other. And we felt over there that it would be better to build new over on the property we've got. We subsequently have kind of put that decision aside because we're just not sure we have enough utility capacity to serve the additional beds.

So Stark is a very different situation, we can't just move into it, use in it place of a brand-new facility. We have to do a lot of work to make it meet our -- our housing requirements and security requirements.

So with that, you're invited to get up. Even

if you said something last time, you get to say it again, that's fine with us, we're glad somebody showed up. And we'll try to -- try to answer a question if you have one. Otherwise, we're just here to hear your comments.

MR. WILKMAN: Good afternoon, thank you for giving me a second opportunity to speak.

I wanted to cover this same point -- I'm sorry, my name is Bill Wilkman -- she's looking at me, I can see it. My name is Bill Wilkman, I'm a cultural resources consultant, my business is Wilkman Historical Services, and I'm the City of Norco's cultural resource consultant.

I wanted to come back and speak again because there likely will be people here this afternoon -- this evening who were not at the 3 o'clock session and I wanted to make sure that everybody had a chance to hear the City's position on the Environmental Impact Report, the Draft Environmental Impact Report.

Before I go into any details, I wanted to say that the City's main concern is the protection and preservation of an important historic resource. This is the main goal that we have.

The overarching goal that we have is to make sure that the historic resource that's there and that

T2-76

there is a National Registered district there, three aspects of which are on the State property, the smokestack and powerhouse, the teahouse and the hotel are all in the National Register as a part of this district. We want to make sure that all those facilities are left in good condition and that they are ready for its next user to come in without having to deal with a lot of issues.

T2-76 cont'd

Our goals are threefold. One is we want to see Norco, the facilities at the Norconian, we want to see them repaired. They've been allowed to deteriorate over -- since 2002 when the building was closed and conditions have gotten worse and worse over the years. We believe that the State has an obligation, responsibility to leave the facility in as good a condition or better than they received it.

T2-77

We want to make sure, too, that the historic resources on the property are properly documented. At this time, there was a documentation of the hotel era of the site that was done back in -- of the actual designation, the National Registry designation in 2000, the analysis was done shortly before that. That only documented the hotel era. There's also a very important World War II hospital era on the facility, there's a very important Cold War historic era which

T2-78

is the weapons research facility, and we also feel that the experiment in using the facility for drug rehabilitation is also a part of the location's history and needs to be documented. None of these things have been documented before. T2-78 cont'd

We want to make sure that the site is protected until such time as a future use comes along. That's our third goal. T2-79

So we want it to be repaired, we want it to be documented and we want it to be protected so that a future use could come in and make good use of that property. T2-80

Now, I'll go through the individual points that the City has developed for the Draft Environmental Impact Report.

The first point that we disagreed with is the notion that the action of closing the Norconian is not subject to CEQA. The idea offered here is that the closing of the facility is a ministerial action in other words, the State has indicated that you have no choice but to do this, and you're indicating the document is stating that. You consider that report to be minatorial rather than discretionary, and CEQA says that any type of discretionary action takes place, that is potentially subject to CEQA. T2-81

As far as we're concerned, the fact that the legislature is the one that came up with the full closure requirement means that it is a part of a larger discretionary action, as far as the discretionary action taken by the State legislature, and this is nothing but a continuation of that larger picture. T2-81 cont'd

And we also know, I think you're well aware, that CEQA does not allow a project to be segmented. And if you were to say this was a ministerial or a situation in which you have no authority to exercise any control, you would be -- basically you would be segmenting the project from the legislative action to the follow-up action. T2-82

We also are concerned about the notion of the Draft Environmental Impact Report that the Department of Corrections would deal with the security of the property, the funding of the security of the property once the property is closed. In our view, this is too late. If the property is closed and then they start looking for funds, there could be an extended period of time during which there are no funds, maybe never, and you could have a situation where the facility is opened to vandalism, deterioration and theft. And as has been pointed out earlier in this afternoon's T2-83

session, the hotel building has within it some very valuable architectural elements that need to be protected and kept from sprouting feet and walking off. T2-83 cont'd

We also are concerned about the notion that Senate Bill 1022 doesn't include any authority or funding to renovate any buildings. The mere fact that this is not a part of this legislation does not absolve the State from responsibility to, in fact, renovate and maintain a building on the site.

In fact, I think that the State is well aware that there's a state requirement that State-owned historic resources are supposed to be maintained by the agency that has ownership responsibility over those resources, and the Norconian has been allowed to deteriorate over a number of years through neglect and is an indication that this requirement is not taken seriously. T2-84

The -- another point that we have concern about is that the post-closure activities will be limited to property and landscape maintenance, mechanical equipment and infrastructure maintenance and temporary coverings over street-level windows. We don't believe these types of security measures are adequate at all. We feel that there needs to be a T2-85

24-hour presence of security personnel on the site to keep the property secure of an entry and to keep the building secure from damage and theft. T2-85 cont'd

Another point made in the Draft Environmental Impact Report is the closure of all its known physical alterations. We feel that this is perhaps slicing the -- slicing the bread a little bit too thin in regard to what you consider to be a physical alteration. The mere leaving of the hotel, the mere leaving of the site and the condition that it's in, especially the gaping holes in the roof and the problems that it already has with deterioration is, in fact, a physical alteration of the property because it'll continue to deteriorate, it'll continue to get worse over time. T2-86

The State also indicates that the -- makes the assertion that the property has already been fully surveyed for historic resources, and that, in fact, is not true.

As I indicated at the beginning of my remarks, there is an entire history of the property related to the naval hospital, it was on the site, very important history. There's an aspect of the site that has to do with the weapons research, again, very fundamental part of our defense effort. And the drug T2-87

rehabilitation program itself is also important. None of these things have been surveyed. The Navy is doing a survey, we don't know when it's going to be released. But the fact that another agency is doing a survey doesn't absolve the State of the requirement to do its own survey of these facilities. T2-87 cont'd

We're also concerned about the statement in the Environmental Impact Report, that weather and other factors have led to deterioration. We really think that a more accurate statement is that the deterioration has been from neglect. T2-88

And do believe the report should point out that, in fact, the State has been aware of the roof leakage problems over time and that they have not taken opportunities to repair them, so those leaks in the property.

I think in this regard, too, one thing that came to mind during the earlier hearing is that there was a statement that, well, budgets are tight and we have to ask for funds and that sort of thing. I think it would be useful if the State would document how many times it's requested money to repair that roof since the building has been closed and how many times they've been turned down. I think that would be helpful in terms of documenting -- was to say that, T2-89

this actually made an effort to keep the facility in good condition. T2-89 cont'd

Let's see.

The other point, I think, that we're concerned about is the statement in the Draft Environmental Impact Report, continued deterioration is a foregone conclusion. This is just totally unacceptable. The State has a responsibility to secure the property, to make sure that it is kept closed from intrusion of weather and wild animals and things of that nature, all of which have been allowed to roam through the building. T2-90

And it should never be a foregone conclusion that a building is going to deteriorate over time. The responsibility of any entity over its facility is to make sure that those facilities are kept in good repair and not allowed to deteriorate. T2-91

And then finally the other point that I think we found interesting in the report is the statement that the building is not safe to enter for the purpose of doing renovation and repairs. We have seen no evidence to the effect that that is, in fact, true. And if you look at the report, there's a statement in the report that says that after the person leaves, another public agency or a private entity could T2-92

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restore the building if it is needed once they've gained control over the building. Well, if another public entity can restore the building, then we don't understand why it's unsafe for the State to do what's necessary to the building today.

Those are our comments, and I appreciate the opportunity to make them. Thank you.

MR. SLEPPY: Thank you very much. Appreciate it.

MS. DIXON: Linda Dixon, Lake Norconian Club Foundation board of directors.

I'm speaking again at this meeting for the purposes of the audience that is now here. We had a full house at the last meeting, which was very encouraging and should have sent a signal to you of the concerns of this City and the love of this historic property.

The purpose of the Lake Norconian Club Foundation is to protect and preserve all the historic properties both within the prison system and the naval weapons station. We have been working diligently both on our own and through our attorney for many years, ten years that I've been involved, trying to preserve and protect.

All of our efforts have been ignored and not

T2-92 cont'd

T2-93

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always in a kind fashion. Just ignored. We have made -- we have volunteered our funds and our people to seal the roof. When you abandoned the building in 2002, the people working in there loved that hotel. It was beautiful, it was pristine, it was in first-class shape. Since that time, this building has been allowed to deteriorate through your neglect. We are now unable to go and enter that building, although I was just told between meetings by prison staff that, oh, they would love to come, we can come and stand in front of the building at any time even though that historic landscaping is now dead. All that would have taken is a garden hose. Once again, everything was ignored and everything was neglected.

You are responsible, as Mr. Wilkman said, when you have a historic property on State site, to preserve and maintain. Your goal should have been the same as our goal. Instead it was just through negligence that we're going to have to work even harder now, which we will do, and we're very adamant that this building will withstand the neglect of the State.

You are honored by law to do what you have not done. And as was said in the last meeting, most of the people that spoke do not trust you. Based on

T2-93 cont'd

T2-94

T2-95

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that, the idea that you would even think that you're going to abandon the property, the entire property, and hope to find funds at a later date leads us to know that that will never happen. T2-95 cont'd

You're going to leave an entire property, and this is not just the hotel, we're concerned about the entire property, our organization is, because once the vandals come into the prison system, it's just a few short feet away then they will reach historic properties. And that, trust me, will happen. T2-96

You have -- you are honor bound to protect this property and the residents surrounding this property from what will happen once you abandon it. You have abandoned this property continuously since you arrived. You arrived way back when to pristine property, and this was going to be Level II, Level I prisoners. Most of the prisoners now, although they're being housed in a minimum security, is Level IV with a few Level III prisoners thrown in. And for the audience, the means the meanest and the baddest are in our community. They are adding to this all the time. T2-97

I do attend the meetings at the prison, I am on the Citizens Advisory Committee with the prison system. They are not -- the level of population is T2-98

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not going down, it is rising, and it is rising with Level IV prisoners. T2-98 cont'd

The money somehow is being found to do all kinds of maintenance out there. And that involves new parking lots, a new clinic with -- state-of-the-art clinic I'm told. They are doing all kinds of high-dollar things only to be abandoned in two years, what a waste of money. T2-99

We're going to continue to react and act with the citizens of this community behind us to protect our property and to protect this hotel and these wonderful, glorious buildings. And I would hope that these words will not be ignored, although I do know they will, they need to be into the report. I would also ask that a copy of the report -- we are the historic commission that work alongside the City of Norco, I would like this report sent to the Lake Norconian Club Foundation, Post Office Box 7672, Norco, California 92860. Thank you. T2-100

MR. SLEPPY: Thank you.

MR. HELTON: Mark Helton. I hear a lot about, you know, the $810 million budget for construction for new prisons, nice plush facilities, what was it, $55 million operating costs, that's a lot -- that's a lot of money taxpayers fork out for T2-101

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these prisoners that don't contribute to society and yet we are having facilities abandoned and no exit plan. T2-101

We do environmental impact study report which typically is done before a project is under construction, but yet we have no exit plan for closing a facility which we have thousands of kids in our community that are going to be around there. As soon as they hear this facility is closed down, they're going to go play in it and they're going to get hurt then you're going to have big trouble on your hands. T2-102

Half of that whole bluff section there is filled with kids, Little Leaguers, football, soccer, you name it, they've got an empty facility, they're going to go play in it. And it's pretty disappointing to hear millions and millions of dollars being flushed down the toilet for inmates and yet you can't dump one dime into a historic site like this. It's pretty disheartening. T2-103

That -- those are my main points as far as when this facility is -- I'm just blown away that you don't have an exit plan. You spend thousands of dollars on an Environmental Impact Report which literally has nothing to do with shutting down a facility. That's what you do prior to construction, T2-104

prior to breaking ground. An impact report does nothing when you're closing down a facility, absolutely nothing, completely waste of taxpayer dollars. We need to have an exit plan when you're exiting the facility. And that hasn't been done yet. To me, these meetings are a complete waste of time. Thank you. T2-104 cont'd

MR. SLEPPY: Thank you very much.

MS. DUGRANE: Good afternoon. Rosa Sydney Dugrane, 180 Cross Rail Lane, and I have been a supporter of the Lake Norconian Club, I moved to Norco in 2004, I love this community.

I learned of the Lake Norconian area and had an opportunity to attend high tea there at one of the local events and I loved it, I fell in love with it. Since then, I have learned a lot about this historic area. I'm a little bit concerned, like the previous gentleman just said, that we're spending millions of dollars. T2-105

You've come here -- I didn't get a chance to attend the first meeting. My first impression when I first walked in and you have these things set up that show millions of dollars that are going to be spent in other areas other than this community, I don't believe in violating anybody's civil rights, but in reality,

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you're building and spending money for prisoners, you know, that are going to get an education that I'm probably paying for. Nobody paid for mine. T2-105 cont'd

In addition to that, I'm a little bit disappointed in the fact that learning that when this State walked away from that hotel, I believe that I was told 2002, about that time, that they managed to put their resources into this environmental impact study for other areas, nothing here for this historic community. You found the money, the money was found, and no exit plan for shutting this down. It will have a severe impact on our community. T2-106

I have to say ditto to what Mr. Wilkman said, I have to say ditto to what Mrs. Linda Dixon said and the gentleman that just left this podium. T2-107 I ask you to please find somewhere that you can locate some moneys that will develop a good exit plan, make appropriations to at least allow us to preserve what is left there because if the State had responsibility to maintain historic buildings, they neglected their responsibility and they're finding money for other things. I'm extremely disappointed. T2-108

In closing, I would like to say that this community will stand behind keeping that hotel open. T2-109 We will work hard. We will stand out there, we will

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be marching out there. Some of us have gone out there and have physically cleaned up the weeds. So this community very much loves this hotel and we need to preserve it.

If you're preserving a lifestyle for prisoners that, I have to tell you, I donate to a lot of homeless places, they need that money too, but you're building plush -- you know, you're building plush prisons, you know. Like I said, I don't understand. So I ask you, listen to what's been said here tonight -- or today and find the money to help us preserve what is left there, give us the approval to get onto that land and preserve what is there before it's completely gone. Thank you. T2-109 cont'd

MR. SLEPPY: Thank you very much.

MR. BROKER: Hi, my name's Don Broker, I'm a resident here in Norco.

So I completely understand where the Department of Corrections is coming from in needing to build the new facilities. The Lake Norconian Club -- or the hotel and prison there is terrible, you guys have let it rot. T2-110

So building new prisons is a good idea, and I think where you're planning on building one is a great idea especially, like you said, the youth facility is

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not going to work because it's not the way you treat youth prisoners versus adult prisoners, so I understand that. T2-110 cont'd

But I can't believe that we're going to put a $810 million project without any money allocated for shutting down the existing facility. I mean, that's just -- from what I understand now hearing, I didn't know when you guys exactly vacated the hotel area, but apparently it's now 2002 is what everybody is saying, so I'll have to go with that, you've let it die and all you have to do is drive around the countryside and you can see -- we were just driving down the 15 and all there is a chimney. You can tell there once was a house there, but when something is left to rot, all you end up with is the chimney left. You know, there's a nice big cement building, but it's going to be rotted out from the inside from the roof that you guys, you know, have not repaired. I've been in many meetings where you guys have just ignored the pleas of the community to fix the facility. T2-111

So I think it's great that you guys are going to build new prisons. I can't believe we spend $20,000 per prisoner per year operating for them, that's a lot of money, and you have no money to shut down this facility and hand it over to an authority

that wants to do something with it. That's all. Thanks. T2-111 cont'd

MR. SLEPPY: Thank you very much.

MR. MAYER: Mike Mayer.

You guys have the opportunity to return a building that was once the crown jewel of this area, this area was Palm Springs before Palm Springs was around.

Now, I've only lived here two years and I grew up in the greater Los Angeles area, and if you do not take care of this hotel to preserve it, it'll go the way of the Ambassador Hotel. Ambassador Hotel was supposed to have certain historical aspects of it preserved from a new high school that was going to be there, but due to the fact that it was neglected, they had to tear down the coconut grove which was supposed to be the auditorium. This place has served the Hollywood Heyday during the 1920s, it served this country during World War II, continued to the Cold War. T2-112

You know, people say this state has done some pretty stupid things when it comes to money, and I guarantee you letting this happen would be one of the stupid things that will result in it. Because the longer that this hotel deteriorates, the less likely T2-113

there is that someone will want to come in here and try to save it, fix it and bring it back to the splendor that it once was. This area would love to see this hotel restored. I myself would want to see this hotel restored.

I mean, they're willing to go in and fix the roof, let them go in and fix the roof. I don't see what the problem is with that, you know. So I mean, let this go back to the City, let them take care of it, let them try to preserve it because this would be an amazing thing for a great town. Thank you. T2-113 cont'd

MR. SLEPPY: Thank you very much.

MS. DUGRANE: Rosa again.

I forgot to ask you one question. And I would like -- I don't know if you have an answer. The concern that everything's been let go since 2002 just brings another question to my mind. Was this property ever blacklisted by the State? T2-114

MR. SLEPPY: I don't know what you mean by that.

MS. DUGRANE: Meaning when it's blacklisted by the State, they have no reason to put any money into it -- T2-115

MR. SLEPPY: No.

MS. DUGRANE: -- for maintaining it.

MR. SLEPPY: The end of the use of a hotel, it was part of the administrative space of the prison for many years, it was used for officers and things like that, and inmates for the most part weren't housed there, but it was used for administrative support for the operation of the prison.

And way back when, when the Loma Prieta Earthquake occurred, folks in California were so concerned about seismic safety that we voted for a bond act. And that bond act was to go around and look at State-owned buildings and make sure they're seismically safe.

So the State had a program, UC/CSU, state buildings, to look and see what their risk was of failure in an earthquake and what it would take to fix them up for earthquake standards not necessarily for all the other things you need to have in an occupiable building. This facility, some people disagree with the study, but the study that was done rated it at the highest risk level for failure in an earthquake, predicted earthquake in this part of the state. So it just became pretty obvious we shouldn't have our staff, our inmates working in a building that had that risk of failure.

So it was actually mostly in the late '90s

that we went ahead and brought in some modular buildings for the administrative space to move into and we stopped, for most part, using the building. And -- and the proposal to retrofit it was considered, but we were -- we couldn't get an agreement from folks on why spend money on a building we weren't using, so that's how the seismic retrofit program almost got funded and then didn't and then we stopped using it.

I don't know of blacklisting, I just know that someone said if we're not using the building, we shouldn't be putting money into it to seismically retrofit it.

We've since become so concerned with the condition of it that we're uncomfortable having anyone inside of it because the fire department wouldn't want to have to come rescue somebody after an earthquake and they were simply on tour of the building, instead of the school or the hospital or the city hall. So we feel we have to really limit and restrict folks going in there for whatever reason, and that's kind of where it stands.

And we have a -- it is true, people don't agree with this, but we have 33 existing prisons plus we have a brand-new one we just opened up and, you know, the maintenance cost of those prisons is pretty

big. And so something that we're not even using is hard to get funding for.

But, you know, I think you're all making really good points, they're good points to take back to the folks we work for and we'll give them due consideration. But I can't think of a blacklisting -- of anything conscience that we said, oh, we're not going to touch that building.

MS. DUGRANE: Okay. Thank you for your answer. I will probably do more investigation on my own. Okay, thank you.

MS. DIXON: I feel that -- Linda Dixon, Lake Norconian Club Foundation.

I feel that I have to rebut a couple things. The report that you just referred to deeming the hotel unsafe in earthquakes, the Lake Norconian Club Foundation contracted David Koch's organization to -- and he is one of the topnotch experts in the field, to do a study on this, and this was during the 2002s, a few years ago.

He found that the hotel is not built on sand, it is built on granite, as is most of Norco. He disputed all of your findings. This report was also sent to the State, to your organizations at all various levels, this was yet another report that was

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ignored. But this does refute what you had just said. And we're happy -- we funded this ourself, we're happy to do what we have to do to take care of this magnificent property, but this hotel -- according to the report, all other buildings in this community would probably fall down but this hotel would be standing. T2-116 cont'd

MR. SLEPPY: Thank you.

MR. KAHAN: Geoff Kahan, G-E-O-F-F, K-A-H-A-N, 2583 Steeplechase Way.

I am also not only a 14-year resident, but I'm also a member of the parks and rec commission. To address the findings in 6.5 of the draft EIR, the part that talks about the cultural resources, obviously the hot topic of tonight, it is interesting that after the site was given historic designation in 2000, that, as we've already discussed, just a few short years later, that it was deemed seismically unfit. For the State to make that determination is obviously self-serving because then the State turns around and gets to say, well, because of that, we don't have to spend any money on it. T2-117

What I would like to do is I would like to read a little bit from a document that I found off the Office of Historic Preservation, this is the statutes T2-118

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regulations and administrative policies regarding the preservation and protection of cultural and historic resources. I'm sure you have these memorized, but for the benefit of the audience, I'll expound on these.

In Section 5020.7, the legislative intent, it says, Therefore, it is the intent of the legislature that public agencies including the Commission and the Office shall -- and you mentioned shall is not an option, correct -- shall endeavor to carry out their responsibilities under this article in a manner designed to elicit the cooperation of the owners of both identified and unidentified resources, to encourage the owners to perceive these resources as assets not liabilities and to encourage the support of the general public for the preservation and enhancement of historical resources. T2-118 cont'd

The Lake Norconian Foundation has offered multiple times to come in to help secure that roof. That is a partnership that the private sector would like to do with the current owners because we don't have any choice as the State is the official owner of the property. But the legislative intent says, to encourage the support of the general public and the preservation of those historical resources.

In Section 5024.5, it talks about mediation T2-119

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1 responsibility. In Paragraph B, If the officer
2 determines that a proposed action would have an
3 adverse effect on the listed historical resource, the
4 head of the State agency having jurisdiction over the
5 historical resource and the officer shall adopt
6 prudent and feasible measures that will eliminate or
7 mitigate the adverse effects. This is -- this is part
8 of the law for the State preservation.
9 It's interesting because we're talking about
10 an EIR where you're going to be, I'm sure, bulldozing
11 acres and acres of land and, you know, in one of those
12 areas if you guys find out that you're about to
13 disturb one of those gnat catcher bugs or something,
14 you're going to spend millions of dollars to mitigate
15 the effect, the adverse effect on a bug or something
16 silly, right? There's adverse effects to doing the
17 construction. I get that.
18 The thing that we have here is we have
19 adverse effects because of inaction. I think that's
20 just as important to mitigate because the inaction is
21 absolutely causing adverse effects on the historical
22 and the structural and all of the other things that
23 made that particular building valuable.
24 Moving down a little bit, in Section 18951,
25 the purpose of that -- of this part, meaning this

T2-119 cont'd

T2-120

1 section, is to provide alternative building
2 regulations and building standards for the
3 rehabilitation, preservation, restoration or
4 relocation of buildings or structures designated as
5 historic buildings. Such alternative building
6 standards and building regulations are intended to
7 facilitate the restoration or change of occupancy so
8 as to preserve their original or restored
9 architectural elements and features.
10 That sounds to me like what they're saying
11 is, under normal building codes, you would want to
12 build a building to, you know, specific standards, but
13 in order to rehabilitate, preserve or protect a
14 historical building, there's an allowance for
15 alternative building regulations.
16 I'm not an expert on all this seismic stuff,
17 but it sounds like if it's important enough to try to
18 save it, that we don't have to go with the normal
19 building codes, we can do other things, alternative
20 things to protect it. And, again, even if it's just a
21 stock yet measure of allowing the roof to be fixed so
22 that the water damage again can be mitigated, you
23 would spend those millions of dollars on the bug. You
24 have an $800 million budget to build these things.
25 Are you telling me that $8 million, which would be one

T2-120 cont'd

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percent, in order to protect a known existing historical building isn't worth doing as part of the whole project of abandoning the CRC site. T2-120 cont'd

One last section I want to point out. In Section 37601, the legislative finding declaration. The legislature finds and declares that properties and structures of historical or architectural significance are an essential public resource and that it is necessary and essential that cities, counties and cities and counties be authorized to make long-term low interest loans to finance the rehabilitation of properties of historic or architectural significance. Okay. T2-121

I don't mean to talk about the loan part so much, but the legislature specifically said, these historical properties are so valuable that, assuming that it's not a State property but it's now become a City or a County property, they're suggesting that we go out of our way to make low interest loans to pay for this.

The Lake Norconian Foundation has already offered to pay for some fixes that don't need to be loaned, it's not going to cost the State a dime, but yet the legislature says it's important enough to be able to fix and maintain these properties that they

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would suggest that low interest loans be made. I mean, it's that important that we do this, and yet here we are 10, 12, 13 years later and nothing is being done to even, again, mitigate these adverse effects. T2-121 cont'd

So that's -- that's just a few snippets from the particular document. There's also an executive order that Pete Wilson signed in 1992, well before the site was even deemed historical. But it talks about historical resources. And because it's an executive order, it's got a bunch of whereases in it. But there's a couple of whereases that talk about the heritage resources provide not only continuity with our past but foster community pride. That's what you're seeing today. T2-122

The Norco citizens love the hotel, they love the potential of what that hotel can be again. And I can tell you right now I plan on standing here in 16 years in front of City Council to celebrate the hundredth anniversary of that hotel.

It also stimulates economic activity. If you allow that building to disintegrate and we no longer have that ability after the Department of Corrections abandons the site, if you leave that building in such a state that it's no longer usable, there will be a T2-123

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definite negative economic impact to Norco because if that building is able to be renovated, I am -- I am absolutely sure that a developer would want to come in and spend whatever money was necessary to retrofit that building, whether it needs seismic or whatever it needs to turn that thing back into a resort, back of when it was originally created, and that economic activity to this town and to this region would be -- I believe in your document under 6.5, you said the future use of the buildings and property is not reasonably foreseeable and any attempt to consider such uses or alternatives would be purely speculative. I would disagree with that.

I know there's got to be people lining up waiting for 2016 when that site gets abandoned to want to be able to get their hands on it. But when they get their hands on it, it has to still be in a condition where they can do something with it. Back to the executive order. It says, Whereas the preservation and wise use of historic resources must include consideration of cost effectiveness in fostering private sector incentives and state agencies must consider these and other public interests in their decision-making processes.

Well, again, we have a private sector group

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T2-123 cont'd

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that wants to come in and help take care of this property during the next three years or so before it theoretically comes back into City ownership and we're not being allowed to even take care of that property to at least keep it in a shape where it's not going to deteriorate.

Further down in the executive order in Section 1, it says, All state agencies shall recognize and to the extent prudent and feasible within the existing budget and personnel resources, preserve and maintain the significant heritage resources of the State. That doesn't sound like an option. It says "shall."

And, again, feasible and within an existing budget. You've got an $800 million budget for this project. Again, even one percent, $8 million, could help really put that property back into the condition it was when it was first handed over to the State.

And then a little bit later in Section 1, Paragraph 3, it says, To ensure that the protection of significant heritage resources are given full consideration in all of its land use and capital outlay decisions.

So without that paragraph, it might be easy to say, oh, that's just a falling down building, why

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T2-123 cont'd

T2-124

T2-125

T2-126

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should we spend money on it, we're not even using it, no, no. It's a significant heritage resource, and it says full consideration and as part of capital outlay decisions. Well, it sounds like you're outlaying $800 million of capital, so I would think that the preservation of this historical resource needs to be given full consideration according to this executive order. T2-126 cont'd

The very last sentence, the historic value of structures is to be preserved and enhanced, and then here's the unless, unless the State or local agency finds the structure presents an eminent threat of harm to the public or of damage to adjacent property.

So this is where I think it's nice and convenient that because the State determined in 2002 it's no longer safe, then you can just say, well, we don't have to worry about it anymore. But based on all this other legislative policies, statutes and part of the executive order, I think it's your responsibility, you've been entrusted as a trustee of this property. T2-127

Now, I'm also the Scout Master for Troop 33 here in Norco. One of the principles that we teach the boys is a principle called leave no trace. And part of leave no trace, as was mentioned earlier, is T2-128

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you leave something in a better condition than when you found it. So I can ask you: Is that hotel in a better condition today than when the State first took over? I think that's a pretty easy answer, and the answer is no. T2-128 cont'd

So in the next three years as part of the closure plan, you have got to take that responsibility, the trustee of that property and maintain it, get it back to its condition that it was when you first took over that property so that when it is then released to be auctioned or sold or given to the City or however that process works, you're able to say that you were able to give it back at least in the same condition that it was when you took that over. T2-193

And, again, we're talking about an Environmental Impact Report. We're here to talk about the historical impact. And, again, in an EIR, you mitigate adverse things because you're doing something. We're here to make sure that no adverse happens because you're not doing anything. Thank you. T2-130

MR. SLEPPY: Thank you very much.

Anyone else?

Okay. Thank you very much.

(Whereupon the proceedings were concluded at 6:28 p.m.)

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STATE OF CALIFORNIA)
)
COUNTY OF SACRAMENTO)

I, Maricela P. Jones, a Certified Shorthand Reporter, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name.

Dated: July 26, 2013

Maricela P. Jones
CSR No. 13178

Transcript T2 Response	Norco Public Hearings at 3 p.m. and 5 p.m. July 23, 2013

T2-1 The comment provides introductory information regarding the commenter and the comment letter submitted by the City of Norco at the public hearing. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-2 The comment provides introductory information regarding a future speaker at the public hearing. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-3 The comment identifies the City's concern regarding the preservation of the Norconian, a historic hotel, on the CRC property. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-4 The comment expresses the desire of the commenter that the former hotel be repaired as part of the closure. SB 1022 provided no funding for repair of buildings within CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-5 The comment requests that the existing potentially historic and historic structures on the CRC property be properly documented. CDCR and the US Navy did evaluate and document the existing structures on the CRC property at varying points over the past 25 years. Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco.

T2-6 The comment requests that the site be protected until such time as a future use has been determined. As noted in Master Response 2, the provision in SB 1022 that required the closure of CRC by December 31, 2016 has been suspended through the passage and approval of Senate Bill 105 (Statutes of 2013). Therefore, CDCR has no plans at this time for relocating the CRC inmates and ceasing the operation of this facility. Approval of SB 105 makes inapplicable any discussion of potential closure actions as a consequence of the proposed SB 1022 infill projects. Any discussion of potential closure plans as well as the disposition of historic structures is now speculative; the CEQA process does not require addressing potential issues that involve a high degree of speculation.

T2-7 Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco, for an explanation of why the closure of Norco is not a discretionary action. However, following the passage of SB 105 the issue of ceasing operations at CRC is now moot. CDCR has no plans for closure of this facility.

In regard to the commenter's opinion concerning comparable standards for a discretionary act the update of a City's General Plan is different from the original statutory mandate (SB 1022) to cease operations of CRC. For example, the City Council is the approving authority of the General Plan. While the City Council may direct the Planning Department to prepare an update to the General Plan, the Planning Department cannot enforce or approve the General Plan without City Council action. By contrast, under the original statutory provision of SB 1022, CDCR was directed to cease operations regardless of any negative consequences by the end of 2016; CDCR would have had no discretion with regard to such a decision. But the issue of ceasing operations of this prison is now moot in light of the passage of SB 105.

T2-8 As noted above in Response to Comment T2-6, recent legislation has suspended the anticipated closure of CRC. Operation of CRC will continue for the foreseeable future so no closure plan will be developed and implemented as a result of the proposed SB 1022 infill level II facilities.

T2-9 This comment raises concerns related to Public Resource Code (PRC) 5024 and CDCR's obligation with respect to PRC 5024. It is assumed that the obligation/requirement to which the commenter refers is PRC 5024(a), which states that each state agency shall formulate policies to preserve and maintain, when prudent and feasible, all state-owned historical resources under its jurisdiction…" While CDCR's mission is providing secure correctional facilities for individuals convicted of felonies that require incarceration in a state prison CDCR recognizes the importance of historic structures within its property inventory. However, the annual amount of funds appropriated in the State Budget Act requires that the current priority for repair/renovation of structures is only for those actively used to house inmates and prison operations/infrastructure. There are simply not sufficient funds to undertake repair/renovation of lower priority projects such as unused buildings.

Where modifications have been necessary on occupied historic structures, such as the Officers and Guards Building at Folsom State Prison, CDCR has been able to preserve historical architectural elements of the structures. All modifications were planned and implemented in consultation with SHPO. In other circumstances, such as the construction of a new prison hospital at San Quentin State Prison, historic structures have been specifically protected by avoidance or other measures. In light of the fact that the state prison system consists of 34 correctional facilities (many having been in constant operation for decades), as well as the obviously pressing priorities imposed by federal court orders for medical and mental health care, overcrowding, disabled access, etc., the estimated cost of needed repairs, alterations, and renovations of existing CDCR prison housing units and infrastructure substantially exceeds the currently available state funds. Finally, CDCR notes that SB 1022 contains no funding authority for repair/renovation of any structure at CRC historic or otherwise.

T2-10 Comment noted. However, following the enactment of SB 105 there is no plan to develop a closure plan for CRC.

T2-11 Refer to Response to Comment T2-6, above.

T2-12 Please refer to Responses to Comments T2-6 and T2-9.

T2-13 CDCR is currently coordinating with the Department of General Services, Real Estate Services Division on an inventory of prison structures at or exceeding 50 years old. However, this comment has no relevance to the proposed SB 1022 level II infill projects.

T2-14 The comment provides their opinion on activities that have led to deterioration of structures onsite at the CRC property. Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco.

T2-15 The comment reflects the commenter's opinion regarding CDCR responsibility to maintain and renovate existing structures onsite at the CRC property. Please refer to Response to Comment T2-9. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-16 As noted on page 6-3 of Volume 1 of the DEIR, structural engineers directed by the Department of General Services, Seismic Safety Program conducted an assessment (DASSE Design 1994) of the hotel building in the mid-1990s as part of a statewide effort to

evaluate state-owned buildings that could be at risk for damage in a major earthquake. The assessment concluded that the hotel building was unsafe for continued occupancy by CDCR staff, inmates, and visitors. It was subsequently determined that the cost of structurally retrofitting the hotel building and addressing many other building code deficiencies exceeded available state funding. CDCR relocated all staff and support operations to modular structures placed on prison grounds. Once these structures were activated the use of the hotel building ceased and it was no longer used for prison operations.

CDCR continues to believe that the findings of the past structural reports are valid and that entry to the hotel building would place visitors at grave risk should a substantial earthquake occur. Information provided in the DEIR did not state that restoration and structural modification/updating of the hotel was not possible. The DEIR did state that, due to financial/budgetary reasons specific to the State of California, CDCR could not retrofit the existing hotel. As noted, SB 1022 contains no funding for repairs/modifications to CRC buildings or infrastructure. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-17 CDCR does not dispute the current designations of structures at the CRC property as historic. However, there is substantial evidence that the integrity of the hotel buildings has been affected by successive secondary uses including two periods of U.S. Navy hospital operations.

T2-18 The comment reflects the commenter's opinion regarding CDCR's responsibility to maintain and renovate existing structures onsite at the CRC property. Please refer to Response to Comment T2-9. The commenter also refers to the current condition of landscaping at existing the CRC property. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-19 The comment refers to an exhibit presented by the commenter and reflects an opinion regarding the structural validity of the hotel. Please refer to Response to Comment T2-16.

T2-20 The comment refers to attempts made by the commenter to request information regarding the structural safety evaluations of the hotel performed by CDCR. As noted above in Response to Comment T2-16, DSA initially evaluated the onsite structures in the mid-1990s. CDCR has no subsequent engineering analyses that refute the findings of the original structural evaluation. The 1994 report is available upon request. Please send such requests to:

California Department of Corrections and Rehabilitation
Facility Planning, Construction and Management
Project Management Branch
Attn: Robert Sleppy
9838 Old Placerville Road, Suite B
Sacramento, CA 95827
(916) 255-1141

No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-21 The comment identifies, in the speaker's opinion, concerns related to decisions made by the warden with respect to onsite structures and site features. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-22 The comment reflects requests made by the commenter for security and maintenance of the site and structures at the CRC property. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-23 The comment reflects a request for the Lake Norconian Club Foundation or the City of Norco to survey the site and evaluate potential repair or renovation efforts. CDCR will consider this request but any access to onsite structures would be subject to CDCR's security protocols and concern for visitor safety.

T2-24 The comment reflects requests made by the commenter for security and maintenance of the site and structures at the CRC property. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-25 The comment reflects requests made by the commenter for security and maintenance of the site and structures at the CRC property. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-26 The comment acknowledges that structural modification and renovation of the hotel would be the responsibility of a third party should all or a portion of the CRC property be made available as a surplus property through the Department of General Services and in conformance with required legislation.

T2-27 The comment reflects requests made by the commenter for security and maintenance of the site and structures at the CRC property. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-28 The comment provides introductory information regarding the City of Norco's and the Lake Norconian Club Foundation's position and experience with respect to historical structures. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-29 The comment disputes the findings of the initial structural evaluation of the hotel. As noted above, the former Norconian hotel was evaluated in 1994 by DSA. CDCR currently has no plans to conduct additional engineering studies of the historic structures at CRC.

T2-30 The comment expresses concerns with respect to the seismic evaluations and reports that have been previously conducted at the site. Please refer to Response to Comment T2-20. The comment also refers to communication with individuals outside of CDCR regarding the availability of those reports and studies. CDCR cannot comment on correspondence between the City of Norco and non-CDCR individuals to which CDCR was not a party. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-31 The comment identifies general concerns of the local community regarding the current condition of the roof of the former hotel and public safety of the residents of Norco as it relates to their proximity to an existing prison. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-32 This comment suggests an alternative (reuse of the former Stark Youth Correctional Facility in Chino, CA) to construction/operation new level II infill correctional facilities at the proposed infill sites in order to save money and jobs. As a result of the passage of SB 105, closure of CRC has been suspended; ceasing operations of this prison is no longer a consequence of the proposed infill project.

In regard to alternatives to the proposed infill projects, SB 1022 specifically listed the prison sites that CDCR was to consider for potential infill development. While the legislation does identify the California Institution for Men (CIM) in Chino as one of those potential sites the assumption was that an infill facility would be placed on currently undeveloped land adjacent to CIM's main prison complex. However, based on information provided in the DEIR, the CIM infill site was rejected from further consideration because of concerns related to the adequacy of the existing infrastructure, in particular wastewater and drinking water capacity. It is also noted that the use of the existing Stark Youth Correctional Facility would likely require a significant amount of the existing buildings and infrastructure to be demolished so that the housing program for level II inmates could be met. The existing housing units and program buildings at the former Stark Youth Correctional Facility do not meet the design standards for either a 792-bed or 1,584-bed facility. Finally, use of this site would result in significant adverse environmental effects such as the removal of mature landscaping, new high-mast lighting, additional traffic on Euclid Avenue and other area streets, and loss of burrowing owl habitat.

T2-33 The comment requests that other structures beyond the hotel be considered historic. CDCR concurs that the hotel is not the only historic or potentially historic located onsite; several structures at CRC are over 50 years old. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-34 The comment requests additional detail regarding the closure plan for CRC and that the City of Norco receive a copy of the closure plan. As noted in Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco, the passage of SB 105 has suspended the earlier legislation (SB 1022), which required the cessation of CRC operations. CDCR has no plans to prepare a closure plan unless additional direction is provided by the Legislature and Administration.

T2-35 The comment refers to past correspondence from the City to CDCR regarding the CRC property. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-36 Refer to Response to Comment T2-32, above, regarding employment. CRC will now remain open for the foreseeable future per the requirements established by SB 105.

T2-37 The comment refers to the commenter's perception of CDCR's commitment to retain the existing landscaping at CRC. With respect to the closure of CRC, CDCR has committed to maintaining landscaping, insofar, as it is feasible to do so.

T2-38 Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco.

T2-39 Pursuant to CEQA, CDCR evaluated the potential impacts, including impacts to historic structures, as a result of the Dormitory Replacement Project at CRC in 2000. An initial study/negative declaration (IS/ND) was released for public review in June 2000, and a notice of determination was filed on August 4, 2000 regarding the project. The IS/ND included, as attachments to the CEQA document, evaluations by a qualified architectural historian of potential impacts to onsite historic structures as a result of onsite demolition and construction. No significant impacts to historic structures were identified as part of the CEQA analysis of the 2000 dormitory project. As a result, mitigation was not necessary or required as part of the Dormitory Replacement Project.

T2-40 Recent legislation (SB 105) has suspended the closure of CRC indefinitely and removed consideration of the closure of CRC as a consequence of the proposed infill project. Please

refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco, for further information.

T2-41 The comment refers to a study performed by Steve Mikesell, formerly of the Office of Historic Preservation, in March of 2000 and reflects the commenter's interpretation of statements made in that study. CDCR has reviewed the March 2000 study prepared for the US Army Corps of Engineers and cannot find the statement to which the commenter refers, regarding how implication of a building as having a historic nature would result in eligibility for listing on the National Register. Without additional information, no additional response can be provided.

T2-42 As noted in Master Response 2 and Response to Comment T2-6, DSA and professional structural engineers the hotel and concluded it was structurally unsafe. CDCR subsequently determined that entry to the building and directly adjacent property was a significant safety concern for visitors and others not required to access the area in the course of prison operation. Accordingly, access to the area has been restricted for many years.

T2-43 Please refer to Response to Comment T2-32.

T2-44 Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco.

T2-45 The comment reflects the commenter's concerns and request that steps be taken to preserve the historic and potentially historic structures onsite at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-46 Please refer to Response to Comment T2-37.

T2-47 The comment provides introductory information regarding the commenter and reflects the commenter's concerns regarding rain damage to the former Norconian Hotel at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-48 Please refer to Response to Comment T2-37. The comment also expresses concern regarding the potential for vandalism at the CRC property. Please refer to Response to Comment T2-6 which states that following the passage of SB 105, CRC would continue operation.

T2-49 The commenter provided their opinion regarding maintenance activities at the CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-50 Please refer to Response to Comment T2-37. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-51 CDCR has received a copy of the structural analysis referred to by the City of Norco and the Lake Norconian Club Foundation No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-52 The comment requests clarification of "other factors" beyond age and weather that have led to deterioration of the hotel buildings. Modifications to the hotel buildings have occurred since the initial construction and occupancy of the structure. For example, many modifications occurred during and following the use of the structure as a military hospital.

CDCR acknowledges, however, that age, weather, and factors such as rodent/feral animal access have incrementally contributed to the deterioration of the hotel buildings operations ended in these facilities. This comment does not raise issues related to the adequacy of the DEIR. No further response is necessary.

T2-53 The CRC property is owned and controlled by the State of California. As a state agency, CDCR is not subject to land use plans, policies, ordinances, or overlays adopted by local agencies. However, as acknowledged in several locations in the EIR, CDCR does provide information related to local plans and policies insofar as potential conflicts could indicate the potential for significant environmental impacts.

With the passage of SB 105, CRC will not cease operations as planned in the original legislation (SB 1022). As a result there is no need to prepare a facility closure plan. Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco, for further information.

T2-54 This comment reflects the commenter's opinion of the prison system and historic operations with respect to the onsite structures at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-55 Please refer to Response to Comment T2-51.

T2-56 Please refer to Response to Comment T2-51.

T2-57 This comment reflects the commenter's opinion of the prison system and past operations with respect to the onsite structures at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-58 This comment reflects the commenter's opinion of the prison system and past operations with respect to the onsite structures at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-59 This comment reflects the commenter's opinion of past operations with respect to the onsite structures at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-60 The CDCR staff present at the public hearing have visited and are familiar with the CRC prison facilities and inactive elements such as the hotel buildings. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-61 Please refer to Response to Comment T2-60.

T2-62 This comment reflects the commenter's opinion of past operations with respect to the onsite structures at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-63 The transcript for the DEIR public hearings held in Norco was made available to the City of Norco on August 2, 2013 in advance of the close of the public comment period.

T2-64 The DEIR was made available at the Norco public library for public review. It was available upon request, beginning on June 24, 2013 via FedEx. The DEIR was also sent to City Hall (Planning Department and Mayor's Office).

T2-65 The commenter is correct that the initial notice of availability of the DEIR did not list the Norco public library as a repository for the EIR. However, subsequent noticing in the Inland Valley Bulletin did amend the notice to include the Norco public library as a repository. The DEIR was also available online at CDCR's website and within 20 miles of the City of Norco at two different libraries. Please refer to Master Response 1, Public Outreach and Public Review Period, for further clarification.

T2-66 The commenter requested the opinion of the presenter's regarding the meeting. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-67 This comment reflects the commenter's opinion of past operations at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-68 Please refer to Response to Comment T2-63.

T2-69 Please refer to Response to Comment T2-63. The transcript of the July 23rd public hearings on the DEIR was made available 17 days prior to the close of the public comment period. As such, adequate time was provided for members of the public to request revisions to reflect their actual statements made at the public hearings. As of August 20, 2013, no requests have been received.

T2-70 Please refer to Response to Comment T2-69. As no requests for revisions to the transcript were received, consideration of such a request is not necessary.

T2-71 This comment reflects the commenter's opinion of past operations at and the closure of CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-72 This comment reflects the commenter's opinion of past operations at and the closure of CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-73 Please refer to Response to Comment T2-6.

T2-74 Please refer to Response to Comment T2-6.

T2-75 Please refer to Response to Comment T2-6.

T2-76 Please refer to Response to Comment T2-3.

T2-77 Please refer to Response to Comment T2-4.

T2-78 Please refer to Response to Comment T2-5.

T2-79 Please refer to Response to Comment T2-6.

T2-80 Please refer to Responses to Comments T2-4, T2-5, and T2-6.

T2-81 Please refer to Response to Comment T2-7.

T2-82 Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco. The closure of CRC, in and of itself, is considered to be a ministerial action,

as stated in the DEIR. However, the DEIR did include a discussion of the potential physical environmental impacts associated with the closure of CRC, as shown in Chapter 6 of Volume 1 of the DEIR. Therefore, the DEIR did evaluate the potential environmental impacts of the closure were it considered to be a part of the larger discretionary action associated with the proposed project. As stated in Chapter 6, no physical modifications to the existing structures would occur, and the onsite buildings and landscaping would be maintained consistent with existing conditions. However, as also stated in Master Response 2, SB 105, which was approved by Governor Brown on September 12, 2013, indefinitely suspended closure of CRC and removed the cessation of prison operations as a consequence of the proposed project.

T2-83 Please refer to Master Response 2. With the recent approval of SB 105 on September 12, 2013, the closure of CRC is no longer part of the proposed project and has been suspended indefinitely.

T2-84 Please refer to Response to Comment T2-9.

T2-85 Please refer to Response to Comment T2-10.

T2-86 Please refer to Response to Comment T2-11.

T2-87 Please refer to Response to Comment T2-13.

T2-88 Please refer to Response to Comment T2-14.

T2-89 The comment requests information regarding the number of times funds were requested to maintain the existing structures at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided. Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco, for further information regarding how the allocation of funding for repair and maintenance of existing CDCR facilities is determined. CDCR notes, however, that it does not have a complete record of how many times budget requests have been made to the respective Administration and Legislature since the property became a state prison decades ago.

T2-90 Please refer to Response to Comment T2-15.

T2-91 Please refer to Response to Comment T2-15.

T2-92 Please refer to Response to Comment T2-16.

T2-93 Please refer to Response to Comment T2-17.

T2-94 Please refer to Response to Comment T2-18.

T2-95 This comment reflects the commenter's opinion of historic operations with respect to the onsite structures at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-96 Please refer to Response to Comment T2-6.

T2-97 This comment reflects the commenter's opinion of historic and current operations at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-98 This comment reflects the commenter's opinion of the current inmate population at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-99 This comment reflects the commenter's opinion of past and current operations at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-100 Please refer to Response to Comment T2-22. This comment also requests that a copy of the FEIR be sent to the Lake Norconian Club Foundation.

T2-101 The comment reflects the commenter's opinion regarding the timing of a closure plan. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-102 The comment reflects the commenter's opinion regarding the timing of a closure plan. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-103 The comment reflects the commenter's opinion regarding the availability of funding for restoration of the CRC property. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-104 The comment reflects the commenter's opinion regarding the timing of a closure plan. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-105 The comment provides introductory information and the overall opinion of the commenter regarding the proposed project. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-106 The comment raises socioeconomic concerns related to the closure of CRC. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

T2-107 Please refer to Responses to Comments T2-76 through T2-100.

T2-108 Please refer to Response to Comment T2-6.

T2-109 The comment provides the commenter's opinion regarding her preferred approach by CDCR to the closure of CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-110 The comment provides introductory information and an overall opinion of the existing condition of the CRC property. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-111 The comment reflects the commenter's opinion regarding the closure of CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-112 The comment reflects the commenter's opinion regarding the closure of CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-113 The comment reflects the commenter's opinion regarding the closure of CRC and whether a third party, like the Lake Norconian Club Foundation, should be allowed to work onsite to restore the roof of the former hotel. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided. However, CDCR has taken this request under consideration and is coordinating with the City to determine whether or not access to certain onsite structures at CRC is possible/feasible while maintaining the safety and security of CRC, potential contractors, and the surrounding community.

T2-114 The comment inquires whether the CRC property was ever "blacklisted" by the State of California. CDCR Facility Planning, Construction and Management is not aware of any system by which the condition of state building assets are categorized on the basis of a color-coded system. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-115 Please refer to Response to Comment T2-114.

T2-116 The comment provides a summary of information collected by the City of Norco and the Lake Norconian Club Foundation that is in conflict with determinations made by CDCR related to the seismic safety of the hotel. CDCR contends that this qualifies as disagreement among experts, which, per Section 15151 of the State CEQA Guidelines, "does not make an EIR inadequate." Please refer to Response to Comment T2-6 and Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco, for further information regarding evaluations undertaken by the State to determine the relative safety of the former hotel. Further, this comment does not raise issues related to the adequacy of the DEIR. No further response is necessary.

T2-117 The comment provides an opinion related to CDCR's determination that the former hotel was seismically unsafe. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-118 The comment provides a summary and interpretation of PRC Section 5020.7 as it relates to maintenance of historic resources. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-119 The comment provides a summary of portions of PRC Section 5024.5. As noted previously, Chapter 6 of the DEIR evaluated the potential environmental impacts of the closure of CRC. This issue is now moot because the mandate to cease operations of CRC at the end of 2016 has been suspended by recently-enacted legislation (SB 105). No physical modifications would be made to the existing structures as a result of the proposed infill facilities project. Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco, for further clarification, including an explanation of SB 105.

T2-120 The comment provides the commenter's opinion regarding CDCR's past and current treatment of structures at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-121 The comment provides suggestions for possible funding and loans that could be granted to restore/renovate onsite structures. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-122 The comment reflects the commenter's opinion regarding the local citizens' opinion of the hotel and briefly refers to an executive order from 1992 (W-26-92). No specific comments

addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-123 The comment reflects the commenter's opinion regarding potential future developers and uses of the CRC property. This comment also reflects the commenter's opinion of past and future operations by CDCR, with respect to the structures at CRC. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA, regarding the evaluation of socioeconomic impacts under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided. Also, with passage of SB 105, it requires a high degree of speculation as to the eventual disposition of all or a portion of the prison grounds for private development; the CEQA process does not require such a degree of speculation.

T2-124 The comment quotes Executive Order W-26-92. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-125 The comment reflects the commenter's opinion as to how the budget of the proposed project could be allocated. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided. SB 1022 provided no authority to use funds from this law on the repair and/or modification of any structure at CRC.

T2-126 Please refer to Response to Comment T2-124.

T2-127 The comment provides an opinion related to CDCR's determination that the former hotel was seismically unsafe. Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-128 This comment reflects the commenter's opinion of past and current operations at CRC. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-129 The comment provides an opinion of the steps CDCR should take as part of the closure of the CRC property, including restoration of various structures. CRC is no longer scheduled for closure. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T2-130 Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco and Response to Comment T2-82.

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T3

DEPARTMENT OF CORRECTIONS
PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT

IONE, CALIFORNIA
JULY 29, 2013

LEVEL II INFILL CORRECTIONAL FACILITY PROJECT

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF FACILITY PLANNING CONSTRUCTION AND MANAGEMENT

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Ione, California
Public Hearing on Draft Environmental Impact Report
July 29, 2013, 3:22 p.m.
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MR. SLEPPY: Okay. So we're going to go ahead and give a little presentation about the project and then we're going to take your comments. So if you want to sit down or get in the back, whatever you want to do.

(The Spanish interpreter gave instruction in Spanish.)

MR. SLEPPY: We're going to repeat this at about 5:30.

So I'm Bob Sleppy, I'm with the Department of Corrections and Rehabilitation. We're really glad you're all here. We want to give a little presentation about the project. Gary Jakobs from Ascent Environmental is going to talk about what the significant findings of the EIR, Environmental Impact Report, are and then this is your chance to give us public testimony. We have a court recorder who's going to hopefully get the majority of your words, not every one of them.

We're informal, we don't have microphones

here in Ione, so let's see if we can get this thing to work.

Can you guys hit the lights up there.

MS. EDWARDS: Bob, can you stand a little closer to us --

MR. SLEPPY: Do I have to?

MS. EDWARDS: -- so we can hear you.

MR. SLEPPY: Okay. So what's the agenda about? The agenda is -- in particular, this is a very formal meeting in some ways in that the State's environmental review process, once you're out for public review of the draft EIR document, there's an opportunity for the public to comment on the project, the environmental information pending in the Environmental Impact Report, the merits of the project, your feelings about it. So it's a very good opportunity to tell us what you think about the project.

We're going to talk a little bit about how we got here, which is demonstrated by our blueprint which I'll talk about in a minute.

Gary Jakobs, as I said, is actually going to tell you what's in the EIR so you don't even have to read it if you don't want to. And then we get to how this process completes, which is to prepare a final

Environmental Impact Report and then take it before our Secretary for approval. We end with this very important opportunity to speak to us and get it recorded into our administrative record.

Corrections has been faced with a very difficult situation these last several years. We went from being terribly overcrowded, inmates really just put in gymnasiums and all types of places because we couldn't build fast enough, and inmates kept on getting sentenced. And we don't have anything to do with the crime part, but we have to deal with the sheriff showing up with folks that have felony convictions and we have to house them according to state law.

We did a blueprint about a year and a half ago, it's probably one of the most comprehensive overviews the Department has ever done, certainly in the last 20 years, of where it's going and where it's been. And some of what's in that blueprint is on our website, CDCR Internet website, you can download a copy of it.

But in particular, a several things that affect the project we're talking about today, which is the construction of a lower security level, Level II, additional replacement beds. And one of those is that

we have a four-tier classification program with inmates. So when you come in with your felony conviction, you go through our reception center, a counselor sits down and looks at your behavior, your record and all kinds of things and comes up with a classification of where you're going to be initially housed. There's -- the lowest level are like conservation inmates that work on fires and community projects are a Level I. When you get into the secured housing unit kind of inmates, there's Level II, III and IV. IV are the highest security inmates that are up in Sacramento State Prison and down in Cochran, places like that.

One big difference between inmates is how they're housed. If you're a higher security, a Level III or Level IV, you're in a cell type environment. If you're a Level II, you're in a dormitory.

We figured out that we were being a little bit severe in how we do that classification. Over the years, it's a gain in terms of criteria and difficulty of how the -- to get a lower score instead of a higher score. And one of the things that came out of the blueprint acceptance by the Secretary and Governor's office and others was that we're moving towards

lowering our criteria for classification of inmates so that we end up with more Level II inmates than Level III and Level IV.

When we projected a need for more Level II, the legislature said, well, tell you what, we will give you authority that you're -- you need to build two of these Level IIs. So we're going to give you authority for the construction of up to 2376 new Level II beds. Based on the Department's own assertion, we can use an existing housing unit that we have down at Cochran, down in the Valley, 792-bed module, but we didn't get to go build a new design, we get to start with something we have, that we would build exclusively on prison sites we already have, so we wouldn't go buy land somewhere in California and expand our prison system, but -- and that turned into Senate Bill 1022 last year, it was part of Budget Act, that gives us authority all the way through the construction of these projects as long as we go through the environmental review process.

The Bill also has an interesting kicker at the end of it. One of our, not oldest prisons, but prison that's most in need of repair is the California Rehabilitation Center in Norco. It's a fairly old facility in terms of it was built initially in the

'50s and '60s, but it actually wasn't built as a prison. Part of it is a hotel, part of it is a medical ward used for World War II returning veterans and part of it is Army barracks used for treating war era for returning wounded and things. So it's an odd place to be turned into a prison and it basically needs a lot of repair. It needs a lot of repair. It's very old, it isn't standard housing units like we like to have. It does have a lethal electrified fencing so its security is just fine, but it's just a hard place to put money into to bringing it up to standards especially for medical treatment and mental health treatment.

So in net, we actually don't have -- it's a about a 2400-bed prison, we're building about 2376 beds, so in total. But certainly what we're building is very different than what we're closing. What we're building is a fully programmed Level II prison which means it has not only adequate housing units to live in, but it has the vocational space, educational space, treatment space for mental health issues and medical and things like that. So it's very up to date, responds to all of these court orders we've been getting.

So let's get into it. These are the sites

where the legislature said you have to take a look at. Two of these are side by side. So even though there's seven prisons, there's actually only five prisons to build. Folsom and Sacramento are side by side, there's one place to build between them. Solano and the medical facility in Vacaville have one spot between them. The legislature said that's all you can consider. Those are the only ones you get to consider to build this new infill project.

It turns out statewide we have 11 of these intermediate care classified prisons which is sort of an outpatient level, it doesn't have acute care like our new Stockton facility we just opened, but it's a fairly healthy level of medical and mental health treatment is available. And there's sort of a standard sentence of what that contains, and these 11 prisons have that. But more than half of those you can't build out, there's no place to build. So we got down to seven which gets us down to five sites.

Here in Mule Creek we are proposing to build a 1584-bed infill facility, Level II. That means we're going to take two of these modules and put them together and have two together so we get 1500 beds. That leaves a net of 792 beds that we propose to build down in San Diego at another prison.

But the prison's currently operating at about 2800 inmates. It's predominantly a Level III, Level IV prison in terms of housing units. It was, of course, like many of our prisons, terribly overcrowded for quite a while but it's way down now from there. Designed beds so that we have one inmate per cell, a total of 1700 beds. So we're trying in that blueprint to get to about 2400 inmates over the future.

It's been here since 1987 in terms of operation. It's one of our early new prisons we started building in the 1980s. It has -- pretty much everything it needs it will have because it's independent in large part between the utilities and operations in the city. It currently has 1260 staff, that includes medical and mental health staff as well as officers and support staff. We have a firing range, we have a wastewater treatment plant, we have a couple of reservoirs for effluent and stuff things that. So it's pretty complete.

It also had, oddly, the juvenile justice facility, Preston School of Industry, as part of its property which is currently closed and we don't expect to be open, at least as a juvenile facility. And it has Cal Fire Department of Forestry and Protection, has an academy for learning how to fight fires. It's

a year-round facility that's kind of on our ground. So we share with other State neighbors on this property.

Where all these things are, here's the main prison. This is where our housing units are. This is where our secure perimeter is. Here is our wastewater plant. We have a large water -- effluent reservoir. These are all spray fields for the disposal for treated effluent we're going to build, potentially, up here. We have a lower reservoir down here that -- part of the original agriculture system but now it's used as an intermediate storage area for effluent.

Here's Cal Fire. Cal Fire uses all this land for practicing firefighting. You'll see them set fires throughout the year and have trucks driving around. And then here is the former Preston School of Industry which is a very old -- the first facility in California dedicated just to juvenile detention and treatment. It has the castle, things like that. It is fully closed. We have no -- it can't be converted for adult male use because of the way it's designed, so we're not quite sure what's going to happen to it.

Here is our classification system again. And I brought this up because in this community in particular people seemed to be concerned about what

we're building. We've got -- we have these, we have these kind of -- types of housing units right now. Here is our four different classifications. And as I said earlier, these two are defined in terms of physical space by cells; two to a person at maximum cells. And when you get into the lower security, you basically get more inmates to a housing unit. So you have a little more efficiency and a little more freedom.

Inmates have a lot more freedom in a Level II in terms of moving around than they do in these higher security. Level I, of course, is out on the street, there's no fence perimeter to speak of, they can walk away even though they've been classified so that they shouldn't.

What this looks like inside if you went up to Mule Creek right now and one of our officers here, staff took you around, you would be looking at what's called a 270-degree facility only because it radiates 270-degree. It's two tiers. And each one is a little cell and you can put a maximum of two beds in there. This allows more separation of inmates, especially at night, during lock-up periods, gives us a lot more control over personal security of inmates and staff. So this is for the higher security inmates.

What we're proposing to build is very physically different. It is a dormitory with multiple beds in one room. There would be a wall here. This is a little freer environment. There's more ability to move around especially during the day than there is in a higher security. You can't turn this into this. You would have to completely redo the building. So there's no way we anticipate this becoming a high security prison.

We add about 370 staff when we build this 1584-bed facility, it's about 600,000 gross square feet, that would be a pretty good-sized office building in downtown Sacramento. Of course we have lighting, we have typical visitation which is on weekends, things like that. It's pretty much like any other prison operation.

What it's going to look like if we did select this site to build it, we would have this -- these are the little housing units that we saw in the earlier drawing, but we'd build up here on the hill kind of up from the highway, we'd have to flatten this out to make it all work. That's about 70 acres coverage when we're done building it. It has to have a temporary road, which I'll get to later, but it will be part of this prison operation. It will be managed by the

warden and the executive staff of Mule Creek. It doesn't get a whole new staff all the way to warden level, it's operated by the prison. It'll have an internal access road that'll come up to it for movement of staff and inmates back and forth.

Every prison we've got with very few exceptions in the State of California that's a Level II or higher, so Level II, Level III, Level IV, to assure public safety, we have a lethal electrified fence. So we have two outer -- an outer fence, an inner fence, and in between them they have this lethal electrified component which has been very successful in discouraging inmates from attempting to escape. It is a very obvious barrier to anyone thinking they're going to go out this way. It does also save us on operational costs because officers don't have to be in the towers unless the fence is down.

All of this stuff would be like our other prisons in terms of how we move inmates back and forth, it's a very coordinated and careful process using security.

As I mentioned, it's about 100 acres -- 60 acres or so once we're done building it, but 100 acres for construction, construction layout, things like that. One particular issue is we need to

build access during construction to the site. We don't have good access to it, the current prison, so we're proposing to build a road, a temporary road down at Castle Oaks intersection opposite the golf course.

We have heard from the community on a number of things about construction management. You would like us to stay on 88, 104 and 124 and stay off of these roads. So we're going to impose that on the contractors, they're to minimize the use or prohibit, in this case, the small roads, the use of trucks and things like that on those roads. We think we have to do that. We're trying to keep construction traffic a little bit off the peek around here.

Because of concerns for a stoplight being an intrusion to the community, we're talking about using manual flagging to control traffic coming onto the site, we think that'll work better for the community and things like that. And of course, we'll be responsible for pavement that gets destroyed.

In particular that affect this community and not some of the others we're looking at is we lose some of our effluent spray field. So the sewage that comes out of our treatment plants, it meets a certain regulatory standard for application to land which is currently sprayed. Again, this is part of the prison

1 property. We lose about 100 acres effectively when we
2 build this project in terms of setback and things like
3 that, new roads. So we need to -- we're proposing to
4 work with the City of Ione to develop a new spray
5 field west of town, west of where we are right now.
6 We can do that because we have a pipe that comes down
7 to the City sewer plant so it already takes effluent
8 down there. We have property identified, we want to
9 franchise an ag field that they would like to
10 essentially use for agriculture production. But it
11 would take -- it's going to take collaboration with
12 the City. They would hopefully meet our interests in
13 doing this so we'd have to work that out.
14 The spray field would be, first one we're
15 talking about, possibly an expansion of this, is out
16 here to the west. Here's the current sewer plant.
17 We're down here someplace. But here is the main city,
18 here's our site up here.
19 Financial, everybody always worries about
20 development coming into a community. There's things
21 we know we're on the hook to pay for right now. One
22 of those is that the effect of performance of this
23 intersection south of town, so we're going to
24 contribute a fair share of our portion of that
25 increased traffic to either Caltrans or the local

1 transportation agency.
2 There is a regional traffic fee that new
3 project pays into for cumulative impacts. So we're
4 going to pay our fair share for that. I just found
5 out at lunchtime there's a City of Ione regional
6 traffic fee so I'm expecting we'll pay into that. We
7 have to of course work with the City about the cost of
8 bringing our effluent into their system.
9 And then there's an interesting one. Years
10 and years and years ago we started paying on the basis
11 of so many beds and so many dollars into communities
12 when we come in and build a new facility. For every
13 one new bed, there's a gross 800 bucks paid to the
14 community. And the Penal Code splits it this way:
15 The superintendent of schools gets exactly half of
16 that and the county/city that we're in gets the other
17 half. So in this case, the superintendent of schools
18 about the time we go to construction gets a check for
19 $633,000 once they show us what they're going to do
20 with the money. And at some point Ione and Amador
21 County would agree how to distribute the funds on the
22 other half.
23 This is in law. It is only for the initial
24 construction of a new bed. And this was demonstrated
25 by many years ago we added some emergency beds at Mule

Creek back in the '90s that we actually subsequently paid 62,000 bucks for those beds because we hadn't paid for a new bed.

Still a lot of questions about our big medical project we just completed in San Joaquin County over by the airport, large 1734-bed facility. And in particular, this project has -- had the unusual opportunity for us to work with the contractors that work with the community in terms of getting contractors to come in and help out on that project.

In the case of this project, we were real successful in getting local participation. We are currently trying to do that with the County and City to participate in our contractor selection and eventually monitoring their work.

We're just at the point of short listing our design-build firm so we're continuing through that process and hopefully we're getting a little more information to the County and the City as we go along.

Operational budget is about 37 million in addition on top of the current Mule Creek budget. Construction -- hard dollar construction for concrete, steel and things like that is about 370 million. We're hopeful of going to the award of the contract by the end of this calendar year for the start of

construction in the spring, about two years to build.

We've had a couple other things, as I mentioned. We did have a question about emergency beds we built in the '90s. This was paid on the basis of that 800 bucks, we didn't have that information until recently. I don't know who got the check except the County and the City and the schools got it, but we don't know which person actually got the check and who cashed it. But we did cover those new beds on the same formula we're covering these other projects.

We had some folks raise the concern that we initially had three alternative sites; one in Folsom, one in Vacaville and one in Chino at prisons we have. We've subsequently lowered the California Institution for Men alternative down to something we've rejected because we just didn't have enough engineering information to treat it equally in the EIR. It's still a darn good place to build a prison, we have 2,000 acres there, but we had to make sure we had enough water and sewer capacity and we couldn't do it within the schedule. So it may be deferred for now, but it's always in the future a good place for a prison addition.

We also have a lot of questions about what the community got out of this big healthcare project

in Stockton that was in the news a lot, it's recently activated so it's been back in the news again.

This is a really large new medical commission, prison along with a lot of mental health. This addresses a lot of the medical and mental health receivers' concerns for inmate, healthcare treatment, things like that. This is acute care. It has dental facilities in it. This is 1734-bed capability. We're actually adding down here out of the picture another 1100 beds to it for sort of inmate support space. So this is the first new medical facility the State has built since Vacaville like 50 years ago. This is a significant project for the receiver, for the mental health special master as well as our own Department.

This project had a lot of community concerns about what was going to happen to the City and the County. First off, it's in the County, it's not in the City. But right off the bat, that 1734 beds generated 800 bucks per bed, that was distributed to the school and the City and County, just as we're doing here. We ended up having to do some traffic improvements. One of them was obvious, we didn't have a way out of the property so we had to build an entrance to the prison with a stoplight. We had to make some improvements to the off-ramp at Austin Road.

And then we had to pay into the regional transportation fee for the County if we're in the county, very similar to here. We had to -- we always have to mitigate for our lethal electrified fences, same budget here we're using down in Stockton, was the purchase of compensation and habitat.

We were covering up about 90 acres of farmland which was considered a potential wildlife habitat under a County plan they have. And so we had to pay to the San Joaquin County governance a fee for the loss of that land. We ended up with a -- we had water out there, or at least we had to reestablish the water rights, so we had to work with the City. But everything was at the typical cost of any development, we didn't have to add any extra.

We did agree with the City about eventually they want to incorporate the property, so we gave them a small amount of funds for that. We always pass with an air quality permit, so that is a benefit to the City that benefits the whole region. We actually had sewer capacity so we didn't have to renegotiate our sewer rights. And then the receiver, the medical receiver had a few side commitments for -- including the local hospital as well as some interim training for psychiatric technicians.

Gary Jakobs is going to now do the talking before I lose my voice. He's going to talk about the EIR, how we go through the process. When he gets done, you get to get up and talk if you want to.

MR. JAKOBS: Okay. Before I get started, I just want to introduce a couple of terms that I'm going to be using in my talk.

You've heard of CEQA, the California Environmental Quality Act, but CEQA for short. That requires that we look at whether or not a project will have adverse physical changes to the environment. Adverse physical changes to the environment. Not changes in the social structure, not changes to the economics. But what CEQA requires is that we look at physical changes to the environment.

If the changes are big and bad, substantial and adverse, then we have a significant environmental impact. So CEQA focuses, has us focus on significant environmental impacts of a project.

In the case of the infill project, as Bob said, we looked at -- we started by looking at five prisons, five different sites at an equal level of detail. We ended up with four, the CIM alternative we ended up not carrying forward at an equal level of detail. And for each of those projects, we prepared a

document like this. This is the document for Mule Creek. But for each of them, for Folsom, for Vacaville, for Mule Creek and for RJ Donovan down in San Diego, we prepared a document like this.

And every community where a prison site is located received a number of copies of this in the public libraries, that sort of thing, so they can look at the impacts, the detailed impacts of the project in their community.

In addition, there's a summary document. It's called Volume 1. And this has a summary of the impacts of each of the projects that we looked at, each of the prison sites that we looked at. It summarizes the significant impacts. It also looks at the alternatives. So CEQA requires, when there is a significant impact, that you not only try to mitigate for that by -- and mitigation means compensate, avoid, reduce, do something to try to reduce or eliminate that impact, but if you can't, it also requires that we look at alternatives that may be able to avoid those impacts. So this document, Volume 1, is a summary of all the different project sites that we looked at and it also has other alternatives that we investigated, it looks at the cumulative, the collective impacts of building all the beds. So this

is a comprehensive document that looks at everything. And this document was provided to all the communities.

That's the last time I'll refer to the documents themselves.

Okay. So each document's full scope. And the EIR that we're looking at Mule Creek is full scope. What does that mean? It means that we looked at all the issues that we may have to investigate under CEQA, and I'll show you what those are in just a moment. But there weren't any that we eliminated. CEQA allows you to do that. It allows you to scope out issues that aren't significant, but rather than do that, we just looked at every single issue that normally is looked at in an Environmental Impact Report.

The document has a regulatory background. What that includes is laws, regulations in place that already address environmental issues and describes what those are and how they reduce environmental impacts.

Then we look at the setting. And the setting is unusual. The setting are the conditions -- and this is required, again, by CEQA. It establishes the setting as those conditions that are normally in place at the time the notice of preparation for an

Environmental Impact Report is issued, really at the time the EIR starts.

Well, in the case here, there were -- we have an occupied prison but it wasn't occupied at the level that it had been occupied in the past, okay. There have been a lot more inmates at Mule Creek than there are today. So we just looked at the number of inmates that are there today as part of the setting, but of course the ultimate number that had been there in the past kind of informs the ability to handle certain of the utilities that served the project site. So it helped us understand a little bit of the capabilities.

We then overlay the project on top of the setting. And, again, we'll look at the physical changes. We look at the changes in biology, in air quality, on the environment of putting the project there and then we try to -- wherever there's a significant effect, we do our best to try to come up with ways that that impact can be reduced or avoided through mitigation.

These are the issues that the Environmental Impact Report looked at. Not going to read each one but just kind of summary.

Visual resources, we look at the change in the visual environment. Air quality, biological

resources, cultural resources, greenhouse gas emissions, climate change -- contribution to climate change effect, noise, public services, transportation and traffic, utilities, water supply, growth inducement, will building the project induce economic growth that could cause significant environmental impacts in the community, and then cumulative impacts, the impacts of this project collective with other projects, both the projects that are looked at in the other EIRs throughout the state and then other local projects that could, in combination with developing the infill project, exacerbate impacts that would occur.

Some of the key impact conclusions, I'm not going to go into a lot of detail, but there were impacts to biological resources that can be reduced to a less-than-significant level with mitigation, but they relate to tree removal. There are some small creeks that would be affected by the project, so loss of riparian vegetation and habitat. Some oak trees would be removed. There's mitigation to replace those that would be removed.

As far as hydrology is concerned, some of the impacts would be reduced by putting best management practices in during construction. The current

wastewater treatment plant has been operating with a cease and desist order and CDCR already has been planning to improve that. So the plan improvement's already going to improve the water quality from the plant. That's a separate project.

Bob already talked about some of the utility issues with expanding with the spray fields.

Transportation had some unusual conditions. Obviously this lovely city here has some constraints with making certain traffic improvements, you have some historic resources, some narrow streets. The City's local policies allow for a lot higher capacity on roadways than Caltrans allows within the same plan, so there's a little bit of a conflict there. So we do have some significant impacts as defined by Caltrans' criteria that aren't significant impacts as defined by the City. So we've identified those.

Aside from contributing financially to some of the regional improvements, there's not a lot that can be done through the City of Ione. So there's significant and unavoidable impacts related to increased traffic through the City.

As Bob mentioned, there is a temporary construction access right here. So there's Castle Oaks Road. And there would be a temporary

construction access that would be removed after construction occurs, after construction, just going to access the project site through its existing entrance. So that would solve some traffic problems during construction. And this is just more detail about what the intersection would look like.

We looked at visual resources actually, and I'm going to show you in a moment a little bit more illustratively, you can't really see this project site just because of where it's located. You'll be able to see a little bit of the lighting from it but you won't really be able to see the buildings from any area that's publicly available.

Air quality, there's some significant and unavoidable impacts during construction because of dust generation and the inability to get below some thresholds of significance. It's not uncommon with construction projects that we have significant and unavoidable impacts and that would happen here.

This just shows the visual resource issues, this is Road 104. And this is a line of sight, this is what you would see here, some topographic obstructions, and then this is what the project would look like. So you would actually -- it would actually be obstructed from most viewpoints. And it would be

located -- this is from this location right here. So you wouldn't be able to see it. And we didn't just look at that location, we looked at a number of locations and pretty much had the same conclusion at each of those locations.

As far as process is concerned, the notice of preparation was circulated in December of last year. We held the scoping meeting in this building in January. The EIR was released for public review a little over a month ago, and the review period ends August 8th at which point we'll start preparing responses to comments on the EIR.

Now, comments you provide today are also part of the record. They're comments that we will respond to in the Environmental Impact Report.

And then we'll prepare a final EIR. Final EIR will examine your comments and any other comments we receive and provide responses to them and then that will be released in the fall of 2013 after which the EIR can be certified.

MR. SLEPPY: So a couple -- one small correction. Gary came in late and didn't know we were doing this, so we're going to change this -- when the comments are due to August 19th. We had some folks who wanted a little more time to review the document,

so that's going to be moved to a Monday a couple weeks out.

No. 2, we're going to translate the executive summary into Spanish as well as our notices. We have Lilian De Loza here someplace -- there she is -- who's very fluent in Spanish as well as English. So she's here to help with translation either tonight or in the future if you have issues with English in reading the EIR which is highly technical.

This is such an important meeting in that it is a chance for the public to get up and tell us what they think about the EIR, comments about accuracy, things like that and just your comments about the project in general.

We want to remind folks, this is not a total expansion of the state prison system, this is a replacement of a very ancient facility. It's something -- we think it's a type of system that inmates deserve to live in and officers need to work in.

This is a very important time. We hope you move through the issues. It's okay, we hope you stay to five or eight minutes or so. And the person that runs the meeting from here on out is our court recorder because she's going to try to get everything

you're saying one person at a time. And we hope you speak well to her. We don't have a microphone so you can maybe come up here or maybe stand where you are. But you're welcome to do that.

We're going to stick around for a repeat of this at 5 o'clock. We're going to have an additional public hearing down in Chula Vista at a time we haven't figured out yet, probably a week or so.

Thank you for all coming out. And we appreciate your patience and all that kind of stuff. So I invite you to come up and talk and say who you are and that you maybe signed in so we can get ahold of you later.

MR. JAKOBS: Can you guys turn the lights on?

MR. SLEPPY: It's not like high school, really, you're not going to be graded.

MR. RHODES: Name is Larry Rhodes. I would like to say that the traffic, you got an issue downtown. And it was kind of addressed when you had a population of 4,000 and it seemed like CDD wouldn't listen to the City, rotating their shift hours so the traffic ain't going to back up past Shakeley Lane at 3:30 when they would get off, it would be backed way up. And they could change their shifts so they all -- shifts don't get off at the same time. I think that's

one thing.

And I really think you ought to have a monitor -- if we're going to dump sewer on it, we ought to have a monitor on our -- your outflow out of your sewer so we know how much water you're using, not just the income, the outgoing of it. So if you doubled them rooms, like you say, in dorms, you can put five -- you show four people, you can put up to 15 in there, that's a lot more people. You would be dumping water in our sewer system, we'll be paying for that, you won't. I'd just like to say that. Thank you.

MR. SLEPPY: Thank you.

Lilian just corrected me. If you're not comfortable speaking before this crew and you speak Spanish, you can sit with the court recorder afterwards and get your words later.

But otherwise keep going. Sorry to interrupt.

MS. REYES: Hi. My name is Debbie Reyes and I'm with the California Prison Moratorium Project. I live in the Central Valley and I've been doing this work around the expansion of the prison industrial complex in our community.

Basically I just wanted to start off about

T3-1

how you started off in informing our communities. And basically that's -- that's what we do. So you introduced yourself and who you are and you said staff in the room. I used to live in Amador County, by the way. I worked with the forest service. So I'm real familiar with the environment here and some of the folks here.

So you didn't -- you didn't say right off the top, is there anybody in this room that needs interpretation in Spanish or translation. So I just want to cite you for that. And if I had a ticket, I would write you a ticket.

T3-1 cont'd

THE INTERPRETER: I stood up at the very beginning and just said it in Spanish.

MS. REYES: Oh. I didn't hear that then. I must have been outside, is that what you're saying? Okay.

Well, good.

And then another thing is that you didn't talk about -- oh, when you talked about the federal report and the feds handing us, you know, a subpoena -- or handing us -- help me out -- federal receivership and the court orders on -- to depopulate California prison, you didn't talk about the cost, who was going to be to California taxpayers to do that.

T3-2

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Also, there is a report that was put out on Friday that talked about how California is leading the nation in depopulizing (sic) its prisons. Almost by 80 percent overall national. I did an interview for NBC on that. So why, in fact, then, are we doing -- why are we still building prisons? Just because SB 1022 said it's okay that we got the go-ahead, why are we burdening our communities, their wastewater systems and their water systems? We're building more beds if we're depopulizing the prison population. Yes, they do have to go back to the counties, but then that's another issue that actually has nothing to do with this meeting now. T3-3

Secondly, you talked about the classification in lowering and building on current sites because of the base -- 1022. In that -- you've been successful in doing this in other areas in that you showed a picture of a cell and how it would not convert to this kind of a cell, which, in fact, that's a lie. In Chowchilla, California, Madera County, they converted a women's prison after California Department of Corrections made a promise that they would not convert the women's prison to a men's prison into a maximum prison down the road. What, decades later, three or four decades later they did. So please scrutinize T3-4

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that. They made promises in Madera County and they converted and removed the women out of that prison and they converted that into a men's prison. T3-4 cont'd

The district attorney in that county came out against the prison expansion -- or the prison conversion saying that bringing families --

MR. SLEPPY: Could you make sure that she gets your voice there.

MS. REYES: Okay.

-- bringing families into Madera County. And then some of the other problems that would happen inside that prison are what the counties incur, the costs incur. So if there's like a violent outbreak in the prison, the district attorney in that county has to incur that cost. You have to pay for your staff, you have to pay for your attorneys, you have to pay for your judge, everything happens at a local level. California Department of Corrections, they don't pay for any of that. T3-5

These are some of the hidden costs that you're going to be looking at.

In Norco, the medical mental health unit that you talked about was building -- was fully program- -- programmable -- had a full -- what was it, it's Norco -- I'm sorry. The medical facility --

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Okay. So there's a medical facility out in Coalinga, they're having a hard time staffing with nurses and doctors and workers out there because it's way out in the middle of nowhere, it's a hospital. They didn't have to build the Stockton facility. That hospital was practically vacant, they were having a hard time getting staff out there. In fact, it's still out there. We are on the hook for that, California taxpayers. I pay taxes, you pay taxes, whether you work for California Department of Corrections or you live right here and you're running a store downtown.

T3-5 cont'd

You talked about 11 more prisons, more than you have, cannot be expanded. There is no room. Again, I want to refer to the report that came out just this past Friday, a national report that says California are -- California is leading the nation in depopulizing its prison population. So why are we pouring millions upon millions into facilities to burden the communities, to burden the water, wastewater systems and families? We're talking about, what, almost 1600 beds? That's 1600 families that'll be coming here but also 1600 families that are getting separated, that includes kids. Some of them might end up in foster homes, maybe, maybe not.

T3-6

But I think that we need to look at what California -- the trend of locking people up in California, what that cost is later on down the line at a local level. How many people are getting food stamps? How many people are getting assistance? So we should be building families up and not tearing them down.

T3-7

The current population at that prison is 2800. I wanted to ask you, when you double the capacity of this prison, is that going to bring it up to 5,000 almost?

MR. SLEPPY: It would be 1585 plus 24-.

MS. REYES: Plus 24-, so it's going to be double the capacity.

MR. SLEPPY: About 4,000.

MS. REYES: So what is the total inmate population once it's finalized --

MR. SLEPPY: The new --

MS. REYES: -- once it's finalized and completed?

MR. SLEPPY: The new proposed facility here would have a maximum of 1584 inmate beds.

MS. REYES: Plus the 2800.

MR. SLEPPY: Well, it's been targeted to go down to 2400, so it wouldn't go back to where --

T3-8

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MS. REYES: You're going to minus 400 but you're going to up it 15-. So you're just playing with numbers there. Again, taxpayers' dollars. T3-8 cont'd

The wastewater reservoir Preston to Mule Creek. So did you mean that you own that, you own Preston reservoir or is --

MR. SLEPPY: Yes.

MS. REYES: -- is that --

MR. SLEPPY: Yes.

MS. REYES: -- a City-owned facility?

MR. SLEPPY: That's owned by the State of California.

MS. REYES: Because the way you came across is we have these reservoirs and we're going to just suck all the water out of it. Is it because you own that land and you own that reservoir? T3-9

MR. SLEPPY: We own two reservoirs on the ground that is used to store effluent, treated effluent. There's one up on top of the hill and one down the hill --

MS. REYES: And so where does that water come from, though?

MR. SLEPPY: It comes from the treatment of the inmate and staff, the sewage.

MS. REYES: And how much of that water is

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coming from the City of Ione and --

MR. SLEPPY: None.

MS. REYES: None?

MR. SLEPPY: We don't treat any City sewer. T3-9 cont'd

MS. REYES: No. I mean -- okay. Maybe I worded that wrong. That's wastewater.

Now let's get to hydrology. How much water is going -- being pulled out of the ground that belongs to the Amador County resident to be funneled into this prison? How many millions per foot? T3-10

MR. SLEPPY: We do not have groundwater wells here. We have an agreement with Amador County Water Agency, it supplies water from way up in the Sierra through a canal system. It's treated here in town.

UNIDENTIFIED SPEAKER: Excuse me. Could you speak up, please, I'm having trouble hearing.

MR. SLEPPY: We do not have wells for drinking water, we don't have wells for anything. In Mule Creek, there's really no groundwater that's part of the state. So when we get our water, it's an agreement -- existing agreement -- current agreement with the Amador Water Agency up in Jackson. They have a water system that brings water from way up in the Sierra down through the City's reservoirs to a treatment plant here in town, that's where our water

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comes from.

MS. REYES: So has anybody figured out how many millions per acre-foot would actually help a farmer out with his walnuts, cherries, wine grapes out here in this area?

MR. SLEPPY: That water is for domestic production only. Amador Water Agency doesn't provide irrigation water.

MS. REYES: Okay. But that's just a technicality that prevents that, right? Again, California taxpayers are on the hook to make sure that this facility happens. We're paying for that.

Now, you -- Amador County may say we've got SB 1022 and it's going to bring, you know, millions of dollars into our county, we're going to be able to expand our local jail. You know, right now we have, what, 76 people in jail, which is awesome in my book, right, because it would be best if you had none, but there are counties out there with thousands and thousands.

MR. SLEPPY: How much longer are you going to go on?

MS. REYES: I still have a couple. Like I said, I'm a taxpayer.

MR. SLEPPY: That's fine.

T3-11

T3-12

MS. REYES: I'm also a former resident of this county.

MR. SLEPPY: We've got other folks that would probably like to speak.

MS. REYES: I can actually come back later.

MR. SLEPPY: That's fine.

MS. REYES: I can do that. I just wanted to give you food for thought.

MR. SLEPPY: I do want to correct one thing. The conversion of the Chowchilla women's prison to a male is a Level II prison. It is not a high security prison. It required almost no physical changes to the facility to house Level II inmates.

So next.

MR. GONZALEZ: I would like to say a few words, if I may. Good afternoon, everyone. My name is Jesse Gonzalez, I'm from the -- I'm here as an advocate for Better and Healthier Communities.

And there were always unknowns and hidden costs. And sad to say that most of the time the State will only meet you a part of the way. Each and every one --

MR. JAKOBS: Could you please turn around so we can hear.

MR. GONZALEZ: Sorry.

T3-13

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MR. SLEPPY: Sideways kind of. She needs to hear you the most.

MS. REYES: Just make sure she hears you.

MR. GONZALEZ: Can you hear me now?

MS. REYES: I think maybe you guys should have put up a microphone.

MR. SLEPPY: We don't have one.

UNIDENTIFIED SPEAKER: It's Ione.

MR. GONZALEZ: I can amplify.

Each and every one of you who reside in this beautiful community of Ione sooner or later is going to have to put extra money for something, okay. There are a lot of unknowns in the plan, Environmental Impact Report.

Are the values of the properties increasing, are they going to decrease when people find out that there's a prison here? Unknown.

The use of the public streets in your fair city, who's responsible for replacing the wear and tear of these heavy trucks and this equipment that's coming in? How are you going to get compensated?

Will that disrupt revenue for your businesses? Unknown. Will the State compensate you for loss of revenue? Is there a projection plan for that? Unknown.

T3-13 cont'd

T3-14

T3-15

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Would a city do better saying, look at the brand new high school we have built with taxpayers' money than saying, hey, check out the 4- or 5,000-bed prison we just built? That's something that we have to live with and it's not going to go away now.

Now, if there's a history of making prisons bigger, you close this one down but you make this one bigger, is that what's going to happen to Ione ten years from now? Is this the legacy that you're leaving to your children? Would you want to leave that legacy? We never built you a high school, grand kids, but we got you a hell of a prison. Oh, by the way, they're building another one here in another ten years. Things to consider.

Reservoir belongs to the State, fine. From what I gather, a certain amount of that water is recycled. Has there studies been done of percolation? Are they uphill? Does water run downhill? Does that mean that the wells or the drinking supply in Ione is going to be affected somewhere down the road? No one knows, unknown.

In Kettleman City, California, there's an issue there with clean water. The toxic dump's the biggest one in the West Coast, it's built four miles away, fine distance, but it's built uphill. They are

T3-16

T3-17

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finding traces of elements from the water in the wells. State of California has built a new well system there, can't use it, water is too contaminated. And there is no filtration system known that will take those particles out. Has an impact like that been done here? Unknown.

T3-17 cont'd

Ladies and gentlemen, I don't live in this community, you do. We are not in the same boat, but as a taxpayer, we're all in the same damn boat. Protect your community. Find out what these unknowns are so you can make a better determination so that your children and grandchildren won't have to say, what the hell did you leave us?

Business has gone broke, it's been in the family for hundreds of years but now we have to close it. Now we have to forgo if we're building roads that were destroyed. And guess what, now everybody has to buy bottled water because our water is no good.

And as far as education goes, that's the education you've left me. That's what you'll -- that's what you okayed, that's what you approved. That's the legacy that you -- that you left me.

Healthy community not bigger prisons. A pound of cure -- or is it a pound of prevention -- or an ounce of prevention is worth a pound of cure. Same

T3-18

thing. Right now what we need is not bigger prison, we need preventive, preventive measures so that doesn't have to happen.

The prison system is a monster that has gone out of control. As taxpayers, I would ask you, I would implore you, I would beg you, bring it back under control. This is not to say that prisons aren't going to be needed or not -- or never going to be needed again. The thing is, let's control them.

The mentality of bigger, bigger and bigger is not the answer, I can assure you. Don't let this become another prison town. It's too beautiful. The stakes are too high and the prices that you will probably be paying, they're unknown. There are too many unknowns and the stakes are too high. Don't let this happen to Ione. Thank you.

T3-18 cont'd

MR. SLEPPY: Thank you.

MR. NEVIN: Hi. Good afternoon. Jim Nevin from Ione. First of all, I would like to thank you for your presentation. I plan to be back at 5 o'clock to ask questions.

T3-19

MR. SLEPPY: Okay.

MR. NEVIN: My one comment at this point, are the people in the audience that have spent the entire time during public testimony looking at pictures on

their cell phones. I find that to be the apex of disrespect to the people who have taken the time to come here today and make comments. The wonderful thing about a democracy is everybody's viewpoint gets heard. And I think it's a shame that we have City leaders that do not spend the time listening to the viewpoints but rather skimming through pictures on their phones. Thank you. T3-19 cont'd

MR. SLEPPY: Thank you. Next.

MS. SILVA: I'm Virginia Silva, 5 Mile Drive, Ione.

We live on 5 Mile Drive, but Mule Creek prison is above us and the Mule Creek water supply comes -- we're lower, unfortunately.

For years -- we've been here for 41 years already. And when they put that prison in there, they put it in -- they put it in -- in the original contract, they -- it said -- they started with 1200 prisoners and by -- it was a secondary pond, and by the time they got to 1700 prisoners, they were to have a tertiary treatment plant built. That was in 1986. There is still no tertiary treatment plant and there's been over 4,000 prisoners plus the staff and everything that goes with it. T3-20

And we have tested our water supply in Mule T3-21

Creek as years have gone by. We found fecal IgA in the creek and they said, oh, it's your cattle, it's the deer, the skunks or raccoons. No. But we didn't sue the State so, therefore, nothing happened and they didn't clean it up and it's continued all through these years.

And just lately, we went ahead and we did another test. And we tested for caffeine in -- which we're about a mile -- Mule Creek comes down and we're about a mile further down from the prison as the crow flies. So we tested on our property for caffeine. Guess what? Our cows don't drink coffee, the skunks and the raccoons and the deer, they don't drink coffee, but caffeine is in the creek. So yes. T3-21 cont'd

And the prison, they're not good neighbors. In the first place, what they should do is go back and clean up their mistakes from the first prison before they even talk about coming here for a second one. Their pollution footprints are bigger and not smaller, but they're bigger than they have been.

Let's -- and then I just happen to find out that, gee whiz, one of their facility -- one of their facilities there is a coffee -- coffee roasting facility. Imagine that. Along with other ones.

Oh, there are a number of other issues. This

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is the critical one. Where they're dumping their -- they built that tertiary -- that secondary pond and put all those -- and expanded and never put the tertiary treatment plant, that's -- that's criminal. That's the -- it's not the only one, there's a lot more, but that's -- that's the critical one. 20- -- how many, 1986 and all this time, I can go on. I'll go on more at the 5 o'clock meeting. Thank you.

T3-21 cont'd

MR. SLEPPY: Thank you very much.

MR. WHITE: Hi. My name is Roger White, I'm with Californians United for Responsible Budget and Critical Resist.

There's lots of reasons to be against this infill project. One of the main ones is that in CDCR's blueprint that came out last year, CDCR projected that the number of Level II inmates as a result of realignment would actually go down by seven percent.

T3-22

Now, that's one of the main rationales for why we need these infill bed projects. And the idea that we need to build 1600 new beds in Mule Creek even though the population of Level II prisoners are actually going to be decreasing over the next four years, it seems to be a little odd. But what I really wanted to touch base about a little bit is around the

T3-23

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issue of water treatment.

I'm certainly not an environmental expert so I'm going to look at my notes. But according to the Regional Water Quality Control Board in the Central Valley, they issued a report and -- around Mule Creek, and it stated, quote, That the prison did not have sufficient treatment, storage and disposal capacity for its wastewater because of increased inmate population and directed the prison to reduce wastewater inflow.

T3-23 cont'd

So they're basically saying that the current infrastructure for wastewater treatment with Mule Creek is inadequate. And so what's their response? Is the response to actually tax the wastewater treatment apparatus and infrastructure of Amador County even more by adding 1600 beds? I think that that doesn't make any sense.

Furthermore, the City of Ione itself has a long history of violations when it comes to wastewater treatment, mainly because of this huge prison infrastructure that's been built over the last 20 to 30 years.

T3-24

There was a report done by the California Regional Water Control Board, the same board I referred to earlier. And they actually issued a water

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code order requiring the submittal of technical reports, a 2003 cease and desist order, a 2012 cease and desist order, and they were based upon things like unsafe levels of magnesium and iron in the groundwater. There were violations of the Clean Water Act because apparently water that wasn't treated sufficiently was seeping into creek waters like Sutter Creek.

And then there was another violation around using local ponds to starch wastewater without reporting it. So Ione has -- for over ten years now have had -- has had recurring -- according to this report, recurring violations of various environmental standards and regulations.

And, again, to suggest that somehow we're going to build 1600 more beds and not tax the system so much that we turn what's a problem in Amador County into a crisis seems to me not thinking realistically. I mean, we all know that in the Central Valley water is one of the main controversies and crises that the region has been going through for sometime now, and it seems to me to be completely foolhardy to begin a huge project that apparently does not need to be built in the first place.

Now -- what's your name?

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T3-24 cont'd

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MS. SILVA: Virginia Silva.

MR. WHITE: Virginia.

Virginia talked a little bit about education and Jesse did as well. And, you know, there's some stats that really are mind blowing around here. And the context is that what could we do with $810 million that's going towards these infill beds?

In Amador County, I think 30 percent of recent high school graduates completed college preparatory courses in the county compared to 35 statewide. 16 percent of recent high school graduates entered the CSU or UC compared to 18 percent statewide. And I think that the most damning statistic is that there are no colleges or universities in Amador County. And instead of investing in things that keep people out of prison, you want to spend millions -- hundreds of millions of dollars putting people into prison. I think it's an outrage. And I definitely hope that CDCR will rethink the infill project.

MR. JAKOBS: Mr. White, before you finish, I just want to -- if you can help me with one thing. You read from the Regional Water Quality Control Board report citing some problems. Is there a year of that report that you have handy?

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MR. WHITE: December 2012.
MR. JAKOBS: That's the entirety of all of that, not for the City of Ione but for the prison problem that you cited?
MR. WHITE: It's the City of Ione Wastewater Compliance Report initial study, it was done by the Robinson --
MR. JAKOBS: Thank you.
MR. WHITE: Roberts...
MR. JAKOBS: That's what I needed to know, is where your information came from.
MR. SLEPPY: Thank you. Next.
Okay. We're going to stick around for a while unless you want to speak some more.
MS. REYES: Yeah, I do. Oh, okay. Go ahead and go.
MS. SILVA: One thing when you do this, your EIR, I think instead of using like the number of cells or dormitories, I would like to see you use the number of inmates because that refers to the number of staff, the amount of water, the amount of sewer, the amount of traffic. But when you say "cells" like you did in the first time, then you went four times that plus, and so that was not -- it was very inaccurate and deceiving. You see what I'm saying?

T3-27

MR. SLEPPY: We're seeking to -- proposing to build a facility that has a capacity including a bed count, 1584.
MS. SILVA: Okay. So you can't double the bed count number?

T3-28

MR. SLEPPY: That's how many inmates you have there. So we're not higher than that.
MR. RHODES: May I say something again?
MR. SLEPPY: Sure.
MR. RHODES: Larry Rhodes. I forgot that I talked to Rocky Acosta. And he has a well out there about in 2003 when you had dry cleaning out there. And you didn't have nothing entered on this EIR about them polluting his well. And you ran power -- water out there to him and you don't have anything in there about that. And he has all the papers, and I'm sure Mrs. Silva has them. That was never brought up, which I think should have been brought up.

T3-29

And I'll still bring up the landfill. Almost -- almost a third more garbage went out to the landfill, and that wasn't in your EIR from the prison.

T3-30

MR. SLEPPY: Thank you.
MR. RHODES: Thank you.
MS. REYES: I wanted to --
MR. SLEPPY: Wait. Wait. Wait.

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MR. TOMALIN: Darryl Tomalin representing the Q Ranch which is a neighbor to the west. I had written a letter previous to the EIR coming out on some issues that we would like to see addressed. We have over a mile of common boundary with the existing facility. And over the several years, even though we weren't able to comment on the construction of the existing facility, they haven't been real bad neighbors. We've had some issues with a few things and they were properly taken care of. T3-31

However, I would like to reiterate some of the concerns that we have and we feel need to be addressed further in the EIR.

You mentioned several times and also in the EIR that the additional effluent from sewage disposal would be sent to the City pending an agreement with the City because of the additional increase in numbers of inmates plus the loss of 103 acres of land for disposal area. It sounds like, based on your comments today, that that agreement was not in place yet. T3-32

MR. SLEPPY: Correct.

MR. TOMALIN: Are you fairly confident that it will be in place? T3-33

MR. SLEPPY: I have absolutely no -- no opinion about that. We have to do the work, we have

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to sit down and talk to the City and the community about that.

MR. TOMALIN: What if it's not in place by 2014? T3-34

MR. SLEPPY: If we cannot reach agreement with the City, we would probably seek spray fields that we would develop and operate on our own and not go through the City's plan. We have a willing owner right now that would like to have effluent for agriculture production, so that would probably be what we'd have to do.

MR. JAKOBS: Yeah. I also would like to reiterate that the Regional Board has to -- they can't operate the plant without the Regional Board authorizing the operations. So there has to be a solution or it would not -- the project wouldn't be able to go forward.

MR. TOMALIN: Well, our concern would be that if you can't make an agreement with the City, where that effluent is going to go? Are you going to double the amount you're going to spray on your existing fields? Are you going to expand the existing fields adjacent to our properties? Those are the issues we'd like to -- T3-35

MR. SLEPPY: We showed a slide show and in

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the EIR there's a parcel described as about 100 plus acres over west of the current sewer plant. That's where we're proposing to take it. So it's quite a ways from your property. And it would be only -- towards permitting groundwater line and things like that. We need to address the loss of the spray fields once we start operation of the prison so we have to figure it out.

MR. TOMALIN: And I would hope that we would be kept in the loop as far as any agreements made with the City or with the State Regional Board or any of that. T3-36

Another issue we brought up, I'm not sure if it's part of this project or not, but on the site plan, it showed some solar panel installations next to our property. I didn't see any mention of this in the EIR. If it's not part of the project, do these need a separate review and we would be given a chance to respond to their location and their visual impacts? T3-37

MR. SLEPPY: Let me just answer that.

Yes. We have not addressed that in this environmental document. We don't have enough information about it. We'll do another test of that project, and if it came forward, it would be the normal review.

MR. TOMALIN: Thank you.

Light and glare, probably one of our major issues. I know the facility is based over the hill so we haven't see the facility itself. However, your Exhibit 3.13-8 shows definite glare from the proposed site. Just because there's existing light pollution from the current facility, we were never asked to comment on that and had no say of how it -- how it came out. However, we would ask that you mitigate, either lower or shield, your lighting as to the way it directs towards the Q Ranch properties. T3-38

And another issue is land use and related projects. Table 4.1 lists probable projects in the vicinity. The Q Ranch is in the City's share effluent and then City's -- Ione's general plan and is proposed for 850 units of development. This is in the City's general plan. The general plan is referred to several times in the EIR. However, this particular thing was not addressed and seemed to be omitted from your Section 4.1. T3-39

Section 4.4.14 states, There are no related projects close enough that a cumulative effect would occur on the viewshed. We think that this needs to be addressed and reviewed. T3-40

The slide show that was presented here talks T3-41

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about improvements to a lot of roads east of Ione. However, it didn't mention anything about Michigan Bar Road. And if anybody travels that road at shift change between the prison, especially at night, that's a steady stream of lights going up and down Michigan Bar Road. I don't know what your deal is with the City or Caltrans, but I think that definitely is an issue. T3-41 cont'd

And I would like to comment the State on its negotiating of impact fees. You're paying $800 per unit. 1.6 million. I happen to be familiar with real estate development, I've done projects myself. And if somebody were to pull a permit here in the City of Ione for a single family residence, average of 2.5 people, they're probably going to be paying in the 30- to $50,000 range per house. T3-42

MR. SLEPPY: Thank you.

MR. TOMALIN: Thank you. I have these in writing, if you could -- would you like a copy? T3-43

MR. SLEPPY: Yeah.

MS. REYES: That actually -- that comment I was going to refer to.

MR. SLEPPY: You referred to it. Now it's in writing --

MS. REYES: I mean, you're going to give them

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$800 for a one-time shot fee times --

MR. SLEPPY: You want to get up and talk for a few moments?

MS. REYES: -- whatever the size isn't --

MR. SLEPPY: So you want two more minutes here to finish?

MS. REYES: Sure. Yeah, I'll take two more minutes.

MR. SLEPPY: Keep going.

MS. REYES: I have a list, I told you.

Debbie Reyes, California Prison Moratorium Project, California taxpayer.

So Stockton, you talked about Stockton and how great and how huge it is. It's like one of the biggest prison hospitals in the state. They built that thing without actually looking at the other hospitals that are literally empty in the state like Coalinga. T3-44

Again, taxpayers, you're on the hook for this. Whether you live in Ione or you live in Jackson or you live -- or you sit on the City Council, you're on the hook for that. And that's -- that's a real shame when we're in a -- when we're looking at depopulizing the prison population in California through various ways, whether it's through the federal

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receivership or, you know, emptying out a prison because of Valley fever or, you know -- it's going to happen, reform is coming.

Every county in California voted to reform three strikes. That was just last year, people. Every county, some of the most conservative counties. People in the State of California want reform and they want change.

T3-44 cont'd

The cumulative impacts include -- by the way, I worked with the San Joaquin Valley Cumulative Impact Project. It was also authored by Dr. Manuel Pastor out of UCLA, Jonathan Davis out of -- out of UC Davis. And we put together a report, we called it Cumulative Impact Vulnerabilities, right. We called it -- anyway, so part of cumulative impacts included social vulnerability.

So when you talk about cumulative impact, you know, what it does to the land and what it's going to do, you can't say that there are no social vulnerabilities that are included in an EIR when the very definition of a cumulative impact is -- includes social vulnerabilities such as this lady's living downstream from a prison and this gentleman that just stated his issues. Those are social vulnerables. Those are included under the EIR CEQA under cumulative

T3-45

impacts.

So you don't ever say that again to a community about how the -- you know, we don't look at the social landscape or the social vulnerabilities in CEQA, that, in fact, is not true.

You can call Dr. Jonathan London out of UC Davis if you don't believe me or Dr. Pastor at USC -- USC, not UCLA.

T3-45 cont'd

I'm sorry. So I think that that was a significant lie, I would like to say, because California Department of Corrections, they have a habit of coming into our communities, I've been to a lot of these meetings and you guys leave out a lot. You know, you gloss over a lot.

And these communities, you put out these reports that -- with rocket science language in it and, you know, somebody that just has a little ranch down the road and is maybe raising goats and a couple things of grapes, wine grapes, they're not looking -- they're looking at the EIR report and they're going, holy hell, what the hell? What is this? What are they going to do to my community? You know, you need to, like, put this in simplistic terms, layman's terms, community terms. I've done a lot of research and I've had to educate myself and my community about

T3-46

what this process is about.

MR. SLEPPY: Okay. Is that about it?

MS. REYES: As far as the economic impact --

MR. SLEPPY: Is that about it?

MS. REYES: One more thing, economic impact.

In Mendota, California, the federal government came in and said, we're going to build a federal prison in your town. The City Council all went to Washington D.C., they heard about it and said, please build it in my town, please build it in my town. Last year -- two years ago they opened it. Last year one of the stores in that town, Mendota, California, 35 miles southwest of Fresno, they closed the store. The only general store that that town has ever known, 100 years old, he's closed down. They have no store there. Now they have to drive to, they have to drive to Fresno to do their shopping.

The one -- it was the Silva family, by the way. Their last names were Silva.

The only thing that's new in that town is the road from I-5 or 99 to and from the prison, that's it --

MR. SLEPPY: Okay.

MS. REYES: -- and a 24-hour light show that the prison gives off for the community.

T3-46 cont'd

T3-47

MR. SLEPPY: Okay, thanks. We're going to take a break and come back again at about 5:30.

(Recess taken from 4:46 p.m. to 5:28 p.m.)

MR. SLEPPY: So we're going to get started with our second hour of the public hearing.

Okay. I'm Bob Sleppy, I'm with the Department of Corrections and Rehabilitation. We wanted to give you a little presentation about the proposed 1584-bed project up at Mule Creek that we'll be working on. A lot of you know a little bit about it, we're trying to sort of cover all the salient points.

This is an important public hearing because it is your chance to really participate in the process -- I'm going to introduce her in just one moment -- get comments from you to our agency.

I want to introduce Lilian De Loza who's going to be the interpreter for us tonight. If anyone has a Spanish to English, English to Spanish issue, she can do it. She'll be here in the room. If you want to sit with her or something like that, or if you have a question you want to present to us in Spanish, she'll do the translation.

(The Spanish interpreter gave instruction in Spanish.)

MR. SLEPPY: So we're going to go through the slide show. I'm going to give a little introduction about what the project is and some issues that we've been dealing with. Gary Jakobs from Ascent Environmental who's been in charge of preparing the Environmental Impact Report for our consultant is going to tell you a little bit about the environmental effect of the project.

Let me see if I can do this so my bald spot doesn't show up on the video.

Why are we here? This is a very important meeting. This is part of the State's environmental review process. As a public agency that's proposing to build something physical, we have an obligation to go through the process that documents the significant adverse effects on the environment of that proposed project. And then Gary is going to talk about how we have an obligation to mitigate and things like that.

So we're going to talk about -- we're the Department of Corrections and Rehabilitation, the lead agency, we're the folks proposing it, proposed, that would potentially approve the project.

We want to talk about how the heck we got here, about our prison overpopulation and our into the future, where we're going with our state prison

system. Gary's going to do the last two parts there.

State prison system has gone through a difficult period for the last 20 years that I've been working on prisons. We got to a point of having way more inmates than we had really appropriate space for them to reside in a prison. That happened in all our security levels, highest security level down to a lower security level. We have a lot of folks that got convicted of felony offenses, and when they get convicted and the state law says send them to state prison, we have little choice but to bring them into our prison system.

We changed because the legislature changed some of the sentencing laws about a year and a half ago. So our population has dropped down to about 110,000 inmates now, so we dropped down quite a bit. But according to one of our many court orders, which is overcrowding, we still have a ways to go.

We operate under a number of legal oversight especially at the federal level. We have a court order about providing medical care to inmates, and we've been doing a lot to address that both in physical improvements and staffing, things like that. We'll be finishing a new hospital down in San Joaquin County. We have one for mental health treatment so we

have to provide the staff and the space for those inmates that have that issue. We have to provide dental care that we currently don't have the facilities for. So we're trying to deal with a lot of things when it comes to court orders and stuff like that.

About a year and a half ago, we did a blueprint which was sort of a vision of where we've been and where we're going. It's produced by the Department and Governor's office and Department of Finance. Pretty well regarded document, it's on our website. Go to our -- the Internet site, you'll find this entire document, it's pretty long but it's pretty interesting.

It is a number of things. It talks about our inmate population, it starts to set an operational number for each prison so that we don't -- we no longer keep on going up to the stars with our population but set and stay within a certain range of operation.

One thing it does in particular, it talks about our classification system, how we define where an inmate is going to be housed relative to their behavior, their crimes and things like that. We have four levels of classification in the state, the lowest

being your guy that works on the fire crews and things like that, they're minimum and don't have to be up inside a physical prison. But then we have three other levels, Level IV, III and II that have to be in a secure environment behind a fence. And the only difference is how we house them.

This plan suggests that we should bring more inmates into the Level II to where they're a little more cost effective in terms of housing them, they're a little more free to go to programming and get medical care than a higher security prison. So we have a need for Level II. And that's been demonstrated just in the last year or so, the Department has converted Folsom State Prison, also Level II, it used to be a higher security prison. And we converted one of our women's prisons down in the Valley to Level II male inmates from female.

When we got done figuring out that we needed more Level II beds, the legislature, governor worked on a bill together, Senate Bill 1022, which passed along with the Budget Act last year. And that said a couple three things. It said, No. 1, we believe there's a need to build up to 2376 more Level II beds. Department of Corrections, you told us you would like to use a prototypical housing unit that's already --

you've already got so you don't have to go out and design a new one, a little more cost effective. It's one we have down in Coalinga -- excuse me, I'll think of the town in a second here.

MR. JAKOBS: Corcoran.

MR. SLEPPY: Corcoran, that's it. Corcoran, CDC. And we have to build it to a certain set price that's authorized in the Budget Act. And in particular, we're not to build a brand new prison. We're to build either a 792-bed facility, we can put two of them together and get a 1584-bed facility, but we can't put all 2300 together in one place because we're trying to simply provide a second neighborhood at the prison that doesn't require a whole new warden and infrastructure of the whole personnel -- infrastructure to run a prison. We're trying to just bring along the minimum staff to run that new facility and use available land.

This Bill did one last interesting thing when it got down -- it's a really long bill. The very last thing it said was, you know, you've got this prison down in Norco, down in Riverside County, California Rehabilitation Center, it's very old, it's very expensive to operate, it's not worth trying to renovate up to our current court-ordered standards.

It's an old military base and an historic hotel. It's hard to explain how we got there, but that's what CRC is.

So they said, why don't you -- when you get done with these Level II -- new Level II beds, you must close this prison, you must close this prison. It's about the same number of beds as we're proposing to build, just a few more. But in particular, it just doesn't have the ability to meet the programmatic needs of all these court orders and the way that we treat incarcerated folks.

The legislature helpfully told us where we can consider building this, that's how we got to Mule Creek, that's how we got to RJ Donovan down in San Diego. They said, you need to look at your intermediate care facilities, which is a rating of how we look at our medical services to our inmates, that's kind of an outpatient type of setting, like if you went down to a Kaiser clinic. It's not acute care, it's not hospitalization, it's just kind of group care all the way around. And we have 11 of those prisons in the state.

These are the only ones that at a glance had room to potentially add something. The others are just pretty small. So we had these seven sites, but

it turns out between the seven, two of them only had room for one addition. So Vacaville and Solano -- Solano and Vacaville as well as the medical facility only have room for one small facility. Up at Folsom State Prison, which has got Sacramento prison right next to it, we only have room for one facility. So we've got five sites, that's the world of what we have to look at.

We decided that we're proposing to build at Mule Creek with a 1500-bed facility and at RJ Donovan, which is right down on the border highlands overlooking Tijuana, a 792-bed facility. So that's our proposal going forward.

These are where all the other intermediate level care prisons are, they're out in the desert, they're up in -- San Quentin is one of them. We have them all over the place, but these other ones don't have the room to build. Now, we're trying to use state land and not take land off of tax rolls.

Mule Creek's been around since '87. It's actually a pretty large parcel as parcels go. It's got basically Level III and Level IV inmates, so it's sort of a medium-to-high security prison already plus it's got Level I, which all prisons have. It got up to almost 4,000 inmates in our days of overcrowding.

It's down to about 2800 inmates most recently, and it's targeted in our blueprint at 2400 inmates.

These are now -- these last two numbers are respective of what's going on in the court system. They think we should operate at no more than about 140 to 150 percent of capacity.

What's Mule Creek got? Well, it's a little city. It's a little city in the City of Ione. It has its own sewer plant, own fire station, a range, which we always have to have. We have, interestingly, other state facilities at this prison unlike almost any other prison. We have the Cal Fire Fire Academy, their training facility and their practice area which they use a lot of our open ground for fires and driving around. And we have the former Youth Authority facility at Preston which closed because our youth population has just plummeted as they've gone back to the Counties.

We cannot -- this is a little sidebar -- use something like Preston for male adult inmates. Male adult inmates are handled in a different way by our officers and are put in a different type of facility and space than Youth Authority. Youth Authority sort of marches the juveniles from one place to the other. We have little ability to move around the facility so

it's very hard to reuse a Youth Authority for adults. We hardly ever do it unless it's an emergency.

The future of Preston is probably being surplused for sale back to the community for some future use. We don't know what that is, we don't know when that's going to happen, but that's probably what's going to happen with it.

Of course, what's Mule Creek look like? We have all this property. Down here is Preston, here's the castle, here's the fire academy. Fire academy, it goes all the way out and around here. We have our lower Preston reservoir which is now used for effluent that is treated up at our sewer plant and from -- the Sutter Creek folks come down and use that as a holding basin for it eventually going down to the City's tertiary plant.

We have our main storage reservoir for treated effluent. We have all these spray fields. That, historically, is how we got rid of our treated secondary effluent. We are going to plunk down right in sort of the middle of them with this particular project. This is where the existing prison is. This is where the new prison is proposed to go.

Want to make sure, you know, Corrections has been given a nomenclature, make sure we're on the same

page about nomenclature and about when it turns into a physical space and we house -- house inmates.

We have these four standard classifications. So what -- an inmate gets scored as they come in, it looks at their crime, it looks at the inmate's past behavior and they're constantly scored as they go along. If they lose points, they can move on down to a lower security which allows them to be a little more free -- freedom of movement and not housed so tightly and have more opportunities for education and things like that.

It's a very structured system which holds it very closely. But we have realized that it's probably a little too severe and so we're heading towards actually more inmates ending up at this security level than the higher security level. An inmate has to prove they get to move down. It's not just showing up, you have to not act out, you have to not beat up officers and things like that. So it's a very stringent system, but it allows us to keep people in certain types of physical settings.

Of course Mule Creek is almost exclusively Level III and Level IV. A big difference, the single big difference really between a Level III and Level IV and a Level II is we have the IIIs and IVs in a cell,

tiny little cell -- not too tiny but not real roomy. So if you went into Mule Creek right now, if our captain here got you in the door or one of our other staff here, you would see -- this is exactly what you would see in the housing units at Mule Creek.

There's two tiers of cells, they're overseen by a control room that has a view of all the cell doors. There's the ability to do all kinds of things in this space. But at night, you've only got more than -- no more than two inmates to a cell. You've got a little bit more isolation, little more control of folks.

When you move -- when you manage to get to a lower score and classify yourself as a Level II, you're in a dormitory. So multiple inmates. In this case you've got eight -- eight in there or something, but -- so -- but what's important for this community because they're very concerned about what happened in earlier days of Mule Creek, we can't turn this into this. These are such different buildings. We can't suddenly make it a celled housing unit. It would cost millions and millions to start over. We just wouldn't do that. And we can't put a bunch of Level IIIs in here, they just don't get along that well. So this is what we're proposing to build and this is why it's

different.

One thing -- and well, there's the basic sort of qualities about it. The project would add about 375 new jobs. These new operational numbers, that is the most inmates we expect to put in that facility, not 3,000.

Everything else is like the main prison, same type of lighting, towers, 24 hours a day, visitation on weekends.

This is what the proposed project would look like. We've taken two of these 792-bed units and put them together in a little -- a pair of yards. We have a big perimeter around it. This is way up the hill, about three-quarters of a mile up from State Route 104.

We have to improve an internal road to get to here because there's not a real good road that gets to here. We would continue, when we're done with construction, using the main gate at Mule Creek. We only have one gate at a prison, we don't have multiple gates at a state prison. Just our policy and our practice.

This does take up part of our spray field so we do need to address what happens to the effluent that used to be sprayed out here in this area.

One thing that isn't -- one thing that is not different is our basic security standards for a Level II, a Level III or a Level IV. Standing up outside at the fence, they're all the same. You have two tall cyclone fences, one on the outside and one on the inside, and in between them is a lethal electrified fence. It is a strong discouragement from climbing over one and trying to get over the other. This is a real thing. This has been very effective statewide in reducing escape attempts as well as actual escapes.

This is important because it saves us tax dollars. In operating the facility, we don't have to have folks up at the towers unless the fence goes down. And it's been a very strong disincentive to try to escape a state prison. So this is the same kind of perimeter we have even though it's a lower security prison.

Gary is going to talk in more detail about some of the environmental effects. I'm just going to talk about a couple things to do with overall.

During construction, it's about 100 acres that are sort of taken out of the spray field. When we're done, it's about 60 acres when we get the whole thing done and finished.

We have -- we really have looked at this very hard, how to get up there during construction. We're proposing to put a temporary access off of Castle Oaks Drive, which Gary is going to show. It's only temporary, we're going to take it all back out again when we're done. We have no interest in a second -- interest in a second entrance.

We've had a lot of questions and comments about traffic management plan. And the Amador Transportation Agency and some of the supervisors and City Council members said, you know, stay the heck -- use your state highways, there's state highways, and try not to use these little substandard, in some cases not clearly marked for truckers. So we're going to try very hard to get everybody to bring in supplies and labor on these roads and stay the heck off of this one and especially these two.

We're trying to manage our construction traffic. For a while, there will be a lot of it and then it'll kind of diminish off. We're proposing to actually use manual flagging at Castle Oaks instead of a stoplight because it's so up and down in terms of traffic volume. We'll have to see how that works. We could put a stoplight if it came to it. And then of course we're accountable for, you know, breaking the

roads up.

We need to address short term and long term that we would actually like to take our -- our 100 acres of lost spray fields and move them on to a property west of town. We would like to stop using the prison grounds for effluent disposal. So we are in this EIR addressing both the 100 acres that we're pretty much going to lose, where it's going to go, which is over on Green Rock Ranch (phonetic) way over west of town. We would like to investigate taking all the spray fields off the prison. It's about another 100 acres we need to find.

And in particular, this works best if we do it with the City of Ione because we have a pipeline that already comes down to the sewer plant. So that is the way we get our treated effluent down there and then take it out to our spray field.

We think there's a shared interest in the infrastructure that would improve the spray field operation so we're going to be looking forward to working with the City. If they do not want to engage us in that, then we have to go by ourselves over to the spray field directly.

This is the parcel it's talking about. It's kind of hard to see from the highway. A little county

road, it goes down here, you can kind of barely see it down here. It's a current ag field, already levelled out and stuff, really a very good place for our affluent. It can be used to raise alfalfa or more productive crops than the weeds we pretty much use -- raise right now.

The City's sewer plant is right here. So we have a pipe that comes down and gets into the -- that system.

Financial, financial is always an interest in any project, either private development or a state development. Right off the bat, we're going to have some incremental increase in cumulative traffic up there at Jackson Highway and 104. So we're going to pay a fair share relative to our portion of traffic into that to the county. We're going to pay into the regional traffic fee, it's based on trips and type of land use.

We just found out at lunchtime there's an Ione regional fee so we're going to include that one. And then of course we are looking at working with the City on our effluent disposal.

Every State project, every new bed we build in a prison -- every permanent new bed we build in a prison, the legislature allows us to fund a total of

800 bucks back to the community based on the Penal Code. And that Penal Code says you will give half of it to the superintendent of schools for capital improvements and half of it goes to the community to work out how they're going to spend it. It's supposed to be for capital improvement like new streets and parks and things like that. But that comes to you at the point of the start of construction.

We are using a process called design-build which means we negotiate with contractors that would eventually be selected to build this project. And because of that, it allows us -- at least our experience down in San Joaquin County, we have been able to hire more folks locally. This is not a promise but this is something we're trying to see if we can make it happen like we did down in Stockton.

We had a very large success in contractor outreach down there on that project. Every county is a little different, doesn't have the full complement of construction jobs and construction industries, but there's people living here and there's some things. So we're looking forward to getting these teams to make a commitment to the locals.

We've invited the City of Ione and Amador County to participate in our selection process and

evaluation of the contractors. And then as we get into the project, we actually have a monthly reporting system.

Here's more economic information.

Operational budget, once it's done, would add about 37 million to the current Mule Creek, that's salaries and things like that. The construction budget only, so just the concrete and steel and things like that, is about 370 million.

We appreciate -- we anticipate trying to approve this towards the end of this calendar year, with start of construction in the first quarter of the next year.

Had a lot of questions about some old things and some new things. One of the old things was that way back in the mid '90s we built some new emergency beds at Mule Creek State Prison, so we added new beds, and apparently no one wrote a check for the 800 bucks. So folks got together at the time, Mr. Wilson, and agreed to make up for that. And the community did get $62,000 at that time for the new beds that were built at Mule Creek State Prison.

We have dropped one of our five alternatives that we first presented to you when we came up here a while back. And that's because we had a fifth site at

California Institution for Men down in Chino. We have a huge parcel, 2,000 acres there, a very old prison, but it's a good place. But we could not meet our own internal standard of equal treatment because we just didn't have enough engineering information about water and sewer. It's very hard adding an acre-foot of water to that system because it comes out in aquifers and needs a lot of treatment. So we have dropped this for now. This is still a great place to build anything we need in the future if we ever get authorized for that.

And then a lot of folks have asked about, boy, those folks down in San Joaquin County apparently, you know, got a lot out of that -- our big project we did down there. We just -- we're proud of this because it got done unlike the Bay Bridge, bless our fiends at Caltrans' hearts.

This is our first new medical prison in the state's history since the completion of the medical facility in Vacaville way back in the '50s, someplace down there. This is very responsive to the court orders for medical treatment of inmates and mental health and dental. So this facility was designed and built to really address those inmates that need that higher level of care through their sentencing.

So this is a brand new facility. It's right next to the Youth Authority in Stockton. We actually put it on some vacant ground and some partial -- took out some old Youth Authority facilities. This is south of Stockton out by the airport. But there were some concerns about quality and what they got in terms of mitigation. They got the same 800 bucks per bed, but there is 1734 beds. And it got distributed in the exact same way it would be distributed here.

We had to build an entrance road, so we had to build -- put a stoplight in and things like that just so you get on the property. We had to pay into -- San Joaquin County has a regional transportation fee, and because we paid it there, we're going to pay it here. So they actually went first. We had to approve an off-ramp off somebody's road and Highway 99.

And we always mitigate for our lethal electric fences. We have to go buy additional habitat to make up for the potential loss of birds, so that's not in the county, that's used in a statewide function. We have the exact same mitigation on this project.

In San Joaquin County, they have a habitat conservation plan of certain open space, and if you

1 develop it, you have to pay acre for acre for what you
2 cover up. This -- these funds go to the San Joaquin
3 County Council government, so it's kind of an
4 overarching county and city government function. But
5 we had to reimburse them for 90 acres that was in the
6 middle of our site.
7 We had to get -- clarify a water issue. We
8 didn't have a -- our wells had been contaminated at
9 sometime previous to that by the landfill so we had to
10 work out the -- who provides the water.
11 The City of Stockton needed to incorporate
12 the area, we're not in the City of Stockton, so there
13 was a little bit of funding for that. You always have
14 to get air quality permits for generators and just
15 general use of the property which we're paying into
16 the San Joaquin Air Quality Management District which
17 is a regional government issue down in the Valley.
18 Sewer, we already had sewer capacity, we're
19 in good shape there.
20 And then the medical receiver separately did
21 fund some training for folks, that would be
22 psychiatric technicians, there was a shortage of those
23 and we needed a whole bunch of them. Kind of went
24 into the school system and helped them out as well as
25 working on the local hospital contract.

1 Gary Jakobs now is going to give you a really
2 fascinating part. He's going to talk about the actual
3 contents of the EIR. He'll tell you what we found of
4 significance and how we did it.
5 So here's Gary Jakobs who is kind of leading
6 the charge -- and you have one quick question.
7 MS. REYES: One quick question. Because this
8 is such a huge process, right, so folks just have to
9 digest what you just threw at them about the prison
10 and now we're going to go into the environmental
11 project, so why can't it be like sectioned out and
12 then --
13 MR. SLEPPY: I'd rather -- I'd rather do it
14 after he gets done, answering questions, just because
15 you might have it answered in his part of his case.
16 MS. REYES: Whatever.
17 MR. SLEPPY: Okay.
18 MS. REYES: Sure.
19 MR. SLEPPY: There you go.
20 MR. WHITE: Is this available online, this
21 presentation? Is it going to be made available?
22 MR. SLEPPY: We can make it -- we can make it
23 available.
24 MR. JAKOBS: Yeah, we can make it available.
25 And to further ask -- answer Bob's -- what

Bob's saying, the purpose of the hearing here is -- is to talk about the Environmental Impact Report, so -- and take your comments on that.

My name's Gary Jakobs with Ascent Environmental, and I'm going to talk about the Environmental Impact Report. But before doing that -- and I'm going to apologize for those who were here earlier, you already heard this, but I'm going repeat it -- I'm going to talk a little bit about what the California Environmental Quality Act does do and what it does not do.

So the California Environmental Quality Act, CEQA, C-E-Q-A, the intent of that, the legislative mandate is for all state agencies and local governments to look at the environmental implications of their actions, to evaluate the significant environmental impacts associated with projects that they consider.

CEQA defines what a significant environmental impact is. And that definition is a substantial and adverse change in the physical environmental conditions. In the physical environmental conditions. Not in the social, not in the economic conditions. In fact, CEQA specifically says that economic and social effects are not environmental effects.

Not very satisfying if the concern that you have is more social and economic than environmental, but that is CEQA. Nevertheless, your comments tonight and comments that you provide in writing, whether they're environmental or social or economic, will all be considered by the decision makers because they will be on record. Our job is to look at the environmental impacts of the project, so that's what we do.

We conducted an equal level of analysis of all of the proposed facilities, potential facilities. As Bob said, we started with five, we ended up with four that we took to an equal level of detail. And that equal level of detail is evaluated in a document like this. There's a document like this for each of the communities in which we evaluated the project at equal level of detail. So there's one in Vacaville, there's one in Folsom, there's one in San Diego and then there's this document, the Mule Creek State Prison Level II infill facility, and it's a detailed analysis of the environmental impacts.

The reason that we look at them at an equal level of detail is that the Department may choose to approve a -- at any of the four sites that they have in front of them, but this is one that is now proposed so that's a higher priority.

This is Volume 1. Volume 1 summarizes the impacts at each of the sites that CDCR looked at in its consideration. So all four of the sites plus other alternatives including the site in Chino and other alternatives that we looked at. It also includes a summary of alternatives to the project and cumulative impacts -- and cumulative -- the collective impacts of building all of the projects together. So that's the purpose of those documents. And that's what I'm going to summarize tonight.

The Environmental Impact Report is full scope. So CEQA allows us to narrow the scope of our analysis on those effects that may be significant. In the case of these projects, we didn't narrow the effects at all, we looked at the full range of potential environmental impacts that could occur.

In each of the technical sections, the Environmental Impact Report includes a regulatory discussion. What this is is it's the laws and regulations that are already in effect that address environmental issues, requires certain standards be met, and this helps inform whether or not an impact would occur after you have -- after you follow these regulations.

It includes a setting. The environmental

setting, the existing environmental conditions in place where we're conducting these projects. The existing site at Mule Creek currently used as a spray field, wastewater spray field, that's the existing condition.

We add the project on top of that, we determine what the impacts to the physical environment will be and then we come up with mitigation measures. The State and any lead agency, any agency approving a project, is mandated under CEQA to adopt mitigation measures to reduce environmental impacts when those measures are feasible. "Feasible" meaning affordable, technologically doable, that sort of thing. There's a mandate that they mitigate their impacts.

This is a full range of issues that we evaluated in this Environmental Impact Report. We looked at visual impacts, agricultural effects, air quality and biology, cultural resources, all the way down the list, noise, public services, transportation and traffic, utilities, water supply, whether or not building this project would induce growth in the community of other development. And then cumulative impacts -- said that this document here looks at the cumulative impacts of building all of the beds. Well, we also look at the cumulative impacts of this project

in -- at its location in combination with other development that may be proposed in the local community in Ione, in Amador County, the collective impacts that together could be worsened by this project.

In terms of some of the key conclusions, biological resources, we had some significant environmental impacts and we mitigated those effects to less than significant. The impacts included tree removal, looking at impacts on different birds and other species, we looked at riparian, loss of riparian habitat that could occur. There's some riparian habitat on the project site, some streams, there's going to be some effects to those that will have to be compensated for. Replacement of oak trees was addressed. Also wildlife could be killed on the lethal electrified fence, and this is something that has occurred at other prisons where there is operating electrified fences. So we used our information there to determine what effects may occur with this particular project.

We looked at effects on water quality, both from construction and operation and from the wastewater treatment plant. Wastewater treatment plant has been cited in the past for violations of its

permit by the Regional Board. The Department, independent of this project, is already in the process of planning on upgrading that facility. Some of the problems have been fixed just by reducing the population at Mule Creek State Prison. But now we're looking at this Environmental Impact Report at any expansion of the treatment plant that's needed and then also the spray fields, replacement of spray fields that will be consumed by the project itself.

Transportation, major issue, we've got two sets of standards that we're dealing with. We're dealing with the City of Ione's standards which really are much more concerned with preserving the historic character of town and not requiring road widenings and traffic signals balanced against Caltrans' standards which are much more stringent on level -- meeting certain level of service standards.

So some impacts are significant. But because we're not going to -- because it's not feasible to recommend road widening through a town or things like that, they're significant and unavoidable impacts, and that happens at several -- in several locations.

CDCR is going to contribute fees, as Bob said earlier, to the County and to the City that would go to making certain improvements. But there's no

guarantee that those fees actually will cause those improvements to occur. That's outside the control of the Department. So these impacts are called significant and unavoidable.

In terms of access, there will be a temporary access road built. Here is Castle Oaks right here, the Castle Oaks entry. And this is a temporary access road that would be used for construction. After construction is over, that road would be removed.

MS. SILVA: Are those one-time fees, or is that a per-year fee?

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MR. JAKOBS: It is a one-time fee. And that's typical of all development. So CDCR would pay the equivalent of developer fees based on the trips that it generates. This is outside of the per-bed fee that they give to communities just as a general -- general rule. This is a per -- basically a per-trip fee and it's equivalent to what other developers would pay.

So this is what the access road would look like into the -- into the prison, just the entrance of it. There's some restriping here to produce a left-turn lane. But, again, after the construction is over, that would be removed and the prison would go back to just one access road.

In terms of visual impacts, unlike a lot of projects of this size, the visual impacts are minimal. And it's really more related to the topography than anything else. Some lighting would be seen but it would be -- it would be screened and wouldn't dominate the viewshed. There already is a lot of lighting that is seen and this wouldn't be substantially different. I'll show you in a moment some cross-sections that demonstrate the visual effects.

In terms of air quality, the project would have significant and unavoidable impacts related during the construction period. Now, they are going to -- CDCR is going to be required to reduce its effects, to mitigate to the extent it can, to reduce dust, to reduce emissions from smokestacks from the operating equipment, but there's only so much that they or any developer can do when they're building a project of this size. And so certain thresholds will be exceeded and there will be a significant and unavoidable impact. It's fairly common for projects, construction projects to have significant and unavoidable impacts.

Getting back to the visual resources, this is just one example out of the Environmental Impact Report. It shows a cross-section from -- from Castle

Oaks. This is basically what somebody would see, the line of sight to the prison. The topography and existing trees more or less block what you can see in the viewshed, it's pretty far back on the site and it's below some topography so it is difficult to see that, see the project.

This is the correct, corrected from last -- from the last hearing, CEQA process schedule. The notice of preparation was released, so notice of preparation that we're preparing an Environmental Impact Report was released in December. We had a scoping meeting here in January of 2013. Draft EIR was released a little bit more than one month ago. The review period has actually been extended, and it ends August 19th, 2013.

It's extended by how many days?

MR. SLEPPY: Ten.

MR. JAKOBS: Ten days.

And the Environmental Impact Report is scheduled to be -- so we'll respond to comments that we receive and the final Environmental Impact Report which constitutes the draft and then comments and responses to those comments will be completed -- scheduled to be completed in the fall after which the Department can determine whether or not it's adequate,

certify it and decide whether or not to approve the project.

MR. SLEPPY: So just a couple more and then you get to talk.

This, of course, is really important for the community, it's an opportunity to tell us what you think. Traditionally it's about the accuracy of the environmental analysis, but if you want to get up and talk about anything you want to talk about, that's fine too, especially having to do with prison.

Secondly, we do have Lilian here to help with translation. If you don't want to do it or are challenged to do it in English, she can help. I think the best way would be after we're -- get done is to have her and our court recorder sit with you and talk and get it on to the tape.

This is actually the most important person here, our court recorder who stays with us at all these events and is pretty good about getting everything down. So we like to have one person at a time talk. And wherever you stand, because we don't have a microphone here in Ione, she needs to hear you.

We'd rather -- we'll try to answer questions if they're real specific, if we can. Sometimes we just don't have answers just yet but we'll go ahead

and answer that.

I'd like to invite the folks that weren't here the first time, just because you're here now, and so if you want to get up and talk, and then the folks that were here before can get up and talk also. But we'd like to invite the folks that came out for our second meeting, but everybody is welcome to talk.

With that, we just -- hopefully you can stand some place up there where she can get your words in and we'll be here listening.

(The Spanish interpreter gave instruction in Spanish.)

MR. JAKOBS: If you can put the lights up, too, that would be great.

MR. SLEPPY: So anyone from Ione --

MS. REYES: So I just had a quick question about the EIR process before you go on, when you -- can you go back a couple of PowerPoints?

MR. SLEPPY: Which one you want?

MS. REYES: And this is for everybody so that they also are clear on that.

The final impact report, Environmental Impact Report, there you go, right there. So this is the -- the final part, the preparation, that's going to go to -- you said it's going to go to a board and you're

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going to --

MR. SLEPPY: No, it goes to our Secretary.

MS. REYES: It goes to your Secretary.

And it is that like a one-man show that says, you know --

MR. SLEPPY: Yep.

MS. REYES: -- yeah, we're going to go ahead --

MR. SLEPPY: It's very common in a State agency to have a single person making a decision.

MS. REYES: It is a one-man show? It's not like a public hearing where people say, can we show up again?

MR. SLEPPY: Not at this time, we don't have a public hearing scheduled.

MS. REYES: So it's a one-man show.

MR. SLEPPY: Okay. If that's the way you want to describe it, sure.

MS. REYES: Or is it a panel or a commission?

MR. SLEPPY: Well, it's our executive staff.

MS. REYES: I'm giving you the opportunity to elaborate.

MR. SLEPPY: It's our executive staff. So we have two under Secretaries, one that oversees the prison system, one that does our facility planning and

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budget, so they'll be in the room, some of our staff from our office that are in charge. So there won't just be a single person reading, there'll be a group making a recommendation to --

MS. REYES: Is there -- is there -- is that an open public meeting --

MR. SLEPPY: No.

MS. REYES: -- or is that just a private --

MR. SLEPPY: No.

MS. REYES: -- one-man show kind of thing?

MR. SLEPPY: In his office, in his office. Okay. Good.

Okay. Now, folks who weren't here the first time want to get up and talk, go right ahead. We're glad you're here.

MR. SMILEY: My name's Ron Smiley, I'm a citizen City of Ione, I was here when they built the first prison.

My question is concerning wastewater. I know you addressed wastewater in the EIR as far as upgrading the current prison's effluent treatment and disposal with spray fields, and since you're building on the spray fields, current spray fields, what specific issues have you discussed in the EIR that concern tertiary level treatment since you're now

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coming down to Ione's treatment plant? Are you upgrading the -- Ione's treatment plant, is there plans for that, or is it just to upgrade the current prison's treatment plant?

MR. SLEPPY: The current proposal as is authorized in stuff in legislation is to upgrade our current sewer plant for our current sewage. The only thing that would come at this point down to City of Ione's system would be additional effluent, treated effluent, secondary effluent that's been disinfected on top of the effluent we already send down to the tertiary plant. So we would send -- because we have a pipe that comes down, we have the two reservoirs. To balance it, we would bring additional water, sewage effluent down to the plant, tee off of it and then go after that in the spray fields.

MR. SMILEY: And just to dovetail on to that, then, has it been specifically discussed yet about compensation for upgrading Ione's treatment plant since you're going to now -- sounds like you're going to be sending additional --

MR. SLEPPY: We're not putting any treatment -- the way we're proposing to do it, there will be no change in treatment responsibilities for the City, okay? We only bring our secondary treated

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water all the way down and since they go on out through a pipeline through a manifold to get it out to our spray field. We were hoping the City would want to oversee that because they're already overseeing spray fields.

MR. SMILEY: Okay.

MR. SLEPPY: Thank you.

MS. HANEY: I have two questions.

MR. JAKOBS: If you can say who you are.

MS. HANEY: Oh. My name's Laurie Haney and I'm a citizen of Ione.

One is probably a stupid question because I've lived in Ione most of my life and I have family that works in Mule Creek, but Level II prisoners, I -- what is it that they have done to get into prison? I mean, I would just like to know for my own curiosity's sake.

MR. SLEPPY: I'm not a custody person, I don't know if there's a way to characterize that. Do one of you two want to talk -- is there any way to characterize it?

MR. VANNI: Yeah, it could be a myriad of things. You could be in for -- I'm sorry, Peter Vanni, associate warden, Mule Creek.

You could be in for a myriad of things. It

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could be something fairly low level but you started off with a high point score but worked your way down, it could be something fairly heinous but, again, you were able to stay in the system long enough where you were able to --

MS. HANEY: "Heinous" meaning bank robbery --

MR. VANNI: Murder.

MS. HANEY: -- meaning -- oh, okay. That is scary heinous, okay.

And my second question is -- or more of a statement, I find it kind of ironic that, you know, one of the entrance -- I know it's just an entrance for construction only, but is right across from our nicest subdivision. I don't happen to live in Castle Oaks, but you're building -- is there nowhere else that you can build a construction entrance other than right across from our nicest subdivision area?

MR. SLEPPY: We looked at using -- we looked at using our own entrance.

MS. HANEY: But security-wise, it lets too much traffic into it.

MS. HANEY: Oh, I understand that, but...

MR. SLEPPY: We looked at trying to improve or reuse Waterman Road which goes to the Youth Authority and it's just barely this wide, we'd have

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to -- there's houses along it, there really would be a lot of traffic on a very rural road, it would need to be completely upgraded, you'd have to turn off and go around behind the facility and clear a lot of trees and stuff.

MS. REYES: Excuse me, sir. You demand that we speak up so that she can hear her -- she can hear us. Can I ask you to please speak up so that we over here can hear you. T3-54

MR. SLEPPY: Sure. We've looked at several things. We looked at the current prison entrance that just isn't safe, doesn't have the capacity to have the, like, big dump trucks go through there.

MS. HANEY: Right.

MR. SLEPPY: We looked at Waterman which is the entrance road in town up to the Youth Authority --

MS. HANEY: Right.

MR. SLEPPY: -- facility. And that goes on up the hill and connects to 124 at one point. We don't see a way to come down from 124, we don't see a way to come in, it's just the road's tiny, it would need to be restructured and there's houses -- a couple houses right there, it'd a lot of traffic on that road.

We tried to look at other places. But along

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104, we looked at the Cal Fire gate. Cal Fire gate has got a lot of traffic already and it's kind of a bad turn in terms of safety, so we kind of didn't want to have a lot of -- especially left turns into it the way it's oriented.

Lastly, Caltrans, when they build -- when they own a right-of-way like they do with State Route 104, they own that right-of-way, they only allow certain openings in it to the adjacent landowner to get to their property. We have to have a legal opening right across from Castle Oaks driveway, that's where they put it. And they're pretty insistent, we try to center line on that. Now we can make it a little wider, a little shorter, move it around a little bit, but they'd like us to build right there, so that's we got there.

MS. HANEY: I mean a few hundred feet, I think, would make all the different in the world. I'm surprised there aren't more -- I know if I lived there I'd be -- T3-55

MR. SLEPPY: That's how we got there.

MS. HANEY: -- really upset, but -- just saying.

MR. HANEY: My name is Dale Haney. I've got a novel here but I'll forgo the novel. I just have T3-56

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some things to point out, some things that I'm just -- I'm not understanding.

First of all, I was not here when Mule Creek was built the first time but there are people here that were, and, quite frankly, the State did not live up to its promises back then. And I know you've heard this speech before because some of us were here in February saying the same thing. What kind of guarantees do we have that that road will be closed if we have construction? We'd like it in a contract that that is done.

T3-56 cont'd

That over and above that, the draft EIR from Dale's perspective is -- Dale Haney just in case -- I don't know if I said that -- from Dale's perspective is not worth the paper it's printed on. Virtually every item in it at the end says, no significant impact, no mitigation necessary. What it really means is the State wants to come to Ione, have a two-year construction period, 1500 more inmates and have a life operating span of approximately 40, 50 years, however long prisons go for, and that will not affect at all significantly the small town, the City of Ione.

I beg to differ. And if this is finalized as an accurate EIR, then the State is wrong and I think there should be legal consequences because despite

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Mr. Gary -- and, sir, I don't know your last name, but I understand CEQA, I understand its environmental impacts, but our police, our school, our fire, our traffic, our part of the impacts of our small City.

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I'm on the City Council, I don't represent the City Council right now, but I'm going to represent a document that we signed back in February that, in essence, said, if you would be fair with us, we would be fair with you. This draft EIR is not being fair with us, it's not. The million-two, 600 to the county, 600 to the City will not go anywhere near paying for mitigating the impacts that this facility is going to have on our small community, it just won't. And that's not right nor is it fair. And it feels like so far we've not been dealt with in good faith and that needs to change because without paying for anything, then, quite frankly, the City of Ione doesn't want it, at least from my perspective. Can't speak for the City, everybody, but the thought, the plan, the hope would be an economical boost.

I know half the people in the City think it's a great thing because of the economical boost, there's the half that says, no, we don't want it. But our little town can't afford to have a prison come here with all the impacts it's going to have and virtually

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pay nothing and not pay its fair share, and I think that needs to be for the record.

MR. SLEPPY: Thank you.

MR. SMILEY: I have another question that's on my mind. Ron Smiley again.

You talked about impacts. As far as you've seen the major highways rather than the smaller roadways, we talked about Highway 88, 124 and 104, all three of those converge on downtown. Do you have specific numbers of the trucks and construction vehicles that will be using that access either to 88 or 104, 124 access to downtown, how will that impact the downtown area for two and a half years? And have you explored other alternatives as far as routing and construction vehicles such as out 104 and wherever you would need to go to hit 88 or Route 124 to 16? I just want to know if you've addressed those.

MR. SLEPPY: We're committed to -- at the County's request, transportation agency's request, to really emphasizing State Route 124 from Jackson Highway in. So at most you come into the edge of town and then turn back.

At this point, it's really going to depend on where the suppliers come from, especially if they're from Amador County, whether they're coming up north

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on -- or down 88 and up 104, the south part of 104 and 124. So we just don't have that perfect percentage.

But when the day is done, yes, there's going to be a lot of traffic up and down town which is why we're looking at traffic control downtown to augment the gate traffic at Castle Oaks. But we were asked by supervisors to really try to emphasize the use of 124 for anybody coming from Sacramento area or, you know, up from 99 straight. And there has been a lot of interest in reducing traffic on Michigan Bar Road, we think we can achieve that just by telling folks not to use that road, it is sort of de facto truck route, but we're committed to that.

So, yes, you're going to notice large trucks making right turns and then another, another right turn and, or a left turn and a right turn. But it is -- there will be times there's a lot of them, there's times where's there's not that many, and then there will be maybe another period -- so it just depends what part of the project we're doing, is it concrete, is it dirt, is it things like that. But we are trying to emphasize --

MR. SMILEY: Thanks. And just to dovetail into that, have there been any consideration to talk with ATCT, Amador County Transportation, about

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utilizing state money to put in a bypass to divert that traffic? T3-60

MR. SLEPPY: The funds we're paying into the regional fair share that go to that, but at this point, that's multimillions, that would be most of our budget for the project, so -- but we're not against it, we just don't know how far you can move it, you know, without several million dollars and a commitment, people wanting, it sounds like folks aren't all in agreement.

MR. SMILEY: Just seems like it'd be a viable solution. T3-61

MR. JAKOBS: Well, what CDCR is -- will do is they'll pay into -- so you have different transportation funds. They'll pay into the funds. This is why we concluded it's a significant and unavoidable impact. They'll pay into the funds, but ultimately the disposition of who uses those funds are -- they're locally controlled, ATC, City of Ione obviously has an opinion that they've expressed on whether or not to build a bypass road, it's out of CDCR's decision-making ability to ask whether that would happen or not, but they'd pay the fund.

MR. HANEY: Yeah, I mean, if there's a way to make them, most suppliers from the Valley who are Galt T3-62

and up 104, that would -- coming through town, it's a disaster. T3-62 cont'd

MR. SLEPPY: We're trying our -- also though, we don't want to -- we don't want to minimize, you know, traffic that might be coming from Martell and Jackson from the suppliers or something, we wouldn't want to say, hey, you have to, you know, go around even farther --

MR. HANEY: No, absolutely not.

MR. SLEPPY: -- but we are sensitive to that and hope -- we think we can control to a some -- a large degree traffic.

MR. NEVIN: Thank you. Jim Nevins, N-E-V-I-N.

Again, thank you for this evening, for the answers you've given. I know as citizens we certainly appreciate any communication we can get on this project as it has been a little slow in forthcoming from our end. T3-63

I do have a number of questions, some of them may have been answered already, so I apologize if I'm repeating but I do want to get a clear answer.

The ultimate decision is made by one person and it is not a public hearing; is that correct?

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MR. SLEPPY: Good characterization.

MR. NEVIN: When we talk about traffic, what does the acronym L-O-S stand far? T3-64

MR. JAKOBS: It stands for level of service. So the question is, what does LOS stand for? It stands for level of service, it's a fairly common term used in traffic, and it's graded A through F. A is free flow, no restrictions at all, F is highly congested, a lot of delay in the roads. And different agencies have thresholds of significant that they tie to the level of service grade. So level of service C or D or E are typically thresholds that agencies adopt as significance depending on what their preferences are.

MR. NEVIN: I didn't see any of those listed. Were they in the presentation? T3-65

MR. SLEPPY: Yeah, they were. The downtown -- the little segment of Main Street is a level of service F, you just can't do anything with it unless you want to start moving buildings back and things like that.

MR. NEVIN: That dovetails nicely into my next question. Is there the possibility that this infill project will create gridlock in downtown? And I'm specifically referring to -- we've been told by T3-66

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the City planner that the wildflower development, when it comes in, will be responsible for 1200 car trips per day through downtown, we have a City planner can attest to that. T3-66

The Newman Ridge project just outside in their EIR is looking for 478 trucks per day coming through downtown. So if we add to that, I'm going to say 300 new employees along with visitations on the weekends, is it possible that this project would be the tipping point to where suddenly we have critical mass and nothing moves?

MR. SLEPPY: I believe I don't know that kind of level of detail sitting here about the EIR, but I would say that we didn't -- didn't find that level because, No. 1, our employees radiate out in a couple -- you know, three directions so they're not all coming southbound to 88 to go down to Stockton and Lodi.

We've got -- you know, a percentile are going to go out 104, we've got a percentile that's going to go back towards Rancho Murieta, we have some that live up the hill, we have a lot of people that live in the county, so we think they radiate so you're never going to have all 300 which don't occur at the same watch. The 300 are -- 370 are spread over seven days, five

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days -- three watches a day so you never get all of those in one.

So I'd say we are not at the tipping point, but I would have to defer to the exact findings of the traffic analysis which did take that kind of stuff into account in terms of traffic.

MR. NEVIN: That's interesting because when the Preston school was in operation, there was gridlock during shift changes in downtown, and I was wondering since I assume those employees were coming from the various points that this would be somewhat comparable. T3-67

MR. SLEPPY: I believe we acknowledged that at 2 o'clock in the afternoon, essentially when the second watch comes off, you know, the folks headed south, there's probably a short period of a lot of folks making a left and then a right depending on which state highway they're coming off of, so -- but assuming -- kind of going back to where we were to some degree some years ago when we had forecast, but I -- I don't believe we're at the tipping point for that. But you have already sort of an unfixable Main Street problem with two state highways, you know, coming down it.

MR. JAKOBS: One thing to keep in mind is the

characteristics of the trips is different than a typical development. Shift changes are from 5:30 to 6:30 in the morning, from 1:30 to 2:30 in the afternoon and from 9:30 to 10:30 at night. So these typically don't coincide with other peaks, but there will be -- there will be more traffic.

MR. NEVIN: You said tonight you couldn't give us a specific answer to a specific question. Would this be the address to send specific questions to? T3-68

MR. SLEPPY: Yep.

MR. NEVIN: Have there been any studies done on housing prices after a prison is built? T3-69

MR. JAKOBS: Yes.

MR. SLEPPY: Yes.

MR. JAKOBS: There have.

MR. NEVIN: So if I write to the office, I could get copies of those? T3-70

MR. SLEPPY: Uh-huh.

MR. JAKOBS: Yes.

MR. NEVIN: Fantastic.

Was Susanville ever considered? T3-71

MR. SLEPPY: Yes.

MR. NEVIN: And why weren't they --

MR. SLEPPY: Not in this project, but our

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study did happen to mention -- did happen to study Susanville.

MR. NEVIN: Why were they not considered for this project? T3-72

MR. SLEPPY: Because they are not an intermediate facility care.

MR. NEVIN: I asked this question earlier, why are these meetings held at 3 o'clock and 5 o'clock?

MR. SLEPPY: It's the time we picked. We initially wanted to have a workshop from 3:00 to 4:00 and from 5:00 to 6:00, but everybody just sort of sat down and didn't want to talk about our boards so we moved up the hearing schedule a little bit. T3-73

MR. NEVIN: Okay. My comment would be that all the people I know that work, since there is no industry to speak of in Amador, they go to Modesto, Stockton, Sacramento, 9:00 to 5:00, they're not going to get into town until right about now so they don't have an opportunity to participate in this.

One other thing -- and, Dale, you brought this up -- the money that the City is going to be getting for this project, $633,000 to be split between Ione and the County, if we assume the County's generous and they split it 50/50, we're looking at T3-74

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reimbursement of about 12,000 a year, a thousand dollars a month for the next 30 years, it's even less if you go out to 50 years. And that has to cover roads, congestion, pollution, crime, the cost to our police department as we have to go to the prisons to take reports, transport prisoners, anyone that needs to transport to the jail system has to be transported by the sheriff, so there are going to be a lot of costs involved, and you are right, I think $1,000 a month is not going to be sufficient. So it would be my opinion that if this project goes forward, the taxpayers of Ione will be on the hook for costs from day one. T3-74 cont'd

And then one other question that was mentioned, we talked about an economic boost to the City, could you speak for a few minutes on what type of economic boosts a City gets when a program like this comes to town? T3-75

MR. SLEPPY: I'm not sure I used the term economic boost. You are bringing in 375 new permanent jobs. The institution has been able to add some positions so it's become a significant job base under the County as well as the City, so you do have good paying jobs that people can afford homes and things like that. We see a pretty good percentage of our

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staff living in Amador County, so there's -- taxes and things like that come back to the community. So other than that, I really wouldn't use the word "boost."

MR. NEVIN: Okay. And then one question that was submitted to me to ask, and that is of the new jobs, are they actually new jobs, or are they going to be filled by transfers from within CDC? T3-76

MR. SLEPPY: I wanted to make this very clear because some of the concerns about what happened apparently in the '80s. At this point, you know, we don't know who's going to take these jobs except that we will be in the process of closing a prison that's got about 1,000 employees currently. So some of those could choose to retire, there's going to always be a shift around the state, but at least some portion of those we anticipate would choose to come up here. So I just -- we don't want to make any statements about somebody promising -- getting a promise to get a job here. But there will be people in jobs paying taxes, buying gas, things like that.

MR. NEVIN: Fantastic. Thank you very much for your candor. I certainly appreciate it.

MS. HANEY: How far away is the prison that's closing? T3-77

MR. SLEPPY: It's south of Los Angeles.

MS. HANEY: Oh, okay. So they'd have to move? T3-78

MR. SLEPPY: Yeah. You can probably -- if we guess at anything, it's that more of those are likely to go down -- if we do the San Diego project, it would be commute distance.

MS. HANEY: Right. That they would have to commute to.

MR. SLEPPY: Okay. Oops. We've got the mayor here. Trying to stick to the folks that came in the second meeting.

MR. EPPERSON: Dan Epperson --

MS. REYES: I think it's important that what I said in the first meeting is also important for the second meeting.

MR. SLEPPY: And you can --

MR. EPPERSON: I would add --

MR. SLEPPY: You can say that when these folks get done.

MR. EPPERSON: -- to your list of don't drive on roads, don't go roads, I would add Willow Creek Road to that list. I mean, you mentioned Tonzi, but Willow Creek is the -- T3-79

UNIDENTIFIED SPEAKER: Yes.

MR. EPPERSON: -- one people use, and it's --

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I don't think big trucks would be able to make it. They would try.

MR. SLEPPY: My pickup doesn't fit on Tonzi. It's fairly small for my pickup.

Do you have more? So do you want to speak now?

MS. REYES: Oh.

MR. SLEPPY: All yours.

MS. REYES: Yeah, yeah. No, I was looking up the bill number.

MR. SLEPPY: Tell us your name.

MS. REYES: My name is Debbie Reyes and I'm a former resident of Amador County and employee with the -- I was -- I worked with Employee Services, I now live in Central Valley.

And when I moved back home, that's my hometown, I grew up in Fresno, I noticed that all of a sudden it just popped up new prisons everywhere. We've got almost half of the prisons in the state of California located in the Central Valley. At that point, I decided I'm going to change my career and go into a different -- as a community advocate and community organizer and around why is California racing to incarcerate as many people as possible?

And so I made some statements earlier about

T3-79 cont'd

T3-80

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the -- this particular presentation and the way it's conducted. But what I didn't mention during that presentation is that it's -- they don't give the community a stop at -- anywhere to say, okay, well, wait a minute, how am I going to remember that one subject without getting distracted by another subject that is bringing up in 20 others. And I think that, you know, in order to have an honest community dialogue, that should -- you need to incorporate that so that folks can stop. But you know -- and that's why I had to go through tons of notes to try to remember what you said about the environmental impacts not being social impacts and they're environmental impacts.

But I -- like I said, I was -- I sat on the San Joaquin Valley Community Health Impact Project that was chaired and partnered with professor Jonathan London out of UC Davis and Dr. Manuel Pastor out of USC who are experts on cumulative health impacts. In fact, some of the work that they've done has now been adopted by California CEQA and also has been adopted by the Environmental Protection Agency.

It's so bad that cumulative impacts have to be included because social vulnerabilities are exactly what this young -- this lady is going through where

T3-80 cont'd

T3-81

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she's dealing with caffeine in her water was because they had the roasting coffee up at the prison, so how does that happen when you have your water tested. T3-81 cont'd

Other folks are dealing with other environmental issues like, you know, the light coming in to their view when they're trying to drive down a road and they're blinded by the prison lights or even just a community that lives catty-corner from the prison that have to deal with the traffic coming in and out of there and their children getting to and from school safely. There's just a lot of different types of social vulnerabilities, not just that -- that are connected to the lay of the land but also what's happening in the community. That's what cumulative impacts. You take everybody into consideration not just the lay of the land. T3-82

But I do want to talk about infill because, you know, people are like, what are these infill beds? And so I've got about -- I've got four points I want to make, and I'm going to try to make them as quickly as possible but I think they're significant to what 1022 is and infill beds. T3-83

So the population reduction doesn't -- population reduction don't even require legislative approval. They could be implemented today and remove

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the so-called need for construction. Dr. James Austin, an expert in the Plata Coleman case, which is the federals -- the feds taking over the prison system in California, has introduced several recommendations to reduce the prison population to more than 30,000 people without changes to the state's sentencing laws. The federal court has accepted Dr. Austin's argument. In other words, as part of the court order, his argument on how to reduce prison population in California, costly prison population, it was accepted by the -- by the Supreme Court as here is a document, Governor Brown, that you can use to reduce your prison population. The Court has given the governor the power to put in place any of Dr. Austin's suggestion without legislative approval. All he has to do is sign his name to it. T3-83 cont'd

Further, Governor Brown's plan to come into compliance with the court order involves leasing 2500 already built-in state beds for up to five years, meaning until these infill beds are built, if prison space already exists that can hold 4500 people in prison in state now, why are they -- why are we building more beds as a result?

Prisons do measurable economic damage on counties in which they are located. Multiple studies, T3-84

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especially those of Gregory Hooks from Washington State University, that have -- that show that they have problems with unsafe -- whoops, I'm sorry -- have found that -- can you help me, Roger, find the end page to this?

Okay. So I'm going to go down to -- okay. Thanks.

Prisons do economic damage to host towns. Prison towns fair worse than towns without prisons. An expansion is no different. Why would the City Council or the County Board of Supervisors approve of a project that would damage the local community when people in Chula Vista, Ione are in the real need of genuine economic development.

T3-84

Point No. 3, California --

MR. SLEPPY: That's 3.

MS. RAYS: -- Department of Corrections and Rehabilitation's own projections estimated reduction in Level II prisoners while this infill project will add 1,600 Level II beds over four years, CDCR claims that it needs more so-called infill -- infill -- Level II infill beds to adequate deal with its changing prison population as a result of realignment.

But the Brown administration's own prisoner projections contained in its own blueprint released

T3-85

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last year showed a decline in Level II prisoners over the next five years. Why increase Level II capacity when projections show a seven percent decline in Level II prisoners in the coming years? The source, The Future of Corrections, CDCR Page 13, April 2012.

T3-85 cont'd

The social impacts of building another prison in Amador County will also be devastating. Only 30 percent of recent high school graduates -- and I think this was stated earlier, only 30 percent of recent high school graduates completed college preparatory courses in the county compared to 35 percent statewide. 16 percent of the recent high school graduates entered CSU, 16 percent entered a university in Amador County compared to 18 percent statewide. Or 17 percent of the county population has a bachelor's degree or level -- or high -- higher level degree compared to 27 percent statewide. And perhaps most pertinent to the proposed infill bed plans, there are no colleges or universities in Amador County. Instead of investing in prisons, the State of California should be investing in institutions that keep people out of prisons like universities. Source, post secondary education in California, California Post Secondary Education Commission.

T3-86

MR. SLEPPY: Okay. Thank you.

MS. SILVA: Some of this I'm going to repeat --
MR. SLEPPY: It's all right.
MS. SILVA: -- from what I said earlier.
MR. SLEPPY: It's okay to repeat.
MS. SILVA: Pardon?
MR. SLEPPY: It's okay to repeat.
MS. SILVA: We live -- we live on 5 Mile Drive.
MR. SLEPPY: Name.
MS. SILVA: Pardon me?
MR. SLEPPY: One more time, your name.
MS. SILVA: Okay.
MR. SLEPPY: You ought to know that part.
MS. SILVA: Virginia Silva, 5 Mile Drive.
Mule Creek comes -- Mule Creek comes down from Mule Creek Prison and we're about a mile -- as the crow flies from it as it -- and then it goes through our property. And when this prison was built in 19- -- or signed, a contract was signed for it in 1986, in that contract it says they would start with 1200 prisoners, and by the time they got to 1700 prisoners, there would be a tertiary treatment plant built, there was no other ands or ifs, that was a fact.

T3-87

In the meantime, they have a secondary pond that they've used, and that's what they use today. They've had -- in the meantime, they've had 4,000 upwards of prisoners plus the staff to take care of them. And so when that pond fills up, when they want to clean it out, they send it right down Mule Creek and we've had to deal with that all these years. And we've taken samples, we've got fecal samples. And so when we approach them with it, they say, oh, no, that's probably from deer or from your cattle or -- or critters or whatever.
And so last year we took a sample right at our property line as it comes in from the golf course and had it tested for caffeine, imagine that, caffeine, yes, we have proof positive that there's caffeine in our creek water. And it's a -- we know when it's coming, I mean it's been going on ever since they put the prison in.
And so this is criminal. And this needs to be cleaned up, cleared up, the tertiary treatment plant needs to be put in before they go ahead with anything else. All of their existing -- the mistakes they made on that first prison setup needs to be cleared up before they go ahead with something new.
And then I just found out that, by the way,

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that they do have a coffee roasting facility right there, image that. T3-87 cont'd

Another thing, and I said this before, the -- one of the things that needs to be presented when you talk about -- before you talked about cells or dormitories, you compare everything to the number of inmates, that way it's clear. That was -- there's -- there's was a lot of things, but this is the most important thing, I don't know why you're talking about putting your spray -- in fact, that was another thing. If you could -- I know you can't, but if you could go back to your map of the prison -- yeah, right where it comes -- right where it comes underneath, this is Mule Creek right here, I think? T3-88

MR. SLEPPY: Yep.

MS. SILVA: Okay. Right where it comes -- goes -- okay. Your spray fields are right here. When it comes down, it -- it goes through -- there's like an underground gravel aquifer right through there and you can hear your spray -- after your sprinklers are going, you can hear it coming right out in the berry bushes right on the other side of -- on the south side of the highway, that's been forever. T3-89

And regional -- everybody seems to forget it, neglect it, whatever, but that's critical. We have

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shallow aquifer -- aquifers in that Ione Valley, most of our wells are less than 50 feet deep, so it's all one. It's not like we can go to a 200-foot aquifer and get clean water.

But our cattle -- another thing, our cattle, when you guys clean out your prison, your prison sewer and it comes down Mule Creek, we have water troughs for our cattle and it's really obvious they would rather come in and drink clean well water rather than drink out of the creek, this is not normal. But it's got to end before you start something new. T3-89 cont'd

Thank you.

MR. ONETTO: Tell him about the bull.

MS. SILVA: Oh, yeah, that might be interesting.

Years ago we had a bull that we had to -- we sent to the slaughterhouse. They condemned the meat because the bull had measles. And to this day, it's the only disease that I know of where a bovine can contact from a human. So how much more -- I mean, what more do we have to do? This is criminal. T3-90

Thank you.

MR. SLEPPY: Thank you.

MR. GONZALEZ: Once again, I spoke earlier, I'll speak again, Jesse Gonzalez is my name. T3-91

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And currently -- I didn't mention this before, but it doesn't really make a difference but I'm pursuing a doctorate in healthy communities, and I'm interested in people, your children, your high schools, your grammar schools, how it's going to affect you. Earlier a gentleman said it's an environmental report. But there are social factors that you have to consider.

MS. HANEY: Thank you.

MR. GONZALEZ: There are economical factors that you have to consider. Why aren't they addressing these?

Okay. Environmental, they're talking about the prisons. They have stated about replanting the trees where trees have been removed, et cetera. Does this mean that the State of California or the prison system values trees more than it does your families, your neighborhoods, does this mean that the State of California values additional beds to your finances, your economy, how are you going to feed your family? It would appear that way.

There was an issue brought up where actual is -- the bed count is 2800, the target is 2400, but the Court says 1700. What Court is saying that? So if 1700 is not the number that they're operating by

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and in fact they're operating by 2400, to me, not too smart about things, it looks like somebody is operating out of a court order. And if this is a federal court that's imposing this, then the system is operating above a court order, breaking a court order.

Now, I'm going to use this up here for a moment. Say we're not building new prisons, big issue, controversial issue, but if you take and redefine the word we're not building new prisons, we're adding. This is the existing facility, correct? This is the proposed facility, correct? To me, that appears like you're building a new prison, but they have taken it and redefined it and say, we're not building a new prison, we're adding to it.

Ladies and gentlemen, I don't know about you, but somebody is playing word games with your community. They're not willing to discuss social issues nor economical issues but they are discussing their prison.

They can sustain the argument with facts and figures that at best are nebulous, they are not clear, issues that are controversial, issues that are cloudy. Once again, I would say don't let this happen to your community. Issues, factors that have not been exposed as the cost to the economy of the downtown area, this

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is a historical downtown. What about the loss of revenue to the businesses on the main street because of heavy traffic? Has that been discussed? No. But they're not willing to discuss economical, okay.

Once again, the issue of we have no high school but we have a brand-new prison, and guess what, we even made it bigger, but they're not talking social impact.

Are the residents of Ione so caught up in the presentation that has been given by the State or representatives of the State to say, you know what, one day we're going to tell our children we didn't give you a high school but we did give you a prison. As a matter of fact, now there's two prisons.

Where they build a prison, there are additions to that prison. Where the mandate is 700 beds, there are now 1,000 beds. Where they say there is a treatment plant, now there are additions to the treatment plant.

Please do the research, consider what you've heard. It's amazing that these gentlemen have prepared in anticipation to sustain an argument, listen to an argument, answer questions. How long have they given you to prepare? Whatever it is you decide, prison or no prison, you're going to be stuck

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with it for a long time. Not only that, you're only -- you're not only deciding for yourself, you're deciding for your children and maybe even their children. Consider it, think about it.

This gentleman that's operating the camera raised some fantastic questions about economic impact but they're not willing to discuss economic impact, they're not willing to discuss social. How is it going to affect your families.

Thank you for your time.

MR. SLEPPY: Thank you.

MR. RHODES: Larry Rhodes. I'd like to say a few things.

My wife did a study, I was on the committee here to do away with not for the other prisoner, there were two committees, one for it, one -- this is some of the stuff that we found.

It took eight years for them to get 180 jobs when they promised like ten percent of it, we had 180 jobs, that's eight years to get that. Traffic on Shakley Lane and Preston Avenue went from 1,000 to 1600 per day. The waste, solid waste went from 36- -- 3673 tons to 4,580 tons in one year. And the County takes about almost -- used to be like three weeks to get through the county court -- to get into the court

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system if you wanted to sue somebody or something, now it's like three months.

That was just some of the statistics, I thought it might be interesting.

MS. SILVA: And on that story, if you go to the hospital up here in Jackson, the prison has first right to get in, you have to wait behind a prisoner that's just been stabbed.

MR. SLEPPY: Does anybody have any new comments we haven't heard before?

UNIDENTIFIED SPEAKER: I have some questions.

MR. SLEPPY: Okay. Until someone else walks in, any new folks that want to give a talk?

MR. SMILEY: Ron Smiley again.

You were talking about the environmental impacts that you had to take care of when you built the Stockton facility, right, and it was strictly environmental as far as, building a new environment for wildlife. And I'm going to assume, since I worked down there, that it was the ground owls, the burrowing owls, is that -- did you need to replace them or re- -- relocate them?

MR. SLEPPY: We had a wide range of birds that we had to address. The County has a countywide habitat conservation plan that addresses some of the

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species, some are barn owls, some are -- things like that.

MR. SMILEY: Okay. I just wondering how you -- how you relocate.

MR. SLEPPY: You basically go out and get a replacement habitat and secure it and make sure it doesn't --

MR. SMILEY: Oh, okay.

MR. SLEPPY: -- through cooperative efforts.

MR. SMILEY: So you guys do it within the site --

MR. SLEPPY: No, all that -- the County mitigation thing are all off site someplace else, our lethal electrified fence, the mitigation tends to be throughout, wherever Fish and Game thinks it should be in the state, so it isn't right there.

MR. SMILEY: Okay. Thank you.

MR. SLEPPY: We are going to replant -- proposing to make up for the trees be cut on the site -- on site, but that's a different mitigation. And I know some people think we shouldn't be doing that.

Okay. Now, there you go, all yours.

MR. WHITE: What is the distinction --

MR. JAKOBS: State your name, please.

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MR. WHITE: Oh. Roger White, I'm a member of Californians United for Responsible Budget and Critical Resistance.

What is the distinction between an infill bed and a regular old prison, how do you know -- how -- what's --

MR. SLEPPY: Big difference. If we build a new 2376-bed prison, which is what's authorized in SB 1022, we'd have to have a new warden, we'd have to have a new one of him, we'd have to have a whole lot of administrative staff, we'd have to have a lot of physical staff, a lot of maintenance staff by simply adding a unit on to that prison. And in light of this prison only has three yards, so it's a small prison as state prisons go, we don't have to bring -- we don't have to bring in the structure of personnel that we would be kind of duplicating.

MR. WHITE: So it's only staffing, it has nothing to do with the size or how many beds or...

MR. SLEPPY: You bring -- you tend to bring in more of your custody officers and your kind of working level staff, and basically the administrative staff at Mule Creek should be fairly capable of managing that additional number of beds. So when we say 2300 beds, that to us is typically a design level

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for a full prison.

MR. HAYES: It's warehousing, it's kitchens, we're sharing those facilities with the host.

MR. SLEPPY: That's Vince Hayes speaking.

MR. HAYES: Sorry, Vince Hayes.

MR. SLEPPY: Okay. Next one -- next question.

MR. WHITE: So the Regional Water Quality Control Board, I think I referred to this a little earlier, set out some orders requiring submittal of technical reports and cease and desist, you know, compliance a few years back. And one of the things that they found was unsafe levels of magnesium and iron in the groundwater. And both of those, you know, can cause some significant learning disabilities, particularly in children. Has your -- I didn't see any reference to that in your draft EIR report. Have you done any studies or looked at anything around iron and magnesium, unsafe levels of that?

MR. SLEPPY: We simply had to stop doing that, so our solution is to isolate many of those minerals from the rest of the environment depending on lining and, if necessary, in our pond, there's -- so we didn't feel there was a specific thing that had to be -- we know some of those are deleterious, all kinds

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of things, that's why we're proposing to simply not let those get released in the environment.

MS. REYES: She must be reading lips or something because I can barely hear you on that. T3-103

Are you reading his lips?

MR. SLEPPY: He's asking the questions.

MS. REYES: I know, but I think that the community has the right to know what that answer is, right, and so the -- T3-104

MR. SLEPPY: Okay. I'll repeat it.

MS. REYES: Thank you.

MR. SLEPPY: I said we are addressing that in the design of the new sewer plant, okay?

MS. REYES: You're addressing it in the design of the? T3-105

MR. SLEPPY: You don't want those things in the environment. We're going to make sure they get isolated from the environment and --

MS. REYES: And fix them.

MR. SLEPPY: -- out of the environment.

MS. REYES: Okay. That's all.

MR. SLEPPY: Okay. What's your next question?

MR. WHITE: Well, this is more of a comment. T3-106

So earlier there was a little talk about

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this -- this idea around the rationale for the 1600 infill beds, and I just wanted to be clear because I know that you had mentioned this in your second presentation, PowerPoint presentation that CDCR sort of determined that there was this huge need for Level II infill beds and, you know, I have to say that there was an expert panel on corrections and rehabilitation report, a huge 300-page report on classifications that came out in December of 2012. T3-106 cont'd

And it just seems odd to me that that report did not recommend any increase in Level II beds given the shift in prisoner population due to realignment. And so the blueprint comes out a few months later and actually shows that there is projected to be a decrease in beds, June 2013 we are projected to have 29,863 beds, and in June 2017 the projection is 27,761 beds. So there's a seven percent decline according to CDCR's own protections of Level II prisoners in the system. And so the idea is -- the rationale behind this is that we have to make room for all these new Level II prisoners.

Again, I mean, if you have any response to that, I'd be interested to hear it. But the classification study was clear, and it came out before the blueprint did.

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MR. SLEPPY: One simple answer to that is we're not building new beds, we're replacing a prison we're closing which is currently at 4,000 inmates Level II. This is not adding to our Level II base in the 33 prisons that we have plus the new one in Stockton. This is replacing a prison we're closing.

Okay. Anyone else?

UNIDENTIFIED SPEAKER: I have another.

MR. SLEPPY: He wins because he came in last.

UNIDENTIFIED SPEAKER: Okay.

MR. ONETTO: Lloyd Onetto, Ione.

I wasn't here when the first prison was built. I wanted to see if we could have some kind of public comment, just information about that, but it never happened so I kind of took my own. Everybody I saw in town, I'd ask them, do you want a prison or not? Lots of nos, lots of people felt helpless that the State is going to come and do it anyway, what can we do it about? I asked some of the old-timers, what's the problem? Well, they promised -- little example, they'd have a crew to take care of Ione. Well, then when it comes time to need the crew, they didn't have the manpower, the money wasn't there.

There's a man that lives right at the edge of 5 Mile Drive, and right across the road his daughter

T3-107

lives in his mom's old house and -- when the dry cleaning was going on. And they had water in their well that killed the fish, murky water, milky water coming from the washing machine and that -- it got cleaned up. I don't know if the groundwater ever got cleaned up, but plumes like being educated.

Now, it may be just a coincidence that the granddaughter has a learning disability, it may be just a bad coincidence, I don't know.

So -- and you've heard all these -- from everybody else in here. So my only question is, looking out for the people of Ione, if you and I lived in a prison together and I kind of took advantage of you and I'm coming back to and saying, come on, let's try it again, why would I want to do that?

The City Council voted five-oh for a letter saying, yeah, we'll play with you again. Well, right now I'm taking my name off of that and I want you to prove to me -- and you both seem to be very honest men and very polite, kind men, just as honest as the State is paying you to be.

So what happens when this thing is built and it's chugging along and maybe the cattle aren't going to die of human measles and maybe you aren't going to impact our sewer system that the public pays for, but

T3-107 cont'd

T3-108

something goes wrong? Where do I find you two guys to make it good? I mean I don't know of any of these citizens other than Ione that are going to be affected by it. Should I look you up in Granite Bay or should I look you up in Maui? Where do I find you guys making --

MS. SILVA: Chula Vista.

MR. ONETTO: -- the money that the prison makes to come back and say, hey, you didn't play fair, you didn't follow your own rules. So you've got to prove to me as one councilman that you're willing to clean your act up and play fair again.

T3-108 cont'd

MS. HANEY: Now, I -- just for my own clarification, Laurie Haney again from Ione.

And just for my own clarification, I'm assuming everybody with name tags on is from the State, correct?

MR. SLEPPY: No. Some are consultants. Actually myself and Nolice and Albert our DS as well as our prison staff would be the State people.

UNIDENTIFIED SPEAKER: Can you raise your hands.

MS. HANEY: Okay. I'm just trying to picture who everybody is in the room because I recognize some people from Ione, but there's some -- so everybody --

T3-109

can everybody from -- that's from the State raise their hand so I can recognize who everybody is.

So these people from the State.

And everybody from Ione raise their hand.

Okay. And then -- so I don't recognize you three. Are you three just against prisons in general then?

T3-109 cont'd

MS. REYES: No. I'm a former resident of Amador County -- I'm a former resident, and I stated that earlier --

MS. HANEY: Okay.

MS. REYES: -- and my work is definitely birddogging the California Department of Corrections and the taxpayers' responsibility to pay for those infrastructures.

MS. HANEY: Okay. I just wanted to check that out. Thank you.

MR. SLEPPY: And then cameraman.

MR. NEVIN: I just have a follow-up to an answer you gave. And I do want to preference that with saying that it is a sincere question, I don't mean it to sound mocking in any way -- Jim Nevin, I'm sorry, N-E-V-I-N.

But your answer to the question about iron and maganese (sic) in the water was we're going to

T3-110

isolate that and remove it. I am so interested in how you're going to do that because our wastewater committee -- in fact, our town has spent ten years and almost $6 million and five cease and desist orders trying to address the same problem, and if it was really just as simple as identify it and remove it, I want to go back to the City Council and demand some of my money back because they've wasted millions with all of these studies and projects for a solution that is as simple as identify and remove.

T3-110 cont'd

MR. SLEPPY: I can't speak for the history of Ione's attempts on that, but in our case, there's a potential up at our upper storage reservoir of having that problem and we've been told that basically lining it so it doesn't move out of that environment is the solution. So you're isolating it, you know, from it moving down the watershed by putting a layer underneath there, a floor that it doesn't go through.

MR. NEVIN: Thank you. And that is a legitimate answer, I appreciate that.

MR. SLEPPY: Okay. I think it's time to go home. She's got to go home, she's got a young child, I know that for a fact, plus another child who's hopefully taking care of him. So we'll stick around a little while longer. And we're glad you were here.

Thanks.

(Whereupon the proceedings were concluded at 7:08 p.m.)

STATE OF CALIFORNIA)
)
COUNTY OF SACRAMENTO)

I, Maricela P. Jones, a Certified Shorthand Reporter, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name.

Dated: August 13, 2012

Maricela P. Jones
CSR No. 13178

Transcript T3 Response	Public Hearing Ione, California July 29, 2013

T3-1 The comment provides introductory information regarding the commenter and identifies a concern that some attendees may need Spanish translation for the meeting. The interpreter responded to the commenter that they did offer at the beginning of the meeting to translate for anyone who needed it. Please see lines 11 and 12 on page 4 of the hearing transcript. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-2 The comment identifies a concern that the presentation did not address the cost of the project, nor the party responsible for the cost. However, the presentation did identify the cost of constructing and operating a level II infill correctional facility complex at MCSP. The funds for the construction of the proposed infill facilities are financed by lease-revenue bonds issued by the State Public Works Board. Funds appropriated from the State General Fund are used to annually reimburse the respective bond holders. The annual operating cost of the new infill facilities are also typically paid from the State General Fund through the CDCR operational budget. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-3 The commenter questions why California is still building prisons even though California is leading the nation in depopulating its prisons. Please refer to Response to Comment T1-7 with respect to the need for new prisons. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-4 The comment expresses concern that the newly constructed prisons could be converted sometime in the future to maximum-security prisons. The commenter is mistaken with respect to the potential for conversion. The cited conversion of the Central California Women's Facility (CCWF) from a female prison to a male prison was consistent with the design of the facility's housing units, which are dormitories similar to those planned for the SB 1022 infill projects. CCWF currently houses level II male inmates not inmates classified as level III or IV. Conversion of a level II facility to a higher classification would require substantial physical modification to the proposed infill housing units because of the need for celled housing units instead of dormitories for higher classification inmates. It should be assumed that a new CEQA process would be required for such a modification. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-5 The comment expresses concern about the "hidden costs" of the project that will be borne by the counties, not by CDCR. Additionally, the comment expresses concern about placing new facilities in distant locations that are difficult to staff, resulting in a burden on taxpayers. These are financial—not environmental—issues, and have no bearing on the environmental impacts of the project. Both of the proposed level II infill facilities are located either in developed urban settings (RJD) or in rural settings that are in reasonable proximity to a number of more intensely developed urban areas (Ione). All the alternative infill sites are also located in urbanized settings. Because the commenter does not raise any issues with the environmental analysis in the DEIR, no further response can be provided.

Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA, for further clarification regarding the evaluation of impacts of the proposed project pursuant to CEQA.

T3-6 Similar to comment T3-3, the comment questions why California is still building prisons. Please refer to Response to Comment T1-7 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. Further, the comment states that building prisons places a burden on the communities (specifically, on the local utility infrastructure) and on families traveling to the new prisons to visit inmates. The DEIR evaluated the potential impacts on the local infrastructure in Section 3.11 in Volumes 2 through 5. No significant impacts were identified. Please refer to those sections for further clarification. CDCR acknowledges the burden that some visitors experience because of the distance between their respective home and a given state prison. CDCR suggests that such individuals contact the respective prison visitor center to determine if there are programs or services that may address such issues.

T3-7 This comment suggests that CDCR examine the trend of locking people up in California and the resulting cost at the local level (e.g., food stamps, assistance). No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-8 This comment questions what the new capacity of MCSP will be after project implementation. The existing operational capacity as stated in the CDCR Blueprint is 2,400. As discussed on page 2-5 of DEIR Volume 3, the proposed complex at MCSP would include six separate dormitory housing units (three on either side of the proposed facility) with 264 level II beds per structure for a total of 1,584 level II beds. CDCR anticipates that based on the Blueprint's projected operational level and the legislative authority for the proposed infill project MCSP will have a population of approximately 4,000 inmates.

T3-9 This comment questions who owns Preston reservoir and does the reservoir store wastewater from the City of Ione. As discussed on page 2-11 of DEIR Volume 3, Preston reservoir is owned by CDCR and operated through a tri-party agreement with the Amador Regional Sanitation Authority (ARSA) and the City of Ione. CDCR also owns the onsite Mule Creek Reservoir. Both of these reservoirs are used to store treated effluent from MCSP; City wastewater is not treated by CDCR nor is its secondary effluent stored in Preston Reservoir.

T3-10 This comment questions how many millions of acre-feet of groundwater will be diverted from Amador County residents to the proposed project. The proposed complex at MCSP would not use groundwater. As discussed on page 2-6 of DEIR Volume 3, Amador Water Agency (AWA) provides treated water to MCSP. Water supplied to and used in Ione, including at MCSP, originates from runoff collected in the Mokelumne River watershed. This raw water is stored in the Tanner Reservoir and then gravity-fed to the AWA treatment plant (WTP) in Ione prior to use at MCSP. MCSP has an existing water service agreement with AWA; no change to that agreement is necessary for the proposed infill project.

T3-11 This comment expresses concern that the AWA water that would be used for the proposed project could instead help local farmers. According to AWA, they do not generally provide irrigation water; the water that would be used for the proposed project is for domestic use only. CDCR has proposed, as an element of the project, to begin using a portion or all of its disinfected, treated secondary wastewater effluent on currently non-irrigated agricultural fields west of Ione. Use of this effluent will allow the production of various fodder crops.

T3-12 The commenter expresses concern that California taxpayers are paying for the proposed project. This is correct. The comment further states that Amador County will receive millions of dollars through SB 1022 and may use that funding to expand the local jail, which currently holds 76 people. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. Further, the manner in which Amador County allocates funding is not within CDCR's purview. Amador County is still in the process of seeking a potential site for a jail

expansion. The potential jail expansion has not yet received approval for state jail construction funds. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-13 The comment identifies a concern about hidden costs of the project, specifically effects on property values. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

T3-14 The comment questions who will be responsible for replacing the wear and tear of heavy trucks and equipment related to the project. A combination of federal, state, and local gas and other tax revenue is used for the maintenance of local roadways. CDCR employees, visitors, and vendors typically would pay tax on gas purchased for travel to MCSP and the proposed infill facility. Further, as discussed on pages 3.11-37 to 3.11-38 of DEIR Volume 3, Mitigation Measure 3.11-4 requires CDCR to prepare a construction traffic management plan (TMP) that would require the contractor to limit haul routes to certain roadways to prevent pavement damage and would require the contractor to repair any project-related damage to pavement that occurs.

T3-15 The comment questions whether the project will disrupt revenue for local businesses, and if the State will compensate business owners for that lost revenue. CDCR believes that the construction of the proposed infill facility at MCSP and its eventual operation will not disrupt revenue for local businesses. Contractors and construction workers are expected to purchase goods and services during the construction of the project.

Once operational the new facility will increase employment in the City of Ione by approximately 375 additional jobs. Regardless of what portion of these employees choses to resident in Ione CDCR expects there will be some positive additional economic activity in the community. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. The commenter offers no evidence that the project would result in lost revenue to local businesses. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-16 The comment questions whether building a new high school would be better for the City than building a new prison, especially if that prison is expanded in the future. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided. CDCR has no role in either the decision to build additional educational facilities in the Ione area or its direct funding.

T3-17 The comment expresses concern about the percolation of water from the State-owned reservoir, and whether the wells or drinking water supply in Ione could be affected in the future. CDCR has conducted groundwater monitoring for the past several years pursuant to an order from the Central Valley RWQCB. As of July 30, 2013, the Central Valley RWQCB determined that CDCR had taken appropriate steps to ensure that treated effluent from MCSP is not resulting in a significant adverse effect to local groundwater supplies (Central Valley RWQCB 2013).

Further, the DEIR for the proposed project did evaluate potential impacts to groundwater quality and water quality at MCSP within Section 3.7, “Hydrology and Water Quality,” of Volume 3 of the DEIR. As described therein, water quality as a result of MCSP’s treatment of its own wastewater flows would be expected to improve or remain the same with the proposed project as a result of separately planned improvements to the MCSP WWTP. No significant impacts are anticipated.

T3-18 The comment raises general environmental concerns, but none specific to the project. The comment also questions the need for the proposed project. Please refer to Response to Comment T1-7.

T3-19 The commenter expresses concern that City officials are showing disrespect to attendees by not listening to public testimony. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-20 The commenter expresses concern that MCSP does not have a tertiary wastewater treatment plant. Wastewater generated by the existing operation of MCSP and the proposed infill project are treated by CDCR at facilities on the grounds of the prison. CDCR, under an agreement with the City of Ione, does provide treated secondary effluent during certain periods each year to a tertiary wastewater treatment plant operated by the City. CDCR has no plans to upgrade its secondary treatment plant to the tertiary level. The existing plant is operating within its existing wastewater discharge permit.

With respect to the reliability of wastewater treatment facilities at MCSP and the City of Ione, local groundwater quality is discussed on pages 3.7-5 to 3.7-8 of DEIR Volume 3. Specifically, the cease and desist orders referenced by the commenter are described, as well as CDCR's responses to those orders. CDCR has responded to resolve a number of the issues (including installation of 10 monitoring wells at MCSP as part of a wastewater plant monitoring program) and is currently preparing plans for a WWTP water quality treatment upgrade, separate from the proposed project. Further, the Central Valley RWQCB rescinded MCSP's cease and desist order on July 30, 2013, further demonstrating CDCR's compliance with the Clean Water Act.

T3-21 The comment identifies concerns related to the quality of Mule Creek water and suggests that it is being affected by operations at MCSP. The commenter offers no evidence to support this statement. No records of caffeine contamination have been found in a search of agency databases and discussions with the Amador County Environmental Health Department (Israel, pers. comm., 2013). Because no study or report was provided as evidence by the commenter, no further response can be provided.

T3-22 With regard to the need for level II infill beds, as discussed on pages 3-1 to 3-2 of DEIR Volume 1, the size of the proposed facilities was determined based on the inmate population and density goals of CDCR's plan for long-term operations, "The Future of California Corrections," also known as the CDCR Blueprint. The Blueprint was developed at a time when CDCR facilities were operating above capacity and the projected reduction in inmates was necessary to comply with federal court orders. The data within the Blueprint does not indicate that fewer prisoners would require incarceration in California.

T3-23 The comment expresses concern about wastewater treatment at MCSP. As shown on page 3.12-13 of Volume 3 of the DEIR, CDCR evaluated the potential for exceedance of treatment capacity at the existing wastewater treatment plant with implementation of the proposed project. Based on the analysis summarized in Table 3.12-7 on page 3.12-13, adequate capacity is available to accommodate the proposed complex (or the smaller single, level II infill correctional facility).

In addition, since the date of that report, CDCR has reduced the water demand and wastewater generation of MCSP facilities. CDCR conducted monitoring to ensure that the effluent associated with MCSP was effectively treated and disposed of such that impacts to local groundwater supplies and water quality were not occurring. As of July 30, 2013, the Central Valley RWQCB has acknowledged the steps that CDCR has taken to ensure adequate treatment and capacity at MCSP's WWTP and has rescinded the cease and

desist order. The commenter offers no other evidence to dispute what water presented in the DEIR; therefore no further response can be provided.

T3-24 The comment expresses concern that the City's own wastewater treatment facilities have contributed to violations of the Clean Water Act. The City of Ione's history of water quality violations has not been attributed to the existing MCSP facility or treated effluent piped to the City's tertiary plant that treats this water for use on the Castle Oaks golf course. With respect to the reliability of wastewater treatment facilities at MCSP and the City of Ione, local groundwater quality is discussed on pages 3.7-5 to 3.7-8 of DEIR Volume 3. Specifically, the cease and desist orders referenced by the commenter are described, as well as CDCR's responses to those orders. CDCR has responded to resolve a number of the issues (including installation of 10 monitoring wells at MCSP as part of a wastewater plant monitoring program) and is currently preparing plans for a WWTP water quality treatment upgrade, separate from the proposed project. Further, as noted above in Response to Comment T3-23, the Central Valley RWQCB rescinded MCSP's cease and desist order on July 30, 2013, further demonstrating CDCR's compliance with the Clean Water Act. It should be noted that the City of Ione is also in the process of improving its handling of wastewater treatment and disposal but these currently planned improvements are outside CDCR's, and accordingly this EIR's, purview.

T3-25 The comment expresses concern that building 1,600 more beds will further tax the system. Please refer to Response to Comment T3-24.

T3-26 The comment suggests that the State invest in education in Amador County, rather than building prisons. The comment and concern is acknowledged by CDCR; however, CDCR has no role in establishing funding authority for public schools. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-27 The comment requests that CDCR use the number of inmates rather than the number of cells when referring to the proposed project. As discussed on page 2-5 of DEIR Volume 3, the proposed complex at MCSP would include a total of 1,584 level II beds. Each bed can only hold one inmate; therefore, the proposed 1,584 beds would have a capacity of 1,584 inmates. This comment does not raise issues related to the adequacy of the DEIR. No further response is necessary.

T3-28 The comment asks for clarification of the total bed count proposed at MCSP. Please refer to Response to Comment T3-27.

T3-29 The comment states that the DEIR did not disclose the alleged pollution by MCSP of Rocky Acosta's well in 2003. The commenter offers no evidence to support that the MCSP operations have resulted in contamination of nearby wells. Existing conditions with respect to hydrology and water quality in the vicinity of MCSP are described in Section 3.7, "Hydrology and Water Quality," of Volume 3 of the DEIR. Since 2003, CDCR has conducted groundwater monitoring pursuant to an order from the Central Valley RWQCB. As of July 30, 2013, the Central Valley RWQCB determined that CDCR had taken appropriate steps to ensure that wastewater effluent, including all activities associated with the operation of MCSP, is not resulting in a significant adverse effect to local groundwater supplies.

T3-30 The comment states that the DEIR did not disclose that almost a third more garbage went out to the landfill from MCSP. Solid waste disposal is described on page 3.12-8 of the DEIR, Volume 3. As described therein, the existing MCSP generates 10,310 pounds per day, which is based on MCSP's December 2012 inmate population and a solid waste generation

factor of 3.6 pounds per inmate per day. The commenter offers no evidence to suggest that a greater volume of waste is generated by MCSP. Further, as noted on page 3.12-16 of the DEIR, adequate capacity is available at the local landfills to accommodate the increased solid waste generated by the proposed project.

T3-31 The comment states that the commenter had provided a letter during the NOP public review period discussing issues that he would like to see addressed in the DEIR. The comments submitted previously by the commenter were received as part of the NOP comments and were considered during preparation of the DEIR.

T3-32 The comment asks for confirmation that the proposed agreement with the City (for disposal of the project's treated effluent) is not yet in place. CDCR acknowledges that it has not, as of the release of the Final EIR for the infill projects, secured an executed agreement with the City of Ione for the disposal of treated effluent from MCSP. Discussions and coordination with the City of Ione are ongoing. Also please refer to Response to Comment I4-1.

T3-33 The comment asks if CDCR is confident that the agreement with the City (for disposal of the project's treated effluent) will be in place in time for project implementation. CDCR is only in the early stages of meeting with Ione to discuss potential effluent disposal opportunities; CDCR will not speculate on the outcome of these discussions. Also please refer to Response to Comment I4-1.

T3-34 The comment asks what will happen if the agreement with the City (for disposal of the project's treated effluent) is not in place in time for project implementation. CDCR believes it is premature to speculate on the outcome of the agreement it is seeking with Ione regarding disposal of MCSP treated effluent. Also please refer to Response to Comment I4-1.

T3-35 The comment asks what will happen if the agreement with the City (for disposal of the project's treated effluent) is not in place in time for project implementation. Please refer to Response to Comment I4-1.

The comment expresses an additional concern about where the effluent would go, if the project would double the amount to be sprayed on existing fields, and if CDCR plans to expand the existing fields adjacent to MCSP. The proposed project would displace approximately 60 acres of existing effluent spray fields as a result of the project. In the event CDCR cannot secure spray fields through an agreement with the City of Ione CDCR would pursue acquisition and operation of spray fields through agreements separate from the City.

T3-36 The comment requests that CDCR keep the public informed as far as any agreements made with the City or the State Regional Board (for disposal of the project's treated effluent). CDCR will be working with representatives of the City of Ione on the proposed development and operation of new offsite effluent spray fields. CDCR anticipates that the City Manager and other staff will periodically update the Council and community members on the status of such negotiations. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-37 The comment asks whether solar panel installations are part of the proposed project and if the public will have a chance to comment on their location and visual impacts. Solar panels are not an element of this project. However, there is a potential for the construction contractor to propose such features as part of the effort to achieve a Silver LEED's energy conservation plan. Also please refer to Response to Comment I4-3.

T3-38 The comment requests that CDCR either lower or shield lighting as to the way it directs towards the Q Ranch properties. As discussed on pages 3.13-22 and 3.13-23 of the DEIR,

Volume 3, CDCR uses lighting that is designed to cast light only where needed, and to cut off glare to offsite areas in all its new facilities. As shown in Exhibit 3.13-8, the proposed project would result in minimal casting of skyglow from the proposed lighting, but luminaries would not be visible from distant locations because of the distance and screening by trees growing along the intervening ridge top. The simulated nighttime views from three viewpoints in the area surrounding the infill site show that terrain and/or trees mostly block or screen the lights from the selected viewpoints. CDCR will consider, during the continued design and planning of the proposed complex, whether it is feasible to lower or provide further directional shielding so as to reduce offsite spillage of lighting. It should be noted that, as proposed, impacts were determined to be less than significant due to the existing terrain and vegetation.

T3-39 The comment asks why Q Ranch, which is in the City's General Plan and is proposed for 850 units of development, was not included in the list of cumulative projects (Table 4.1 in the DEIR, Volume 3). Please refer to Response to Comment I4-5.

T3-40 Refer to Response to Comment T3-39.

T3-41 The comment questions whether improvements are proposed to Michigan Bar Road. CDCR has no plans to make improvements to Michigan Bar Road. As discussed in Section 3.11 of Volume 3 of the DEIR, CDCR evaluated operations along and potential impacts to Michigan Bar Road under existing, existing plus project (complex and single facility), existing plus approved projects, existing plus approved projects plus project (complex and single facility), cumulative, and cumulative plus project (complex and single facility). Under all scenarios Michigan Bar Road, in the vicinity of the proposed project, was determined to operate acceptably. As a result, improvement of Michigan Bar Road is not considered necessary.

T3-42 No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-43 The commenter asks if CDCR would like a copy of the comments in writing. CDCR will respond to all comments, either presented orally or in writing, in the FEIR, as required by CEQA. Comments provided by the Q Ranch Owners are included in this document as Letter I4. Please refer to Responses to Comment I4-1 through I4-8.

T3-44 Please refer to Response to Comment T3-5 pertaining to Coalinga. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-45 The comment states that cumulative impacts include social vulnerabilities. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-46 The comment states that the EIR should be put in layman's terms. CDCR believes the DEIR was prepared according to the requirements of CEQA, which states that EIRs shall be written in plain language and may use appropriate graphics so that decision makers and the public can rapidly understand the documents (Section 15140). The commenter does not specify what portion(s) of the DEIR were not understandable; therefore, no further response can be provided.

T3-47 The comment provides a personal account of the opening of a new federal prison and shuttering of a grocery store in Mendota, California. No evidence, besides the coincidence of the potential opening of a prison, is provided that connects these events to the proposed

project. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-48 The comment asks whether the impact fees are one-time fees or annual fees. Upon approval of the proposed project and prior to construction, CDCR is planning to pay a one-time traffic impact fee to the City of Ione and other regional transportation agencies based on the trips that the proposed project will generate.

T3-49 The comment asks whether the final decision on the proposed project is made by a group or one person and whether the meeting at which the decision will be made is open to the public. CDCR anticipates that the decision on the proposed SB 1022 infill projects would be made either directly by the Secretary or one of CDCR's Undersecretaries in consultation with the Secretary as well as other facilities planning and prison operation senior staff. At this time CDCR does not expect that additional public hearings would be held on this project or that project decisions will be made at a public hearing(s).

T3-50 The commenter asks if the proposed project includes upgrading Ione's WWTP and/or the existing WWTP at MCSP. Wastewater service for the proposed project is described on page 2-11 of the DEIR, Volume 3. Project-related flows would be accommodated by the existing MCSP WWTP, which is being upgraded with respect to treatment as part of a separate action in response to Regional Water Quality Control Board directives (refer to Section 3.7, "Hydrology and Water Quality," of the DEIR, Volume 3). No changes to the Ione treatment plant are anticipated as a result of the project. However, CDCR is seeking an agreement with the City to operate new effluent disposal spray fields for MCSP's treated and disinfected effluent.

T3-51 The comment asks about compensation for upgrading Ione's WWTP. CDCR has no plans to upgrade Ione's WWTP. Also, please refer to Response to Comment T3-50.

T3-52 The commenter asks for the definition of level II inmates. First, a person must be convicted of a felony to warrant placement in State prison. CDCR assigns a security level that corresponds to a score given to an inmate upon their entrance into the California state prison system. An inmate could be classified as a level II inmate for a myriad of reasons, including committing a relatively (relative to other felonies) low-level offence or the inmate could have a high initial score (and higher security classification) and reduce their score and classification through time served and good behavior.

T3-53 With regard to the location of the construction entrance, CDCR considered multiple locations. The proposed temporary construction entrance at S.R. 104 and Castle Oaks Drive is CDCR's preferred point of access. The existing entrance would create traffic congestion when combined with traffic from existing MCSP operations and could result in operational and potential security conflicts at this entrance. Siting an entrance from Waterman Road would result in the removal of trees and would place a large amount of construction trucks in close proximity to residences. The use of the Cal Fire gate would place a significant amount of new traffic on the entrance roadway and would potentially result in an unsafe left turn into the Cal Fire gate. Lastly, the proposed construction entrance across from Castle Oaks is an existing authorized access point off of SR 104. Caltrans only allows for certain openings on their rights-of-way and this location is already deemed acceptable.

T3-54 No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-55 Please refer to Response to Comment T3-53.

T3-56 The commenter asks what guarantees will be provided that the construction access road will be closed after construction. CDCR has no plans to retain the proposed temporary construction entrance opposite Castle Oaks Drive. Closure of the temporary access road is part of the proposed project and CDCR has no intention of maintaining the road post-construction. Further, the operational analysis within the DEIR assumes closure of the access road and no staff is budgeted to operate that access point. Additionally, maintaining two entrances is not consistent with CDCR's practice of having only one entrance to a state prison property.

T3-57 The comment states the DEIR's conclusion that there would be no significant impacts and no mitigation would be necessary for the proposed project is not correct. Table 1-1 in the DEIR, Volume 1, summarizes the environmental impacts of the proposed project and project alternatives; this table shows that the project, while resulting in less-than-significant impacts on some resources, would indeed result in potentially significant or significant impacts on other resources. Further, Section 1.3 of the DEIR, Volume 3 (pages 1-10 to 1-14), identifies the significant environmental impacts of the proposed project as well as mitigation that would be implemented to reduce those impacts, or in some cases, the reasons why available mitigation would not reduce the significant impact. No further response can be provided.

T3-58 The comment reflects the commenter's opinion that the $1.2 million impact fee required by the Penal Code would not entirely cover mitigation for the impacts the project would have on the community. CDCR acknowledges this opinion. However, the referenced fee is paid regardless of the extent, number, or magnitude of project impacts. In addition, CDCR would also contribute fair share fees for traffic impacts. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-59 The comment asks for estimates of the number of trucks and construction vehicles that would be using Highway 88, 104, and 124 and how the project will affect the downtown area during construction. Construction-related traffic impacts are discussed in Section 3.11 in the DEIR, Volume 3. As described therein, the level of construction-related traffic would depend on worker shifts, the particular phase of construction, and where construction materials are coming from to get to the infill site. Based on the analysis contained in the DEIR, up to 92 one-way truck trips could occur per day, and it considered likely that some portion of these trips would travel through downtown Ione. It should be noted that effects associated with construction traffic would result in significant and unavoidable impacts (please refer to Impact 3.11-4, which begins on page 3.11-33 of Volume 3 of the DEIR).

T3-60 The comment asks if CDCR has consulted with Amador County Transportation about utilizing State money to install a bypass to divert the project-related traffic. CDCR has met and consulted with this agency but no request was made to participate directly in by-pass funding. Please refer to Response to Comment T3-59 regarding payment of the regional transportation fees. A bypass project has a substantial construction cost that is not commensurate with the level of anticipated traffic impacts that would be generated by the project. Further, it is not clear if there is uniform community support for this improvement.

T3-61 Please refer to Responses to Comments T3-59 and T3-60.

T3-62 Please refer to Response to Comment T3-59.

T3-63 Please refer to Response to Comment T3-49.

T3-64 The comment asks what "L-O-S" stands for. LOS stands for level of service. As described on page 3.11-4 of the DEIR, Volume 3, LOS is a qualitative description of traffic flow based

on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined, with LOS A representing the least congested operating conditions (minimal vehicular congestion) and LOS F representing the most congested operating conditions (substantial vehicular congestion). LOS E represents “at-capacity” operations. When traffic volumes exceed capacity, stop-and-go conditions result and operations are designated as LOS F.

T3-65 The comment states that LOS levels were not included in the presentation. Tables 3.11-1 and 3.11-2 in the DEIR, Volume 3, define intersection LOS levels and daily roadway segment LOS volume thresholds, respectively. LOS standards for the City of Ione, Amador County, and Caltrans are presented on page 3.11-7 of the DEIR, Volume 3.

T3-66 The comment asks whether the proposed project would result in gridlock in downtown, when combined with the trips generated by the Wildflower development and the Newman Ridge project. Table 3.11-13 in the DEIR, Volume 3, lists the approved projects assumed in the Existing plus Approved Projects analysis and includes the referenced projects. Please refer to Section 3.11 of the DEIR, Volume 3, for a detailed analysis of the project’s transportation-related impacts. As noted in the DEIR, the intersections would meet the City’s criteria for acceptable operation of the downtown intersections, but would not achieve Caltrans performance standards. As a result, impacts to local intersections were determined to be significant and unavoidable.

T3-67 Please refer to Response to Comment T3-66.

T3-68 The comment requests the address for sending specific questions. The address was provided at the hearing and is listed in the DEIR:

California Department of Corrections and Rehabilitation
Facility Planning, Construction and Management
Project Management Branch
Attn: Robert Sleppy
9838 Old Placerville Road, Suite B
Sacramento, CA 95827
email: CDCR_infill@ascentenvironmental.com
fax (916) 255-1141

T3-69 The comment asks if there have been any studies done on housing prices after a prison is built. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-70 Please refer to Response to Comment T3-68.

T3-71 The comment asks if Susanville was ever considered. The California Correctional Center in Susanville was not considered as an alternative site for the proposed project because it is not an intermediate care facility. SB 1022 specifically requires CDCR to consider the seven intermediate care facilities identified in the DEIR for development of level II infill correctional facilities.

T3-72 The comment asks why Susanville was not considered for the proposed project. Refer to Response to Comment T3-71.

T3-73 The comment asks why the meetings are held at 3 and 5 p.m. The public hearings on the DEIR were conducted at times consistent with the public scoping meetings conducted in

Ione in January 2013. It should be noted that public hearings are not required as part of the CEQA process, but CDCR scheduled the hearings in an effort to solicit additional public comment. Comments on the DEIR can also be provided in writing. Please refer to Master Response 1, Public Outreach and Public Review Period.

T3-74 The comment disagrees with the adequacy of the impact fee. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided. Please also refer to Response to Comment T3-58 regarding annual subvention funds based on the inmate population count.

T3-75 With regard to the economic benefits of the project, the proposed project would create new jobs, would increase the number of residents and visitors that would spend money within the City and County, and would generate increased tax revenue that is returned to local communities. Please refer to also Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

T3-76 The comment asks if the jobs created by the proposed project would actually be new jobs, or if they would be filled by current CDCR employees. Because of the passage of SB 105 that suspends the closure of CRC in Norco CDCR now anticipates that the majority of jobs at the two proposed infill facilities will generally be filled by new employees or employees that have been subject to recent operational reductions.

T3-77 The comment asks how far away the prison that is slated to be closed is from Ione. CRC is located in Riverside County, east of Los Angeles. However, CDCR no longer is required to cease operations of this prison. CRC's operation and mission is now expected to remain unchanged.

T3-78 The comment asks for confirmation that CRC Norco employees would have to move if they accepted new positions at MCSP. There will be no change in the existing employment of CDCR employees at CRC. This prison will remain in operation.

T3-79 The comment asks that Willow Creek Road be added to the list of roads that construction vehicles should not use. Mitigation Measure 3.11-4 in Volume 3 of the DEIR has been amended to include Willow Creek Road as a prohibited haul route as follows:

> The construction contractor will not use Ione-Michigan Bar Road, Tonzi Road, <u>Willow Creek Road,</u> or Sutter Ione Road.

T3-80 The commenter states that the presentation did not give the community time to consider the impacts. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-81 The comment states that cumulative impacts include social vulnerabilities. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-82 The comment states that cumulative impacts include social vulnerabilities. Please refer to Response to Comment T3-81.

T3-83 The comment expresses the commenter's opinion regarding the need for more inmate beds. Regarding the purpose and need for the project, refer to Chapter 3, Project Description, in Volume 1 of the DEIR for a discussion on the background and project objectives associated with the Level II Infill Correctional Facilities Project. Please also refer to Response to

Comment T1-7 for a discussion of the need for the proposed project. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-84 With regard to the decision maker for the project, CDCR anticipates that the decision on the proposed SB 1022 infill projects would be made either directly by the Secretary or one of CDCR's Undersecretaries in consultation with the Secretary as well as other facilities planning and prison operation senior staff. The City or County do not have decision-making authority over the project. Please refer to Response to Comment T3-49 and Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

T3-85 The comment questions why California is still building prisons even though California is leading the nation in depopulating its prisons. Please refer to Response to Comment T1-7.

T3-86 The comment questions whether building a new high school or college would be better for Amador County than building a new prison. CDCR has no opinion about such an alternative. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-87 The comment expresses concern that MCSP does not have a tertiary WWTP. The comment is correct. Refer to Response to Comment T3-20.

The comment also states that there is caffeine in the creek water. Please refer to Response to Comment T3-21.

T3-88 The comment requests that CDCR use the number of inmates rather than the number of cells when referring to the proposed project. Please refer to Response to Comment T3-27.

T3-89 The comment identifies concerns related to the quality of the commenter's water supply, which in the commenter's opinion, is being affected by operations at MCSP. Refer to Response to Comment T3-17.

T3-90 The comment offers the opinion that a breakout of bovine measles was caused by operations at MCSP. While CDCR can understand the concern for the loss of livestock, the commenter offers no evidence to support this opinion; therefore, no further response can be provided.

T3-91 The comment expresses concern regarding lack of discussion of social and economic impacts. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-92 No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-93 The comment states that operating at a bed count of 2,400 when the court has ordered 1,700 is breaking a court order. In the commenter's opinion it is unclear where these numbers come from. The proposed level II infill project is in response to Senate Bill 1022 that authorized the construction of up to 2,376 new beds. Section 14 of this legislation directs CDCR to:

> "…design and construct three level II dorm facilities adjacent to one or more of the following institutions: Folsom State Prison (FSP); California State Prison,

> Sacramento (SAC); California Medical Facility (CMF); California State Prison, Solano (SOL); Mule Creek State Prison (MCSP); California Institution for Men (CIM); and Richard J. Donovan Correctional Facility (RJD)…. [T]hese facilities will be designed to provide flexible housing for various inmate subpopulations, including, but not limited to, those with disabilities, intermediate medical needs, or mental health treatment."

It is noted that the commenter may have made reference to the design and operation of the original prison. MCSP is projected to house approximately 2,400 inmates as stated in the CDCR's Blueprint plan. However, without clarification as to the exact question no further response can be provided.

T3-94 The commenter's opposition to new prison construction and community concerns is noted. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-95 The comment states that building prisons places a burden on communities specifically, on the traffic level, local utility infrastructure, and county court system. Sections 3.11, "Transportation," and 3.12, "Utilities," of Volume 3 of the DEIR evaluated potential increases in local traffic volumes and solid waste generated, respectively, as a result of implementation of the proposed project, and no significant and unavoidable impacts to traffic volumes along Shakeley Lane and Preston Avenue or local landfill capacity were found to occur. Further, the commenter's statement refers to increases in delays within the county's judicial system. Delays in civil trials occur throughout the State, and reflect an overall reduction in funding for courts in the State budget.

T3-96 The comment states that prisoners have priority at the hospital in Jackson. Procedures and the timing for admittance to a hospital is determined based on the security requirements for public safety and the severity of the need. This is not an environmental issue.

T3-97 The comment asks if burrowing owls had to be replaced or relocated during construction of the Stockton prison facility. Burrowing owls did not need to be relocated during construction of CHCF Stockton. There were several individuals noted in the area during construction, but none were located within 500 feet of the limits of construction. No specific comments addressing the environmental analysis of the DEIR were raised; therefore, no further response can be provided.

T3-98 The comment asks how relocation of burrowing owls is accomplished. All wildlife relocation is done through consultation and coordination with USFWS and CDFW. Although the burrowing owl is not a concern at the Mule Creek site, all burrowing owl mitigation is developed in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation* (2012).

T3-99 The comment asks if relocation and habitat replacement occurs within the project site. The location of replacement habitat purchased through mitigation would be decided through consultation with USFWS and CDFW. For example, as discussed on page 3.2-32 of DEIR Volume 3, Tier 3 of Mitigation Measure 3.2-8 states:

> "These mitigation measures compensate for residual wildlife mortality impacts. CDCR will contribute funds to an existing non-profit organization that creates and manages habitat enhancement areas that would improve opportunities for reproductive success of birds likely to be adversely affected by the project. Birds likely to be adversely affected will be predicted based on the results of mortality monitoring at comparable CDCR facilities and based on birds expected to occur in

the project vicinity based on surrounding habitat. Mechanisms for implementing the mitigation will be similar to those previously utilized by CDCR for the Statewide and Six Prison Electrified Fence Projects and may include additional funding for a project to which CDCR has already contributed as part of these existing projects. The Sacramento valley will be targeted, but mitigation could be implemented at federal, state, or private lands located anywhere in California if the lands support a large percentage of the species at risk of electrocution at the project site."

T3-100 The comment questions the difference between an infill bed and a standard prison. The term "infill" refers to the proposed new level II facilities being located on state-owned land at existing intermediate-care-level prisons, as directed by SB 1022. A new stand-alone prison facility is not being considered by CDCR. The benefit of an "infill facility" is that the existing warden and administrative staff from the existing facility provide sufficient supervision manage the proposed infill facility. Refer to Chapter 3, Project Description, in Volume 1 of the DEIR for a discussion on the background and project objectives associated with the Level II Infill Correctional Facilities Project.

T3-101 The comment asks if the difference between an infill bed and a standard prison is primarily a difference in staffing. Please refer to Response to Comment T3-100.

T3-102 The comment expresses concern for levels of iron and magnesium in the groundwater. Local groundwater is discussed on pages 3.7-5 to 3.7-8 of DEIR Volume 3. Specifically, the Cease and Desist Orders referenced by the commenter are described, as well as CDCR's responses to those Orders. CDCR has responded to resolve a number of the issues (including installation of 10 monitoring wells at MCSP as part of a wastewater plant monitoring program) and is currently preparing plans for a WWTP water quality treatment upgrade, separate from the proposed project. Please also refer to Response to Comment T3-23.

T3-103 No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-104 No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-105 The comment requests verification that water quality is going to be addressed in the design of the new sewer plant. The planned improvements to the MCSP WWTP will include additional instrumentation that will improve the quality of the effluent released by the WWTP. However, it is important to note that MCSP's cease and desist order was recently lifted. Please refer to Response to Comment T3-23 for further clarification.

T3-106 The comment questions why California is still building prisons even though California is leading the nation in depopulating its prisons. Please refer to Response to Comment T1-7.

T3-107 The commenter's opposition to new prison construction and community concerns is noted. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-108 The comment expresses concerns over accountability for construction and operation of the proposed project. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-109 The commenter's request that all State people at the meeting raise their hands to identify themselves is noted. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T3-110 The comment questions how iron and manganese in the water is going to be isolated and removed. Please refer to Response to Comment T3-102. In addition, it was stated that a lining in the pond would be used to isolate the contaminants from moving down the watershed.

T4

DEPARTMENT OF CORRECTIONS
PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT

VACAVILLE, CALIFORNIA
AUGUST 1, 2013

LEVEL II INFILL CORRECTIONAL FACILITY PROJECT

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF FACILITY PLANNING CONSTRUCTION AND MANAGEMENT

Reported by:
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PUBLIC COMMENTS

Tyra Hays

Vacaville, California
Public Hearing on Draft Environmental Impact Report
August 1, 2013, 3:36 p.m.
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MR. SLEPPY: So hello.
MS. HAYES: Hi.
MR. SLEPPY: Our audience. I'm Bob Sleppy, I'm with the Department of Corrections and Rehabilitation and this is of course our public hearing. But we wanted to start with just a little kind of what the project is, both the big view and here in Vacaville. So hopefully -- he swears this is going to work. It did.

That's what we're going to talk about but that's pretty obvious. We get to this project, this need for more Level II beds or replacement Level II beds because we produced this vision of where the Department should go in light of all of our court orders, overcrowding, mental health, medical health, dental care, access compliance for inmates, that we have all these things and all these problems in 33 prisons, plus we just added a new medical hospital prison.

But a couple things that come out of this are

change in the way we classify inmates. When a felon comes into the system goes through reception they end up with a score. And that score reflects their criminal record, whatever crime they got convicted off, their personal behavior and attributes. And some end up as a Level IV where they're high security and some end up all the way down like a conservation camp, Level I which you can actually be outside the secure perimeter.

But in the lower tier of that is something we call Level II. A Level II inmate is still inside a very secure perimeter, looks like all the other prisons. But the housing unit is different, we can put them in dormitory instead of a cell. So it's a little freer living situation. And also, Level II definitely gets along better so they can be trusted more so you have more class classroom time, more vocational time, better access to medical care and things like that, they're not so -- have to be so secure all the time.

So Level II gives us a little more cost effectiveness, we get a few more people per square foot in the prison. And what came out of this looking forward that we now are headed towards having more Level II inmates was -- the legislature as part of a

larger bill about jails said why don't you go ahead and build a new -- three things, use a format, a building you already have, don't come up with a new building. So we had one kind of building that we're going to use that's a 792-bed module that's at one of our prisons. Number 2, you can build up to 2300 beds. We're going to tell what you prisons that you can build them out, though. We're going to give you choices of prisons you can build them at.

These are just infill in that it's not a whole new prison. The most we'll put in any one place is 1500 beds. We're not going to put all 2300 beds out back of Solano. That would be a whole new prison, that would be a new warden, new chief deputy, all the way down the line. But if you just add 700 or even 1500 beds you barely get a new captain out of it. So you have a much more -- and most of the prisons we're looking at are kind of a little bit smaller, basic prison so it actually brings them up to the standard of the others.

The Bill also did an odd thing in some ways, in that it sounds like we're building new beds, new capacity, but in fact, we're just about one for one replacing a very old, although not our oldest, prison that's basically built -- a hotel, an historic hotel

and only post World War II, post Korean War era buildings. It's really quite the thing. It's on top of a big hill, it's down right smack in the middle of the City of Norco. But it's just beyond any reasonable repair. It's all wood frame, it's just not a good situation for a prison. And it's a good example that it doesn't have program space, it doesn't have the medical space, the mental health treatment space, the vocational space.

And one thing that Senate Bill 1022 said was, make sure you not only build the room to sleep in but you provide the space so you can really finally meet all these court orders that -- the way we're supposed to treat inmates. So we're trying to, you know, put them in a much better situation, better for our officers, the staff and for the inmates.

These are the choices that the legislature -- we have 11 prisons statewide that meet a certain level of care, medical care, it's called intermediate care, sort of like outpatient care. They've identified seven prisons of our 11 that are in that category, the balance just don't have any room to build on. These together, these seven prisons together have five collective places to build. Solano and CMF have one spot, Folsom and Sac have one spot and the others have

one apiece.

We were compelled by the Bill to say to the Department of Finance and legislature which ones do you think you'll build at, so which are your proposed sites. But we have treated all these up to the point of the EIR being released as alternatives. So they actually have equal treatment, like five subdivisions statewide, we can pick and build any of them. But Mule Creek and Donovan are our proposed projects.

We have subsequently had to admit that the CIM site down in Chino, we just couldn't -- we just didn't have enough information about water and sewer to be able to include it in the EIR so it sort of dropped out of the running.

Here's where all of these are statewide. And we only had, like I said, a couple of the gray ones had enough room to build.

This is our classification issue. And this really is critical because even for the public, there's two things happening here, this higher security inmate, the Level III and Level IV, have to be in a cell. So you get a couple per cell and it's a much more secure housing unit in terms of isolation and movement and has gun coverage and things like that.

The Solano is a classic Level III prison that would just be the typical of our prisons we've built since 1985.

We also for the first time are setting -- we used to -- Gary Jakobs here is with Ascent now but it's been other firms over the years as well as myself, have always done EIRs for prisons based on 100 percent, so one inmate per cell on your design bed capacity and then, well, we know it's going to be double bunked, so we do also an analysis on 190 or 200 percent.

We are now -- because of all these overcrowding court orders, we looked at each prison and said what should it operate at, what should it operate at. And in this case, you know, we will not be larger than 792 inmates at the smaller one or 1584 at the larger one. So we've kind of coined it operational capacity because we don't have a better term for it. But we don't expect to start jamming folks back in there again and court orders kind of reinforce that.

This is -- if you're architectural kind of orient this, this was important in other communities but we brought it here too. The left side is just what -- if you went into any of the housing units in

Solano that's exactly what you will see, these little tiny pairs of cells with two beds in them.

If there was one bed there that would be -- 100 percent would be your design capacity. If you put a double bunk in 50 percent of them, that's your 150 percent capacity.

These are completely different than our dorms. Dorms are an open -- although there's a missing, for visual purposes, a wall there -- they're, you know, kind of like something you would see in the Army or college or something like that where there's multiple inmates. But that shows that those inmates have to get along better at night, they can't be attacking each other, be a free-for-all.

These don't have quite the kind of internal security that we have in the higher security prisons but the outside of the building is still fully secured as well as the perimeter.

So we have our total capacity of 2376. We either do the 792 configuration or this 1584 beds. Everything still meets all of our standard security criteria, there's no exception for that. But they're regular prisons, they operate 24 hours a day and visitation on weekends. They are standalone. We wouldn't bubble these off of any perimeter because we

generally don't like to mix Level I, IIIs -- and IIs and IIIs together. And also, it just makes for better uniform fence configuration.

Nothing is compromised on the perimeter or the basic security of the prison from a community standpoint. At all of our newer prisons especially, with a few exceptions where the terrain just doesn't work, we have this lethal electrified element between the outer and inner fences which are just standard. And for us that does save the cost of running our towers so you save quite a bit in labor cost when you use electric fence, but also it has been a uniform barrier to anyone trying to escape. It's the real thing so it would be used for this facility.

So here is our two proposed. We have the two examples of how they're going to build out if we approve those.

Down at RJ Donovan on Otay Mesa right at the -- I'm basically standing in Mexico right now, we're right on the border. We have a little bit of room for mostly the single we proposed -- we looked at a double also but the single works a lot better. That's our alternative there so that would be the 1500-bed option.

We have in some cases single and some cases

double throughout the alternatives. At your site our only place is to put it kind of between the two. We looked out back on the west side and there's sort of bad land out there or there's no access and things like that so it's right up front there. It's kind of that little wedge.

So the little red area is the basic spot. We were trying to figure out where to bring access in and it's either going to be through Solano or opening up that other road, that would obviously be a local decision. It is pretty tight so we have to kind of fit it in there, probably have to move these ponds and things like that so it's a little tricky.

We just finished the 42-bed psychiatric facility here which doesn't -- I don't think it shows on that yet. So there's everything that's got to be adjusted to make this work. There's an actual site adaption, it still overlaps some stuff, you can kind of see how we fit it in there.

Once again, standalone, equally between the two. We don't know which prison would run it, though, we haven't made that decision yet.

The little crosshatches are the housing units and the rest is support space. Pretty big project. Even as a single is, operational budget is over 20

million when you put salaries and benefits together.

Construction budget, the hard dollar is 185-, the total is someplace over 260-. So it's a big project at least revenue. We have full funding for it already. We're trying to get on all these projects to construction by spring of next year.

Gary Jakobs is going to talk a little bit about our EIR. It's unusual in that by having these five states -- sites statewide we wanted to address all equally so we can sit down with our Secretary and say, okay, we have the two proposed and here's the three alternatives, what do you want to do. So we really are treating each site -- you know, your City Council didn't think we were serious when we came a while ago, but we have tried to set up the EIR so we could be serious so we can pick any of these sites.

MR. JAKOBS: Normally this is a time when I go through what CEQA is really all about, but I think you know what CEQA is all about.

MS. HAYS: I'm good.

MR. JAKOBS: The audience of one.

MS. HAYS: I'm good.

MR. JAKOBS: Well, audience of two.

MS. HAYS: I have the same four little things after my name.

MR. JAKOBS: So this is the Tyra presentation.

So let me go through though what we did do here because this is unusual. Normally with an EIR they're self-contained, they contain a summary, they contain all the information in an EIR. And because we were trying to both evaluate each of the sites that were being under consideration at an equal level of detail but also not overburden everybody with one large document, we produced a single document for each of the sites under consideration. So this is the one that was done for CMF and Solano and it addresses all the information typically in an EIR except for the summary information. We also produced -- and that's Volume 5.

We also produced a Volume 1. And Volume 1 includes summary information on the impacts of each of the sites that is under consideration and all of the alternatives that we evaluated. It also includes the cumulative -- summary of cumulative impacts and a cumulative impact analysis associated with greenhouse gas emissions from the development of the entire community of the prison.

So each community received a volume that is specific to the project that'll be located in that

community. So Vacaville got the one for CMF and Solano. Plus all communities received the summary documents so they can see the summary of the impacts of the entire project.

Very familiar with what CEQA does and says. With this full scope EIR we addressed all the issues under the sun that can be addressed, nothing was scoped out of the EIR.

In terms of significant impacts, we identified significant and unavoidable impacts related to construction. And those impacts are primarily because we don't have a full construction management plan prepared yet. There are some targets. We hope that we can reduce the measures to a less-than-significant level but we don't know that, that's the goal. But we are considering a significant amount of unavoidable impact at this time because the details aren't there yet. Also cumulative impacts at several -- at a couple of intersections would occur.

And then visual resources, I'm going to show you some simulations in just a moment. But it is adjacent to development, it'll be visible so there's a potential degradation of scenic vistas and light and glare impacts.

So this shows some of the -- a couple of the

viewpoints, you can see in yellow. We did some simulations from Morning Glory Drive and the park area, it's Al Patch Park.

So this is -- shows the existing view on top and then the simulated view on the bottom. As you can see, the view of the back of the mountains would be obstructed by the development of the project so we call that a significant and unavoidable impact.

We also identified significant impacts that were mitigable to biological resources, cultural resources and none of these are unusual. The only unusual impact perhaps would be related to mortality of wildlife species associated with the electrified fence. Electrified fences are not common.

It's not common with most development but they certainly are with this prison. And our experience is that they do kill species that decide to land on them, particularly birds. So we actually have a very well-founded mitigation program developed through about 11 years now of monitoring throughout the state each of the prisons and different obstruction measures that we use, netting, things like that, species that are killed, species that aren't, other avoidance measures to keep the area where the fences are less attractive to wildlife so you'll have

some good success here.

Cultural resources and hazardous materials we have significant impacts that are mitigable. Same with hydrology and water quality, noise. And most of the intersections that we looked at could be mitigated to a less-than-significant level.

As far as the schedule, the notice of preparation was released in December, we had a scoping meeting here where we got some comments from the City in January. The draft EIR was circulated in June and here we are at the beginning of August.

We have extended the review period of the draft EIR to August 19th, it's about a nine- or ten-day extension from the original schedule. And the final EIR will be prepared in the fall and after that will be certification. If the Secretary of Corrections finds the EIR to be adequate he'll certificate it and then we'll consider whether or not to approve the project.

MR. SLEPPY: So we're glad you're here. We welcome either -- you want to give verbal comments now or just give us a letter later on you have a little more time now. I don't think you want to come down to Chula Vista for our other hearing but you're certainly welcome to.

But we're glad you're here and it's nice to have somebody who's used to planning issues talking about planning. So welcome. And if you want to -- you know, it's your City Council chambers but our recorder could always use a microphone.

MS. HAYS: So you want me to use the microphone? My only real question is do you have somewhat a period of time in which the Secretary of the Corrections -- Secretary of Corrections will make those determinations?

MR. SLEPPY: Oh, yeah. Like I said, we're trying -- you know, in project we have a schedule, we would -- because the legislation says they want us to close this old prison by the end of 2016, we have a perfect two plus years to get it built. So we're trying to get the EIR certified and approved and site selected by October, early November. And then be able to award the contract right at the end of the year or January and then start construction when things get warmed up in April of 2014. So we'd really like to start construction in 2014. So yeah, we'll be trying to get that decision in a pretty timely fashion once the final EIR is done.

At this point we're still looking at the Mule Creek site and the RJD site. We haven't yet started

T4-1

whittling through the other choices, but the other two choices we still consider pretty good. We like both the other prisons in terms of prison operations and compatibility and good wardens and things like that.

We know with all of you the visual of the traffic, the utility consumption is always a critical issue. We tend to think because the inmate population has dropped so radically that both prisons will still be pretty much within the JPA but we're going to double-check that one last time. But if we weren't, then we would have to be accountable for that.

But the prison population has dropped so much at Solano because of realignment and trying to meet the court orders for overcrowding, and then Vacaville is actually having a drop also -- CMF but also because the new healthcare project opened up some spots so the more critical inmate patients are moving over there. It will remain one of our other critical care hospitals but it'll certainly operate at a lower level.

We did add the 42-bed mental health facility but that's the last physical addition we have any plans for. There was -- I'm not sure if this document has gone out or not yet but there's a healthcare improvement project for both facilities but that's

clinical, it's all clinical --

MS. HAYS: Right. We didn't have any comments on that. T4-2

MR. SLEPPY: So yes -- so if you're -- you know, if the Council was a little concerned last time that we couldn't have been serious because we hadn't dealt with you very directly but, you know, if you are -- have concerns now is a good time to raise them so we can be aware of them if we decide to pick the site to come back to you to work those things out.

MS. HAYS: All right. We'll definitely be providing a letter before the 19th. T4-3

MR. SLEPPY: Okay.

MS. HAYS: So this is the weird thing, I actually created the letter for the NOP but someone else reviewed the EIR and I have his notes.

MR. SLEPPY: Okay.

MS. HAYS: So I will be getting all those comments to you.

MR. SLEPPY: Okay. Well thank you.

MS. HAYS: That's it.

MR. SLEPPY: Thanks for coming out.

(Recess taken from 3:58 p.m. to 5:28 p.m.)

(Whereupon the proceedings were concluded at 5:28 p.m.)

STATE OF CALIFORNIA)
)
COUNTY OF SACRAMENTO)

I, Maricela P. Jones, a Certified Shorthand Reporter, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name.

Dated: August 13, 2013

Maricela P. Jones
CSR No. 13178

Transcript T4 Response	Public Hearing Vacaville, California August 1, 2013

T4-1 Regarding the approval process for the project, under the current schedule for the proposed project, the Secretary will consider the FEIR for certification in October/November. At such time, the Secretary may also approve the proposed project, including the two or three sites for development of level II infill correctional facilities. As noted in the DEIR, the currently proposed sites for level II infill correctional facilities are MCSP (complex) and RJD (single, level II infill correctional facility).

T4-2 The comment states that the City of Vacaville had no comments on the CEQA document for the health care facilities improvement program at CMF/SOL. The comment is noted.

T4-3 The comment states that the City of Vacaville will be submitting a comment letter on the DEIR. A comment letter from the City was received on August 19, 2013 and responses to those comments are provided in L15.

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PUBLIC HEARING ON THE DRAFT EIR
for
Level II Infill Correctional Facilities Project

California Department of Corrections and Rehabilitation
Office of Facility Planning, Construction and Management

Chula Vista Council Chambers
276 Fourth Avenue
Chula Vista, California
August 8, 2013
6:20 p.m.

Reported by:
MARY ANNE YOUNG, CSR NO. 12799

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T5

CHULA VISTA COUNCIL CHAMBERS
THURSDAY, AUGUST 8, 2013, 6:20 P.M.
- o0o -

MR. SLEPPY: I'm Robert Sleppy, and we're going to give a presentation and a slide show. No pictures from vacation. And then we'll open it up for public hearing that includes anyone who would like to give public testimony.

We're still in our environmental impact review period until Monday, August the 19th, so there is still time to submit written comments to us after this hearing, but this is a very public opportunity to speak to us directly.

We'd like to give you a little slide show about what the project is, and it is a little unusual that we're looking to build on a couple of prisons statewide. We're looking at a number of sites. Before I go on, I'll turn to Lilian De Losa, who will give a few words in Spanish.

MS. DE LOSA: (Greeting given in Spanish)

MR. SLEPPY: And we do have on our website -- we have the executive summary in Spanish.

So here we go. What the hearing is about, of

course, is the very important environmental review process for folks to give us their comments about the project, the merits of it. What you do and don't like about prisons is fine too. We're going to give you a little history. Amanda is going to talk about what the EIR findings and the significant effects, and then we're going to get to the point of accepting public testimony.

This is a little different as a development project. Of course, a state agency can't do anything without the legislature. It tells us what to do and the parameters. We're not a developer who wants to build 100 homes. We have to have the governor and the legislature tell us what we're authorized to do.

In this case we'll start with -- I think it's the best planning effort that the Department of Corrections and Rehabilitation has ever done. I mean, going back 100 years. It turned out something called a CDCR blueprint a year -- about a year and something months ago, and the blueprints relative to this project had a couple of significant terms.

One of those in particular is we have four levels of how we classify inmates, so how we expect to treat them in terms of isolation, handling which ones get along, which ones don't get along, and it affects how we house them.

I'll get to those slides in a minute, but one thing that came out of looking at ourselves and turning to the blueprints is we're kind of redoing the security level I inmates. We could probably make inmates' lives a little better if we gave them a break and reduced their classification down to what we call level II, which simply is a transition point in how you're housed. You go from a cell to a dorm, and it gives you a chance to do more programming vocationally, so you're kind of out of the cell environment a little more.

But we said that we're going to voluntarily change our classification system and make it a little more progressive and more inmates will end up at this lower security level than at the higher security level. We actually demonstrated that since that plan was adopted -- and that's exemplified by Folsom State Prison, the second oldest prison behind -- not the same age as San Quentin. We recently completed moving it from a level III inmate population to a level II.

And then because of this change in the Penal Code that puts a lot of felons back in the counties, called realignment, we actually projected that we didn't need one of our three female prisons. We had three prisons for the female population statewide, and we actually decided we only needed two of those, and so the

one we chose was Chowchilla. They are side by side with Valley State Prison, a level II male prison which -- you'll see it's a dormitory housing which is why we should do that. It required almost no change in the physical facility itself, so we have already been trending towards this level II to our own processes.

As I mentioned, we have to have a bill. The legislature tells us what we can do and cannot do and authorizes funding. And all that happened when the blueprints got done and we talked about this level II. The governor said okay to the Department of Corrections. So whether this was partly your idea and partly the legislature's idea, we want you to go build more level II housing units. We want those housing units and prisons to be fully programmed to meet all these court orders for medical treatment, mental health treatment, access compliance. As inmates get older, we have flat sidewalk problems like the community does. And in particular also because this level II is a little gentler to the environment, to make sure you have room for classes, for vocational classes and educational classes and prison industries so you can maybe get some work experience before you're paroled.

That bill said you can build up 2,376 infill dorm beds. Our suggestion -- our building block is a

792-bed facility, which is what we're proposing down here. And that's because it is a known housing unit; we're already housing inmates in the system and we didn't have to start over new. We look to use what works in terms of inmates and security, so we're using a standardized 792-bed facility. And we could do three of those or we could do one single -- we could put two together and get 1,500 beds. We would never build all 2,300 in one place, and that's because that would be equivalent to a brand new prison: All the administrative staff and all the stuff that goes with a whole industry. If you just add a neighborhood, you don't need a new warden, you don't need a new chief deputy, you don't need all the other administrative positions. It's kind of an efficiency thing. We proposed the expansions at both prisons that are a little bit smaller so it kind of makes them balance out a little bit.

Just to clear this up, the last couple of public hearings we haven't been as clear as we should have been about this. We don't call this a replacement project but, in fact, when we get done building these and they're ready to activate, we have been directed by the legislature to close one of our oldest prisons. It's a level II prison up in Riverside County in Norco,

the California Rehabilitation Center. It's an odd prison in that it never was a prison; it was actually a hotel, a historic hotel with World War II and Korean War-era medical facilities, housing for returning veterans. It was given to the state -- transferred to the state in the '60s and it was used for drug rehabilitation. It functions as a prison, but it's just not like anything else we've got. The housing units are all wood frame construction, which is a fire concern. It's not the shape and dimensions of a prison. It works fine, but it's not something that tax-payers want to put a lot of money in bringing up to current standards.

So the legislature thought they would really get efficiency out of getting that one closed, so we actually kind of balanced out bed for bed -- that's a 2,400 capacity prison so we're just about balancing out. So it isn't exactly -- it's not really brand new, but it certainly is a different kind of prison we're proposing to build.

The legislature thoughtfully told us where we could build them, where we could choose from, because they want us to use property we already own where there is room to build.

And we also want to tie into the medical classification of how we have the medical staff for the

inmates. We have a term we use for prisoners that have enough medical staff to provide intermediate care. Let's try to draw a parallel to going to your Kaiser doctor where they've got all the pharmacy and X-ray and all that kind of stuff but not acute care, not a hospital, just a clinic.

So we now have eleven prisons that have enough medical staff and enough physical equipment to classify them. We just got done completing the first new acute care prison in California, which is up in Stockton, which is just like a hospital. It's got intensive care and all that kind of stuff, so these are a little different but they come with a full compliment of staff. We've told we need to provide inmate health care. There are seven of those statewide. The legislature said, "Why don't you consider these seven because they have room and the others don't have enough room to build on?" So it turns out that the math gets difficult.

There's only room for five prison expansions of these seven sites. Two of these prisons are side by side and between them they have one site. The legislature also said, "Tell us which ones you think you're proposing to build at."

So we rode out at the get-go and have designated Mule Creek, up near Stockton, for a 1500-bed

1 facility. We have a diagram of it here. And then out
2 here on the mesa -- Otay Mesa, R.J. Donovan, a 792-bed
3 facility.
4 Amanda will talk about our environmental
5 impacts in case we change our minds. These are all of
6 the places we could have picked from but several didn't
7 have room to build on, so we ended up with these five
8 sites.
9 RJD has been around for a while. This is one
10 of the newer prisons. We didn't build prisons in
11 California until the mid to late '80s. We started
12 building what we call our newer prisons which are all
13 almost identical to each other. We have a big piece of
14 property out there. There wasn't much out there before
15 the jail at the time. This is a high security prison so
16 it's got level III and IV inmates in it.
17 As with all of our prisons, about three years
18 ago it was terribly overcrowded, and because of this
19 realignment where we stopped getting as many inmates
20 sent to us as the counties, we have now dropped down to
21 three -- where is it there, 3,200. We're trying to get
22 it down to 3,100 mates. That's our target population
23 we're trying to get to. We don't see us going back to
24 the days of overcrowding just because of all of the
25 court orders. If you've been reading the papers this

1 week, just for example, we were talking about sending
2 10,000 inmates to alternative facilities.
3 This is the classification and stuff, just so
4 you need a little bit -- this is the key to the way that
5 we have a felon come in: We decide what type of prison
6 they should be in, and we have our higher security IV
7 and III, and that is distinguished because they're in a
8 cell type environment with a lot less ability to move
9 around within the facility, a lot more control on them.
10 And then when you get start losing points --
11 it's called losing points. You get to a level II, and
12 the crime could be across the board. You could have
13 done a pretty terrible crime but still be in a level II,
14 so it's not necessarily you have a lesser crime.
15 Eventually, we get down to level I that do fire camps
16 and fighting fire and things like that. These people
17 don't have to be secured in a higher security program.
18 The physical difference -- and this is just
19 kind of important to us. Maybe it's less interesting to
20 all of you. There is a real difference. R.J. Donovan,
21 if you go on a tour right now, the housing unit, there
22 is -- some place -- where is my pointer?
23 MR. MUNDHENK: It doesn't actually show up,
24 Bob, on the screen.
25 MR. SLEPPY: The ones on the left top and

bottom are what you would see when you walk into what we call our 280-degree housing, a radius of housing with two tiers, and the most you can get in one of those little rooms is two inmates. Right now we tend to house every other one, but only have one person in it and then tweak it to about 250 capacity. Those can be remotely closed up and locked up from a control point. They can all be locked down. There's lots of weapons coverage if somebody starts a riot, stuff like that. When you get to where you're getting along a little bit better with folks, officers and other inmates, you can get yourself into a dormitory setting. So that's the real difference in what we're proposing to build here.

From one standpoint, it is more cost effective to have a few more inmates and less staff. You get about six to eight people in a room. There, of course, would be a wall across there. It is also still two tiers, a lot less internal coverage and things like that. Critical to the community is both, all level II, level III, level IV -- all have the same parameters. From a public safety standpoint, we have the same community barrier to escapes which have been effective.

So what we're proposing to build at R.J. Donovan is this eleven -- where is it -- a 792-bed facility. It's just like any of our other prisons in

terms of basic design. It is an accessory prison facility to the existing one. We don't combine them all together. The perimeters, we keep them separate because of the different inmate classification levels. We don't like to mix those up. There's visiting on weekends, 24 hours a day, three watches, things like that.

Here's our focus points. We've got each of these here to talk about tonight. And that's what we think we're going to end up probably selecting to build, but we'll have to see at the end of the EIR process.

Here were all of our alternate sites that we looked at which Amanda is going to talk a little bit about.

Here is R.J. Donovan in Otay Mesa. The yellow line is our property. We've been out there a long time and you can see where the main prison is. Probably about a third of that property is for wildlife dedication. The canyons -- the canyon is actually dedicated to wildlife protection, so we would never build in the canyon -- through O'Neill Canyon. It used to be where all the folks from Mexico snuck into California, but they've long stopped doing that.

We do have a little bit of room there, not a lot of room, about 780 acres that's flat and potentially buildable. So this came up as one of our possibilities.

For neighbors, we have the county jail, a very large complex. We have a big power plant. We have a bunch of warehouses. We have some demolition -- car demolition yards. There's a lot of that industrial feel out there in Otay Mesa. We have one road in, and this is an issue for later on. We always have one road into a state prison. We don't like to have more than one road. That impacts our own fire station and it controls of who's going onto our property.

We've got to do a few things to make this work. Move a few things around. We need to make sure we have adequate on-site parking so people don't park in the street. We have to move a water line around. There is a potential to move our firing range around on a larger facility, but that's just a possibility.

So here is what it looks like when we put our proposal for the 792-bed on the ground. It's out there to the east of the main prison. We still use the same access road; we just move our gate a little bit eastward. It's a stand-alone facility because, like I said, we don't like to mix the level II and III inmates together so we don't want to connect the two.

It's operated by R.J. Donovan staff. It's pretty much a flat field right now with very little on it. It's used for helicopter landings and things like

that right now.

We also, in the EIR, looked at putting a 1500-bed facility out there as one of our alternatives. It does fit. It does work. It uses a little more water, but that is an alternative to our proposed project.

Our project is over $200 million in totality with construction costs to build this, about 185 million in actual construction dollars. We are sort of targeting the end of this year for a selection and approval of the respective projects. If everything goes along well, starting construction in the spring. We usually take about two years to get these done and inmates transferred into the facility.

We've had kind of a range of interests in this project as we've moved along through the public process. One of the -- some of the biggest ones are right here on this list. Everybody is always worried about water and sewer. It turns out we have a good agreement about existing sewer. We had a higher flow but actually now it's a lower flow. We are in the process of confirming that we have adequate water supply. Right now our preliminary look-see is positive on that.

We've had a lot of questions about access because locals wanted to put in a different road. We

have proposed declining that because our current road is pretty good and the alternative road is very expensive.

Fire, we have our own fire station. Folks were kind of concerned about that, so we really don't need to depend on the local fire department that much. So also that's been addressed.

We're going to end up signalizing one of the stop lights -- intersections just to the south of us as part of our mitigations for traffic.

Amanda here is going to get up. She's part of our environmental consultant team from Sacramento and has done a lot of environmental impact reports on all kinds of weird things.

Amanda is pretty amazing, and she will walk you through what's in the EIR so you don't have to read it if you don't want to, and then we will take public testimony.

MS. OLEKSZULIN: Thanks. It's just a little light reading.

Thank you for being here tonight. What we'll do is spend the rest of the evening -- or the rest of the presentation talking about the results that were presented in the environmental impact report.

Bob mentioned that four sites were evaluated in equal level of detail, meaning the Department could

choose which of one of those sites to go forward should it so choose at the end of this process. In addition, a fifth site in Chino was considered, but for technical reasons, not having enough detail primarily related to water and ground water, technical studies, that site was eliminated from an equal level of detail and evaluated as a CEQA alternative in the EIR.

The purpose of the environmental impact report is that a lead agency, such as the California Department of Corrections and Rehabilitation, is to evaluate the significant environmental effects of a project, and the lead agency is required under CEQA to mitigate for those significant EIRs when they occur to the degree they are feasible. So this EIR prepares a comprehensive look at all of the environmental impacts associated with development of these facilities.

It's a full scope EIR, meaning that the full spectrum of environmental issues has been evaluated. And we're going to go over a slide here in a minute, but about 14 different technical areas were evaluated for each of these facilities.

Now, just a little bit about the structural background for the EIR. Each section presents the regulatory background, all of the regulations that would influence the development of this facility, the impacts

and whether any mitigation measures are required.

Volume I of the EIR is probably your best resource. It's where you'll go to to find impacts for all of the facilities as well as R.J. Donovan.

These are all of the resource areas that were evaluated in the EIR. As an example, we looked at the birds and the bees and biological resources. We looked at air quality, greenhouse gases, water supply and distribution, and transportation and traffic. All of these were evaluated at a full level of detail.

So let's talk a little bit about the results of the analysis. The EIR identified one significant and unavoidable impact. And what does that mean? It means that the project would result in physical environmental changes that even with implementation of mitigation would still remain significant and unavoidable. In this area, it's transportation and construction-related traffic impacts.

So the EIR identified that during certain times of the construction activities, there will be a variety of different trucks and other construction workers on the roadways. A traffic mitigation plan was implemented, but because of the details of this development, the traffic mitigation can't be known with certainty at this point in time.

The EIR concluded this would remain a significant unavoidable effect, but CDCR is continuing to work with the contractors when they come on board to identify the least amount of environmental disturbance that they can.

There were several environmental impacts that were identified as potentially significant and then mitigation was recommended, which dropped those significance levels down to a less than significant level.

Air quality, construction-related impacts. They're going to be turning dirt out there, so there will be some dust consistent with the air quality management district. They'll implement measures to reduce those impacts.

Biological resources. They will be removing some habitat. Mitigation was recommended to replace that habitat.

Because of the soil types out at the site, there is a potential that paleolithic resources could be discovered, so they have a comprehensive monitoring program during construction activities to look and observe whether any of these resources are present on-site, and if they are, they would preserve those resources.

Hazards and hazardous materials. There was a significant impact identified with the larger complex facility, the 1500-bed facility primarily associated with relocation of the firing range. Mitigation was recommended to remediate any potential soil contamination that would occur there.

Storage water system impacts. Mitigation would require the facility to construct adequate storm water storage to retain storm water on-site to pre-project levels prior to discharging off-site.

And then transportation impacts which Bob talked about. There will be a variety of traffic-related impacts. There is mitigation to install a traffic signal and other cumulative roadway impacts associated with other development in the area.

Bob talked about that we evaluated an alternate secondary access, and the Department is deciding not to go forward with it, but this is just an exhibit of where that alternate access could be located. The EIR indicated that this alternate access, while being more costly, would also result in greater environmental affects because of the habitat -- the native habitat it would cross through to get to the facility.

So this is the CEQA process and schedule. We

circulated a notice of preparation indicating that we're going to start the EIR process back in December. We conducted a scoping meeting at that time. We received comments to identify the full scope of analysis that the community wanted evaluated. We are now -- we now have prepared the draft EIR and we're in the public review period.

This public review period has been extended to August 19th, so we will hear your comments tonight, but if you feel like you've missed something and want to continue to comment, you can provide written comments and e-mail comments up until August 19th. After that time, we will review all of those comments and the Department will come together, and we'll provide written responses to each comment received on the EIR, and we'll prepare what is known as a final environmental impact report at that time. It is expected that the Department will consider approval of the project some time in the fall of 2013.

MR. SLEPPY: So finally, it's your turn. This is an important part of the environmental review process, a chance to get up and give us your comments on the adequacy of the comments and your concerns on what we're proposing to do. We're glad you're all here. We have a court reporter to get all the words hopefully

accurately down. If you do want to send anything to us, this is our on website here, plus we've got ways to get it to you otherwise.

This is a public process. We look forward to people asking us questions and comments and things like that. The decision-maker for this project is our -- we have a cabinet level director in the Department of Corrections, so it's our secretary, James Beard, who is fairly new to the job, but him and his -- right. And then we have kind of an administrative group that would, you know, look at all of our findings and things like that and decide which. We proposed these two, but we could pick other ones.

So it's all yours at this point. We invite you to speak. You don't have to, but --

MS. STEWART: Hi, my name is Elizabeth Stewart, and I've been there to Donovan -- well, not the new facility. I agree, we need some change, but I'm not happy about building more cages, as I call them.

And this dorm that you're showing up there, it sounded great when I heard about it, but now looking at it, I see it seems like we're going to put six people into a smaller space instead of individual cells. And the issues that go with that, trying to live with someone in a small space is really mentally hard.

T5-1

I don't know if anyone has ever had to live on a cot like it is a bed. For me, I think the longest has been a week or two while camping. And my own son, he's doing 70 years. He's a California three-striker for a non-violent residential burglary, and I hear the stories that go on in there. And as a mother, I find this really hard -- I'm sorry -- the expansion happening right here in my city, in San Diego.

T5-1 cont'd

And as I say, I was talking earlier to Bob. I live in Santee, and I drove down the street to see what was going on in Santee. I know it's a little different than here, and I see how close you're building these. I was devastated to see that 30 feet away from the retaining wall where they're building this and about 100 feet out from that where some building is -- I don't know if it's going to be an actual prison or what, but the buildings there for a prison, there are children playing. And I know at Donovan when I've driven down that road, I have seen children out playing in those areas. And it's a little bit farther out, but it's still close to our families.

T5-2

And the water, everybody says it's good, but is it really? I mean, I hear the horror stories of what's going on in the other prisons, and they had to shut off air conditioning because there wasn't enough

T5-3

PUBLIC HEARING ON THE DRAFT EIR - August 8, 2013

power, and mandating that the showers be cut down because we don't have the water capacity right now for everybody. These are just things popping through my mind. I'm sorry. I can't, off the top of my head, say exactly which prison it is right now, just not there, that thought.

T5-3 cont'd

But I am concerned about this. And I do agree, better establishments need to be put up for our inmates and that more education -- but I know years ago, many of these prisons had some wonderful programs. They had landscaping. They had programs to teach them how to get out and get a job. They really did have rehabilitation. I'm hoping we can bring that back.

T5-4

But where is the money going to come from? I mean, all the money is going into building. What does this say? Are we expecting our crime rates to go up? Are we expecting more prisoners?

The women's -- Las Colinas Center, I want to say it's currently on 15 acres, and now they're expanding it out another 46 acres, and I'm told men are coming. And I live in that area, so I know a little bit more about it and I have written to my own assemblyman, Brian Jones, who sent me back some information on it too, and I can't help to wonder what's Donovan going to be like.

T5-5

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And as I go there as a visitor, I -- my son was at Donovan for a while and, I'm sorry, he's now at Calipatria, and the way I was treated at Donovan by the staff, it wasn't the best. I felt like I was the criminal, that I committed some crime. I was judged for how I was dressed, what I was wearing. Were my pants too tight? And I'm a 50 year-old woman, and no, they weren't too tight, but they sent me back out to get changed. Are things going to be changed? What are the visitors' quarters going to be like for us visitors there too?

T5-5 cont'd

There are a lot of issues going on. The traffic. Am I going to have a long wait to get in there? When I go to Donovan in the morning, the traffic goes all the way down that lane. Now, I haven't been there for a last two years, I'll be honest, I've been going to Calipatria farther out, but it's still one of our prisons.

T5-6

I have some people who write to me at Mule Creek, and right now I'm told that the Mule Creek, which is one of them up to be expanded, the healthcare isn't the best. They're going in and out. There is not enough staff there. So are we going to have the money to staff this? Where is it coming from? I just don't get it.

T5-7

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I'm being furloughed as a federal employee. The state just recently put their budget together and was in furlough for years, and now you're talking more money from us? We're talking about -- I know this isn't federal, but we're talking about money. All together us taxpayers are paying for it; be it federal, state, I'm not happy. I'm sorry. I just hate to see money going into prison when the education system -- it's hard to get a Pell Grant.

My daughter-in-law just put in for a Pell Grant. She had a problem when her mother passed away seven years ago. She had to drop out over at the community college. On the state level, she was told, "I don't think we'll be able to help you with the Pell Grant right now. We don't have the funds and you dropped out seven years ago." She brought in proof that her mother died: The death certificate, all the written statements by the doctor. A lot of work went into this. She had to go through different meetings where a counselor was, put in an appeal to the board. Finally, they said, "Sorry, we can't take a chance. We can't give you a Pell Grant because we don't have more money." And now you're taking more money to put into the prison systems?

And yes, I do agree that work needs to be

T5-7 cont'd

done, and I appreciate all your efforts and what you're doing. I don't mean to -- I'm just saying there is only so much money to go around. And thank you for trying to make a change for our inmates. That does mean a lot to me because, like I said, I am a mother of an inmate and I do want to see that change and I want to see it better, but I don't even know the answers where the money is coming and going.

But this expansion, the wildlife -- I'm another one of these big wildlife fans. What about the coyotes out here, the fax tails -- the red foxes -- the red-tail fox, whatever. There's a fox out there that is precious to us in San Diego. And there are bobcats. We don't see little bobcats running around any more. I don't know how the reports and how that works with the big system and the whole picture, but if you guys place them some place else, it breaks my hearts.

These animals -- these beautiful animals and the birds, the wildlife, a lot of this land is being taken up by not just prisons but other areas, but this is something that touches my heart. Thank you for your time.

MR. SLEPPY: Thank you very much.

MS. DANIEL: My name is Linda Daniel. I'm a member of FACTS. I just have a couple short comments.

T5-7 cont'd

T5-8

T5-9

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MS. OLEKSZULIN: What does that stand for? What does the acronym stand for?

MS. DANIEL: Families to Amend California's Three Strikes. I'm sorry. I thought you knew that.

San Diego doesn't need to build any new prison cells. California tried to build its way out of overcrowding, this crisis, for the last 30 years. Building hasn't solved overcrowding; it just spread terrible conditions over more lives. The prison expansion has left California with a crowded and inhumane prison system. It was deemed cruel and unusual punishment by the Supreme Court. It also drained the life out of California's budget-cutting and Health and Human Services. T5-9 cont'd

We don't want more cells in San Diego, Ione, in Sacramento, Folsom, Vacaville or anywhere in California. If we build them, this state will fill them, and overfill them, and we'll all be back here in five years trying to stop the CDCR from building another costly prison.

The key to this -- the real solution is reducing the prison population. The prison population in CDCR facilities have shrunk by 12,000 people this year alone, and there are 50,000 fewer in California prisons than in 2006, so why would we build thousands of T5-10

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new cells now?

The answer is continued population reductions. There are literally dozens of ways to reduce the prison population, including expanding good time credits, releasing terminally ill and permanently medically incapacitated prisoners, implementing an older prisoner parole program, expanding good time credits, expanding the Alternative Custody Program, and reforming drug sentencing laws. That one is one that's very important to me.

My son is also an inmate. I live in Mira Mesa and my husband and I -- I feel like we're June and Ward Cleaver, and our little Beaver Cleaver is in prison. We needed help here. My son has a drug problem. He's not a bad person. He is in a level III prison for a non-violent crime. I would like to see the laws change, and I would like to see enhanced good time credits. T5-10 cont'd

I think there's a much better way to deal with this problem than the way it is currently being handled. We don't need more prisons. Thank you.

MR. SLEPPY: Thank you very much.

MS. OVERTON: Hi.

MR. SLEPPY: Hi.

MS. OVERTON: My name is Lisa Overton, and I am a member on the board of A New PATH, which is Parents T5-11

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for Addiction Treatment and Healing.

I know some of our members spoke at the last hearing, and I'm also a mother of two children, teenagers, and both of them have been clean and sober their entire lives. I have not, but I've been clean and sober the last eight years.

There's a whole lot of things that you guys said that I could take issue with so I'm going to touch on some of them, but I can't see a single reason to build a new prison, except that you guys have jobs and you have a vested interest in having another prison built.

And I know you're saying it's not a new prison, it's an infill project on existing land. Let me tell you, if I put a whole new building in my backyard with its on bathroom and its own entrance and its own front door, the zoning laws would come and say, "Hey, this is a new house in your backyard, you know. We want a whole new set of taxes." It's a new prison whatever you want to call it. I know that as government officials, people have a fun way of twisting words around and putting different twists and spins on things and I calling it an infill project. It's a new prison, okay? So a spade is a spade.

You know, just the basic premise of having a

T5-11 cont'd

T5-12

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prison because you want to punish people, punishment doesn't work. If you have a child or an animal, you know, if you punish them, what's going to happen? My dog, when I punish him for eating a bone in the house, he sneaks around and he eats the bone over there. I say, "Don't pee on the rug," and I punish him, and guess what he does? He pees in the bedroom. Punishment doesn't work. It creates sneaky criminals.

You put them in a box and say, "You're bad." Okay. "You've been here for ten years in a box being bad. Okay. Now go into society." They need help. They need treatment. It is clear that someone who continually commits crimes and is a criminal has a mental problem. It's -- a normal-thinking person doesn't say, "Okay. Gee, I just did five years in prison. Now I'm going to go back and use more drugs and hope I don't end up in prison." That's not a rational thinker. That's someone with a need for help, not a need for more punishment and a bigger, better cage.

Now, I know that I have my own room at my house and if you said, "Okay. You're not allowed to have your own room, you have to be in a dorm with ten other men or women -- you know, the same gender," that is not an up lifting experience.

I was in the Navy and the lesser ranked people

T5-12 cont'd

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are put in a dorm and the higher ranked people get their own room, okay? The captain had a posh living room as his house. I mean, we had like beds stacked up. I know what it's like to live in a dorm. We start fighting with each other and now there's rules and, okay, now you're a prisoner. You've done something bad and you had a little altercation with your bedmate -- your cellmate, okay? Now we've got a new charge for you. Now you're going to be here longer. And that's the whole premise.

T5-12 cont'd

The California police and correction officers -- whatever you call the union, the CCPOA. I got the acronym correct but I'm not sure of the correct name. You know who they are. And these men -- I mean, these people have a vested interest in keeping prisons going, okay? They put 100 hours a month into their union fund. There are 33,000 of them. And add the money up, and so what do they do? They back every single legislation. Every single one of those people in the Senate, in the Assembly and the governor was not elected without the CCPOA behind them. And so now they all have a vested interest in building more prisons and creating more prison jobs, okay?

T5-13

I don't know how can you sleep at night. I have these kids -- these teenagers who never use drugs

T5-14

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and alcohol who have their future in front of them. They want to go to college. We're looking at the colleges. They're impacted, okay?

I have a C student child. She might not get into college because she's a C student, because 50,000 people apply for 10,000 openings. They're all impacted so the C students aren't getting in, but yet you're building prisons. So I'm certain my daughter has a future in a prison, right? You're building more beds for them, but, you know, why not take this $185 million and build another college? You know, you talk about --

T5-14 cont'd

You know, it reminds me of the slave traders. "Oh, we can pack more in here. If we get them all in the cargo hold, we can pack more in." And these are people -- they're packing in here, and you're talking the same thing with your dorms. You know, these are people you're talking about. People with mental problems. People with drug problems. People with housing problems. People with economic problems. People with family problems. People with life skills difficulties, and you're just saying, "You're bad. You don't deserve any better than this. You belong in a cage." I'm totally and completely against this, as you can tell.

T5-15

I wrote a letter to -- actually I addressed it

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to you, Mr. Sleppy. Did I say your name wrong?
MR. SLEPPY: What's that?
MS. OVERTON: Your name is Mr. Sleppy?
MR. SLEPPY: Yes, it is.
MS. OVERTON: Okay. I wrote a letter to you and I enumerated some of these reasons in there. I know there are environmental reasons not to have it.
I live in Spring Valley, and is this going to be Otay Water District? Otay Water sent me a -- they're going to raise our rates, okay? They sent like this huge paper with all this writing on it, and then down here at the bottomer on the back in little letters it says, "If nobody comes to the hearing, we're going to have this. If the majority of the people don't agree, we're going to raise the rates." Well, nobody is reading these letters. You're not going to read the letter I wrote you probably. People don't read this stuff. Most people don't read -- you know, you get an owner's manual with your car. Nobody reads the manual. Nobody does.
But I'm concerned that I have to share my water with a new facility, whether you call it an infill are or back fill or full up. It doesn't matter, you're raising my rates. They're raising my rates because the majority of the people who use the water don't even know

T5-16

they're going to raise the rates because they don't read the little notes.

T5-16 cont'd

I'm not talking well, but I want to say that if there is another way to reconsider -- you guys put a lot of professional expertise in putting this project up. What if this was a college? What if this was a childcare center? What if this was a place that people could go with drug problems and say, "I need help," and give them treatment and rehabilitation and job skills? What if you spent the 185 million on that? Wouldn't this be a better place to live? But no, you're building cages to put men in.
These are people's children. These are people's fathers. There are so many people in prison right now that Sesame Street has a character whose father is in prison. I mean, it's become mainstream now. One in four black men is going to end up in prison. One in seven Hispanics is going to end up in prison. And I don't know the statistics for white people but I know there's a bunch of testimony too, and as long as they don't have money for a lawyer, they're going to end up in prison. And I don't know how you sleep at night. I don't know how you sleep at night. It breaks my heart.
Thank you for listening.

T5-17

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MR. SLEPPY: Thank you very much.

MS. ZUNIGA: Okay. I have a few questions, concerns.

MR. SLEPPY: Can you take state your name for the record?

MS. ZUNIGA: My name is Diana Zuniga, and I work for California United for a Responsible Budget.

I first want to thank you for actually agreeing to follow our three demands from the last few meetings. We asked for three separate things, and you all responded and agreed to work with us on all three of them I -- so I want to thank you for that. T5-18

And I just have a few points that I want to talk about and a few questions as well.

The first thing is we've had another contingency go to line, and what we found there is that the residents around that area have said that because in the prison one of the prison jobs is to create coffee, that the coffee is actually contaminating the water around the prison, and for that reason, it's actually contaminating a lot of the animals since it's a farm land over there, a. Lot of animals are drinking that water and it's contributing to the contamination of the animals that they sell and stuff. T5-19

So I just want to ask if there has been any

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analysis as to if this particular prison, R.J. Donovan, the existing Donovan facility has contributed to any contamination to the water around it? T5-19 cont'd

MR. SLEPPY: Not that we're aware of.

MS. ZUNIGA: Not that you're aware of.

MR. SLEPPY: And on Mule Creek -- with respect to the folks that came up Mule Creek, we just got new data on that. We do a lot of ground water monitoring around the Mule Creek prison and had no evidence of that. So we're looking into it, but we're not sure where they -- what their basis for that concern was.

MS. ZUNIGA: Is that something that you could look into? T5-20

MR. SLEPPY: Yeah, it's part of the EIR so we'll have to look into that, but we do have extensive monthly ground water monitoring done and I just checked on it yesterday, and there was no indication, but we'll have to look into it.

MS. ZUNIGA: Okay.

MR. SLEPPY: We do have a copy of the operation there, and it's pretty isolated from the ground so we'll look into that.

MS. ZUNIGA: Okay. Thank you for looking into that in both areas. T5-21

The second thing that I want to just say is I

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was in the traffic today. I think I was talking to you about it. It took me about an hour and a half to just drive 19 miles, so I know that one of the impacts is traffic. And that's something that's not going to be able to be changed, so I just want to put that out there. Traffic seems to be a huge problem over here, and it just seems to be getting worse, and there's not really anything you all can do about that, but I just wanted to put it out there. T5-21 cont'd

The third thing is the process of the adequate water supply. So I would like to know when you all will have an idea of the analysis, if there's going to be enough water for this extra facility. T5-22

MR. SLEPPY: In going through the application process with the Otay Mesa Water District, and because it's a pretty small facility with 792 beds, they say they have adequate water supply, but we're still going through, you know, the application process and things like that. The District recently secured more water on a county-wide basis and other districts because of the desalinization plant that is going to go into operation too. So right now we've been told that we should get our water based on the 700-bed facility. It's a fairly modest increase.

We also have very conservative water

construction in terms of they try to limit water use, you know, within the facility through green measures.

MS. ZUNIGA: I noticed in the EIR it said that there's -- you guys broke it down as to how many gallons per day each prisoner would use, so that's 150 gallons per prison per day based on the existing RJD demand. But I didn't notice that there was any breakdown as to how much financial contribution you all are giving for the gallons that are being used by the Otay Water District. And given that we're now finding out that the Otay Water District residents are going to have to increase their payment to the Direct to use water, I think one of our -- one of our demands is we would like to have a breakdown analysis as to how much you all are paying per prisoner to the Otay Water District for the current facility compared to how much the citizens are paying right now and will have to pay since there is going to be, I believe this 3.8 percent increase for the next few years? T5-23

MS. OLEKSZULIN: 7.5. The last --

MS. ZUNIGA: 7.5 percent increase. So I think this is a direct environmental impact that will impact the pockets of all of the citizens here. Is that something that you all could provide in the report?

MR. SLEPPY: Sure. Sure.

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MS. ZUNIGA: Okay. So that will be in the final?

MR. SLEPPY: I'm pretty sure it's -- we pay the same as any commercial user, and I don't have the rates but --

MS. ZUNIGA: In Ione, they said they pay less than the citizens actually pay. T5-24

MR. SLEPPY: Well, that's a completely different water system. In that case it's a very small water system just for domestic users. It's a whole different basis down here.

MS. ZUNIGA: Okay. So we will have an analysis of that in the final environmental impact report? T5-25

MR. SLEPPY: We should be able to get that.

MS. ZUNIGA: Okay. Thank you.

The second -- another thing that I wanted to talk about, I know what came out in the Chino meeting we were at is that the water wells are -- I believe there are water wells where they keep the water. There were six of them, I want to say, and two of them were no longer working. What do the water wells -- looking at the current Donovan facility, will you have to add more water wells? T5-26

MR. SLEPPY: At neither facility do we use

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wells to supply water.

MS. ZUNIGA: Okay. So what is it that you use? T5-27

MR. SLEPPY: The only source of water in Otay Mesa is the Otay Mesa Water District and their distribution system, and in Ione it's the county water agency.

MS. ZUNIGA: So Chino was just a different type of water process? T5-28

MR. SLEPPY: Yes.

MS. ZUNIGA: Thank you for that.

MR. SLEPPY: We get the same water that folks here in Chula Vista are drinking.

MS. ZUNIGA: So that's what we were talking about earlier. Okay. Thank you.

And then just -- I just wanted to say, I know you all know about the court order already. I don't want to beat a dead horse, but I have been told they have to reduce the population by 10,000, so it's kind of alarming to me again that we're still here fighting against more prisons. T5-29

And just to reemphasize two of the demands we're asking for now -- we thank you for translating the EIR into Spanish. Unfortunately, many of our Spanish speakers that were here last time could not attend this T5-30

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time, so we were wondering if we could get another extension based on having this in our hands now and being able to educate our community about what the issues are? T5-30 cont'd

MR. SLEPPY: I've got to go back and ask my supervisors, but I would -- I'd be surprised if they would extend again. We have to get through the EIR process and now it's well over 55 days.

MS. ZUNIGA: Well, thank you for asking.

And then the second one which you --

MR. SLEPPY: If it was between now and the end of the review period, a week from Monday -- if there were individuals that were having a hard time reading it, Lilian is at their disposal to talk on the phone with them.

MS. ZUNIGA: So can I get her information? T5-31

MR. SLEPPY: Yeah, she really good with a whole lot of the Central American Spanish languages.

MS. DE LOSA: Just Spanish.

MS. ZUNIGA: Yeah, it is.

MR. SLEPPY: You know, as an English speaker, I think she's really good. I'll just clarify that.

MS. ZUNIGA: Okay. So just -- the last demand was we would like to see an analysis of the current financial contribution that is given to the Otay Water T5-32

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District per prison and the projected financial contribution per prisoner for this project. We would like to see a comparison of those numbers to what citizens are currently contributing, especially given that the water prices seem to be increasing for those using the Otay Water District which you said you can do, and I just want to know a little bit more about the process. T5-32 cont'd

After the final EIR is done, will we have time to talk about whatever else was added to this EIR? Because hopefully this portion will be added. T5-33

MR. SLEPPY: The state law doesn't provide another review period to the public agency. We file the comments within ten days. We mainly just make it available to everybody typically, but there typically isn't another public hearing at this point in the process, so it's pretty important to get those written comments in on.

MS. ZUNIGA: So if there is extra information provided, like this information that we're asking for, how -- T5-34

MR. SLEPPY: You know, I --

MS. ZUNIGA: What are the next steps?

MR. SLEPPY: I can contact you as long as we have your e-mail, which make sure we do. We can

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probably get right back to you directly on those specific questions pretty soon. It's pretty easy to get that information.

MS. ZUNIGA: Okay.

MR. SLEPPY: So as long as we -- because it keeps track of your e-mail and your question, that particular question, I think we could answer within a couple, three weeks regardless of our CEQA process.

MS. ZUNIGA: Okay. All right.

MR. SLEPPY: It should be pretty easy to get from the District what we pay now and provide it -- if there is a difference between the residents and what we typically pay, but we'll confirm that.

MS. ZUNIGA: Thank you.

MR. SLEPPY: Thank you.

MS. STEWART: I'm sorry. My name is Elizabeth Stewart again. I just have a couple more questions while I'm here.

MR. SLEPPY: I think there was somebody else who preempted you, so can you wait until the second time around?

MS. STEWART: Sure.

MR. SLEPPY: She wants to give up here space.

MS. THORNTON-ZETINO: Oh, go ahead.

MR. SLEPPY: With all due respect, we want

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everybody to get their shot in.

MS. THORNTON-ZETINO: Hi. I spoke last time. My name is Susan Thornton-Zetino. I live around here. I used to work down there. I'm involved in all different kinds of things and I mean, I'll just kind of wrap it up and try to keep it brief.

All this stuff you're saying about the design, that's all nice, you know, that it will have all these facilities, and that's nice if people have to be there, right? I mean, that's all nice and good, and you guys did a great report. I appreciate it. I'm not saying here you're horrible people because you did this for the CDCR, right? In my opinion, as far as design and concept and all this good stuff, it's real nice. It's nice.

But as I stated last time, you know -- and some of these other people have touched on all the other stuff that they need with the reduction in the inmates, when really all we're doing, let's be honest, is we're shuffling people around. Opening things that were closed previously and trying to add more beds.

This was an opportunity for this state with realignment and stuff to step up, do some reform, you know, service people in our communities actually, don't cut schools -- why should San Diego Unionized School

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T5-35

District be so happy that they aren't going to have to lay people off, right, for next year? I mean, when that's a party, there's a problem, right? We're not going to lay off teachers. Let's have a party.

Instead, we're talking about spending the one hundred eighty some million dollars to build more prison beds. I mean, it's got a direct relationship if we don't invest in this stuff here. Of course we need those beds, right? Of course we need to send people out of state because we're really not doing anything to help the people and prevent it from happening, and it's just sad. I mean, it's just sad as a San Diegan.

I grew up here. I raised my kid here. I'm a veteran. I'm an educator. I work for the Department of Corrections. And to me, it's a sad day as a teacher, as a person who lives here to just -- that this is what it all comes down to, right? That we just cannot -- people who run the things don't have the balls, sorry, to just say, "You know what? We know this stuff doesn't work but we want to make sure we win that next election so we don't want to seem soft on crime and all this good stuff, right?"

In the end, it's not going to get anybody votes and we're not going to back anybody because when you -- the communities need the programs, right? You

T5-35 cont'd

know, it's summer and kids don't get the free meals. I mean, all this stuff that the money should be going into and that's what's wrong.

Like Lisa said, it comes down to it's wrong. I know you're doing your jobs. I get it. I get it. But it's just wrong and we don't believe it should happen. San Diego needs so many other things. The state needs so many other things, you know, rehabilitation, drug treatment in the communities, what makes the communities safe, and what equals public safety is not locking up everybody that we're annoyed with that couldn't follow the rules.

It could actually make them feel that they have a path to be successful, that there is healthcare, that there are programs for their kids. People feel secure. They become productive. There's training for them. It's all good. Then everybody's safe because they're not trying to bite at each other's legs to try to get a piece of something, right? So fundamentally this is just completely wrong. I already voiced that before. Sorry.

We know the traffic is just going to be crazy because I mean, granted, the 125 -- not the 125. What is that called now? 905. 905 is all nice and expanded and you've got the 125 coming down, but all it does is

T5-35 cont'd

T5-36

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it feeds into that little -- you know, even though they repaved those roads, you've got a power plant, you've got the jail and then you've got the prison, but it's just bad, and you're basically saying there is absolutely nothing that can be done about it. So I mean, putting a stop light just kind of blocks everything, like let's it back up further and further on Alta Road and stuff. So I mean, you've already known that's the deal and that there is nothing we can do about it. T5-36 cont'd

It says in here that at the peak construction on a single facility, 355 construction workers, right? So I mean, it's just going to be kind of a disaster down there. We already know it's not really bringing jobs to the area. Most of COs will actually probably be people that will transfer from other parts of the state. Maybe some jobs as far as, you know, working in the warehouse or doing something, you know, just additional stuff, but a lot of people will transfer here, so it's not necessarily going to create jobs for local people. T5-37

Something about the wastewater. I was reading in here that it actually is not going to be -- I mean wastewater we're talking about, like sewage. So it actually goes to somewhere in Point Loma? T5-38

MR. SLEPPY: Yeah, our sewage just goes into

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the regional collection system, and the main treatment facility in San Diego, city and county, is in Point Loma.

MS. THORNTON-ZETINO: Really?

MR. SLEPPY: Yes.

MS. THORNTON-ZETINO: So its like pipes underground? Crazy stuff. T5-39

MR. SLEPPY: We have large --

MS. THORNTON-ZETINO: So it doesn't affect the whole problem with the border, the sewage? T5-40

MR. SLEPPY: No, it goes north.

MS. THORNTON-ZETINO: It's not serviced by anything down there? T5-41

MR. SLEPPY: I helped it get built in 1986. It goes out to a very well-run treatment plant.

MS. THORNTON-ZETINO: I'm sure it's going to happen. I mean, what can we do? I mean, those of us who are willing to come and have a voice --

I mean, my other problem is when was this translated? When was this made available in Spanish? T5-42

MR. MUNDHENK: Last week.

MR. SLEPPY: Last week, yeah.

MS. THORNTON-ZETINO: Last week. Like did -- how did everybody know it was available?

MR. MUNDHENK: Well, we noticed it in eight

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different newspapers starting on August 2nd through -- I think the last one is actually tomorrow.

MS. THORNTON-ZETINO: So like the Union Tribune, you put something there, right? T5-43

MR. MUNDHENK: Right, and there were three Spanish publications in San Diego we also noticed. We noticed in the Sacramento Bee, the Ledger Dispatch in Ione, the Vacaville local paper. We also noticed in the Inland Valley Bulletin and then we also sent out -- and I think that's partly how some of you got to know it. We sent out an e-mail blast to all of the e-mails we could read from the sign-in sheets from all the meetings we've been having. Maybe that's why you didn't get it; there were a couple returned to my e-mail that this e-mail address doesn't exist so we must have gotten a couple letters wrong. And then we also sent out notices to all the agencies we initially distributed the EIR to saying it's been extended.

MS. THORNTON-ZETINO: So the agencies that would have an interest in this happening? T5-44

MR. MUNDHENK: Yes.

MS. THORNTON-ZETINO: Like environmental protection or wildlife people? T5-45

MR. MUNDHENK: Right.

MS. THORNTON-ZETINO: So they've all been T5-46

notified, they just don't have any objections? It's all good so they've all been notified? T5-46 cont'd

MR. MUNDHENK: Yes.

MS. THORNTON-ZETINO: Again, to have the meeting in Chula Vista. This is not where the bulk of the people who would have any type of a say live. I mean, really if you had it some place more in the south -- T5-47

MR. MUNDHENK: Actually --

MS. THORNTON-ZETINO: The area, I mean.

MR. MUNDHENK: We did try and schedule it at Southwestern College, but --

MS. THORNTON-ZETINO: That's just --

MR. MUNDHENK: -- it's much closer to the project, but they had told us that they couldn't accommodate the time that had been requested, which was later in the evening because they were closed for the summer. So that was why we ended up back here.

MS. THORNTON-ZETINO: Are you talking about the Southwestern campus down in --

MR. MUNDHENK: Yes.

MS. THORNTON-ZETINO: Okay. Good. We tried. Thank you. T5-48

MR. SLEPPY: Thank you very much.

MS. STEWART: Can I come up now?

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MR. SLEPPY: Sure. Go ahead.
MS. STEWART: I'm sorry. Once again.
MR. SLEPPY: There is one other guy who is biting his tongue.
MS. STEWART: Okay. Sorry.
MR. SLEPPY: Go ahead.
MS. STEWART: Once again, I'm Elizabeth Stewart. I had a few things that people haven't stated.
I'm a mom of an inmate, okay? And one of the things I was concerned about was I've taken that toll road. Is that toll road still going to be there? Because I know my daughter-in-law took it --
MR. SLEPPY: No, the toll road is there. We have nothing to do with the toll road.
MS. STEWART: Because you take the toll road to get to the prison and you get a ticket in the mail if you don't realize you're on the toll road and that happens down there, so I think that needs to be addressed too. Is there going to be bigger signs for visitors such as myself out of state or out of town coming?
MR. SLEPPY: Yeah, we have nothing to do with signage on the toll road. Nothing.
MS. STEWART: I'm just telling you there is a toll road that leads to Donovan, so it is a factor for

T5-49

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us visitors that should be addressed and looked at. I mean, it's just one little issue, but it's an issue because that can be a big fine and a lot of people don't have a lot of money coming out there. Most of those in prison, a lot of them come from poverty, and these are just little issues that concern me as a parent.

T5-49 cont'd

MR. SLEPPY: It's not -- just to clarify, signage how to get to the prison or you have to pay to use the road?
MS. STEWART: You have to pay to use the road. It looks like a nice clear path and you can avoid the traffic, because we've got traffic areas around here -- and that road is beautiful. I don't know if you've been on it. I don't know if you have checked it out. It's a gorgeous view but it's a cost, and you get a pretty expensive ticket in the mail if you don't pay the fine within 48 hours or something. And there is not a live person down there to explain this; there are just little signs. So I think it is a concern. Because my daughter-in-law got a ticket going down there to visit my son and they wanted to suspend her license. She didn't have the money at the time to pay it. Her husband just went to jail. She didn't have any income coming in at the time. I know it's kind of a personal area, but this is going to affect other people like it

T5-50

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did us, and it did affect my family. T5-50 cont'd

And a question I know was brought up about the jobs. If we are going to build this and expand it -- because it sounds like it's probably going through -- can you guarantee so many jobs to my San Diego people living here? Are they going to do something to make sure we're hired in San Diego and help our community there? T5-51

MR. SLEPPY: No.

MS. STEWART: Sorry about that one. That's sad to hear. I know it's probably out of your control.

MR. SLEPPY: No, it's the state. There are 58 counties. We can't hire everybody in one county. And secondly, we'll still be in lay-off mode when this facility opens so we'll be looking at folks to relocate. We think some types of positions will be hired within the radius, but we can't promise that.

MS. STEWART: They can't give any priority points? T5-52

MR. SLEPPY: No.

MS. STEWART: I know there are a lot of point systems in the government. In the military we have --

MR. SLEPPY: Not for location. Not for location.

MS. STEWART: That's sad to hear. Sorry.

And then as I stated, this dorm thing really bothers me. When you talked about the dorm, it sounded like a really great idea because I thought you were talking about a TV room for people to get out of -- to get out of their cells occasionally, and I saw your slide show and it is impacted with a lot of individuals living in a spall space and -- I don't know. There's a lot of anger -- angry people in prison with anger management issues, and I just hate to see more people beat up, hurt or even worse. I'm sorry. My son lives there. This is really -- they get raped. It's a real, real thing. It really happens when people get aggravated and stuff, and we don't talk about it much in our community, but if you Google what happens in prison, it will break your heart. T5-53

I don't want to be -- and I never thought I would be on this side standing up for the inmates. My circumstances led me down here, but it can happen to anyone's child, and it happened to mine. And I'm a registered nurse. I come from a family that does have college education. My uncle, he was the dean of the big -- big, big college here in San Diego for years, the Christian one. And I'm sorry, anybody's family, this can happen to, and I would hate to wish it upon anyone, but you need to think about it. Your children are

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becoming teenagers. Drugs are more readily available. We don't want to see more prisons built. We want to see help for our children. I'd really like to see that. T5-53 cont'd

You've heard them say that the treatment centers need to be done. We also need more money for research to help us. We need mental educational classes at a lower level from elementary school teaching these children not to get into trouble, to stay on the clean path and to tell them what drugs do, perhaps at an earlier age. I don't know what all the answers are, but research needs to be done, possibly on other levels, maybe in a lab to help people's brains to wire better for the psychiatric components. I'm just asking you to please help us to find some better solutions. T5-54

And I hear a lot of helicopters flying over my neighborhood. I'm 22 miles away from the jail. It scares the living daylights out of me because I have children and there are families out there in Chula Vista. And that area has grown tremendously, Otay Mesa, Eastlake. It's just overwhelming. T5-55

So I'm hoping you guys will take the necessary precautions too without taking a lot of money away but somehow ensure these families that they're going to be safe, because I don't want to, like, feel unsafe and prisons just make us -- nobody wants a prison. I'm the T5-56

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first to say that without my son in prison. I don't want a prison right next to me. I don't want a jail right next to me. They have to be built somewhere, I understand, but there has to be a way we can put these where families aren't in danger. Do you think expanding this is a danger in our community in one sense? I don't know what assurances you guys have, what you have set in place. Do you have anything for the expansion program to kind of better insure these families growing up around there? Because that area is growing even more and more. There are more homes being built closer to that prison area. You look at the homes there you as you drive down that main street, there are children out there playing. T5-56 cont'd

MR. SLEPPY: You're talking about R.J. Donovan or --

MS. STEWART: Yeah, R.J. Donovan.

MR. SLEPPY: There's really no residents out there so --

MS. STEWART: I know the street I drove through there, there are quite a few little homes there, and I know Eastlake is a bit of a ways but everything is moving out there that way.

MR. SLEPPY: But right now there are no residential developments out that way.

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MS. STEWART: So if anyone builds out there, you know the prison was here to begin with or something? T5-56 cont'd

MR. SLEPPY: Number one, it's not our decision. It's the county and the city's decision.

MS. STEWART: Okay. Well, thank you again for hearing me, and please, I'd like to see you come back. The California Department of Corrections and Rehab, I know you said they're trying to get some more vocational classes. Could you enlighten me what these vocational classes are going to be expanding? That would be great. I would love to see more vocational classes offered. T5-57

MR. SLEPPY: Do we have your name and address?

MS. STEWART: Yeah, I wrote it out there. Thank you so much.

MR. SLEPPY: Thank you.

So anyone else?

Okay. That closes our hearing. Thanks for coming down.

(Whereupon, at 7:24 p.m., the proceedings were adjourned.)

--oOo--

REPORTER'S CERTIFICATE

I, Mary Anne Young, a Certified Shorthand Reporter for the State of California, do hereby certify:

That the foregoing proceedings were reported by me stenographically and were transcribed through computerized transcription under my direction; and the foregoing is a true and correct record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my hand this 15th day of August, 2013.

Mary Anne Young

MARY ANNE YOUNG, CSR NO. 12799

Transcript T5 Response	**Public Hearing** **Chula Vista Council Chamber, Chula Vista, California** August 8, 2013

T5-1 The comment reflects concern regarding the design of the dorm-style level II infill correctional facilities. The level II infill correctional facility site plan is based on CDCR research to determine the appropriate design of prison facilities, taking into consideration issues such as mental health treatment. As stated in Section 2.1, "Project Background," of Volume 1 of the DEIR, CDCR's *The Future of California Corrections* (CDCR 2012a) ("Blueprint"), places a greater focus on rehabilitation through revision of the inmate classification system and a greater emphasis on providing rehabilitative programs that will prepare inmates to be productive members of society. The Blueprint calls for level II dorm facilities that use a flexible design originally developed for the substance abuse program at the California Substance Abuse Treatment Facility and State Prison at Corcoran. The authorized facilities, according to Section 14(a)(4) of SB 1022, are intended "to provide flexible housing for various inmate[s]…, including, but not limited to, those with disabilities, intermediate medical needs, or mental health treatment needs." This design includes program space conducive to multiple types of inmate programming including substance abuse, medical and mental health treatment, vocational and academic programs.

The specific design guidelines for the level II infill correctional facilities are in a separate detailed document. The DEIR summarizes the proposed design to provide the reader an understanding of the proposed action and to provide information necessary for the analysis in the DEIR (see DEIR Volume 1, Chapter 3).

T5-2 The comment expresses concerns regarding how close the proposed facilities would be located to communities and children. CDCR notes that the proposed infill facility is situated in an area of limited residential development; it is not in close proximity to a K-12 school. The existing RJD is located at the east margin of Otay Mesa in an area dominated by a combination of open space (Otay Ranch Open Space Preserve), the San Diego County jail complex (George Bailey and East Mesa Detention Facilities), shipping container storage and transfer yards, a large power generation plant, an asphalt plant, and warehouses. Areas near and directly adjacent to the prison and the proposed infill site are planned for more industrial development including a second electrical generation plant. Also see Section 2.2 of DEIR Volume 2 and Exhibits 2-1 and 2-2.

The nearest residences to RJD and the proposed infill site are located approximately 0.9 mile south and consist of four residences adjacent to the north side of Otay Mesa Road, west of Enrico Fermi Drive. The proposed infill site is not adjacent to currently approved residential development areas.

CDCR acknowledges the concern for public safety especially children, however CDCR believes the proposed infill facility would be well designed to address custody requirements, it will have a standard double perimeter fence with a lethal electrified component, and the facility will be operated by trained correctional officers.

T5-3 The comment expresses concern regarding sufficient water and utility services to run new facilities. DEIR Volumes 2 through 5, Section 3.12, "Utilities," evaluates the adequacy of water supply to serve either a single or double level II infill correctional facility (see Volume 2 for RJD). The Volume 2 analysis of water supply for RJD is based on a review of utilities agreements, consultation with project engineers, consultation with the Otay Water District (OWD), review of a prior Subarea Master Plan of Potable and Recycled Water for the R.J.

Donovan Correctional Facility Expansion (Dexter Wilson Engineering, Inc., 2008) pertaining to a larger project that was not constructed, and CDCR's projected water demand estimates for the level II infill correctional facilities. As documented throughout Volume 2, Section 3.12, the water demand related to a single, level II correctional facility (plus existing demand) at the RJD Infill Site is far below the water demand planned for the RJD property in OWD's (the supplier's) most recent Urban Water Management Plan. Therefore, the DEIR concluded that the project would not adversely affect the ability of OWD to supply water to the project or other customers.

Section 3.12 also discusses water transmission facilities, wastewater treatment facilities and capacity, electricity and natural gas, and solid waste services. The DEIR found that the project would be served by sufficient utility services and would result in less-than-significant impacts to these services.

T5-4 The comment expresses concern related to appropriate rehabilitation services for inmates. Please refer to Response to Comment T5-1.

T5-5 The comment reflects general concern regarding the operations of correctional facilities. No comments were provided regarding the environmental impacts of the project, so no further response is possible.

T5-6 The comment raises concerns regarding increased traffic to RJD. DEIR Volume 2, Section 3.11, "Transportation," describes the existing circulation patterns in the vicinity of RJD and evaluates transportation impacts due to construction and operation of either a single, level II infill correctional facility or a level II infill correctional facility complex. All traffic and transportation impacts were less than significant or mitigated to less than significant, except construction-related traffic impacts for either a single or a double facility (Impacts 3.11-5a and 3.11-5b).

Although CDCR would prepare and implement a construction traffic management plan (TMP) to improve and manage construction-related traffic conditions on area roadways, until the specific parameters of the construction activities and the details of the TMP are developed, it is possible that feasible mitigation measures would not be available for all construction-related impacts. However, the details of these improvements cannot feasibly be developed at this time. Further, it is considered unlikely that the construction traffic associated with development of the infill site could be reduced to below the performance standard of 50 passenger-car equivalents. Therefore, for purposes of CEQA, this impact was concluded to remain significant and unavoidable (Impacts 3.11-5a and 3.11-5b). The commenter offers no other specific concerns regarding the traffic analysis; therefore, no further response can be provided.

T5-7 The comment expresses concern regarding sufficient health care services, specifically at Mule Creek. Please refer to Response to Comment T5-1.

The comment reflects disagreement with state budgetary support for prisons. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-8 The DEIR (Volumes 2 through 5, Section 3.2, "Biological Resources,") addresses biological resources on and in the vicinity of the proposed infill sites (see Volume 2 for RJD); describes relevant regulations pertaining to biological resources; and addresses potential impacts on biological resources that could result from construction and operation of the project. The analyses are based on data collected during reconnaissance-level field surveys, biological

database searches, and review of other relevant documentation for the infill sites and surrounding areas. As summarized in Table 1-1 of DEIR Volume 1, all biological resource impacts are able to be mitigated to less than significant, including potential impacts to biological resources at the RJD infill site.

T5-9 The commenter's opposition to new prison construction and community concerns is noted. Please refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-10 The comment expresses concern that overcrowding is not a justification for expansion and supports prison population reductions. As explained in Section 2.4.1 of Volume 1 of the DEIR, CDCR supports many of the concepts raised in comments to reduce prison populations. However, CDCR is obligated to provide housing for inmates at the direction of the legislature, including as set forth in SB 1022. 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 are intended to provide inmates with the tools needed for better success once they completed their respective felony sentences are released. SB 1022 also implements a key element of the Blueprint (CDCR 2012a), which is to construct level II dorm facilities in anticipation of an increase in level II inmates. Further, these comments relate to social issues and would not result in changes in physical environmental conditions. For additional response related to socioeconomic concerns, refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA.

T5-11 The comment expresses concern that the infill project is a new prison. The commenter is correct that the proposed level II infill correctional facilities would be new CDCR prison facilities. The term "infill" refers to the proposed new level II facilities being located on state-owned land at existing intermediate-care-level prisons, as directed by SB 1022. Please refer to Volume 1 of the DEIR for further description of SB 1022 and the potential project locations. However, the new infill facilities would be operated and managed by the existing Warden and administrative staff located at the site selected.

T5-12 The comment reflects general opposition to incarceration as a means of punishment, and does not address the impacts of the project. No further response is warranted.

T5-13 The comment expresses an opinion that the correctional officer's union is supportive of building new prisons. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-14 The comment reflects disagreement with budgetary support for prisons. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-15 The commenter's opposition to new prison construction and community concerns is noted. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-16 Rates imposed on OWD water customers are not within the scope of the project. CDCR is a customer of OWD and must pay for its current water demand. If the demand increases, CDCR's payment to OWD would increase. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-17 The comment reflects disagreement with budgetary support for prisons. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-18 Introductory comments and appreciation for CDCR response to previous comments are noted. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-19 The comment reflects concerns related water contamination due to coffee from RJD. This issue had been raised in relation to MCSP. For response to these concerns at MCSP, please refer to Response to Comment T3-21. (No evidence of contamination from coffee use was found.)

In terms of potential water contamination associated with RJD, as discussed in Impact 3.6-2a and b in DEIR Volume 2, no recognized environmental concerns or known contamination sites have been identified on the RJD Infill Site.

T5-20 The comment reflects concerns related water contamination due to coffee at RJD. Please refer to Response to Comment T3-21.

T5-21 The comment raises concerns regarding increased traffic due to the project. Please refer to Response to Comment T5-6.

T5-22 The comment raises concerns regarding adequate water supply. Please refer to Response to Comment T5-3.

T5-23 The comment expresses concern regarding water rates in the OWD and water supply to the new prison facilities. OWD bases water rates on units of consumption, which CDCR pays like any other water customer. Each unit of consumption is equivalent to 100 cubic feet of water or 748.5 gallons. In San Diego County, CDCR will pay Otay Water District between $3.57 and $3.71 per unit of water in 2014. The 2014 residential water rates that are assessed by Otay Water District will range from $1.86 to $5.80 per unit. Per OWD, the higher rates (i.e. above $3.77 per unit) would only apply to each unit in excess of 23 units (2,300 cubic feet) of consumption per month (Kennedy 2013).

T5-24 The comment expresses concern that CDCR pays lower rates for water than the public in Ione. The commenter is correct. The Amador Water Agency bases water rates on units of consumption. MCSP pays $1.61 per unit of consumption, while the single-family rate per unit of consumption ranges from $1.92 (for use of 0-10 units) to $3.00 (for use of 40+ units). No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-25 The comment requests discussion of water rates in the FEIR. Please refer to Responses to Comments T5-16 and T5-24.

T5-26 The comment asks about the use of groundwater and potential need for additional groundwater wells at RJD. As stated on page 3.12-23 of DEIR Volume 2, OWD, which supplies water to RJD, does not rely on local groundwater resources (although it is exploring limited use, see Section 3.12.1, “Water Supply”) for supply to customers in its jurisdiction, including the RJD Infill Site. CDCR currently has no groundwater wells at RJD and is not planning to install any to serve the proposed infill facility. The project would acquire 100 percent of its water from OWD, which currently and in the foreseeable future will rely on

imported water. Therefore, there would be no impact to groundwater resources with development and operation of level II correctional facilities at RJD.

T5-27 The comment questions what the water supplier is for RJD. As described in DEIR Volume 2, Section 3.12.1, under Water Supply, the OWD is the sole water supplier to RJD. The OWD's water supplies are discussed in detail in Volume 2, Section 3.12.1.

As described in DEIR Volume 3, Section 3.12.1, the water supplier to Mule Creek in Ione is the Amador Water Agency (AWA). The AWA water supplies are discussed in detail in Volume 3, Section 3.12.1.

T5-28 The comment asked if CIM Chino has a different source of water. CIM receives potable water from existing groundwater wells located on CDCR property.

T5-29 The comment expresses the belief that the court ordered a reduction in inmate population by 10,000, and that it is alarming that CDCR would respond by building new prison capacity. CDCR acknowledges this concern; it is continuing to work with the Administration and Legislature to address federal court orders that seek to further reduce state prison overcrowding. The passage of SB 105 in the recent legislative session is an example of that coordination. Please refer to Response to Comment T5-10. Also, it is important to recognize that the court order was for reduction in overcrowding. Overcrowding can be reduced through a reduction in the number of inmates housed in state prisons, by securing additional correctional facilities (leased, constructed, etc.), or through a combination of similar actions.

T5-30 The comment expresses appreciation for the translation into Spanish and requests another extension of the comment period. CDCR notes the appreciation and considered the request for another extension. CDCR already exceeded CEQA's public review requirement, thus no additional noticing or time for review will be provided. In addition, refer to Master Response 1, Public Outreach and Public Review Period.

T5-31 The comment asks for the contact information for the person responsible for the Spanish translation of the EIR materials. CDCR provided the contact information of the translator per this request. The translator received no calls from Spanish speakers with comments or questions related to the DEIR during the public comment period, which ended August 19, 2013.

T5-32 The comment expresses concern regarding water rates in the OWD. Please refer to Response to Comment T5-23 regarding OWD rates.

T5-33 The commenter questions if there will be time for public review of the FEIR. Pursuant to the CEQA Statutes (Section 21092.5) and CEQA Guidelines (Section 15088), CDCR is required to provide proposed responses to the comments made on the DEIR by each public agency, at least 10 days prior to certification of the FEIR. While not required, CDCR will also provide a notice of availability of the Final EIR to all those who requested notification, and will post the responses to comments on the CDCR website. Section 21092.5 does not direct lead agencies to provide an additional public review period for a Final EIR.

T5-34 The commenter questions how extra information is provided. Please refer to Response to Comment T5-33.

T5-35 The comment expresses concern about the project and supports prison population reductions. Please refer to Response to Comment T5-10. In addition, the comment reflects disagreement with budgetary support for prisons and concerns related to impacts to communities. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under

CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-36 The comment raises concerns regarding increased traffic due to the project. Please refer to Response to Comment T5-6.

T5-37 The comment reflects concerns related to an influx of correctional workers and limited jobs for local people. Section 3.4, “Employment, Population, and Housing,” in Volumes 2 through 5 of the DEIR include a discussion of the potential employment, population, and housing impacts attributable to the development of level II infill correctional facilities at the four proposed project sites, including effects on regional population and employment trends, regional housing supplies, and employment opportunities (see Section 3.4 of Volume 2 for information specific to RJD).

T5-38 The comment reflects concerns related to wastewater treatment and asks where sewage is sent for treatment. DEIR Volumes 2 through 5, Section 3.12, “Utilities,” evaluates the adequacy of wastewater treatment capacity. Specifically Section 3.12 of Volume 2 presents information on the wastewater system serving RJD. As discussed therein, the City of San Diego’s Public Utilities Department (PUD) sewage system provides wastewater collection and treatment services for RJD. All wastewater from RJD is conveyed to the Point Loma Wastewater Treatment Plant (WWTP).

T5-39 The comment asks about sewage transmission lines. DEIR Volume 2 Section 3.12 presents information on the wastewater system serving RJD. As discussed therein, an onsite 15-inch sewer main (buried underground) at RJD transports sewage to the regional collection and treatment system. No modifications to this pipeline are necessary as a result of building the proposed infill facility at this prison.

T5-40 The comment asks about sewage transmission lines and if it affects Mexico border issues. Please refer to Responses to Comments T5-38 and T5-39, above. Sewage from RJD is sent through the San Diego PUD system to Point Loma WWTP, not across to the border to Mexico.

T5-41 The comment asks about sewage from RJD and if it is treated in Mexico. Please refer to Responses to Comments T5-38 and T5-39. No sewage from RJD is sent to or treated in Mexico.

T5-42 The comment asks if the EIR was made available in Spanish and how it was noticed. Refer to Master Response 1, Public Outreach and Public Review Period.

T5-43 The comment asks if the EIR was made available in Spanish and if it was noticed in the Union Tribune. Refer to Master Response 1, Public Outreach and Public Review Period.

T5-44 The comment asks if agencies (such as those related to environmental protection or wildlife), which have some interest in the project were notified of the DEIR. The DEIR was sent to all public agencies that may have a role in resources affected by the project or in approval of a permit for the project.

T5-45 The comment asks if agencies related to environmental protection or wildlife have an interest in the project. Please refer to Response to Comment T5-44.

T5-46 The comment asks if agencies were notified regarding the project. Please refer to Response to Comment T5-44.

T5-47 The comment reflects concern about holding the public meeting in Chula Vista. CDCR made efforts to hold the public meeting at Southwestern College, which is located closer to RJD. However, CDCR was told that the college could not accommodate the evening meeting time because they were closed for the summer. No other appropriate venues proximate to the site were known to CDCR. Chula Vista is the closest city to the RJD project site, so CDCR believed that locating the hearing in Chula Vista was appropriate.

T5-48 The comment asked for clarification on the Southwestern College campus. Please refer to Response to Comment T5-47.

T5-49 The commenter expresses concerns about a toll road and additional signage on the toll road. The toll road is outside of CDCR's jurisdiction and does not have responsibility over signage related to the obligation of toll road users to pay the appropriate use fee in a timely manner. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-50 The commenter expresses concerns about a toll road and additional signage on the toll road. Please refer to Response to Comment T5-49.

T5-51 The comment asks if CDCR can guarantee jobs to people living in San Diego. CDCR cannot guarantee jobs to San Diego residents or give priority points for location. Please refer to Responses to Comments T3-76 and T5-37.

T5-52 The comment asks if CDCR can give priority points for location. Please refer to Response to Comment T5-51.

T5-53 The comment reflects concern regarding the design of the dorm-style level II infill correctional facilities. Please refer to Response to Comment T5-1.

T5-54 The comment reflects disagreement with budgetary support for prisons. Refer to Master Response 3, Evaluation of Socioeconomic Effects Under CEQA. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.

T5-55 The comment expresses concerns about an increase in helicopter overflights. These are not related to the project or operation of RJD.

T5-56 The comment expresses concerns about safety of surrounding communities to the proposed prison facilities. The proposed level II facilities would meet all CDCR correctional facility design and security requirements, including the use of lethal electrified perimeter fencing to enhance community safety. To date, no successful escapes have occurred at facilities where a lethal electrified fence has been constructed.

T5-57 The comment requests that more vocational classes be offered. No specific comments addressing the environmental analysis were raised; therefore, no further response can be provided.