

FINAL REVISED ENVIRONMENTAL IMPACT REPORT

# CALIFORNIA INSTITUTION FOR MEN Mental Health Crisis Facility Project

State Clearinghouse No. 2018072022



OCTOBER 2021



**PREPARED FOR:**  
California Department of  
Corrections and Rehabilitation  
Facility Planning, Construction and Management  
9838 Old Placerville Rd, Suite B  
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for the  
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## LIST OF ABBREVIATIONS

CDCR	California Department of Corrections and Rehabilitation
CEQA	California Environmental Quality Act
CIM	California Institution for Men
REIR	revised environmental impact report
LOS	level of service
MHCF	Mental Health Crisis Facility
VMT	vehicle miles travelled

# 1 INTRODUCTION

This final revised<sup>1</sup> environmental impact report (Final REIR) for the Mental Health Crisis Facility (MHCF) at the California Institution for Men (CIM) (proposed project) has been prepared by California Department of Corrections and Rehabilitation (CDCR), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA), CEQA Guideline Section 15132, and the September 14, 2021 Writ of Mandate<sup>1</sup> issued by the San Bernardino County Superior Court (Writ of Mandate) (Appendix A).

## 1.1 PURPOSE AND INTENDED USES OF THIS FINAL REIR

On May 8, 2019, CDCR certified the EIR (2019 EIR) and approved the CIM MHCF Project. These actions were subsequently litigated (*City of Chino, et al. v. California Department of Corrections and Rehabilitation, et al.*, San Bernardino County Superior Court Case No. CIVDS 1917019.) In February 2021, the San Bernardino County Superior Court issued a ruling (February 2021 Ruling) in favor of the petitioners on three of the ten causes of action in their petition for writ of mandate, alleging inadequate analyses of (i) baseline conditions (First Cause of Action); (ii) project alternatives (Third Cause of Action); and (iii) traffic impacts (Fifth Cause of Action). Accordingly, CDCR rescinded its certification of the 2019 EIR and vacated and set aside approval of the project.

On June 24, 2021, the Court issued a proposed revised ruling (Revised Ruling). The Revised Ruling modified the February 2021 Ruling on the petitioners' Fifth Cause of Action. The Court ruled in CDCR's favor on the ground that the Petitioners' challenge to the EIR's discussion of traffic impacts was moot. In all other respects, the Revised Ruling is identical to the February 2021 Ruling. After the Petitioners objected to the proposed Revised Ruling, the Court deferred finalizing the Revised Ruling pending a hearing on the question of mootness, which was conducted on August 18, 2021.

In the meanwhile, CDCR prepared the Draft REIR in accordance with CEQA to address the deficiencies the February 2021 Ruling identified in the 2019 EIR and circulated it for public review on July 16, 2021. The Draft REIR addressed the three causes of action found in favor of the Petitioners in the February 2021 Ruling, including the Project's traffic impact analysis that was identified as moot in the Revised Ruling.

On September 14, 2021, the Court adopted the Revised Ruling, entered judgment, and issued the Writ of Mandate. The Writ of Mandate incorporates the Revised Ruling and directs CDCR to "prepare, circulate, and consider a legally adequate revised EIR, taking all steps necessary to bring the revised EIR into full compliance with CEQA with respect to the deficiencies articulated fully by the Court in its revised Ruling on this matter dated June 24, 2021".

The Final REIR consists of the Draft REIR and this document, which includes comments on the Draft REIR and responses to those comments. The Final REIR and the 2019 EIR together will comprise the EIR for the proposed project. Pursuant to CEQA Guidelines Section 15090, before deciding whether to re-approve the proposed project, CDCR is required to certify that the EIR has been completed in compliance with CEQA, that the Secretary of CDCR has reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the lead agency.

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<sup>1</sup> The Writ of Mandate, which directed CDCR to "prepare, circulate, and consider a legally adequate *revised EIR*" (emphasis added) was issued after public release of the Draft Partially Revised EIR. Because the writ uses the term "revised," the term "partially" has been removed to rename the Revised EIR to be consistent with the terminology in the Writ.

## 1.2 CEQA PUBLIC REVIEW PROCESS

On July 16, 2021, CDCR released the Draft REIR for a 32-day public review and comment period. The shortened review period was granted by the Office of Planning and Research as permissible under CEQA Guidelines Section 15105(d). The Draft REIR was submitted to the State Clearinghouse for distribution to reviewing agencies and posted on CDCR's website (<https://www.cdcr.ca.gov/fpcm/environmental/>). A notice of availability of the Draft REIR was published in the San Bernardino Sun and distributed by CDCR to a project-specific mailing list.

Two comment letters were received (from Aleshire & Wynder, LLP representing the City of Chino, the City of Chino Hills, the County of San Bernardino, and the Chino Valley Independent Fire District as well as from a member of the public, Joanne Iavello). (See Appendix B.) Chapter 2, "Responses to Comments," presents the comments and responses to the comments. Because none of the comments received, or the responses provided, constitute "significant new information" (see CEQA Guidelines Section 15088.5), no revisions to the Draft REIR are required.

## 1.3 ORGANIZATION OF THE FINAL REIR

This Final REIR is organized as follows:

Chapter 1, "Introduction," describes the purpose of the Final REIR; provides an overview of the CEQA public review process; and describes the contents of the Final EIR.

Chapter 2, "Responses to Comments," contains a list of all parties who submitted comments on the Draft REIR during the public review period, copies of the comments received, and responses to the comments.

# 2 RESPONSES TO COMMENTS

This chapter contains comments received during the public review period for the Draft REIR, which concluded on August 16, 2021. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft REIR.

## 2.1 LIST OF COMMENTERS ON THE DRAFT REIR

Two comment letters were received on the Draft REIR. Table 2-1 presents their numerical designation, the author of each comment letter, and the date of each comment letter.

**Table 2-1 List of Commenters**

Letter No.	Commenter	Date
001	Aleshire & Wynder, LLP	August 16, 2021
002	Joanne Iavello	August 11, 2021

## 2.2 COMMENTS AND RESPONSES

The comments received on the Draft REIR and the responses to those comments are provided below. Each comment is reproduced in its entirety and is followed by a response. The comment letters in their entirety, with comments identified using brackets in the letter margin, are presented in Appendix B

## LETTER 001 ALESHIRE & WYNDER, LLP

June S. Ailin, Partner

August 16, 2021

### Comment 001-1

Our law firm serves as the City Attorney's office for the City of Chino and the following comments on the Draft Partially Revised Environmental Impact Report ("RDEIR") for the California Institution for Men Mental Health Crisis Facility ("MHCF") Project are made on behalf of the City of Chino, the City of Chino Hills, the County of San Bernardino and the Chino Valley Independent Fire District.

As is explained in the RDEIR itself, the RDEIR was prepared in response to the superior court ruling in a lawsuit filed by the City of Chino, the City of Chino Hills, the County of San Bernardino and the Chino Valley Independent Fire District (collectively, "Petitioners"). *City of Chino et al. v. California Department of Corrections and Rehabilitation, et al.*, San Bernardino Superior Court Case No. CIVDS 1917019 (the "Pending CEQA Case"). Thus, one issue to be considered is whether the RDEIR responds to the issues in that ruling on which the superior court found in favor of the Petitioners. In fact, it does not do so with respect to the environmental baseline and traffic analysis issues.

### Response 001-1

See responses to comments 001-2 through 001-5 for responses to comments regarding the environmental baseline and traffic analysis issues raised in the comment letter.

### Comment 001-2

#### Environmental Setting

In prior comment letters regarding the DEIR released for review on December 6, 2018, Petitioners raised the issue of the poor condition of the California Institution for Men ("CIM") as documented in a report released by the Inspector General in 2008 (the "2008 Audit"). In the Pending CEQA Case, Petitioners contended that the failure to describe the conditions identified in the 2008 Audit and explain what had been done to address them was a failure on the part of CDCR to accurately describe the environmental baseline.

The superior court agreed with Petitioners on this issue:

Due to the vague and undefined references to "on-going repairs and improvements," it is unclear whether the baseline describes *existing* conditions, *future* conditions, or some *combination*. The EIR's failure to state clearly and definitely what repairs and improvements have already been made and what still needs to be done renders the baseline analysis uncertain. If the findings in the 2008 Audit are no longer accurate, an adequate description of the current conditions will demonstrate that. Insofar as the 2008 Audit may still describe some existing conditions at CIM, a discussion of the intended corrective measures is required. As written, the EIR prevents an informed comparison of pre-project and post-project conditions. The Draft and Final EIRs therefore fail as informational documents. (See, e.g., *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955.) Therefore, the petition is granted as [to] the first cause of action.

[Italic emphasis in original, underscore emphasis added.]

Instead of responding to the superior court's direction to "state clearly and definitely what repairs and improvements have already been made and what still needs to be done," CDCR has limited the revised discussion of the baseline to the footprint of the MHCF project, as if it were going to be constructed in the

middle of five miles of vacant land and nothing around the footprint could possibly be affected by the project or be relevant to CEQA analysis. If that were the case, no EIR would ever have to describe, as is customary, the land uses surrounding a proposed project. Without such a description it would be impossible to analyze or address mitigation of impacts beyond the boundary of that area. A refusal to accurately describe what surrounds a proposed project is utterly anathema to the CEQA process and completely disregards the synergy among facilities when a proposed project involves construction only in a part of a larger development or campus. Instead of responding to the superior court's direction, CDCR has in effect said "no, we don't have to address the issues raised by the 2008 Audit," despite the fact no court of appeal has reversed the superior court's determination that such a description is required.

CDCR's narrow focus on what must be described in an EIR misses the point. The issue is not whether there will be physical changes to other existing buildings and infrastructure as part of the MHCF project; the issue is how the MHCF project affects the environment around it, which includes CIM as a whole, and those impacts may differ depending on the condition of that environment.

### **Response 001-2**

The commenter presents a narrow excerpt that does not accurately characterize any of the Rulings. The Revised Ruling does not require a description of the condition of every facility within CIM or of every facility addressed by the 2008 Audit. Rather, the Court took issue with the omission of "any description of the *condition* of the buildings and infrastructure that are critical to the project, or a description of *specific* repairs either underway or contemplated..." (Revised Ruling, p. 5, italics in original, underlining added; see also February 2021 Ruling, p. 5, italics in original, underlining added.)

As explained in the Draft REIR at pages 3-1 and 3-2, CEQA Guidelines Section 15125 outlines what is needed for an environmental setting, which "will normally constitute the baseline physical conditions in the vicinity of the project." The Guidelines further state: "The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the project and its alternatives." (CEQA Guidelines, Section 15125(a)). In order to understand the context within which the setting should be described, CEQA also provides a definition of a significant effect on the environment: "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." (CEQA Guidelines Section 15382, in relevant part) Appendix G (Environmental Checklist) of the CEQA Guidelines lists those environmental issues that could be affected by a project. Taken together, CEQA Guidelines Sections 15125 and 15382, along with CEQA Guidelines Appendix G, provide that the description of the physical environmental conditions should be limited to those air, biological, geologic, noise, utility, cultural, etc., conditions upon which an environmental impact could result and should not be encyclopedic. It follows that the EIR need not (and should not) describe physical conditions that the project would not affect. (*Citizens for Open Govt. v. City of Lodi* (2012) 205 Cal.App.4<sup>th</sup> 296, 316 (existing conditions that are not relevant to impact analysis need not be included in EIR's discussion of environmental setting).) With this guidance in mind, the only physical environmental conditions that need be considered in the Final REIR are those that could be affected by the project. Consistent with the Revised Ruling, the Draft REIR identifies and describes the buildings and infrastructure associated with the proposed project that could be affected by (i.e., modified, interconnected with, demolished, used, or experience any other change resulting from) the proposed project. This is consistent with the Revised Ruling's finding that the EIR should have examined those buildings and infrastructure that are critical to the proposed project.

The commenter requests that the baseline as it pertains to the 2008 Audit Report include "CIM as a whole". As described on page 2-1 of the Draft REIR, CIM is located on 2,500 acres—approximately 4 square miles—in the City of Chino and consists of four separate secured facilities, A, B, C, and D. As shown in Exhibit 2-2, the proposed project site is located in Facility D only, on a little more than one acre (not

including the parking lot). The closest of the other four facilities, Facility B, is over 1,000 feet (approximately 3 football fields) away, and the farthest, Facility C, is over a mile away. The commenter has not identified any facilities described within the 2008 Audit that could be affected by the proposed project, or whose condition as described in the 2008 Audit is relevant to consideration of the proposed project's impact. CEQA Guidelines Section 15088 requires that the "Lead Agency shall respond to comments raising significant environmental issues received during the noticed comment period..."

The commenter has raised no environmental issues associated with the 2008 Audit that are relevant to the proposed project, and there are none. The 2008 Audit was made available to the commenter and the public along with the 2019 EIR and Draft REIR; it was part of the administrative record in the litigation challenging the 2019 EIR.

The 2008 Audit assesses three areas associated with CIM: infrastructure, institutional safety and security, and inmate programs. As it relates to infrastructure, the 2019 EIR and the Draft REIR describe the infrastructure at CIM that could be affected by the proposed project and that were addressed in the 2008 Audit (i.e., water treatment and delivery, wastewater treatment and disposal, and electricity). The 2008 Audit also addressed the need to remove asbestos and lead paint from buildings. The 2019 EIR addressed each of these issues (see Section 4.6 concerning hazardous materials and Section 4.11 concerning utilities), and the Draft REIR further addressed water and wastewater (see discussion below). Regarding institutional safety and security, the proposed project would be enclosed by its own security system (see page 2-1 of the Draft REIR). The commenter raised no issues related to safety in its comment on the Draft REIR; safety was raised by Petitioners in the litigation, and the Court rejected these claims in the Revised Ruling. Finally, regarding inmate programs (also a factor of overcrowding in 2008 that no longer occurs), the commenter raised no issues. Consequently, as it relates to the CEQA obligation to respond to comments that raise significant environmental issues, none are raised in this comment and, as such, no response is required.

The commenter also does not accurately characterize the baseline description presented in the Draft REIR as limited to the footprint of the proposed project. As explained on page 3-2 of the Draft REIR, the existing buildings and infrastructure that are critical to the proposed project are the vacant chapel and unused and empty swimming pool, which are within the proposed project footprint and the utilities that would serve the proposed project: the water treatment plant and wastewater treatment plant, which are not within the project footprint. As explained in the Draft REIR, it was assumed in the 2019 EIR that modifications to the electrical switchyard would be needed to serve the proposed project; however, CDCR has determined since certification of the 2019 EIR that no modifications are needed at the existing switchyard or other existing electrical facilities to serve the proposed project. The 2019 EIR presents a description for each resource area of the land uses surrounding the proposed project as applicable to the resource. The Writ commands CDCR to consider additional impacts or revisions to other portions of the EIR in light of the revised description of baseline conditions. Together, the 2019 EIR and the additional information on buildings and infrastructure critical to the proposed project presented in the Draft REIR comprise an adequate baseline description. With this information, CDCR has considered all aspects of the 2008 Audit that are relevant to the proposed project, and the additional information did not lead to the identification of any additional impacts or necessary revisions to other portions of the EIR.

### **Comment 001-3**

In Section 3.1.2 of the RDEIR (p. 3-7), CDCR argues the 2008 Audit is irrelevant, stating "the Project will have no impact on any other structures at CIM. ... The project would not require any modification of, interconnection with, demolition of, use of, or other physical change to any existing buildings and infrastructure other than those considered critical to the project, as addressed in the sections above."

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CDCR expects the public to take this statement on faith, and refuses to provide the information necessary to enable the public to examine the claim. To make matters worse, in the context of a prison, a facility which the public cannot simply enter and exit at will, it is not possible for the public to do its own investigation of possible impacts in order to rebut CDCR's claims. Accordingly, simply refusing to accurately describe conditions at CIM in the face of demands from the public for such a description, and direction from the superior court to provide such a description, is not an appropriate response.

#### **Response 001-3**

The commenter has not identified any specific buildings or infrastructure addressed in the 2008 Audit that are relevant to the description of the baseline conditions or analysis of environmental impacts of the proposed project that are missing from the 2019 EIR and Draft REIR. CDCR has identified the buildings and infrastructure critical to the proposed project and provided evidence regarding their relevance to the proposed project baseline and existing condition in the Draft REIR. The Draft REIR describes all features within CIM that would be affected by the proposed project. In the absence of any information from the commenter that identifies relevant buildings or infrastructure addressed in the 2008 Audit, and because no comments on the environmental impacts of the proposed project are raised in this comment, no further response is required.

#### **Comment 001-4**

The RDEIR must be revised to address the issue identified by the superior court, to "state clearly and definitely what repairs and improvements have already been made and what still needs to be done." If CDCR does not want to provide such a description, it must first file an appeal and obtain a decision from the court of appeal reversing the superior court's conclusion on this issue.

#### **Response 001-4**

CDCR has followed the Revised Ruling by providing information on the buildings and infrastructure critical to the proposed project, which is consistent with the Court's conclusion on this issue and the CEQA Guidelines. See responses to comments 001-2 and 001-3 regarding the adequacy of the baseline information presented in the REIR.

### **Comment 001-5**

#### **Traffic Analysis**

Petitioners do not disagree with CDCR's conclusion in the RDEIR (Section 3.2.1) that, if traffic analysis based on level of service (LOS) is to continue to be applied to this project, based on the number of additional trips that would be generated by inmate patient traffic, no further intersection analysis or mitigation is required. However, Petitioners disagree with the conclusion in the RDEIR (Section 3.2.2) that the traffic analysis issue is now moot.

As noted in the RDEIR, the superior court has proposed a revision to its ruling regarding the traffic analysis for the project on the theory the analysis is moot because the law now requires traffic analysis to be based on vehicle miles travelled (VMT). While the superior court concluded initially that CDCR had not properly taken inmate patient traffic into consideration, the superior court, on June 24, 2021, proposed a change in its ruling on the traffic analysis. Respondents submitted objections to the proposed change, arguing that, because of the change in the law regarding the basis for analysis of traffic impacts, coupled with the fact the CEQA process regarding the MHCF project has not yet been completed and changes in the law apply to CEQA documents sent out for review after the law has changed, CDCR must conduct a new traffic analysis based on VMT. A copy of the objections filed by Respondents is attached hereto and incorporated herein by this reference.

### **Response 001-5**

The commenter takes issue with both the Court's Revised Ruling and the contents of the Draft REIR. The comment agrees with the analysis of LOS in the Draft REIR but is requesting that an entirely new analysis of vehicle miles traveled (VMT) be added to the EIR. CDCR disagrees and the Revised Ruling does not require it.

As described in the Draft REIR and affirmed in the Revised Ruling at pages 24-27, both case law and the CEQA Guidelines provide authority that the Draft REIR need not prepare a VMT analysis. The analysis included on pages 3-10 and 3-11 of the Draft REIR is consistent with the Revised Ruling and complies with the Writ of Mandate. The comment does not alter the validity of the discussion concerning why a VMT analysis need not be prepared.

The Draft EIR (2018 Draft EIR) was circulated for public review on December 6, 2018, with the review period ending on January 28, 2019. The revisions to the CEQA Guidelines were issued on December 28, 2018, which was during the Draft EIR public review period. In part, these revisions included Section 15064.3, "Determining the Significance of Transportation Impacts".

Prior to inclusion of Section 15064.3 in the CEQA Guidelines, traffic impact analyses were primarily based on congestion metrics, such as level of service (LOS). Section 15064.3 changed the methodology of impacts analysis from consideration of congestion to consideration of VMT. As stated in Section 15064.3(c) and recognized by the Court in the Revised Ruling at page 27:

The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide.

In addition to conducting an LOS analysis in the 2018 Draft EIR, CDCR also disclosed the VMT of the proposed project. As discussed on page 4.10-10 of the 2018 Draft EIR, the proposed project would generate a total 6,605 VMT per day, and a per capita VMT of 39.5. This analysis of VMT included in the 2018 Draft EIR was noted by the City of Chino in its comments on the 2018 Draft EIR. In comment A4-12 of the 2019 Final EIR, the City stated:

The traffic impact analysis and conclusions regarding impacts on traffic are based on vehicle miles traveled, but the San Bernardino County Transportation Commission has not yet finalized parameters for reviewing such analysis.

No other comments on VMT were raised; the remainder of the referenced comment is about the inmate transport discussion addressed in the Draft REIR, per the Revised Ruling.

The Office of Administrative Law first published the Natural Resources Agency's proposal to add Section 15064.3 nearly a year before the 2018 Draft EIR was released on December 6, 2018, for public review. The administrative record, however, includes no request to evaluate the proposed project's potential transportation impacts on the basis of VMT. Additionally, Section 15064.3 was approved before the close of the public review period for the Draft EIR; it included the invitation to use VMT immediately but the need for additional VMT analysis was never raised by the City or any other commenter prior to CDCR's certification of the 2019 EIR and approval of the project, and it was not raised in any objections to the adequacy of the EIR, including in the litigation filed by the commenter.

CEQA Section 21177(a) states:

An action or proceeding shall not be brought [contesting the adequacy of an EIR] unless the alleged grounds for noncompliance with this division were presented to the public agency orally or in writing by any person during the public comment period...or before the issuance of the notice of determination.

Although it could have been litigated and resolved, the issue of VMT was not raised by the Petitioners in their challenge of the 2019 EIR. Consistent with CEQA, the trial court issued "[a] mandate that the public agency take specific action as may be necessary to bring the determination, finding, or decision into compliance with [CEQA]." (CEQA Section 21168.9(a)(3).) Because the court's Writ of Mandate did not require CDCR to revisit the issue of VMT, CDCR need not expand the scope of the analysis beyond the remand. (CEQA Guidelines Section 15234(d)) The commenter's arguments regarding the need for a VMT analysis are outside the proper scope of the REIR and barred by the doctrine of res judicata. (*Ione Valley Land, Air, & Water Defense Alliance, LLC v. County of Amador* (2019) 33 Cal. App. 5th 165.)

#### **Comment 001-6**

A hearing regarding Respondents' objections to the proposed change in the superior court's ruling is scheduled for August 18, 2021. Accordingly, no further action should be taken by CDCR with regard to the RDEIR until the superior court has announced its decision regarding whether it will change its ruling.

#### **Response 001-6**

As discussed in Section 1.1, "Purpose and Intended Uses of this Final REIR," on September 14, 2021, the Court issued the Judgement and incorporated its June 24, 2021 Revised Ruling, including the finding that Petitioners' traffic challenge is moot.

## **LETTER 002 JOANNE IAVELLO**

August 11, 2021

#### **Comment 002-1**

1. Back on 6-22-19 The Chino Champion updated regarding the Chino Prison Mental Hospital. It stated the size increase was 13.1% (61,000 to 69,000 square feet, while the cost was increased 156.9% (\$36 to \$92.5 million)? At THAT time it was a ridiculous amount of increase, monetarily. Now after the pandemic who knows what the costs will be?

### **Response 002-1**

As described in Section 1.2 of the Draft REIR, the 2019 EIR was revised to address inadequacies identified in the February 2021 Ruling, and, in accordance with CEQA, "CDCR will only consider comments that raise environmental issues pertaining to the issues identified as inadequacies in the Ruling and addressed in this partially revised EIR."

The increased size of the proposed project was raised by the Petitioners but rejected in the Revised Ruling (see pages 9 through 13). Further, the comment raises issues associated with the cost of the proposed project but does not address any environmental issues. No further response is required.

### **Comment 002-2**

2. What will be done to address safety concerns of the citizens of Chino and the First Responders concerning, escapes from CIM? Who will be responsible for the cost of additional precautions to be taken by the Mental Hospital? Who will be responsible for compensation for the homeowners/taxpayers/business people who take a loss on their property? What about the crumbling infer-structure of the current prison facilities? What would be done regarding the additional needs and precautions at the inclusion of women to the men's prison Mental Hospital; which I do NOT recall having been discussed?
3. What is being done to make the city of Chino a "safe" place while locating the Mental Hospital here? The prison has been here many years, with protections for the local citizens generally sufficient, with a number of exceptions. With the inclusion of the Mental Hospital what additional protection is the State taking for the safety of the Chino Citizens? We would then be dealing with prisoners with serious Mental Health problems which demand special additional protections. Will the precautions be sufficient for the safety of our citizens, just who will pay for this?

### **Response 002-2**

See Response 002-1 regarding the focus of issues to be raised on the Draft REIR. Issues of safety were raised by the Petitioners in their challenge to the 2019 EIR but were rejected in the Revised Ruling. (See pages 20 through 23.). Issues that were not identified in the Revised Ruling as inadequacies of the 2019 EIR are outside the proper scope of the REIR and barred by the doctrine of res judicata. (*Ione Valley Land, Air, & Water Defense Alliance, LLC v. County of Amador* (2019) 33 Cal. App. 5th 165.)

Regarding infrastructure, please see Section 3.1, "Environmental Setting," of the Draft REIR as well as Response to Comment 001-2.

Regarding the treatment of women at the MHCF, patient gender is not an environmental issue.

### **Comment 002-3**

4. Additionally, as we are hopefully coming out of the pandemic and NOT returning to lockdown is it wise to committee to such a large project? Could there be another lockdown. What about all of the citizens who were unable to work, the businesses that closed? Just where will this tax money be coming from? Don't you believe we, as a city/county, have been through enough? Why put the city through this, now? These are just a few of my questions, I do not feel have been addressed satisfactory by the State. I have even re.ad the Partially Revised Environmental Impact Report for the California Institution for Men Mental Health Crisis Facility Project. It still left my questions unanswered.

I have attended a number of meetings and written and called my local, State and Federal Officials regarding this matter. I have received several responses but NONE answering my questions.

Additionally, I question WHY the State is so strongly intent on this Mental Hospital here in Chino. It was

been attempted before by the State! A number of years ago I remember the State wanting to put an AIDS wing at this same prison. Thankfully, it was not put in. Why does it seem that every ten years or so the STATE tries to put something, no one wants in their backyard, here in Chino? Chino has worked very hard to change the name Chino. When people would hear Chino people automatically thought of the prison. Over the years Chino has had the Rancho Rides, Jr. Fair, Christmas Parades, all positive things to overcome people thinking Chino/prison. Chino was also named one of the 100 Best 100 Communities for Young People. Now the State wants to throw ALL the hard work away, without any consideration for the work, sweat, and tears people put in to changing the image, over the years!

**Response 002-3**

Regarding the choice of CIM as the location for the proposed MHCF, please see Section 4.1 of the Draft REIR, under the heading, "CIM's Selection as Site for the Project".

The remainder of this comment expresses general opposition to the proposed project but does not raise any environmental issues. No further response is required.