

**From:** [George Hague](#)  
**To:** [Karen Calderon](#); [Lijin Sun](#)  
**Cc:** [Kome Ajise](#); [Darin Chidsey](#); [Sarah Miller](#); [Annie Nam](#); [Philip Law](#)  
**Subject:** Item 4.1-4: RIV090903 - Cajalco Road Widening and Safety Enhancement Project  
**Date:** Monday, June 23, 2025 4:36:19 PM  
**Attachments:** [CBD-SBVAS Comment Letter Cajalco DEIR-S 3-3-2022 final.pdf](#)  
[Sierra Club Cajalco Road Draft EIREIS comments 3322.pdf](#)  
[comic on induced traffic.docx](#)

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<https://www.rctc.org/wp-content/uploads/2019/12/RCTC-Draft-LRTS-120119-GV22.pdf>

Page ES-9 RCTC Long Range Transportation Study show Cajalco Road as a State Highway

To Chair Schoenewald, members and Staff,

RE: Item 4.1-4: RIV090903 - Cajalco Road Widening and Safety Enhancement Project – SCH #2011091015;

I am concerned that what is before you is premature because many answers have not been provided to the public in the yet-to-be-released Final EIR for the Cajalco Road widening project to six lanes. I have attached just two Draft EIR/EIS comment letters on the project with many questions/concerns that must be answered — Center for Biological Diversity/San Bernardino Valley Audubon Society and the Sierra Club. These includes the impacts of providing space for six lanes that will impact important biological resources that includes endangered species within Habit Conservation Plans (HCP) and the induced traffic of warehouse diesel trucks on what has always been intended as a transportation corridor to accommodate them.

According to page ES-9 in the link found above the Riverside County Transportation Commission's (RCTC) Long Range Transportation Study shows the proposed Cajalco Road six lane widening project as a State Highway. This is a far cry from a four lane road, but one warehouse developers have been anticipating with all the warehouse and zone changes being proposed — especially on 1,000 acres in Mead Valley which is an Environmental Justice Community.

The proposed widening of Cajalco Road will significantly increase all forms of traffic resulting in more air pollution, greenhouse gas and particulate pollution in our non-attainment area — **think Induced Traffic as you click on the third attachment.**

Please keep me informed of all future meetings and documents related to this project and Cajalco Road Widening project.

Sincerely,

George Hague

P.S. It is too bad that it appears your Mobility Planning and Goods Movement Manager position appears to be Vacant



**Dear Ms Zambon,**

**March 3, 2022**

**RE: Cajalco Road Draft EIR/EIS comments**

**The Sierra Club appreciates this opportunity to provide a few comments on this project.**

**“Project Description**

**The proposed project is located in Riverside County, California, and includes the widening of Cajalco Road, or a combination of Cajalco Road and El Sobrante Road, between the Interstate 215 (I-215) southbound ramps and Temescal Canyon Road. A small portion of the westernmost part of the alignment is located in the City of Corona. The proposed project covers a distance of approximately 15.7 miles.**

**Within the project limits, existing Cajalco Road and El Sobrante Road are two-lane undivided roadways with one 12-foot lane in each direction and shoulders of varying widths.**

**The project would widen the roadway to four lanes between Harvill Avenue and Temescal Canyon Road, and to six lanes between the I-215 southbound ramps and Harvill Avenue, to improve east-west mobility and to provide increased capacity and improved traffic flow and safety.” (page 2-13**

**2.2 Alternatives**

**2.2.1 Project Alternative**

**“Several project alternatives have been developed and refined based on public and agency input, and minimizing environmental impacts. Two project build alternatives, Build Alternative 1 and Build Alternative 2, were originally identified for the proposed project. Design variations of Build Alternative 2**

were developed in response to public and agency input, and minimization of environmental impacts; impact potential of the design variations were compared, and Build Alternative 2C carried forward as a result. Two additional project alternatives, Alternative 3 and Alternative 4, were also added to the proposed project in response to public and agency input. Alternative 3 was eliminated from further consideration due to environmental constraints, and the following three build alternatives (Alternatives 1, 2C and 4) are currently proposed to address the project purpose along with a No-Build (No Project) Alternative. The project alternatives are described below” (page 2-1)

The Sierra Club believes you must have just one project and not just multiple alternatives as shown above. The Final EIR/EIS must reflect this.

The worst case is a six lane road and therefore all direct, indirect, cumulative and growth inducing impacts analyzed must be done as if the project will become six lanes or the documents will be inadequate. As was stated in the public hearing this project is really for goods movement and all the diesel truck pollution which comes with it. While this pollution impacts people it also impacts biological resources – animals, plants and insects.

Because of all the additional daily vehicle trips caused by this project and its growth inducing traffic many current roads will be upgraded to major roadways, even smaller roads will bring significant pollution to the wildlife and biological resources. These other roads that feed into Cajalco Road must also be studied/analyzed as part of this project or the Final EIR/EIS will be inadequate.

The following link shows that you can measure pollution with a mobile source. This needs to be required throughout the use of this project and used several times each month in all the areas within a half mile of the project and major vehicle routes for the life of the project to show impacts on wildlife resources.

(<https://www.scpr.org/programs/take-two/2017/11/09/60115/the-ride-la-air-pollutiondata-gets-hyperlocal-tha/>) In addition there must be an onsite permanent air quality monitoring systems along the entire route.

Like humans, animals can suffer health effects from exposure to air pollution. Birth defects, diseases, and lower reproductive rates have all been attributed to air pollution.” (<https://venta-usa.com/wildlife-pets-affected-airpollution/>)

**The previous link contains the following :“Birds are directly and indirectly affected by air pollution. they spend more time in open air and have a higher breathing rate than humans, exposing themselves to greater levels of air pollution. Studies have shown that for birds with long term exposure to pollution, there was reduced egg production and hatching, lung failure, inflammation and reduced body size.” The pollution from operating this traffic inducing project will settle on the important plant communities which will harm them. The following link explains how "Ozone molecules wind up near the Earth’s surface as part of air pollution. Ozone molecules near the ground damages lung tissues of animals and prevent plant respiration by blocking the openings in leaves where respiration occurs. Without respiration, a plant is not able to photosynthesize at a high rate and so it will not be able to grow.”**

**([https://www.windows2universe.org/earth/Atmosphere/wildlife\\_forests.html](https://www.windows2universe.org/earth/Atmosphere/wildlife_forests.html) )**

**This not only impacts the plants, but those species of animals and insects which must rely on them for their survival. The proposed routes south of Lake Mathews will result in the impacts mentioned above to both plants and animals and insects. The preferred route must avoid these impacts and the Final EIR/EIS must show that the biological resources south of Lake Mathews are protected to a distance of at least 1,500 feet from a diesel death zone.**

**The same threatened/endangered plants and animals and biological resources on which they rely will also be harmed by the noise, light and runoff pollution from this project’s 24/7 operation. Just stating the project meets all existing lighting standards does not prove it protects animals from the such pollution and this is true for car and truck headlights -- all the time, but even more so on curves. Headlight impacts on curves and late at night when bright lights could be on needs further study/analysis than what was in the Draft EIR/EIS. This is especially true for nocturnal animals and those trying to hide from nocturnal animals. Most lighting codes/standards are concerned with impacts to humans and not animals—especially threatened/endangered ones as well as species of concern. Light and noise/vibration pollution from all sources can reach more than 1500 feet beyond the road and must be fully analyzed in the Final EIR/EIS to eliminate all of its impacts on biological resources.**

**As you can read in the article found in the following link .. “Similar to humans, pets have a negative reaction to outdoor air pollution. Multiple studies found physical signs of harm in dogs that were exposed to air pollution.” (<https://venta-usa.com/wildlife-petsaffected-air-pollution/>) Since many of them breath at a faster rate than humans they can develop problems**

quicker with lower levels of pollution. This studies proves that this project can impact wildlife as well as domesticated dogs.

What roads will be improved/extended to accommodate this project and how will that impact wildlife as well as the linkages/corridors on which they and their species rely?

[https://wildliferesearch.co.uk/Wildlife\\_Research/Publications\\_files/Road\\_noise\\_modifies\\_behaviour\\_of\\_a\\_keystone\\_species\\_2014.pdf](https://wildliferesearch.co.uk/Wildlife_Research/Publications_files/Road_noise_modifies_behaviour_of_a_keystone_species_2014.pdf)

Road traffic noise modifies behaviour of Keystone speices

<https://www.pnas.org/doi/10.1073/pnas.1504710112>

Noise and habitat degration.

<https://academic.oup.com/beheco/article/27/5/1370/1743471?login=false>

Road noise causes earlier predator detection and flight response in a free-ranging mammal

The three links found above are just a few of the studies that prove the damage noise and especially traffic noise will cause significant impacts to wildlife and their habitat. What happens to all of the species of concern/threatened/endangered? Each species of animals has their own unique hearing ability which can be impacted differently by different levels of noise/vibration. This is also true for light pollution and how different levels impact different animals differently. Noise/vibration and light pollution can also impact communication between animals which can/will impact their viability and survival. The Draft EIR/EIS fails to have studies on each species to understand these impacts in both the short and long term. The noise//light levels from six lanes and caravans of diesel trucks is lacking in these studies.

The growth inducing impacts of this project which results in causing some of Mead Valley to become a place for significant warehousing with related impacts as mentioned above have not been included and must or Final EIR/EIS will be inadequate.

The Draft EIR/EIS fails to address all the impacts to biological resources mentioned above to within 1500 feet on either side of the different alternatives as well as all the increase in traffic on feeder and regional roads which will have increased/induced traffic as a result of this project. All of these roads and their impacts caused by their increase/induced traffic on biological resources need to be analyzed which must also include noise/vibration, light, polluted runoff from vehicle's petroleum/tire/brake products and shown to be

**reduced to a level of non-significance throughout the life of the project in the Final EIR/EIS**

**What is the plan if it is found after the road is built that a death zone of special species is found to exist on either side of the road 3 years, 5 years, 10 years or 20 years later? How about feeder and regional roads where increased/induced traffic by this project causes biological impact to the detriment of protected and other species.**

**The crossings/linkages under the road must include an annual maintenance plan to make sure obstructions like tumbleweed or human activity are not blocking passage. Cameras which are monitored during the life of the project also need to be included at some of the larger undercrossing to make sure they are operating correctly. Failing to do this will likely result in degradation of important biological resources.**

**The main problem with the cartoon found below is the lack of large diesel trucks, but it does provide a good visual of induced traffic = if you build it they will come. Therefore this project will result in reducing the use of public transportation and/or carpooling to reduce the impacts of vehicle pollution and therefore increasing Greenhouse Gas (GHG).**





The following links:

<https://cal.streetsblog.org/2021/02/17/interview-california-freeway-expansion-projects-induce-travel-and-underestimate-impacts-of-additional-driving/>

and

<https://ncst.ucdavis.edu/research-product/induced-vehicle-travel-environmental-review-process>

From StreetsBlog Cal/UC Davis and The National Center for Sustainable Transportation provides a method that must be used to account for “induced vehicle travel in the environmental review process” or the Cajalco Road traffic analysis will be inadequate.

Highway capacity won't relieve congestion or lower emissions, studies conclude



Posted on November 16, 2015

**A commonly cited strategy to achieve lower emissions and energy use is highway capacity expansion intended to reduce delay. But, as a new brief from UC-Davis and hosted on the Caltrans website points out, congestion relief is usually short-lived, due to “induced demand” or “induced travel.”**

Posted in NewsTagged CA, capacity, emissions, induced traffic, VMT

**Induced travel increases many external costs. Over the long term it helps create more automobile dependent transportation systems and land use patterns. The Final EIR/EIS must fully analyze induced traffic and its impact on GHG and our non-attainment air quality issues or it will be inadequate.**

**The project will increase regional miles traveled which also needs to be fully analyzed in the FEIR/EIS.**

**This Caljalco Road widening project also lacks bicycle lanes to reduce GHG and therefore isn't doing everything possible to reduce these life changing impacts.**

**How will the project's massive Greenhouse Gas (GHG) impacts be dealt by the project on site using all possible methods currently available such as the highest Tier rated off-road equipment made and as they become available during the building as well as the life of the project. The EPA offered the following online:**

**Effects of greenhouse gas pollution noted in the scientific literature include ocean acidification, sea level rise and increased storm surge, harm to agriculture and forests, species extinctions and ecosystem damage. Climate change impacts in certain regions of the world (potentially leading, for example, to food scarcity, conflicts or mass migration) may exacerbate problems that raise humanitarian, trade and national security issues for the United States.**

**The U.S. government's May 2014 National Climate Assessment concluded that climate change impacts are already manifesting themselves and imposing losses and costs. The report documents increases in extreme weather and climate events in recent decades, with resulting damage and disruption to human well-being, infrastructure, ecosystems, and agriculture, and projects continued increases in impacts across a wide range of communities, sectors, and ecosystems.**

While the Draft EIR/EIS mentions that GHG is one of the “Areas of Controversy” the project fails to make the requirements necessary reduce these climate changing actions during both the construction and operation phase of the project.

<https://calsta.ca.gov/-/media/calsta-media/documents/capti-july-2021-a11y.pdf>  
CAPTI: Climate Action Plan for Transportation Infrastructure

The Draft EIR/EIS fails to meet the vision in CAPTI: Climate Action Plan for Transportation Infrastructure in the link found above to meet the State’s Climate goals. The Sierra Club expects to read in this project’s Final EIR/EIS how this project has included what is in the CAPTI and also what the project decided not to include from the CAPTI as well as to why.

<https://dot.ca.gov/-/media/dot-media/programs/risk-strategic-management/documents/sp-2020-16p-web-a11y.pdf>  
Caltrans 2020-2024 Strategic Plan

**The Final EIR/EIS must address the document in the link found above such as how this project “enhances and connects the multimodal transportation network” as well as “respects the environment.” ... as well as the following:**

“Use operational strategies and incentives to reduce vehicle miles traveled (VMT) through increased high occupancy modes, active transportation, and other Transportation Demand Management (TDM) methods.

Improve network operations and invest in networks for walking, cycling, transit, and multimodal trips.

Better utilize technology and data to create a seamless multimodal travel experience and improve travel demand management.”

The Final EIR/EIS must more fully address impacts to the communities found throughout the project, but especially on the eastern half of the project as written in the link found above and as follows:

“We commit to combating the climate crisis and its disproportionate impact on frontline and vulnerable communities — such as Black and Indigenous peoples, communities of color, the people experiencing homelessness, people with disabilities, and youth. We will change how we plan, design, build, and maintain our transportation investments to create a more resilient system that more equitably distributes the benefits and burdens to the current and future generations of Californians.”

The project’s full direct, indirect and cumulative short as well as long term impacts to the community of Mead Valley is not fully addressed in the Draft EIR/EIS and must do so in the Final documents. This must include four lanes and six lanes. This needs to also include any expected change in land use patterns which currently is mainly rural resident as a result of growth inducing impacts of this massive project.

The Sierra Club believes the no build alternative would be best for the protection of the areas important biological resources. There are multiple ways to make the road safer without making it a four and eventually six lane major transportation corridor. This would specifically reduce GHG and induced traffic. Where is the alternative which straightens portions of the road with turning lanes/movements and signals? This could also allow first class dedicated bicycle lanes. Traffic engineers know we cannot build ourselves out of congestion. We must be investing in alternative multimodal forms of transportation as pointed out in the state documents provided above.

The original alignment proposed by the MSHCP (Alternative 4) would be Sierra Club’s second choice which would produce the least biological impacts of the remaining alternatives. This is based on connectivity, habitats, preserve design and the species. Just buying less viable and protected offsite habitat as mitigation is very likely to reduce each species viability/recovery.

The Sierra Club believes some decision makers will only look at price tags of each alternative and base their decision on dollars/cents and not the recovery of important local species. We believe that information should have been withheld during the CEQA EIR/EIS process. They, however,

need to realize that 15065 mandates MSHCP/SKR compliance and the Sierra Club expects that to be explained to them/public in the Final EIR/EIS as well as in staff reports.

GHG reduction is very important and we believe each alternative can do significantly more in this regards. We also believe maintaining the integrity and viability of the MSHCP/SKR compliance is at least equally important.

The Sierra Club appreciates this opportunity to explain some of our concern with the inadequacies with the Draft EIR/EIS and look forward to an improved Final EIR/EIS which will not harm the species which the MSHCP/SKR plans are to protect and help with their recovery.

Please keep us informed of all future documents and meetings.

Sincerely, George Hague

Sierra Club Moreno Valley Group

Conservation Chair



Printed on Recycled Paper. ....To explore, enjoy and preserve the nation's forests, waters, wildlife, and wilderness.



March 3, 2022

*Sent via email*

Mary Zambon  
Environmental Project Manager  
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Riverside, CA 92501  
[Cajalco-rctd@rivco.org](mailto:Cajalco-rctd@rivco.org)

**Re: Cajalco Road Widening and Safety Enhancement Project Draft Environmental Impact Report (SCH # 2011091015) and Draft Environmental Impact Statement and Draft Section 4(f) Evaluation**

Dear Ms. Zambon:

These comments are submitted on behalf of the Center for Biological Diversity (the “Center”) and the San Bernardino Valley Audubon Society (“SBVAS,” collectively, the “Conservation Organizations”) regarding the Cajalco Road Widening and Safety Enhancement Project (“Project”). We have been closely following the Project and provided most recently comments during the January 6, 2022, planning meeting. The Conservation Organizations have reviewed the draft Environmental Impact Report and Environmental Impact Statement (“DEIR/S”) closely and are concerned about the Project’s significant environmental impacts. The Conservation Organizations urge the County to address these concerns in a revised DEIR/S and recirculate it to the public.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 81,000 members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Riverside County, California.

The SBVAS is the local chapter of the National Audubon Society for almost all of Riverside and San Bernardino Counties. It has about two thousand members in the area. Its missions are the protection of natural habitat for birds and other wildlife, and public education about the environment.

As detailed below, the Conservation Organizations are concerned about the proposed Project’s environmental impacts, particularly to imperiled species and their habitat. As noted in our scoping comments submitted in November 2012, many of the Project’s alternatives are in an area that has already been set aside for conservation, specifically as mitigation for species that



have been impacted from prior and future projects through three overlapping Habitat Conservation Plans. To address concerns and comply with the California Environmental Quality Act, the California Endangered Species Act, and the federal Endangered Species Act, the County should, at a minimum, make the following changes including additional environmental review, expanded analysis of impacts, additional mitigation, and should revise and recirculate the EIR/S. The Conservation Organizations appreciate the opportunity to raise these concerns with the County and if you any questions about the Conservation Organizations' concerns, please contact Ileene Anderson at the phone number or email listed at the end of this letter.

**I. The DEIR/S does not adequately mitigate the Project's harms to sensitive biological resources.**

**A. The Project is located in a highly ecologically sensitive area that is currently recognized as a core conservation area for three HCPs.**

The proposed Project's footprint lies within a biologically sensitive area that is important to numerous federal and state protect species, including the federal and state listed endangered Stephen's kangaroo rat. The impressive diversity of rare species found across the landscape near the proposed Project site indicates that the proposed project site is part of a larger ecologically intact and functioning unit. The Project will likely lead to direct and indirect impacts on these nearby biological resources, all of which should be thorough analyzed and evaluated in the EIS/EIR. Potential impacts include but are not limited to those associated with permitted and unpermitted recreational activities, the introduction of non-native plants, additional lighting, noise, pollution, creation of potential barriers to wildlife connectivity and the loss and disruption of essential habitat due to edge effects.

Resources of concern include 32 federal and state-listed special status species that have potential to occur in the Project Area. (DEIR/S at 3.21-2.) Surveys identified 16 of these species present in the Project area. (*Id.*) These include Munz's onion (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), Nevin's barberry (*Berberis nevinii*), thread-leaved brodiaea (*Brodiaea filifolia*), slender-horned spineflower (*Dodecahema leptoceras*), spreading navarretia (*Navarretia fossalis*), Riverside fairy shrimp (*Streptocephalus woottoni*), vernal pool fairy shrimp (*Branchinecta lynchi*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Quino checkerspot butterfly (*Euphydryas editha quino*), southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), bald eagle (*Haliaeetus leucocephalus*) (foraging only), coastal California gnatcatcher (*Polioptila californica*), arroyo toad (*Anaxyrus californicus*), and Stephens kangaroo rat (*Dipodomys stephensi*). (DEIR/S at 3.21-2 to -3.)

Moreover, the Project is located within the SKR Rat Habitat Conservation Plan ("SKR HCP") planning area, and it runs through portions of both the Western Riverside County Multiple Species Habitat Conservation Plan ("WRC MSHCP") Criteria Area, and the Lake Mathews Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan ("LM MSHCP") planning area. (DEIR at Fig. 12.) These are all protected areas that support natural communities in Riverside County that were conserved to offset impacts from previous

projects in the area or future projects. The DEIR/S has not adequately disclosed the consequences of development and the permanent destruction of these conserved lands.

**B. The Project mitigation ratios are far too low to successfully compensate for the harm to and loss of protected habitat in Riverside County.**

The DEIR relies on extremely low mitigation ratios despite the fact the Project will encroach on highly sensitive habitat. For example, NES Bio-14 and -21 propose a 3:1 ratio for permanently impacted riparian resources and a 1:1 ratio for riverine resources but even then, does not commit to a specific ratio (S-21 to -22). And NES Bio-17 only requires a 1:1 replacement of permanently destroyed protected habitat in the LM MSCHP (S-22). These ratios are totally inadequate to compensate for impacts to these essential already protected lands. While these ratios may be appropriate for some types of habitat replacement, they are clearly inadequate where the affected habitat is already protected as part of a larger reserve, as it is here. There is no explanation for why higher ratios are not possible or commitment to meaningful mitigation of impacted habitat is not included. It is essential that the Project's impacts to these areas be mitigated at higher than usual ratios in recognition of the substantial environmental role these habitats play in the County.

Higher mitigation ratios must be required. Because any habitat acquired for mitigation is already inhabited by the same species for which mitigation is sought, the DEIR/S's mitigation strategy will result in a *net decrease* in habitat for impacted species. (See Moilanen et al. 2009; Norton 2009.) To actually mitigate lands already conserved as mitigation for prior and future projects for species' habitat losses, mitigation ratios must be significantly increased over typical mitigation levels to address the temporal impacts to each species along with the formerly noted permanently conserved lands. The conservation mitigation ratio must be high enough to fully mitigate the impacts to those species. Therefore, a *minimum* 5:1 mitigation should be required for development in this area because of the impacts it will have on currently conserved habitat for so many special status species. Expansions to Cajalco and other improved regional roads should also be accompanied by the installation of extensive wildlife crossing infrastructure to prevent harm to species and aid in regionwide wildlife connectivity.

Additionally, much of the DEIR/S's proposed mitigation for biological impacts is improperly deferred. CEQA requires that mitigation measures be formulated and analyzed in the DEIR. The CEQA Guidelines prohibit agencies from deferring the formulation of mitigation measures to after project approval except in certain, strictly limited circumstances. (CEQA Guidelines § 15126.4(a)(1)(B).) An agency may develop the specifics of mitigation after project approval only "when it is *impractical* or *infeasible* to include those details during the project's environmental review." (*Id.*, emphasis added.) That is, "practical considerations" must "prevent[] the formulation of mitigation measures at the usual time in the planning process." (*POET, LLC v. State Air Res. Bd.* (2013) 218 Cal.App.4th 681, 736 [citing *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028-29].) Unless those considerations are "readily apparent," an EIR must explain an agency's decision to defer finalizing the specifics of mitigation. (*Preserve Wild Santee v. City of Santee* (2012) 210 CA 4th 260, 281.)

The appropriate time to determine the specifics of the proposed mitigation measures is now, during the CEQA environmental review process, to ensure full transparency and public review. The County cannot delegate its responsibility to consider the feasibility of mitigation in the EIR. (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280 [finding mitigation measure improperly deferred where it lacked specific performance criteria by which to judge its success].) The Third District Court of Appeal recently found the County of San Diego’s proposed carbon-offset mitigation program for greenhouse gas emissions to be invalid for this very reason. (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 513 [mitigation measure invalid in part because it allowed the county planning director to determine, at his sole discretion after project approval and without reference to objective standards, whether the purchase of certain offsets was feasible].)

Many of the measures rely on non-existent plans that are proposed to be formulated in the future and have not been provided for public review. For example, the bat management plan (AS-4), nesting bird management plan (AS-5), and SKR management plan (TE-3) are not included in the DEIR/S; details of each of these plans are deferred to be addressed at a future time. The DEIR/S has not explained why these mitigation plans cannot be formulated now and made available as part of the public process. Without public disclosure of these plans during the environmental review process there is no way for the public or relevant wildlife agencies to evaluate their adequacy. The County must supply these essential plans along with a recirculated DEIR/S.

**C. The Project will have significant impacts on special status plant and wildlife species that are not adequately addressed in the DEIR.**

The DEIR/S identifies 16 special status wildlife species that occur on site or immediately adjacent to the site, (DEIR/S at 3.21-2 to -3) yet it fails to adequately analyze how the project will impact these species. Under CEQA, an EIR’s determinations regarding the significance of an impact must be based on a full and thorough analysis of the impact. (Pub. Res. Code § 21082.2(a), CEQA Guidelines § 15064(a)(1).) CEQA expressly provides against mere conclusory statements that are not supported by evidence. (Guidelines §§ 15088(c), 15088.5(a)(4).) Merely stating that the proposed project will comply with the MSHCP, and that this compliance does not present a significant impact to the numerous special status species located within the project area is no substitute for the required analysis. In reality, the Project will have significant impacts on numerous specific species, including, but not limited to, those discussed below.

*i. Arroyo Toad*

The DEIR/S analysis of the Project’s impact on arroyo toads is entirely inadequate. In a single short paragraph, the DEIR/S points to the full list of biological resources mitigation measures and states that while “these measures are not specific to arroyo toad” and are “generally required by the WRC MSHCP” covering the toad, these measures are sufficient. (DEIR/S at 3.21-114.) This is not substantial evidence of no significant impact, and does not satisfy CEQA’s requirement that EIRs provide an analysis of how and why mitigation will be effective at addressing specific impacts and reducing them to less than significant levels.

**ii. California Coastal Gnatcatcher and Least Bell's Vireo**

The same issues arise for the analysis of mitigation for the gnatcatcher and least Bell's vireo. The primary mitigation measure that the DEIR/S relies on, NC-1 [NES BIO-1] is a generic measure for preventing degradation of gnatcatcher habitat during active mating season. (DEIR/S at 3.21-109 to -110.) There is no analysis explaining how this seasonal avoidance will be an effective long-term strategy for addressing the specific harms from this road construction project to both species. This truncated discussion does not satisfy CEQA's analytical requirements.

**iii. Burrowing Owl**

The DEIR/S's mitigation for impacts to burrowing owl habitat is inadequate and improperly deferred. Mitigation Measure AS-1, which includes the burrowing owl mitigation plan, simply states that the County will develop a plan at a future date, but does not provide the proper criteria described above for doing so. (DEIR/S S-24.) There is no explanation for why the plan cannot be developed now or criteria to define success for a future plan. Instead, this measure simply states that the plan will be created, but provides no specific details of how and where owls will be located or metrics for judging its success, violating requirements for deferred mitigation under CEQA. (*Id.*; *Preserve Wild Santee, supra*, 210 Cal.App.4th at 280.) The relocation plan should be included as part of the revised and recirculated DEIR/S in order to inform the public and decisionmakers and allow the ability to evaluate the adequacy of the proposal to offset impacts to the species. While "passive relocation" may minimize immediate direct take of burrowing owls, ultimately the burrowing owls' available habitat is reduced, and "relocated" birds are forced to compete for resources with other resident burrowing owls and/or may move into less suitable habitat, ultimately resulting in "take". The mitigation measures need to explicitly include long-term monitoring of actively and passively relocated birds in order to evaluate their survivorship and the effectiveness of the mitigation.

**iv. Bats**

The mitigation plan for bats is similarly flawed, as the DEIR/S pushes development of specifics to a later date in violation of CEQA's policy against deferring the details of mitigation. (CEQA Guidelines § 15126.4(a)(1)(B); *Preserve Wild Santee, supra*, 210 Cal.App.4th at 280.) The DEIR/S indicates that after bat roosts are identified a plan will be drawn up and submitted to wildlife agencies for review, but does not explain why drawing up plans is not possible now and does not set a goal for how to judge a future plan's success beyond agency approval. (DEIR/S S-25.) Because there is no CEQA-compliant reason to defer creation of this plan, failure to include it in the DEIR violates CEQA's requirements.

**v. Stephens' Kangaroo Rat**

The Project poses a potentially significant threat to Stephens' kangaroo rat (*Didpodomys stephensi*) ("SKR") and the surrounding SKR populations because the development is planned in a conservation area that has long been recognized as crucial habitat for SKR populations and is anticipated to risk direct harm to individuals and habitat. (DEIR/S at 3.21-111 to -112.)

The areas impacted by the project include “areas conserved for the benefit of SKR.” (DEIR at 3.21-111.) The SKR is listed as endangered by the United States Fish and Wildlife Service under the Federal Endangered Species Act and threatened by the California Department of Fish and Game under the California Endangered Species Act. The potential impacts to SKR occupying the habitat, adjacent SKR populations, and the SKR. LM and WRC HCPs must be fully disclosed, analyzed, avoided and if necessary mitigated, in the revised and recirculated EIR.

The proposed project would result in an overall direct loss of between 63 and 125 acres of existing habitat. (DEIR/S at 3.21-111.) In addition to permanent habitat loss, the Project will also result increased habitat fragmentation and edge effects. (DEIR/S at 3.21-112.) However, mitigation measures in the DEIR are insufficient to address these harms.

First, mitigation is deferred for preventing harm to SKR during construction. (DEIR/S S-26, MM TE-2 (NES Bio-30).) Instead of including an SKR avoidance plan with clear steps and criteria for measuring success, the DEIR notes that an SKR management plan will “be developed” later and only notes that it will include “preconstruction surveys” and “avoidance and minimization measures[.]” (DEIR at S-26.) This does not satisfy the requirement that where mitigation must be deferred, the DEIR must provide both an explanation for why developing mitigation is not currently feasible and criteria for judging successful mitigation or a series of clear mechanisms for mitigation that the developers will select from down the road is also not feasible. (CEQA Guidelines § 15126.4(a)(1)(B); *Preserve Wild Santee, supra*, 210 Cal.App.4th at 280.) There is no reason that the DEIR could not have been more specific than “avoidance and minimizing measures,” particularly in an area where SKR are already protected and thus harms to their habitat must be regularly addressed during construction. There is no justification for the failure to describe what measures will be taken to prevent harm to SKR during construction.

Second, the DEIR/S does not adequately address the long-term impacts of the Project on SKR. The only measure that appears to address the long-term impacts road expansion will have on the SKR is NC-18 [NES Bio 31], which promises “biologically equivalent” replacement of protected lands for the Lake Mathew Multiple Species Habitat Reserve, but fails to include any detail from funding to location to the ratio of mitigation lands. (S-22.) This is not adequate explanation to demonstrate that the mitigation included in the DEIR/S is sufficient to address the harms that the road expansion will cause to SKR, and cannot satisfy CEQA’s informational mandate. The DEIR/S must be revised and recirculated to completely analyze both the Project’s impact on SKR, but also provide sufficient information to understand how mitigation might succeed in addressing these harms.

*vi. Round-Leaved Filaree*

The DEIR similarly fails to discuss why generic biological mitigation measures are sufficient to address likely habitat impacts for and indirect effects on round-leaved filaree. Instead of describing how the biological resources mitigation measures will sufficiently prevent edge effects and identifying new protected areas where filaree can thrive, the DEIR/S simply points to the full battery of general conservation measures. (DEIR/S at 3.19-67.) While the DEIR/S claims that the operation of the Project would not degrade the conditions of the area and

habitat for the filaree more than the existing right of way (DEIR/S 3.19-67), there is no explanation for why this is true. The expansion of the road is expected to lead to additional traffic, pollution, and edge effects from increased use. (DEIR/S S-8.) This is likely to have a substantial impact on the filaree that extends beyond current impacts, but this is not analyzed in the DEIR/S. (*Id.*) Further analysis is required to comply with CEQA. A revegetation plan needs to be provided for the round-leaved filaree with clear success criteria provided to assure successful mitigation for the filaree is achieved in a revised and recirculated EIR.

**vii. *Paniculate Tarplant***

Like the round-leaved filaree, the DEIR dismisses Project impacts on the paniculate tarplant—which the DEIR admits will be impacted by construction and expansion of Cajalco Road—and instead just lists various general biological resources mitigation measures without any analysis or explanation of how these measures will address the tarplant. (DEIR/S at 3.19-70.) However, only one of these cited measures (PL-1) makes specific mention of paniculate tarplant, but even this measure is only cited as mitigation for one of the build alternatives (Alternative 4) and only includes collecting tarplant seeds to disseminate them after the project. (*Id.*) This is insufficient to address the likely harms to the paniculate tarplant because it includes no long-term monitoring to ensure that the plants will thrive after the Project is completed and no explanation for how and why the steps of disseminating the seeds once will suffice. A revegetation plan needs to be provided for the paniculate tarplant with clear success criteria provided to assure successful mitigation for the tarplant is achieved in a revised and recirculated EIR.

**viii. *Other Plant and Animal Species***

The DEIR/S inadequately addresses impacts on the Coulter's matilija poppy (DEIR/S 3.19-67), long-spined spineflower (DEIR/S 3.19-68), small-flowered morning glory (DEIR/S 3.19-68 to -69), Palmer's grapplinghook (DEIR/S 3.19-69), Parry's spineflower (DEIR/S 3.19-69), and small-flowered microseris (DEIR/S 3.19-69), because in lieu of including the mandatory CEQA analysis of how mitigation measures will address anticipated harms to these species, the DEIR/S simply states these species are covered by the MSHCP without explaining how steps taken as part of the Project will avoid, reduce and mitigate harm to these species. As noted above, these conclusory statements are inadequate; the DEIR/S must explain how adopted mitigation measures suffice to address harms to these species. One way would be to provide a revegetation plan for all the rare plants, that includes success criteria to assure successful mitigation for the species is achieved in a revised and recirculated EIR.

Additionally, plans to manage potential harms to species not covered in the MSHCP are vague and improperly analyzed. (DEIR/S at 3.20-124 to -127.) For example, the nesting bird plan described in mitigation measure AS-5 is improperly deferred, because it must be formulated later and includes no proposed options for its structure or criteria for judging its efficacy. (DEIR/S S-25; CEQA Guidelines § 15126.4(a)(1)(B); *Preserve Wild Santee, supra*, 210 Cal.App.4th at 280.) Again, the DEIR/S lacks specific analysis or evidence showing how the generic biological resources mitigation measures are sufficient to address harms to the species they are designed to address. Specific analysis is the purpose and a requirement of CEQA—one

that the DEIR/S does not meet. For that reason, the DEIR/S must be revised and recirculated if the Project is going to move forward.

## **II. The DEIR/S Does Not Provide an Accurate, Stable Project Description.**

Under CEQA a “project” is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment . . . .” (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222 (citing CEQA Guidelines § 15378, subd. (a).) An “accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” (*Cnty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193; (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 (project description held unstable and misleading) [hereinafter “*San Joaquin Raptor*”].) “However, a curtailed, enigmatic or unstable project description draws a red herring across the path of public input.” (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.).

An inaccurate or truncated project description is prejudicial error because it fails to “adequately apprise all interested parties of the true scope of the project.” (*See City of Santee v. Cnty. of San Diego* (1989) 214 Cal.App.3d 1438, 1454-55 [hereinafter “*City of Santee*”].) “Only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project’s benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives.” (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.)

The current Project description violates CEQA’s requirement to provide an “accurate, stable, and finite” description of the true project. The Project description analyzes five alternatives, but does not provide a clear indicator of which will be implemented or a stable description of the original Project itself. (DEIR/S S-3 to -4.) This broad range of alternative locations and failure to commit to a clear initial project description makes it difficult to determine what the Project will eventually look like and fails to provide an accurate or stable Project description.

Consequently, the DEIR/S provides no firm basis to assess the environmental costs and appropriate mitigation measures of the Project. (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.) Impacts on wildlife and other environmental issues will vary widely depending on the location of road expansion activity, which varies significantly between the proposed alternatives. (DEIR/S Fig. 1-2.) The four different proposed routes pass through substantially different areas on either side of Lake Mathews, rendering it difficult to determine what the full impact of the Project will likely be. (*Id.*) Moreover, the DEIR/S confusingly splits up analysis into many sections of the road at different points, obscuring what the final project will look like by not providing clear analysis of the various alternatives.

This lack of clarity renders the Project description unstable, such that the DEIR fails to inform decision-makers and the public of the true scope of the Project from which all interested parties could assess the direct and indirect environmental effects of the Project. (*City of Santee*, 214 Cal.App.3d, at 1454-55; *San Joaquin Raptor*, 149 Cal.App.4th, at 655; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 83-86.)



### III. The Project Is Inconsistent With Existing Habitat Conservation Plans.

The proposed project would occur on lands conserved and used to offset impacts of development for three overlapping HCPs: the Stephens' Kangaroo Rat HCP, the Lake Mathews Multiple Species HCP, and the Western Riverside County Multiple Species HCP. The proposed project and the lack of appropriate mitigation fails to comply with the requirements of these HCPs. While it is recognized that the proposed project alternative impacts the same piece of land that each of the HCPs relies on for conservation, the DEIR/S fails to adequately analyze impacts separately based each plans unique requirements.

#### A. Lake Mathews Multiple Species HCP (LM MSHCP)

The Lake Mathews Multiple Species HCP was the first HCP in the region and conserved 5,110.4 acres by establishing the Lake Mathews reserve in order to minimize and mitigate impacts of the Metropolitan Water District's projects and activities in the area under Sections 7 and 10(a) of the federal Endangered Species Act (ESA), Section 2081 of the California ESA, and Section 2835 of the California NCCP Act.

The DEIR/S recognizes that the LM MSHCP cannot accommodate roadway improvements or include a prescribed process to allow changes to the plan, it then states that "an appropriate discretionary action coordinated between the County and LM MSHCP responsible parties is proposed as part of the project to accommodate the proposed roadway improvements" (at pg. S-3). The DEIR/S does not identify what "an appropriate discretionary action" would be between the parties.

Instead, the DEIR/S proposes the following Mitigation Measures:

*i. NC-17 (NES BIO-17): Replacement Lands for Permanent Impacts within the LM MSHCP Area*

As described in detail above, the proposed 1:1 mitigation ratio is absurdly low to adequately mitigate currently conserved lands with lands elsewhere. It will be extremely challenging to find mitigations lands that support all the covered species that the current lands support in the Lake Mathews Reserve.

-Secondly, the mitigation measure states, "The County will purchase lands which will provide equivalent or greater habitat value and be located adjacent to the existing LM MSHCP area to ensure the reserve remains whole." (at pg. S-22) yet the DEIR/S does not analyze where those lands would be or if they are able to be acquired.

-The mitigation acquisitions will need to be accounted for by species. If proposed mitigation lands are unable to provide habitat for the full complement of LM MSHCP covered species, additional acquisition lands will be required to fully mitigate for all the species individually.

-The mitigation measure then states " If adequate replacement lands are not available at the time of land acquisition, the remainder of the necessary lands will be purchased from a mitigation bank (if available), and supplemental actions identified in Measure NC -18 (NES BIO -31) implemented in coordination with LMRMC and MWD." (at pg. S-22).

This proposal leaves many same questions unanswered including – are there mitigation

banks with adequate lands for all the LM MSHCP species impacted by this project? And how would Measure NC -18 (NES BIO -31) adequately mitigate the permanent impacts to species habitat (see below)?

ii. *NC-18 (NES BIO-31): Funding Endowment for the LM MSHCP*

At its essence this mitigation measures defers mitigation to some future time stating it would “develop a suite of mitigation measures that demonstrate biological equivalency to offset the loss, including the acquisition of adequate replacement and restoration of lands (Measures NC -17 [NES BIO -17] and NC -19 [NES BIO -15]), fencing to aid in management of the Lake Mathews Multiple Species Reserve (LMR) (Measure NC -16 [NES BIO -19]), and funding to be used toward LMR management. The County of Riverside will develop the funding mechanism with input from the LMRMC that will be used to support management of new reserve lands acquired for the LM MSHCP area and any existing reserve lands, along with shared maintenance and security costs for the LM MSHCP area.” (at pg. S-22)

This approach fails to provide or identify requirements that would actually mitigate impacts to the species cover in the LM MSHCP.

It also defers developing a funding mechanism. Deferring funding mechanism to a later date provide no confidence that an adequate funding mechanism will ever be developed. Our evidence is based on the [2019 Civil Grand Jury Report](#) on the County’s abysmal failure to provide adequate funding for the WRC MSHCP. This recent example does not engender confidence that the County is at all committed to supporting its conservation obligations.

iii. *NC-19 (NES BIO-15): Restoration for Temporary Impacts within the LM MSHCP Area*

This measure relies on a Habitat Management and Monitoring Plan (HMMP) that is to be drafted at some unclear future time. Because it is not provided in the DEIR/S, the public has no opportunity review, analyze, and evaluate the adequacy of the missing HMMP.

In addition, the DEIR/S determines that all the proposed action alternatives are inconsistent with both the LM MSHCP and the Lake Mathews Reserve (LMR) Management Plan (DEIR/S at 3.1-57). Of greatest concern is the finding in Section 4.2.4(f) that even with the proposed mitigation measures the impacts to the LM MSHCP and the LMR from all alternatives are determined to be significant and unavoidable (DEIR/S at 4-83 through 4-88). Because the LM MSHCP provides “take” for numerous covered species for impacts associated with the Lake Mathews Project, the County must vastly increase the proposed mitigation and implementation assurances if the proposed project moves forward in order not to negate the Incidental Take Permits issued for the LM MSHCP.

## **B. Stephens’ Kangaroo Rat HCPs (SKR HCP)**

After initially being implemented as a short-term HCP in 1989, the Stephens’ Kangaroo Rat HCP had identified and assembled most of the Lake Mathews-Estelle Mountain Reserve, and the cooperating agencies established the Long-term Stephen’s Kangaroo Rat HCP by 1996. The Lake Mathews-Estelle Mountain Reserve is a “core” reserve for the SKR. The Riverside County

Habitat Conservation Authority cooperatively manages approximately 11,243 acres in the Reserve.

The DEIR/S recognizes that the proposed project build alternatives are “inconsistent” with the SKR HCP (DEIR/S at 3.1-56) and that a “minor amendment”<sup>1</sup> will be needed to the Long-term SKR HCP predicated on “approval of replacement lands pursuant to the SKR HCP (DEIR/S at 2-106). Numerous places in the DEIR/S refers to Mitigation Measure NC-20 (NES BIO-21) (Mitigation) to address the impacts to the SKR HCP but the measures do not specifically analyze the impacts or provide a clear path to mitigate impacts to the SKR HCP (DEIR/S at pg. 3.17-193). While the proposed mitigation for impacts to conserved lands is unfathomably low (see above), the DEIR/S fails to provide detailed information necessary to evaluate the efficacy of mitigation including where and if additional mitigations lands are available for conservation. It fails to analyze if mitigation is even possible to meet the requirements of the SKR HCP. Here too, the proposed action alternatives are determined to be inconsistent with the SKR HCP (DEIR/S at 3.1-56). Unlike the LM MSHCP, somehow the DEIR/S concludes that the proposed mitigation measures reduce the impact to “less than significant with mitigation” (DEIR/S at 4-80), although the feasibility of the mitigation is unproven, currently unfunded, and key plans deferred.

The SKR HCP will also require a “minor amendment”, but we could not locate that language to analyze if indeed it was a minor amendment as defined by the plan.

Our observations over the years conclude that the RCHCA does not have a good track record in implementing the SKR HCP, with substantial mitigation fees in the bank but inadequate use of those fees to acquire adequate habitat for the SKR and management for the species.

### **C. Western Riverside County Multiple Species Habitat Conservation Plan (WR MSHCP)**

The Western Riverside County Multiple Species Habitat Conservation Plan is the largest HCP based on the number of species it covered. This ambitious plan adopted in 2003 by the County, numerous cities within the plan’s boundaries and several State agencies, provides take coverage for 146 species. Its goal is to conserve 500,000 acres of land of which 347,000 acres were identified as already being conserved public and quasi-public lands including the conserved lands from the two HCPs discussed above prior to the WRMSHCP being adopted. Since adoption, the goal has been to conserve the additional 163,000 acre of habitat for the covered species.

The DEIR/S purports that the project was designed to comply with the requirements of the WR MSHCP, yet it too will require a “minor amendment” for all action alternatives (at 4-81). We could not locate the proposed amendment language to analyze if indeed it was a minor amendment as defined by the plan.

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<sup>1</sup> The DEIR/S also does not explain why a “minor amendment” rather than a “major amendment” of the HCP would suffice.

#### IV. CONCLUSION

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report for the Cajalco Road Widening. In light of the above shortcomings, the DEIR/S should be revised and recirculated for public review and comment.

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the County complies with its legal obligations including those arising under CEQA, we would like to remind the County of its statutory duty to maintain and preserve all documents and communications that may constitute part of the “administrative record” of this proceeding. (§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the County with respect to the Project, and includes “pretty much everything that ever came near a proposed [project] or [] the agency’s compliance with CEQA . . . .” (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the County’s representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the County’s representatives or employees and the Applicant’s representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Please continue to include the Conservation Organizations on your notice list for all future updates to the Project and do not hesitate to contact us with any questions at the numbers or emails listed below.

Sincerely,



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