TECHNICAL ADDENDUM

To The

OTAY RANCH
FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

"Summary of Valle de Oro Issues/Concerns and JHK & Associates Responses"

Prepared For:

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TABLE OF CONTENTS

	Page No.
INTRODUCTION	1
ISSUES AND RESPONSES	2
SUMMARY OF FINDINGS	9
APPENDIX A - SUMMARY OF VDO ISSUES AND JHK RESPONSES	11

LIST OF TABLES

TABLE 1. OTAY RANCH FPEIR TRAFFIC ANALYSIS COMPARISON ANALYSIS OF SEGMENT VOLUMES & IMPACTS 6

TECHNICAL ADDENDUM
SUMMARY OF VALLE DE ORO ISSUES/CONCERNS

INTRODUCTION

JHK & Associates (JHK) in consultation with the City of Chula Vista and the County of San Diego, has prepared this Technical Addendum to document our response to a series of "Issues/Concerns" raised by the Valle de Oro (VDO) Community Planning Group. These issues/concerns were presented by the VDO Community Planning Group during a joint City of Chula Vista Council/County of San Diego Board of Supervisors Public Hearings on the Otay Ranch Project and the Final Program Environmental Input Report (FPEIR). The issues and concerns of VDO dealt primarily with the transportation analysis conducted for the Otay Ranch Project and the Transportation, Circulation, and Access portion of the FPEIR. Specifically, their concerns focused on model validity and the accuracy of cumulative volume levels reported in the VDO planning area. Concerns over project traffic contributions within the VDO planning area were also questioned by the VDO Community Planning Group.

This document is prepared in accordance with the CEQA Guidelines section which allows use of an Addendum when:

> "...;(2) only minor technical changes or additionas are necessary to make the EIR under consideration adequate for CEQA; and/or (3) the changes to the EIR made by the addendum do not raise important new issues about the significant affects of the project."

The purpose of this technical addendum is to define the VDO issues/concerns and to provide JHK's response. The addendum is organized into the following sections:

- Introduction
- Issues and Responses
- Summary of Findings

The Issues and Responses section is divided into a "Summary" section and a separate section entitled "Additional Background Discussion". This second section provides further information to support the findings of the summary section.

ISSUES AND RESPONSES

A series of meetings have been held with Mr. Jack Phillips of the Valle de Oro (VDO) Community Planning Group during the month of August, 1993 to discuss specific issues related to the Otay Ranch Traffic Analysis. Attendees at a total of three separate meetings have included Mr. Phillips, members of the Otay Ranch Project Team, JHK & Associates (Dan Marum), and representatives from the County of San Diego, the City of Chula Vista, San Diego Association of Governments (SANDAG), and Caltrans. Based on these discussions, a series of responses have been developed by JHK. The following section of this memorandum identifies each of these basic issues raised by Mr. Phillips, and the VDO Community Planning Group along with JHK and Associates responses.

Issue 1: ***Is the "Southbay Model" valid in Valle de Oro and other fringe areas for predicting Otay Ranch impacts?***

Response: ***Summary:***

Yes. Staff has consulted with SANDAG, Caltrans, the County, the City of San Diego and Chula Vista staffs as well as professional transportation consultants throughout the process and sought their advice on every aspect of traffic modeling for this project. All of the agencies remain convinced that the model used is a valid tool for predicting impacts associated with the Otay Ranch Project. There is no evidence before the decisionmakers that the model used for the analysis of traffic impacts for the Otay Ranch Final Program EIR (FPEIR) is inadequate.

Additional Background Discussion:

The Final Program EIR (FPEIR) Transportation Analysis was based on an evaluation of build-out traffic impacts within a defined study area south of SR-54 and SR-94 in the south bay. This study area not only fully encompassed the 23,000-acre Otay Ranch project but extended well beyond its boundaries. Within this study area and throughout the entire southbay, all land use assumptions used in the transportation model were based on build-out conditions.

For all community planning areas along the "fringe" of the study area, including the Valle de Oro Community Plan Area and the remainder of the San Diego County (to the north and east of the Southbay), all land use assumptions were based on SANDAG Series VII Growth Projections for Year 2010. All of the EIR Traffic Analyses considered the cumulative effects of development in the region, based on the "Combined Southbay Model" developed for the Otay Ranch Transportation Analysis.

The process for defining the study area boundary involved an analysis of "project only" traffic assignments. This computer assisted analysis indicated that the

majority of project generated trips would utilize regional facilities as the trips enter or exit the Southbay subregion. Thus, facilities such as I-805, SR-54, SR-94, etc., represent the primary network for project traffic based on average trip length and the fact that the core of the project is located some 7 to 10 miles south of the northern edge of the study boundary (along SR-54 and SR-94). Essentially, once project gerated trips access a primary network facillity, the impacts beyond that facility significantlly dissipate to an insiginficant contribution.

The method for determining the Study Area for this project is consistent with the methodology that is utilized when analyzing projects of this size and scale. Technical assistance provided by SANDAG and all affected jurisdictions, including the County, cities of Chula Vista and San Diego, Caltrans and MTDB, ensured that the modeling of future traffic volumes and the subsequent identification of traffic impacts were preformed accurately.

Valle de Oro references the SANDAG SR-54 Corridor Study as an analysis which contains a different conclusion concerning the traffic volumes on Millar Ranch Road. Specifically, Valle de Oro cited a portion of the SR-54 Corridor Study which indicated a traffic volume of 36,000 ADTs on Millar Ranch Road near SR-94. In contrast, the Otay Ranch traffic study of the Phase II Progress Plan shows 27,000 ADTs along Millar Ranch Road. The SANDAG SR-54 Corridor Study and the Otay Ranch EIR traffic study appear to conflict because each study employs different assumptions concerning the land use and the traffic network. However, these differences are irrelevant because the increased trips on Millar Ranch Road are due primaily to cummulative traffic impacts not Otay Ranch traffic.

1. Land Use Assumptions. The "Combined Southbay Model" used for the Otay Ranch Transportation Analysis assumes build-out of the Southbay study area. That area includes the area south of SR-54, including the Otay Ranch. For the area north of SR-54, the model assumes a 20 year planning horizon consistent with the SANDAG Series VII population forecast.

The "SR-54 Corridor Study Model" assumes build-out of the SR-54 corridor area. The Otay Ranch model did not refine the area north of SR-54 to include build-out data, because Otay Ranch's forecasted contribution to traffic volumes north of SR-54 fall below levels of significance. Specifically, for those facilities north of SR-54 forecasted to exceed LOS "C", project impacts for the New Town Plan (the most intense development plan evaluated for Otay Ranch), never exceed 10% of the project traffic volumes (Otay Ranch Response to Comments document, p. LO.25-5). However, under the "SR-54 Corridor Study Model" cumulative volume conditions, two additional roads are forecasted to operate over LOS "C" (Millar Ranch Road - LOS "D" and SR-94/Campo Road (e/o Millar Ranch Road) LOS "F"). Project contribution for these facilities ranges from 13 to 33 percent. These

higher cumulative volumes may necessitate special design considerations, at some time in the future, perhaps as late as Year 2010. Specifically, on SR-94, the high cumulative volume from this model indicates the need for increasing the capacity of this future freeway facility from four lanes to six lanes. SR-94, however, was sized based on 20-year traffic volume projections rather than the buildout volumes predicted by this most recent modeling effort.

2. Traffic Network: The SANDAG SR-54 Corridor study assumes, for analytical purposes, a series of alternative traffic networks. The alternative that causes Valle de Oro concern assumed SR-54 to be a six-lane expressway terminating at Main Street in El Cajon (an alternative which has not been approved). Configuring SR-54 in such a manner diverts and encourages trips to flow onto Millar Ranch Road, which may explain the increase in trips from 27,000 ADT (as shown in the Otay Ranch analysis) to 36,000 ADT shown in the SR-54 analysis. A review of the two models indicate that if similar network assumptions are used, similar volumes occur on Millar Ranch Road. This is true in the SR-54 alternative that tests SR-54 as a six-lane expressway from SR-125 to SR-94 continuing as a four-lane collector, "t"-ing into Jamacha Road at Hillsdale.

At the point in time when the Otay Ranch Transportation Analysis and modeling work was conducted (and at the time the Draft FPEIR was released for public review), the "Combined Southbay Model" was the most accurate model available for project related impacts. The Project Team spent considerable effort refining all input parameters for conducting computer modeling within the Southbay Study Area. It is recognized that the "SR-54 Corridor Study Model" generates much higher cumulative volumes within the fringe planning areas along the north-east edge of the Otay Ranch study area. However, the response to comment number two below provides a discussion of the level of project contribution for the Otay Ranch development as a proportion of the cumulative volumes predicted by the "SR-54 Corridor Study Model" and the "Combined Southbay Model" used for the Otay Ranch Transportation Analysis.

Additionally, the Otay Ranch contains safeguards to ensure that proper traffic assumptions are used at each SPA level. Upon the selection of the final facility for SR-54, all subsequent modelling will be based on that facility. At each phase of the Otay Ranch the most recent network configuration will be used and appropriate mitigation will be developed for each phase.

Issue 2: ***Are the level of impacts to the Valle de Oro area correctly reported in the FPEIR for the Otay Ranch Project?***

Response: ***Summary:***

Yes. The new traffic projections from the SR-54 Corridor Study enable a new comparison of the impacts associated with the Otay Ranch Project (as compared with the county General Plan Land Uses for the property). The new "Impacts" (the differences between the Otay Ranch Volumes and the county General Plan volumes) are consistent with the impacts reported previously.

Additional Background Discussion:

As indicated at the end of response to comment number one, JHK has prepared an updated reference table (see Table 1) for all Circulation Element facilities within the Valle de Oro Community Plan Area. This table identifies the cumulative volume levels on these local facilities from each of the travel forecast models discussed above ("Combined Southbay Model" used for the Otay Ranch Transportation Analysis and the "SR-54 Corridor Study Model").

In addition to identifying the significant differences between the two models in terms of cumulative volumes on these local facilities, the table provides an indication of the estimated amount of project related traffic contribution from the Otay Ranch development. The Otay Ranch land use alternative which has been selected for this analysis is the New Town Plan which represents the most intensive plan evaluated for the Otay Ranch and would thus create the greatest degree of project impact. As revealed by the table, the percent contribution of project traffic to the total cumulative traffic volume is insignificant when comparing the "Combined Southbay Model" with the "SR-54 Corridor Study Model." It is important to recognize that a number of facilities (including: Millar Ranch Road, Avocado Boulevard, SR-94/Campo Road, Troy Street, Fuerte Drive, Jamacha Road, and State Route 54), located along the fringe area of the Otay Ranch Transportation Study Area, are forecasted to experience poor operating levels of service (LOS D, E, or F) under the cumulative volume scenario predicted by the "SR-54 Corridor Study Model" and/or the "Combined Southbay Model" regardless of Otay Ranch.

Issue 3: ***Is the FPEIR valid with respect to analysis of impacts related to inclusion of Millar Ranch Road as part of the project?***

Response: ***Summary:***

Yes. Staff has included Millar Ranch Road as a transportation facility based on the following considerations:

Table 1
OTAY RANCH FPEIR TRAFFIC ANALYSIS
COMPARISON ANALYSIS OF SEGMENT VOLUMES & IMPACTS
OTAY RANCH MODEL (W/NEW TOWN PLAN ALT.) WITH SR-54 CORRIDOR STUDY MODEL (W/PHASE II PROGRESS PLAN ALT.)
JHK & ASSOCIATES - AUGUST 19, 1993

Facility #	Roadway Name	From - To	Planned Facility Size	Maximum Desirable ADT Volume (LOS "C")*	Otay Ranch Combined Southbay Model**	SR-54 Corridor Study Model**	Project Contribution***		
					Daily Volume / LOS	Daily Volume / LOS	Project Volume (New Town Plan***)	Otay Ranch Model Percent (%)	SR-54 Model Percent (%)
1	Jamacha Rd	Campo Rd-Fury Ln	6 Lane Prime	44,600	34,300 / B	43,000 / C	4,486	13%	10%
2	Avocado Blvd	SR 94-Fury Ln	4 Lane Major	29,600	41,300 / F	42,000 / F	2,933	7%	7%
3	SR-94/Campo Rd****	SR-54-Millar Ranch Rd	4 Lane Freeway	80,000(LOS "E")	66,000 / D	89,000 / F	12,000	18%	13%
4	SR-94/Campo Rd	Millar Ranch Rd-Lyons Valley Rd	6 Lane Prime	44,600	35,800 / B	50,000 / D/E	2,000	6%	4%
5	Millar Ranch Rd****	South of SR-94 Intersection	4 Lane Collector	27,400	27,000 / C	36,000 / F	10,000	37%	28%
6	Millar Ranch Rd****	SR 94-Procter Valley Rd (Mid-Point)	4 Lane Collector	27,400	24,000 / B	30,000 / D/E	10,000	42%	33%
7	Fuerte Dr	I-8-Chase Avenue	2 Lane Light Coll	7,100	N/A / N/A	24,000 / F	1,000	N/A	4%
8	Chase Ave	I-8-Vista Grande	4 Lane Major	29,600	N/A / N/A	24,000 / B	3,000	N/A	13%
9	Fury Ln	Jamacha Rd-Future SR-54	4 Lane Major	29,600	24,000 / B	23,000 / B	1,158	5%	5%
10	Kenwood Dr	Bancroft Dr-SR 94	4 Lane Collector	27,400	11,400 / A	14,000 / A	1,000	9%	7%
11	Bancroft Dr	Kenwood Dr-SR 94	4 Lane Collector	27,400	2,600 / A	26,000 / C	1,000	38%	4%
12	Troy St	SR 125-Bancroft Dr	4 Lane Collector	27,400	4,300 / A	31,000 / D/E	2,000	47%	6%
13	Broadway	Skyline Dr-SR 125	4 Lane Major	29,600	8,300 / A	20,000 / B	1,000	12%	5%
14	Jamacha Rd	Sweetwater Rd-Jamacha Blvd	4 Lane Collector	27,400	31,500 / E	31,000 / E	3,160	10%	10%
15	Jamacha Blvd	SR 125-Jamacha Rd	4 Lane Major	29,600	10,800 / A	25,000 / C	2,000	19%	8%
16	State Route 54	SR 125-SR 94	6 Lane Expwy	70,000	34,800 / A	81,000 / D	15,000	43%	19%
17	State Route 54	SR 94-Fury Ln	6 Lane Expwy	70,000	8,700 / A	69,000 / C	11,000	N/A	16%

Notes:

* Source: County of San Diego, Public Road Standards (January, 1985).

** The daily volumes and Levels of Service (LOS) predicted for the column entitled "Otay Ranch Combined Southbay Model" were based on the New Town Plan Alternative (except as noted), while the column entitled "SR-54 Corridor Model" utilized the Phase II Progress Plan Alternative.

*** For the purpose of this analysis, the project only trip assignment developed for the the New Town Plan was used. Project only volume contributions were verified and adjusted base on a a review of SR-54 Corridor Study Base Model Runs which compared the Southbay Area under the Year 2010 (Series 7 Growth Projections) conditions versus Southbay Buildout conditions. This process resulted in worst case conditions for defining project only contributions on all analyzed facilities.

**** For the Millar Ranch Road & SR-94/Campo Road facilities the Phase II Progress Plan was used to define daily (cummulative) volumes and project contribution instead of the New Town Plan which called for a significantly higher level of development in the Procter Valley area.

1. Traffic analysis has shown that the elimination of Millar Ranch Road would not eliminate a significant number of trips from the corridor. Rather, it would force the traffic to take a longer path through Jamul and along SR-94 with associated additional congestion and pollution.

2. The Board of Supervisors provided direction to County Staff in the Hidden Valley Estates hearings.

3. The interjurisdictional Task Force provided direction in response to the Millar Ranch Road Issue Paper.

Based on this direction and the professional judgement and experience of staff and consultants, Millar Ranch Road was included in most of the Otay Ranch Plan Alternatives. The FPEIR then analyzed the impacts of those plans appropriately. If the City Council and the Board of Supervisors select a Plan that does not include Millar Ranch Road, as a public road, an assessment of the adequacy of the FPEIR will be required to address that facility.

Additional Background Discussion:

In traffic modeling for the Otay Ranch Project, Millar Ranch Road was assumed to be a public road, except in the "No Project Alternative", which did not assume Millar Ranch Road and the Composite General Plans Alternative (which did not assume a connection to Proctor Valley Road), consistent with previous Board of Supervisors' action on Hidden Valley Estates development.

It should be noted that staff is not recommending that the Circulation Element be amended to classify Millar Ranch Road as a public road, only that the Jamul text be amended to delete language mandating private use only. Under County Road Standards, a maximum of 250 dwelling units (2,500 trips) can be served by a private road. It is estimated that the Otay Ranch Project could contribute up to 10,000 vehicles per day (vpd) to this facility under the Phase II Project Plan Alternative, while total cumulative volumes on Millar Ranch Road at a mid-segment location range from 24,000 vpd (according to the "Otay Ranch Combined Southbay Model") to 30,000 vpd (according to "SR-54 Corridor Study Model").

Thus, even without the Otay Ranch, projected traffic flow on Millar Ranch Road would exceed County standards for use as a private road.

Issue 4: ***Is the Final Program EIR valid with respect to analysis of impacts related to modeling the SR-125 as a freeway instead of modeling as a toll road?***

Response: ***Summary:***

Yes. Traditional transportation modeling utilizes standard speed and delay parameters for freeways and surface roads. There are no standard parameters or even guidelines for toll roads, since each one is unique. The project team did develop projections in conjunction with SANDAG, Caltrans, MTDB and the other involved agencies (Chula Vista, the County and City of San Diego) to estimate those impacts. The estimated impacts were reported in the Otay Ranch Traffic Analysis Technical Report for the Phase I Progress Plan which was included as an appendix to the FPEIR. However, no discretionary approval was sought for a toll road by the Otay Ranch Project. Caltrans is currently involved in seeking such a discretionary approval and will be analyzing toll road impacts as a part of their EIR/EIS process. As the Lead Agency for that proposed project, Caltrans will be conducting a seperate environmental analysis.

Another issue related to the impacts of a toll road facility in the Southbay is that the Otay Ranch Analysis is based on buildout of the project (40-50 years), which extends beyond the 35 year term of the toll road franchise agreement. In the interim, numerous SPA level EIRs will analyze the evolving traffic situation including actual diversion from the toll road. Performance Standards (Threshold, Standards, Congestion Management and Growth Management restrictions) will prevent impacts from occurring.

Additional Background Discussion:

The Toll Road Analysis conducted by JHK for the Phase I Project Plan Alternative was conducted with the assistance of SANDAG staff and members of the Transportation Sub-Committee. This analysis revealed that the toll road facility would potentially have a positive effect on Circulation Element facilities within and adjacent to the Valle de Oro Community Plan Area. Circulation facilities in the north eastern portion of the Otay Ranch Study Area such as Proctor Valley Road, Millar Ranch Road, State Route 94, and State Route 54, would experience reductions in Average Daily Traffic (ADT) in the range of 3,000 to 8,000 vpd. The logic within the modelling process that would result in these findings is based on a concept of "Reverse Attraction" when the SR-125 facility is coded as a toll road instead of a free facility. Thus, under toll road assumptions, vehicle trips are directed away from State Route 125 and seek out new trip paths and alternate routes which present viable options in completing their trip. Roads which would be used to access the freeway experience the same type of reduction in volumes as the freeway itself when SR-125 is converted to

a toll road. The EIR/EIS for the State Route 125 facility, currently being prepared by Caltrans, will include an assessment of toll road impacts base on potential levels of diversion. This EIR will also be required to mitigate the impacts of diverted trips as a result of toll road implementation on an area-wide basis with in the Southbay. This analysis will include the segments of the critical facility of Proctor Valley Road and Millar Ranch Road in the impact and mitigation analysis.

Issue 5: ***Is the Final Program EIR valid with respect to analysis of impacts related to modeling the SR-125 using a western alignment instead of an eastern alignment?***

Response: ***Summary:***

Yes. When the EIR was prepared Staff consulted with the involved agencies to determine how SR-125 should be modeled. The consensus was that the Eastern Alignments were not viable and that the Western Alignment, as depicted in the Chula Vista General Plan, should be used in the Otay Ranch Traffic Analysis. This decision has been reinforced by the exhaustive and thorough Alternatives Report recently issued by Caltrans in which they determined that none of the Eastern Alignments showed sufficient promise to justify future study.

Additional Background Discussion:

During the initial phases of the Transportation Analysis for the Otay Ranch Project, the western alignment of State Route 125 was the only alignment under consideration by Caltrans. As the Transportation Analysis continued over a number of years, the concept of Eastern Alignment alternatives were introduced. A series of preliminary evaluation and assessments on the viability of Eastern Alignments vs. Western Alignment have been conducted by Caltrans. Recently, these evaluations have resulted in the selection of a set of final alternative alignments which will receive consideration as the draft and final EIR/EIS for State Route 125 is being developed. Thus, the validity of the Otay Ranch Traffic Analysis is upheld by the elimination of Eastern Alignment alternatives for future consideration by Caltrans.

SUMMARY OF FINDINGS

The review of the transportation analysis conducted for the Otay Ranch Project and included in the FPEIR, as a result of the issues/concerns raised by VDO, confirmed the level of Otay Ranch project contribution to the future cumulative traffic volumes within the VDO planning area. The following items summarize the primary findings of the technical review/analysis conducted by JHK and Appendix A provides a series of graphics which were developed to further summarize our findings:

- At the point in time when the Otay Ranch Transportation Analysis and modeling work was conducted and the FPEIR released for public review, the "Combined Southbay Model" was the most accurate model available for project related impacts. The Project Team spent considerable effort refining all input parameters for conducting computer modeling within the Southbay Study area.

- It is recognized that the "SR-54 Corridor Study Model" generates much higher cumulative volumes within the fringe planning areas along the north-east edge of the Otay Ranch study area. As compared to the model utilized for the Otay Ranch Project ("Combined Southbay Model").

- However, the level of project contribution from the Otay Ranch on the VDO Planning Area streets is consistent between the two models and agrees with the project impacts reported in the "Response to Comments" included in the FPEIR. The increased trips on the circulation network with in the VDO Planning Area are derived from other areas of the Southbay and the surrounding subregion.

- Additionally, the Otay Ranch contains safeguards to ensure that proper traffic assumptions are used at each SPA level. Upon the selection of the final facility for SR-54, all subsequent modelling will be based on that facility. At each phase of the Otay Ranch the most recent network configuration will be used and appropriate mitigation will be developed for each phase.

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APPENDIX A

SUMMARY OF VDO ISSUES AND JHK RESPONSES

SUMMARY OF VDO ISSUES & JHK RESPONSES

Valle de Oro Issues	JHK & Associates Responses
1. Is "Sothbay Model" Valid in VDO and Other Fringe Areas for Predicting Porject Impacts?	YES: • The "Combined Southbay Model" was developed in conformance with Standard Methodology recommended by SANDAG for projects of this size. • Computer generated data on Project Only Trip Distribution assisted in Study Area definition. • Project generated trips within the fringe areas will primarily occur on Regional Highway Facilities (SR-125, SR-54, SR-94). • Additionally, The Otay Ranch contains safegaurds to ensure that proper traffic assumptions are used at each SPA level. Upon the selection of the final facility for SR-54, all susequent modelling will be based on that facility. At each phase of the Otay Ranch the most recent network configuration will be used and appropriate mitigation will be developed for each phase.

SUMMARY OF VDO ISSUES & JHK RESPONSES

Valle de Oro Issues	JHK & Associates Responses
2. Are Project Impacts to the VDO Area Correctly Reported in the FPEIR?	YES: • See Table 1. • Even though significant differences between the "Combined Southbay Model" and the "SR-54 Model" volume projections exist in VDO area, project contributions are correctly defined. • It is important to recognize that a number of facilities (including: Millar Ranch Road, Avocado Boulevard, SR-94/Campo Road, Troy Street, Fuerte Drive, Jamacha Road, and SR-54), located along the fringe area of the Otay Ranch Transportation Study Area, forecasted to experience poor operating Levels of Service (LOS D, E, or F) under the cummulative volume scenario predicted by the "SR-54 Corridor Study Model" and/or the "Combined Southbay" Model. • The contribution of project traffic from the Otay Ranch development to the high cummulative volumes reported for the "SR-54 Corridor Study Model" is only significant (> 10%) on two of the analyzed facilities: Millar Ranch Road (33%) and SR-94 (13%) west of Millar Ranch Road.

Table 1
OTAY RANCH FPEIR TRAFFIC ANALYSIS
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JHK & ASSOCIATES - AUGUST 19, 1993

Facility #	Roadway Name	From - To	Planned Facility Size	Maximum Desirable ADT Volume (LOS "C")*	Otay Ranch Combined Southbay Model**	SR-54 Corridor Study Model**	Project Contribution***		
					Daily Volume / LOS	Daily Volume / LOS	Project Volume (New Town Plan***)	Otay Ranch Model Percent (%)	SR-54 Model Percent (%)
1	Jamacha Rd	Campo Rd-Fury Ln	6 Lane Prime	44,600	34,300 / B	43,000 / C	4,486	13%	10%
2	Avocado Blvd	SR 94-Fury Ln	4 Lane Major	29,600	41,300 / F	42,000 / F	2,933	7%	7%
3	SR-94/Campo Rd****	SR-54-Millar Ranch Rd	4 Lane Freeway	80,000(LOS "E")	66,000 / D	89,000 / F	12,000	18%	13%
4	SR-94/Campo Rd	Millar Ranch Rd-Lyons Valley Rd	6 Lane Prime	44,600	35,800 / B	50,000 / D/E	2,000	6%	4%
5	Millar Ranch Rd****	South of SR-94 Intersection	4 Lane Collector	27,400	27,000 / C	36,000 / F	10,000	37%	28%
6	Millar Ranch Rd****	SR 94-Procter Valley Rd (Mid-Point)	4 Lane Collector	27,400	24,000 / B	30,000 / D/E	10,000	42%	33%
7	Fuerte Dr	I-8-Chase Avenue	2 Lane Light Coll	7,100	N/A / N/A	24,000 / F	1,000	N/A	4%
8	Chase Ave	I-8-Vista Grande	4 Lane Major	29,600	N/A / N/A	24,000 / B	3,000	N/A	13%
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11	Bancroft Dr	Kenwood Dr-SR 94	4 Lane Collector	27,400	2,600 / A	26,000 / C	1,000	38%	4%
12	Troy St	SR 125-Bancroft Dr	4 Lane Collector	27,400	4,300 / A	31,000 / D/E	2,000	47%	6%
13	Broadway	Skyline Dr-SR 125	4 Lane Major	29,600	8,300 / A	20,000 / B	1,000	12%	5%
14	Jamacha Rd	Sweetwater Rd-Jamacha Blvd	4 Lane Collector	27,400	31,500 / E	31,000 / E	3,160	10%	10%
15	Jamacha Blvd	SR 125-Jamacha Rd	4 Lane Major	29,600	10,800 / A	25,000 / C	2,000	19%	8%
16	State Route 54	SR 125-SR 94	6 Lane Expwy	70,000	34,800 / A	81,000 / D	15,000	43%	19%
17	State Route 54	SR 94-Fury Ln	6 Lane Expwy	70,000	8,700 / A	69,000 / C	11,000	N/A	16%

Notes:

* Source: County of San Diego, Public Road Standards (January, 1985).

** The daily volumes and Levels of Service (LOS) predicted for the column entitled "Otay Ranch Combined Southbay Model" were based on the New Town Plan Alternative (except as noted), while the column entitled "SR-54 Corridor Model" utilized the Phase II Progress Plan Alternative.

*** For the purpose of this analysis, the project only trip assignment developed for the the New Town Plan was used. Project only volume contributions were verified and adjusted base on a a review of SR-54 Corridor Study Base Model Runs which compared the Southbay Area under the Year 2010 (Series 7 Growth Projections) conditions versus Southbay Buildout conditions. This process resulted in worst case conditions for defining project only contributions on all analyzed facilities.

**** For the Millar Ranch Road & SR-94/Campo Road facilities the Phase II Progress Plan was used to define daily (cummulative) volumes and project contribution instead of the New Town Plan which called for a significantly higher level of development in the Procter Valley area.

SUMMARY OF VDO ISSUES & JHK RESPONSES

Valle de Oro Issues	JHK & Associates Responses
3. Is the FPEIR Valid with Respect to Analysis of Impacts Related to Inclusion of Millar Ranch Road as part of the project?	YES: • Staff has included Millar Ranch Road as a transportation facility based on the following considerations: 1. Traffic analysis has shown that the elimination of Millar Ranch Road would not eliminate a significant number of trips from the corridor. Rather, it would force the traffic to take a longer path through Jamul and along SR-94 with associated additional congestion and pollution. 2. The Board of Supervisors provided direction to County Staff in the Hidden Valley Estates hearings. 3. The Interjurisdictional Task Force provided direction in response to the Millar Ranch. If the City Council and the Board of Supervisors select a Plan that does not include Millar Ranch Road, as a public road, an assessment of the adequacy of the FPEIR will be required to address that facility. • Even without the Otay Ranch, traffic flow on Millar Ranch Road (10,000 to 15,000 ADT) would exceed County standards for use as a private road.

SUMMARY OF VDO ISSUES & JHK RESPONSES

Valle de Oro Issues	JHK & Associates Responses
4. Is the FPEIR Valid with Respect to Analysis of Impacts Related to Modelling the SR-125 as a Freeway versus a Toll Road?	YES: • The Project Team did develop projections in conjunction with SANDAG, Caltrans MTDB and the other involved agencies (Chula Vista, the County and City of San Diego) to estimate Toll Road impacts. • Estimated impacts reported in Otay Ranch Traffic Analysis Technical Report for Phase I Progress Plan. • Caltrans currently seeking discretionary approval and will analyze Toll Road impacts as a part of their EIR/EIS process. • Buildout of the project (40-50 years) extends beyond the 35 year term of the Toll Road Franchise Agreement. • In the interim, numerous SPA level EIRs will analyze the evolving traffic situation including actual diversion from the Toll Road. Performance Standards (Threshold Standards, Congestion Management and Growth Management restrictions) will prevent impacts from occurring.

SUMMARY OF VDO ISSUES & JHK RESPONSES

Valle de Oro Issues	JHK & Associates Responses
5. Is the FPEIR Valid with Respect to Analysis of Impacts Related to Modelling the SR-125 Using a Western Alignment Instead of an Eastern Alignment?	YES: • When the EIR was prepared Staff consulted with the invloved agencies to determine how SR-125 should be modeled. • Eastern Alignments not viable and Western Alignment, as depicted in the Chula Vista General Plan, was used in the Otay Ranch Traffic Analysis. • This decision has been reinforced by the exhaustive and through Alternatives Report recently issued by Caltrans in which they determined that None of the Eastern Alignments showed sufficient promise to justify future study.

AGENCY AND PUBLIC COMMENTS

RESPONSE TO COMMENTS

OTAY RANCH FINAL PROGRAM EIR
DATED DECEMBER 1992

SECTION 1
INTRODUCTION

The Baldwin Vista Company is proposing General Plan Amendments and a General Development Plan/Subregional Plan which would allow the development of the 22,919-acre Otay Ranch property with a mixed use community. Otay Ranch is located in southwestern San Diego County approximately 3.5 miles east of downtown Chula Vista and 14 miles southeast of downtown San Diego. The property development would be phased over a 30 to 50-year period. Refer to Section 2.0 of the Final Program EIR (Volume 2) for a complete description of the project.

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a Draft Program Environmental Impact Report (EIR) was prepared for the proposed project. After public review, a Final Program EIR was prepared and is presented in two volumes. This volume (Volume 1) of the Final Program EIR contains all the comments and responses received during report circulation. Volume 2 (bound under separate cover) includes all the text additions and/or deletions to the Draft Program EIR due to public review comments. Adjustments to graphics and the technical appendices are also found in the second volume of the report.

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SECTION 2
SUMMARY OF PUBLIC REVIEW

The City of Chula Vista distributed approximately 270 copies of the Draft EIR to government agencies, organizations, and individuals in July and early August 1992. During the 80-day public review period, which ended on October 19, 1992, over 90 individuals and/or organizations submitted written comments and/or presented oral testimony at the public hearings held in Chula Vista on September 16, October 7, October 12, and October 19, 1992.

The City of Chula Vista and County of San Diego reviewed all letters and identified the substantive comments (those addressing the accuracy and completeness of the Draft Program EIR) contained in each letter. The comment letters and accompanying responses are presented in the following section of the Final Program EIR. In addition to comment letters responded to in this EIR, comment letters were received requesting an adjustment in the length of the public review period; the review period comment letters are on file and available for public review at the Otay Ranch Project office.

Table 1 lists each of the comment letters by agency or organization, author, date and page number. All letters have been reproduced in their entirety, and the content of all letters has been reviewed and considered. Following Table 1, the comment letters and responses are presented. Each substantive comment is identified by a bracket and the comment number. The corresponding response to each comment has been assigned the same reference number.

For those comments requesting additional information on the subsequent studies recommended in the Draft Program EIR, staff has created performance standards for all future studies. These performance standards are contained in the Final Program EIR. During the review of the Final Program EIR, the Planning Commission, Board of Supervisors and City Council may add additional standards as conditions of project approval.

TABLE 1
PUBLIC REVIEW COMMENTS
ON DRAFT PROGRAM EIR FOR OTAY RANCH

Letter No.	Affiliation	Author	Date	Page Nos.
	Federal			
F.1	USDA Soil Conservation Service	Jason N. Jackson	September 17, 1992	F.1-1 - 2
F.2	U.S. Fish & Wildlife Service	Richard Zembal	October 8, 1992	F.2-1 - 36
	State of California			
S.1	State Clearinghouse	Christine Kinne	September 17, 1992	S.1-1 - 3
S.2	Department of Conservation	Deborah L. Herrmann	September 8, 1992	S.2-1
S.3	Department of California Highway Patrol	M.L. Brown	September 16, 1992	S.3-1 - 2
S.4	Department of Fish and Game (Resources Agency)	Fred Worthley	October 5, 1992	S.4-1 - 12
S.5	Department of Transportation	Bill Dillon	September 17, 1992	S.5-1 - 6
S.6	Department of Parks and Recreation	Clayton Phillips	October 16, 1992	S.6-1 - 3
	Regional			
R.1	San Diego County Office of Education	Thomas E. Robinson	August 7, 1992	R.1-1 - 11
R.2	San Diego Local Agency Formation Commission	Michael D. Ott	September 10, 1992	R.2-1 - 11
R.3	San Diego County Archaeological Society, Inc.	James W. Royle, Jr.	October 7, 1992	R.3-1 - 3
R.4	Metropolitan Transit Development Board	William Lieberman	October 9, 1992	R.4-1 - 2
R.5	Otay Water District	Keith Lewinger	October 6, 1992	R.5-1 - 3
R.6	San Diego County Division of Solid Waste	William Worrell	September 15, 1992	R.6-1 - 2
R.7	San Diego County Department of Liquid Waste	Pat Klock	September 25, 1992	R.7-1
R.8	San Diego County Department of Public Works	Roger Walsh	September 30, 1992	R.8-1
R.9	San Diego County Water Authority	Gordon Hess	October 20, 1992	R.9-1 - 12

TABLE 1 (Continued)
PUBLIC REVIEW COMMENTS
ON DRAFT PROGRAM EIR FOR OTAY RANCH

Letter No.	Affiliation	Author	Date	Page Nos.
	Local Agencies			
LA.1	Chula Vista Fire Department		August 20, 1992	LA.1-1
LA.2	County of San Diego Flood Control	Kenneth C. Hanson	August 27, 1992	LA.2-1 - 2
LA.3	Chula Vista Park and Recreation Landscape Architect	Martin Schmidt	August 28, 1992	LA.3-1 - 4
LA.4	Chula Vista Senior Civil Engineer	Roger L. Daoust	September 1, 1992	LA.4-1 - 15
LA.5	Mayor of Chula Vista and Chair UCCV Task Force	Tim Nader	September 15, 1992	LA.5-1 - 2
LA.6	City of San Diego Planning Department	Ellen Mosley	September 14, 1992	LA.6-1 - 3
LA.7	City of San Diego, Engineering and Dev't. Dept.	Allen Holden	September 30, 1992	LA.7-1 - 3
LA.8	City of San Diego, Water Utilities Dept.	Leonard Wilson	October 7, 1992	LA.8-1 - 3
LA.9	Grossmont Union High School District	Daniel J. Kitchen	September 15, 1992	LA.9-1
LA.10	Sweetwater Authority	Richard A. Reynolds	October 2, 1992	LA.10-1 - 3
LA.11	Jamul-Dulzura Union School District	Thomas Bishop	October 6, 1992	LA.11-1 - 2
LA.12	Sweetwater Union High School District	Thomas Silva	October 4, 1992	LA.12-1 - 5
	Local Organizations and Companies			
LO.1	Sweetwater Community Planning Group	John Hammond	September 15, 1992	LO.1-1 - 2
LO.2	Friends of Batiquitos Lagoon	Delores Welty	September 17, 1992	LO.2-1
LO.3	Endangered Habitats League	Dan Silver	September 23, 1992	LO.3-1 - 12
LO.4	Jamul-Dulzura Community Planning Group	Mark Montejo	October 7, 1992	LO.4-1 - 9
LO.5	The California Native Plant Society	Bertha McKinley	October 6, 1992	LO.5-1 - 16
LO.6	Environmental Health Coalition	Laura Hunter	October 6, 1992	LO.6-1 - 8
LO.7	The Baldwin Company	Gregory T. Smith	September 29, 1992	LO.7-1 - 40
LO.8	The Baldwin Company	Gregory T. Smith	October 12, 1992	LO.8-1 - 2
LO.9	South County Environmental Working Group	Michael Beck	September 13, 1992	LO.9-1 - 3
LO.10	South County Environmental Working Group	Caroline E. Coulston	September 11, 1992	LO.10-1 - 4
LO.11	South County Environmental Working Group	Nancy Nicolai	October 7, 1992	LO.11-1 - 20
LO.12	Helix Land Co., Ltd.	Theodore G. Lambron	October 10, 1992	LO.12-1
LO.13	Urban Systems Associates, Inc.	Andrew P. Schlaefli	October 6, 1992	LO.13-1 - 3
LO.14	INDWELLER		October 8, 1992	LO.14-1 - 2

TABLE 1 (Continued)
PUBLIC REVIEW COMMENTS
ON DRAFT PROGRAM EIR FOR OTAY RANCH

Letter No.	Affiliation	Author	Date	Page Nos.
LO.15	Sweetwater Community Planning Group	John Hammond	October 12, 992	LO.15-1 - 2
LO.16	Pacific Southwest Biological Services, Inc.	Mitchel Beauchamp	October 6, 1992	LO.16-1
LO.17	Mountain Defense League	Richard M. Gadler	October 6, 1992	LO.17-1 - 3
LO.18	Chaparral Greens	Susan Wolfe-Fleming	October 12, 1992	LO.18-1 - 6
LO.19	Californians for Population Stabilization	Benny Chien	October 12, 1992	LO.19-1 - 2
LO.20	Jennings, Engstrand & Henrikson	Debra K. Maurer	October 16, 1992	LO.20-1 - 2
LO.21	Coalition for Planning Reform	Jerry Harmon	October 19, 1992	LO.21-1 - 6
LO.22	Spring Valley Community Planning Group	Malcolm Gettmann	October 17, 1992	LO.22-1 - 3
LO.23	EastLake Development Company	Katy Wright	October 19, 1992	LO.23-1 - 2
LO.24	RESPECT	Susan Wolfe-Fleming	October 19, 1992	LO.24-1 - 4
LO.25	Valle de Oro Community Planning Group	Jack L. Phillips	October 19, 1992	LO.25-1 - 23
LO.26	San Diego Audubon Society	Norma Sullivan	October 19, 1992	LO.26-1 - 2
LO.27	Sierra Club	Patricia Gerrodette	October 19, 1992	LO.27-1
LO.28	Wilson Engineering	Dexter S. Wilson	October 1, 1992	LO.28-1 - 10
LO.29	Shoreline Study Center	Inez Yoder	September 15, 1992	LO.29-1
	Individuals			
I.1		Ramon A. Ymzon	October 18, 1992	I.1-1 - 2
I.2	University of San Diego	Marie A. Simovich, Ph.D.	September 13, 1992	I.2-1 - 4
I.3	SDSU Dept. of Biology	Bradford Hollingsworth	October 7, 1992	I.3-1 - 2
I.4	SDSU Dept. of Biology	Jimmy McGuire	October 7, 1992	I.4-1 - 3
I.5		Clark Waite	September 12, 1992	I.5-1 - 2
I.6		Carolyn Avalos	September 9, 1992	I.6-1 - 2
I.7		Daniel Tarr	September 13, 1992	I.7-1 - 6
I.8		Marcia Jones	September 16, 1992	I.8-1 - 3
I.9	Southwestern College	Charlotte McGowan	September 28, 1992	I.9-1 - 2
I.10		Jay Haron	October 2, 1992	I.10-1
I.11		Fay McQueen	September 22, 1992	I.11-1 - 2
I.12		Cindy Burrascano	October 6, 1992	I.12-1 - 23
I.13		Peter Watry	October 12, 1992	I.13-1 - 2
I.14	University of California Department of Biology	Ray Radtkey	October 15, 1992	I.14-1 - 3

TABLE 1 (Continued)
PUBLIC REVIEW COMMENTS
ON DRAFT PROGRAM EIR FOR OTAY RANCH

Letter No.	Affiliation	Author	Date	Page Nos.
I.15		Carolyn Z. O'Patry	October 15, 1992	I.15-1 - 2
I.16		Adrien Myers	October 13, 1992	I.16-1 - 2
I.17	University of California Department of Zoology	Robert N. Fisher	October 12, 1992	I.17-1 - 16
I.18		Janet Mulder	October 19, 1992	I.18-1 - 2
I.19	University of California Center for Population Biology	Jamie L. King	September 30, 1992	I.19-1 - 2
I.20	SDSU Department of Biology	Ellen T. Bauder	October 19, 1992	I.20-1 - 4
I.21		Gretchen Burkey	October 19, 1992	I.21-1
I.22		Eugene Sprofera	October 19, 1992	I.11-1 - 3
I.23	SDSU Department of Biology	Mark W. Dodero	October 1, 1992	I.23-1 - 2
I.24	SDSU Department of Biology	Scott McMillan	October 5, 1992	I.24-1
I.25		Jay Haron	October 5, 1992	I.25-1 - 2
I.26		Eugene Sprofera	October 5, 1992	I.26-1 - 4
I.27		Robert N. Fisher	October 19, 1992	I.27-1 - 3
I.28		Peter Watry	October 7, 1992	I.28-1 - 9
I.29		Thomas Davis	October 5, 1992	I.29-1 - 7
	Hearing Transcripts			
HT.1	Transcript Joint Planning Commission Public Hearing		September 16, 1992	HT.1-1 - 24
HT.2	Transcript Joint Planning Commission Public Hearing		October 7, 1992	HT.2-1 - 24
HT.3	Transcript Joint Planning Commission Meeting		October 12, 1992	HT.3-1 - 14
HT.4	Transcript Chula Vista Planning Com. Public Hearing		October 19, 1992	HT.4-1 - 19

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Federal Comment Letters

United States Department of Agriculture
Soil Conservation Service
332 S. Juniper, Suite 110
Escondido, CA 92025
619-745-2061

September 17, 1992

Douglas D. Reid
Environmental Review Coordinator
Otay Ranch Project Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

RECEIVED
SEP 21

RE: DEIR for the Otay Ranch Project

Dear Mr. Reid:

The Soil Conservation Service (SCS) is pleased to respond to your July 31, 1992 letter concerning the above project. The following are points to be considered in the final report.

F1-1

1. The provision for soil erosion control on slopes of 15 percent or greater.
2. The provision for stockpiling and reusing topsoil for later use in revegetation (RE: PG 3.5-21).
3. The effects of disruption of natural drainage patterns.
4. Planning options that would address community education on sedimentation control practices and rehabilitation measures.
5. Provide a complete description of the planning area. This should include current and planned land use designations, the number of acres in agriculture production, soil classifications, cropping history, and whether the site is considered prime agricultural land.

The Greater Mountain Empire Resource Conservation District and the SCS has information on drainage recommendations and erosion control measures that may help you in preparation of the final EIR.

Sincerely,

Jason N. Jackson

JASON N. JACKSON
District Conservationist

The Soil Conservation Service is an agency of the United States Department of Agriculture

50

U.S. Government Printing Office: 1983—420-039/1578

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
JASON N. JACKSON
SEPTEMBER 17, 1992

1. The County of San Diego has erosion control requirements for slopes over 15 percent. In the City of Chula Vista, landscaping is required for graded areas as mitigation for erosion and aesthetics. Soil erosion control measures would be provided by the geotechnical consultant upon completion of a site-specific investigation at the SPA level. These measures would be summarized in a geotechnical report prepared for the specific use and applied to the grading plan as mitigation measures for the project.

2. Site-specific geotechnical reports to be prepared at the SPA level would provide recommendations relative to stockpiling topsoil for later uses on or offsite such as for construction fill or revegetation in the case of sandy soils or agricultural purposes or as landfill liner material in the case of clayey soils.

3. Drainage pattern disruptions generally occur as a result of erosion and subsequent sedimentation processes. Section 3.9 of the Draft Program EIR provides general evaluation of drainage pattern disruptions anticipated for Otay Ranch. Section 3.5 of the Draft Program EIR provides erosion control measures in accordance with the County of San Diego and City of Chula Vista. In the future, the geotechnical engineer would provide specific geologic recommendations relative to the disruption of natural drainage patterns due to erosion and subsequent sedimentation. Appropriate design and construction recommendations would be discussed in the site-specific geotechnical report to be incorporated as mitigation measures into the final project design.

4. The geotechnical report would provide a discussion relative to sedimentation control practices and rehabilitation measures once a grading plan is developed for Otay Ranch, or a portion thereof. Community education could take place as part of the educational programs at the proposed interpretive center (as described in the RMP).

5. Sections 3.1 and 3.7 of the Draft Program EIR provide detailed descriptions of the planning area in terms of land use and agricultural resources. Current zoning and

land use designations are described in Section 3.1.1.3, Planning Considerations, and are shown in Figures 3.1-6, 3.1-7, 3.1-10, and 3.1-11. Proposed land use designations on the site vary with the various site alternatives. Proposed land use designations associated with the New Town Plan are shown in the project description in Figure 2.3-1. Land use designations associated with site alternatives are shown in those respective sections.

The current and planned land use designations are discussed in Section 3.1 of the Draft Program EIR (page 3.1-14 and pages 3.1-43 through 3.1-48). As discussed in Section 3.7 of the Draft Program EIR, approximately 20,000 acres of the Otay Ranch property are used for cattle grazing while 4,000 to 5,000 of that land is used for barley cultivation. Table 3.7-1 indicates the type of soils onsite which fall within the Prime, Statewide, and Local Farmland Importance categories based on SCS criteria. Of the entire 23,088 acres that make up the Otay Ranch property, 737 (or 3 percent) are considered to be Prime Farmland. A discussion of the site's cropping history is provided in Section 3.7 of the Draft Program EIR.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
FISH AND WILDLIFE ENHANCEMENT
SOUTHERN CALIFORNIA FIELD STATION
Carlsbad Office
2730 Loker Avenue West
Carlsbad, California 92008

October 8, 1992

Douglas D. Reid
Environmental Review Coordinator
Otay Ranch Joint Planning Project
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Re: Draft Program Environmental Impact Report on the Otay Ranch General Development Plan and Subregional Plan, San Diego County, California EIR-90-01

Dear Mr. Reid:

F2-1

The Fish and Wildlife Service (Service) has reviewed the Draft Program Environmental Impact Report (EIR) for the Otay Ranch General Development Plan and Subregional Plan within the sphere of influence of the City of Chula Vista, San Diego County, California. As requested, the Service is providing you with technical assistance. The following comments and recommendation on the biological impacts of the project are based on our knowledge of sensitive and declining habitat types and species in San Diego County. The Service would like to emphasize our increasing concern with the cumulative impacts of development projects on biological resources in San Diego County.

The EIR for Otay Ranch Project consists of the development of a 23,088-acre site into 50,733 residences and other uses The proposed "New Town Plan" represents the framework for land use, circulation, open space, community design, and public facilities and services. Eight alternatives are analyzed including an environmental alternative.

(1) The project site contains 19 different vegetation communities including 13 recognized sensitive plant communities. Forty recognized sensitive plant species and 42 sensitive wildlife species including one Federally listed endangered species and 5 proposed endangered species. The proposed project will result in significant, unmitigable impacts to biological resources including listed and proposed endangered species.

The Service has responsibilities under the Clean Water Act and the Endangered Species Act of 1973, as amended. Our mandates require that we provide comments on any public notice issued for a Federal permit or license affecting the Nation's waters, in particular, Army Corps of Engineers (Corps) permits pursuant to section 404 of the Clean Water Act and section 10 of the River and Harbor Act of 1899. The goal of the Clean Water Act is to maintain and restore the chemical, physical and biological integrity of the nation's waters by establishing strong protection against discharges into special aquatic sites, which include wetlands. The Service is responsible for the administration and enforcement of the Endangered Species Act, including listing and recovery of endangered species, 10(a) permit issuance and consultation with Federal agencies for actions which may affect federally listed endangered species.

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
RICHARD ZEMBAL
OCTOBER 8, 1992

1. Comments noted.

F.2-2

GENERAL COMMENTS

The Service has the legal responsibility for the welfare of all migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. Presently, San Diego County harbors thirteen federally listed endangered species and six proposed endangered species. The Service has been petitioned to list 27 more species. One hundred and thirty-eight candidate species for listing as endangered or threatened occur within San Diego County. These high numbers are indicative of the declining trend of plant and animal species in San Diego County. Without planning for these resources in a comprehensive manner, it is reasonable to expect these trends to continue. Given this situation, the Service strongly urges the City of Chula Vista and the County of San Diego to plan for the long-term protection of their biological resources. To continue to develop areas in the present manner is to cause the endangerment and possible extinction of numerous species. Allowing species to decline to levels that warrant Federal listing as endangered will complicate planning for future projects. Protection of remaining habitat areas of sufficient size and quality can help preserve existing populations.

(1) The New Town project, as described in the EIR, would result in significant, unmitigable impacts to wildlife habitat including the loss and degradation of 6,244 acres of Diegan coastal sage scrub (includes disturbed coastal sage scrub and coastal sage scrub with other habitat associations e.g. coastal sage scrub/non-native grassland), 169 acres maritime succulent sage scrub, 1,429 acres of non-native grassland and 505 acres of floodplain scrub wetland, 251 acres of valley needlegrass grassland, 77 acres of alkali meadow, 860 acres of chaparral, 59 acres of riparian and oak woodlands, 8 acres of Tecate cypress forest, and 128 acres of vernal pool habitat. Significant, adverse project-induced impacts would occur to biological resources of concern to the Service, particularly the California gnatcatcher (Polioptila californica), the cactus wren (Camplorhynchus brunneicapillum), San Diego thorn-mint (Acanthomintha ilicifolia), Otay tarplant (Hemizonia otayensis), Diegan sage scrub, maritime succulent scrub, wetlands, wildlife corridors, vernal pools and associated species, and raptors. The proposed project was found to have significant unmitigable impacts to biological resources. A Resource Management Plan (RMP) is proposed as mitigation and discussed in the Report. However, the New Town Plan is not consistent with the standards and policies of the RMP.

An estimated 42 sensitive plant species and 40 sensitive animals are known to occur on Otay Ranch The EIR found that this number of sensitive plant and animal species is due in part to the size of the study area, the diversity of the habitat, the presence of near coastal mountain peaks, and the northern extension of Baja flora into southwestern San Diego County. Nine of these sensitive plants are State listed endangered and 14 are federal candidate species for listing as endangered or threatened. The greatest number of sensitive plants are found in scrub habitat, vernal pools and clay soil. Chaparral in the mountainous areas also supports a large proportion of highly sensitive plants including three state-listed species. Of the recognized sensitive animal species there are 15 Federal candidate species for listing as endangered or threatened. The 82 sensitive plant and animal species include one state and federally listed endangered species, the least Bell's vireo and 4 species for which the Service has proposed to list as endangered (California gnatcatcher, Otay mesa mint, Orcutt's grass, San Diego coyote thistle and the Riverside fairy shrimp) and 29 candidate species.

Many of the candidate species would be adversely affected by loss and degradation of habitat resulting from the subject project. The primary goal of identifying Federal candidate species is to notify agencies of the

documented decline of certain species and to alert these agencies to the possible inclusion of these species to endangered or threatened status. The candidate species list provides an "early alert" which can allow for the consideration of these species in planning and protection efforts. We urge the City of Chula Vista and the County of San Diego to give great weight to the protection of candidate plant and animal species to potentially avoid the need for future federal listings as endangered or threatened pursuant to the Endangered Species Act.

Given the documented high biological value of the project site and based on the presence of federally listed endangered and proposed endangered species, candidate species, State listed endangered species, high value wildlife corridors, regionally significant biological resource areas, and adjacent high value biological resources (Otay Reservoir and River, Otay Mountains, Jamul Mountains and San Miguel Mountain), the Service strongly recommends either the No Project Alternative, the Environmental Alternative or a major project redesign that incorporates Service recommendations to substantially reduce impacts to biological resources. The Environmental Alternative would still necessitate the need to incorporate mitigation recommendations to avoid impacts to the State Endangered San Diego thorn-mint and to minimize impacts to the San Diego goldenstar. (1)

Section 15041 of the California Environmental Quality Act Statutes and Guidelines allows a Lead Agency to require changes in any activity involved in the project in order to lessen or avoid significant effects on the environment. Moreover, section 15042 allows a public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed. The Service recommends that the City of Chula Vista and the County of San Diego disapprove the project based on the significant adverse impact to biological resources or require changes in the project to avoid significant adverse effects.

Additional resource planning efforts such as the Natural Community Conservation Program (NCCP) and the Multiple Species Conservation Program (MSCP) should be coordinated closely with the project. As you know, as part of the mitigation for the proposed expansion and upgrading of the METRO sewerage system the Clean Water Program is in the process of preparing the MSCP. This program is intended to maximize and enhance biological diversity in the region and conserve viable populations of endangered, threatened, and key sensitive species and their habitats. We strongly recommend as a condition of approval that the subject project, regardless of the alternative which is approved, be required to adhere to the criteria and preserve design which results from the MSCP. In the absence of this condition the Service believes it is premature to approve a proposed project on Otay Ranch. We recommend that the certification of the EIR and approval of a project be deferred until the MSCP planning process is completed in December of 1993. This would allow comparison of the project alternatives and the Resource Management Plan to the preserve design and criteria developed by the MSCP. (2)

SPECIFIC COMMENTS

Biological Resources: 3.3-4.

The New Town plan would reduce sensitive habitat on Otay Ranch by 57%. Many of these habitat types have already been substantially reduced within San Diego County or regionwide (i.e. wetlands reduced by 91%, native grassland reduced by over 90%, coastal sage scrub reduced by 70-90%, and vernal pools (3)

F.2-3

2. The City of San Diego Clean Water Program's Multiple Species Conservation Program (MSCP) and the State Resources Agency's National Communities Conservation Planning (NCCP) program both came on line in 1991. Both of these programs cover much larger areas than Otay Ranch. The initial biological planning efforts of the NCCP focus on coastal sage scrub. The MSCP has a broader habitat and species coverage than the NCCP. Data base information for Otay Ranch has been shared with both planning programs. Ogden is preparing the MSCP and, as such, is fully aware of the status of that program. MSCP concept plans developed for rare plant preserve design strategy have been incorporated, as appropriate, into the impact analysis and mitigation requirements throughout the Final Program EIR. Wildlife corridor studies on Otay Ranch are facilitating the development of habitat linkage strategies for the MSCP. The MSCP created a Preserve Design Task Force which has been meeting weekly since September 1992. This Task Force includes the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and a member of the NCCP Scientific Review Panel (SRP) among others. The Task Force is developing detailed guidelines for preserve design which establish objectives, policies, standards, and implementation requirements. This approach was adapted from the Otay Ranch Resource Management Plan. These guidelines are to be drafted by the end of the year.

The Southern California Coastal Sage Scrub NCCP Program is the pilot program for the statewide NCCP process. A SRP was set up as part of the process to establish a scientific framework including survey guidelines, target species, and conservation guidelines. Ogden has followed the progress of the SRP and has appeared before the Panel to provide technical expertise on gnatcatchers. The SRP survey guidelines came out in February 1992 and the NCCP Process Guidelines in September 1992. The SRP guidelines on preserve design are scheduled to be released by the end of 1992, but it is our understanding that they may not be released until early 1993. It is also our understanding that these guidelines are regional in nature and that the MSCP

guidelines will be much more specific. A Planning Agreement for subregional areas (e.g., southern San Diego County which includes Otay Ranch) is supposed to be filed in early December 1992 for those areas enrolled in the program (which includes Otay Ranch). This Agreement contains a map of the area covered and species of concern, among other items. The NCCP process is scheduled to continue through November 1993 and possibly will be extended if clear progress is being made. For timetable comparison purposes, the MSCP is scheduled to continue through January 1994.

The Otay Ranch Program EIR must stand on its own, separate from the MSCP and NCCP. A preserve designed for coastal sage scrub on Otay Ranch, based on the MSCP or NCCP, would not necessarily adequately cover all sensitive habitats and sensitive species issues. The basic elements of preserve design were incorporated into the analysis of the various alternatives in the Program EIR. As these elements are fine tuned in the final RMP and within the MSCP guidelines, changes to the plan at the SPA level are required by the Program EIR. In previewing some of the draft guidelines for the MSCP, the Program EIR is generally more restrictive with higher standards for species retention.

(3) reduced by 97%). Significant impacts would occur to all 13 sensitive habitat types located on Otay Ranch (Diegan coastal sage scrub, maritime succulent scrub, floodplain scrub, vernal pools, valley needlegrass grassland, alkali meadow, southern live oak riparian forest, coast live oak woodland, southern interior cypress forest, sycamore alluvial woodland, southern willow scrub, coastal freshwater marsh and aquatic habitat).

(4) The Service strongly disagrees with the "ranking" of sensitive habitat in the EIR. The ranking is based on three elements, presence of sensitive plants, sensitive animals, and location. The EIR recognizes that at the Programmatic level that biological surveys are insufficient to adequately survey the entire site and that more site specific surveys will occur at the SPA level. Therefore, the ranking of value of coastal sage scrub based on a presence/absence of sensitive species on an admitted inadequate survey does not adequately represent the "value" of a specific site. Moreover, the walk through surveys of the project site are not expected to detect more secretive or nocturnal species. Lack of sufficient small mammal surveying would not allow for a determination of the occurrences of several sensitive species including the San Diego pocket mouse, the Pacific little pocket mouse, and the southern grasshopper mouse. We do not believe that adequate reptile surveys were performed as evidenced by the survey information showing that on the entire Otay Ranch only 5 orange-throated whiptails occur, all historic sightings. Thus, we believe that the ranking of habitat based on the type of information that was gathered for the EIR is not appropriate and will result in areas of similar biological value being ranked differently based on inadequate surveys.

(5) Coastal sage scrub is a recognized sensitive habitat type that has been depleted by an estimated 70-90% in southern California. It provides habitat for 38 sensitive species including the proposed endangered California gnatcatcher. Within the Service's Mitigation Policy (Federal Register) coastal sage scrub meets the definition of Resource Category 2, defined as habitat is of high value for evaluation species and is relatively scarce or becoming scarce on a national basis or in the ecoregion. The mitigation goal for this resource category is no net loss of in-kind habitat value.

(6) The statutes and guidelines of the California Environmental Quality Act requires among other things that the contents of Environmental Impact Reports include not only the significant direct environmental consequences of the project but also that the indirect impact of the proposed project be addressed. The EIR insufficiently addresses issues relating to indirect affects of the project, including the biological impacts resulting from the edge effects of the development, sewer facilities, off-site roads, water storage, and fire buffers.

Sensitive Plants: Page 3.3-20.

(7) This section fails to adequately describe the project induced impacts to sensitive plant species. Overall, the document does not contain adequate information concerning the distribution of sensitive plant species to conduct a complete analysis of the impacts. Additionally, and partly due to this, the proposed mitigation is insufficient, vague and difficult to apply. The basic problem with the plant data is a lack of information on abundance. The EIR only analyzes the impact based on the number of point occurrences that will be disturbed in relation to the overall number of point occurrences on the project site. Significance is than determined based on the sensitivity rating of the species and the level of impact numerically to occurrences. The EIR refers to occurrences without specifying whether these occurrences represent a single individual, hundreds or thousands. Little information is provided on

3. Comments noted.

4. Even though this comment is included with others associated with the New Town Plan, it refers to the ranking of habitat values utilized in the Phase I - Progress Plan analysis (Section 4.2.4.1, Tables 4.2.4-3 and 4.2.4-4). A procedure was developed to determine whether impacts to coastal sage scrub and grassland habitats could be ranked in some fashion. As stated in Section 4.2.4.1 of the Draft Program EIR, "This evaluation of the distribution of scaled impacts is considered relevant to the overall analysis of impacts, the evaluation of open space design, and the potential to equitably mitigate habitat losses by directing mitigation, redesign, and restoration into the most critical areas." It was developed to illustrate to the reviewer and decision maker that there may be a significant difference in which acreage is impacted. Given that some habitat losses will occur from development, it is very important to show which areas are more important to the protection of species and the open space system. The underlying concern of this analysis is that two alternatives plans may preserve equal amounts of habitat, but be far apart in their protection of sensitive species or formation of a viable open space system. This concept is demonstrated in the tables mentioned above. The ranking system focuses on the most highly sensitive species. While it is possible that the ranking of impact acreage could be adjusted by changing the scale or bringing new data into the evaluation, such changes are not expected to alter the basic findings of this exercise. The presence of habitat for such species as the orange-throated whiptail and coast horned lizard was taken into account in this ranking. More detailed data for these species and other sensitive wildlife species for which quantitative data are unavailable will affect SPA decisions, but are not expected to appreciably alter these findings.

5. Refer to text changes in Section 3.3.3 of the Final Program EIR regarding coastal sage scrub mitigation.

6. Refer to text changes in Sections.3.3.2 and 3.3.3 for the New Town Plan and similar sections for the other alternatives regarding indirect impacts and associated mitigation.

The potential indirect biological effects of development will be addressed in detail at the Specific Plan level of review. They were considered at the programmatic level primarily where proposed intrusions into natural open space areas would greatly accentuate the effects. In these cases, it was recommended that the extension of development causing the edge effect be deleted. Such recommendations are made along narrow ridgelines in Wolf Canyon, narrow extensions of residential development which would prevent wildlife access to Upper Otay Lake (local wildlife corridor number 3), the extension of the Conference Center into the Jamul Mountains, and residential development into the Hubbard Springs area of the eastern San Ysidro parcel. The above described development was opposed where it occurred in all project alternatives.

Indirect effects of roadways are addressed in the Draft Program EIR where they could affect least Bell's vireo (*Vireo bellii pusillus*), California gnatcatcher (*Polioptila californica*), and key resource areas (e.g., Table 4.9.4-2). For roadway widenings required to mitigate traffic impacts, indirect effects on biological resources were evaluated on a constraints level (Table 3.10-9). For new roadway extensions, the indirect effects will be evaluated at the SPA Plan level. These indirect effects may include noise and lighting. The indirect effects of adjacent development are also evaluated for the least Bell's vireo. Indirect effects are also addressed for wildlife corridors and in detail in the Wildlife Corridor Study (Ogden, 1992b). The study addresses corridor widths, buffers, adjacent land uses, noise levels, lighting, adequate cover, and the use of fencing and berms to reduce indirect effects and roadkills. Management is also discussed to reduce human/wildlife interactions and disruption of the functionality of wildlife corridors.

The Draft Program EIR also acknowledges the issue of edge and the development of "edge plans" as per RMP Policy 7.1. A key part of these edge plans is the provision of fire management zones within the development area; this habitat alteration will not come out of the natural open space preserve. In areas where limited development (e.g., Phase II-Progress Plan) is designated, no uses are allowed in those areas which would degrade the habitat (e.g., fences, domestic stock). Setbacks and fire management zones are required to be within the delineated development area and not in the limited development zone (refer to "limited development area" definition in the GDP/SRP text).

Some areas of interface may be viewed more critically than others depending on the resources affected. Federal or state-listed species will get more attention because impacts, both direct and indirect, must be evaluated for the issue of taking or harassment. Some effects may be alleviated or reduced through effective setbacks, buffers, vegetative screening, fences, berms, and orientation of development. The cumulative effect of edge will be a factor in the ultimate preserve design and may affect the long-term viability of the preserve. Edge is a factor, albeit not one of the most critical factors, being addressed in the development of preserve design for the MSCP. The total amount of edge impact must be carefully evaluated when comparing alternatives. The New Town Plan has far less edge, but it also has significantly less natural open space protected. The Phase I-Progress Plan and the Phase II-Progress Plan have approximately the same extent of edge, estimated at about 66 to 69 miles. This includes all development to natural open space interfaces both internal to the plan and external to it. Of the total miles of edge for both of these plans, as well as for all those evaluated, the internal edge accounts for 65 to 73 percent. The Limited Development (Phase II) areas are not figured into the calculation at this point. For comparison purposes, the Environmental Alternative has an estimated 36 miles of edge or about 52 percent of the Phase I/Phase II plans. The Fourth Alternative has 89 miles of edge, 22 percent more than [illegible] I/Phase II and 59 percent more than the Environmental Alternative.

The issue of edge is raised for those areas designed as Limited Development Area in the Phase II-Progress Plan. The amount of edge in these areas totals about 31 miles increasing the extent of edge in the plan by about 31 percent. This additional edge raises the overall total to about 100 miles of edge, 2.7 times more than the Environmental Alternative and about 12 percent more than the Fourth Alternative. The potential for these open space Limited Development Areas to continue to function effectively lies in the edge design that is instituted at the SPA level and the management level to maintain the integrity of the preserve. It is felt that where edge is adjacent to extensive open space such as Otay Mountain, the effect may be dampened somewhat compared to edge in less extensive situations (e.g., Wolf Canyon). The extent of management may be assigned accordingly.

Regarding discussions of indirect and edge effects in the Final Program EIR, refer to Sections 3.3.2 and 3.3.3.

7 the magnitude of the impact in terms of population size or area of impact as opposed to point occurrences. Thus, the context of the resulting impact is unclear.

8 The EIR assumes some impacts are not significant because they fall below their "Priority Allowable Net Loss". For example, the EIR considers a 17% impact to the occurrences of Tecate Cypress on the project site not to be significant. The EIR stated that a small portion of the cypress forest would be impacted (22 out of 128 occurrences), however the EIR fails to define "small portion". We do not know the number of individuals trees impacted or the acres of Tecate cypress habitat to be impacted. It is not clear whether the project will be impacting 22 individual or populations. Additionally, Appendix A fails to provide the context for understanding the magnitude of the impact to Tecate cypress. It only states that the Tecate cypress is restricted to small disjunct population on a few mountains in southern California and northern Baja. Considering the regional distribution of Tecate cypress (restricted to fewer than ten major populations), it could be argued that any impact is significant.

9 Another example, of the problem is the analysis of the Brodiaea orcuttii, the New Town project will impact 50% of occurrences on the site. By the report's definition of impact, this is considered significant. However, it is impossible for the reviewer to determine whether the 50% of occurrences destroyed are of the same size (number and area covered) as that preserved. In some cases, the document will state that the occurrences represents individuals, on others, whole populations are used. Without further clarification, it is not possible for the reviewer to adequately assess the determination of significance or the adequacy of mitigation measures.

10 Additionally, there should be more discussion comparing the populations of the Otay Project with the regional populations. There is not enough discussion on cumulative impacts to these species. For example, the Otay tarplant population is a significant portion of the entire species population. There are less than 6 populations and at least one of these, the Rancho San Miguel population faces serious threats. The document should give some general idea of the regional status of the species and threats to additional populations.

Reduction of Sensitive Plants: Page 3.3-79.

11 Significant unmitigated impacts to San Diego button-celery, Otay Tarweed, variegated haseanthus, San Diego coast barrel cactus, little mousetail, snake cholla, San Diego goldenstar and Otay Mesa mint would occur. Additionally, significant impacts would occur to 18 sensitive plant species, but are determined to be mitigable based on unclear project redesign and uncertain habitat restoration. The Service does not concur with these conclusions.

12 The Service strongly disagrees that sensitive species reduction of up to 19% would be considered to be a low impact. Given the rarity of some of these species and the confessed limitations of the biological survey data, the loss of substantially more than 19% of the population of the species could occur and would still be considered to be a less than significant impact according to this EIR. Additionally, the Service disagrees with the general concept of the allowance of up to 19% loss of Category 2 candidates for listing as endangered or threatened to be considered to be less than a significant impact. Category 2 candidate species are those species for which the information now in the possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support a proposed rule. Category 2 is not representative of the

7. The EIR analyzes the impacts to sensitive plant species based on a combination of point occurrence data (Appendix A-8), descriptive information on relative population sizes, and quantitative population information where available (Biological Technical Reports: Recon 1990, 1991; MBA 1989, 1990 and Appendix A-2). These data are summarized in Appendix A-7. For the majority of species point occurrence data are believed to be an accurate reflection of the overall distribution and densities of populations on Otay Ranch for a GDP analysis. However, it should be remembered that this is a Program EIR and that subsequent, more detailed surveys will be required at the SPA level. Refer to number 25 in the California Native Plant Society letter for an evaluation of the adequacy of survey data and definition of point occurrences for each sensitive plant species. Refer to text changes in Section 3.3.3 and Tables 3.3-11, 4.2.4-9, and 4.7.4-7 for more specificity in mitigation requirements.

8. Approximately eight acres of southern interior Tecate cypress forest habitat would be impacted by the New Town Plan (refer to Table 3.3.5 of the Draft Program EIR). The exact number of trees to be impacted is not known; however, each of the 22 points of occurrence impacted represent one to a few trees. The Project Team concurs that considering the regional distribution of Tecate cypress, the impact would be considered significant. Refer to Table 3.3-6.1 and revisions to Table 3.3-11 in the Final Program EIR.

9. Refer to response number 25 in the California Native Plant Society letter. Orcutt's brodiaea would be impacted in Proctor Valley where the largest population occurs, including several thousand plants. Any impact to this reach of Proctor Valley Creek would be considered significant regardless of the number of point occurrences lost because of the regional significance of this population. The number of plants represented by a point occurrence for Orcutt's brodiaea may be quite variable, ranging from a few individuals to more than a thousand. A cluster of points represents a single population. An analysis of point occurrences impacted tends to weigh small populations more heavily than additional plants within a single large population. This approach may reflect impacts to genetic diversity and is used in conjunction with relative population size and degree of encroachment into the large population.

10. Refer to Table 3.3-6.1 in the Final Program EIR for an evaluation of the regional status of each sensitive plant species. The geographic range of each sensitive plant species is provided in Appendix A-2. Additional information on the regional status of the sensitive plant species and the significance of the Otay Ranch populations is included in the supporting biology technical reports (MBA 1990, Recon 1990). In addition, a more detailed analysis at the SPA level will be performed.

11. Comment noted. Refer to text changes in Sections 3.3.3 and 3.3.4 in the Final Program EIR.

(12) species status in terms of rarity or degree of threat it is more an indicator of the level of information that is available. Category 1 candidates and proposed endangered or threatened species should also be included within the 0% loss to avoid significant impacts.

(13) The document also appears not to consider fire in detail and its potential long-term effect on certain sensitive species that rely on natural fire cycles in its impact analysis. Tecate Cypress is highly dependent on a stable long-term fire cycle. Any development on the fringes of the population should include a detailed fire management plan that will provide for long-term preservation of the Tecate cypress. For example, in Orange county there have been major fires every ten years in the vicinity of Gypsum-Coal Canyon largely due to the increase and proximity of urbanization. Fire management threats also apply to Gander's pitcher sage which otherwise would appear not to be impacted by the project. These indirect project impacts should be discussed in the EIR.

Reduction of Sensitive Animals: Page 3.3-87.

(14) The EIR states that "location data for other sensitive species is limited to baseline resource surveys and incidental sightings obtained during focused raptor and wildlife corridor studies. For many of these species, there is not enough point of occurrence data to make a quantitative assessments of impacts. Given this statement, the Service fails to understand how the EIR proceeds to evaluate significance of impact and mitigation requirements based on this data.

(15) Table 3.3-7 fails to adequately describe specific mitigation measure that reduce impacts to less than significance. Specific issues must be addressed, such as, the Otay Valley Road alignment, possible alignments of SR-125 crossing of Otay River, Otay Lakes Road at Dulzura Creek, Jamul Access Road crossing at Dulzura, and the proposed recreation plans for the Otay River Valley. Recommendations for mitigation are vague and ill-defined (e.g. redesign road alignments or restore disturbed riparian habitat. These measures fail to provide adequate determination as to the level of mitigation that would actually be achieved if these measures are implemented or even if these measures would be implemented. The Service is strongly opposed to the use of a study as a mitigation measures. A study would not off-set project induced impact.

(16) The New Town plan will result in the direct loss of 95 out of 144 pairs of the proposed endangered California gnatcatcher (65%). Indirect affects on the California gnatcatcher resulting from the development (increased predation and parasitism, lights, noise, pollution, habitat fragmentation, recreational disturbances are not quantified.

(17) Service responsibilities to endangered species are pursuant to the Endangered Species Act of 1973 as amended. Section 7 of the Act requires Federal agencies to consult with the Service should it be determined that their actions may affect a listed endangered or threatened species. Section 9 of the Act additionally prohibits the "take" (e.g., harm, harassment, pursue, injure, kill) of federally listed fish and wildlife species. "Harm" is further defined as an act which may result in significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavior patterns including breeding, feeding or sheltering (50 CFR 17.3). "Take" can only be permitted pursuant to the pertinent language and provisions in section 7 and section 10(a). The take provisions would apply upon the effective date of listing in the Final Rule and published in the Federal Register, regardless of the stage in the issuance

12. Comment noted. The level of impact that would be considered significant was evaluated for each sensitive plant species based on its sensitivity, regional status, and status on Otay Ranch; refer to Table 3.3-6.1 in the Final Program EIR. Generally, a loss of greater than 10 percent for C2 Candidates and CNPS List 1B species is considered significant. If focused surveys for sensitive plant species conducted at the next level of CEQA review reveal a different level of impact than is documented in the Program EIR, the additional impacts will be identified and new mitigation will be proposed accordingly. However, the broad policy mitigation measures assign a percentage of each species that must be retained on the site.

Regarding the use of candidacy for federal listing as an indicator of sensitivity status, C2 candidates were given special attention because they are more likely to be listed than non-candidate species. Many of these species are believed to be more sensitive than non-candidates, e.g., variegated hasseanthus versus spiny rush and western dichondra, all of which are CNPS List 4 species. Category 1 candidates and proposed endangered or threatened species are included within the zero percent loss to avoid significant impacts. These species include San Diego thorn-mint, San Diego button-celery, California Orcutt grass, and Otay mesa mint.

13. A fire management plan is required to offset indirect effects to Tecate cypress, Gander's pitcher sage, and Otay manzanita; refer to text changes in the Final Program EIR.

14. Refer to response number 3 in the Cindy Burrascano letter of 10/6/92.

15. Road alignments are addressed in the Draft EIR (see Tables 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2 and Sections 3.3.2.4, 3.3.3, 4.2.4.1, 4.2.4.2, 4.3.4.1, 4.3.4.2, 4.4.4.1, 4.4.4.2, 4.5.4.1, 4.5.4.2, 4.6.4.1, 4.6.4.2, 4.7.4.1, 4.7.4.2, 4.9.4.1, and 4.9.4.2). Impacts from the proposed park and potential recreation facilities in the Otay River Valley are not analyzed because the park has not been defined, sited, and planned. Greater specificity and clarification of mitigation measures which are required to reduce impacts to below a level of significance have been added to the Final EIR (see Sections 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, 4.9.4.2, and Tables 3.3-7, 4.2.4-5, 4.7.4-3, 4.9.4-2).

16. Indirect effects to the California gnatcatcher will be described in the Final EIR (see Sections 3.3.2.4, and Tables 3.3-7, 4.2.4-5, 4.7.4-3, 4.9.4-2).

(17) of City, County or State development permits. Section 10(a) permits require the submittal of a conservation plan that assures that the survival and recovery of the species will not be appreciably reduced. Given the magnitude of the impact and the insufficiency of the mitigation, it is unlikely that the project as proposed would meet the requirements of the Act. The Service recommends that the project be redesigned in a manner to ensure that the project would meet the section 10(a) standards in the event that the California gnatcatcher is federally listed as an endangered species.

(18) Information on California gnatcatcher data throughout San Diego indicates that the number and locations of California gnatcatcher in 1991/92 season has increased. This is believed to be a result of relatively wet, mild winter. Accordingly, the Service would expect additional sightings of California gnatcatchers on the Otay Ranch. It is our understanding that an additional 20 California gnatcatchers were observed on the San Ysidro parcel in the northwestern portion. The more recently gathered biological data should be added as an attachment to the EIR and included in the analysis of Otay Ranch.

(19) Be advised that the Service has been petitioned to list as endangered, not only the Quino checkerspot butterfly but also the Thorne's hairstreak, Harbison's dun skipper and Herme's copper butterfly.

Proposed Mitigation: Page 3.3-111.

(20) Information on mitigation for impacts to wetlands is vague and ill-defined. Detailed information on wetland mitigation plans should be included in the EIR. Mitigation conditions which rely on future actions by other agencies to require mitigation is inappropriate and inadequate. Language like "every effort to minimize these impacts" is unenforceable and provides the reviewer with little to no information.

(21) In general, the Service recommends that project-induced impacts to wetlands be avoided or minimized whenever possible through project design. It is the Service's regional policy to view any wetland degradation or losses as unacceptable changes to an important national resource. Unavoidable project impacts to high value biological resources such as wetlands should be mitigated such than no net loss of acreage or value of wetlands occurs. Proposals for non-water dependent structures, facilities or activities (such as housing) are generally viewed as an unacceptable use of public waters. Acceptability of each proposal will depend upon selection of the least damaging alternative or construction method, and incorporation of appropriate mitigation measures for unavoidable impacts. As presently proposed, the Service would recommend denial of any Federal permit pursuant to section 404 of the Clean Water Act for the subject project.

(22) Table 3.3-11 provides information on recommended mitigation. Nearly all of the plant species mitigation recommendations include "redesign project" Taking this literally, it would seem that the best course would be to withdraw the EIR and redesign the project, re-releasing the EIR when ready. The Service believes that avoidance of impacts should be stressed and transplantation should be avoided if at all feasible. The five year-monitoring period frequently referred to is a minimum time frame, some plants may require a longer monitoring period. It is also questionable whether sufficient suitable habitat is available for the habitat recreation and sensitive species transplantation. Moreover, the Service has some concerns regarding the need to ensure that genetic mixing should be kept to a minimum in plant species. Habitat that has existing plants should not be selected as transplantation sites. Rather, sites should be located in appropriate habitat where existing populations occurred historically or are not known to occur at

17. Comment noted. If the California gnatcatcher or any other species becomes federally listed at a future date there would be 100 percent preservation of occupied habitat or individuals (refer to preservation standards in Table 41 in response to comment number 3 in letter from Cindy Burrascano, 10/6/92) as required by the Final Program EIR. The only exception to this would be if a Habitat Conservation Plan were approved by the resource agencies allowing incidental take of an endangered species.

18. Refer to response number 18 in letter from Nancy Nicolai (10/7/92).

19. Comment noted. These species are now considered first priority species for the purposes of the EIR (see criteria in Section 3.3.1.5). Impacts have been re-analyzed and mitigation expanded to reflect this. Refer to changes in text of Final EIR (see Sections 3.3.1.5, 3.3.2.4, 3.3.3, 4.2.4.1, 4.2.4.2, 4.3.4.1, 4.3.4.2, 4.4.4.1, 4.4.4.2, 4.5.4.1, 4.5.4.2, 4.6.4.1, 4.6.4.2, 4.7.4.1, 4.7.4.2, 4.9.4.1, 4.9.4.2, and Tables 3.3-7, 4.2.4-5, 4.7.4-3, 4.9.4-2, and Appendix A-3).

20. Refer to text changes in Section 3.3.3 of the Final Program EIR regarding mitigation for wetland impacts.

21. Comment noted.

22. Comment noted. A mitigation measure that requires redesign will be applied at the SPA level when actual development plans are proposed. Thus the adoption of mitigation measures that require redesign will measurably change the footprint of the development plan. Since the purpose of CEQA is to improve a project, environmentally, with the imposition of further mitigation, the withdrawal of the EIR does not appear to be appropriate.

A 2-3 year pilot program (experimental phase) and a 5-8 year maintenance and monitoring period (i.e., total of 7-11 years) is required mitigation for most sensitive plant species. Refer to text changes in Tables 3.3-11, 4.2.4-9, and 4.7.4-7 in the Final Program EIR. The Service's concerns regarding genetic mixing, permanent protection of mitigation sites, offsite preservation alternatives, and minimum monitoring period of transplanted species (before project impacts) have been incorporated into the text of the Final Program EIR in Section 3

(22) present. These sites should be offered permanent, long-term protection. Additionally, off-site preservation should be considered as an alternative. All transplantation mitigation should be in place and have gone through a minimum monitoring period prior to elimination of the original site.

(23) Currently 100% of the State listed endangered San Diego thorn-mint is proposed to be developed. Considering the regional distribution of this species and that these are the only major populations in the local area, we believe that efforts should be taken to avoid this impact. The Service is presently in the process of determining whether this species and the Otay tarplant warrant Federal listing as endangered or threatened pursuant to the Federal Endangered Species Act.

(24) The mitigation for the cactus wren as described in the EIR does not provide adequate specific information on the proposed redesign of the roadways to determine if project impacts have been offset. The Service believes that these types of redesigns should be determined at this stage in the planning process. The mitigation measures include the proposal to enhance/restore non-native grassland and other habitat types to maritime succulent scrub for the Cactus wren. The Service is not presently aware of successful creation of maritime succulent sage scrub. We recommend that project alternatives which avoid significant impacts to biological resources be incorporated into the project rather than utilizing uncertain habitat creation proposals.

Proposed Resource Management Plan: Page 3.3-111.

(25) The Service supports the concept of the Resource Management Plan. However, the plan in the EIR is not specific enough in setting standards. For example, native grassland standards and California gnatcatcher standards do not adequately protect the resource. The RMP states that 80% of onsite native grassland shall be preserved or restored with a minimum of only 25% preservation required. Thus, the majority of the mitigation is extremely speculative creation of native grassland. The RMP states that 80% of the existing documented pairs/individuals of California gnatcatchers shall be included within the preserve. No information as to where the preservation will occur and where the "take" will be allowed. This does not necessarily allow for good preserve design or long term viability of the population, nor does it address habitat requirements of the species. The Service recommends that the RMP be revised to include specifics recomendations for preservation, management and restoration. Moreover, a map showing the areas to be protected and managed should be included with the RMP.

Noise: Page 3.12.

(26) The primary source of the existing on-site noise on Otay Ranch is from four existing roadways, a rock quarry, public and private gun ranges, and agricultural activities. The EIR estimated future noise levels and their impact. The EIR finds that noise level impacts of greater than 60 dBA leq in least Bell's vireo breeding areas could result in long term adverse indirect effects and are considered to be a significant and unmitigated impact. The Service concurs. Mitigation measures for the direct and indirect impact of roads and their accompanying noise consist of "further assessment of indirect and direct impacts of roads" and recommendation of "specific mitigation measures for significant impacts from road construction that may include redesign, restoration of disturbed habitat, use of construction timeframes to avoid the breeding season, and an increase in open space.

This analysis neither determines the impact to the vireo nor is it clear from the EIR what the mitigation will actually consist of. The Service believes

23. The Draft Program EIR requires preservation of the largest (approximately 10,000 plants) San Diego thorn-mint population. This mitigation is required at the SPA level of review.

24. Regarding specificity of mitigation, refer to response to comment 15 in this letter. Avoidance is recommended in the Draft EIR as the first step to reducing impacts to coastal cactus wren *(Campylorhynchus brunneicapillus)* (see Sections 3.3.3, and Tables 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2). This requirement will be further clarified in the Final Program EIR to reflect the 100 percent preservation standard required for all first priority species.

Restoration would be the least preferred form of mitigation because of the low success rate of restoration. During the 30 to 50 year buildout of Otay Ranch it is anticipated that techniques will be developed to successfully restore or create sensitive habitats. It is possible that methods will be developed and approved for the restoration of maritime succulent scrub. The Draft Program EIR requires that all restoration occur prior to impact to occupied habitat and that the newly created or restored habitat must be occupied by cactus wren prior to impacting existing habitat. This ensures the success of the restoration effort before existing habitat is adversely affected. Restoration and enhancement could expand habitat for cactus wren as mitigation to offset indirect impacts to occupied habitat, impacts to unoccupied potential habitat, and impacts that have occurred since the start of the environmental documentation period for the Draft Program EIR. Enhancement and restoration could recreate habitat which was disced for agricultural purposes after 1988 and where impacts to cactus wren are still counted even though there is no habitat for cactus wren in these areas.

25. The Final Program EIR requires that 100 percent of valley needlegrass grassland be preserved or restored with 50 percent *in situ* preservation of this habitat required. Refer to Table 3.3-9.1 in the Final Program EIR. The Final Program EIR requires preservation of 100 percent occupied habitat or an approved Habitat Conservation Plan. A map with tentative preserve boundaries was included with the Draft Resources Management Plan (Dudek and Associates 1992).

that a more detailed assessment of the level of expected noise within existing riparian habitat is possible. The acreage of vireo quality habitat which will fall within the 60 dBA noise level should be included. The EIR should discuss and analyze specific mitigation measures to determine their effectiveness to offset the impact. The EIR fails to: 1) describe the noise level (qualitatively and quantitatively) that will occur within occupied and suitable but unoccupied vireo habitat (a map showing expected ranges of noise levels over vireo habitat would be useful); 2) propose and evaluate specific mitigation measures and their effectiveness to offset the impact; 3) assess the impact of noise levels on other wildlife species; and 4) adequately discuss the indirect affect of roads on the proposed endangered California gnatcatcher (e.g. page 3.3-98 states that "Other road construction on the Otay River parcel would increase impacts above the estimated 50 pairs"). These types of impacts should be discussed within the EIR.

26

The "D" designator, identifying the need for a site specific study is required for areas adjacent to least Bell's vireo habitat. No such requirement is apparently being made for other sensitive birds such as the California gnatcatcher and the cactus wren. We recommend that affects of noise on these species also be analyzed.

The Service is greatly concerned with the deferral of analysis of the effectiveness of the mitigation to avoid or minimize the affect of noise on sensitive species. Deferral of analysis to the SPA level documents would realistically preclude the use of alternative circulation routes. Given the interconnections of the circulation system it is critical that impacts and mitigation measures that minimize noise through use of alternate alignments be discussed and analyzed at the General Development Plan level so that less damaging alternatives can be considered.

Water Availability and Demand: Page 3.131.

The EIR states that the potable water demand for Otay Ranch is estimated at 40.2 mgd. It is unclear in the EIR whether water will be available for 50,000 new residents. The EIR states that "As growth in the region continues the question of whether adequate water allocations can be made available to local water purveyors from the MWD remains unanswered. The Otay Water District is currently experiencing a water shortage which impacts projected demands.

27

The Service is concerned that the inability of this project to assure an adequate water supply now, will result in increased conflict between the allocation of water, which presently supports valuable wildlife resources, and development throughout the 30-50 year build out of this project. Given the magnitude of the project, the EIR should discuss the affect of the project on the overall need for additional emergency water storage capacity. The expected effect of the project on existing water reservoirs and thus on their biological values should also be discussed.

A portion of Proctor Valley and the entire San Ysidro parcel are not currently within a water district. Development was found to be infeasible if annexation to a water district were denied. The Preferred Water Distribution is proposed to lease or purchase water from the Lower Otay Filtration Plant and Reservoir. Lower Otay Reservoir currently has extremely high resource values for migratory birds including waterfowl. The EIR should discuss potential affect of the Preferred Water Distribution on biological resources in and adjacent to Otay Lakes, including changes in rates and/or durations of the reservoir water levels, impact of 66,000 -156,800 feet of transmission mains, pump stations, booster stations and storage reservoirs.

28

26. Vehicular traffic noise from the proposed roadways is considered to be a significant and unmitigable impact to the least Bell's vireo as identified in the Final Program EIR. The estimated distances from the roadway centerline to various noise contours are identified in the tables. The estimations were based on the roadway parameters identified in the table, but did not reflect a specific alignment, elevations, or the attenuating effects of intervening topography or other natural barriers. Since detailed engineering plans have not been completed, data vital to the preparation of a detailed site-specific acoustical analysis are not available. As stated in the EIR, a site-specific acoustical analysis will be required during the SPA Plan review when more information regarding roadway alignment and elevation will be available. The study will identify specific impacts, project alternatives to avoid the impacts, and mitigation measures. All feasible mitigation measures must be adopted in accordance with CEQA.

The noise standards identified in the EIR are based upon the Comprehensive Species Management Plan for the least Bell's vireo (SANDAG 1990). Similar standards are currently not available for the California gnatcatcher or cactus wren, and little is known about the noise effects on these birds. Studies that have been performed have been completed with limited behavioral, ecological, or even noise monitoring. Work which has been completed, combined with incidental observational data, would suggest that California gnatcatchers occupy areas with both high and low ambient noise levels. Since no definitive standards are currently available, it is not considered feasible to identify mitigation measures for the gnatcatcher or cactus wren. However, if noise criteria are established, a noise study will be required to determine impacts to gnatcatchers and cactus wrens. A mitigation plan will then be prepared and implemented at the Specific Plan level (see Tables 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2 in the Final Program EIR)

The GDP/SRP text requires that acoustical studies be conducted for the SPAs adjacent to least Bell's vireo habitat and that development may be allowed if site-specific studies show that mitigation to below a level of significance is feasible.. All areas adjacent to least Bell's vireo habitat were identified. Since no definitive standards are currently available for other wildlife, additional site specific studies were not recommended.

27. The 40.2 mgd water demand would be generated by the New Town Plan. Project alternatives would vary in water demand from 8.6 mgd to 40.2 mgd. The local water supply is not currently allocated to support valuable wildlife resources; this is more of a statewide issue of diversion of water from the Sacramento delta area. Recent federal legislation (SB1225) has addressed this concern by allocating approximately 800,000 acre/feet of federal water supply from the Central Valley Project for preservation of wildlife resources. This legislation also allows for Central Valley Project water to be diverted to municipal and industrial users.

With respect to the need for additional emergency water storage capacity, please refer to response number 2g of the LAFCO letter. The Draft Program EIR, Section 3.13.1.2, Groundwater Alternative, acknowledges annexation of portions of the Proctor Valley parcel and the San Ysidro parcel may be denied. If this

(29) The EIR states that 3.7 mgd of reclaimed water could be utilized in Otay Ranch. The Service recommends that use of the reclaimed water include wetlands restoration within the Otay River Valley. The Service recommends that a sufficient percentage of the reclaimed water be allocated for wetlands restoration. The precise amount of reclaimed water should insure that the application of the water is not erratic such that riparian vegetation dies, or results in too much fresh water reaching San Diego Bay. The source of the reclaimed water should be discussed (e.g. is the reclaimed water part of the Clean Water Program facility or does the Otay Ranch propose a separate facility?)

Wastewater and Sewer Service: Page 3.13.2.

(30) The proposed project occurs partially within the San Diego Metropolitan Sewerage System (METRO). The City of Chula Vista, a member agency of METRO, has an existing capacity of 19.2 mgd and is using 12.2 mgd. The EIR states that an estimated 16.8 mgd of sewage would be generated by the New Town Plan. The EIR should discuss the 9.8 mgd shortfall and possible biological impacts resulting from needed sewerage system expansions.

The EIR fails to discuss the biological impacts of any of the proposed alternatives for waste water treatment and simply defers all discussion to the SPA level. It is unclear within the Impact Analysis of Biological Resources whether this infrastructure facility was assessed. Never-the-less, the EIR still concludes that the proposed mitigation will reduce impacts to a level below significance.

Parks, Recreation and Open space: Page 3.13.8.4.

(31) The proposed project includes a maximum of 400 acres of active recreation within the Resource Management Plan Preserve. This active recreation include camping, bicycle trails, and golf courses. The Service believes that active recreation should occur in locations well removed from sensitive resources. Please refer to the attached Service letter dated November 13, 1991. These comments are incorporated by reference.

Onsite Alternatives: Page 4.1-1.

(32) The alternatives presented in the EIR, with the exception of the Environmental Alternative, fail to meet one of the basic objectives of CEQA, that is to present alternatives which could attain the basic objective of the project while reducing or eliminating an identified significant environmental effect of the proposed project. All of the on-site alternatives (with the above mentioned exception) would have significant, unmitigated impacts to a multitude of biological resources including federally listed endangered and federally proposed endangered species. The EIR states that on-site alternatives were developed by the Project Team, in cooperation with the Interjurisdictional Task Force and resource agencies. Other than the Environmental Alternative, fundamental and primary recommendations of the Service were not incorporated into project alternatives, including a suggested additional alternative. It appears that none of the development alternatives are consistent with the RMP.

(33) The Service recommends that an additional alternative be developed which mitigates the numerous significant biological impacts that will occur as a result of the proposed alternative. The Service recommends that one new alternative be consistent with the attached map and include the following elements: 1) limit Otay River crossings to two (widen the existing Heritage Road crossing and the westerly alignment of SR-125); 2) infrastructure, such

were to occur, the development of those areas could occur in accordance with the appropriate standards and regulations for ground-water services.

28. Regarding impacts to migratory bird and sensitive animals, refer to response to comment number 6 in letter from the City of San Diego, 9/14/92.

29. The project is providing a site for a sewage treatment/water reclamation facility in the western end of Otay River Valley (refer to Figures 2.3-1, 4.2-1, 4.3-1, 4.4-1, 4.5-1, 4.6-1, 4.7-1, and 4.9-1 in the Final Program EIR). The Clean Water Program (METRO) is currently proposing service through ownership and operation of this plant.

30. Refer to response number 55 of the South County Environmental Working Group, 10/6/92.

31. Comment noted. Active recreation areas shall be located a minimum of 100 feet away from areas occupied by sensitive biological resources. Refer to text changes in Section 3.3.3 in the Final Program EIR. No active recreation areas would be developed in the Otay River Valley under the Fourth, Low Density, Environmental, or Phase II-Progress Plan Alternatives.

32. Refer to response number 1 in letter from the Endangered Habitats League, 9/23/92.

- USFWS plan would allow additional development in the northern portion of Village 14 (north-central Proctor Valley) and in the southern aspect of rural Planning Area 16 (southern portion of northern Protor Valley).

- USFWS plan would allow additional development in the southern Proctor Valley parcel adjacent to Lower Otay Lake. The USFWS plan would allow increased development in the western portion of Village 13 and would allow development in the eastern portion of this Village where the Environmental Alternative has no development east of the inholding - not a part parcel.

Otay River Parcel:

- The USFWS plan would allow some additional development in the western portion of the Otay River parcel. These increases would occur in the western aspect of Village 1, the northwest portion of the Village 2, and in the southwest aspect of Village 4. The plan also allows development in the Village 3 area south of the existing landfill where there is no development in the Environmental Alternative.

San Ysidro Parcel:

- The USFWS plan calls for less development than the Environmental Alternative in the eastern portion of the San Ysidro parcel. The Environmental Alternative allows development west of Cedar Canyon/Thousand Trails Campground as well as along the western perimeter of Rural Estate Planning Area 17.

<u>USFWS Plan/Phase II-Progress Plan Alternative</u>

Protor Valley Parcel:

- The USFWS Plan eliminates development in central Protor Valley. This includes all of the southern portion of Village 14 and the "L" shaped parcel.

- The USFWS Plan pulls back development along the southern boundary of Rural Estate Planning Area 16 in northern Proctor Valley. This difference is not major

given the extent of "Limited Development" in the area of difference between the two alternatives.

- The USFWS Plan pulls back development from Lower Otay Lake and separates development into two distinct east-west areas in Village 13. The developed area is substantially less, allow for a larger wildlife corridor.

Otay River Parcel:

- The USFWS Plan recommends pulling back farther westward along Salt Creek Canyon (Villages 10 and 11) and farther northward along Otay River Valley (Villages 8 and 9).

- The USFWS Plan recommends pulling back development substantially on Rock Mountain from the quarry in Village 4 as well as pulling development back from all of the perimeter of Wolf Canyon, except in the area of Village 3 south of the landfill.

- The USFWS Plan pulls back to the east, north, and south of Poggi Canyon in Villages 1 and 2, respectively.

- The USFWS Plan has no industrial development on Otay Mesa.

San Ysidro Parcel:

- The USFWS Plan eliminates all development in the central San Ysidro parcel (Village 15).

- The USFWS Plan pulls development back along the western and northern boundaries of Rural Estate Planning Area 17. This adjustment is not a major difference from the Phase II-Progress Plan given the amount of "Limited Development" in the area of difference and, if recommendations in the Draft Program EIR are followed such as eliminating development in the Hubbard Springs area.

USFWS Plan/CDFG Plan

- The USFWS Plan calls for additional open space in the following locations:
  - north of Poggi Canyon in Village 1.
  - northern perimeter of Wolf Canyon (Villages 2 and 4).
  - along the interface with Otay River Valley (Villages 8 and 9).
  - on Otay Mesa (USFWS eliminates all development in Planning Area 18a).
  - along the northwestern boundary of Salt Creek Canyon (Villages 10 and 11).
  - allows no development in "L" parcel and in central Proctor Valley (southern portion of Village 14).
  - allows less development in central portion of Village 13, but otherwise in the same general configuration as CDFG Plan.
  - allows less development along the western perimeter of eastern San Ysidro Rural Estate Planning Area 17, albeit the differences are not major.

as roads, sewerlines, waterlines and flood control facilities should not occur within the preserve; 3) preserve boundaries should reduce edge effects of adjacent development through the minimization of convoluted edges; 4) relocate the conference center out of the preserve; 5) preserve the San Diego thorn-mint populations and all of the vernal pool habitat within the preserve (avoid isolated preserve fragments); 6) eliminate development on the southeast side of Lower Otay Lakes; 7) provide adequate connections, buffers, and protection for the Otay River Valley, Salt Creek Canyon, Wolf Canyon and Poggi Canyon; 8) limit active recreation to the perimeter of the preserve; 9) relocate the university outside of Salt Creek Canyon; 10) realign Hunte Parkway/Otay River Valley Road to the north, outside of the River Valley; 11) significantly widen the wildlife corridors on the Proctor Valley parcel; 12) preserve identified wildlife corridors; and 13) preserve all identified key resource areas. (33)

Section 15021 of the California Environmental Quality Act Statutes and Guidelines states that CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. Major consideration to prevent environmental damage is required: A public agency should not approve a project as proposed if there are feasible alternative or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment. The Service believes that the requirements of section 15091 (a) cannot be adequately met given the lack of variability of alternatives that reduce significant biological impacts assessed within the EIR. (Although there are numerous alternatives there is very little actual variation between alternatives except the Environmental Alternative). (34)

Phase I-Progress Plan: Page 4.2.1.

The Phase I-Progress Plan includes 29,773 residential dwelling units on 8,250 acres of land and an additional 1,817 acres of commercial, industrial, schools/public facilities, parks/recreation and Special Plan areas. 10,984 acres of undeveloped open space are proposed and the RMP would be implemented for this alternative. The Service recommends that the Phase I-Progress Plan not be approved for the following reasons.

The project would result in a reduction of open space by 52%. Sensitive habitats would be reduced by 4,689 acres (37%) including 4385 acres of coastal sage scrub and maritime succulent sage scrub (acreage figure includes disturbed and coastal sage scrub association), 73 acres (9%) of wetland including vernal pools, floodplain scrub, alkali meadow, southern live oak riparian forest, sycamore alluvial woodland and southern willow scrub would be impacted. The loss of Diegan coastal sage scrub, maritime succulent scrub, southern interior cypress forest, coast live oak woodland, valley needlegrass grassland, and wetlands are considered significant impacts. Significant or potentially significant impacts to the following State endangered species will occur with the Phase I Progress Plan, San Diego thorn-mint, Otay tarweed, willowy monardella, California Orcutt grass, and Otay Mesa-mint. Significant or potentially significant impacts to an additional 17 sensitive plant species would occur. (35)

The Service strongly recommends that the circulation plan be redesigned in a manner that is more sensitive to locations of sensitive species and habitat. Four crossings of Otay river Valley are planned including major roadways or freeways within O'Neal Canyon and Johnson Canyon. O'Neal Canyon has been identified as a regional wildlife corridor and Johnson Canyon provides habitat for cactus wren and California gnatcatcher. Additionally, the Service is concerned that Otay Valley Road/Hunte Parkway will adversely affect (36)

33. The U.S. Fish and Wildlife Service proposed alternative appears to fall between the Phase II-Progress Plan and the Environmental Alternative in areal extent. Following is a brief comparison of the USFWS Alternative.

With the two alternatives as well as the California Department of Fish and Game Alternative (refer to the letter from CDFG, 10/5/92, responses 5-7). Refer to the GDP/SRP text for descriptions of Villages referenced in the discussion.

USFWS Plan Environmental Alternative

Proctor Valley Parcel:

34. Refer to response number 1 in letter from the Endangered Habitats League, 9/23/92.

35. Comment noted.

36. Comment noted.

(36) substantial populations of Cactus wren and California gnatcatchers within Salt Creek Canyon and along the north slopes of the Otay River. The Service provided comments regarding road issues in a letter dated April, 23, 1991, we have attached these comments to this letter and we incorporate these comments by reference.

(37) The EIR states that of the 4,385 acres of Diegan coastal sage scrub and maritime succulent scrub, 1,372 acres will occur within restricted development category. Because the restricted development category is not expected to be developed the 1,372 acres was subtracted from the project impact acreage. The restricted development acreage occurs within areas of Proctor Valley and San Ysidro which consist primarily of steep slopes within "backyards" of large lot housing. These areas are not included within the managed preserve because of the difficulty of providing adequate management. These areas will be adversely affected by their adjacency to housing and the accompanying disturbances (cats, dogs, lights, noise, etc.) and will not be managed. The Service believes that over time the wildlife values of these areas will be significantly adversely affected by the proposed development and thus should be included as impacted habitat.

(38) The proposed project will adversely affect 225 acres of native grassland and disturbed valley needlegrass grassland. Native grasslands have been reduced by 90% in San Diego County. Based on the scarcity of this habitat type and the difficulty of revegetation, we recommend that the EIR include alternatives that avoid impacts to this habitat type.

(39) Recommended mitigation measures for the Least Bell's vireo include more detailed assessment at the next level of review. Minimum measures include focused studies where impacts from development and road construction may occur. Mitigation measures are vague and ill defined and are not specific enough to determine if they will lessen impacts to below a level of significance. The majority of the mitigation consists of further studies at the next level of review. The mitigation measures should be clearly described. If redesign is necessary to avoid or reduce impacts, a specific description and map should be included showing where and how the redesign will occur and reduce impacts to a level below significance.

(40) The Phase-I Progress Plan will directly impact 49% of the estimated 140-150 California gnatcatcher pairs. The proposed placement of the University in Salt Creek would result in impacts to an additional 40 California gnatcatchers. Indirect impacts are not quantified, but are expected to be a long term adverse affect of the project on the California gnatcatcher. Please refer to the discussion on California gnatcatchers under the section titled Proposed Mitigation: Page 3.3-116.

Proposed Mitigation: Page 4.2.4-27.

(41) The proposed project will directly impact 17 (28%) of the 60 locations where the cactus wren was sighted. The mitigation measure includes a requirement that 80% of cactus wren individuals and occupied habitat be retained in a viable management preserve. The Service believe that this mitigation proposal is insufficient. Cactus wrens within coastal San Diego County are greatly depleted. Protection of remaining populations is believed to be necessary to maintain the viability of this species in coastal San Diego County. Therefore, we recommend that the project be specifically redesigned to protect 100% of the occurrences of this species and any currently unoccupied areas of suitable habitat (cactus patches within coastal sage scrub and maritime succul- ~ sage scrub).

37. Refer to response number 6 in this letter.

38. The Program EIR identifies the impact to valley needlegrass grassland from the Phase I-Progress Plan as significant and unmitigable without major project redesign. All other alternatives except the New Town Plan impact less valley needlegrass grassland. All of the project alternatives incur significant impacts and have associated mitigation.

39. Refer to response number 15 in this letter concerning specificity of mitigation.

40. Refer to response to comment number 16 in this letter.

41. Regarding the cactus wren Draft EIR states "no net loss of individuals or habitat is allowable for this species" (see Table 4.2.4-5). This will be rephrased in the Final EIR to require 100 percent preservation or Habitat Conservation Plan/Multiple Species Conservation Program standards (see Tables 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2). Also refer to response number 24 in this letter. Redesign will be recommended to avoid impacts to unoccupied habitat with the potential to support cactus wren. Restoration would be recommended only when impacts to unoccupied habitat are unavoidable.

(42) An 8% loss of vernal pool habitat is proposed. Vernal pools are an extremely scarce habitat type that has been reduced in San Diego County by 97% and contain one federally listed endangered species and 4 proposed endangered species. The proposed loss of the vernal pools is a significant impact. Vernal pools are wetlands under the jurisdiction of section 404 of the Clean Water Act. Due to the loss of 97% of this wetland resource, the Corps of Engineers has exerted discretionary authority over vernal pools, regardless of size or presence of endangered species. Based on the substantial loss of vernal pool habitat and the uncertainty of the success of mitigation, the Service would recommend denial of any Corp permit which would incur the loss of vernal pools, as presently proposed within the Phase-I Progress Plan.

(43) The Phase-I Progress Plan would result in significant adverse impacts to key resource areas and wildlife corridors including the following: 1) separates and isolates Poggi Canyon with its critical populations of cactus wren from Wolf Canyon and Otay River Valley; 2) severely constrains one of the two wildlife corridor and blocks the second wildlife corridor from the Jamul Mountain to San Miguel Mountain; 3) proposed infrastructure, particularly roadways, destroys and degrades 12 regional wildlife corridors (only one regional corridor would not be affected), three of four local wildlife corridors would be significantly affected; 4) places facilities, such as the conference center, deep within proposed open space; 5) impacts 23% of the identified key resource areas; and 6) adversely affects core populations of California gnatcatcher and the cactus wren.

(44) The Service concurs that revegetation of coastal sage scrub and maritime succulent sage scrub on the upper flood plain terraces of the Otay River Valley would be beneficial and a suitable mitigation site. However, after field inspecting the sites on the San Ysidro Parcel and on the inverted "L" parcel on the south slopes of San Miguel Mountain, we do not believe that for the majority of these areas that active restoration is necessary and therefore mitigation credit should not be allowed.

(45) Mitigation measures are vague and subject to interpretation, we recommend that proposed redesign or relocation of facilities, and modifications to the open space be exhibited on a map. For example "redesign central Proctor Valley to reduce coastal sage scrub impacts and to accommodate a regional wildlife corridor" allows numerous interpretations and thus, an uncertainty for the reviewer. The EIR fails to provide an adequate description of wetland mitigation by using terminology like "avoid to maximum extent practicable," "shall be mitigated at an appropriate ratio". We strongly recommend that the local jurisdictions require specific wetland mitigation not simply defer to subsequent State or Federal processes.

(46) Mitigation for impacts to Valley needlegrass grassland mentions highest priority areas of grassland to be retained but fails to state whether this would mitigate project impacts. Moreover, it would appear that there are missing words within the mitigation tables on page 4.2.4-32 and 4.2.4-38. Mitigation for coast live oak woodland, southern live oak riparian forest, southern interior cypress forest, sycamore alluvial woodland, and southern willow scrub all defer mitigation requirements to the next level of review. At a minimum, mitigation at this level of project review should include the mitigation proposal, where the mitigation will occur, the replacement ratio, the methodology, success criteria and how the mitigation is expected to offset or reduce the impact.

(47) The EIR concludes that cumulative habitat reduction has been reduced to a level below significance based on the effective implementation of recommendations for sensitive plants, sensitive wildlife, sensitive habitats,

42. Comment noted.

43. Comment noted

44. The Project Team concurs with this approach. Refer to Figure 3.3-8 and Section 3.3.3 of the Final Program EIR.

45. Redesign and mitigation requirements for wildlife corridors are based upon recommendations in the complete Otay Ranch Wildlife Corridor Study (Ogden, 1992b). The Final Program EIR includes more specific design requirements for each regional and major local corridor identified on Otay Ranch. These specific requirements identify required widths, screening, revegetation, and other mitigation requirements for impacted corridors. See Sections 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, and 4.9.4.2.

Regarding wetland impacts, refer to Final Program EIR mitigation (see Section 3.3.3).

46. Impacts to Valley Needlegrass Grassland from the Phase I-Progress Plan are significant and unmitigable, as stated in Final Program EIR. To retain the highest priority areas of grassland would require major project redesign. Refer to Table 4.2.4-8 in the Final Program EIR for the missing text. Refer to Section 3.3.3 for mitigation proposals for sensitive habitats.

(47) and wildlife corridors. We fail to see how this conclusion was reached given the sheer magnitude of the impact to wildlife habitat even assuming implementation of the mitigation measures. Moreover, the mitigation measures fail to be specific, defer decisions until subsequent review documents or to State and Federal processes, refer to vague references of redesign and include uncertain and speculative techniques for mitigation (e.g. restoration of maritime succulent sage scrub, artificial propagation of certain sensitive plant species).

Open Space Design: Page 4.2.4-51.

(48) It is insufficient to recommend that wildlife corridors be provided for without including a specified width, taking into consideration site specific factors such as cover, topography, and proposed adjacent development type (i.e. commercial, recreational or housing etc). This information should be discussed in the EIR.

(49) The Service concurs that Otay Valley Road should be rerouted out of the open space on Rock Mountain and north of the quarry. Please refer to comments on road issue paper. The Service concurs and supports the elimination of Alta Road and La Media Road to avoid impacts to O'Neal Canyon and Otay River Valley.

The Service concurs that the proposal to place the university within Salt Creek Canyon is a significant and unmitigable impact. Substantial populations of the proposed endangered California gnatcatcher occur within this location. This site represents a major core population of this species. A preliminary assessment is that such a proposal would fail to meet the requirements of a 10(a) permit pursuant to the Endangered Species Act.

(50) The EIR states that impacts to San Diego horned lizard, and orange-throated whiptail can be mitigated to below a level of significance. The Service disagrees with this assessment, particularly given the fact that the EIR also found that impacts to the habitat of these two reptiles (Diegan coastal sage scrub and maritime succulent sage scrub) is significant. Moreover, both of these species would be expected to be significantly adversely affected by the indirect affects of the placement of residential development adjacent to their habitat (such as increased predation by domestic cats and collection by humans).

(51) The Service strongly disagrees with the conclusion that the 37 sensitive animal species that are potentially significantly impacted are not considered significantly impacted at this level or review. If in fact, a determination regarding potential significant impacts cannot be made at this level of review than, additional data should be collected and until that data is available the EIR should be determined inadequate or impacts should be assumed to be significant. Assessments regarding impacts to sensitive species which are not easily located should be based, in part, on habitat affinities, corridor affects, species need for corridors, and sensitivity to disturbances et. cetera. Again, the Service strongly disagrees that obstructions to wildlife movement have been mitigated. We base this on the lack of specificity of mitigation measures. Likewise, impacts to sensitive plant species can only be determined to be adequately mitigated, if and only if the mitigation measure is of sufficient detail to allow an adequate review and determination. The EIR has failed to provide this specificity.

(52) See New Town Mitigation discussion.

Project Team Alternative: Page 4.4-1.

47. Although the conclusion in Table 4.2.4.8 should be partially mitigable (PM), mitigability is related to effectively implementing all required mitigations and redesigns, as well as meeting the expectations of adequate preserve design, and adherence to the RMP programs and standards. On a strict habitat by habitat basis, however, if some habitats are only partially mitigable, the conclusion should not be mitigable to a level of insignificance.

48. Refer to response number 45 in this letter.

49. Comment noted.

50. Impacts to the coastal sage scrub and maritime succulent scrub habitats of orange-throated whiptail (*Cnemidophorous hyperythrus*) and San Diego horned lizard (*Phrynosoma coronatum blainvillei*) are significant and unmitigable under the Phase II-Progress Plan (see Section 4.2.4.3 in the Draft Program EIR). Therefore, the Final Program EIR has been revised to state that impacts to orange-throated whiptail and San Diego horned lizard are significant and unmitigable (see Section 4.2.4.3 of the Final Program EIR).

51. Staff concurs with the Services' statement. Potentially significant impacts will be assumed to be significant in the Final EIR (see Sections 3.3.4, 4.2.4.3, 4.3.4.3, 4.4.4.3, 4.5.4.3, 4.6.4.3, 4.7.4.3, and 4.9.4.3). In the Draft EIR assessments of impacts to species which are not easily detected are based on evaluations of impacts to primary habitats supporting those species (refer to response to comment number 3 in letter from Cindy Burrascano, 10/6/92). At the SPA Plan level, surveys are required to collect distribution and abundance information on those species which could be significantly impacted. This information may show that impacts are not significant and mitigation will not be required. Otherwise, impacts will remain significant and appropriate mitigation will be formulated and implemented based on mitigation requirements in the Final EIR. It is important to note that redesign is required as the first step in reducing impacts to a level below significance at the SPA Plan level.

The Final Program EIR has been corrected (see Sections 4.2.4.2 and 4.2.4.3) to show that impacts to wildlife movement under the Phase I-Progress Plan are significant and unmitigable. This is consistent with our criteria in determining mitigability of impacts to wildlife movement for other alternatives and with our findings in Table 4.10-1 in the Draft EIR which show wildlife corridor impacts to be unmitigable under the Phase I-Progress Plan.

52. Refer to text changes in Table 4.2.4-9 in the Final Program EIR for more specificity in mitigation measures for sensitive plant species.

53 The Project Team Alternative differs from the others mainly on its emphasis on multifamily residences and reliance on clustering. In general, the Service supports measures such as clustering to facilitate protection of biological resources. Unfortunately, despite the use of clustering on the Otay River parcel, this Alternative fails to adequately protect the biological resources of the project. Numerous aspects of this alternative result in significant unmitigable adverse impacts which result in ineffectual preserve design. These include but are not limited to the following major planning flaws from a biological perspective: 1) Wolf Canyon is surrounded with residential units; 2) Otay River Valley is bisected with four main roadways; 3) habitat fragmentation occurs on the San Ysidro parcel immediately south and east of Lower Otay Lake; 4) Otay Valley Road is located in Wolf Canyon; 5) active recreation is located throughout the Otay River Valley; 6) 14 significant regional and local corridors are destroyed or degraded; 7) the conference center is located within the heart of the Jamul Mountains; 8) "A" Way south road is placed south of Lower Otay Lakes; and 9) the University site is located in Salt Creek Canyon.

53. Comment noted.

54 This alternative reduces open space by 9,646 acres (42%) and reduces sensitive coastal sage scrub habitat by 32%. Significant impacts will occur to coastal sage scrub, maritime succulent scrub, undisturbed and disturbed valley needle\grass grassland habitats (reduced by 65%), vernal pools, wetland habitat. southern live oak riparian forest, southern interior cypress forest, and sycamore alluvial woodland, impacts to 4 of 9 state listed threatened/endangered plant species, 10 sensitive plant species, raptor foraging, and all high priority wildlife species, including least Bell's vireo, California gnatcatcher (32%), and cactus wren (38%).

54. Comment noted.

55 Please refer to the above comments on significance of impacts and mitigation.

Based on the above described significant impacts to biological resources of high value the Service is opposed to the approval of the Project Team Alternative. The Service recommends that an additional alternative be developed that eliminates the identified significant biological impacts.

55. Comment noted. Regarding impacts to sensitive animal species and wildlife corridors, and required mitigation refer to responses to comments number 15, 16, 19, 24, 26, 45, and 51.

Composite General Plans Alternative: Page 4.5-1.

56 This alternative utilizes land use designations within Cities of Chula Vista and San Diego and the County of San Diego allowing 20,470 dwelling units. No Resource Management Plan would be incorporated into the project. The Service is opposed to this alternative because it would apparently allow the development of large lots across the entire Jamul and San Ysidro parcels, places Otay Valley Road and parks and recreation within Salt Creek Canyon, significantly impacts the Otay Mesa vernal pools, impacts to four of nine state endangered plant species, impacts 42% of the California gnatcatcher and 65% of the cactus wren points of occurrence. Refer to previous comments on Analysis of Significance and Mitigation. If no RMP is incorporated into the project, than at subsequent reviews will the project be subject to the Resource Protection Ordinance?

56. Comment noted. Regarding impacts to sensitive animal species and wildlife corridors, and required mitigation refer to responses to comments number 15, 16, 19, 24, 26, 45, and 51.

If no Resource Management Plan is incorporated into the project, then at subsequent reviews the project will be subject to the Resource Protection Ordinance.

Low Density Alternative: Page 4.6-1.

57 The Service recommends against the Low Density Alternative for the following reasons. Three Otay River Valley Road crossings are planned. Significant impacts include the reduction of open space by 9,631 acres (42%) reducing sensitive coastal sage scrub by 32%, valley needlegrass grassland reduced by 65%, wetlands reduced by 10%, vernal pools reduced by 8% and significant impacts to sensitive woodlands, plants and animals, a 28% impact to California

57. Comment noted.

gnatcatchers, 30% impact on cactus wrens occurrences, and impacts to 13 wildlife corridors. No Resource Management Plan would be adopted.

Environmental Alternative: Page 4.7-1.

(58) The Environmental Alternative allows for 9,252 dwelling units and includes 16,981 acres as open space result in a 26.5% reduction of open space. This alternative would result in 1,406 acres of impacts to coastal sage scrub, significant impacts to the San Diego thorn-mint, impacts to 12 pair of California gnatcatcher, impacts to 185 acres of cactus wren habitat and the loss of the R-1 vernal pool. The Service recommends the selection of the Environmental Alternative. However, the San Diego thorn-mint populations would need to be mitigated through preservation of the two known populations and significant impacts to the San Diego golden star should be mitigated.

Cumulative Impacts: Page 6.1.

(59) The Service believes that the subject project in conjunction with projects proposed for the surrounding area have a significant, adverse, cumulative impact to biological resources. The Service is particularly concerned with the number and magnitude of projects preceding through the environmental review process without adequate resource planning. The biological resources of the Sweetwater/San Miguel/Otay area are of high value. The present undeveloped status of this area allows for resource planning on a relatively large scale. Few areas remain in coastal San Diego where this potential exists. The project site is strategically located and is a critical portion of a large core population of the California gnatcatcher. Based on its location, habitat values and presence of highly sensitive species the preservation of specific portion of Otay Ranch in a natural open space configuration which will preserve existing habitat values over time is essential. The design, size, and configuration of natural open space to be preserved is critical to the long term integrity of the habitat and consequently the conservation of the wildlife species dependent upon it. Unfortunately, project alternatives with the exception of the Environmental Alternative are not expected to adequately insure the long term viability of sensitive biological resources which occur on and adjacent to the project site.

Summary

(60) In summary, the proposed projects would have significant, unmitigated adverse impacts to biological resources. The Service recommends that either the No Project Alternative or the Environmental Alternative be selected. Otherwise, an alternative that reduces impacts to biological resources to a level below significance should be developed and required. The Service is strongly opposed to the approval of the subject project and alternatives as proposed (with the exception of the Environmental Alternative) for the reasons outlined in this letter. We recommend that the City of Chula Vista and the County of San Diego decline to certify the Report and deny the approval of the project. We base our recommendation of denial on the severe, unmitigated impact, of the proposed project on essential habitat and critical populations of highly sensitive species, including the proposed endangered California gnatcatcher. The Service remains willing to work with the City of Chula Vista, the County of San Diego and the project applicant to ensure the protection of biological resources through avoidance, minimization of impacts and mitigation.

Unfortunately, the Service is unable to provide a complete review of the EIR due to the size and complexity of the subject project and the limited review time. We again request an extension of the comment period to allow for

58. Comment noted.

59. Comment noted.

60. Comment noted.

adequate review of such a potentially damaging project in a biological important location. If you have any questions regarding these comments, please contact Nancy Gilbert of this office at (619) 431-9440.

Sincerely,

Richard Zembal
Deputy Field Supervisor

cc: CDFG, Long Beach, CA
CDFG, San Diego, CA (Attn: T. Stewart)
County of San Diego, San Diego, CA (Attn: A. Ewing)

Enclosure

1-6-92-TA-327

F.2-23

species. California gnatcatcher, least Bell's vireo, cactus wren, California least tern are all species which have been listed or are being considered for listing as endangered or threatened, in part, due to habitat destruction.

Central Proctor Valley Issue Paper

The Service remains concerned regarding the proposed alternatives for development presently being considered in the Central Proctor Valley Issue Paper. The alternatives proposed all result in the loss of significant amounts of coastal sage scrub habitat. A minimum loss of 369 acres of coastal sage scrub habitat would occur with the least damaging alternative, Alternative I of the Project Team's Proposal. Alternative I of the Project Teams proposal is biologically superior to the other alternatives discussed in this Issue Paper. This determination is based on avoidance of impacts to high value resource areas, avoidance of impacts to the southernmost area, in the vicinity of high concentrations of California gnatcatchers, and elimination of the conference center. The conference center would have introduced adverse impacts into internal natural open space areas. Unfortunately, this alternative would cause a significant loss of coastal sage scrub and result in poor preserve/development boundaries.

Given that coastal sage scrub is a sensitive habitat type that has suffered a 80-90 percent habitat loss, we fail to understand the moderate resource value rating. Moreover, the Service is very concerned regarding the convoluted edge of the proposed development with the natural habitat. We strongly recommend that Alternative I be redesigned to eliminate the fingers of development in PV-3 and to greatly reduce impacts to coastal sage scrub. In the event that impacts to coastal sage scrub are unavoidable, the Service recommends that mitigation consists of in-kind habitat replacement of coastal sage scrub. Thus, we recommend that a minimum mitigation requirement include a 1:1 restoration of disturbed upland to coastal sage scrub and a 1:1 preservation of existing coastal sage scrub.

The issue paper does not address the use of City of San Diego land surrounding the Otay Lakes as mitigation for the Clean Water Program. We recommend that land use planning around City-owned lands recognize and be sensitive to the possible use of these lands as mitigation.

F. Resource Sensitivity: Page 24.

The Service requests a copy of the Resource Sensitivity Analysis maps for our review. We do not necessarily concur with specific locations for moderate resource value criteria nor do we concur that moderate value areas are those with "potential for development." Based on a review of Exhibit 4A and Exhibit 7, it would appear that not only do moderate resource value areas have the "potential for development," but that they will be thoroughly utilized for development. This direction greatly concerns the Service. Coastal sage scrub is a sensitive and declining resource that provides essential habitat for the California gnatcatcher (Polioptila californica ssp. californica), a species for which the Service has recently proposed to list as a Federal endangered

F.2-26

species. Given that PV-3 has good continuity between public-owned land, steep slopes, and adjacent to high concentrations of California gnatcatchers to the south, the Service would expect this area to be a dispersal area.

We strongly recommend that the Project Team consider the California gnatcatcher in their long term planning of the Otay Ranch. The preparation of a pre-listing Habitat Conservation Plan that meets the standards of the Endangered Species Act is recommended. To ignore the implications of a proposed rule and to proceed to plan development on large areas of coastal sage scrub may result in future planning conflicts. Presently the proposed development areas are in a configuration that is not conducive to good preserve design and future management. Indirect effects of people, lights, vehicles, pets, noise, pollutants, and fire buffers will adversely affect the adjacent natural open space and the species which inhabit it.

A. Goals, Objectives and Policies: Page 27.

The Service concurs with many of the goals, objectives, and policies, however, many appear to be in conflict with each other. For example, the open space goal mentions "large park areas linked with off-site open space areas," however, no mention of wildlife preserve or Resource Management Plan is made.

Goal: Biological resources: Objective 2.

The Service recommends that mitigation include restoration, re-creation, and enhancement of degraded habitat areas as well as on-site preservation of high quality. If mitigation only consists of on-site preservation a net loss of scarce and declining habitats such as wetlands, native grassland, and coastal sage scrub would occur. All of these habitats have suffered a 80-90 percent loss. The Service supports many of these policies, goals, and objectives. However, it does not appear that these are the guiding principles to the Alternative proposed for Central Proctor Valley.

Goal: Park and Recreation Facilities: Page 32.

The Service is concerned regarding apparent conflicts between the Park and Recreation goals and objectives and those stated under the Biological Resources section. Of particular concern is Policy 3 which proposes to develop the Jamul Mountain area as a park with extensive riding and hiking trails, campground, et cetera. The Service is also concerned with Policy 4 which provides for regional trails through almost every major canyon off of Otay Valley and through major blocks of habitat.

B. Previously Accepted Issue Papers: Page 34.

The Service requests copies of the Proctor Valley Road and Miller Ranch Road Issue Papers.

F2-27

Mr. Anthony J. Lettieri

1

Development Around Otay Lakes Reservoir Issue Paper

The Service has reviewed the Issue Paper titled Development Around Otay Lakes Reservoir. The Service concurs with the report that the area surrounding the lake is one of rich biological diversity. Additionally, we concur with the conclusions by the County of San Diego Conservation Element, which recognizes the Otay Resource Conservation Area as an area of statewide significance. Unfortunately, the proposed alternatives (excluding the Environmental Alternative) including the Project Team Staff Proposal will have significant adverse impacts to the biological resources of this area.

3.4 Otay Ranch Citizen's Governing Committee: Page 6.

The Service concurs with the Citizens Governing Committee recommendation to create a one-half mile buffer area that follows the north side of the lake in which resources will be protected and development will not occur and maintaining the south side of the lake as open space.

4.1.2 Constraints: Page 11.

The issue paper identifies sensitive habitat as a constraint. The California gnatcatcher, the cactus wren (Campylorhynchus brunneicapillus), coastal sage scrub, native grassland, and vernal pools are referenced as sensitive resources. Over 142 sensitive or listed plant and animal species have been observed on the land surrounding the lake. The recognized sensitivity of the lands surrounding Otay Lakes is undermined by the level of impact which is being proposed. A general summary of impacts to biological resources includes three of six clusters of vernal pool, 332 acres of sensitive habitat, 751 acres of coastal sage scrub, 140 sensitive plant species, and 17 sightings of California gnatcatchers.

As mentioned above, the proposed issue paper discusses impacts to 17 individual California gnatcatchers. Additional impacts to this species will occur on other proposed development areas of Otay Ranch, which are not discussed in this specific issue paper. The Service proposed to list the California gnatcatcher as a federally listed endangered species on September 5, 1991. In the event that the Service determines that this species warrants listing as threatened or endangered, it will receive the full protection of the Endangered Species Act of 1973, as amended (Act). Section 9 of the Act prohibits the "take" (e.g., harm, harass, pursue, injure, kill) of federally listed species. "Harm is further defined to include destruction of necessary habitat or disruption of essential breeding or feeding behavior." For projects with no Federal involvement, to legally "take" a federally listed endangered species, a 10a permit must be acquired. Habitat conservation plans must be submitted with any 10a permit application. The Service strongly recommends that direct and indirect impacts to the California gnatcatcher be avoided, thus, avoiding future planning conflicts.

The issue paper recognizes that the "Intrusion of fingers of development into areas of natural open space can create damaging "edge effects", the loss of habitat value due to the encroachment of development into natural open space."

Unfortunately, this remains a substantial impact in almost all of the proposed alternatives. Degradation of habitat values due to indirect edge effects is second only to the direct impacts resulting from the proposed development.

5.0 Project Team Staff Proposal: Page 24.

The Service strongly recommends that the Project Team Staff Proposal be redesigned. We make this recommendation based on the level of impact to biological resources which will result from the implementation of this alternative (Please refer to the constraints section of this letter). The Service concurs with the recommendation that no development be proposed to the south of the lake. However, we recommend that the area of no development be extended to the west. The Service has consistently recommended that this area be maintained as natural open space to allow for continuity and good preserve design between City owned lands and land owned by the Bureau of Land Management.

The Service is particularly concerned regarding the proposed development south and east of the landing strip. The wide expanse of riparian trees on City-owned land in this area supports several territorial male least Bell's vireo (Vireo bellii pusillus). This federally listed endangered species is very susceptible to parasitism by the brown-headed cowbird (Molothrus ater). Brown-headed cowbirds are particularly abundant in areas where livestock are concentrated; thus, we strongly urge that the equestrian facilities not be located between two known concentrations (i.e., Dulzura Creek population is immediately up stream of the Otay Lakes Road crossing) of the vireo.

The Service is concerned with the proposal to place "links-type" golf courses in areas where wildlife corridors are determined to be present. We are concerned that only that wildlife which is more tolerant of disturbances will utilize these areas. Moreover, the issue of wildlife corridors and their importance has not been adequately addressed. The Service recommends that substantial corridors, using good preserve design principle, be maintained and incorporated into the project in several locations including several access points in Proctor Valley linking San Miguel Mountains to the Jamul Mountains, the Jamul/Dulzura Creeks via Little Cedar and Cedar Canyons, and a wildlife corridor from PV-9 to SY-2. Wildlife movement corridors should be maintained on Otay Ranch, as well as planned for locations off of Otay Ranch.

5.4 Proposed Development Guidelines - Environmental Resources: Page 31.

The lake area has been identified as a valuable biological resource that provides important habitat for one federally listed endangered species, one federally proposed endangered species, numerous Federal candidates for endangerment and a total of 142 sensitive species. Given the sensitivity of the site, it is surprising that few guidelines relating to environmental resources are proposed. Three guidelines are provided, three pertain to retaining natural features "where possible," preserving vernal pools in a park, and the golf course should be a "links" course. We believe that these guidelines are insufficient given the array of resource issues on this site

F-2-29

and fail to provide real guidance to the decision-makers given the sensitivity of the site.

3.4 Proposed Development Guidelines - Report Users: Page 33.

Proposals include the construction of a promenade or boardwalk along the lakefront. The placement of the promenade and other trails is of great concern to the Service. It is important that some areas of the lakeshore be undisturbed from heavy use by people. The indirect effects of the proposed project on Otay Lakes should be thoroughly assessed in any subsequent Environmental Impact Report.

3.4 Resource Impacts of the Project Team Staff Proposal: Page 33.

The Service is greatly concerned with the magnitude of biological impacts which would result from implementation of the proposed alternatives (excluding the environmental alternative). The development of the three clusters of vernal pools will require a Federal permit pursuant to section 404 of the Clean Water Act. Vernal pool habitat has been reduced by 97 percent. Vernal pool re creation mitigation is very difficult and rarely successful. The additional loss of a wetland resource that has been reduced by 97 percent is highly objectionable to the Service. It is likely the Service will recommend that any permit application to discharge fill material into vernal pools be denied. Additionally, the Service is greatly concerned regarding the construction of a golf course adjacent to a vernal pool preserve. Issues include possible effect of fertilizers, herbicides, pesticides, excessive water, trampling, and possible changes in natural drainage patterns.

The Sweetwater/Otay subpopulation of the California gnatcatcher is believed to be one of the most important subpopulations for this species. Given the status of the California gnatcatcher as a proposed species for Federal listing as an endangered species, we encourage the Baldwin Company and the project team to avoid impacts to this species. In the event that impacts are unavoidable, we recommend that a pre-listing Habitat Conservation Plan be prepared.

Otay Valley Regional Park Issue Paper

A. Goals and Objectives for Otay Valley Regional Park: Page 7.

The Service concurs with the goal of providing a major open space corridor linking major bodies of open space. We recommend that natural be inserted between major and open. We request clarification regarding the goal to "encourage agricultural activities that enhance open space and resource activities." Presently, much of the natural resources of Otay Ranch have been degraded by agricultural activities such as dry land farming and intensive grazing. The Service cautions that the location and placement of equestrian, biking, and hiking trails must be carefully chosen to avoid adverse direct impacts resulting from trail construction and, possibly more importantly, avoid the indirect adverse effect which could result from extensive use of

F.2-30

that trail in a highly sensitive area. The direct and indirect adverse impact of active recreation should be minimized by concentrating these facilities away from natural resource passive park facilities within the Otay River Valley.

3. Park Requirements: Page 8.

The Service concurs with the proposal to provide for the local park needs of the future residents of Otay Ranch without using the River Valley for local parks.

4.0 Existing Resources: Page 10.

The river benches above the floodplain (approximately 395 acres) have been identified as an area which has a highly diverse recreational value. The Otay River Valley contains sensitive and dwindling habitat types and species. The development of the river benches for recreation will adversely affect the sensitive resources within the Otay River wetlands and the coastal sage scrub on the adjacent slopes. To develop these areas would adversely affect the adjacent resources and is inconsistent with good preserve design. We strongly recommend against the placement of active recreation in this location.

Environmental Alternatives: Page 17.

Alternative A plans for a 400-acre park with active recreation on the river benches above the floodplain. As previously stated, this approach is not consistent with good preserve design. Alternative A would result in numerous direct and indirect impacts because it creates a long linear edge thus adversely affecting both the wetlands in the Otay River Valley and the adjacent coastal sage scrub slopes on both the north and the south side of the Otay River Valley. The protection and management of the natural resources within the Otay River Valley would be extremely difficult.

It is not apparent from the information provided for Alternative B whether the active use areas would still occur on the upper floodplain terraces. This needs to be clarified. It is not clear whether lands within a proposed Otay River Valley Regional Park would be managed pursuant to the Resource Management Program. The Otay River Valley contains numerous listed, candidate, and locally sensitive species. It is the Service's opinion that management of the Resource Management Program land areas within Otay Ranch should be managed by one land manager. Active recreation should not occur within the Resource Management Program boundary nor should it occur within lands used as mitigation.

Alternative C is referred to as the resource protection alternative and consists of 3,550 acres. This alternative would require a manager with expertise in both recreation (active and passive) and natural resource management.

F.2-31

6.0 Project Team Proposals Page 23.

The Service strongly disagrees with this proposal for the reasons stated under Alternative A. Active recreation activities are stretched throughout the length of the river valley on both the north and the south side of the valley. Passive uses and open space appear to be confined to the steep slopes and the river floodplain. The Service recommends that the sensitive resources within the Otay River Valley be managed as part of the large Resource Management Program preserve system and that one manager with resource management expertise manage the natural resource areas.

We appreciate the opportunity to provide you with these comments. The Service continues to offer assistance and our participation in the Biology Subcommittee. Should you have any questions regarding these comments, please contact Nancy Gilbert of this office at (714) 643-4270.

Sincerely,

Brooks Harper

Brooks Harper
Office Supervisor

cc:
CDFG, Long Beach, CA (Attn: R. Lal)
CDFG, San Diego, CA (Attn: T. Stewart)

1-6-92-IA-21

F2-33

United States Department of the Interior

FISH AND WILDLIFE SERVICE
FISH AND WILDLIFE ENHANCEMENT
SOUTHERN CALIFORNIA FIELD STATION
Laguna Niguel Office
Federal Building, 24000 Avila Road
Laguna Niguel, California 92656

April 23, 1991

Charles S. Thomas
City Senior Civil Engineer
Otay Ranch Project
315 Fourth Avenue, Suite A
Chula Vista, CA 92010

Re: Roads Crossing Otay Valley

Dear Mr. Thomas:

The Fish and Wildlife Service (Service), at your request, has reviewed the "Issue Paper - Roads Crossing Otay Valley", and we have the following comments.

The Service has the legal responsibility for the welfare of all migratory birds, anadromous fish and endangered animals and plants occurring in the United States. As you know, the Service has been participating with the Otay Ranch Biology Sub-committee since its inception. Presently, the Service is greatly concerned regarding the proposed preserve design and the number of facilities, including the subject roads, proposed to occur within the Resource Management Plan preserve area. Proposed roadways crossing the Otay River Valley include expansion of the existing Paseo Ranchero Road and as many as 4 new road crossings. Preliminary road locations, as proposed, would affect O'Neal Canyon, Johnson Canyon, Salt Creek, Wolf Canyon, Otay Mesa and the Otay River Valley.

The Resource Management Plan for Otay Ranch (Plan) states that the intended purpose of this plan is to provide for the long term protection, enhancement and management of the sensitive natural and cultural resources located within the Otay Ranch study area. Despite the stated purpose of the Plan, infrastructure and facilities which will adversely affect biological resources, are planned to be located within the Management Preserve. Not only are the above mentioned roads planned to cross the Preserve, but also Otay Valley Parkway, Otay Valley water reclamation facilities, Otay Valley utilities (water, reclaimed water, sewer, gas and drainage facilities), Orange Avenue/related utilities, Poggi Canyon drainage facilities, Wolf Canyon drainage facilities

and utilities, reclaimed water facilities, east/west road crossings of Wolf Canyon, University Parkway, Training Center Parkway, transit byways crossing of Salt Creek and Otay River Valley, Salt Creek drainage facilities, gravity sewer and water distribution mains, Otay Lakes Road and related utilities, local roads, water storage tanks, water systems and lift stations, the university and active recreational park facilities.

Presently, the Otay Ranch Management Preserve is poorly designed. Given the poor preserve design and the high number and extent of impacts resulting from proposed infrastructures and other facilities within the Preserve, the Service believes that the Preserve would be dysfunctional. The subject roads would aggravate an existing unacceptable Preserve design and management plan.

F.2-34

The Otay River Valley presently provides an east/west corridor connection to large blocks of wildlife habitat located not only on Otay Ranch but also on the Bureau of Land Management's proposed wilderness on Otay Mountain. The Otay/Sweetwater area provides one of the last few opportunities to provide for regional wildlife habitat in coastal southern San Diego County. The Otay/Sweetwater area contains high biological diversity of vegetation types, and plant and animal species including high numbers of recognized sensitive, rare, and endangered species. The importance of planning for species protection through habitat protection cannot be over emphasized. Protection of remaining habitat areas of sufficient size and quality can help preserve existing populations. Allowing species to decline to levels that warrant Federal listing as endangered will complicate planning for future projects.

The proposed roads would result in impacts to sensitive habitat types of concern to the Service including coastal sage scrub, vernal pools, disturbed riparian habitat, and maritime succulent sage scrub. Vernal pools have been reduced in San Diego County by 97%, wetlands have been reduced statewide by 91%, coastal sage scrub has been reduced between 80-90%. Moreover, the roads would result in permanent impacts to the remaining habitat areas due to noise, lights, pollutants, barriers, increased human use of the area and increased animal/car collisions.

Twenty-five sensitive plant species and 14 sensitive animal species are known to occur on the Otay Ranch, west parcel, many in the vicinity of the subject roads. Additional sensitive plant and animal species are expected to occur in this area. Seventeen different raptor species forage or nest in the Otay Valley/ Otay Mesa area and its adjoining canyons including the golden eagle. Sensitive species which are known to occur in the vicinity of the proposed roads include the Federal endangered least Bell's vireo, the State endangered Otay tarweed, San Diego thornmint, San Diego

coyote thistle, Otay mesa mint, and California Orcutt's grass. Additionally, the following animal candidate species for Federal listing as endangered or threatened occur in the vicinity of the proposed roads: the California gnatcatcher, orange-throated whiptail, San Diego horned lizard, the tricolored blackbird, the mountain plover, and Quino checkerspot butterfly. The cactus wren and the Riverside fairy shrimp occur in this area. These two species are not presently candidates but the Service is responding to petitions to list these species as endangered. As of the date of this letter, the Service has been petitioned to list the California gnatcatcher, the cactus wren, 4 plant species, and two invertebrate species which occur in this vicinity.

F.2-35

Please refer to the sensitive plant surveys and biology reports for specific information and locations of sensitive species. Information of particular note on the Otay Ranch, west parcel is the occurrence of California gnatcatchers, cactus wrens, and vernal pools. An estimated 39 pairs of California gnatcatchers and 26 pairs of cactus wrens are located predominantly within Salt Creek. Salt Creek is a highly significant habitat area for two species for which the Service has been petitioned to list as endangered. Extreme care is recommended in planning facilities around the Salt Creek area to lessen not only direct impacts of development but also indirect impacts resulting from roadway noise, lights, pollutants and disturbances related to human recreational activities and the adverse affect of domestic pets. Otay Mesa, in the vicinity of the proposed La Media Road, State Route 125 and Alta Road, contains extremely important vernal pool habitat. These vernal pools provide habitat for 6 species for which the Service has either been petitioned or has prepared information to list as endangered. Again, extreme care should be taken to avoid impacts to this sensitive resource.

If a final determination is made that any or all of these species warrant listing as threatened or endangered, then the provisions of the Endangered Species Act of 1973 as amended, (Act) will apply. Section 7 of the Act requires Federal agencies to insure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of any endangered or threatened species. Federal agencies must consult with the Service on any perspective agency action if a threatened or endangered species may be affected. Section 9 of the Act prohibits "take" (harm, harass, hunt, shoot, wound, kill, pursue, capture) of any threatened or endangered fish and wildlife species, unless a Section 10(a) permit is issued.

In summary, the Service believes that the proposed road crossings of the Otay River Valley would result in significant adverse impacts to sensitive plant and animal species. Given the sensitivity of the site and the potential to link this area with

a large sub-regional preserve, the Service recommends that impacts be reduced and avoided. To this end we recommend that if it is determined that a new roadway must cross the Otay River Valley than crossings should be limited to two, an expansion of Paseo Ranchero and State Route 125.

The Service remains willing to work with the City of Chula Vista, the County of San Diego and the Otay Project Team to lessen impacts resulting from the subject project. If you have any questions regarding these comments or if we can be of any other assistance please call Nancy Gilbert of this office at (714) 641-4270.

Sincerely,

Brooks Harper
Office Supervisor

cc: CDFG, La Mesa, CA (Attn: T. Stewart)
County of San Diego, (Attn: Ann Ewing)

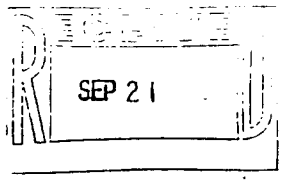
F.2-36

State of California Comment Letters

STATE OF CALIFORNIA — PETE WILSON, Governor

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO, CA 95814

Sep 17, 1992



DOUGLAS D. REID
OTAY RANCH PLANNING TEAM
315 FOURTH AVENUE, SUITE A
CHULA VISTA, CA 92010

Subject: OTAY RANCH
SCH # 89010154

Dear DOUGLAS D. REID:

The State Clearinghouse has submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is now closed and the comments from the responding agency(ies) is(are) enclosed. On the enclosed Notice of Completion form you will note that the Clearinghouse has checked the agencies that have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the comment package is not in order, please notify the State Clearinghouse immediately. Remember to refer to the project's eight-digit State Clearinghouse number so that we may respond promptly.

Please note that Section 21104 of the California Public Resources Code required that:

> "a responsible agency or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency."

Commenting agencies are also required by this section to support their comments with specific documentation. These comments are forwarded for your use in preparing your final EIR. Should you need more information or clarification, we recommend that you contact the commenting agency(ies).

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact Tom Loftus at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Christine Kinne

Christine Kinne
Acting Deputy Director, Permit Assistance

Enclosures

cc: Resources Agency

S.1-1

(1)

STATE CLEARINGHOUSE, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
CHRISTINE KINNE
SEPTEMBER 17, 1992

1. The State Clearinghouse acknowledges that this project has complied with the State Clearinghouse review requirements. No additional response can be made.

Notice of Completion

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 89010154

Project Title: Otay Ranch

Lead Agency: Otay Ranch Planning Team — Contact Person: Douglas D. Reid

Street Address: 315 Fourth Avenue, Suite A — Phone: (619) 422-7395

City: Chula Vista, CA — Zip: 91910 — County: San Diego

Project Location

County: San Diego — City/Nearest Community: Chula Vista and San Diego

Cross Streets: Telegraph Canyon Rd, Otay Lakes Rd — Zip Code: — Total Acres: 23,088

Assessor's Parcel No.: See Attach. "A" — Section: — Twp.: — Range: — Base: —

Within 2 Miles: State Hwy #: See Attach B — Waterways: Otay River, Wolf Canyon, Poggi Canyon, **

Airports: Brown Field — Railways: N/A — Schools: See Attach. "C"

Document Type

CEQA: [ ] NOP [ ] Supplement/Subsequent [ ] EIR (Prior SCH No.) 89010154 [ ] Other

[ ] Early Cons [ ] Neg Dec [x] Draft EIR

NEPA: [ ] NOI [ ] EA [ ] Draft EIS [ ] FONSI

Other: [ ] Joint Document [ ] Final Document [ ] Other

Local Action Type

[ ] General Plan Update [ ] Specific Plan [x] Rezone [x] Annexation

[x] General Plan Amendment [ ] Master Plan [x] Prezone [ ] Redevelopment

[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [x] Coastal Permit

[ ] Community Plan [ ] Site Plan [ ] Land Division (Subdivision, Parcel Map, Tract Map, etc.) [x] Other See Attach. "F"

Development Type

[x] Residential: Units 47256 Acres 9653

[ ] Office: Sq.ft. ____ Acres ____ Employees ____

[x] Commercial: Sq.ft. ____ Acres 448 Employees ____ (incl office)

[x] Industrial: Sq.ft. ____ Acres 307 Employees ____

[x] Educational: included in residential acres

[x] Recreational: 1102 ac parks & recreation

[ ] Water Facilities: Type ____ MGD ____

[x] Transportation: Type Major Roadways

[ ] Mining: Mineral ____

[x] Power: Type ____ Watts ____

[ ] Waste Treatment: Type ____

[ ] Hazardous Waste: Type ____

[x] Other: Open Space 5980 acres

Project Issues Discussed in Document

[x] Aesthetic/Visual [x] Flood Plain/Flooding [x] Schools/Universities [x] Water Quality

[x] Agricultural Land [x] Forest Land/Fire Hazard [x] Septic Systems [x] Water Supply/Groundwater

[x] Air Quality [x] Geologic/Seismic [x] Sewer Capacity [x] Wetland/Riparian

[x] Archeological/Historical [x] Minerals [x] Soil Erosion/Compaction/Grading [x] Wildlife

[ ] Coastal Zone [x] Noise [x] Solid Waste [x] Growth Inducing

[x] Drainage/Absorption [x] Population/Housing Balance [x] Toxic/Hazardous [x] Landuse

[ ] Economic/Jobs [x] Public Services/Facilities [x] Traffic/Circulation [x] Cumulative Effects

[x] Fiscal [x] Recreation/Parks [x] Vegetation [ ] Other

Present Land Use/Zoning/General Plan Use

See Attachment "D"

Project Description

* Public and quasi-public - 406 ac
  Eastern Urban Center - 363 ac
  Town Center - 163 ac
  Restore/low - 103 ac

** Salt Creek, Proctor Valley and Dulzura Creek.

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill in it.

Revised October 1989

CLEARINGHOUSE CONTACT: Tom Loftus
(916) 445-0613

STATE REVIEW BEGAN: 8-3-92

DEPT REV TO AGENCY: 9-10

AGENCY REV TO SCH: 9-15

SCH COMPLIANCE: 9-17

PLEASE NOTE SCH NUMBER ON ALL COMMENTS

PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

AIR/APCD: 27 (Rec 8/8)

* sent by lead ...

CMT	SNT	
		Resources
		Boating
		[redacted]
		Conservation
		Fish & Game
		Forestry
		Parks & Rec/OHP
		[redacted]
		OVR
		Bus Transp Hous
		Aeronautics
		CHP
		Caltrans #11
		Food & Ag
		Health & Welfare

CMT	SNT	
		State/Consumer Svcs
		[redacted]
		RRB
		CA Waste Mgmt Bd
		SWRCB:--Grants
		[redacted]
		SWRCB:--Wtr Quality
		SWRCB:--Wtr Rights
		Reg. WQCB #9
		[redacted]
		Energy Comm
		NAHC
		PUC
		[redacted]
		State Lands Comm

S.1-2

Reviewing Agencies Checklist

KEY
S = Document sent by lead agency
X = Document sent by SCH
✓ = Suggested distribution

____**Resources Agency** (See attached list)
____Boating & Waterways
____Coastal Commission
____Coastal Conservancy
____Colorado River Board
____Conservation
____Fish & Game
____Forestry
____Office of Historic Preservation
____Parks & Recreation
____Reclamation
____S.F. Bay Conservation & Development Commission
____Water Resources (DWR)

Business, Transportation & Housing
____Aeronautics
____California Highway Patrol
____CALTRANS District #_____
____Department of Transportation Planning (headquarters)
____Housing & Community Development

____**Food & Agriculture**

Health & Welfare
____Health Services _____

State & Consumer Services
____General Services
____OLA (Schools)

Cal-EPA
____Air Resources Board
____APCD/AQMD
____California Waste Management Board
____SWRCB: Clean Water Grants
____SWRCB: Delta Unit
____SWRCB: Water Quality
____SWRCB: Water Rights
____Regional WQCB #_____ (_____)

Youth & Adult Corrections
____Corrections

Independent Commissions & Offices
____Energy Commission
____Native American Heritage Commission
____Public Utilities Commission
____Santa Monica Mountains Conservancy
____State Lands Commission
____Tahoe Regional Planning Agency

____Other _____

Public Review Period (to be filled in by lead agency)

Starting Date August 3, 1992 Ending Date October 7, 1992

Signature _____ Date July 31, 1992

Lead Agency (Complete if applicable):
Consulting Firm: Ogden Environmental
Address: 5510 Morehouse Drive
City/State/Zip: San Diego, CA 92121
Contact: Valerie Randall
Phone: (619) 458-9044

Applicant: Baldwin Vista Assoc., L.P.
Address: 11975 El Camino Real, Suite 200
City/State/Zip: San Diego, CA 92130
Phone: (619) 259-2900

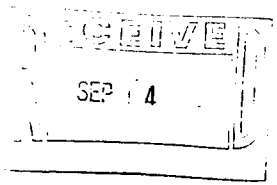
For SCH Use Only:
Date Received at SCH _____
Date Review Starts _____
Date to Agencies _____
Date to SCH _____
Clearance Date _____
Notes:

Revised October 1989

State of California

Memorandum

THE RESOURCES AGENCY OF CALIFORNIA



To : Mr. Douglas P. Wheeler
Secretary for Resources

Mr. Douglas D. Reid
Otay Ranch Planning Team
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Date : September 8, 1992

Subject: Draft Environmental Impact Report (DEIR) for the Otay Ranch
SCH #89010154

From : **Department of Conservation—Office of the Director**

The Department of Conservation has reviewed the City of Chula Vista's DEIR for the project referenced above. The New Town project will convert 23,297 acres of agricultural and grazing land. No Williamson Act contracts exist on the site. The Department, which is responsible for monitoring farmland conversion on a statewide basis and also administers the California Land Conservation (Williamson) Act, has the following comments.

S2-1

(1) While the DEIR provides adequate information regarding agricultural production and impacts of the project on agriculture and grazing in the area, there are a number of mitigation measures that should be considered in the Final Environmental Impact Report (FEIR). Residential units could be clustered to retain more land for agricultural purposes. A development impact fee could be imposed to fund a farmland protection program that utilizes such land use planning tools as transfer of development rights, purchase of development rights or conservation easements and establishment of farmland trusts.

The Department appreciates the opportunity to comment on the Draft Environmental Impact Report. We hope that additional mitigation measures to offset the farmland conversion impacts are given adequate consideration in the Final Environmental Impact Report. If I can be of further assistance, please feel free to call me at (916) 322-5873.

Deborah L. Herrmann

Deborah L. Herrmann
Environmental Program Coordinator

cc: Kenneth E. Trott, Manager
Office of Land Conservation

San Deigo Resource Conservation District

STATE OF CALIFORNIA, THE RESOURCES AGENCY
DEPARTMENT OF CONSERVATION
DEBORAH L. HERRMANN
SEPTEMBER 8, 1992

1. The letter states that 23,297 acres of agricultural and grazing land will be converted to urban uses by the Otay Ranch project. This is not accurate; the entire site is approximately 23,088 acres in size of which 20,000 acres are used for cattle grazing. Within the 20,000 acres, approximately 4,000–5,000 acres are used for barley cultivation. Based on SCS's criteria, the project site is overlain with 737 acres (3 percent) of Prime, 5,549 (24 percent) acres of Statewide, and 3,428 acres (14 percent) of Local Important Farmland. Therefore, the site contains a total of 9,714 acres of land with suitable agricultural soil.

A Resource Sensitivity Analysis was conducted early in the environmental review process to identify areas of environmental sensitivity, including prime farmlands. The project team's alternatives were developed with the goal of protecting most of the Prime Farmlands.

The Resource Management Plan (RMP) will allow interim grazing to continue until a parcel is conveyed into the management preserve at which time grazing shall cease. Phase II of the RMP will include a Range Management Plan to address the long-term use of the Otay Ranch for grazing.

Interim agricultural use of the site is being proposed with development of the Otay Ranch property. However, agricultural production will eventually cease upon full buildout of the Otay River, Proctor Valley, and San Ysidro parcels (30–50 years). The measures recommended by CDC to cluster residential units to retain more land for agricultural purposes, use of developer fees to impose a fund for a farmland protection program, transfer of development rights, conservation easements, establishment of farmland trusts, or the purchase of development rights, would conflict with urban and open space uses of the site. Open space that will be retained by the New Town Plan or any of the other alternatives, will be maintained within a natural preserve. This would exclude long-term use of the site for agricultural uses.

State of California—Business, Transportation and Housing Agency PETE WILSON, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
4902 Pacific Highway
San Diego, CA 92110
(619) 296-6661

September 16, 1992

File No. 645.8800.A9697

State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Reference: SCH #89010154

We have been provided a copy of the Draft Environmental Impact Report for the Otay Ranch Plan Area. Upon review, we believe this plan may have the following impact on the Highway Patrol:

S-3.1

(1) • When the area is totally built out, 50,733 dwelling units, commercial development sites and recreational areas will result in an estimated population growth of approximately 150,000 persons on 23,088 acres.

(2) • The Otay Ranch Planning Team is expecting the unincorporated area of Otay Ranch, west of the Otay Lakes, to become incorporated by the Cities of Chula Vista and San Diego. This would leave the area within the project east of the Otay Lakes unincorporated, keeping CHP jurisdiction for traffic responsibilities. Based on the residential dwellings and other planned uses for this unincorporated area, this will significally increase CHP responsibilities.

(3) • There are 31 freeway miles within the Otay Ranch Project Study. It is estimated that between 19% to 54% of these 31 miles will operate at volumes in excess of the maximum recommended ADT volumes (LOS F). The ADT volume percentages vary based on the on-site alternatives proposed.

(4) • The heaviest ADT volume on SR-125 is predicted to be from SR-54 to east of "H" Street. SANDAG has recommended that SR-125 be an eight lane freeway with two reversible HOV lanes. The increased ADT volumes on I-805 and SR-54 are not addressed specifically, but this project will certainly increase these ADT's well above the maximum recommendations. A Caltrans survey of I-805 has already shown a 62% increase in the ADT volume (at SR-54) since the development of the East Lake Area in Chula Vista. This existing development is located west of this Otay Ranch Project.

(5) • Traffic collisions within CHP jurisdiction of this project may increase due to construction-related congestion.

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
M. L. BROWN
SEPTEMBER 16, 1992

1. Comment noted. The population estimate referenced in the comment is the maximum proposed for Otay Ranch.

2. Incorporation and annexation decisions regarding Otay Ranch have not been made and are not a part of the project at this time. The implications of annexations and incorporations will be analyzed as part of future environmental studies.

3. Comment noted. The traffic analysis contained in the Draft Program EIR concurs with this statement.

4. Comment noted. Although increases in ADT volumes at SR-54 are not soley attributed to EastLake.

5. Comment noted. In the future, a traffic control plan will be submitted prior to roadway construction or construction activities encroaching into the travel lane. The plan must be reviewed and approved by the appropriate traffic department affected by the activities. Refer to text changes in the mitigation measures of Sections 3.10, 4.2.11, 4.3.11, 4.4.11, 4.5.11, 4.6.11, 4.7.11, 4.8.11, and 4.9.11.

S-3-2

- While it is impossible to determine the exact impact this development will have on our resources, we can look at our experiences with the smaller project, East Lake Area. As noted above, ADT's on neighboring freeways and County roads leading to and from have necessitated redeployment of existing CHP officers into these areas. For this project, Otay Ranch, at a minimum we will need another two positions on the morning shift, and another two positions on the afternoon shift, to cover the anticipated increase in service needs. This is taking into consideration non-field time due to regular days off, sick time, and vacations. These four positions would be added to the Command's guideline strength. (6)

M. L. BROWN, Captain
Commander

cc: Border Division
Office of Special Projects

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6. Comment noted. This mitigation has been included in Section 3.13.4.3 of the Final Program EIR.

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

DEPARTMENT OF FISH AND GAME
330 GOLDEN SHORE, SUITE 50
LONG BEACH, CA 90802

(310) 590-5113

OCT 13

October 5, 1992

1. Otay Ranch Project Office
315 Fourth Avenue, Suite A
Chula Vista, California 91910

2. City of Chula Vista
Planning Department
Attn: Doug Reid
276 Fourth Avenue
Chula Vista, California 91910

3. County of San Diego
Planning Department
Attn: Ann Ewing
5201 Ruffin Road
San Diego, California 92123

S.4-1

Dear Planning Coordinators:

The Department of Fish and Game (DFG) has reviewed the Draft Environmental Impact Report (DEIR) for the 2300-acre Otay Ranch Project, EIR-90-81, Log #89-14-98 (SCH 89010154). The document is voluminous, has over 2,000 pages, and the magnitude of the project far exceeds the size of a normal development project. As such, the Department was unable to thoroughly review the document in its entirety within the time allotted for public review.

(1) The following comments are based on review of certain key portions of the document including the New Town Plan, the Biology section and appendix, portions of the Resource Management Plan (RMP), and several alternatives including the Composite, Phase 2, Fourth, and the Environmental Alternative. If an extension is granted for the review period, the Department may submit detailed comments on these and remaining aspects of the project.

The project is located in southern San Diego County and consists of three non-contiguous parcels including the Otay River parcel, the Proctor Valley parcel and the San Ysidro parcel. The

CALIFORNIA DEPARTMENT OF FISH AND GAME
FRED WORTHLEY
OCTOBER 5, 1992

1. Comment noted. Potential loss of recreational opportunities on Lower Otay Lake is discussed in Section 3.13.9.2 of the Draft Program Program EIR and is considered a significant unmitigable impact.

three parcels are connected to the City of San Diego Otay Lakes ownership and the San Ysidro parcel abuts the Bureau of Land Management's (BLM) Otay National Cooperative Land and Widlife Management Area, a proposed Wilderness Area.

The DFG is a Trustee Agency under the California Environmental Quality Act (CEQA) and also a Responsible Agency in regards to the California Endangered Species Act. Our general and specific comments on this project are the following:

GENERAL:

(1) As stated in the DEIR, "The dominant feature linking the three parcels is the Otay River system, which includes a tributary system of canyons and drainage courses and the Otay Lakes. The size and undeveloped character of the study area, its diverse terrain, its strategic location at the northern margin of Baja California habitat associations, and its links to large areas of public ownership contribute to the presence of an important and unusual assemblage of habitats and species." The project area supports at least 19 different plant communities; 42 sensitive plant species (9 are State Endangered); 22 sensitive bird species (one State and Federal endangered, 13 species of Special Concern); at least 2, potentially 4 additional sensitive reptile and amphibian species; and 10 sensitive mammals occur on the site. Sixteen habitats considered sensitive occur on the property, and according to Table 3.3-1, sensitive habitats total approximately 12,652 acres (not including acreage for vernal pools). Thus sensitive habitats comprise more than half of the project site.

(2) 1. The proposed project, the New Town Plan, if implemented in its present form would result in the loss of 6,413 acres of coastal sage scrub/maritime succulant scrub (56% of that existing on site); 252 acres of native valley needle grass (95%); 17 acres of coast live oak woodland (9.4%), 638 acres of wetlands (81.8%), and the loss of 71.9% of the vernal pools on site. The loss of 95 pairs of California gnatcatchers out of 144 present on site (65%) is not allowable according to the mitigation measure of "no net loss of individuals or occupied habitat" as stated on Table 3.3-7. This summary of impacts table also states that losses of the least Bell's vireo, coastal cactus wren, San Diego horned lizard, golden eagle and other raptors would be unmitigable. Additionally, the impacts that would occur to a majority of reptiles, amphibians, invertebrates, and small mammals existing on the project site are largely unknown, and have not been adequately analyzed in this document. The number of individuals and populations of sensitive

2. Comment noted.

S.4-2

plants to be lost within the Ranch, including 9 species listed as endangered or rare by California, is unacceptable. The mitigation measures proposed generally call for project redesign to avoid impacts. However, the document fails to discuss specific measures, including redesign, that need to be addressed so that a proper evaluation of losses versus mitigation can be made to determine the significance of each species impacted. Therefore, the DFG cannot concur with the proposed New Town Plan because of the extensive losses of sensitive habitats and the unmitigable losses that will occur to numerous sensitive species. This section of the document remains inadequate to meet CEQA guidelines and standards. (3)

2. The proposed New Town Plan and other alternatives reviewed do not entirely conform to the RMP goals, objectives, policies, standards or guidelines. The Environmental Alternative would likely meet them. However, under this alternative, the RMP would not be implemented. The DFG recommends that a new alternative consistent with the standards of the RMP be made available for public review. Such an alternative is necessary to protect key resources and would contribute to a viable preserve in the South County via the Natural Community Conservation Planning (NCCP) process. (4)

3. Amongst the various alternatives discussed in the DEIR, the DFG recommends selection of the Environmental Alternative provided it is modified to include an adequate mitigation plan requiring full implementation of the RMP. This alternative minimizes impacts to sensitive species and steep slopes, by providing 16,981 acres of open space. Furthermore, 9,701 acres of coastal sage scrub/maritime succulant scrub would remain and 1,728 acres would be impacted. There would still be other significant impacts including, loss of 12 out of 140-150 pairs of gnatcatchers, indirect impacts to the least Bell's vireo, 18% of "points of occurrence" for coastal wren, and 100% of the State-1 listed endangered San Diego thorn-mint. (5)

S.4-3

3. Regarding impacts to reptiles, amphibians, invertebrates, and small mammals, refer to response number 3 in letter from Cindy Burrascano, 10/12/92. In regards to mitigation for sensitive animals and wildlife corridors refer to responses to comments number 15, 19, 24, 26, 45, and 51 in letter from United States Fish and Wildlife Service, 10/8/92.

4. Comment noted.

5. Comment noted.

4. Another modification to the Environmental Alternative that would both increase development and densities in some areas, and delete development in other areas may also be feasible. However, if the project proponent or the lead agency consider the Environmental Alternative or its modification to be infeasible from their standpoint, the DFG suggests that the following conceptual alternatives as outlined in Attachments 1, 2, 3, and 4 be fully analyzed and made available for public review as discussed below. (6)

Pertinent details proposed for each parcel are discussed separately under items 5, 6, and 7. (Attachment 4 is the same concept as depicted on the Phase II Alternative, Figure 4.9-1 in the DEIR).

5. Figure 1 - Otay River Parcel:

(a) Keep the eastern edge of Hunter Parkway to the west, out of Salt Creek, and include at minimum a one hundred foot buffer to Salt Creek. From here develop to the west of Hunt Parkway. Justification for this change is for protection of the California gnatcatcher and coastal cactus wren populations and their habitats. This area supports the most dense populations of both these species found anywhere on the Ranch.

(b) Minimize the crossings over the Otay River Valley to one major road (Highway 125) and 1 other road (Alta) with a more westerly alignment. If an additional road is needed, it should be kept within the 125 alignment. 125 should also be moved and constructed in a more westerly alignment, to avoid vernal pools in the area northeast of Brown field, and to avoid impacts to Johnson Canyon. (7)

(c) Avoid constructing an east-west road along the terraces or within the floodway of the Otay River Valley, specifically west of 125 in the vicinity of the Rock Mountain quarry.

(d) Retain a west, north-westerly corridor connecting Salt Creek to the Otay River Valley and continuing around the north side of the Rock Mountain quarry to Wolf and Poggi canyons. The corridor may need

6. Comment noted. See response number 7 of this letter.

7. Comment noted.

(5a.) This recommendation is similar to mitigation in the Draft Program EIR which requires avoidance of coastal sage scrub in Salt Creek Canyon and the moving of Hunte Parkway westward to avoid impacts (see Sections 4.7.4.2, 4.9.4.2 and Tables 3.3-7, 4.2.4-5, 4.7.4-8, and 4.9.4-2). Appropriate setback requirements are set forth in the Resource Management Plan between the development and coastal sage scrub interface. While the proposed uses of a community park and some low density housing south of Hunte Parkway are in agricultural areas, these are high value restoration areas.

(5b.) Mitigation contained within the Draft Program EIR proposes the elimination of Alta Road and the combining of roadways to minimize the number of Otay River Valley crossings (refer to sections 4.2.4.2 and Tables 4.2.4-5 and 4.9.4-2). SR-125 is being designed to avoid vernal pool impacts and to minimize adverse effects to Johnson Canyon. Other alignments for this roadway project are being suggested and SR-125 will be the subject of separate environmental documentation.

(5c.) Staff concurs that no major roadway should not be located on the floor of Otay River Valley (see Sections 4.2.4.2, 4.9.4.2 and Tables 4.2.4-5, 4.9.4-2). The farther north the road is placed, the better from a biological perspective. Currently the roadway preserves existing coastal sage scrub and a California gnatcatcher habitat continuum along the river valley. As in (5a) above, the terrace area while previously degraded by agriculture is a primary location for habitat restoration given its' adjacency to the river valley.

(5d.) A wildlife corridor is proposed in the Otay Ranch Wildlife Corridor Study (Ogden 1992b)to circumvent the northern boundary of the quarry to provide a dispersal corridor for California gnatcatcher and cactus wren (see Figure 3.3-7). A recommendations to provide a corridor of coastal sage scrub between Poggi and Wolf Canyon is also described in the Draft Program EIR (see Section 3.3.1.5) and in the Phase I Wildlife Corridor Study (see report number 20, Otay Ranch Technical Reports, Volume IV, Biology). The proposed plans do not negate wildlife movement offsite to Dennery Canyon. The plan does not attempt to link disjunctive elements of coastal sage scrub in Rancho del Rey.

S.4-5

to depend on off-site areas of the landfill to reach the north-western limits of the property. The corridor should also contain the potential to link with off-site corridors to Dennery Canyon to the south and the Rancho del Rey open space to the north.

(e) A University (or other development) should not be proposed for the Salt Creek area.

(f) Opportunities may exist to increase development densities in the core area of the Otay River parcel, thereby obtaining a desired number of units while minimizing impacts to resources.

(g) Avoid the J31+, J29-30, J25, and J23--24 vernal pool complexes.

(h) DFG considers the Otay River Valley with connections to Salt Creek to the east and Wolf/Poggi canyons to the northwest as regionally significant and critical to the creation and success of a Preserve System in this part of the County.

(1)

6. Figure 2 - Proctor Valley Parcel:

(a) Provide development north of the Lower Otay Lake, except for areas containing the K6, K8+, and K9 vernal pool complexes, and their watersheds. It may be appropriate to allow an increase in densities in this area to maximize south-facing views of the Otay Lake and the Otay Mountain area. The development envelope should allow for corridors per the findings of the corridor study by Ogden Environmental, and eliminate "fingers" of development which would increase indirect impacts on the Preserve lands and BLM lands to the north in the Jamul Mountains.

(b) The development to the north of Lower Otay Lake should be set back at least 100 feet from the edge of City Property surrounding the lake. This will ensure a buffer for wildlife usage of the lake and its habitats.

(c) The south-most portion of the inverted "L"

(5e.) The Draft Program EIR analysis identified significant impacts to biological resources if development or a university should be sited in Salt Creek Canyon (see Sections 4.2.4.2, 4.9.4.2 and Tables 3.3-7, 4.2.4-5, 4.9.4-2). The City/County recommended alternative does not feature such development.

(5f.) Comment noted.

(5g.) Mitigation in the Draft Program EIR requires the protection of these vernal pools as well as their supportive watersheds with adequate buffering (see Section 4.9.4.2 and Tables 4.2.4-8, 4.7.4-6, 4.9.4.2).

(5h.) Comment noted.

(6a.) The General Development Plan (GDP) requires protection of all the vernal pools. Mitigation calls for the protection of K6 and K8+ and grassland habitat around the K6 pool (see Section 3.3.3). It also requires protection of the large San Diego thorn-mint population northwest of K6. The General Development Plan requires a minimum 500 foot setback from the reservoir edge. The Otay Ranch Wildlife Corridor Study establishes recommendations for the key wildlife corridor in this area (Regional Corridor 2). The Draft Program EIR does not require a reduction in development on the slopes, albeit some adjustment could be made at the SPA Plan level.

(6b.) As noted above the General Development Plan requires a 500 foot setback from the edge of the reservoir.

(6c.) The Wildlife Corridor Study required adjustments in the central and northern portions of development design for the disjunct L-shaped parcel. Further adjustments may be made at the SPA Plan level.

inholding should be appropriate for development, while retaining the center and northern portions due to sensitive biological resources and corridors.

(d) North-central Proctor Valley and north Proctor Valley should also be considered developable if adequate mitigation is proposed for the loss of some sensitive plants and coastal sage scrub habitat. Findings of the corridor study should be incorporated here, as well as sufficiently buffering BLM lands adjacent to Baldwin property.

7. Figure 3 - San Ysidro Parcel:

(a) Retain lands south and east of Lower Otay Lake in the permanent Open Space Preserve. This area would include the property immediately adjacent to City-owned and BLM lands and contain local corridors 9 and 8, and regional corridors 5, 6, 11, and 10 as depicted in Figure 3.3-7 of the DEIR. Justification for maintaining this are open space is to provide contiguous open space for wildlife from the Otay Mountain/BLM lands to water sources and habitat surrounding the lake public lands owned by the City of San Diego. Also, indirect effects such as noise, lighting, increased activity, increased predators, and edge effects combined with directs impacts including access, transportation and circulation, infrastructure and utilities, would occur with development in this area. All of the above impacts would cumulatively contribute to reduced wildlife usage of the area. DFG considers this regionally significant and critical to the success of a Preserve System in the area.

(b) Retain the gnatcatcher-occupied coastal sage scrub adjoining Daley property on the north, north-east section of the property. This area was found to contain 20 plus/minus) pairs of gnatcatchers in the 1992 survey, which are not mentioned in the DEIR. Sufficient buffering and connectivity should be made available from this area to the west.

S-4-6

(1)

(6d.) Adequate wildlife corridor widths have been incorporated into the City/County recommended plan. Mitigation has been proposed to addressed sensitive plants and coastal sage scrub in Proctor Valley. Adequate BLM land buffering will be addressed at the SPA Plan level.

(7a.) While development has been proposed along the southern edge of Lower Otay Lake in some alternatives, the Phase II-Progress Plan does allow adequate interface between Otay Mountains and the reservoir. While additional open space would be desirable, it is not mandatory from an interface perspective. Other factors such as the least Bell's vireo *(Vireo bellii pusillus)* and California gnatcatcher may reduce development at the SPA Plan level in Village 15.

(7b.) The referenced data set was not available during Draft Program EIR preparation. The area is already predominantly a combination of open space and limited development (i.e., natural open space also). If substantial numbers of California gnatcatchers are present in this area then it would be given serious consideration at the SPA Plan level.

(7) (c) Opportunity exists to increase the development density in the eastern portion of the San Ysidro parcel to offset density losses occurring because of the need to retain corridors and gnatcatcher-occupied coastal sage scrub.

(8) Please understand that the modifications proposed by DFG at this point in time require a more thorough analysis prior to solidifying any lines on the map. We request that the cities of San Diego and Chula Vista, the County of San Diego, BLM, and the United States Fish and Wildlife Service, and the DFG work together on the above proposals prior to finalization and certification of the EIR for the Otay Ranch Project. The development of a viable preserve in this area should also include representation from the Clean Water Program's Multi-Species Conservation Plan Team, and include participation with the DFG's Natural Communities Conservation Plan staff and the State's scientific Review Panel.

S.4-7

SPECIFIC COMMENTS

(9) 1. The biological information presented in the DEIR is not current and fully updated. The 1992 California gnatcatcher surveys performed indicated additional pairs in the San Ysidro Parcel, where they were not previously mapped. DFG requests that updated information be provided for review, and where studies are on-going, please provide latest information even is not in its final report form.

(10) 2. The areas depicted as restoration areas in Figures A.9-13a, b, c; A.9-14a, b, c; and A.9-15a, b, and c, do not contain enough detail to assure their success and they may be too extensive to be either biologically or financially feasible. DFG requests adequate revegetation/enhancement plan be included with the EIR for the Otay Ranch Project.

(11) 3. Numbers regarding populations of California gnatcatchers present on site are not consistent throughout the document. For example, the New Town Plan alternative states on pages 3.3-45 and 3.3-46 that 86 pairs out of 130 would be lost whereas Table 3.3-7 states 95 out of 144 pairs will be impacted by this alternative. Consistency in the document is critical for all species present on the site. DFG requests such discrepancies should be removed and accurate information be included in the EIR to avoid confusion.

(7c.) Comment noted.

8. Comment noted. Refer to response number 2 in letter from United States Fish and Wildlife Service, 10/8/92.

9. Results from 1992 California gnatcatcher *(Polioptila californica)* surveys have not been provided for review and analysis. They are therefore not included in the Final Program EIR. Text in Section 3.3.1.5 has been revised to indicate data were collected during a drought and reflect minimum estimates for the number of California gnatcatcher pairs onsite. California gnatcatcher surveys will be ongoing throughout the development of the SPA Plans.

10. A revegetation/enhancement plan has been included in the Final Program Program EIR. Refer to Section 3.3.3.3 that describes the plan.

11. The New Town Plan discussion of impacts to California gnatcatchers (see pages 3.3-97 and 3.3-98) has been clarified in the Final Program EIR to match the information in Table 3.3-7 which is correct. The discussion concerning historic sightings which have been graded during the environmental documentation process has been clarified.

4. The term "points of occurrence" is frequently used in the DEIR, in regards to species such as the coastal cactus wrens and Otay tarplant. This term seems awkward and does not represent an accurate account of the species populations on the Ranch. When using this term for cactus wrens, one does not know if the occurrences indicate the number of birds or the areas utilized by one bird. This differentiation should be made with notations for nesting, foraging, or dispersal habitats, if known. Please clarify this in each instance, where the term "points of occurrence" is used in the document. (12)

5. As stated earlier, DFG was unable to review the complete document, although we have concerns with the cumulative and growth inducing sections of the DEIR. One concern is that the current hunting and fishing opportunities available at Lower Otay Lake will be lost or reduced upon buildout of the surrounding Otay Ranch area. DFG is opposed to any plan that would eliminate compatible consumptive use of resources at the lake. (13)

In summary, the DFG does not concur with the project as proposed. We recommend that the Environmental Alternative be selected and modified in the light of our above comments. DFG was unable to review the entire document or to make detailed comments and recommendations due to inadequate public review period for a project of such great magnitude. We had requested extension of time at the Public Hearing on September 24, 1992, but to date, have no information that the review period has been extended. If a time extension is granted, we hope to provide you with additional comments. We, however, reserve the right to submit comments on the RMP at a later date. (14)

Thank you for the opportunity to provide comments on this project. If you have any questions, please contact Ms. Terri Stewart, Associate Wildlife Biologist, Natural Heritage Division, at (619) 466-4674 or Mr. Randy Botta, Wildlife Biologist, at (619) 675-0124.

Sincerely,

Fred Worthley for
Regional Manager
Region 5

12. Point of occurrence data reflect locations where sensitive species were detected during surveys. For the cactus wren *(Campylorhynchus brunneicapillus)* and other sensitive species, point of occurrence locations correspond to locations where at least one individual was observed during biological resource surveys (RECON 1991 and MBA 1989). During recent (1991-1992) raptor surveys (Ogden 1992a), a few cactus wren were observed incidentally. These more recent cactus wren locations are included on the sensitive species map for areas where there are no previous data available (e.g. Johnson Canyon) or where sightings coincide with previous sightings (e.g. in Salt Creek). In the latter case, the older sighting location (1988 or 1989) are replaced by the recent sighting (1991) to reflect current information. Duplicate sightings at the same location are not retained on the map. The estimate for the number of cactus wren pairs is based on an estimate made by RECON (1991) which conducted focused gnatcatcher and cactus wren surveys on Otay Ranch. There is insufficient information available to map cactus wren territories or to determine locations of pairs. There is also insufficient information to characterize the habitat as foraging, nesting, or dispersal habitat. The assumption is made that all maritime succulent scrub habitat is potential habitat and could be currently occupied or at some point in the future during the 30 to 50 year buildout of the Otay Ranch Project (refer to response number 3 in letter from Cindy Burrascano, 10/6/92). Point of occurrence data verifies that appropriate habitat is occupied. There were sufficient data collected for California gnatcatchers to estimate locations of pairs using point of occurrence data (see Section 3.3.2.4). Raptor point of occurrence data represent locations where at least one individual of a species was observed. As with the cactus wren, the raptor point of occurrence data does not reflect the number or locations of pairs. Estimates for the number of raptor pairs were made using spot mapping analysis of point of occurrence data collected during multiple surveys (see Otay Ranch Raptor Management Study, Ogden 1992a). A definition and discussion of point of occurrence data will be included in the Final Program EIR (see Section 3.3.2.4).

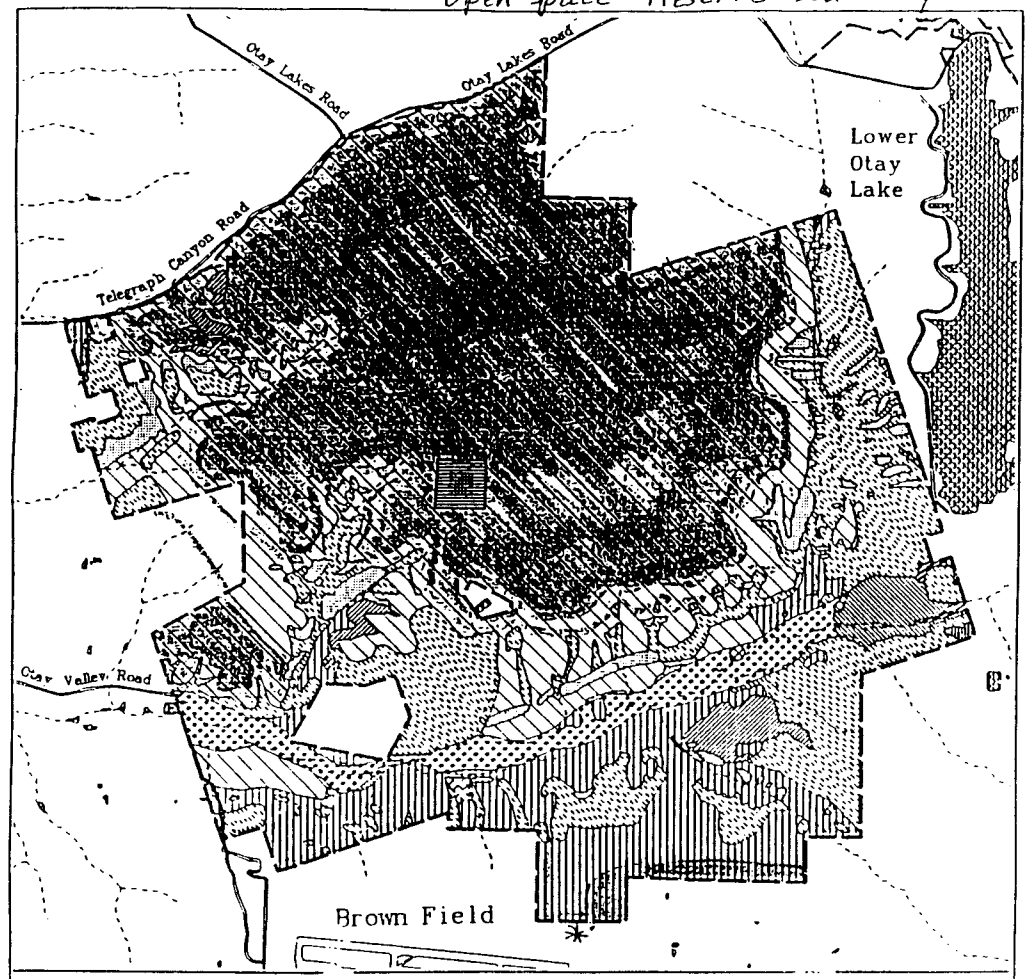
13. Refer to response number 5 in letter from City of San Diego, 9/14/92.

14. Comment noted.

Attachment 1

Developable

Open Space - Preserve boundary



S.4-9

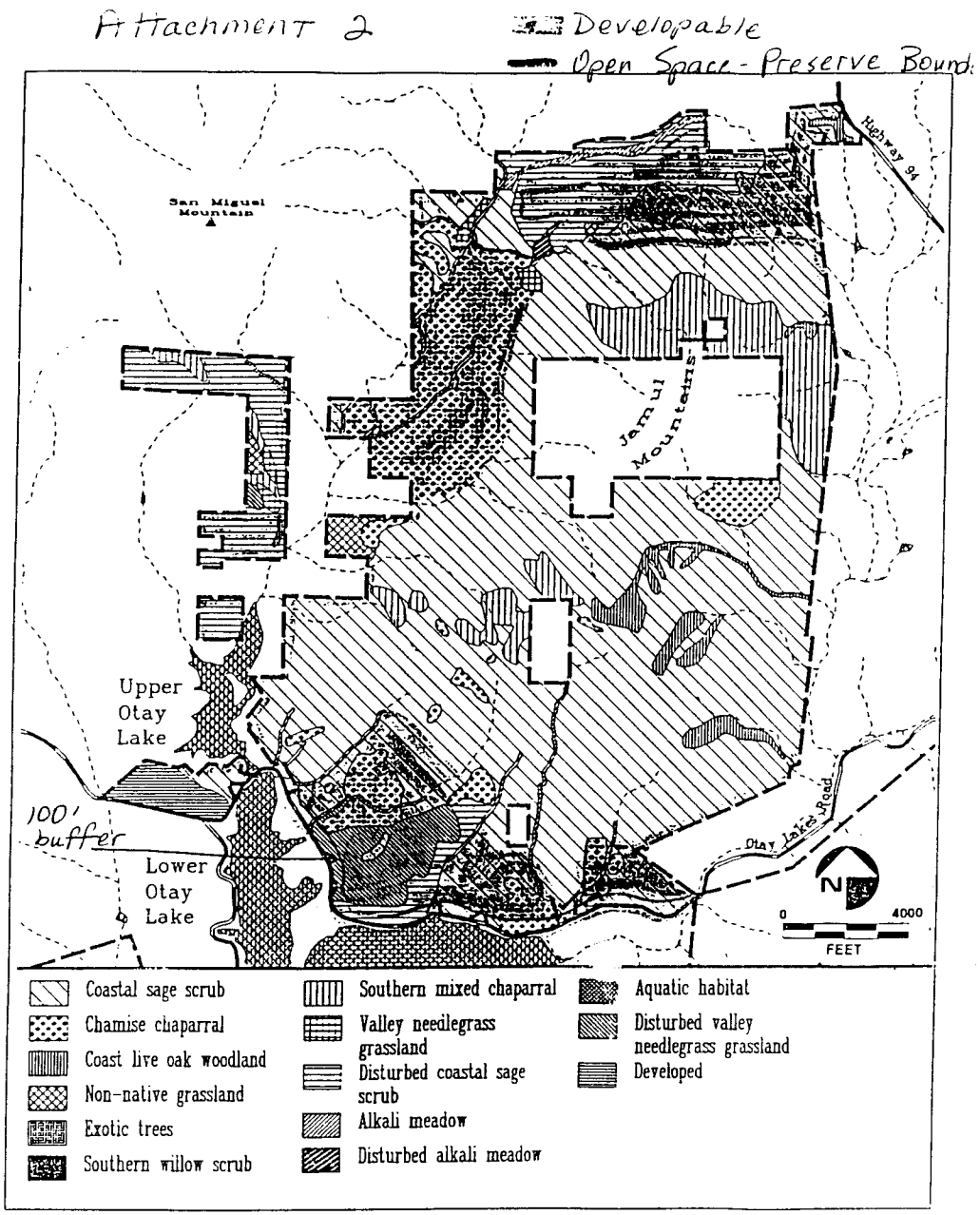
OGDEN

Vegetation Communities within Otay River Parcel

FIGURE 3.3-1a

*Otay River Road Crossings not included

Attachment 2

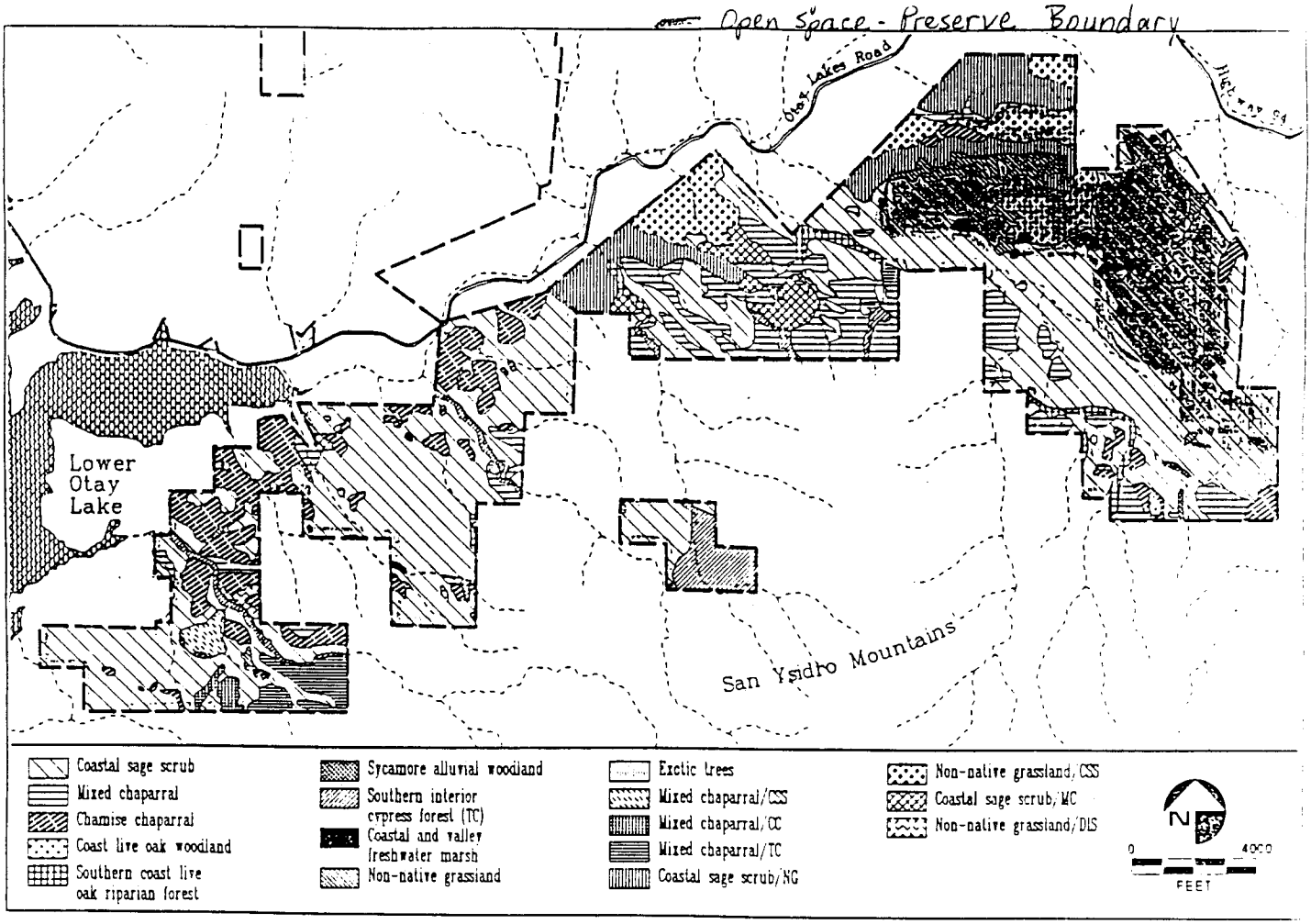


OGDEN

Vegetation Communities within Proctor Valley Parcel

FIGURE 3.3-1b

S-4-10

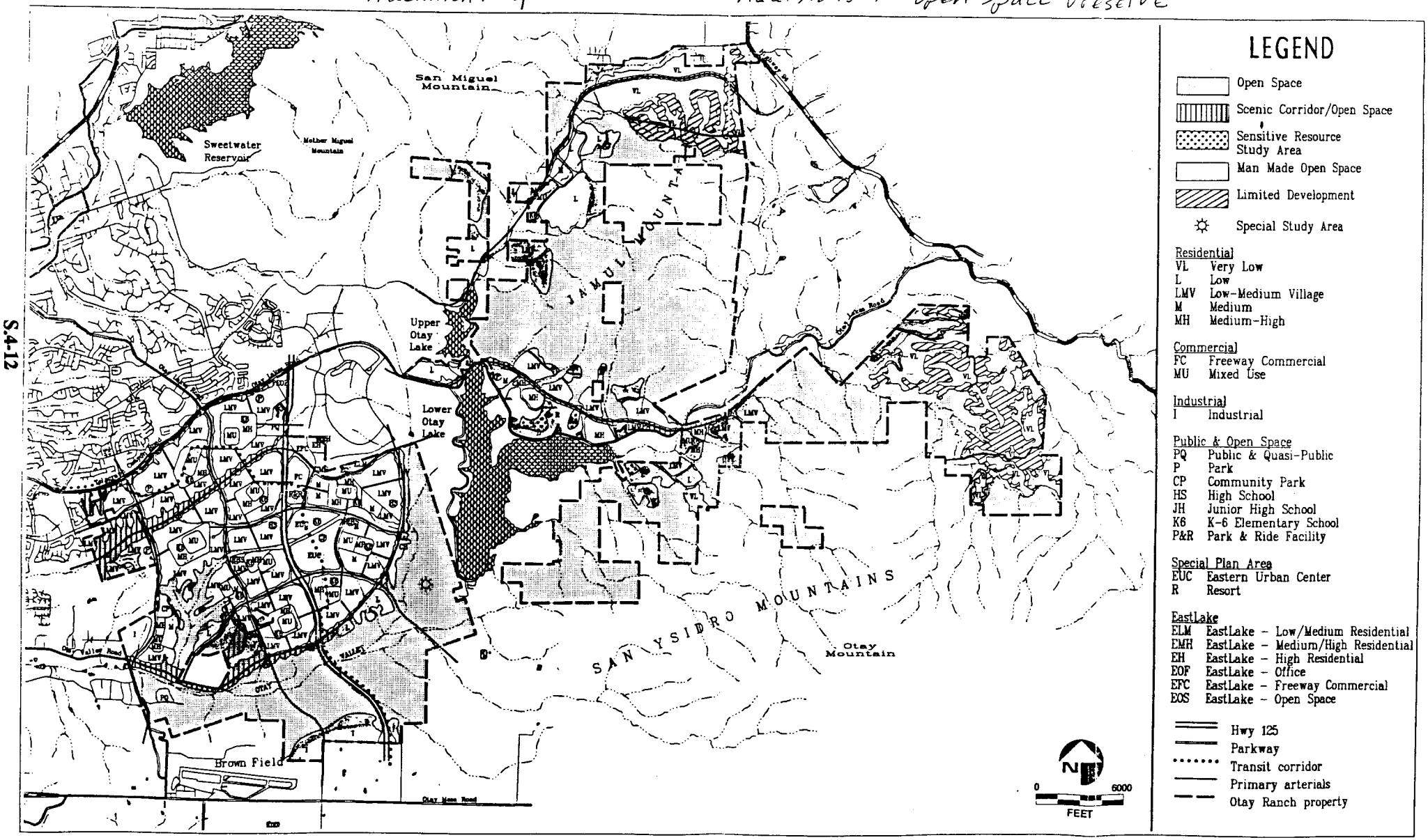


OGDEN

Vegetation Communities within San Ysidro Parcel

FIGURE 3.3-1c

Attachment 4 - Additions to Open Space Preserve



LEGEND

- Open Space
- Scenic Corridor/Open Space
- Sensitive Resource Study Area
- Man Made Open Space
- Limited Development
- Special Study Area

Residential
- VL Very Low
- L Low
- LMV Low-Medium Village
- M Medium
- MH Medium-High

Commercial
- FC Freeway Commercial
- MU Mixed Use

Industrial
- I Industrial

Public & Open Space
- PQ Public & Quasi-Public
- P Park
- CP Community Park
- HS High School
- JH Junior High School
- K6 K-6 Elementary School
- P&R Park & Ride Facility

Special Plan Area
- EUC Eastern Urban Center
- R Resort

EastLake
- ELM EastLake - Low/Medium Residential
- EMH EastLake - Medium/High Residential
- EH EastLake - High Residential
- EOF EastLake - Office
- EFC EastLake - Freeway Commercial
- EOS EastLake - Open Space

- Hwy 125
- Parkway
- Transit corridor
- Primary arterials
- Otay Ranch property

S.4-12

OGDEN

Phase II - Progress Plan Alter

FIGURE 4.9-1

SEP-17-92 THU 14:00

State of California

Business, Transportation and Housing Agency

Memorandum

To: STATE CLEARINGHOUSE

Attention: T. Loftus

Date: September 17, 1992

File: 11-SD-125
0.0/11.2

From: DEPARTMENT OF TRANSPORTATION
District 11 Planning

Subject: Program EIR for Otay Ranch, SCH 89010154

Caltrans District 11 comments are as follows:

S-S-1

(1) The Environmental Impact Report (EIR) notes the need for the ultimate widening of Interstate 805 (I-805), State Route 905 (SR-905), and State Route 125 (SR-125) to 10 lanes. The EIR acknowledges that these widenings are beyond the scope of the Transportation Concept Reports (TCR's) for I-805 and SR-905 but fails to point out that the TCR's discuss the possible use of the median for Light Rail Transit (LRT) projects by the Metropolitan Transit District Board (MTDB). In the case of I-805, LRT placed in the median between H Street and State Route 54 (SR-54) will preclude 10 lanes in this segment. For SR-905, if LRT is built in the corridor, the ultimate freeway size would only be six main lanes and two High Occupancy Vehicle (HOV) lanes.

(2) State Route (SR-94) needs further analysis. The proposed traffic volumes between SR-54 and Otay Lakes Road should be discussed as well as the subsequent Level of Service (LOS) for that portion of SR-94. In addition, the Millar Ranch Road/SR-94

(3) intersection should be studied for the possible need for a grade separated interchange. The portion of SR-94 from Millar Ranch Road to SR-54 will most likely be a four lane, not a six-lane, freeway. That possibility needs to be studied along with the Millar Ranch Road/SR-94 intersection analysis.

(4) The projects shown on pages 6-2 and 6-3 should be included in the traffic analysis for SR-94. Widening SR-94 from Otay Lakes Road to it's junction with SR-54 in Rancho

(5) San Diego may be necessary. The overall length of that widening should be assessed as well as reasonable termini for the environmental document. If such widening is more than minimal length, Caltrans would be the lead agency for the environmental document. Caltrans, however, has no funds available for such a project.

(6) While the EIR does not present noise study specifics, it indicates impacts will not be fully mitigable for sensitive noise receptors along SR-125. We request the City and the developer assertively inform prospective residents about these impacts. We urge that deeds for homes include such disclosure and buyers sign agreements that they will not seek remedy from Caltrans or California Transportation Ventures (CTV) as such remedy would not be feasible. We recommend the City and the developer adopt locational and structural criteria that will mitigate noise impacts to the maximum extent practicable.

(7) Several of the ranch alternatives show areas for park land adjacent to SR-125. By identifying this use adjacent to the roadway we understand the City believes SR-125 will not substantially impair intended uses within the park. We request park land not be dedicated to a public agency prior to a route adoption for SR-125. Under Section 2.6.2.1

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
BILL DILLON
SEPTEMBER 17, 1992

1. It is recognized that the Caltrans Route Concept for Year 2010 (1990 Regional Transportation Plan, SANDAG, January 1991) includes only eight lanes for I-805. However, previous transportation studies of the buildout land use conditions in the Southbay have identified the need to increase the capacity of the freeway system in the area beyond the capacity levels currently planned for in the 1990 Regional Transportation Plan. In every instance, SR-905 was assumed as an eight-lane (not a ten-lane) facility at buildout; thus, accounting for six lanes of traffic and two HOV lanes. Refer to text changes in Section 3.10 of the Final Program EIR that acknowledge MTDB's potential LRT plans for SR-905.

The concept of increasing freeway capacity over the Year 2010 Caltrans Route Concept Plan is based on regional travel forecast modeling work which has been conducted in the Southbay over the past five years including studies conducted for the Otay Ranch Project, the Chula Vista General Plan Update, and the Otay Mesa Interjurisdictional Task Force. In each of these separate transportation modeling analyses, it has become apparent that all north/south freeway facilities in the Southbay (I-5, I-805, and SR-125) will require, at a minimum, the equivalent of at least 10 lanes of freeway carrying capacity with an equivalent LOS E carrying capacity of at least 200,000 vehicles per day (vpd). Thus, all of the modeling conducted for the Rancho del Rey SPA 1 Amendment Project at buildout has been based on 10 lanes of carrying capacity on each of these north/south facilities. The increase in freeway capacity would involve a significant amount of capital expenditure above the amount contemplated in the Year 2010 Caltrans Route Concept Plan for the I-5 and I-805 facilities. The capacity requirements on SR-125, if the facility is operated as a toll road, will be addressed as an element for the Franchise Agreement between Caltrans and the operator. Therefore, additional freeway capacity will be provided on this freeway based on actual demand.

Another concern that has been expressed by Caltrans is that the freeway system infrastructure to the north of the Southbay region may not have the capacity to adequately handle forecasted volumes under some of the more intense land use

plans which have been proposed for the Otay Ranch Project. It is for this reason that additional mitigation measures may be required beyond the freeway capacity increases listed below:

- Implement Transportation System Management (TSM) Strategies - As identified in the Caltrans District 11 Long Ranch Operations Plan (LROP), key techniques for maximizing the existing capacity of regional freeways include: ramp metering, Traffic Operations Center (TOC), signal timing and coordination, and HOV facilities.

- Provide Parallel Arterial System - Implement as many arterial crossings of the Otay River Valley parallel to SR-125 as environmentally and economically feasible.

- Implement Transportation Demand Management (TDM) Strategies - A major component of the SANDAG TDM Program (April 1991) is to reduce employment trips through employer incentives, preferential parking for HOVs, flexible work hours, carpool matching services, and improved access to alternative modes of travel. This program is expected to reduce total employment trips by 585,000 during the peak hours by the Year 2000.

As the Otay Ranch Project is processed for development and individual villages are reviewed from a local and regional transportation impact perspective, it will be necessary to revisit the issue of I-805 and I-5 capacity in the Southbay region. As cumulative traffic volumes combined with local project-generated traffic increase, creating pressure on the regional transportation system, it will be necessary to develop a mechanism to fund the construction of increased capacity on these two north/south corridors. Additionally, the new Congestion Management Program (CMP) legislation requires enhanced CEQA analysis for future EIRs to determine project impacts on all transportation facilities utilized by project-generated traffic and requires the development of appropriate funding mechanisms to ensure appropriate levels for project contribution. If project-based funding sources are not adequate to complete the improvement and/or other sources are not available to increase the capacity of these facilities to 10 lanes, then alternate strategies must be developed. If these facilities cannot be widened due to the physical constraints of providing light rail transit within the shared right-of-way of the fre acility,

again, alternate strategies must be developed. Alternate strategies may include widening of other parallel regional facilities to provide increased capacity for access to the Southbay region for cumulative and project-related traffic. If this strategy of widening and increasing the capacity of adjacent alternate regional facilities is not feasible and does not address the problem of access to and from the proposed project site, then the development of the project, in terms of approval, will be delayed until a solution to the regional transportation deficiency can be developed to allow development to go forward. This potential for moratorium will involve not only the Otay Ranch Project but all future development projects within the Southbay region.

2. A detailed analysis of SR-94 between SR-54 and Otay Valley Road was conducted in response to this comment. The results of this segment capacity analysis are included in Table 2. As shown on this table, all segments on this facility would operate LOS E or better under each of the alternatives proposed for Otay Ranch. The exception is the segment between Jamacha Road and Millar Ranch Road under the New Town Plan, which is forecasted to experience a maximum volume of 63,652 ADT (LOS F). The planning level capacity at LOS E for this six-lane prime facility is 62,500 ADT. The capacity volumes used in the Otay Ranch analysis are intended as planning level guidelines to determine the functional classification of roadways under investigation. The actual functional capacity of these roadway facilities is based on the ability of arterial intersections to accommodate peak hour volume; special designs of intersections at the SPA level to achieve acceptable levels of service could result in higher capacities than those used in this analysis. However, for analysis at the Program EIR level, a worst case is assumed.

Table 2

SEGMENT CAPACITY ANALYSIS OF SR 94
SR 54 TO OTAY LAKES ROAD

SEGMENT	Baldwin New Town Plan Class	LOS E Cap.	Volume	LOS	No Project Alternative Class	LOS E Cap.	Volume	LOS	Phase I Progress Plan (Standard) Class	LOS E Cap.	Volume	LOS
SR 54 to Jamacha Road	F4	80,000	70,930	D	F4	80,000	48,177	B	F4	80,000	51,575	B
Jamacha Road to Jamacha Boulevard	F4	80,000	65,776	D	F4	80,000	48,177	B	F4	80,000	39,656	A
Jamacha Boulevard to Millar Ranch Road	**P6**	**62,500**	**63,652**	**F**	P6	62,500	32,785	A	P6	62,500	61,661	E
Millar Ranch Road to Proctor Valley Road	P6	62,500	35,823	A	P6	62,500	31,689	A	P6	62,500	30,532	A
Proctor Valley Road to Otay Lakes Road	P6	62,500	14,840	A	P6	62,500	32,514	A	P6	62,500	15,894	A

SEGMENT	Phase I Progress Plan Village Class	LOS E Cap.	Volume	LOS	Phase I Progress Plan Village and TDM Class	LOS E Cap.	Volume	LOS	Environmental Alternative Class	LOS E Cap.	Volume	LOS
SR 54 to Jamacha Road	F4	80,000	52,054	B	F4	80,000	51,777	B	F4	80,000	58,821	C
Jamacha Road to Jamacha Boulevard	F4	80,000	39,899	A	F4	80,000	39,176	A	F4	80,000	53,560	B
Jamacha Boulevard to Millar Ranch Road	P6	62,500	61,912	E	P6	62,500	55,486	D	P6	62,500	50,702	D
Millar Ranch Road to Proctor Valley Road	P6	62,500	30,796	A	P6	62,500	29,181	A	P6	62,500	34,313	A
Proctor Valley Road to Otay Lakes Road	P6	62,500	15,746	A	P6	62,500	14,212	A	P6	62,500	7,622	A

SEGMENT	Phase II Progress Plan Class	LOS E Cap.	Volume	LOS
SR 54 to Jamacha Road	F4	80,000	60,467	C
Jamacha Road to Jamacha Boulevard	F4	80,000	46,748	A
Jamacha Boulevard to Millar Ranch Road	P6	62,500	32,746	A
Millar Ranch Road to Proctor Valley Road	P6	62,500	30,851	A
Proctor Valley Road to Otay Lakes Road	P6	62,500	13,443	A

3. A detailed analysis of the intersection of SR-94 and Millar Ranch Road has also been conducted in response to this comment. This analysis revealed that under the New Town Plan and each project alternative proposed for the Otay Ranch, the total daily entering volume at this intersection is forecasted to be below 65,000 ADT, the threshold below which standard at-grade intersection design would typically be adequate to provide acceptable peak hour levels of service. The entering volume analysis conducted for the Otay Ranch project is intended to provide an indication of future intersection design concepts needed at a planning level of analysis. However, the actual design of this intersection, based on a projection of design hour volumes and application of Caltrans operational standards, may indicate the need for a grade-separated interchange at the intersection of SR-94/Millar Ranch Road as the SR-94 facility transitions from a four-lane freeway to a six-lane conventional highway. This requirement will be evaluated at the SPA level.

4. All planned development projects in the project study area and the Southbay region were included in the Combined Southbay Transportation Model as maintained by SANDAG and applied to the project by JHK & Associates. As development occurs on the Otay Ranch Project at the SPA level, it is recommended that the land use assumptions for each of these projects in the Southbay study area be reviewed and updated if necessary to bring them in conformance with the most recent plan approvals in both the incorporated and unincorporated areas of the Southbay. This is typically a function of SANDAG in the updating of these models on a periodic basis and should be confirmed prior to the review of transportation impacts at the SPA level of the Otay Ranch Project.

5. Based on the level of service, the widening of SR-94 from SR-54 to Otay Lakes Road to the functional classes described in Figure 20 (Caltrans Concept [2010]) of the Regional Transportation Plan appears to be appropriate for the buildout level of development of the Southbay region. The phasing of this widening and the appropriate timing for providing the required improvements to SR-94 would be the subject of future environmental review within the programmatic EIR process.

6. As stated in the EIR, noise from SR-125 is considered to be a significant and unmitigable impact at this level of analysis. A site-specific acoustical study will be required during SPA Plan review when more information regarding building location and the SR-125 alignment will be available. The study will identify impacts and mitigation measures based on the SPA Plan. Permitting noise-sensitive receptors in areas where compliance with the County of San Diego noise standards is not feasible is not recommended. Since the County's standards are more restrictive (60 CNEL vs 67 Leq(h)) than the Caltrans Noise Abatement Criteria (NAC) (Federal-aid Highway Program Manual 7,7,3), no incompatibility with the NAC is expected. If residual impacts remain staff concurs that prospective residents be informed about the impacts.

(1) and Section 2.6.2.2 it should be noted that the location for SR-125 is subject to approvals from Caltrans, the Federal Highway Administration (FHWA) and a route adoption by the California Transportation Commission (CTC).

Our contact person is Charles Stoll, Senior Transportation Engineer, (619) 688-6136.

Bill Dillon

BILL DILLON, Chief
Planning Studies Branch

S5-6

7. The parkland shown adjacent to SR-125 is associated with the Otay Valley Regional Park and is currently undergoing an interjurisdictional planning process independent from the Otay Ranch Project. The routing of SR-125 and the development of regional park plans are not the responsibility of the Otay Ranch applicant; however, the Otay Ranch GDP/Subregional Plan must be consistent with both projects and both projects are considered in this EIR. At this stage in the planning of both projects, the locations of recreational activities could be planned to minimize the effects of the freeway. It should be noted that dedication of parkland to a public agency will only occur once the park planning effort is completed.

The approvals listed in Sections 2.6.2.1 and 2.6.2.2 are subsequent actions required to implement the Otay Ranch General Development Plan/Subregional Plan. It is acknowledged that the location of SR-125 will require additional approvals from federal and state agencies.

01560

STATE OF CALIFORNIA — RESOURCES AGENCY PETE WILSON, Governor

DEPARTMENT OF PARKS AND RECREATION

Southern Region Headquarters
8885 Rio San Diego Drive, Suite 270
San Diego, California 92108
(619) 237-7031

OCT 19

October 16, 1992

Mr. Douglas D. Reid
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, California 91910

Dear Mr. Reid:

Otay Ranch E.I.R., SCH #89919154

S.6-1

(1) The State Department of Parks and Recreation has reviewed the subject document and has noted a serious omission. Our department has a vested interest in the eastern end of the project area. In 1947 we obtained a series of easements for the California Riding and Hiking Trail. This 20 foot wide easement runs from Savage dam, along the south shore of Lower Otay Lake, and along Otay Lakes Road to Highway 94. (See the attached map and legal documentation). The E.I.R. fails to acknowledge the presence of the trail easement, and fails to address the project impacts to this easement.

The Proposed Circulation System (Figure 2.3-4) proposes that the eastern end of Otay Lakes Road be upgraded to a "4-lane major road". In addition, a Southern Dam Road is proposed to be developed south of lower Otay Lake. Both of these projects will seriously affect our trail easement.

(2) The E.I.R. needs to be revised to address project impacts on this trail easement, and to recommend appropriate mitigation measures. Essentially, we would like to be assurred that reconstruction of the California Riding and Hiking Trail will be included with implementation of the proposed roadway improvements. We are not adverse to relocation of our easement at the developer's expense, should that prove to be necessary.

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
CLAYTON PHILLIPS
OCTOBER 16, 1992

1. A discussion of the State Department of Parks and Recreation's California Riding and Hiking Trail has been added to Sections 3.13.9.1 and 3.13.9.2 of the Final Program EIR.

2. Impacts to the trail easement are discussed in Section 3.13.9.2 of the Final EIR. A mitigation measure to ensure either reconstruction of the California Riding and Hiking Trail or relocation of the easement at the developer's expense has been added to Section 3.13.9.3 of the Final Program EIR.

Please contact me at (619) 237-7031 should you need further clarification of tnis issue.

Sincerely,

Clayton Phillips, Manager
Technical Services

Attachment

cc: Mr. Pat Riggs
San Diego Trails Council
4815 Dehesa Road
El Cajon, California

Ms. Kathy Holcomb
Jamul Trails Council
2872 Pioneer Way
Jamul, California 91935

S.6-2

Proposed Circulation System

FIGURE
2.3-4

Regional Comment Letters

SAN DIEGO COUNTY OFFICE OF EDUCATION
6401 LINDA VISTA ROAD SAN DIEGO, CALIFORNIA 92111-7399 (619) 292-3500

Board of Education
Martin Block
Bill Hampton
Ann Navarra
Jack Port
Joe Rindone

Superintendent of Schools
Harry C. Weinberg

August 7, 1992

Mr. Douglas D. Reid
Environmental Review Coordinator
Otay Ranch Project Planning Office
315 Fourth Avenue, STE A
Chula Vista, CA 91910

RE: OTAY RANCH PROJECT IMPACT

R.1-1

Dear Mr. Reid:

The County Office of Education (SDCOE) is in receipt of the Draft Environmental Impact Report (DEIR) for the Otay Ranch Project. For your reference, I am the designated point of contact for any future correspondence. We appreciate the opportunity to respond and offer the following comments.

We note that you anticipate 31,295 K-12 students to be generated from this project. The County Office of Education was not referenced in the DEIR as an affected taxing entity. Our review of this report indicates the impact to SDCOE to be potentially significant.

The County Office of Education is an independent agency governed by the elected trustees composing the County Board of Education. This agency provides direct educational programs throughout the county including the following program areas:

- Regional Occupation Education
- Special Education
- Infant Preschool Special Education
- Special Education for Profoundly Handicapped Students
- Migrant Education
- Court Schools
- Outdoor Education

In addition, the SDCOE provides educational and administrative support services to virtually all of the school districts in San Diego County. These services include:

- Teacher education
- Curriculum development and implementation
- Educational assessment
- Management Academy
- Data processing
- Accounting
- Financial advisory services
- Facility planning and financing
- Library and media services

R.1-2 (1)

The SDCOE is impacted by the development activities of the Otay Ranch Project. The impact comes from the lack of facilities to accommodate the additional demand for services. This demand is generated by the housing component of the Project and the indirect effects of commercial and industrial components of the proposed development. The impacts are both in terms of direct participation in SDCOE educational programs of new residents and employees generated by the Project in addition to the increased demand for SDCOE services by school districts impacted by the project, specifically Chula Vista Elementary, Sweetwater High, Jamul-Dulzura, and Grossmont Union High. Based upon the individual district need, these services vary in level and intensity of activity.

It is our goal to provide your agency with specific information about our programs to assist in determining the impact of your project. Attached is a listing of the major program units of the County Office of Education which are providing services throughout the county.

If you have any questions, or need additional information, please contact Pamela Montgomery of my staff at 292-3883.

Sincerely,

Thomas E. Robinson

Thomas E. Robinson
Director, Facility Planning

Attachment

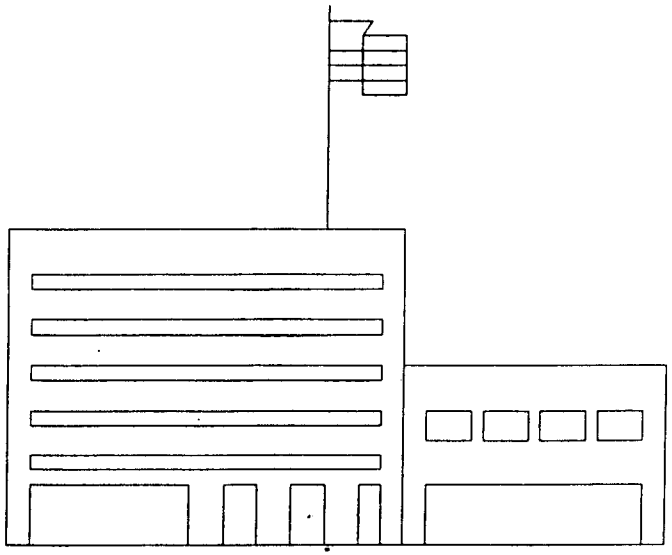
TER:PM:rh

cc: Kate Shurson, Chula Vista Elementary
Thomas Silva, Sweetwater
Tom Bishop, Jamul-Dulzura
inda Robinson, Grossmont Union

COUNTY OF SAN DIEGO
OFFICE OF EDUCATION
THOMAS E. ROBINSON
AUGUST 7, 1992

1. Based on a telephone conversation with Pamela Montgomery on October 12, 1992, it was determined that a brief discussion of the role of the San Diego Office of Education and the potential impacts that would occur as a result of the proposed project should be added to the schools analysis; please refer to the text changes in Sections 3.13.7.1 and 3.13.7.2 of the Final Program EIR, which discuss impacts to the San Diego Office of Education.

SAN DIEGO COUNTY OFFICE OF EDUCATION



August, 1992

R.1-3

MISSION

The San Diego County Office of Education promotes the improved motivation, academic achievement and personal well-being of all students by providing local school districts, students, and the public with service and leadership.

GOALS

Through its accessibility, support and leadership, the San Diego County Office of Education shall:

- Identify and respond to the needs of school districts with special attention to small districts.
- Improve student motivation, academic achievement, personal well-being, and readiness for college and/or career.
- Improve the quality and efficiency of instructional, personnel and business practices in local school districts.
- Provide programs and services which can be operated more economically-on a regional, rather than single-district, basis.
- Assist schools and districts to achieve greater success with educationally disadvantaged, low income, and minority youth.
- Provide staff development to increase the productivity and enhance the morale of school personnel.
- Strengthen the management and leadership of schools and districts.
- Increase public confidence in public education.
- Assist school districts in influencing and complying with legal, fiscal and program requirements.
- Identify and communicate future trends impacting education and assist districts in responding to them.
- Provide excellent educational services to students in the court schools, Friendship School, and Hope Infant programs.
- Improve the effectiveness and efficiency of the San Diego County Office of Education operations.

SAN DIEGO COUNTY OFFICE OF EDUCATION
AT-A-GLANCE

STUDENTS

Juvenile Court & Community Schools (10,000 students)
Special Education Coordination (38,000 students)
Regional Occupational Program (35,000 youth and adults)
Migrant Education (13,635 students in Orange/SD counties)
Outdoor Education (25,000 students)
HOPE Infant (400 handicapped infants)
Friendship School (50 profoundly handicapped students)

SERVICE

County Office: $75 million budget, 756 employees
Self-Insurance JPAs: (1990-91 funds—$68.3 million)
Payroll (41,000 monthly checks for 46 districts)
Credentials (18,500 teacher credentials)
ITV (serving over 600,000 homes and 431 schools)
Film/Tape Library (39 contracting districts)
School Library Services (18 districts and 61 schools)
Regional Data Processing (50 districts)
Administrator Training Center (395 administrators trained)
School Facility Planning
Staff/Curriculum Development and Language Acquisition

SUCCESS

• Three-year dropout rate in SD County falls from 24.9% in 1986 to 16.3% in 1990 (state average is 20.2%) • 33.9% of high school seniors complete courses required for UC admission (state average is 31.1%) • College-going rate jumps from 52.9% to 56.4% (state average is 55.7%) • 1990 drug survey shows drug use declining among SD County students

FACTS ABOUT LOCAL SCHOOLS

43 school districts, 532 schools; 5 community college districts
1990-91 expenditures for all 43 districts: $1.7 billion
1990-91 enrollment: 393,041 students
FTE educational staff: 16,066 teachers; 1,400 administrators
Classified staff: 8,671 full-time; 8,721 part-time

Updated: June 17, 1991

COUNTY OFFICE OF EDUCATION
PROGRAMS AND SERVICES

ADMINISTRATIVE SERVICES

Instructional Television (ITV)

ITV provides production services to teachers, students, and administrators along with programming services to K - 12 schools, community colleges, universities and general interest educational programs for adults.

Court and Community Schools

This program provides education program to students who are wards of the court, on probation, or under the supervision of the County Department of Social Services. Classes are held at the 30 community sites and 6 detention / rehabilitation sites located throughout the county.

Planning, Assessment, and Leadership

This unit has three components. Planning coordinates the strategic planning process for the County Office; Assessment provides student evaluations and results of standardized tests to school personnel, press and parents; and Leadership provides development guidance for school district superintendents and their board members.

Student Information System

The Student Information System is a fully integrated information system which provides services to 27 school districts to assist in the management of student data and the enhancement of their instructional programs. Services available include: student master file maintenance; attendance accounting and reporting; scheduling; grade reporting; standardized test scoring and reporting; and California guidance and graduate requirements.

BUSINESS SERVICES

District Financial Services

The District Financial Services section consists of two major components: Business Advisory Services and District Accounting Services.

Business Advisory Services

This area of service includes school district budget processing, budget development, monitoring and review, and the processing, review and approval of all K-12 and community college state fiscal reports.

District Accounting Services

This area includes payroll, retirement and commercial warrant processing, audit and financial accounting. More than 492,000 payroll checks are computed and issued annually along with the maintenance of employee records of earnings and reporting to the state and federal agencies.

The Retirement Unit maintains retirement records and provides monthly reports to two state retirement systems for over 49,000 employees paid by the county, plus approximately 25,000 employees paid by independent school districts. New memberships, retirements and refunds are also processed.

Approximately 188,000 school district commercial payments are made and audited annually to ensure the legal and proper expenditure of school funds. The Financial Accounting Unit issues over 30,000 accounting documents for transfers of cash, distribution income and adjustment of records, and enters 950,000 line items of accounting transactions submitted by school districts. Over 1,250,000 pages of monthly reports used for internal management and reporting to state agencies are produced for county school districts.

Facility Planning

The Facility Planning Unit assists district in meeting the school construction needs created by San Diego County's tremendous growth. Staff provides

a variety of services to school districts, including assistance with the state school construction program, review and approval of site acquisitions, assistance with the development of long-range comprehensive master plans, and evaluation of financing alternatives for facility acquisition. The unit also acts as local government and state agency liasion for all 43 K-12 districts.

INSTRUCTIONAL SUPPORT SERVICES

MEDIA SERVICES

The Research and Reference Center provides professional materials for use by teachers and administrators in the 48 school districts in the county. The School Library Service center provides extensive staff development for library media specialists in all districts throughout the county as well as maintaining 59 Branch library collections at selected school sites.

AVID

The AVID program or Advancement Via Individual Determination began in 1980 at Clairemont High School to motivate minority and low-income students to attend college and be successful. Since that time, the program has expanded to more than 100 schools throughout the county with an enrollment of 5,500. The college entrance rate is 98%. Recognized statewide and nationally, the program is growing giving students the skills, support and guidance that they need to fulfill their potential.

LANGUAGE ARTS

This project team provides curriculum and instructional services to improve the quality of instruction and student achievement in the area of language arts. The College and High School Ready Writers project is countywide and focuses on skills for 8th and 12th grade students.

STUDENT WELL BEING

Programs offered in this unit include training and assistance to districts in developing and implementing activities to promote overall student well-being and include: Alcohol and Drug Prevention; Dropout Prevention; Gang

Involvement Reduction; Mental Health; Pregnancy Prevention (including sexually transmitted diseases). Team members provide the training to teachers and administrators on the implementation of the curriculum packages.

ADMINISTRATOR TRAINING

The Administrator Training Center is one of thirteen selected sites in California, as part of the State Department of Education's California School Leadership Academy, to provide the instructional leadership training for practicing and aspiring administrators with an emphasis on principalship. The Management Academy provides training for administrators in schools, districts, and business operations.

PERSONNEL / SPECIAL EDUCATION

CREDENTIALS

The Credentials unit processes all the paperwork required for a teacher to become properly credentialed. In addition, staff guarantees that the applicant follows all relevant laws, and ensures the applicant is properly assigned for their credential. Staff examines transcripts for degree information, experience, and provides counseling in analyzing the documents.

SPECIAL EDUCATION

The County Office serves as the responsible local agency for Special Education Local Plan Areas (SELPA's). As the responsible local agency, the County Office receives and distributes regionalized service funds, provides administrative and technical support and helps put local special education plans into action.

FRIENDSHIP SCHOOL

Friendship School is a special education school operated by the County Office. Located in National City, the school serves a maximum of 50

profoundly handicapped and medically fragile students, aged 3 to 21 years. The students are residents of a licensed residential facility located next door and cannot be served in other school environments. The daily curriculum focuses on cognitive development, language and communication, and environmental awareness.

HOPE INFANT PROGRAM

This program provides a home-based educational program to handicapped infants between birth and three years of age and their families. The primary purpose of the program is to enhance the child's development, provide support and assistance to the family, and maximize the child's and family's benefit to society. Referrals to the program are made countywide by physicians, public health nurses, social service agencies, and parents. Families receive weekly or biweekly home visits, weekly parent meetings, a parent newsletter and parent training activities.

STUDENT PROGRAMS AND OPERATIONS

MIGRANT EDUCATION

Migrant Education is a federally funded program which provides supplementary instruction and support services to children of migrant agriculture workers and fisherman. Over 30 school districts participate, with the ultimate goal of the program to increase the graduation rate among these students.

OUTDOOR EDUCATION

Each year, more than 19,000 San Diego County sixth graders spend a week at one of the three Outdoor facilities operated by the County Office. San Diego Unified School District students trek up to our Camp Palomar facility, while the rest of the county schools take advantage of Camp Cuyamaca and Camp Fox for outdoor curriculum which includes astronomy, geology, ecology, hiking, conservation, and plant and animal studies.

REGIONAL OCCUPATIONAL PROGRAM (ROP)

ROP is a countywide public education service which provides job training for residents of San Diego County. ROP offers more than 400 courses at no charge to all San Diegans interested in developing or improving job skills. ROP classrooms are located in schools and community sites throughout San Diego County as part of the public school system. The courses and services are operated by high school and community college districts. Employers, business people, union officials, and community personnel work with the school districts and ROP staff to identify and develop courses needed to provide up-to-date training.

ENERGY EDUCATION

To assist school districts in providing knowledge of energy conservation to students, staff, and administrators, the Energy Education program develops curriculum, and conducts workshops on energy conservation. Staff also works directly with 15 schools in the San Diego Unified School District as well as acting as consultant to teachers in providing assistance on what and how to teach energy conservation. The unit also works with school district administrators to reduce energy consumption through the maintenance and operations of individual school sites.

LAFCO

1600 Pacific Highway · Room 452
San Diego, CA 92101 · (619) 531-5400

San Diego Local Agency Formation Commission

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Councilman, City of San Marcos

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Leon L. Williams
County Board of Supervisors

Executive Officer
Jane P. Merrill

Counsel
Lloyd M. Harmon, Jr.

R.2-1

September 10, 1992

Douglas D. Reid
Environmental Review Coordinator
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

SUBJECT: Draft Environmental Impact Report on the Otay Ranch General Development Plan/Subregional Plan

Dear Mr. Reid:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Otay Ranch General Plan Amendment (GPA) and General Development Plan (GDP). Because the project will involve changes to government jurisdictions and spheres of influence, LAFCO will be a responsible agency for the project. As a responsible agency, LAFCO must consider the lead agency's environmental document and can typically recertify it, if information critical to LAFCO's review is included in the document.

A major concern LAFCO staff has with the Otay Ranch EIR pertains to the deferral of the analysis of program and policy-level issues to subsequent review (e.g., impacts to agricultural resources and consistency with relevant agricultural preservation policies, capability of agencies to provide public services to the site, the project's consistency with LAFCO goals of encouraging orderly development, and the project's growth inducing impacts). Although the Otay Ranch EIR is based on a programmatic approach to environmental assessment, which allows for the deferral of certain project-specific issues to subsequent review, analysis of the issues listed above are "policy-level" and should not be deferred. The purpose of a program EIR is "to consider broad policy alternatives and program-wide mitigation measures at an early stage when the agency has greater flexibility to deal with basic problems or cumulative impacts" (State CEQA Guidelines, Section 15168 [b][4]). We believe that the lead agency cannot make an informed decision

1

COUNTY OF SAN DIEGO
LOCAL AGENCY FORMATION COMMISSION
MICHAEL OTT
SEPTEMBER 10, 1992

1. As discussed in Section 2.0 of the Draft Program EIR and illustrated in Figure 2.5-1, the Baldwin Vista project application is for approval of a General Development Plan (GDP)/Subregional Plan (SRP) for Otay Ranch and General Plan Amendments for both the City of Chula Vista and County of San Diego. Several of these issues are discussed in the Draft Program EIR as they pertain to the GDP/SRP and GPA adoption. The Final Program EIR has been expanded to discuss the project's consistency with various LAFCO goals and policies at a programmatic level (i.e., agricultural resources, provision of public services, encouragement of orderly growth, and growth inducement). Refer to text changes in Sections 3.1 (Land Use), 3.7 (Agricultural Resources) and 7 (Growth Inducement). Because annexation is not part of the current Otay Ranch project application, project-level discussion of annexation-related issues is premature until such studies as the Sphere of Influence Study on the Otay River parcel is completed for the City of Chula Vista. Specific LAFCO concerns, among other related issues, will be evaluated in greater detail in a supplement to this Program EIR upon submittal of the Otay Ranch annexation plans. The Sphere of Influence Study will be completed after GDP/SRP approval and prior to first SPA Plan.

(1) on the GDP and GPA until the analysis of these issues is provided in the program EIR. In addition, as responsible agency, LAFCO will not be able to recertify the EIR for the necessary LAFCO actions until the above environmental issues have been satisfactorily analyzed. This letter covers our comments and concerns regarding the Otay Ranch Draft EIR, and issues that should be addressed in subsequent "tiered" documents.

NOTICE OF PREPARATION

(2) The discussion of the Notice of Preparation indicates that a revised NOP was circulated at the request of LAFCO to provide additional information about the proposed project (Section 1.3.1, page 1-19). The final EIR should clarify that the need for additional information was one of two reasons for LAFCO's request that a revised NOP be prepared. As discussed in our December 13, 1989, letter, there were two problems with the original NOP: (1) a project description, location maps, and summary of probable environmental effects were not provided as required by CEQA; and (2) the same NOP materials were not received by everyone on the mailing list.

PROJECT DESCRIPTION

The project description section of the EIR contains a discussion of the project objectives, location and setting, land uses, infrastructure, design features, development phasing, and associated planning documents. The project description should indicate that after the EIR, GDP and GPA are approved, additional studies will be prepared by the Interjurisdictional Task Force. These studies include a resource management plan, service/revenue plan, sphere study, government options plan, and regional issues report.

(3) Section 2.6 contains a list of agencies that have discretionary authority over the project. Section 2.6.2.3 (Subsequent Approvals) should clarify which discretionary actions will be subject to further environmental review. This section should indicate that an update of the Chula Vista sphere of influence, which will include resolution of the LAFCO-designated special study area and possible amendments to the spheres of affected special districts, will be subject to supplemental environmental review prior to the Sectional Planning Area (SPA) level of environmental analysis. The lead agency responsible for preparation of the supplemental environmental document will be the City of Chula Vista.

LAFCO RESPONSIBILITIES

(4) The environmental analysis section of the new town plan contains a description LAFCO's responsibilities (Section 3, page 3.1-41). This section indicates that LAFCO is "responsible for approving annexations, formation of special districts and adopting spheres of influence

R.2-2

2. Comment noted. Refer to the text change in Section 1.3.1 that has clarified LAFCO's concerns regarding the NOP distribution. The redistributed NOP responded to LAFCO's concerns.

3. Comment noted. The progression of studies and environmental analyses that will precede Otay Ranch development is sequentially illustrated in Figure 2.5-1 of Draft Program EIR. The future approvals that will require subsequent environmental review have also been noted as text changes in Section 2.6.2 of the Final Program EIR.

4. Comment noted. Refer to the text changes contained in Section 3.1.1.3 of the Final Program EIR which incorporate this recommended text.

for cities." This description is not entirely accurate because LAFCO's discretionary responsibility also includes the denial and modification of proposals, and the review of special district spheres in addition to city spheres. The description of LAFCO in the EIR (first paragraph, Section 3, page 3.1-41) should be replaced with the following:

Delete:

~~LAFCO is responsible for approving annexation to local jurisdictions or special service districts as well as for approving the formation of new special service districts and adopting spheres of influence for cities. LAFCO's functions as outlined in the Cortese/Knox Act include the following: to encourage planned, well-ordered development, and to discourage the proliferation of single purpose government agencies. Development that occurs adjacent to existing development and facilities is preferred to "leap frog" development, which requires the premature extension of facilities through undeveloped territory.~~

R.2-3

(4)

Add:

The Local Agency Formation Commission (LAFCO) is a regulatory agency with county-wide jurisdiction established by state law (Cortese/Knox Act) to discourage urban sprawl and encourage the orderly formation and development of local government agencies. LAFCO is responsible for reviewing proposed changes of organization of local governments including annexations and detachments of territory, incorporation of cities, formation of special districts, and consolidations, mergers, and dissolutions of districts. The Commission is also charged with developing and updating spheres of influence for each city and special district within the county. Spheres provide guidance for individual proposals involving jurisdictional changes, encourage efficient provision of organized community services, and prevent duplication of service delivery. Territory must be within a sphere in order to be annexed to a city or district.

The second paragraph in Section 3, page 3.1-41, which describes the LAFCO designated special study area for the western portion of the Otay Ranch property, should be expanded to include a brief discussion of the background of the special study area. We request that you replace this paragraph with the following:

Delete:

~~Part of the Otay River parcel of Otay Ranch is currently considered a special study area of LAFCO to study the future jurisdiction of the area. LAFCO approval will be needed prior to any action to incorporate all or a portion of Otay Ranch or to annex it to either the City of San Diego or Chula Vista. None of the Otay Ranch property is currently within any city's sphere of influence.~~

Add:

A portion of the Otay Ranch territory west of the Otay Lakes (9,000 acres) was designated a special study area in 1985 when LAFCO adopted the Chula Vista sphere of influence. The remainder of the ownership was not included within any adopted sphere or special study area. A sphere determination could not be made in 1985 for the 9,000 acre territory because it was not in the land use element of the Chula Vista general plan, and there was insufficient information about how services would be provided.

A request to resolve the study area will be submitted to LAFCO after the City of Chula Vista and County complete their joint review and adoption of a GPA, GDP, government options plan and sphere study. Resolution of the study area will be considered by LAFCO as part of a comprehensive update of the Chula Vista sphere of influence. LAFCO will also update the sphere boundaries for special districts that are in close proximity to the city or serve territory proposed to be included in the city's sphere concurrent with the city's sphere update.

(4)

R.2-4

AGRICULTURAL RESOURCES

The agricultural section of the EIR contains a discussion of the agricultural resources within the project site. A brief discussion of whether the proposed Otay Ranch development is consistent with agricultural preservation policies of the County, Chula Vista, and San Diego is provided. However, the analysis omits an important agricultural preservation policy adopted by LAFCO and does not indicate if development is consistent with the LAFCO policy. LAFCO's policy discourages the conversion of prime agricultural land unless the affected agency has identified all prime agricultural land within its sphere, effective measures have been adopted by the affected agency to preserve prime agricultural land, and adopted prezoning would maintain agricultural land and indicate the anticipated level of development.

(5)

5. Comment noted. The suggested policy language has been added to Section 3.7.1. Evaluation of the project's consistency with LAFCO agricultural policies has been included in Section 3.7.2 of the Final Program EIR.

Because one of the purposes of a program EIR is to analyze broad policy issues, the EIR must analyze the consistency of the proposed Otay Ranch project with all relevant policies, including the LAFCO agricultural preservation policy. This analysis cannot be deferred, as stated on page 3.7-25 of the EIR. Below is the agricultural policy omitted from the EIR that we request be included and analyzed in the final EIR (LAFCO Agricultural Preservation Policy No. 2 (a-c)):

Add:

Annexation or incorporation proposals which would allow or likely lead to the conversion of prime agricultural land or other open space land (as defined in Sections 56064 and 56059) to other than open space uses shall be discouraged by the Commission unless such an action would not promote the planned, orderly, efficient development of the area, or the affected land use jurisdiction (either city or county) has accomplished the following:

(a) Identified within its sphere of influence all "prime agricultural lands" as defined under Government Code Section 56064;

(b) Demonstrated to LAFCO that effective measures have been adopted to preserve for agricultural use those prime agricultural lands identified in (a). Such measures may include, but not be limited to, establishing agricultural preserves pursuant to the California Land Conservation Act; designating land for agricultural or open space uses on that jurisdiction's general plan, adopted growth management plan, or applicable specific plan; adopting an agricultural element to its general plan; and undertaking public acquisition of prime agricultural lands for the purpose of leasing back such lands for agricultural use; and

(c) Prezoned (city only), pursuant to Government Code Section 56375(a)2), both territory within the agency's general planning area to be maintained for agricultural use, and also territory within the annexation area to indicate the anticipated level of development.

R.2-5 (5)

PUBLIC SERVICES AND UTILITIES

(6) The EIR contains a summary of the infrastructure necessary to extend services to the project site and discussion of the jurisdictional alternatives available to provide service. A basic problem with the public services section is that it addresses a number of technical issues prior to analyzing the broader jurisdictional issues. We feel it is inappropriate to wait until plan has progressed to the SPA level to begin determining the jurisdictional auth

6. Section 3.13.1.2 of the Draft Program EIR has been revised to indicate that the Otay Water District is the preferred water service provider for Otay Ranch. As stated in the EIR, the majority of the Otay Ranch Project (approximately 70 percent) is currently within OWD's service area. This preferred alternative will require further environmental analysis during the Sphere of Influence Study for Otay Ranch which will take place prior to the approval of any SPA. This sul nt review

under which services would be provided. Simply listing the alternatives is not adequate for LAFCO or CEQA purposes. LAFCO believes that an analysis of preferred jurisdictional alternatives based on the development scenarios under evaluation (i.e., development within Chula Vista, the County, or another jurisdiction) should be provided. The program level analysis should focus on the financial, service, and regional impacts on service availability, capability, and capacities.

Water Service

The EIR indicates that a number of existing and proposed agencies could provide water service to Otay Ranch, including: the Otay Water District (WD), City of Chula Vista, City of San Diego, Sweetwater Authority, a new water agency, or a new city. LAFCO staff has two major concerns with the water section: (1) the lack of discussion and analysis of the regional problems associated with an undependable imported water resource, and (2) the lack of analysis of jurisdictional alternatives. LAFCO must use this EIR to assess the environmental impacts associated with the jurisdictional changes and sphere determinations/amendments (which would precede most boundary changes in this area). Therefore, we request that more detailed analysis be provided either in this final EIR or in a subsequent document prior to the SPA planning process.

R.2-6

(6)

Regional Water Issues

The EIR proposes to address the issue of water availability at the SPA level. However, LAFCO staff believes that the programmatic structure of this process demands that policy and regional issues be addressed at the first level of analysis. The proper time to provide a complete analysis of regional water limitations is in this initial programmatic document not at a project specific level of assessment. The availability of water and capability of agencies to provide service is essential information that the lead agencies need to consider when evaluating the GPA and GDP. In addition, LAFCO must determine the spheres for all agencies affected by the Otay Ranch planning process prior to approval of a SPA. Therefore, the analysis of impacts associated with the various jurisdictional alternatives must be addressed either at this level or in a supplemental EIR prior to the SPA preparation -- not at the SPA level, as indicated throughout the water section of the EIR.

Analysis of water availability issues is especially important in light of the County Water Authority's (CWA) 1992 Strategic Plan, which acknowledges that both sources of imported water - the State Water Project and the Colorado River Aqueduct - "have grown less reliable in recent years, as has the Los Angeles Aqueduct ..." The report further states that available dependable water supplies fall short of projected demand "and the gap is expected to grow unless measures are taken to improve the availability of dependable supplies."

will focus on the service availability, capability, and capacity implications in greater detail. The fiscal implications of providing water service are not considered to be an environmental issue and should be addressed by the City of Chula Vista during the Sphere of Influence Study.

Section 3.13.1.1 has been significantly expanded to include a discussion of regional water issues. The discussion addresses the state-wide water situation, the future reliability of imported water sources, and short and long-term solutions currently being pursued by the MWD, CWA, and local jurisdictions.

The EIR analysis is extremely deficient in its discussion of the long term availability of imported water. The EIR should bring forth a detailed discussion of the policies and goals of both Metropolitan Water District (MET) and CWA. Included in the discussion should be: (1) MET's current and future availability of imported water from the Colorado River Project and the State Water Project; (2) projected demands and any current plans within MET for restrictions or limitations to existing or future water users; (3) a discussion of the allocations from MET to CWA and whether they are finite; (4) how the diversion of water to the Otay Ranch (and the territory not within MET) will affect the allocation of water to other CWA agencies; (5) how growth and development in other areas of the County will be impacted through the commitment of water resources to Otay Ranch; (6) a discussion of CWA's policies and goals for water allocation; and (7) reasonable alternatives that MET might implement to resolve the lack of dependable water supply (e.g., restricting the annexation of territory outside of the MET's current district boundary). (6)

Jurisdictional Alternatives

The water section focuses much of the analysis on technical and engineering requirements for water delivery and storage, and ignores the broader regional policy and jurisdictional issues. A discussion of local infrastructure seems more appropriate at the SPA level of environmental analysis, rather than at the program level. An analysis of government structure alternatives and issues should be provided at this program EIR level of analysis. It is necessary to identify the proposed service providers based on each of the development alternatives under evaluation. For example, if the Otay Ranch is developed in the County, the EIR should indicate whether it is proposed that Otay WD would continue to serve the territory. If developed in Chula Vista, the EIR should indicate which jurisdiction would provide water service to the site. (7)

Otay Water District

On page 3.13-17, under the Otay WD alternative, the report states: "However, due to existing drought conditions, there is no guarantee that an adequate water supply will be available within Southern California, including the supply to the Otay WD from the primary water provider, the MET." This statement seems applicable to any potential water agency that would serve the Otay Ranch because they would all receive imported water from MET. The EIR states that Otay WD would be a logical service choice except that it is currently experiencing a water shortage. The statement leads the reader to believe that a lack of water to serve Otay Ranch is a local agency problem, while it appears that all of the alternatives have significant limitations and would require the construction of a new CWA pipeline. Again, the impacts on the larger, regional water supply and delivery system should be addressed at this state of project review. (8)

R.2-7

7. Please refer to response number 6 above. The OWD is the preferred alternative for the provision of water under both the County of San Diego and City of Chula Vista development scenarios.

8. The referenced statement correctly applies to any potential water agency as noted. The referenced text has been moved from the Otay Water District alternative to the existing conditions discussion; please refer to Section 3.13.1.1 of the Final Program EIR.

(9) The EIR discusses the possibility of detaching large areas from the Otay WD, but it does not analyze the consequences of detaching the territory from the district. A number of questions are raised by a detachment: (1) Would detachment disrupt the district's future plans to serve potential and existing water users within the agency's service area? (2) Would it create a financial impact on the district that could affect water delivery or planned upgrades to current users? (3) Would Chula Vista experience financial and/or service impacts if it began providing water service? (4) What are the policy implications in expanding the agency membership in CWA? (5) What are the costs to existing users and could those costs translate into service impacts or a reduction of water supply to existing users?

City of Chula Vista

The City of Chula Vista alternative discussed on page 3.13-17 proposes dividing Otay WD into three large areas (no maps were provided to show the proposed division). This discussion is very confusing. The EIR indicates that the Otay Mesa area and Otay WD facilities would be "transferred" to the City of San Diego for service. The EIR does not discuss how facilities would be transferred to San Diego. Would the area annex to San Diego? Would it remain under Otay WD with contractual service to San Diego? What impact would this transfer of service have on existing customers, San Diego, and Otay WD?

(10) The EIR indicates that the central area would be under the control of Chula Vista (assuming the Otay Ranch is annexed to Chula Vista), and that water would be provided by the South Bay ID and Otay WD. The EIR states that the South Bay ID would become a subsidiary district of Chula Vista. The EIR should discuss the requirements for establishing a subsidiary district. For example, at least 70% of a district's land area and registered voters must be located within in a city in order to be established as a subsidiary district (Government Code Section 57085). An analysis of the impacts to South Bay ID customers and the Sweetwater Authority, which wholesales water to South Bay ID, should also be included. Finally, under this alternative, the northern area would remain within a fissured Otay WD. What are the financial and service impacts to the Otay WD as a result of this alternative?

Other Water Service Alternatives

(11) The remaining alternatives outlined in the Draft EIR include annexation of Otay Ranch into the South Bay ID and Sweetwater Authority, formation of a new water district, formation of a new city, and the groundwater alternative. The discussion of these alternatives is so cursory that they cannot be viewed in their present form as realistic alternatives. This document must provide reasonably researched alternatives that not only address perceived

9. The majority of the project area is currently within the water service boundaries of the Otay Water District, and the OWD is the preferred alternative for the provision of water under both development scenarios; therefore detachment from the OWD is unlikely. Further environmental analysis of this preferred alternative will take place at the time an annexation plan is proposed and prior to any SPA Plan approval. If the detachment scenario were to be pursued beyond the Program EIR, the questions outlined in the comment letter would be analyzed in detail in accordance with LAFCO's requirements.

10. A previously stated, the majority of the project site is within the jurisdictional boundaries of the OWD; the OWD is the preferred alternative for the provision of water service. The text has been clarified to make this point; please refer to Section 3.13.1.2 of the Final Program EIR. The City of Chula Vista alternative, as well as the other alternatives listed in the Draft Program EIR, were included for thoroughness, as options that could potentially be pursued in the future. The decision to pursue any of the listed jurisdictional alternatives would require subsequent, detailed environmental review. The questions outlined in comment number 10 would be addressed in detail if this were to occur. Please refer to response to comment number 2 of the letter from the Sweetwater Authority dated October 2, 1992, and the comment letter from Jennings, Engstrand, and Henrikson dated October 16, 1992.

11. Please refer to response number 10.

(11) benefits to the development of Otay Ranch, but also address the service, planning, legal, and financial impacts to the existing agencies and residents. LAFCO policies on adoption of spheres of influence and jurisdictional boundary changes should also be addressed as they relate to each alternative.

Mitigation Measures

(12) The EIR identifies proposed mitigation measures for water service. The second mitigation measure on page 3.13-21 requires that "prior to approval of any SPA Plan for Otay Ranch, it shall be determined which water district will serve the proposed SPA." This is not a mitigation measure. The determination of which agency will provide water service to Otay Ranch will be made after an application for one of the alternatives is submitted to LAFCO. LAFCO has the authority to approve, deny, or modify any proposal submitted for its consideration. If the jurisdictional determinations are to be made prior to any SPA consideration (which LAFCO believes is appropriate), then this document cannot defer the analysis of environmental impacts of the jurisdictional alternatives to the SPA EIR.

Sewer Service

(13) The sewer service section of the EIR contains a discussion of a number of ways sewer service could be provided to the Otay Ranch (i.e., Chula Vista, Otay WD, City of San Diego, formation of a new sanitation district or city). We have similar concerns about the sewer section as was discussed in the water section of this letter. The EIR fails to provide a detailed discussion of regional alternatives to meet future sewage treatment capacity needs and disposal. The EIR mentions that the outfall capacity for the Point Loma plant will be reduced to 150 mgd when upgraded to secondary treatment. However, it does not address the impact this reduction will have on cities such as Chula Vista, which have purchased excess "contractual" capacity.

(14) The existing conditions section mentions several proposed treatment plants in the South Bay, but it is unclear whether any or all of the capacity in those proposed plants would be available for Otay Ranch. The existing conditions section needs to explain clearly what the current limitations of sewage disposal are, and the potential impact to existing sewer agencies when the Point Loma plant shifts to secondary treatment. It must also explain the timing and phasing of the proposed Clean Water Program.

The sewer service section is also very confusing regarding the discussion of sewer capacity. The EIR does not distinguish between "physical" and "contractual" capacity. Physical capacity is an engineering standard related to the capability of facilities to transport and treat ent, while contractual capacity is related to an agency's negotiated entitlem

R.2-9

12. The second mitigation measure under Section 3.13.1.3 of the Draft Program EIR has been deleted, and the following mitigation measure has been added to this section of the Final Program EIR:

- Environmental analysis and a decision by LAFCO on the water supply and the water supplier shall be made after the Sphere of Influence study and prior to the approval of the first SPA. Additionally, a development agreement shall not be entered into without first identifying a water source. Finally, no financing entities shall be formed or revenue bonds sold prior to the identification of a water source and confirmation (a "will serve" letter) that such water source is available to supply the proposed development concurrent with need for Otay Ranch.

13. The text has been revised to reflect the current status of the Clean Water Program; please refer to Section 3.13.2.1 of the Final Program EIR. As stated in the revised text, the results of the tests which are currently in progress will not be known for some time and it is not known how the Clean Water Program will be affected. However, the contractual capacity agreement between the City of Chula Vista and the City of San Diego is legally binding and the City of San Diego will be required to honor that agreement. Further environmental review will be conducted during the Sphere of Influence study and prior to any SPA Plan approval.

14. The project is providing a site for a sewage treatment/water reclamation facility. The site could provide a facility up to 18 mgd in size, using current Clean Water Program designs. With respect to the Clean Water Program, please refer to response to comment number 13 above.

(14) receive sewer service. The EIR discussion of capacity needs to address and distinguish between both types of sewer capacity.

Fire Protection

As with water and sewer service, the EIR needs to contain a discussion of fire protection based on the development alternatives under evaluation in the EIR. With exception of the extreme northern and eastern territories which are within the Rural Fire Protection District (FPD), most of the Otay Ranch is outside the boundaries of any fire district. If developed (15) in the County, the EIR should indicate if the territory is proposed to annex to the Rural FPD or if a different district must be formed. If detachment from the Rural FPD is proposed, then the impact on the remaining portion of the district needs to be analyzed. A similar discussion should be provided for each of the development alternatives under evaluation. The fire service analysis should focus on response times, capabilities, constraints, and needed facilities.

R.2-10

GROWTH INDUCEMENT

According to the EIR, the Otay Ranch project will be growth inducing because it will introduce new services and facilities in territory where limited services are currently available. While the EIR contains general statements about the growth-inducing aspects of the project, an analysis of the effects of growth inducement on surrounding territory is not (16) provided. Typically, growth-inducing impacts are quantified in terms of the amount of additional development that could be expected in surrounding territory. Maximum build-out based on the densities allowed under the existing general plans for the surrounding territory needs to be analyzed. Conclusions drawn from the analysis can then be used to determine the significance of the growth-inducing impacts. We believe the lead agency needs this information and analysis to consider the proposed GDP and GPA.

ORDERLY DEVELOPMENT

The Otay Ranch EIR must address the relationship between the proposed project and LAFCO's state-mandated responsibilities. LAFCO's functions as outlined in the Cortese/Knox Act include the following: to encourage planned, well-ordered, and efficient patterns of development; to preserve open space and agricultural lands; and to discourage (17) the proliferation of single-purpose government agencies. Development that occurs adjacent to existing development and facilities is preferred to "leap-frog" development, which requires the premature extension of facilities through undeveloped territory. "Leap-frog" development can result in the premature loss of open space and agricultural land, growth inducement, inefficient delivery of services, costly extension of facilities, and strains on

The water service technical report prepared by Wilson Engineering (1992) on which the Water Availability and Demand Section (3.13.1:3) is based, considered both physical and contractual capacity in its analysis. The discussion of the City of Chula Vista's capacity in the METRO system refers to contractural capacity subsequent and detailed environmental analysis of this issue area is required during the sphere of Influence Study and prior to the approval of the first SPA within Otay Ranch.

15. The issue of fire protection service would be analyzed in detail at the time annexation plans are developed. Land contained within the unincorporated areas of the County would be annexed and serviced by the Rural Fire Protection District; land contained within the City of Chula Vista would be serviced by an existing or new fire protection district. Impacts associated with the proposed annexation or detachment would be evaluated during the Sphere of Influence study and prior to the approval of the first SPA Plan within Otay Ranch.

16. As evidenced by the cumulative impact scenario (illustrated in Figure 6.3-1 of the Draft Program EIR and Table 6.1-1), much of the land surrounding Otay Ranch is currently proposed for development despite growth-inducing effects of the Otay Ranch Project. The Draft Program EIR acknowledges that utility extensions and roadway improvements proposed by Otay Ranch could enable other nearby properties to develop sooner. The text of the Draft Program EIR (Section 7) has been revised to expand the discussion and provide some quantification of impacts. However, a detailed quantification at this time is too speculative since discussions regarding the sizing of infrastructure have not been completed.

17. Sections 3.1.2 and 3.7.2.3 of the Draft Program EIR have been revised to include policy consistency analysis of LAFCO guidelines and policies. Preliminary phasing plans for Otay Ranch indicate that development will proceed outwardly in a generally west to east pattern. The sequential development of villages on the Otay River parcel would generally precede development residential villages of the Proctor Valley and San Ysidro parcels for all project alternatives; although the needs of the community and region will ultimately drive the phasing of development over the 30- to 50-year buildout period. The Proctor Valley resort could be developed during

(17) regional facilities. The Cortese/Knox Act also states a preference for multi-purpose agencies (cities) providing urban services over several limited purpose agencies (districts). In order for LAFCO to use the EIR, it must contain a discussion and analysis of whether orderly development would occur based on each of the development alternatives under evaluation. These are issues appropriate for the lead agency's consideration when evaluating the proposed GPA and GDP, and should not be deferred as "LAFCO issues."

In summary, LAFCO's concerns regarding the Otay Ranch EIR pertain to the adequacy of the document for consideration of the proposed GDP and GPA, and information that it must include for "tiering" of future EIRs. The analysis of too many environmental issues has been deferred to subsequent project-level documents. The EIR also contains a disproportionate amount of technical and engineering-related information, rather than environmental analysis on policy and program issues. In particular, we are concerned about: (1) the lack of analysis on impacts to agricultural resources; (2) whether the Otay Ranch project is consistent with relevant agricultural preservation policies; (3) capability of agencies to provide public services to the project; (4) the project's consistency with LAFCO goals of encouraging orderly development; and (5) the project's growth-inducing impacts. As a responsible agency, LAFCO can only utilize and recertify the document if it includes information and environmental analysis critical to LAFCO's review. We request your serious consideration of our comments so that the deficiencies in the EIR can be addressed in the final document and similar ones avoided in subsequent "tiered" documents. LAFCO defers to your judgement (lead agency), as to whether the addition of the necessary analysis in the program EIR will constitute sufficient new information to warrant a recirculation of the document for additional review. If you have any questions regarding our comments, please contact me at 531-5400.

Sincerely,

MICHAEL D. OTT
Assistant Executive Officer

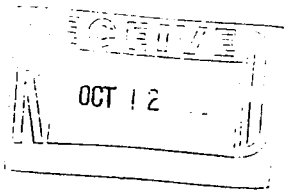
MDO:ih

cc: George Krempl
Bob Leiter
Tony Lettieri
ri Sheehan
Lauren Wasserman
Bill Healy
Kent Floro

the Otay River parcel phasing. However, the extension of development would generally occur from the edges of such eastern Chula Vista communities as Sunbow, Bonita Long Canyon, and EastLake and would not be considered "leapfrog" in nature because of the proximity to existing development and public services.

San Diego County Archaeological Society, Inc.
Environmental Review Committee
P.O. Box A-81106 San Diego, CA 92138

October 7, 1992



To: Mr. Douglas D. Reid
Environmental Review Coordinator
Otay Ranch Project Office
315 Fourth Avenue, Suite A
Chula Vista, California 91910

Subject: Draft Environmental Impact Report
Otay Ranch

Dear Mr. Reid:

R.3-1

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

(1) We have focused our review upon the "Draft Final Cultural Resources Evaluation of the 23,088-acre Otay Ranch", dated July 1992, and all page and figure references are to that document. Any changes to that report resulting from the comments presented below will need to also be reflected in the DEIR at the appropriate locations.

(2) As is clearly noted in the DEIR and the cultural resources report, the analysis for cultural resources is at a programmatic level. Additional survey work is required in many portions of the parcels, and virtually no significance assessment has taken place. With this limitation, it is difficult to use a table such as Table 6-1 to judge the ultimate acceptability of any of the land use plans. However, the percentage of sites impacted by the New Town plan is so much greater than others that it can be said with a fair degree of confidence that this one will be least desirable in terms of cultural resources.

Table 6-1 shows the number of sites of various types in each of the parcels which fall into "open space" or development areas under each of the evaluated land use plans. Matching the table for number of sites falling in "open space" with the data in other tables, such as Table 6-2, proved difficult. However, some distinguishing between sites which fall in areas such as natural open space, where landform modification will not occur, and those falling in man-made open space and agricultural areas, where site preservation will be difficult, would be helpful.

(3) The discussions of the historic sites in section 4 do not mention the 1928-9 Tax Factor aerial photographs, although these are included in the bibliography. In some cases, it would seem that ambiguities regarding ages of resources could have been reduced by referring to these photos, as well as later series of aerial photographs. We assume that such research, if not already done, will be part of the significance assessment process.

SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY, INC.
JAMES W. ROYLE, JR.
OCTOBER 7, 1992

1. The applicable revisions will be made in the Otay Ranch Final Program EIR and the Cultural Resources Technical Report, as indicated in the specific responses below.

2. As indicated in the Draft Program EIR, at the general program EIR-level of planning, it is usually not possible to determine the specific impacts to cultural resources because a complete assessment of the impacts to cultural resources for all of the development alternatives can only be fully addressed after a comprehensive survey reveals all of the cultural resources present on the property. In addition, subsequent to the completion of a comprehensive resource inventory, each resource will need to be evaluated for importance under CEQA and local criteria. Only after sites are determined as important under these criteria can they be assessed for potential impacts and determinations made as to the severity of impacts. Besides the lack of a comprehensive cultural resources inventory and importance evaluation, the specific locations of development construction activities including roadways, utilities, and structures must also be known to determine the potential for impacts to individual cultural resources.

In Table 6-1 each individual development plan was assessed with the current level of information, based on general categories of proposed land use. At this stage of planning, a general assumption was employed to the effect that areas proposed for development (i.e. the construction of buildings and/or facilities) would have greater potential for impacts to resources because the potential for avoidance would be less than in areas where a land use would result, principally, in open areas. Obviously this assumption has numerous possible exceptions. Consequently, as a result of all of these above stated qualifications, Table 6-1, can, and was only intended to be, used as an approximation of the potential of each proposed land use plan. Specific assessments and evaluations will be possible when the open space and other non-developmental land use categories are clearly defined at the SPA level and particular land uses within these categories are determined.

3. Additional research, including more precise age determinations for historic sites, will be conducted during the assessment of site significance.

(4) We are concerned that two sites of importance, SDI-11,384H and 11,376, are subject to development in some or all plans. Site avoidance should be attempted for these sites at the early stages of SPA planning. For the historic site, creative adaptive reuse should be developed.

Site significance testing for each SPA should precede the beginning of any detailed planning, so that designs sensitive to the resources can be created with a minimum amount of rework.

The following comments pertain to the "Cultural Resource Management Plan for Otay Ranch, Final Draft 7/28/92":

(1) The ORCRMP addresses the portions of the project in the County and in Chula Vista. It needs to also indicate the involvement of, and reflect the requirements of, the City of San Diego for those portions which fall within that jurisdiction.

(2) In middle of the first paragraph of section 3.0, on page A-2, we suggest changing the sentence to read "Survey of the remaining portions of Otay Ranch should be completed prior to public review of the first SPA Plan." This will make it consistent with item 3, at the end of that paragraph.

(5) (3) On page A-4, after "4.1 Testing Procedures and before "Surface Collection", a subheading, "4.1.1 Prehistoric Sites", should be added. Similarly, on page A-7, change the heading "Historic Sites" to "4.1.2 Historic Sites". Together, these two changes will make it clear that the intervening discussion specifically addresses prehistoric sites.

(4) At the bottom of page A-4, under "Excavation Units", change the first sentence to begin "In general, at least two excavation units..." rather than "One to two excavation units..." This will bring it into agreement with the last paragraph on page A-3.

(4) On page A-7, suggested rewording of the first sentence under "Historic Sites" is "Site testing, analysis and reports for historic sites should be developed specific to each site and reviewed for adequacy by the County archaeologist."

(5) The heading for section 4.4 on page A-7 does not read properly. A suggested alternate is "Provisions if Human Remains are Encountered".

(6) (6) The paragraph on curation, on page A-8, leaves a major question regarding funding for the curation of the archaeological material. Are the materials really "the property of the County"? If so, there is an implication (probably incorrect) that the County will be responsible for paying curation fees. The paragraph should be rewritten to clarify the ownership and curation funding issues. Tax implications of the policy presented should be considered.

(7) (7) On page A-10, the last sentence of section 5.0 is garbled. The words "impacts and" should be deleted.

(8) (8) Section 7.0, "Mitigation", discusses site capping. In the last paragraph on page A-11, the implication is made that only prehistoric sites would be capped. This is not necessarily true. Before "Plants with shallow root

R.3-2

4. Following the cultural resources survey of the remaining portions of Otay Ranch and site significance testing, the appropriate mitigation measures will be implemented as described in Section 3.4.3 of the Draft Program EIR. Mitigation will include site avoidance and will consider adaptive reuse of historic sites, where appropriate.

5. Refer to text changes in Section 3.4 of the Final Program EIR.

6. Funding for a regional repository, it is assumed, would be derived from several sources including one-time fees that would be paid by the developer to such a curatorial facility for storage and curation of artifacts recovered from testing and data recovery programs; from regionally funded programs to achieve mitigation of projects; and possibly also from grants and in-kind funding. The artifacts and other materials recovered initially belong to the owner of the property from which they are derived. It is expected, however, that ownership would be transferred to the agency or agencies which administer the regional repository at the time of payment of the one-time storage and curation fee for each collection submitted. Appropriate jurisdictional agencies will eventually define the extent or area that a "regional" repository would serve, but the magnitude of the Otay Ranch Project indicates that planning must begin and provision be made for the potential volume of materials and data that will be generated by the development of this large tract of land. It is, therefore, appropriate to begin addressing the curation issue at the program EIR level of planning for this project. Because the schedule for establishment of such a repository is uncertain, adequate curation of artifacts as a mitigation measure should, at this time, include all possible options.

Certain cultural resources recovered on Otay Ranch could be temporarily stored at the interpretive center proposed onsite by the Resource Management Program (RMP). Funding for the center would be achieved through the funding program established by the RMP Preserve. The local repository would be situated in the interpretive center for the purpose of educating the public. Permanent curation would occur at the future regional repository described above.

7. This revision will be made on page A-10 of the Cultural Resources Technical Report and in Section 3.4 of the Final Program EIR.

systems...", insert the word "Only", and after that sentence add "Capping and landscaping of the cap must consider the potential for impacts to the resource caused by chemical leaching." The concern is that fertilizers, herbicides and other chemicals may seep through the cap and into the archaeological deposit, impacting the results of tests such as radiocarbon dating. As regards easements for preserved sites, we suggest that an organization with an interest in preservation of the resource be included as a third party to the easement. This will provide some protection in case of such possibilities as requests to vacate the easements. Another approach to help address this concern would be to nominate sites of sufficient significance to County Landmark status via the County Historic Site Board, and the subsequent application of H special area designator to the site zoning.

(9) (9) Mitigation monitoring requirements are not addressed in the document.

(10) (10) The Otay Ranch Interpretive Center, as discussed in section 8.0, is an excellent concept. If done well, by qualified professionals, SDCAS would support this. One comment on this section is the statement, in the last paragraph, that material "may be curated at that [regional curational] facility in addition to the Otay Ranch Interpretive Center." Material curated at the Interpretive Center should be limited to those being actively used for interpretation. Curation should be left to a regional facility which can provide the proper staff and facilities. While such a facility does not exist at this time, SDCAS is actively engaged in working to bring it into being through its Repository Planning Committee. An existing Navy building complex has been identified and preparations for establishing a non-profit corporation to operate the repository have begun. We would be pleased to provide updates on the status of the project at your request.

(11) (11) Just as the size of the Otay Ranch Project opens the possibility of the Otay Ranch Interpretive Center, it also opens a possibility of supporting research beyond that normally part of the cultural resources management process. We would suggest consideration be given to funding or endowment of scholarships for graduate level archaeological and/or historical studies of the Otay Ranch Project area. In exchange for the scholarship (and some funding for special tests and analysis), the recipient would make some aspect of the Otay Ranch cultural resources the topic of his/her graduate-level thesis. This would benefit the Interpretive Center, the student, the institution, the discipline and the community.

Thank you for providing SDCAS with this opportunity to provide comments on the program DEIR for the Otay Ranch Project. We would appreciate being also included in the reviews of subsequent environmental documents. If there are any questions regarding the above, or if we can be of any assistance, please contact us, via either the above address or our answering machine at 538-0935.

Sincerely,

James W. Royle, jr., Chairperson
Environmental Review Committee

cc: Ogden Environmental Services, SDCAS President, file

R.3-3

8. Comment noted. The text has been revised to reflect the application of site capping to historic sites as well as prehistoric sites and to reflect the concern regarding chemical leaching. However, the comments regarding third-party involvement in preservation easements and nomination of some significant sites to County Landmark status will be taken under advisement by the applicable jurisdiction and considered as possible measures to ensure the proper and adequate future preservation of cultural resources. Additional study of the sites is required; the suggested mitigation measures are more appropriate at the SPA Plan level of analysis.

9. A separate Mitigation Monitoring and Reporting Program stipulates the mitigation monitoring requirements for all resources associated with the Otay Ranch Project, including cultural resources.

10. An interpretive center has been proposed in conjunction with the development planned for Otay Ranch, which could accommodate cultural resources found on the Otay Ranch. The location has not as yet been determined. The recommendation that such a center be an element of the mitigation program for the project has been an element of the project Resource Management Plan from early inception and would serve as a viable mitigating measure because it would make the resources recovered from data recovery programs available for interpretation and enjoyment by the local residents and the community as a whole. This center was envisioned, however, only as a means by which the results of archaeological as well as other environmental studies could be shared with the local community. It was not envisioned as the final storage and curation facility for all of the materials generated from testing and data recovery programs conducted (and see response number 6 above).

11. Comment noted.

Metropolitan Transit Development Board

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466
FAX (619) 234-3407

Post-it™ brand fax transmittal memo 7671 | # of pages ▸

To D. REID	From W. LIEBERMAN
Co. OTAY RANCH	Co. MTDB
Dept. ENVIR REVIEW	Phone # 231-1466
Fax # 422-7690	Fax # 234-3407

October 9, 1992

Mr. Douglas D. Reid
Otay Ranch Project Planning Office
Environmental Review Coordinator
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Dear Mr. Reid:

This letter transmits MTDB's comments on the Draft Program Environmental Impact Report (DPEIR) for the Otay Ranch Project.

The Otay Ranch Project commendably includes transit as a vital part of the overall design. References are made throughout the documents to a possible light rail transit route operating through the project area, express bus services along major arterials, and loop bus routes serving the village centers. These are valuable components to making Otay Ranch multi-modal.

(1) One key assumption throughout the DPEIR, however, is that funding will exist for the development and operation of future transit services. Provision of these services would not be necessary without the development planned for Otay Ranch. Qualifiers need to be added that provision of transit services will depend upon the identification of funding for both the development and ongoing operation of light rail transit (LRT) and bus service in Otay Ranch. LRT right-of-way reservation and subsequent dedication, and private-sector participation in the construction and operation of LRT and the operation of buses should be required mitigation for the unmitigated traffic and air quality impacts of the Otay Ranch Project.

We also noticed the following specific items which require minor changes to the documents noted:

Draft Program Environmental Impact Report

(2) Page 1-16, second paragraph--South Bay transit study should read South Bay Public Transportation Plan.
Page 2-9, Section 2.3.1.2, second paragraph--The description of the villages should reference the integration of transit.
Page 2-15, second paragraph, last sentence--The description of the Eastern Urban Center should include transit accommodations.
Page 2-16, fourth paragraph, second sentence--Light rail transit is anticipated along Telegraph Canyon Road, through several of the Otay Ranch villages, near the SR 125 alignment, and along the SR 905 alignment.
(3) Page 3.1-33--The possible addition of light rail transit should be acknowledged as a visual impact within the villages.
(4) Page 3.10-8--Goal 2, Objective 1--Change wording to read "Study, identify, and designate corridors, if appropriate, for facilities for light rail transit and fixed-route buses."

Member Agencies:
City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of Santee, County of San Diego, State of California

Metropolitan Transit Development Board is Coordinator of the Metropolitan Transit System and is Regulatory Authority for Paratransit Administration

Subsidiary Corporations: San Diego Transit Corporation, San Diego Trolley, Inc. and San Diego & Arizona Eastern Railway Company

R.4-1

METROPOLITAN TRANSIT DEVELOPMENT BOARD
WILLIAM LIEBERMAN
OCTOBER 9, 1992

1. The Final Program EIR text has been revised in Section 3.10.3 to include public transit funding.

2. The Final Program EIR text has been revised in Section 1 and 2 as indicated to include a reference to the light rail system.

3. Comment acknowledged. The visual impacts of specific land uses within the project (for example, light rail transit) are more appropriately addressed at the SPA level when the specific location and interaction of specific land uses at the village level are known. For this Program EIR, the analysis focuses on the overall visual impacts of a change in land use from undeveloped to development or from rural to urban from existing sensitive viewing areas.

4. The Final Program EIR text has been revised as indicated in Section 3.10.2.

Volume IX, Transportation Technical Report

Page 3-16, first paragraph--Under the discussion of existing Trolley Stations, add Iris Avenue Trolley Station.
Page 3-16, second paragraph--Update Chula Vista Transit statistics. There have been several routing changes since FY 1988.
Page 3-16, last paragraph--Route 932 is operated by MTDB Contract Services, not Southwestern Coaches.
(5) Page 3-17, under Summary of Existing Issues--Mention the reserving right-of-way in SR 125 for a high occupancy vehicle lane, and in SR 905 for LRT.
Page 3-18, second paragraph--Mention phasing in of light rail with operation of buses in LRT right-of-way.
Page 4-5, Goal 2, Objective 1--Change wording to read "Study, identify, and designate corridors, if appropriate, for facilities for light rail transit and fixed-route buses."
Page 4-5, Policies 2--Include connection to SR 905 and to San Ysidro.
Page 10-7, Last Mitigation Measure--There is a typographical error in this statement. Future transit corridors are being "planned", not "panned".

Thank you for this opportunity to comment on these documents. Because there was a very large amount of information, we cannot be certain we caught everything. We will continue to examine the DPEIR and supporting documents and will forward additional changes, as needed. We look forward to our continued work on this project.

Sincerely,

William Lieberman
Director of Planning and Operations

WL:pad
L-DPEIR.PAD

R.4-2

5. Comment noted. No additional response can be made.

...Dedicated to Community Service
10595 JAMACHA BOULEVARD, SPRING VALLEY, CALIFORNIA 91977
TELEPHONE: 670-2222, AREA CODE 619

RECEIVED
OCT - 7

October 6, 1992

Mr. Doug D. Reid
Environmental Review Coordinator
Otay Ranch Project
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Re: Draft Program EIR - Otay Ranch

Dear Mr. Reid:

The Otay Water District (OWD) has reviewed the July, 1992 Draft Program EIR for the Otay Ranch Project and offers the following comments and recommendations related to water supply and service.

Of the three parcels comprising the Otay Ranch Project, over half the project lies within OWD's existing service area. In general, the report describes existing water supply and availability and proposes a future distribution system independent from surrounding agencies. In summarizing the significant impacts on water availability and supply, Table 1.1-1 of the report states, "Project-generated water requirements would result in significant impacts related to the capability of local jurisdictions to provide adequate water due to drought conditions."

The table then describes the primary mitigation as preparing water master plans and obtaining commitments from the local water agency prior to approving SPA plans for various project phases. While more detailed water master plans must be prepared as the project progresses, along with the appropriate facilities' financing plans, the larger regional issue of which jurisdiction will provide water to the Otay Ranch Project must be addressed in the Program EIR. When approving projects that are general in nature (e.g., a general plan amendment as opposed to a specific development plan approval), agencies must develop and approve whatever general mitigation measures are feasible to lessen or avoid projects' significant impacts. Agencies cannot defer the obligation to formulate and adopt mitigation until a specific development project is proposed. Citizens for Quality

R.5-1

(1)

OTAY WATER DISTRICT
KEITH LEWINGER
OCTOBER 6, 1992

1. As requested in comment number 4 of your letter, the Otay Water District has been identified as the preferred water distribution alternative for the Otay Ranch Project; please refer to Section 3.13.1.2 of the Final Program EIR. This issue will, however, require further environmental review prior to any SPA Plan approval as stated in the Draft Program EIR. At this time, site specific mitigation will be developed as appropriate.

(1) Growth v. City of Mount Shasta (1988) 198 Cal.App.3d 433, 442.

(2) Items affected by the jurisdictional issue include revised land-use designations, jurisdictional boundary realignments and the configuration of water supply and distribution infrastructure. If those portions of Otay Ranch currently within the OWD boundaries were removed, as indicated in several of the Jurisdictional Alternatives in Section 1.13.1.2, extensive boundary realignments, annexations and de-annexations would be required. Transfer of existing OWD facilities to other entities would require substantial negotiations between the City of San Diego, City of Chula Vista and/or the Sweetwater Authority to insure the transfer/purchase of millions of dollars worth of capital facilities is equitable. The proposed land-use designations for the project could also change significantly depending on the different land requirements for storage and distribution facilities. By addressing and resolving the jurisdictional issue at this stage, proper land uses can be incorporated into the final General Plan.

(3) The Jurisdictional Alternatives presented in the report lack detailed backup and contain contradictory information. For example, the report rejects OWD as the preferred alternative for serving Otay Ranch, after stating that OWD would be the logical service choice. The stated reason is because OWD is unable to supply projected demands until the new San Diego County Water Authority (CWA) pipeline is completed. Yet the report ignores the fact that all of the other alternatives proposed are limited by the same constraint, with the possible exception of obtaining water from the City of San Diego. This latter alternative, however, is recommended as the Preferred Alternative despite the fact that no "meaningful information" is included indicating a willingness on the part of the City of San Diego to lease or sell capacity from the Lower Otay Filtration Plant. Nor is information provided indicating MWD or CWA's willingness to annex the remaining portion of Otay Ranch into their service areas. CEQA requires that there be evidence justifying an expectation on the part of the lead agency that the proposed project will be implemented. Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296.

(4) In conclusion, the OWD requests that the Preferred Alternative be revised in favor of the "Otay Water District" alternative. Over half the project is already within OWD's service area. The District has capacity planned in existing and future facilities to serve these areas. By the end of

R.5-2

2. Please refer to response to comment number 1.

3. The preferred alternative has been revised in accordance with this letter to show the Otay Water District as the preferred jurisdictional alternative for water service. Please refer to Section 3.13.1.2 of the Final Program EIR.

4. Please refer to response to comment number 1.

1994, CWA will have completed its new pipeline to Lower Otay Reservoir eliminating the existing water supply constraint. Finally, OWD is currently working with the City of San Diego to acquire emergency capacity at the Lower Otay Reservoir and Filtration Plant. (4)

Your consideration of the above-requested revisions to the report is appreciated. If you have any questions, please contact Mr. Bart Mumford at 670-2288.

Very truly yours,

Keith Lewinger
General Manager

KL/TH/BM/nes

R.5-3

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County of San Diego

COUNTY ENGINEER
COUNTY AIRPORTS
COUNTY ROAD COMMISSIONER
TRANSPORTATION OPERATIONS
COUNTY SURVEYOR
FLOOD CONTROL
LIQUID WASTE
SOLID WASTE

DEPARTMENT OF PUBLIC WORKS

5555 OVERLAND AVE. SAN DIEGO, CALIFORNIA 92123-1295

September 15, 1992

TO: Lauren Wasserman, Director
Department of Planning and Land Use (0650)

FROM: /s/ William A. Worrell, Deputy Director
Division of Solid Waste (0383)

SUBJECT: Otay Ranch EIR

R.6-1

The Department of Public Works has reviewed the draft Environmental Impact Report for the Otay Ranch Project. We find that the discussion, impact determinations and proposed mitigations for solid waste recycling related efforts are satisfactory. However, we believe that the EIR does not fully address the issue of adequate landfill capacity for the proposed development.

The EIR acknowledges that the County is currently attempting to site new landfills in the south county area, and that two of three proposed sites are within the Otay Ranch project area.

Otay Ranch will generate 194,753 tons per year of solid waste at build-out, according to the draft EIR. The EIR states that "the Otay Landfill is expected to meet the project's refuse disposal needs in the short term... ...and additional landfill space will ultimately be required. The future county site, when selected and implemented, will alleviate this problem." The EIR goes on to state that "Until that time, this issue is considered to be a significant impact".

The EIR, while stating that there is a significant impact, does not propose any mitigation measures for the issue of landfill capacity. The Analysis of Significance section goes on to conclude that "Impacts to solid waste disposal services are considered significant at this level of analysis. However, implementation of the above mitigation measures at the SPA level will mitigate project-related solid waste impacts to below a level of significance". The Department of Public Works does not believe the EIR to have adequately addressed the "significant impact" to landfill capacity in the area since there are no Mitigation Measures listed.

(1)

COUNTY OF SAN DIEGO
DEPARTMENT OF PUBLIC WORKS
WILLIAM WORRELL
SEPTEMBER 15, 1992

1. The Draft Program EIR acknowledges that the development of Otay Ranch would result in a significant increase in solid waste generation in the South County area, and would have significant impacts on integrated waste management. The Draft Program EIR does require mitigation measures, including the preparation of an Integrated Waste Management Master Plan, in coordination with the City of Chula Vista and the County of San Diego, which would identify and reserve specific sites for integrated waste management facilities.

   The Deputy Chief County Administrative Officer and City Manager have agreed to a mitigation measure regarding the County' long-term solid waste capacity; note text revisions to Sections 3.13.3, 4.2.14, 4.3.14, 4.4.14, 4.5.14, 4.6.14, 4.7.14, and 4.9.14 of the Final Program EIR.

Developers cannot assume that the County will be successful in finding new sites to provide for future capacity. The siting and permitting process has become so controversial and lengthy that presuming the successful selection and construction of a new landfill is perilous. A development of this magnitude should not begin construction until the additional capacity needed to support the development is assured.

The Solid Waste Division believes that the County and the developers should share the responsibility for finding new landfill capacity to support future development. To this end, we recommend that the Department of Planning and Land Use require the addition of the following Proposed Mitigation measures:

(1)

. The proposed project shall cooperate to the fullest extent possible in the investigation of the two sites within the Project area under consideration as replacement landfill(s).

. The Board of Supervisors is to have selected a new landfill site and the County is to have obtained all local and state permits required to build the facility prior to any tentative maps being approved for any phase of the proposed Project.

These mitigation requirements will assure that new landfill capacity will be available for the project at the time of need. They will alos prevent the Otay Ranch development from utilizing existing capacity before knowing if the region can meet the requirement of the State law (AB 939) to have a minimum of 15 years capacity in the solid waste disposal system.

We believe these changes in the EIR should also be adequately reflected in the General Development Plan.

If you have any questions please call Joe Minner at (S.C. S59) 974-2711.

WAW:KAL:jm

cc: Lari Sheehan
Bill Hoeben
City of Chula Vista

R.6-2

Copy to: Anne Ewing 10/1/92

MEMO

DATE: September 25, 1992

TO: Bill Hoeben, County Review Coordinator

FROM: Pat Klock, Liquid Waste P. M. Klock

SUBJECT: Otay Ranch Draft EIR

The comments for the Draft EIR are the same as those for the June 17, 1992 review of the Facility Implementation Plan. But the EIR should not be used to solve this problem.

(1) A new development has occurred since the inception of this project. It had been assumed that the wastewater treatment facility at the confluence of Salt Creek and Otay River would be constructed by San Diego Metro under the auspices of the Clean Water Program. This is no longer a valid assumption. Can the developer afford to construct a WWTP or will it have to be done by a municipal entity? If, in these difficult economic times, no one can afford the construction then lots of septic tanks will have to be the solution and less dense development will be required.

R.7-1

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SEP 28 1992
ENG...

COUNTY OF SAN DIEGO
DEPARTMENT OF LIQUID WASTE
PAT KLOCK
SEPTEMBER 25, 1992

1. Refer to response number 4 of the Chula Vista, Senior Civil Engineer's letter. The Draft Program EIR identifies the need for additional wastewater treatment facilities. System expansions due to the CLEAN Water Program are critical in meeting future capacity needs in the Southbay area. The specific method for disposal of sewage from the proposed project has not been fully defined. However, once the land uses and densities have been defined, and prior to SPA Plan approval, a Sewer Master Plan must be prepared and approved. The master plan will address and define specific facilities and financing mechanisms for wastewater treatment facilities to the satisfaction of the appropriate jurisdiction.

GRANVILLE M. BOWMAN
DIRECTOR
(619) 694-2212
FAX (619) 268-0481
LOCATION CODE S50

County of San Diego

DEPARTMENT OF PUBLIC WORKS
5555 OVERLAND AVE. SAN DIEGO CALIFORNIA 92123-1295

SEP 0

COUNTY ENGINEER
COUNTY AIRPORTS
COUNTY ROAD COMMISSIONER
TRANSPORTATION OPERATIONS
COUNTY SURVEYOR
FLOOD CONTROL
LIQUID WASTE
SOLID WASTE

September 30, 1992

Ann Ewing
Joint Planning Project
315 Fourth Avenue, Suite A
Chula Vista, CA 92010

Dear Ms. Ewing:

Subject: Review of Draft Environmental Impact Report - Otay Ranch Dated July 1992

R.8-1

(1) We have reviewed the traffic aspects of the various alternatives proposed in the Draft Environmental Report dated July 1992. The report adequately identifies the needed onsite and offsite road improvements to mitigate the traffic impacts of the various alternatives on the local and regional transportation system of roads. If the project approval requires that the identified onsite and offsite road improvements are to be provided by the proposed project or are to be provided by others prior to approval of the various village units then the approved project will adequately mitigate its impacts on the onsite and offsite roads by the construction of the recommended road improvements.

If you desire any additional information, please contact Bill Hoeben at 495-5287.

Very truly yours,

W Hoeben

for ROGER F. WALSH
Assistant Director

RFW:WAH:sjc

cc: Roger Walsh, DPW (0332)
Anna Noah, DPW (0385)
Steve Denny, DPLU (0650)
Bob Hoglen, DPW (0336)
Steve Thomas, 315 Fourth Avenue, Suite A, Chula Vista, CA 91910

otyran.mem

COUNTY OF SAN DIEGO
DEPARTMENT OF PUBLIC WORKS
ROGER WALSH
SEPTEMBER 30, 1992

1. Comment noted. The Draft Program EIR concurs with the Department of Public Works analysis. The onsite and offsite roadway improvements would mitigate significant traffic impacts. The developer will be required to pay their "fair share" of the improvement costs, to be defined at the SPA level in related financing plans.

San Diego County Water Authority
A Public Agency
3211 Fifth Avenue • San Diego, California 92103-5718
(619) 297-3218 FAX (619) 297-0511

October 20, 1992

Mr. Douglas A. Reid
Environmental Review Coordinator
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

VIA FAX

Dear Mr. Reid:

Review of Otay Ranch Draft Program Environmental Impact Report

R.9-1

The San Diego County Water Authority (Authority) has reviewed selected sections from the above referenced document. As discussed with Larry Purcell of my staff, the Authority is submitting the following comments for your consideration even though the official review period has closed.

Section 3.1 LAND USE, PLANNING, AND ZONING

(1) **Section 3.3.3.1, Present Land Uses Onsite**, page 3.1-1, third paragraph, states that the CWA maintains an easement across portions of the project area. This is correct. The current easement is 80 feet in width and contains one major pipeline within the right-of-way (ROW). A second pipeline, Pipeline 4E, Phase II, is presently under construction and should be completed in 1994. This new pipeline requires that the Authority obtain an additional 40 feet of ROW to allow for construction and operation. Therefore, the ROW through the project area will total 120 feet in width. The Authority holds easement right on all ROW which restricts structures, changes in grade, vegetation, etc. in order to protect the pipelines. Project proponents should contact the Authority Right-of-Way Department to obtain more information.

Section 3.13 WATER DEMAND AND AVAILABILITY

(2) **Section 3.13.1.1, Existing Conditions**, page 3.13-16, fourth paragraph, states "Approximately 109 mgd will be allocated...City of San Diego (Mumford 1991)." The CWA plans and constructs pipeline capacities based on member agency need, but does not allocate pipeline capacity among member agencies. Planned CWA flow control facilities and maximum capacities in the project area which

MEMBER AGENCIES
CITIES
IRRIGATION DISTRICTS
COUNTY WATER DISTRICT
PUBLIC UTILITY DISTRICT
MUNICIPAL WATER DISTRICTS
COUNTY
WATER DISTRICTS

SAN DIEGO COUNTY WATER AUTHORITY
GORDON HESS
OCTOBER 20, 1992

1. Comment noted. Figure 3.1-2 has been revised to recognize the additional easement width.

2. Based on a discussion with Larry Purcell at the CWA on November 10, 1992, it was determined that the sentence regarding water allocation from pipeline 4E11 should be deleted; please refer to Section 3.13.1.1 of the Final Program EIR.

Second Aqueduct
Authority
Service Area
Boundary
ATER DISTRICT
SOUTH BAY
IRRIGATION
DISTRICT
AUTHORITY
SERVICE AREA
OTAY WATER DISTRICT
OTAY WATER DISTRICT
PROCTOR VALLEY
PARCEL
SAN YSIDRO
PARCEL
SOUTH BAY
IRRIGATION
DISTRICT
OTAY RIVER
PARCEL
WATER DISTRICT
TIJUANA VALLEY
COUNTY WATER DISTRICT
CITY OF SAN DIEGO
WATER UTILITIES DEPARTMENT
NOTE: OTAY LAKES OWNED AND MANAGED BY CITY
OF SAN DIEGO WATER UTILITIES DEPARTMENT
N
SOURCE:
OGDEN
Water District Boundaries
FIGURE
3.13-2

MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

September 20, 1990

To: Board of Directors (Water Problems Committee--Action)

From: General Counsel

Subject: Administrative Code Changes Pertaining to Annexations

Report

The Water Problems Committee, at its September 10, 1990 meeting, approved the recommendations of the Subcommittee to Review Annexations to change Metropolitan's annexation procedures and to adopt water use efficiency guidelines (guidelines) applicable to future annexations. These guidelines will encourage the use of reclaimed wastewater, expanded water conservation, additional local storage, system interconnections, and other facilities and measures to reduce demands on Metropolitan.

Under the new requirements, member agencies requesting annexations would submit a plan of implementation on how the annexing area will comply with the guidelines. As a procedural change, the Water Problems Committee and Board of Directors would consider informal and formal approvals of annexations quarterly at their January, April, July, and October meetings.

To implement these changes in annexation requirements, the Water Problems Committee directed the General Counsel to draft proposed changes in the Metropolitan Water District Administrative Code. This letter presents those changes.

To facilitate a review of the proposed changes in the context of the existing related Administrative Code provisions, all of Chapter 1 of Division III, pertaining to "Annexation Procedure", is included in the attachments. ~~Attachment B shows proposed changes by underlining and strikeover.~~

Recommendation

That Chapter 1 of Division III of the Administrative Code be amended to read as set forth in Attachment A.

for Fred Vendig

DRF/FV:gg/db
Annex.bd
Attachment

R.9-6

ATTACHMENT A

Chapter 1

ANNEXATION PROCEDURE

Sec.

3100. Request for Annexation
3101. Submittal of Request
3102. Consideration of Request for Annexation
3103. Approval of Request for Annexation
3104. Mandatory Terms and Conditions
3105. $3000 Processing Fee; Waiver
3106. Cash Payment Requirement
3107. Water Use Efficiency Guidelines

§ 3100. Request for Annexation.

(a) Initial submittal

A request for annexation of area to the District shall be made in writing executed on behalf of the member public agency or proposed member public agency within which the area is or is proposed to be situated. The request shall include:

(1) A general description of the area proposed to be annexed and a map of said area indicating the boundaries of the area and existing streets and highways;

(2) A certificate from the assessor of the county within which the area proposed to be annexed is situated setting forth the assessed valuation of each parcel included within the area;

(3) Identification of the ownership of each parcel included within the area proposed to be annexed; and

(4) A statement setting forth whether the number of voters within the area proposed to be annexed is less than 12 or 12 or more.

(5) A description of:

(i) Present use of each of the parcels included within the area proposed to be annexed;

R.9-7

§ 3104. Mandatory Terms and Conditions.

All terms and conditions of annexation shall contain the following provisions:

(a) The sale and delivery of all water by the District, regardless of the nature and time of use of such water, shall be subject to regulations promulgated from time to time by the District.

(b) Except upon terms and conditions specifically approved by the Board, water sold and delivered by the District shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside the District including use of such water outside the District or use thereof within the District in substitution for other water used outside the District.

(c) No District water shall be sold or delivered to any member public agency for use, directly or indirectly, for agricultural purposes as defined in Section 4106 within the annexing area.

(d) The District shall not be obligated to provide additional works or facilities, necessitated by the annexing area, for the delivery of water from works owned and operated by the District.

§ 3105. Waiver of Charges and Fee.

The processing and the annexation charges may be waived in cases where the Board itself requests a small annexation to prevent or close a "window" in an existing member public agency.

§ 3106. Cash Payment Requirement.

All annexation charges shall be paid in full in cash prior to completion of the annexation.

§ 3107. Water Use Efficiency Guidelines.

To the extent practicable, local water purveyors and owners of parcels, as appropriate, within an area for which a request for annexation is first considered by the Board after October 9, 1990, shall comply with the following:

(a) Annual water demand shall be minimized by incorporating water conservation measures into the development plans. Use of local groundwater, surface water, and reclaimed wastewater supplies shall be maximized to reduce demands on the District.

(b) Peak demands on the District shall be minimized by construction and operation of local storage and groundwater production facilities. In cases where the annexed area is served by an existing water delivery system, this provision may be satisfied by showing that these facilities will be added to the existing system.

(c) Reclaimed wastewater or other non-potable water shall be used on all golf courses; decorative lakes; and other landscaped areas exceeding one acre, including multi-family complexes, commercial and industrial developments, and similar areas. Reclaimed wastewater and other non-potable supplies shall be used for industrial processes and other suitable uses. If such supplies do not presently exist, a dual distribution system shall be constructed to accommodate such supplies when they become available in the future.

(d) "Best management practices" conservation measures, as identified by the District from time to time, shall be applied in all new and existing developments within the annexed area. At least one model home constructed in each new development within the annexed area shall demonstrate a water conserving landscape.

(e) Local storage, groundwater production capacity, system interconnections, and other

measures shall be able to sustain a 7-day interruption in service from the District.

The member public agency within which the annexed area is located shall be responsible for assuring compliance with these provisions.

R.9-12

DRF:FV:gg:db
gld/a2

Local Agency Comment Letters

CHULA VISTA FIRE DEPARTMENT
BUREAU OF FIRE PREVENTION

PLAN CORRECTION SHEET

EIR-90-01-FB 048

Address OTAY RANCH Plan File No.____ Checker GOVE Date 8/20/92

Type Constr.____ Occupancy____ No. Stories____ Bldg. Area____

The following list does not necessarily include all errors and omissions.

PROVIDE AND SHOW ON PLAN:

(1) 1. Pg. 2-21 Section 2.3.2.2 Public Facilities Element -
Water main pressure shall NOT exceed 150 psi (Pg. 3.13-8)

(2) 2. Pg. 3.13-41 Olympic Training Center - This section may change when the interim Station #6 is opened.

(3) 3. Fuel modification has NOT been discussed in this document. Due to sensitive habitat's in the Otay Ranch project area, the applicant is unable to provide fire apparatus access into canyon areas. Alternative methods of providing fire protection to open space, urban interface areas and brush and wildland areas must be addressed.

FB-29

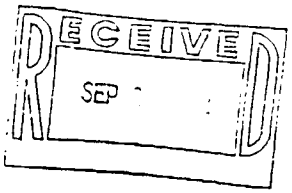
LA.1-1

CITY OF CHULA VISTA FIRE DEPARTMENT
BUREAU OF FIRE PREVENTION
AUGUST 20, 1992

1. Comment noted. The water distribution system for Otay Ranch will be designed in accordance with all of the requirements of the applicable jurisdiction. Details on the water distribution system, including water main pressure, will be developed and refined at the first SPA level. These requirements have been referenced in the text changes to mitigation measures in Section 3.13.3.

2. Comment noted. If circumstances change when interim Station #6 opens, these changes would be addressed during subsequent environmental review.

3. The requirement to include a Brush Management Plan as a component of the Fire Master Plan has been added to the mitigation measures section of the Fire Protection analysis; please refer to Section 3.13.5.3 of the Final Program EIR. The implementation of a Brush Management Plan will be evaluated in subsequent environmental review at the SPA level.



August 27, 1992

RECEIVED
SEP

To: Anna Noah (0340)

From: Flood Control (0382)
(WA #UH1510) Kenneth C. Hanson

CC: Bill Hoeben (0336)
Steve Thomas 315 Fourth Ave., Suite A, Chula Vista, CA. 91910

Subject: Public Review Comments for Draft Program Environmental Impact Report - Otay Ranch (dated July 1992)

I. BACKGROUND:

Flood Control reviewed draft EIR check prints in September 1991 and March 1992. Various Otay Ranch drainage plans have also been reviewed. Comments were made with those reviews to aid final document preparation.

The Flood Control issues that follow need to be addressed in EIR:

II. ISSUES AND COMMENTS:

A. Issue: Provision of comprehensive master drainage plans, studies, financing, and phasing plans for on-site and off-site Otay Ranch drainage facilities.

(1) Flood Control reviewed draft "Drainage and Flood Control Plans for the Development of Otay Ranch by the Baldwin Company" from VTN Southwest, Inc. and Church Engineering, Inc. dated May 1990. Comments were provided after reviews on those documents. Flood Control has not received amended documents. The July 1992 draft EIR did not address how or when acceptable comprehensive drainage, phasing, or financing plans would be established for Otay Ranch; or how drainage infrastructure will be provided for each alternative. Staging / development detail, timing, financing, and responsibility for drainage impacts should be established. Specific zoning, planning, and improvement detail is necessary to develop all of these plans.

If it is not desireable to set the precise land planning and zoning necessary to allow development of these plans with the EIR; it may be acceptable to establish master drainage, staging, and financing plans with the first SPA within each drainage basin. However, the EIR must establish the plan development process, responsibility of first developer to provide such plans, and a surety procedure to be instituted with each SPA to assure appropriate plans are developed and observed in the entire drainage basin impacted by each SPA.

COUNTY OF SAN DIEGO DEPARTMENT OF PUBLIC WORKS
FLOOD CONTROL
KENNETH C. HANSON
AUGUST 27, 1992

1. It is the SPA developer's responsibility to provide and establish master drainage, staging, and financial plans with the first SPA within each drainage basin. The EIR text has been modified to establish the plan development process as noted in Section 3.9 of the Final Program EIR. The floodplains and floodways are regulated by Title 44 of the Federal Regulations and the RPO at County of San Diego. The San Diego County resource protection ordinance also regulates wetland areas. The proposed Resource Managment Plan (RMP) will replace the RPO requirements of the project. In addition the Army Corps of Engineers administers Section 404 of the Clean Water Act which is concerned with channel improvements or fill.

B. Issue: Provision and utilization of Storm Water Quality Design, Monitoring, and Treatment.

The City of Chula Vista and County of San Diego have a Municipal permit from the State Regional Water Quality Control Board for storm water discharge. New development must consider and mitigate impacts to storm water quality with regard to the local agency Municipal Permit.

A storm water quality General Industrial Permit has also been adopted by the State and is active. Any industrial activity defined by the State Regional Water Quality Control Board as being subject to the Industrial General Permit must file an NOI or obtain a separate permit for such activity.

A State Construction General Permit will be approved and be operational by October 1992. All projects, or parts of projects, five acres and greater are required to obtain NOI's. Implementation of storm water quality practices must be included, maximized, and implemented with all construction. The designs must include monitoring, Storm Water Pollution Prevention Plans, and use of guideline manuals and Best Management Practices (BMP's). (2)

BMP's, design, treatment, and monitoring for storm water quality must be addressed with respect to the Municipal, Industrial, and Construction Permits with all Baldwin Otay Ranch storm water runoff (not Otay Lakes basins only). In addressing storm water quality issues the use of detention, retention, and treatment ponds may be used. The master drainage, staging, and financing plans must include all construction and maintenance of these storm water quality facilities as San Diego County does not accept these as public facilities for maintenance.

Most comments provided in previous responses listed above are current and still need address. Comments addressed should cover all proposed and selected alternatives. Mixing of several alternatives as a project develops would be another alternative and should have master plan address prior to establishment.

C. Issue: Existing and future flood plain mapping for streams and land development treatment, policy, and procedure for regulation purposes.

Major streams having flood plain maps should be identified. Other streams with one square mile and greater drainage area should also be listed and identified to be flood plain mapped prior to development near those streams. Flood plain regulations and procedures for development near flood plains should be identified, listed as goals, and adhered to with all Baldwin Otay Ranch development. (3)

Otay14.Ltr

LA.2-2

2. The text of the Final Program EIR has been modified in Section 3.9 to detail the requirements needed to adhere to the stormwater municipal and construction permits.

3. Figure 3.9-2 shows the major streams and their floodplain/floodways, and mitigation measures discuss the mandate for drainage-specific floodplain/floodway width studies that shall be performed at the SPA Plan level. The floodplain fringe (the area of the floodplain outside of the floodway) may be developed in certain non-sensitive areas if the structures are developed above the 100-year floodplain and are capable of withstanding periodic flooding. Also, the development shall be set back from the floodway boundary a distance equal to 15 percent of the floodway (City of Chula Vista and County of San Diego ordinances). In addition, at the SPA Plan level, detailed hydrology studies shall be performed to specifically design infrastructure such as bridges and culverts.

August 28, 1992

TO: Dwayne Bazzel, Senior Planner, Otay Ranch Project

VIA: Jess Valenzuela, Director of Parks and Recreation

FROM: Martin Schmidt, Landscape Architect MS

RE: OTAY RANCH PROJECT - DPEIR COMMENTS

LA 3-1

The scope of this review has been contained to the parameters of the Parks and Recreation Element, the Open Space Element, and the Trails/Greenbelt components.

MAJOR ISSUES:

1. PARK NETWORK:

Page 3.13 - 63:

(1) A. In the second paragraph, second sentence: delete the word "private" from the statement. Private recreation facilities do not receive credit towards the Park Dedication requirement.

(2) B. In the portion that lists the site components for Neighborhood and Community Parks, a statement to the effect of the following is to be included-

"This list is specifically for analysis purposes only. The final determination of the types, quantities and locations of the specific facilities to be provided at each park will be based upon a needs analysis and the subsequent park master plan for each park type and site."

(3) C. At the bottom of the page in the Chula Vista Greenbelt section, the text addresses the greenbelt as if it already is in place. The text should be revised to reflect that the greenbelt is in the various stages of the planning process. Potential revision could read:

"The City of Chula Vista General Plan has a conceptual greenbelt system plan which includes active and passive parks, undeveloped open space,

CHULA VISTA PARKS AND RECEREATION LANDSCAPE ARCHITECT
MARTIN SCHMIDT
AUGUST 28, 1992

1. The text has been revised to delete the word "private" as requested; please refer to Section 3.13.9.1 of the Final Program EIR.

2. The text has been revised to qualify that the list of recommended neighborhood park facilities are for purposes of analysis only at the GPA level. Refer to Section 3.13.9.1 of the Final Program EIR.

3. The text has been revised to indicate that the greenbelt is in the conceptual planning stages; please refer to Section 3.13.9.1 of the Final Program EIR.

(3) stream valley and flood plains, wetlands, water and agricultural areas that will form a continuous 28-mile system around the city."

Page 3.13 -65:

(4) A last sentence at the bottom of the page identifies that,

"The PAD fee is currently $4,375 per dwelling unit (Schmidt 1992)."

This is correct only for single family homes only. See the attached fee schedule for the correct fees for the various types of housing.

Page 3.13 -68:

(5) The last bullet point at the bottom of the page identifies that the fee per dwelling unit is $800. This is incorrect and is to be revised to reflect the fee schedule provided.

These items are the issues of major significance relative to the Otay Ranch DPEIR. All other aspects of this project as identified in the DPEIR and previous GDP and EIR submittals will be brought forth for discussion and resolution to the Parks and Recreation Department's and the City's satisfaction.

LA.3-2

4. The PAD fee required for attached, duplex, and multifamily dwelling units has been added to the text; please refer to Section 3.13.9.1 of the Final Program EIR.

5. The last bullet under Section 3.13.9.3, Proposed Mitigation, references the County's Park Lands Dedication Ordinance (PLDO), or a similar exaction authority. Since the specifics of the exaction authority to be used for the proposed project have not yet been determined, the reference to $800/du has been deleted from the text; please refer to Section 3.13.9.3 of the Final Program EIR.

Akuna

May 21, 1991

TO: All Department Heads

FROM: Jess Valenzuela, Director of Parks and Recreation

SUBJECT: Park Acquisition and Development (PAD) Fee Increase

On April 23, 1991, the City Council approved an increase in the City's existing PAD fees, to take effect 60 days after this date. Therefore, the new fees become effective on June 22, 1991, and will apply to all projects that will not have an approved and recorded final map as of the June date. Projects that have had PAD fees waived or have had special conditions for park development placed on their tentative maps which exempt them from new PAD fees will not be subject to the new fees.

LA-3-3

Attached is a copy of the existing fees and the proposed fees which were accepted by Council. The fees are divided into an acquisition portion and a development portion. The new combined PAD fees are as follows:

Single family:	$4,375/du
Attached:	$3,810/du
Duplex:	$3,365/du
Multi-family:	$2,990/du
Mobilehome:	$2,230/du
Residential/transient motel and hotel:	$2,030/du

If you have any questions, or need additional information, please do not hesitate to call.

Attachment B

PARK ACQUISITION AND DEVELOPMENT FEES

CURRENT

Park Acquisition Fees

Single family	$390/du
Attached	$335/du
Duplex	$300/du
Multi-family	$265/du
Mobilehome	$200/du
Residential hotel	$180/du

Park Development Fees

	Neighborhood Park	Community Park	TOTAL
Single family	$ 800/du	$490/du	$1,290/du
Attached	$1,155/du	$430/du	$1,125/du
Duplex	$1,025/du	$370/du	$ 985/du
Multi-family	$910/du	$340/du	$ 885/du
Mobilehome	$680/du	$250/du	$ 655/du
Residential and transient motel/hotel	$620/du	$230/du	$ 600/du

PROPOSED – As of 6/22/91

Park Acquisition Fees

Single family	$2,115/du
Attached	$1,830/du
Duplex	$1,625/du
Multi-family	$1,440/du
Mobilehome	$1,070/du
Residential hotel	$ 980/du

Park Development Fees

	Neighborhood Park	Community Park	TOTAL
Single family	$1,510/du	$750/du	$2,260/du
Attached	$1,310/du	$670/du	$1,980/du
Duplex	$1,160/du	$580/du	$1,740/du
Multi-family	$1,030/du	$520/du	$1,550/du
Mobilehome	$770/du	$390/du	$1,160/du
Residential and transient motel/hotel	$700/du	$350/du	$1,050/du

SEP - 3 1992

PLANNING

MEMORANDUM

September 1, 1992
File No. YE-040

TO: Douglas Reid, Environmental Review Coordinator

VIA: Clifford L. Swanson, Deputy Public Works Director/ City Engineer

FROM: Roger L. Daoust, Senior Civil Engineer

SUBJECT: Third Review of Draft Program Environmental Impact Report 90-01, Otay Ranch

REFERENCE: April 24, 1992 Memorandum from Clifford L. Swanson to Douglas Reid (copy attached)

LA.4-1

The Engineering Division has reviewed the subject document and presents the following comments in addition to those submitted separately by the Traffic and Land Development Sections through Steve Thomas. Please note that many of these comments have been made in previous reviews and that this Program EIR will not be considered complete until these items are addressed to the satisfaction of the City Engineer.

Section 1.1 Project Summary

1. In Table 1.1-1 "Summary of Impacts and Mitigation":

(1) a. Comment No. 1a of our April 24, 1992 memorandum (copy attached) for this section of the Draft Program Environmental Impact Report was not addressed.

(2) b. Under Wastewater and Sewer Service, replace the following statement:

"The applicant shall obtain a commitment from the local sewer agency to provide adequate sewer facilities to serve the Otay Ranch population."

with:

"The applicant shall provide adequate facilities for wastewater collection, transmission, and treatment facilities, as required by the local sewer agencies."

CHULA VISTA SENIOR CIVIL ENGINEER
ROGER DAOUST
SEPTEMBER 1, 1992

1. Text changes have been made to Table 1.1-1 to require compliance with National Pollutant Discharge Elimination System (NDPES) permit conditions as mitigation for potential urban surface water pollution.

2. Refer to response number 1 in this letter.

Section 2.3 Project Characteristics

(3) Figure 2.3-4, "Proposed Circulation System", is not consistent with the City of Chula Vista General Plan with respect to the naming of roadway segments. Correct the street names as shown in the attached figure. This Program EIR will not be considered complete until these corrections are made to Figure 2.3-4.

Section 3.10 Transportation, Circulation, and Access

No additional comments.

Section 3.13.2 Wastewater and Sewer Service

1. On page 3.13-22 of Section 3.13.2.1 "Existing Conditions", the Program EIR discusses the City of San Diego's Clean Water Program based upon information available in 1990. However, the status of the Clean Water Program has changed since 1990. Judge Brewster has granted a 19-month extension to the City of San Diego to further investigate the effectiveness of Advanced Primary treatment. This will result in one of the following scenarios:

   a. The City of San Diego will still be required to construct the facilities identified in the Clean Water Program, but plant start-up dates will be delayed to the year 2000.

(4) b. Based upon favorable water quality test results for Advanced Primary treatment, the United States Environmental Protection Agency (USEPA) accepts this standard of treatment at the Point Loma facility and also accepts San Diego's "Consumers' Alternative". This would mean that the South Bay Plant will not be constructed in the near future and the Otay Valley Water Reclamation Plant will not be operational until the year 2025.

   Since this will have a significant impact upon on treatment alternatives for Otay Ranch, this section of the Program EIR must include a discussion of these scenarios. These scenarios must also be discussed in the "Wastewater Treatment Alternatives" portion of Section 3.13.2.2 (with particular attention to Alternative 1).

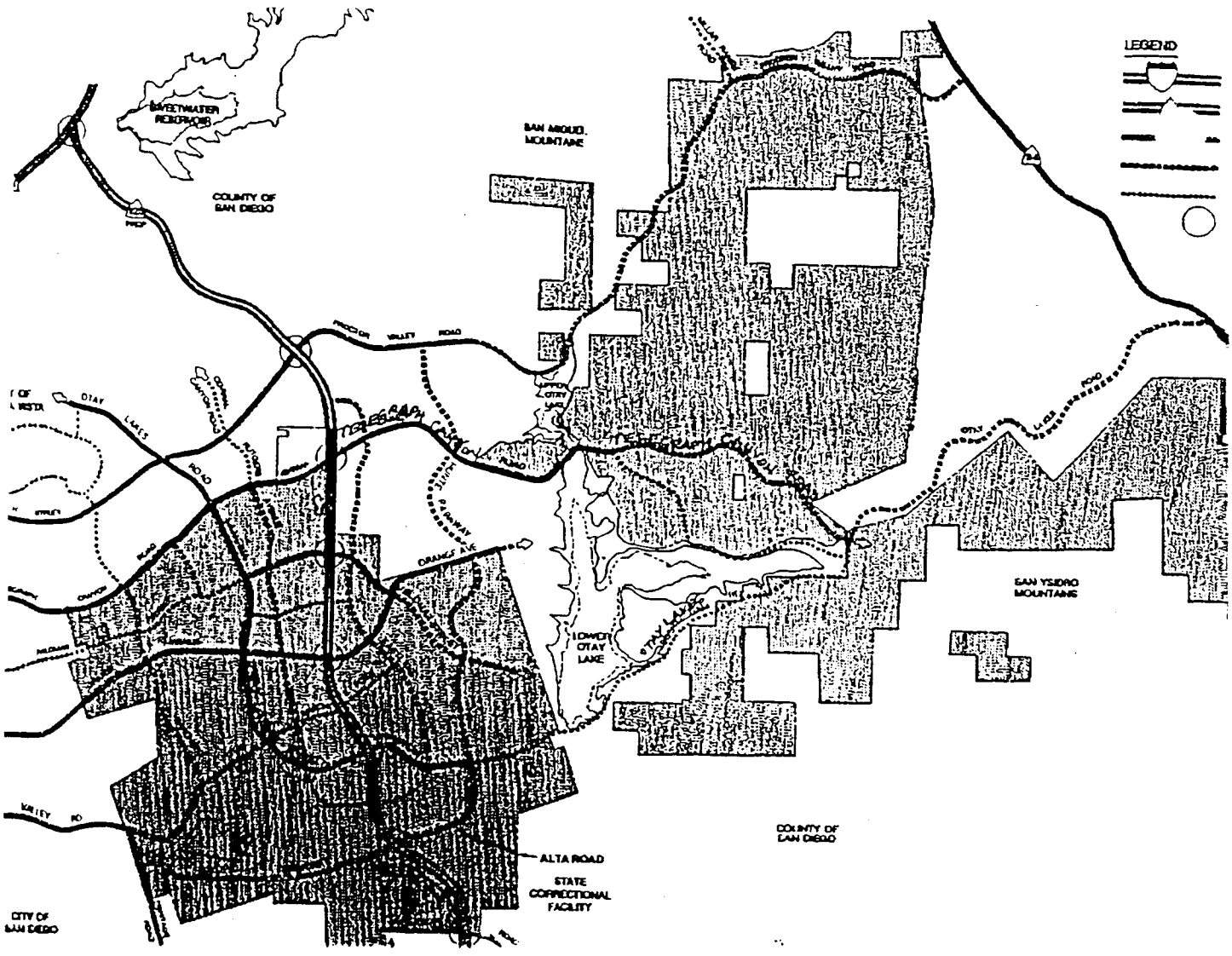
(5) 2. On page 3.13-25 of Section 3.13.2.2, under the heading "Flow Generation", the Program EIR indicates that a flow generation rate of 250 gallons was used for residential units in the "Master Plan of Sewerage" prepared by Wilson Engineering. However, as discussed in our April 24, 1992 comments, a flow rate of 250 gallons per

LA.4-2

3. There are no environmental or policy impacts of renaming roadway segments on the Otay Ranch property. This is a separate procedure from the EIR process. Approval of the proposed General Plan Amendments to the City of Chula Vista's Circulation Element will bring the street names identified within the project area into consistency with the General Plan. No additional response or text changes are necessary.

4. A discussion of the current status of the Clean Water Program has been added to Section 3.13.2.1 of the Final Program EIR. Although it is acknowledged that the potential changes to the Clean Water Program may impact treatment alternatives for Otay Ranch, until final decisions have been made, the results of these changes are speculative. The proposed Otay Ranch Project should be required to comply with all adopted plans, policies, and regulations.

5. Based on written correspondence (dated May 20 and May 22, 1992) between Mark Burbrink of Wilson Engineering and Roger Daoust of the City of Chula Vista Engineering Division, it was agreed that the factor of 250 gallons per day would be acceptable at this level of analysis as an overall generation rate for sewage from residential development. Copies of the letters referenced above have been included following the responses to this letter.


LEGEND
SAN MIGUEL MOUNTAIN
COUNTY OF SAN DIEGO
SAN YSIDRO MOUNTAIN
LOWER OTAY LAKE
ALTA ROAD
STATE CORRECTIONAL FACILITY
CITY OF SAN DIEGO
COUNTY OF SAN DIEGO

LA.4-5

April 24, 1992
File No. YE-040

TO: Douglas Reid, Environmental Review Coordinator

VIA: Clifford L. Swanson, Deputy Public Works Director/ City Engineer

FROM: Roger L. Daoust, Senior Civil Engineer
Harold Rosenberg, City Traffic Engineer

SUBJECT: Review of Draft Program Environmental Impact Report 90-01, Otay Ranch

REFERENCE: October 8, 1991 Memorandum from Clifford L. Swanson to Douglas Reid (copy attached)

The Engineering Division has reviewed the subject document and presents the following comments:

Section 1.1 Project Summary

1. In Table 1.1-1 "Summary of Impacts and Mitigation":

   a. Add the following mitigation measure under "Water Resources and Water Quality".

      "Development of the Otay Ranch project must comply with all applicable regulations established by the United States Environmental Protection Agency (EPA) as set forth in the National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and stormwater discharge and any regulations adopted by the City of Chula Vista pursuant thereto.

      In addition, the applicant shall be required to obtain N.P.D.E.S. construction permits from the State Water Resources Control Board and to submit pollutant control and monitoring plans to the Regional Water Quality Control Board for approval prior to the issuance of grading permits."

   b. The mitigation measure identified under Wastewater and Sewer Service indicates that "....The applicant shall obtain a commitment from the local sewer service agency to provide adequate sewer facilities to serve the Otay Ranch population."

      However, this is not sufficient -- the City of Chula Vista does not provide "will serve" letters or sell capacity in advance of wastewater discharge. The burden

is upon the developer to provide adequate facilities if the City does not have the facilities in-place. Otay Ranch must mitigate impacts by providing adequate facilities for wastewater transportation and treatment, if necessary.

Section 2.3 Project Characteristics

1. In Figure 2.3-4, "Proposed Circulation System", the proposed alignment of Otay Valley Road has noncontiguous segments and is inconsistent with City of Chula Vista design criteria. In addition, several streets do not follow the criteria established in the Subdivision Manual for naming streets (i.e., extensions of existing streets shall use the name assigned to the existing street segment).

   For example, the applicant proposes to rename Hunte Parkway and Eastlake Parkway to Callahan Boulevard and Birch Parkway, respectively. This is inconsistent with City policy and subsequent versions of the draft Program EIR must address this issue.

   Please note that this issue was also raised in our October 8, 1992 memorandum, but not addressed in this version of the draft Program EIR.

2. The general layout and alignment of major streets within Otay Ranch should be similar to the general layout and alignment presented in the Circulation Element of the City of Chula Vista General Plan. Figure 2-2, which illustrates the approved general layout and alignment of the street system within the Chula Vista General Plan area, is included with this memorandum.

   Please note that this issue was also raised in our October 8, 1992 memorandum, but not addressed in this version of the draft Program EIR.

Section 3.9.3 Water Resources and Water Quality: Proposed Mitigation Measures

1. Change the following statement in Section 3.9.3:

   "In addition, the applicant must comply with all applicable regulations established by the United States Environmental Protection Agency (EPA) as set forth in the National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and stormwater discharge."

   to:

   "In addition, the applicant must comply with all applicable regulations established by th[illegible]nited States Environmental Protection Agency (EPA) as set forth in the

LA.4-7

National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and stormwater discharge and any regulations adopted by the City of Chula Vista pursuant thereto.

The applicant shall also be required to obtain N.P.D.E.S. construction permits from the State Water Resources Control Board and to submit pollutant control and monitoring plans to the Regional Water Quality Control Board for approval prior to the issuance of grading permits."

2. The drainage facilities list on page 3.9-19 does not reflect the improvements to Telegraph Canyon Channel constructed by the Army Corps of Engineers to accommodate flows associated with a 100-year return frequency storm. These improvements include a rectangular channel segment, a reinforced concrete box channel segment, and reinforced concrete box culverts from Interstate 5 to 600 feet east of Fourth Avenue.

3. Comment No. 6 of the October 8, 1991 memo inadvertently included the word "significant" in the last sentence. It should be noted that current practice as well as current legal authority require developers to prevent any increase in runoff to downstream properties. The word "significant" must be deleted.

4. Most of the recommended improvements for the drainage facilities listed on pages 3.9-20 and 3.9-21 for the Telegraph Canyon Basin (upstream of Fourth Avenue) and for the Poggi Canyon Basin at Otay Valley Road are inconsistent with the recommendations presented in the City of Chula Vista Public Facilities Plan Flood Control Summary Report, Phases I and II, by Leedshill-Herkenhoff, Inc.

   This report indicates that the short-term improvements for these drainage facilities involves cleaning out the channels or culverts; however, this activity alone will not sufficiently increase the capacity of the channels and culverts to carry the ultimate design flows. Ultimate improvements to culverts in Telegraph Canyon and Poggi Canyon require the replacement of existing culverts or the addition of a parallel box culvert at street crossings; ultimate improvements to channels in Telegraph Canyon would involve lining or grade control, both of which would probably require widening of the existing natural channels.

Section 3.10 Transportation, Circulation, and Access

1. No additional comments.

L.A.4-8

Section 3.13.2 Wastewater and Sewer Service

1. Page 3.13-29 indicates that the current METRO capacity is 300 mgd, which is incorrect. The actual capacity is significantly lower. Contact METRO for the correct information.

2. On page 3.13-30, an average wastewater flow of 250 gallons per day is used; however, the following standards must be used for system design:

   a. 280 gpd/EDU for local and collector facilities.

   b. 265 gpd/EDU for regional facilities, such as wastewater treatment/water reclamation facilities and transmission lines.

3. On page 3.13-33, participation in construction of the Salt Creek Basin trunk sewer should be included in the conveyance system alternatives.

4. On pages 3.13-34 to 3.13-37, two wastewater treatment alternatives are presented which involve wastewater reclamation. Alternative 1 is connection of the entire Otay Ranch project to METRO facilities (which would certainly involve using Otay Valley Water Reclamation Plant capacity); and, Alternative 3 is construction of a wastewater treatment facility that would produce an effluent that could be used for reclamation.

   Alternative 1, and the subsequent use of Otay Valley Water Reclamation Plant capacity, would have to consider the following:

   a. Timing: Because the reclamation plant will probably not be operational until 1997, or as late as June 1998, either development of those portions of the Otay Ranch project which would contribute flows to this plant will need to be postponed or flows will need to be temporarily pumped to another basin.

   b. Phasing: Phased construction of Otay Ranch must be coordinated with phased expansion of the reclamation plant.

   c. Overall Plant Size: Because the capacity of the water reclamation plant will be 12 mgd and the estimated flow from Otay Ranch alone is 13.1 mgd, coordination with the Clean Water Program will be necessary with respect to ultimate plant size.

   If Otay Ranch wishes to construct a separate wastewater reclamation plant as outlined in Alternative 3, then the Program EIR must discuss phasing and financing

L.A.4-9

issues, as well as any differences in construction and maintenance costs related to building two plants (one in Otay Valley and in one Otay Ranch), instead of building one plant in Otay Valley. In addition, Clean Water Program staff have indicated an unwillingness to handle sludge generated by other agencies' treatment facilities.

5. The first mitigation measure identified on page 3.13-37 refers to the issuance of a "will serve" letter to assure that a tract or parcel will be provided adequate sewer service concurrent with need. However, as previously noted, the City of Chula Vista does not provide "will serve" letters or reserve capacity in advance of the building permit process.

Section 6.15.2 Wastewater and Sewer Service: Cumulative Impacts

1. Regional wastewater treatment and transmission facilities shall be designed for all projects in the cumulative impact area. As stated in the Program EIR, these projects will contribute an estimated additional 18.8 mgd of flow. Therefore, as a minimum, capacity for expansion should also be considered.

LA.4-10

KPA/kpa

cc: William A. Ullrich, Senior Civil Engineer
Samir M. Nuhally, Civil Engineer
Elizabeth Chopp, Civil Engineer
Zoubir Ouadah, Civil Engineer

[A:YE-040.02]

October 8, 1991
File No. YE-040

TO: Doug Reid, Environmental Review Coordinator

FROM: Clifford L. Swanson, Deputy Public Works Director/ City Engineer

SUBJECT: Review of Draft Program Environmental Impact Report 90-01, Otay Ranch

The Engineering Division has reviewed the subject document and presents the following comments:

LA.4-11

1. Section 1.1.5 of page 1-3 indicates that a "Summary of Impacts and Mitigation" will be provided. This Program EIR will not be considered complete until this section is reviewed and approved.

2. In Figure 2.3-4, "Proposed Circulation System", the proposed alignment of Otay Valley Road has noncontiguous segments and is inconsistent with City of Chula Vista design criteria. In addition, several streets do not follow the criteria established in the Subdivision Manual for naming streets (i.e., extensions of existing streets shall use the name assigned to the existing street segment). These points must be clarified in subsequent drafts of the Program EIR in order to avoid confusion.

3. The general layout and alignment of major streets within Otay Ranch should be similar to the general layout and alignment presented in the Circulation Element of the City of Chula Vista General Plan. Figure 2-2, which illustrates the approved general layout and alignment of the street system within the Chula Vista General Plan area, is included with this memorandum.

4. Add the following statement under Section 3.9.3:

   "Development of the Otay Ranch project must comply with all applicable regulations established by the United States Environmental Protection Agency (EPA) as set forth in the National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and stormwater discharge."

5. The drainage facilities listed on pages 3.9-18 to 3.9-21 shall be revised to reflect the improvements to Telegraph Canyon Channel constructed by the Army Corps of Engineers and to address downstream systems and facilities within the Otay River, Poggi Canyon, Palm Road, Judson, and Southwest basins.

6. Change the following statement in the second paragraph of page 3.9-18:

"It would be the responsibility of the facility owners to implement the necessary improvements."

to:

"It will be the responsibility of the developer to implement necessary improvements to downstream facilities that will be significantly impacted by the Otay Ranch development."

7. On page 3.9-22, Proposed Mitigation Measure No. 4 should indicate how the use of siltation basins will mitigate the decrease in recharge to the aquifer system. In addition, a study addressing the issues of manmade recharge systems would not provide appropriate mitigation -- a study will merely suggest measures to be implemented in order to mitigate the decrease in recharge to the aquifer system caused by an increase in impermeable surfaces.

8. Table 3.9-2 shall indicate that the areas and lengths given represent only those portions of each basin that are within and/or upstream of Otay Ranch (i.e., does not include portions of basins that are downstream of Otay Ranch).

9. The Engineering Division will review grading and drainage situations at the time construction plans for each phase of the development are submitted for review. Additional comments and/or conditions for approval will be made at that time.

10. County Tax Assessor records for much of the Otay Ranch project are not available to us and, therefore, it was not possible to verify project boundaries and ownership of the Otay River, Proctor Valley, and San Ysidro parcels.

11. On page 3.13-27, under the heading "Flow Generation", a generation factor of 265 gallons per day per EDU (Equivalent Dwelling Unit), not 250 gallons per EDU should have been used.

12. Further development of wastewater transportation and treatment methods is necessary. The 16.8 mgd wastewater flow of the Otay ranch project exceeds the proposed capacity of the Otay Valley Water Reclamation Plant and the City of Chula Vista's reserve capacity in the METRO system. Therefore, an extensive wastewater master plan for Otay Ranch and the cumulative impact area is required. We are aware that a wastewater master plan has been prepared by Willson Engineering for the Otay Ranch project. However, the master plan must be updated to reflect the previous comments on the plan made by the Otay Ranch Project Team as well as the following issues/parameters:

    a. Derivation of equivalent dwelling units and flow rates for Otay Ranch and the Cumulative Impact Area.

    b. Determination of existing and ultimate capacities of the existing facilities that Otay Ranch plans to use. Flow metering shall be utilized.

    c. Division of the project into sewer basins.

    d. Estimated slope and diameters of all proposed collection and transmission sewer lines.

    e. Capacity analysis from point of wastewater generation to point of treatment. If additional treatment facilities are required, the analysis shall be to the point of discharge of the treated effluent. The analysis shall verify that sizing of the proposed facilities is adequate.

    f. Consideration of phasing of the development with respect to construction of facilities that Otay Ranch proposes to use, such as the Otay Valley Water Reclamation Plant and the County of San Diego landfill.

    g. Analysis of wastewater and sludge treatment/disposal alternatives, including approximate locations of the required facilities.

    h. Coordination with all involved agencies (i.e., City of Chula Vista, County of San Diego, City of San Diego, and Otay Water District).

    i. Determination of the cost of providing the recommended facilities and the fees required to finance these facilities.

LA.4-13

13. On page 3.13-31, under "3.13.2.3 Proposed Mitigation", it appears that Otay Ranch expects each sewer district to provide "mitigation" by providing Otay Ranch with capacity. This is not sufficient -- mitigation must be provided by Otay Ranch in terms of providing adequate facilities for wastewater transportation and treatment.

    In addition, the City of Chula Vista does not provide "will serve" letters or sell capacity in advance of wastewater discharge. The burden is upon the developer to provide adequate facilities if the City does not have the facilities in-place.

14. On page 6-24, under "Environmental Impacts of Related Projects", we do not agree that the proposed project will not have a significant impact since current (and some proposed) facilities cannot handle the total Otay Ranch flow, and new facilities will be required. The wastewater master plan prepared by Wilson Engineering discusses these issues in some detail. The updated wastewater master plan and analyses should be incorporated fully into the Program EIR so that the Program EIR will be a "stand alone" document.

15. On page 3.13-31, under "3.13.2.3 Analysis of Significance", we do not agree with the statement that wastewater impacts will be below a level of significance. Otay Ranch will have a significant impact since additional wastewater collection, transmission, and treatment facilities will be necessary.

16. Section 4.7.11 on page 4.7-25 indicates that the "Transportation, Circulation, and Access" portion of the report will be provided. This Program EIR will not be considered complete until this section is reviewed and approved.

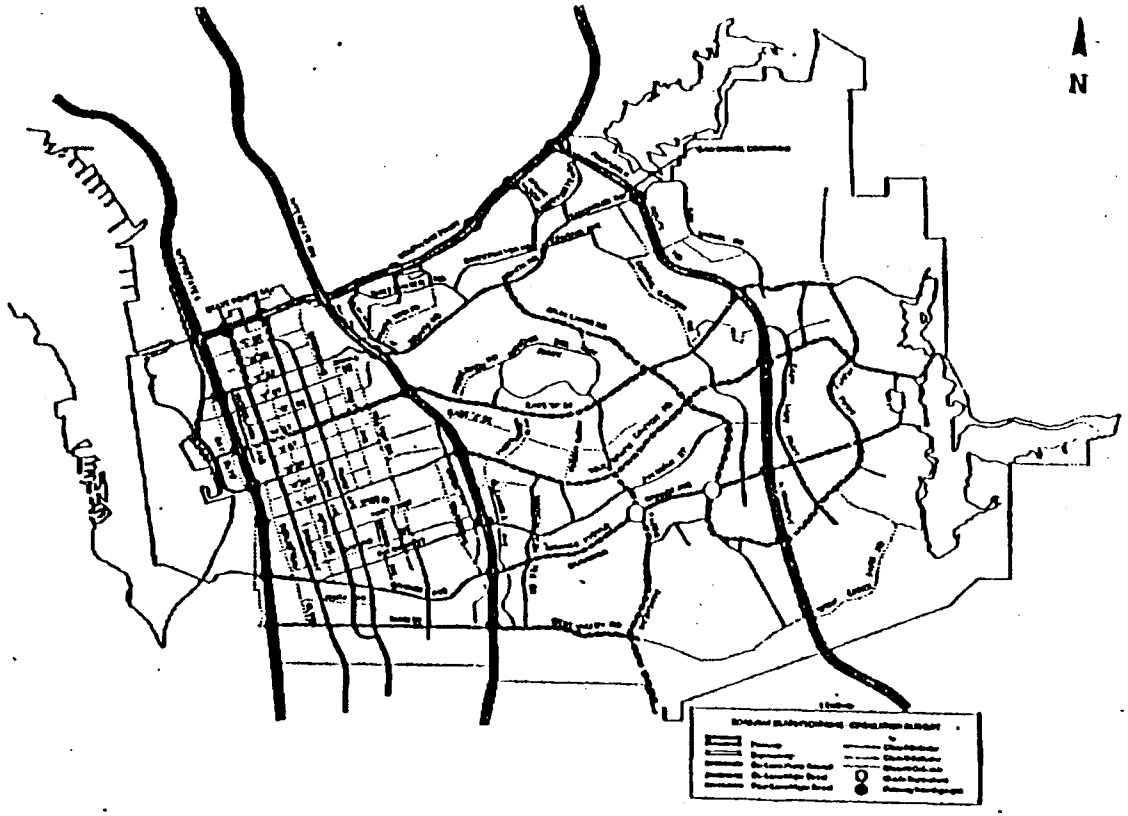
17. On page 6-24, under "Wastewater and Sewer Service: Cumulative Impacts of Related Projects", add the following statement:

    "Mitigation measures shall include preparation of sewer basin studies and financing plans in order to identify specific impacts upon the sewerage system. These studies and plans will include an analysis of the cumulative sewage flow to be generated by existing, proposed, and approved projects within each basin. Each developer shall be required to construct project-specific improvements and to construct, or contribute towards the cost of constructing, any regional facilities required by the study for wastewater conveyance, treatment, and disposal in proportion to the flows contributed by each development with respect to the cumulative flows from the new developments."

KPA/kpa

[A:YE-040.MEM]

LA.4-14



*Alignment of this facility is tentative and subject to further traffic, land use and environmental analysis.

jhk & associates

Figure 2-2

CIRCULATION PLAN

W ON ENGINEERING

DEXTER S. WILSON, P.E.
ANDREW M. OVEN, P.E.
MARK A. SUBSRINK, P.E.

May 20, 1992

605-120

City of Chula Vista
276 4th Avenue
Chula Vista, CA 91910

Attention: Cliff Swanson, Deputy Public Works Director/ City Engineer

Subject: Otay Ranch Master Plan of Water and Sewage, March 1992

This letter is regarding the memorandum from Elizabeth Chopp to Steve Thomas dated March 24, 1992 (copy attached) which provides comments on our Master Plan of Water and Sewage for Otay Ranch. The second comment states that the sewage generation factor of 250 gpd per dwelling unit used in the master plan should be revised to 280 gpd per EDU for local facilities and 265 gpd per EDU for regional facilities.

Based on conversation with Ms Chopp, these factors apply to single family dwelling units or 1 EDU; for a multi-family unit (0.75 EDU), sewage generation factors of 210 gpd for local facilities and 200 gpd for regional facilities would apply. The purpose of this letter is to show that the 250 gpd per dwelling unit factor is appropriate at this stage of master planning for Otay Ranch.

Our Master Plan projects sewage flows from 49,000 residential units based on 250 gpd per unit; at this level, a breakdown of single family and multi-family units is not defined. For comparison, however, the latest unapproved land use plan for Otay Ranch proposes approximately 29,000 residential units made up of 16,000 single family and 13,000 multi-family units. Based on 250 gpd per

703 PALOMAR AIRPORT ROAD, SUITE 300 • CARLSBAD, CA 92009 • (619) 438-4422 • FAX (619) 438-0173

unit, the projected average day flow is 7.25 mgd. Based on 280 gpd per EDU (210 gpd per multi-family unit) or 265 gpd per EDU (200 gpd per multi-family unit), the resulting average flows are 7.21 mgd and 6.84 mgd, respectively. Therefore, the 250 gpd per unit projects only a sightly higher estimate of sewage flows from Otay Ranch.

We would like to point out that when a General Plan Amendment is approved for Otay Ranch and a master plan is prepared for the new land use plan, the appropriate sewage generation factors utilized by the jurisdictional agency will be incorporated.

On behalf of our client we would appreciate a response to this matter at your earliest convenience. If you have any questions, please do not hesitate to call.

Wilson Engineering

Mark A. Burbrink

MAB:jaa

cc: Elizabeth Chopp, City of Chula Vista
Steve Doyle, The Baldwin Company
Joe Monaco, Project Team?

MEMORANDUM

May 22, 1992
File # HY-040

TO: Steve Thomas, Senior Civil Engineer

FROM: Roger Daoust, Senior Civil Engineer RLD

SUBJECT: Comments on the Otay Ranch Master Plan of Water and Sewage

We have received a letter from Wilson Engineering dated May 20, 1992 concerning our memorandum to you dated March 24, 1992 in which we provided comments concerning the subject Master Plan.

They request that we accept the factor of 250 gallons per day as an overall generation rate for sewage from residential development without regard as to whether the units are multi-family or single family. They point out that using this factor provides a slightly greater projected flow of sewage than a calculation in which single family and multi-family units in given proportions are considered separately and should therefore be conservative.

After reviewing the information provided we agree with this conclusion. However, it must be noted that any change in the proportions of single family and multi-family dwellings would change the projected amount of sewage to be generated by the development. Therefore, our agreement is conditioned on the premise that if adoption of a master plan results in a different mix of dwelling units than considered here, the mitigation measures and any previously prepared public facilities plan relating to sewers must be modified accordingly.

A copy of their letter is attached for your information.

RLD

OFFICE OF THE MAYOR
TIM NADER

CITY OF
CHULA VISTA

September 15, 1992

Douglas D. Reid
Environmental Review Coordinator
Otay Ranch Project Planning Office
315 Fourth Avenue, Ste. A
Chula Vista, CA 91910

RE: Otay Ranch Project Draft Environmental Impact Report

Dear Mr. Reid:

At its meeting of September 2, 1992 the University of California at Chula Vista (UCCV) Task Force unanimously voted to make the following comments in regard to the Draft EIR on the Otay Ranch Project:

LA-5-1

(1)

None of the project alternatives appear to show the university site as described by Chula Vista City Council in Resolution #16360, City of San Diego Resolution #R-279768 (adopted April 20, 1992) and County of San Diego Board of Supervisors Resolution #56A (dated November 5, 1991). These resolutions, while including the 400 acre site west of lower Otay Lake shown on some alternatives, are not confined to that site, but are explicitly phrased as "including" that area. To attract a quality four year university with acceptable environmental impacts will probably require significant expansion of this acreage to allow more flexibility as to the siting of buildings and facilities.

We therefore strongly recommend that the project description include approximately 1,000 contiguous acres for a university site, including the 400 acres designated in the New Town Plan proposal. This more accurate project description of the university component of Otay Ranch should reduce the biological impact analyzed in the draft EIR, in that it is not necessary to build an entire university facility within the 400 acres identified in the New Town Plan.

CITY OF CHULA VISTA
OFFICE OF THE MAYOR
TIM NADER
SEPTEMBER 15, 1992

1. Regarding a university site, the City of Chula Vista General Plan policy (Goal 4, Objective 18) states that the City will "promote, through designation of a candidate site and discussions with the State of California, the establishment of a four-year college or university in the Eastern Territories." In addition, the Interjurisdictional Task Force was interested in placing the university within the Otay Ranch development. In several of the alternatives a potential location, but not a specific acreage, has been defined. For those alternatives not featuring a university site in their land use plans, a significant land use policy conflict with the City of Chula Vista General Plan was identified. None of the alternatives have placed a university site or potential site at the Salt Creek Canyon location adopted by the resolution referenced in the comment. Nonetheless, the Mitigated Phase II-Progress Plan has a special study area identified at the adopted location. In order to construct a university, the project would need environmental review (per CEQA) and a General Plan Amendment. The EIR analyzes the various land use alternatives, but cannot propose land uses (such as an expanded university site).

We appreciate your consideration of this important matter in the interest of our community's future.

Sincerely,

Tim Nader
Mayor of Chula Vista and
Chair, UCCV Task Force

LA.5-2

THE CITY OF
SAN DIEGO

CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIFORNIA 92101

PLANNING DEPARTMENT
Development and Environmental Planning Division
236-6460

Mr. Douglas Reid
Otay Ranch Joint Planning Project
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

September 14, 1992

RE: OTAY RANCH DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Doug:

Thank you for the opportunity to review and comment on the Draft EIR for the Otay Ranch project. The following comments are submitted for your consideration.

1. In the Transportation Section, the table on page 3.10-1 and the symbols on Figure 3.10-1 appear to be inconsistent. The table lists a level of service E on Southbay Freeway between Reo Drive and Woodman, while the figure appears to show a level of service D for that segment. In addition, the legend shows evenly spaced heavy dashed lines as the symbol for LOS D, but a different symbol appears to be used on the figure.

2. In the Libraries section, the text is missing which would complete the City of San Diego Existing Conditions discussion at the top of page 3.13-57.

3. Page 3.13-67, in the Recreation Impacts section, the EIR states urbanization would result in a loss of waterfowl hunting which would be a significant and unmitigated impact. However, this impact is not listed in Table 1.1-1 which is the Summary Table of Significant Impacts and Mitigation.

4. Landform and Visual Policies Section

   a. Page 3.2-20, Section 3.2.1.5: A reference to the City's Resource Protection Ordinance should be included in the introductory paragraph for the section.

   b. A discussion of RPO should precede the paragraph on the Hillside Review Overlay Zone. The Hillside Review OZ contains guidelines for development when development is permitted on

LA.6-1

CITY OF SAN DIEGO
ELLEN MOSLEY
SEPTEMBER 14, 1992

1. The referenced Figure 3.10-1 has been revised to accurately reflect the existing levels of service as indicated in Table 3.10-1. This revised figure will replace the Figure 3.10-1 in the Final Program EIR and Figure 3-3 in the Final Traffic Technical Report (Appendix B).

2. Referred text was inadvertently placed in the Draft Program EIR. The corrected text has been incorporated into the Final Program EIR.

3. The loss of waterfowl hunting has been added to Table 1.1-1; Summary of Significant Impacts and Mitigation.

4. Comment noted. A description of the City's RPO an analysis of the project's consistency with the ordinance has been added to Section 3.2 of the Final Program EIR.

steep slopes. The RPO protects steep slopes from significant alteration by regulating the amount of encroachment by development. Thus RPO regulates the amount of development on steep slopes, and HROZ regulates the design of the development. The discussion of the HROZ is adequate.

5. Land Use Impacts

a. Section 3.1.1.3, Planning Considerations for the City of San Diego, should include a discussion of the City Lakes Recreational Development Plan-1986, which was adopted by the City Council in February 1987. The plan provides recommendations for recreational uses at the City-owned reservoirs, including Lower Otay.

Following are some of the key General Recommendations for the reservoirs:

1. The current program of recreational activities on the City Lakes should be continued on a year-round basis.

2. All recreational development of City Lakes should preserve and protect the natural environment.

5. City Lakes should be protected by the planning process to prevent further encroachment by housing, commercial development and other incompatible developments in the areas surrounding the City Lakes, much of which is in the land use planning jurisdiction of the County or in federal ownership.

The plan identifies Lower Otay as one of the world's premier bass fisheries, and recommends fishing to be continued as the major emphasized recreational activity at the site. In addition, the plan identifies the two-day-a week waterfowl hunting program as among the most popular hunting programs in southern California, and recommends continuation of the program.

b. Section 3.1.2.2, Land Use Impacts related to Displacement of Adjacent Land Uses, should state that hunting would be precluded by implementation of the New Town Plan because urban uses are incompatible within about 1/2 mile of hunting areas. The value of Lower Otay for waterfowl conservation/hunting has regional and statewide significance.

Maintenance of existing outdoor recreational uses on reservoirs is a City Council policy and adopted operations plans include continuing waterfowl hunting opportunities on Lower Otay. Therefore, the loss of this recreational use would be a significant unmitigated land use impact. Table 1.1-1, Summary of Impacts and Mitigation should reflect this land use impact.

5. The City Lakes Recreational Development Plan and recreational uses of Lower Otay Lake are discussed in Section 3.13.9, Parks, Recreation, and Open Space of the Draft Program EIR. However, in response to this comment, a reference to this discussion has been added in the Land Use section's discussion of the City of San Diego plans and policies to direct the reader to the appropriate section.

6. The Biology section does not contain a description of waterfowl use on the reservoir or adjacent lands. What is the significance of Lower Otay to waterfowl migrations? How would that significance be affected by the proposed development according to the New Town Plan or the alternatives? What impacts would the proposed plan have on waterfowl habitat?

(6) Because wetland areas are at a premium, particularly in the coastal areas of the Pacific Flyway, the report should analyze the impact of the proposed project and alternatives on migrating waterfowl. Both direct and cumulative impacts whould be addressed.

In addition, the report should include an analysis of impacts on fish habitat. How would proposed development affect habitat quality in terms of shading from structures or potential changes in water temperature? How would pollution and contamination be controlled from sources such as airborne fallout from pesticide and fertilizer spray applications, or trash blown or thrown into the water?

LA.6-3

Thank you again for considering the above comments. If you have questions, please contact Janet Myers at 236-7714.

Sincerely,

Ellen Mosley

Ellen Mosley
Senior Planner

cc: Jim Brown, Water Production Division, Water Utilities Department

E. Michael Stang, Community Planning Division, Planning Department

Leonard Wilson, Engineering Design Division, Water Utilities Department

6. A brief discussion of indirect impacts to waterfowl and fish habitat in Otay Lakes has been included in the Final Program EIR (see Section 3.3.1.4). Impacts will be evaluated in more detail at the SPA level for roads and development adjacent o the lake. If impacts are significant, mitigation will be prepared and implemented at the SPA level.

THE CITY OF

SAN DIEGO

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ENGINEERING
and
DEVELOPMENT
DEPARTMENT

September 30, 1992 File No.: 430.8 (Otay Ranch)

Douglas D. Reid, Environmental Review Coordinator
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Re: Otay Ranch

Dear Mr. Reid:

Thank you for the opportunity to comment on the Otay Ranch EIR. Our staff has been working with your transportation technical committee for the last two years. These comments were forwarded verbally to Steve Thomas who serves as Chula Vista's representative on the transportation technical committee.

We have reviewed the draft Program Environmental Impact Report for the proposed Otay Ranch development dated July 1992, and have the following comments:

LA.7-1

(1) The proposed development of Otay Ranch, the New Town Plan, under the Phase I - Progress Plan alternative land use would generate approximately 736,883 daily trips. The proposed large development would have a significant unmitigated traffic impact on regional facilities such as I-805, SR-905, SR-54, Bonita Road, Otay Valley Road, Sweetwater Road and future SR-125. Future access to and from South Bay would be at an unacceptable level of service "F", which is a breakdown flow in traffic conditions and is not acceptable. An alternative land use plan should be evaluated with a lower density to try to reduce the traffic impacts of this proposed project.

(2) This proposed project appears to be in conflict with the Congestion Management Program. If the proposed project is approved causing a breakdown on regional facilities, then it would seem meaningless to try to evaluate other smaller projects in the area under the

THE CITY OF SAN DIEGO
ENGINEERING DIVISION
ALLEN HOLDEN
SEPTEMBER 30, 1992

1. The Draft Program EIR analyzed project alternatives with densities lower that the New Town Plan and the Phase I-Progress Plan; these alternatives include the Fourth, Project Team, Composite General Plans, Low Density, Environmental, and No Project Alternatives. These alternatives reduce traffic impacts of the proposed project on some of the critical facilities in the Southbay region.

2. Based on preliminary indications from the City of Chula Vista, the lead agency for this Program EIR, this project will not be required to undergo enhanced CEQA-level review at this time. However, as subsequent EIRs are prepared during the phased development of the Otay Ranch Project, it will be necessary to follow the enhanced CEQA requirements for large projects as identified in the Congestion Management Plan (CMP) legislation. According to SANDAG, enhanced CEQA review covers traffic analyses, project approvals, and early project coordination.

(2) congestion management guidelines, with the goal of mitigating traffic impacts so regional roadway facilities in the area would operate at acceptable levels of service.

(3) Additionally, there currently are discussions in progress relative to a proposal to place a regional airport in the Otay Mesa area. If this proposed project were to go forward, it would severely restrict access to such a facility.

Sincerely,

Allen Holden, Jr.
Deputy Director
Transportation Planning Division

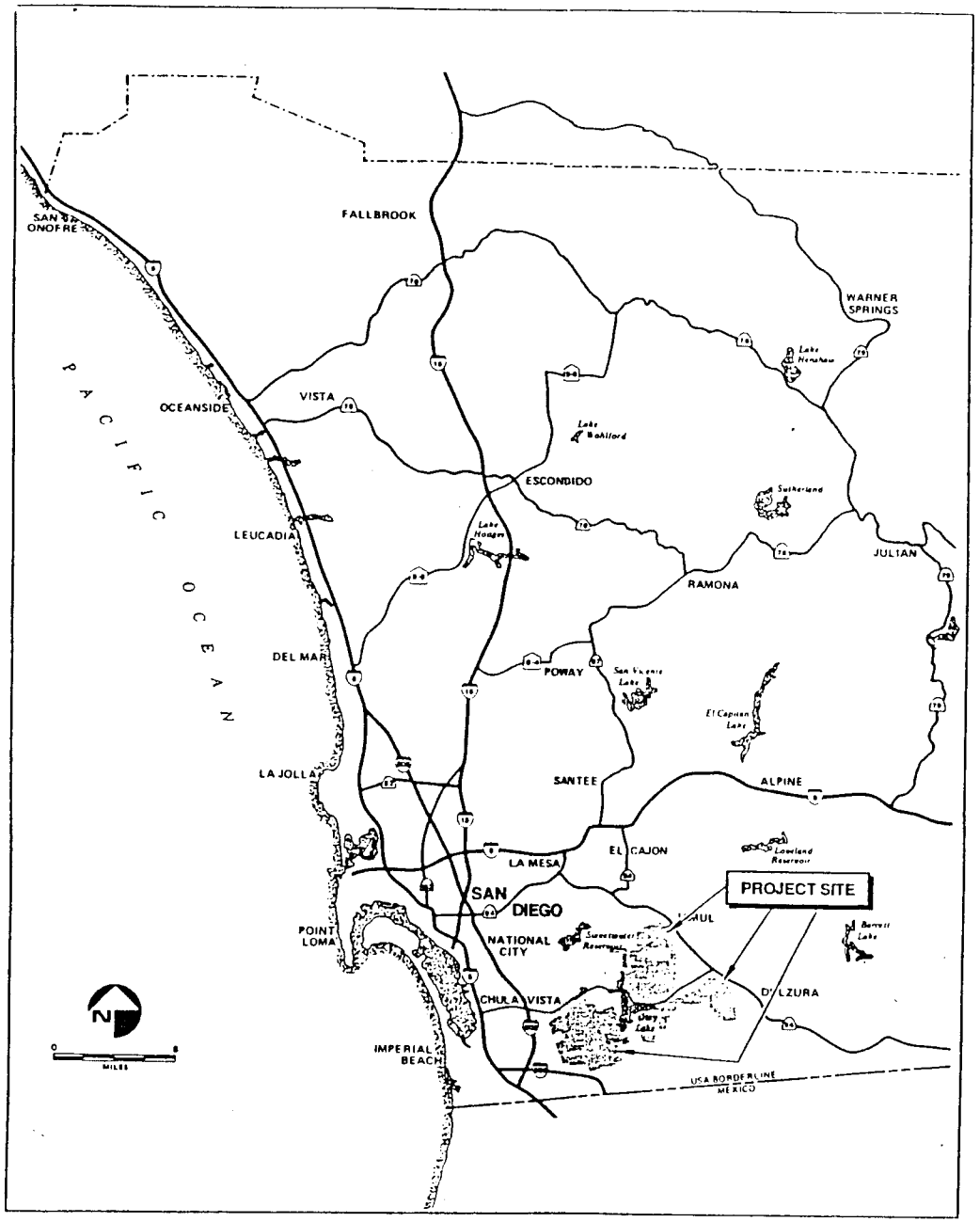
LMQ:hk\gdb
b:4308.lmq

Attachment: Location Map

cc: Hal Rosenberg, City of Chula Vista
Robert E. Asher, County of San Diego
Steve Denny, County of San Diego
Jeff Strohminger, MS 507
Tom Story, MS 5A
Gail Goldberg, MS 660
Larry Van Wey
Dave Sorenson
Linda Marabian
Dave Di Pierro

LA.7-2

3. The analysis of the regional airport was not included in the modeling effort for the Otay Ranch Project as the plans for the airport are in the preliminary stages of development. At the SPA level of development for each portion of Otay Ranch, the traffic analysis will be based on the most recent updates to the land use plans within the Southbay region. When the SPA level development is reviewed for Otay Ranch, the airport facility on Otay Mesa will be considered based on the status of the airport planning process. It is assumed that daily traffic volumes would increase on Otay Mesa, while peak hour operations on Otay Mesa could improve if the planned industrial uses were replaced with a regional airport. This anticipated peak hour improvement is due to the low peaking characteristic of an airport as compared to the high peaking of employment-generated traffic from the industrial uses that it would replace. SANDAG has initiated the Phase II Twin Ports Regional Ground Access Study, and the results of this study should be available in mid-1993. Based on the results of this study and a final decision on the airport itself, the model will be updated to reflect the final land use plan for the Otay Mesa area.



FIGURE

OGDEN

Regional Location of Project Site

2.2-1

THE CITY OF
SAN DIEGO

FIRST INTERSTATE PLAZA • 401 B STREET, SUITE 600
SAN DIEGO, CALIFORNIA 92101 - 4229 • Mail Station 960

OCT - 9

ENGINEERING DIVISION
WATER UTILITIES DEPARTMENT
533-5200

October 7, 1992

Mr. Douglas D. Reid
Environmental Review Coordinator
The Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Dear Mr. Reid:

Subject: **Draft Environmental Impact Report (DEIR) - Otay Ranch**

We have completed our review of the subject DEIR for the proposed Otay Ranch General Development Plan and Subregional Plan. Our comments are as follows:

LA.8-1

(1) 1. On Page 3.9-17, the impact of diverting 25 percent of local runoff from Lower Otay Reservoir is not identified. Please identify the impact.

(2) 2. On Page 3.9-18, please include the following items in the report:

a. Water quality needs for potable supply, fisheries and recreation.

b. Runoff quality goals.

c. Runoff quantity goals.

d. Mitigation of loss in runoff quality and quantity.

e. Agreements and financing plan for operations and maintenance of a water management program.

The Urban Runoff Master Plan must address the above items. The above items were raised earlier by the City of San Diego's (City) November 20, 1991 letter to Mr. Anthony Lettieri (copy attached).

(3) 3. On Page 3.13-19, please add the following sentences to the third paragraph under the heading, "Preferred Water Distribution".

...VERSITY

THE CITY OF SAN DIEGO
WATER PRODUCTION DIVISION
WATER UTILITIES DEPARTMENT
LEONARD WILSON
OCTOBER 7, 1992

1. The potential impacts to the lakes have been identified in Section 3.9.2 of the Final Program EIR. In general, the total volume of runoff for the basins will increase with development and the estimated loss of 25 percent will be offset.

2. Comment noted. The mitigation in Section 3.9.3 has been revised in the Final Program EIR to include references to these items.

3. Comment noted. The reference to additional filtration capacity under construction has been deleted. The facilities referenced as being under construction in a 1989 report have now been completed. These facilities were designed for use within the City of San Diego service area. While at the present time these facilities are not being fully utilized, as demand increases in the South Bay area, they will eventually be fully utilized by City of San Diego customers. If the Project was able to coordinate joint facilities with the City of San Diego, which is the recommended alternative, this agreement could include interim use of existing City of San Diego facilities until such time as the joint facilities were needed or constructed. However, since this agreement has not been negotiated, the actual requirements for this type of use have not been established. Therefore, the suggested text changes have not been incorporated into the Final Program EIR. Please refer to comment letter from Wilson Engineering (dated October 1, 1992), and response to comment number 11 of that letter..

(3) The City of San Diego does not have any additional filtration capacity under construction at Lower Otay and any existing surplus capacity that would serve additional areas outside its boundaries. Opportunities do exist for expansion of storage and treatment capacities but any proposed joint facilities need to be coordinated.

(4) 4. On Page 3.3-104, at present, there are no urban runoff protection system that exist around Upper and Lower Otay Reservoirs. The use of City's owned lands for an urban runoff protection system around Otay Reservoirs will require easement acquisition by Otay Ranch and any other benefitted developments in the watershed, at fair market value.

(5) 5. On Page 3.9-17, storm water quality studies should demonstrate that reservoir water quality for fisheries and recreational uses would be maintained, as well as, meeting Safe Drinking Water Act standards. Development should bear all additional costs necessary, including water treatment plant related costs, which resulted from direct or indirect impact of development. Storm water quality studies must also include plans for funding the cost of continuous water quality monitoring, and maintenance and upgrading costs of urban runoff control systems to achieve water quality goals.

(6) 6. On Pages 3.13-19, 4.2.14-1, 4.3.14-1, 4.4.14-1 and 4.9.14-1, the City does not have the surplus storage or treatment plant capacity at Lower Otay Reservoir which could be sold to Otay Ranch.

(7) 7. On Page 6-40, the statement, "The development of the Environmental Alternative in conjuction with the surrounding projects would result in potential significant cumulative impacts to water resources and water quality" appears in the report. Due to this conclusion of others and our concerns for the protection of water quality of Otay Reservoirs, the completion of an acceptable "Watershed Protection Plan" should be a prerequisite for approval of a new land use alternative.

(8) 8. On Page 6-44, cummulative impacts of water requirements must include the 1.5 mgd local runoff planned to be diverted from Lower Otay Reservoir, which in turn will create an additional corresponding demand for imported water.

LA.8-2

4. Comment noted. The requirement for an easement from the City will be addressed when SPA plans are submitted for development around the lakes and the reservoir protection system is designed.

5. The reservoir protection system will be designed to meet the Primary Drinking Water standards. Refer to text changes in Section 3.9.3 of the Final Program EIR regarding water quality standards. With regard to cost, the project would be responsible for funding the stormwater and runoff protection and monitoring program.

6. Comment noted. Please refer to response to above comment number 3 in this letter.

7. Comment noted. The mitigation measures in Section 3.9.3 have been revised in the Final Program EIR.

8. Comment noted. The cumulative analysis for water resources has been revised to reflect this additional diversion and increased water demand.

Thank you for the opportunity to comment on the DEIR. If you have any questions regarding our comments, please call me at (619) 533-5106 or Associate Engineer Hossein Juybari at (619) 533-5150.

Sincerely,

Leonard L. Wilson
Senior Civil Engineer

HJ:NLS:mrb

Attachment

cc: R. Graff
K. Ghaderi
T. Varga, MS 85

LA.8.3

GROSSMONT UNION HIGH SCHOOL DISTRICT

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September 15, 1992

Douglas D. Reid
Environmental Review Coordinator
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT
OTAY RANCH PROJECT

Dear Mr. Reid:

LA-9-1

(1) Thank you for the opportunity to review the above-described document. Table 3.13-8, Current Enrollment should be updated to Fall, 1991. At the time that report was filed with the County Office of Education, the District's 9-12 grade enrollment was 18,082 and special education enrollment was 742. A total of 19,466 students are currently enrolled for the 1992-93 school year.

(2) On page 3.13-50 in Table 3.13-11, please change the name of the Grossmont School #2 to Steele Canyon High, the General Location to State Highway 94, and the Estimated Opening Date to January, 1997.

(3) The District's student generation factors are currently being verified. Results of this verification study might change the rates listed in Table 3.13-12, Student Generation Rates Per Housing Unit.

(4) Table 11 of the Long-Range Masterplan for Educational Facilities in Otay Ranch estimates the number of students generated by village by District at 1,272 for Grossmont not 928 students as listed in Table 3.13-13 of the DEIR. What happened to these 344 students?

(5) Grossmont currently operates ten comprehensive high schools, none of which are built to house 2500 students. Our eleventh high school, Steele Canyon, has been planned and designed to house 1800 students. If compliance with this current District practice of housing less than 2500 students on a single campus were to be provided by the developer, the Otay Ranch build-out would require .5 of a high school not .4.

In this climate of shrinking State and local revenues available for building needed schools, full cost mitigation is an extremely important component of the developer's approval to build. The Grossmont District sincerely appreciates the Baldwin Company's commitment to "fully mitigate the impact of Otay Ranch on all affected school districts."

Sincerely,

Daniel J. Kitchen
Director Planning and Assessment

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June M. Mott
Maynard R. Olsen
Antonio (Tony) Orosco Sr.
Kenneth R. Whitcomb

SUPERINTENDENT
Jo Ann Smith

GROSSMONT UNION HIGH SCHOOL DISTRICT
DANIEL KITCHEN
SEPTEMBER 15, 1992

1. Comment noted. Table 3.13-8, Current Enrollment, has been updated to reflect Fall 1991 enrollment numbers; please refer to Section 3.13.7 of the Final Program EIR.

2. Comment noted. Table 3.13-11 has been revised in Section 3.13.7 to correct the information relative to Steele Canyon High School.

3. Comment noted. Any changes would be incorporated into the appropriate supplemental EIR(s) during subsequent environmental review of SPA Plans.

4. Table 3.13-13 has been corrected to reflect 1,272 students for the Grossmont Union High School District; please refer to Section 3.13.7 of the Final Program EIR.

5. Table 3.13-14 has been corrected to reflect the need for 0.5 of a high school at buildout of the proposed project; please refer to Section 3.13.7 of the Final Program EIR.

FILE

SWEETWATER AUTHORITY
505 GARRETT AVENUE
POST OFFICE BOX 2328
CHULA VISTA, CALIFORNIA 91912-2328
(619) 420-1413
FAX (619) 425-7469

RECEIVED
OCT - 2

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SECRETARY-ADMINISTRATIVE AIDE

October 2, 1992

Mr. Douglas D. Reid
Otay Ranch Project Planning Office
315 Fourth Avenue
Chula Vista, CA 91910

Subject: DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR OTAY RANCH, JULY 31, 1992 (CASE NO: EIR-90-01)
SWEETWATER RESERVOIR URBAN RUNOFF PROTECTION

LA.10-1

Dear Mr. Reid:

Sweetwater Authority has reviewed the July 1992 Draft Program Environmental Impact Report for the proposed 23,088-acre Otay Ranch. We have the following comments and recommendations.

The Sweetwater Authority is a water purveyor in the South Bay area of San Diego County serving National City, Bonita, and portions of Chula Vista. The Authority operates Sweetwater Reservoir and Loveland Reservoir to store water for its customers and utilizes the Sweetwater River to transfer water from Loveland Reservoir to Sweetwater Reservoir. The entire Otay Ranch project site is located outside of the drainage basin of the Sweetwater Reservoir, as well as outside the service area of Sweetwater Authority. However, the "Jurisdictional Alternatives" discussion in Section 3.13.1.1, "Water Availability and Demand" includes alternatives which would affect Sweetwater Authority. In addition, some of the information on Sweetwater Authority which is presented in the Environmental Impact Report is incorrect (page 3.13-8, 4th paragraph). The treatment plant as opposed to the reservoir, as stated in the Environmental Impact Report, has an existing design capacity of 30 million gallons per day (not 24 million gallons per day as stated in the Environmental Impact Report). The total storage capacity for the Sweetwater Reservoir is 28,088 acre feet at elevation 239.0 mean sea level as opposed to 38 million gallons per day stated in the Environmental Impact Report. The current system average daily demand is approximately 20 million gallons per day. The 24 million gallons per day figure shown in the Environmental Impact Report approximates the warm weather peak demand experienced during recent drought years but has been as high as 5 million gallons per day prior to 1989.

(1)

SWEETWATER AUTHORITY
RICHARD A. REYNOLDS
OCTOBER 2, 1992

1. The text has been corrected with respect to treatment plant capacities, storage capacities and current demand provided in this letter. Refer to Section 3.13.1.1 of the Final Program EIR.

LA.10-2

As stated in the Environmental Impact Report (pages 2-25 and 2-26), implementation of the project would require amendments to the Public Facilities Element of the Chula Vista General Plan and the Water Provision System section of the Public Facility Element to the San Diego County General Plan, although it has not been determined how water service would be provided to the site. Two of the "Jurisdictional Alternatives" described in this section would be unacceptable to Sweetwater Authority.

The "City of Chula Vista" alternative includes the South Bay Irrigation District being made a subsidiary district to the City of Chula Vista, thus providing the city with a reservoir and treatment system, as well as a number of connections to the San Diego County Water Authority aqueduct. The document further states that "to provide water service to the project, the city would either have to become a member of both the San Diego County Water Authority and Metropolitan Water District or retain the Otay Water District or South Bay Irrigation District as a wholesale agency for the Otay Ranch project to provide for membership in the San Diego County Water Authority and Metropolitan Water District." Such an action would be at the expense of the Authority's existing customers in National City and Bonita and would require that the rights to water service of our existing customers be subordinated to future residents of the Otay Ranch.

(2)

The system, including dams, treatment plant and transmission and distribution system belongs to the Sweetwater Authority. Making the South Bay Irrigation District a subsidiary District to the City of Chula Vista would gain access to imported water but would not gain the reservoir and treatment works. Purchase of Sweetwater Authority would be required for access to the physical facilities. This may not be possible without a vote of the voters in the service area.

The "Sweetwater Authority" alternative recommends the annexation of the project into the South Bay Irrigation District, and thus into Sweetwater Authority's service area. This alternative would require the extension of a major pipeline to the project property which is at a location ranging from 3.5 to aver 13 miles from any existing SWA facilities. Sweetwater Authority currently serves a population of approximately 160,000 persons, distributing an average of 20 million gallons per day. The Environmental Impact Report estimates that the Otay Ranch population at build out would be 149,810 persons (within 30 to 50 years), with the project consuming water at an average rate of 40.2 million gallons per day. This is twice the amount of water currently provided by Sweetwater Authority. Providing service to Otay Ranch would necessitate the

2. All three of the jurisdictional alternatives are discussed in Section 3.13.1.2 of the Draft Program EIR. The text of the Final Program EIR has been clarified to state that the Otay Water District Alternative is the preferred water service alternative among the three jurisdictions considered in the analysis.

construction of major facilities, including a new treatment plant and a pipeline to Loveland Reservoir. If this alternative were implemented, the project proponent would be required to finance these additional facilities required to service the project. The estimated cost of these two facilities above could exceed $100,000,000.00. Annexation to the Sweetwater Authority service area, if approved, would add another $59,000,000.00 to the capital requirements. (2)

In summary, the Authority requests that the "City of Chula Vista" and "Sweetwater Authority" Jurisdictional Alternatives be included as alternatives considered but rejected in favor of the "Preferred Water Distribution " alternative.

L.A.10-3

Thank you for the opportunity to comment on the draft program Environmental Impact Report. The Sweetwater Authority appreciates your consideration of the above requested revisions to the document. If you have any questions, please contact Ms. Troy Davis at 420-1413, extension 244.

Very truly yours,

SWEETWATER AUTHORITY

Richard A. Reynolds
Chief Engineer

RAR:TD:le

i:\troy\wp51\letters\otayranc.ltr

pc: Mr. Mark Montijo, Jamul-Dulzura Community Planning Group
Ms. Andrea McGuire, San Diego Chapter Director, Sierra Club
Ms. Norma Sullivan, South County Environmental Working Group

LA.11-1

"IN QUEST OF QUALITY"

October 6, 1992

THOMAS F. BISHOP
Superintendent

Otay Ranch Joint Planning Project
315 Fourth Avenue
Chula Vista, CA 92010

Coder Environmental and Energy Savings Co., Inc.
5510 Morehouse Drive
San Diego, CA 92120

RE: Response to "Draft Program Environmental Impact Report--Otay Ranch"

I have reviewed section 3.13.7 Schools of the "Draft Program--Environmental Impact Report--Otay Ranch." In 3.13.7 (Proposed Mitigation) you propose to develop elementary schools of 650 students, junior high schools of 1,500 students, and high schools of 2,500 students. Though I am not in a position to evaluate the proposed size of new high schools, our school district standard for student population at the junior high/middle school level is 500 students per school. Your proposal to crowd 1,500 students into one junior high/middle school site fails to take into account the educational planning philosophy for middle schools as practiced by the Jamul-Dulzura Union School District. We are in the process of constructing a middle school (on 20 acres) which was master planned for 499 students. We strongly believe that 500 students is the ideal size for our future middle schools. Professional school planning literature indicates that large (above 600 students) middle schools are characterized by impersonality and a lack of cohesiveness. Our District believes that every parent and student should know every teacher at the middle school level. (1)

Based on the analysis in the previous paragraph, the Jamul-Dulzura Union School District requests that table 3.13-14 (Otay Ranch Schools by District [at Buildout]) be modified to reflect Jamul's past practice of small middle schools. (2)

JAMUL - DULZURA
UNION SCHOOL DISTRICT

14581 LYONS VALLEY ROAD
JAMUL, CALIFORNIA 91935
(619) 669-1400

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JAMUL-DULZURA UNION SCHOOL DISTRICT
THOMAS BISHOP
OCTOBER 6, 1992

1. Based on meetings between the project applicant, Sweetwater Union High School District, and Chula Vista City Schools, the school capacity numbers of 650 students for elementary schools, 1500 students for junior high schools, and 2,500 students for high schools were developed (please see attachment number 1, item number 4 of the Sweetwater Union High School comment letter). According to Table 3.13-13 in the Final Program EIR, the proposed project is anticipated to generate approximately 2,496 K-5th grade students, 350 sixth grade students and 621 seventh-eighth grade students within Jamul-Dulzura Union School District. Based on the District's educational practices of placing sixth graders with the seventh and eighth graders, a total of 979 sixth-seventh-eighth graders would be generated using the District's requirement for three K-5th elementary schools for 1812 students (2,113 K-5th - 301 sixth = 1812 K-5th), the District standard for K-5th schools is anticipated to be approximately 600 students (1812 students / 3 schools = 604 students per school). Therefore, using District standards, the 2,496 K-5th students anticipated to be generated under the proposed Project would require 4.2 K-5th elementary schools. The 979 sixth-seventh-eighth graders would require approximately two middle schools. Table 3.13-4 in the Draft Program EIR identifies 4.4 elementary schools required to serve Otay Ranch student population within Jamul-Dulzura Union School District. The table has been revised to reflect the need for two middle schools within the District.

2. The project applicant will be required to mitigate impacts to schools in accordance with State law and local regulations. If the District has special financing requirements they are only enforceable through local regulations.

Specifically, Jamul has calculated that your project will generate 2,112 K-6 students. According to our educational planning, this will place the 301 proposed sixth graders with the 402 proposed seventh and eighth grade students which will require at least one entire middle school. According to our analysis of your figures 1,800 K-6 students will require three K-6 elementary schools.

(3)

To summarize: Your project will need to provide three K-6 elementary schools and one 6-7-8 middle school.

Your project will also need to address the mitigation of additional important items such as food service, transportation service, before and after school day care, and other related District needs. Your project may result in doubling of the District's student population. Besides the four proposed schools your project will need to fully mitigate these additional requirements.

(4)

For example, your project may require the District to purchase four special ed mini buses to transport handicapped students to regional special locations. Since your project will require the purchase of these special ed mini buses, you'll need to mitigate this item.

If your proposed school sites will utilize my current District kitchen it will need to be moved to a much larger building with additional capacity.

If your project is approved, the District will also need additional warehouse space. Currently the District has no warehouse.

Finally, your proposed Jamul schools will need to be phased according to a careful plan which will allow our current District staff adequate time to train the new staff to our high standards. Great schools do not occur overnight; they are the result of years of training and careful hiring. We request that our sites in your project be carefully phased to allow us adequate time to plan and train the staff.

(5)

Sincerely,

Thomas F. Bishop
Superintendent

bl

LA.11-2

3. Refer to response number 1 in this letter.

4. Refer to response number 2 in this letter.

5. The Master plan for schools, required to be prepared with the first SPA Plan for Otay Ranch as outlined in Section 3.13.7.3 of the Draft Program EIR, will include a Public Facilities Financing and Phasing Plan. This plan is required to address the phasing of school facilities in accordance with applicable school district procedures.

Sweetwater Union High School District

ADMINISTRATION CENTER
1130 Fifth Avenue
Chula Vista, California 91911-2896
(619) 691-5500

Division of Planning and Facilities

October 4, 1992

Mr. Douglas Reid
Environmental Coordinator
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

LA.12-1

Dear Mr. Reid:

Re: Otay Ranch Draft Environmental Impact Report - D.E.I.R.

Thank you for the opportunity to review and respond to the Draft Environmental Impact Report prepared for the Otay Ranch. You and the other members of the Otay Ranch Project Team must be pleased to have arrived at this juncture in the planning process.

As you are aware, the Baldwin Company and the Project Team have kept the Sweetwater Union High School District apprised of the development of the various project alternatives. The Draft Environmental Impact Report accurately states (Table 3.13-14) the impact this project will have on district facilities. Under the new town plan, approximately three middle schools and four senior high schools will be required. The other project alternative would require, at the very least, two middle schools and two senior high schools.

(1) To mitigate this impact, I am requesting that the City Council require that the strategy identified in the Long Range Master Plan for Educational Facilities, Facility Implementation Plans, be implemented.

SWEETWATER UNION HIGH SCHOOL DISTRICT
THOMAS SILVA
OCTOBER 4, 1992

1. The requirement that general school locations be identified in the General Development Plan has been added to Section 3.13.7.3 of the Final Program EIR. As outlined in Section 3.13.7.3, Proposed Mitigation, school site locations and funding mechanisms must be confirmed and approved by the appropriate school district prior to SPA Plan approval. The specific funding mechanism for the provision of schools has not been determined at this time, but will be at the SPA planning stage.

The strategy can be paraphrased as follows:

1) That the General Development Plan identify the general locations of schools.

2) That the specific school siting be resolved at the SPA Plan level.

3) That the applicant be required to establish the funding mechanism for provision of schools identified for the entire Otay Ranch at the beginning of the first SPA Plan approval.

At the time of the first SPA approval, it is only necessary that the funding mechanism (at this time a Mello-Roos Community Facilities District is being considered) account for the needs identified with that particular SPA. Additional SPA Plans will be annexed to this Mello-Roos Community Facilities District.

If you have any questions or comments regarding this important issue, please feel free to give me a call at 691-5553.

Sincerely,

Thomas Silva
Assistant Director of Planning

TS/ml

c: Kim Kilkenny, Baldwin Company
Kate Shurson, Chula Vista City Schools

LA.12-2

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March 19, 1992

TO: Distribution

FROM: Stephen P. Doyle SPD

SUBJECT: MEETING OF MARCH 17, 1992 - OTAY RANCH SCHOOL FACILITIES

Four agenda items were discussed:

- Master Plan Status
- GDP Requirements
- Funding Requirements
- Phasing

A brief description of each discussion follows:

1. Master Plan Status: Kathy Schwartz to provide final document to Baldwin by March 24th. Master plan will include all updates/revisions utilized in School Facilities Implementation Plan. Steve Doyle will provide copies of Master Plan to Project Team by March 26th. Project Team will distribute with cover letter asking for comments back in two weeks.

2. GDP Requirements: The siting criteria shown in the Schools Facilities Implementation Plan has been reviewed by the Districts and is also shown in the Master Plan. Tom Silva requested that the GDP show a "bubble drawing" for the Senior and Junior High School locations. The District wants to be located near a four or six lane roadway. Kate Shurson requested the GDP show the proposed location for elementary schools. The discussion that followed concluded that the GDP would list the village centers that would include elementary schools and the text would describe the school's setting within the Village Center.

3. Funding Criteria: Tom Silva, Kate Shurson and Steve Doyle concurred that the School Districts and Baldwin would enter into a binding agreement for Baldwin to mitigate its impact to school facilities prior to the final approval of the GDP/SRP. A draft of the agreement outline has been circulated. Tom Silva has provided preliminary comments. Kate Shurson is reviewing the outline. Tom, Kate and Steve will get together to discuss the agreement before the attorneys get involved in drafting the language.

4. Phasing: Steve Doyle ran through the phasing program utilized in the Growth Management Plan. Both Tom Silva and Kate Shurson agreed that the assumptions should include no capacity availability to begin with. That elementary schools should be sized for 650 students, junior high schools for

1500 students and high schools for 2500 students. There was general consensus that school facilities should be available when approximately half the students are projected to be generated. Questions were raised regarding the "first" school and the "first" half of a student population, i.e., how would they be handled? There was a question raised about the ongoing unification procedure and its effect on school capacity. Tom, Kate, and Steve agreed to get together and review these items in more detail. Kate Shurson said the District would consider building schools for more than 650 students (maybe up to 850). This may allow all village residents to utilize one elementary school.

The meeting ended with a discussion of shared library facilities and child care. Tom Silva said the EastLake High School has a 19,000 SF facility which is proposed for joint use. Tom said the district favors this approach. Kate said that the elementary schools had concerns about sharing library facilities, but would consider the idea. Kate said the District did favor child care at the schools and had just received a State grant to expand their program. The Project Team and Baldwin will continue to work with both Districts on these ideas.

If there are any errors or discrepancies in these notes, please let me know.

SPD:csb

Distribution: Tony Lattieri
Joe Monaco
Kate Shurson
Tom Silva
Kathy Schwartz

Sweetwater Union High School District

ADMINISTRATION CENTER
1130 Fifth Avenue
Chula Vista, California 91911-2896
(619) 691-5500

Division of Planning and Facilities

February 4, 1992

Mr. Stephen P. Doyle
Vice President
The Baldwin Company
11975 El Camino Real, Suite 200
San Diego, CA 92130

Dear Steve:

Re: Otay Ranch School Facilities

Thank you for the opportunity to review the proposed outline of the future agreement between the Baldwin Vista Associates and the Sweetwater Union High School District. As we discussed on the phone, I've made a few revisions to reflect Mr Campbell's and my recollection of our previous discussions. Enclosed is a revised revision of the outline with the added sections italicized for easy identification.

As you can see, the recitals have remained the same. The only significant change has been a clarification of the specific funding mechanism which is acceptable to the district with a caveat that it can be replaced upon mutual consent and legislative authority, if necessary. I have also reviewed the revised school facilities implementation plan, dated December 23, 1991, and find that it is acceptable.

Please review the revised outline and then give me a call so that we can discuss the need, if any, for further refinement.

Sincerely,

Thomas Silva
Assistant Director of Planning

TS/ml
Enclosure

LA.12-5

Local Organization and Company Comment Letters

SWEETWATER

Community
Planning
Group

15 September 1992

To: City of Chula Vista Planning Commission
County of San Diego Planning Commission

Subj: Draft Environmental Impact Report (DEIR) on the Otay Ranch General Development Plan and Subregional Plan.

From: Sweetwater Community Planning Group

The Sweetwater Community Planning Group requests an extension of the DEIR public review process until after 15 November. After an initial review of the rather overwhelming documentation and some questions posed to the Joint Project Team representative at the groups regular meeting of 1 September 1992, the following motion was passed unanimously with 10 members present and voting:

LO1-1

(1) The DEIR for this project does not deal with the California Gnatcatcher as an endangered species. The U.S. Fish and Wildlife Service is due to make a determination on the bird's status in a few weeks. The California Department of Fish and Game decision not to list the species was set aside by judicial action last week.

If either of these agencies act to list the Gnatcatcher the DEIR will not be adequate and the project will require redesign. Rather than go forward at this time it would be prudent to continue the work on this until after 15 November to allow USF&W and CDF&G to deal with the Gnatcatcher problem.

(2) An additional point the Planning Group would like to raise is that of the County abandoning its responsibility for Lead Agency on this DEIR. This project is completely outside of the civil jurisdiction of Chula Vista and only minimally within the Chula Vista Sphere of Influence. The Planning Group would be much more comfortable if the planning and development standards of the County were being applied to this project.

John Hammond
Chairperson

P.O. Box 460, Bonita, California 91908-0460

SWEETWATER COMMUNITY PLANNING GROUP
JOHN HAMMOND
SEPTEMBER 15, 1992

1. The Draft Program EIR considers the California gnatcatcher (Polioptila californica) a First Priority species (see Section 3.3.2.4). Any loss of occupied habitat or individuals is considered significant. Treating the California gnatcatcher as a threatened species is consistent with the California Environmental Quality Act section 15380 and California Department of Fish and Game Code 2084. Mitigation standards in the Final Program EIR have been clarified to reflect the status of this species (see Section 3.3.3). Minimum mitigation standards are 100 percent preservation or Habitat Conservation Plan standards. These standards are consistent with the current sensitivity status of the gnatcatcher and future status if it is listed. If the gnatcatcher is not listed, redesign at the SPA Plan Level to expand developable areas could occur. Refer also to response number 3 in letter from Cindy Burrascano, 10/6/92, for a more detailed discussion of mitigation standards and potential changes in sensitivity status of animal species during the long-term buildout of the Otay Ranch Project.

LO.1-2

2. As discussed in Section 1.2.3 of the Program EIR, the discussion to designate the City of Chula Vista as the "lead agency" for the proposed project was jointly agreed upon by the County of San Diego and City of Chula Vista. This decision was made because two or more agencies are involved in implementing or approving a project, only one agency can be the lead agency. (CEQA Guidelines §15050 subd. (a).) The County of San Diego and City of Chula Vista documented the decision in the Memorandum of Understanding (MOU) in 1989, emphasizing that both jurisdictions would be actively involved in the preparation and processing of the required plans and documentation. However, in order to efficiently process the joint project, Chula Vista would act as lead agency even through the project is located in San Diego County's jurisdiction (CEQA Guidelines §15051 subd. (a).) Moreover, the City of Chula Vista's General Plan does show 42 percent of the Otay Ranch property as being located within the City's planning area.

In accordance with the MOU, both agencies actively participated in the preparation and review of the EIR. The agencies also established a joint project planning team to work together on the project in a manner acceptable to both the County of San Diego and the City of Chula Vista. An Interjurisdictional Task Force was also established consisting of elected and appointed officials for the City of Chula Vista, City of San Diego, and the County of San Diego. The primary functions served by the Task Force were to review and make policy recommendations to the lead and responsible agencies.

In spite of the official lead agency status attributed to the City of Chula Vista, the Program EIR is the product of the joint efforts of both agencies. The Chula Vista City Council and County of San Diego Board of Supervisors are the decision-making agencies with respect to the project for that property within their jurisdiction.

FRIENDS OF BATIQUITOS LAGOON

P O BOX 2736, LEUCADIA, CALIFORNIA 92024

September 17, 1992

RECEIVED
SEP 21

Mr. Anthony Lettieri
Otay Ranch Project
315 4th Avenue, Suite A
Chula Vista, CA 91910

RE: Draft EIR for Otay Ranch Project

Dear Mr. Lettieri:

We respectfully request an extension of the public review period for the above project.

The Environmental Impact Report of 4000 pages (including the appendices) is more than 10 times the number of pages recommended by CEQA (300 pages). The project covers 2300 acres, and will be a city unto itself when completed. Rare, threatened and endangered species inhabit these acres, some of which are covered with plant and wildlife communities on the edge of extinction.

LO.2-1

San Diego County will be greatly altered by this project. It is unique and unusual in every aspect, and qualifies in every way for an extension beyond the usual 45 - 90 days. The intent of CEQA is that public officials and public citizens be provided adequate time to review and digest the proposal, to imagine the project, visit the site, and consider the impacts. In this case, even ninety days imposes a hardship. We ask for 180 days.

(1) Review of this project has also been hampered by inadequate mapping and by the proponent's failure to spell out how the project coordinates with the MSCP and other attempts at planning regional preserves. If the county is serious about its MSCP program, this project must include and be included in the regional perspective.

A good project cannot be rushed. We ask you to extend the public review period to 180 days and allow this exceptionally unusual project the time it takes to make it not just a good project, but a best possible project.

Sincerely,

Dolores Welty

Dolores Welty
Conservation Chair

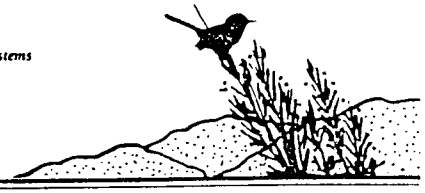
cc: Tim Nader
George Bailey

FRIENDS OF BATIQUITOS LAGOON
DOLORES WELTY
SEPTEMBER 17, 1992

1. Refer to response number 1 in letter from United States Fish and Wildlife Service, 10/8/92.

ENDANGERED HABITATS LEAGUE
Dedicated to the Protection of Coastal Sage Scrub and Other Threatened Ecosystems

Dan Silver · Coordinator
1422 N. Sweetzer Avenue #401
Los Angeles, CA 90069-1528
213 · 654 · 1456



Sept. 23, 1992

RECEIVED
SEP 24

Douglas Reid
Otay Ranch Project Planning Office
315 Fourth Ave., Suite A
Chula Vista, CA 91910

RE: Otay Ranch draft program EIR (EIR 90-01, Log 389-14-98, SCH #89010154)

Dear Mr. Reid:

LO-3-1

The Endangered Habitats League is a coalition of 36 conservation groups dedicated to land use solutions. Our main concern is with regional ecosystem planning. Undoubtedly, Otay Ranch is at the heart of the South County Reserve envisaged by both the San Diego Clean Water Mulitple Species Conservation Program (MSCP) and by the State of California Natural Community Conservation Planning (NCCP) program. It is our understanding that both Chula Vista and San Diego County are formally committed to the success of these programs, and the adequacy of this document under the California Environmental Quality Act may prove pivotal in enabling us to meet our conservation objectives. Our preliminary comments are as follows:

1) A grossly inadequate range of alternatives is presented.

A clear differentiation between environmental impacts of the various alternatives is not made. The names given to them (Phase II Progress Plan, Fourth Alternative, Project Team alternative, etc.) are confusing. The goal of each alternative relative to the next - other than the environmentally preferred alternative - is not clear. Furthermore, the bulk of the alternatives - Phase 1, Phase 2, Fourth, Project Team - *are very similar to each other in terms of footprint and general design.* As minor variations on a single theme, they provide a repetitious pattern of development impacts, and do not present the public or the decision-makers with an adequate range of project design options.

(1) There should be, for example, a variation in approach to environmental consequences amongst the alternatives, and different creative designs of the project to minimize impacts. But a look at the alternatives reveals a consistent treatment of the resources and little real difference between them. For example, the acres of development for several of the alternatives are remarkably similar (10,498, 9,815, 9,646, 9,631).

Similarity among alternatives is very evident in terms of important environmental impacts. In the area of reduction in coastal sage scrub habitat the following similarities are found: Phase I 38%, Fourth 32%, Project Team 32%, Low density 32%, Phase II 32%. There is thus an insufficient range of alternatives presented for the most sensitive habitat on the property. Lack of variation among the alternatives is also evident for reductions in cactus wren habitat: Fourth 25%, Project Team 25%, Phase II 25%.

Further evidence that the range of alternatives provided is inadequate lies in the summary lists of sensitive habitats for which impacts are "significant and potentially unmitigable". These lists are almost identical for the Fourth, Project Team, Phase I, Low Density, and Phase II

ENDANGERED HABITATS LEAGUE
DAN SILVER
SEPTEMBER 23, 1992

1. CEQA Guidelines §15126(d)(3) requires that an Program EIR contain a range of reasonable alternatives to the project, "capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance." However, absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned. (Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco (First Dist. 1980) 106 Cal. App. 3d 893, 910). Furthermore, "the statutory requirements for consideration of alternatives must be judged against a rule of reason." (Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco Supra 106 Cal. App. 3d. at page 910.)

In the case of Village Laguna of Laguna Beach, Inc. v. Board of Supervisors (Fourth Dist. 1982) 134 Cal. app. 3d 1022, the court held that the Program EIR was not insufficient for failing to consider as an alternative the development of "some number" of dwelling units between the 10,000 authorized by the prior land use element and the 20,000 proposed by the developer. Petitioner contended that

LO.3-2

the Program EIR did not evaluate all reasonable alternatives to the propose amendment. However, the Program EIR did include four alternatives to th 20,000-dwelling unit proposal of the company. In rejecting the petitioner argument, the court emphasized that the alternatives considered were satisfactor and that the Program EIR could not be required to consider in detail each and ever variation of the alternatives stated.

Nine alternatives to the proposed project have been presented, and each alternativ offers a different approach to land use planning options, development densities transportation and circulation, parkland and open space requirements, and variou other factors. While some similarities may exist among the alternatives, there ar very significant differences which provide the Lead Agency with a wide range o project design options. For example, in examining Table 4.10-1 in the Draf Program Program EIR, there are vast differences between the alternatives in relation to cultural resources. While the New Town Plan will impact 186 prehistoric sites, the Composite General Plan will only impact 51 prehistoric sites. While the New Town Plan will impact 43 historic sites, the Phase II-Progress Plan will only impact 18 historic sites.

Similarly, in examining transportation alternatives in Table 4.10-1, the New Town Plan will significantly impact 9.33 onsite roadway miles, while the Phase II-Progress Plan will only impact 2.64 onsite roadway miles. The Phase I-Progress Plan, using standard assumptions, will significantly impact 31.78 offsite arterial roadway miles while the environmental alternative will only significantly impact 13.06 offsite arterial roadway miles.

In terms of water usage, the New Town Plan will require 40.2 mgd of water and associated facilities, while the Environmental Alternative will only require 8.6 mgd of water and associated facilities. Another example of the wide range of options created by the implementation of each alternative relates to the need for school. The New Town Plan will require 32 additional schools, the Fourth Alternative will require 18 schools, and the Low Density Alternative will only require 7 new schools.

Furthermore, it cannot be validly claimed that each alternative will have the same environmental consequences. In examining the potential biological impact of the alternatives on the vernal pool habitat, the New Town Plan will impact 72 percent, while the Phase II-Progress Plan, Fourth Alternative, Project Team Alternative and Low Density Alternative will each impact less than 8 percent of the habitat. In terms of the number of regional wildlife corridors blocked, the New Town Plan will significantly impact eight corridors, while the Project Team Alternative will only impact two, both of which are mitigable.

LO.3-3

As for the reduction in cactus wren habitat, while three alternatives do indicate a 25 percent reduction, there is a wide range of impact from a 67 percent reduction associated with the New Town Plan, to a 3 percent reduction in cactus wren habitat associated with the Environmental Alternative. This wide range clearly presents the decision-makers with alternative choices.

In examining the mitigation measures, a similarity among the alternatives does not indicate that the mitigation measures are inadequate. Rather, the majority of the measures greatly vary among the alternatives. For example, in comparing the transportation mitigation measures, the Composite General Plans Alternative (Table 4.5.11-5) includes special at-grade design at four impacted signalized intersections, whereas the Environmental Alternative (Table 4.7.11-6) includes special at-grade design at only three impacted intersections. In the Phase I-Progress Plan, the arterial segment mitigation measure requires increased segment capacities while the Environmental Alternative requires no such mitigation measure.

The mitigation measures which are applied to the sensitive plant species and sensitive habitats are the most appropriate for each alternative. If there are any similarities it is because these mitigation measures are determined to be effective at reducing the identified impacts. The dissimilarities are clearly evident too. For example, the mitigation measures included in the Environmental Alternative for preservation of Least Bell's vireo (Table 4.7.4-3) require the elevation of SR-125 above the river to minimize noise impacts, while the mitigation measures for preservation of Least Bell's vireo included in the Phase II-Progress Plan Alternative (Table 4.9.4-2) include timing road construction to avoid impacts in occupied vireo habitat and restoring riparian habitat along the Otay River Valley in exchange for impacting unoccupied potential vireo habitat.

Three of the alternatives determine impacts to the California gnatcatcher and cactus wren to be unmitigable without "major product design" changes, yet the Environmental Alternative determines that the impacts are mitigable.

The alternatives which include a Resource Management Plan are somewhat similar in terms of gross densities, residential mix and village concept; however, as noted above, there are many variations. The other alternatives have much smaller densities which would make adoption of an RMP to protect resources within natural open space infeasible. The alternatives without an RMP may have long-term adverse effects on the natural resources due to the lack of a protective environment. "The discussion of alternatives need not be exhaustive, and the requirements as to the discussion of alternatives is subject to a construction of reasonableness." (Residents Ad Hoc Stadium Committee v. Board of Trustees (3d Dist. 1979) 89 Cal).

alternatives. Impacts characterized as significant and unmitigable in all of these alternatives include those to the highly sensitive California gnatcatcher and cactus wren.

The relentless similarity of the alternatives to each other is also evidenced by their similar mitigation plans. For example, "Mitigation measures for the Fourth Alternative generally follow those for the Phase I . . ." and mitigation measures for Phase II in Table 4.9.4-2 are similar to those suggested for the other alternatives. The same exact language for mitigation measures is used for Project Team , Low Density, Phase I, and Phase II, and the reader is repeated asked to cross-reference to another alternative to find identical mitigation measures.

(1) The scope of mitigations required also demonstrates the inadequate range of options presented. For example, for Phase I, Project Team and Fourth alternatives, impacts to the California gnatcatcher and cactus wren are all considered unmitigable without "major project design" changes.

There is also no differentiation between the alternatives as to which provides for a viable regional preserve system, and which do not. Decision-makers need this information clearly stated, as it is perhaps the most important biologic parameter of all.

To summarize thus far, most of the alternatives are not meaningfully different in environmental terms, and this is reflected in the uniformity of their biologic impacts and the uniformity of mitigations proposed .

The EIR compares the alternatives to Resource Management Plan (RMP) goals, but the repetitious project designs are found to fail to meet RMP standards in the exact same ways. Thus, identical language is used in the "Compliance of the Alternative with the RMP" sections for Project Team, Fourth, and Phase I, and Phase II.

(2) *Conspicuously absent from this range of alternatives is an alternative which clearly meets goals of the project's own Resource Management Plan.* There is not even an alternative presented which, after incorporating recommended mitigation measures, is found to definitively meet the RMP standards.

The environmentally preferred alternative is not analysed in terms of the RMP, and we thus do not know whether it meets these goals. Furthermore, it may not be economically feasible, and may be a "straw man". It is thus a flagrant shortcoming of this EIR that, after so much work, not one single alternative is presented to the public which is found to meet the standards of the RMP, definitively protects key resources, and positively contributes to a viable South County reserve system.

This deficiency must be corrected before there is an adequate range of alternatives for review. We need viable, serious alternatives which protect ecosystems and populations of sensitive species in the long term. These alternatives should not be hinted at in "recommended mitigation measures", but spelled out, analysed, and mapped as formal project alternatives.

(3) It would be helpful if measures specified in Table 3.3-7 mitigation measures 10 and 11 were actually brought forth in a formal alternative. Also, an alternative needs to be developed based upon the Environmental Alternative but perhaps with additional density added in non-key resource areas or via consolidation with adjacent development. This alternative should satisfy RMP goals and preserve biological diversity while still being feasible for the applicant.

Another alternative which must be presented to the public and decision-makers involves a design which fills in the large gap which exists between the Environmental Alternative and the Phase II alternative in terms of project design and land use. This alternative should begin with Phase II and modify it in ways which ensure protection of key resources while maintaining economic and planning feasibility.

(4) *The main elements of a modified Phase II should include:* 1)Reconfiguration of the Otay River development footprint to pull back from important habitat adjacent to Salt Creek; 2)Elimination of the university site in Salt Creek; 3)Reconfiguration of the Otay River footprint to better protect wildlife corridors, for example into Poggi and Wolf Canyons; 4)Realignment of roads across the Otay River; 5)Redesign on Proctor Valley to widen wildlife corridors and pull back from sensitive habitats; 6)Clustering and reduction in lot size in eastern San Ysidro to better protect resources; and 7)Elimination of all development south and east of Otay Lakes on the San Ysidro parcel.

LO.3-4

2. Refer to response to comment number 1 of this letter regarding the range of alternatives. The Environmental Alternative does not have a Resource Management Plan (RMP) since development would not fiscally support a preserve management program. It would, however with a few minor mitigation requirements, meet the goals of the RMP.

The Draft Program EIR is a document which must stand on its own. The Draft Program EIR and the RMP have been developed simultaneously. Whereas the RMP establishes an alternative to the County's Resource Protection Ordinance (RPO), the Draft Program EIR remains separate from the RPO process, and may go beyond the RMP if the analysis so merits. The EIR must stand alone with or without the presence of an RMP. The Program EIR, in its analysis of compliance with the RMP, points out which alternatives come close to meeting the goals of the RMP and what modifications need to be addressed to ensure ultimate compliance at the SPA level.

3. Refer to response to comment number 1 of this letter. Most of the design recommendations made in the evaluation of the New Town Plan (Table 3.3-7, number 10) were incorporated into subsequent alternatives, including the Phase II-Progress Plan.

4. Refer to response 1 of this letter discussing the range of alternatives discussed in the Program EIR.

This last modification, to remove development including the village from the entire area southeast of the Lakes, is *essential* to meeting project resource protection and RMP goals and in meeting regional conservation needs. This area, like Salt Creek, is extremely high in sensitive species and connectivity value. "High-end" homesites are better placed on the Proctor Valley parcel above the resort, where fine views would result. *If* overall density maintenance is required for economic or other reasons, it can be compensated for in other development areas, or possibly increased above a 1:1 ratio where appropriate from a planning perspective.

To conclude, we are extraordinarily disappointed that with the flexibility inherent within 23,00 acres and several thousand acres of degraded lands, the EIR has presented to decision-makers a series of alternatives very similar in their environmental impacts and which do not meet basic regional conservation goals. If an adequate range of alternatives, as outlined above, is not feasible, analysis to that effect was not provided.

2) Mitigation measures do not reduce impacts to insignificance and are inadequate in specificity.

In terms of mitigating damage to biologic resources, the EIR is never able to provide an alternative nor mitigation measures which definitively reduce the most important impacts to insignificance. As seen in the summary lists referred to above, almost all impacts to sensitive resources remain significant and unmitigated. And unfortunately, when mitigations are discussed, there are so many vague qualifiers, such as "potentially", that the decision-maker cannot make clear and meaningful choices.

To illustrate these deficiencies, both Phase I and Fourth alternatives are said to "come close" to the RMP. What does "come close" mean in a quantitative sense? Is it close in terms of percentages of habitat conserved or in regard to long-term biodiversity in the region or some other parameter? The analysis does not provide adequate specificity of standards.

Following this, it is said that the alternative can, "With *some* modification . . . *potentially* allow maintenance of long term biodiversity". Vague qualifiers such as "some" and "potentially" must be eliminated and more certainty given to the environmental consequences of various proposed actions.

3) Adverse environmental impacts are not adequately disclosed.

As one example, impacts of extensive large lot and estate homes were not adequately disclosed in terms of edge effects, feral animals, motor vehicles, etc. Interdigitating large lots with habitat has risks and impacts which were not adequately discussed.

A major deficiency in this regard is failing to disclose impacts to regional multispecies and coastal sage scrub conservation. Please see cumulative impact comments below.

4) Impacts and mitigating measures are not consistently assessed relative to the baseline of existing conditions. Net losses are thus not adequately disclosed.

The error was made of assuming that a partial set-aside compensates for impacts to the existing resource base. For example, in Table I-6 Biology, mitigation measures for the California Gnatcatcher, cactus wren, vireo, and fairy shrimp are repeatedly defined as "preservation of existing habitat" or "preservation of habitat in open space". Mitigation should only be discussed as replacement, improvement or off-site protection of resources. If partial set-asides are inappropriately employed as mitigation measures, net losses relative to existing resources are not disclosed. This basic error must be consistently corrected throughout the EIR.

5) Cumulative environmental impacts are not adequately disclosed. There is failure to include a reasoned analysis of the cumulative impacts of the project in a form clear to decision-makers. (Guidelines section 15130(b)(3))

As an indicator of its inadequacy, the cumulative impacts section of this EIR is only 5-1 pages out of thousands. It is far too brief and cursory for this massive project which will impact the entire South County regional ecosystem. In fact, discussion of cumulative cultural resources is far more detailed and complete than the *biological* cumulative impacts section (12 pages vs 6

LO.3-5

5. In the Environmental Alternative the area southeast of Lower Otay Lake does not include a village and would be left as open space. The various alternatives consider various uses of individual areas within Otay Ranch, thus representing a range of land uses and development densities. Refer to response number 1 of this letter for additional discussion of the range of alternatives.

6. Mitigation text for sensitive biological resources will be revised in the Final Program EIR to be more specific. Preservation standards for sensitive resources will be more clearly delineated. For text changes in the Final Program EIR, refer to Sections 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, and 4.9.4.2. In regards to compliance of the different alternatives with the Resource Management Plan, refer to Table 4.10-1.1 in Section 4.10 of the Final Program EIR.

7. Refer to response to comment number 6 in letter from the United States Fish and Wildlife Service, 10/8/92.

8. It is presumed that the intended reference in the comment is to Table 1.1-1 instead of Table I-6. The Table summarizes impacts and mitigation for the New Town Plan. This plan clearly has significant unmitigable biological impacts. Mitigation would require major redesign or avoidance of impacts to rectify the findings of significant impacts for this alternative. Mitigation measures have been upgraded in the Final Program EIR; refer to Section 3.3.3 in the Final Program EIR.

9. The cumulative impact discussion reflects all closely related past, present, and reasonably foreseeable future projects in the vicinity of Otay Ranch as defined by planning staff at the County of San Diego, City of Chula Vista, and City of San Diego. In addition to analyzing the effects of the proposed project, the discussion was expanded to include two other project alternatives in order to present the range

pages). This again demonstrates the insufficiency and superficiality of the biology discussion.

In analysing the 31 nearby projects, it is insufficient to assume a 20% open space dedication without analyzing where that open space dedication would occur, i.e., the degree of habitat fragmentation which would cumulatively result. Thus, much more information is needed in the way in which open space dedications from other projects inter-relate to the Otay Ranch proposals. Similarly, data for impacts to absolute numbers of sensitive species is insufficient. For species such as gnatcatchers, there should be an analysis of habitat quality and fragmentation considerations in addition to the raw numbers of pairs, which is the only parameter provided. In summary, adequate judgements on cumulative impacts cannot be made by simple percentages.

To take an example of insufficient treatment of cumulative impacts, the New Town plan causes 64% of the coastal sage scrub impacts among the various projects, 30% of California gnatcatcher impacts and 66% of cactus wren impacts. To state that total impacts would "significantly decrease key regional resources" and "significantly reduce the populations" of California gnatcatchers and cactus wrenching is insufficient analysis. The most important information needed by decision-makers concerns regional impacts to a future South County multispecies reserve and coastal sage scrub reserve system. The cumulative impacts analysis entirely neglects this vital consideration and instead bombards the decision-maker with statistics which do not lead to intelligent conclusions.

(9)

As another example, the Phase I alternative, in relation to neighboring projects, causes 32% of coastal sage scrub impacts, 20-25% of California gnatcatcher impacts, and 50% of cactus wren impacts. The EIR then states that 50-60% of regional California gnatcatchers would be impacted by Phase I and related projects, and 25-30% of cactus wrens in region wold be impacted. Again it is insufficient to simply state that this is a "significant" effect on populations. A discussion of how this impacts project goals in terms of preserving key regional biologic resources is needed. We need to know, in clear and unmistakable terms, what is the cumulative impact to formation of a South County reserve system, a process in which both Chula Vista and San Diego County are now engaged. A few statistics do not form a cogent and meaningful analysis.

To improve this serious deficiency, we would have to know, for example, what is the probability of a viable reserve system *given* all the surrounding developments now approved or pending *if* New Town, or another alternative, goes forward. Will New Town, or other alternatives, prejudice the long-term viability of regional biologic resources, and if so, to what extent? And if regional multispecies goals are to be met, what modification of the proposed alternatives or mitigation measures are required? These deficiencies in the incomplete and extremely superficial cumulative impacts section must be corrected or the most important environmental consequences of this huge project cannot be evaluated.

LO.3-6

6) Mitigation measures for cumulative impacts are insufficiently analysed, without sufficient clarity, and are not supported by reasoned analysis.

The only discussion of mitigating cumulative regional impacts is limited to a short paragraph in section 6.5.3. It states that cumulative effects of Phase I and the Environmental alternative can "potentially" be mitigated. The vague qualifier "potentially" does not provide sufficient clarity. The EIR goes on to state in very general terms what is necessary for mitigation, and refers the reader to other sections for details. However, when the reader does cross-reference to the measures specified in other sections, the information found is deficient in major ways.

(10)

Section 6.5.3 states that it is necessary to "protect key resource areas . . . onsite". When section 4.2.4.2 is cross-referenced for details, however, only an incomplete and vague analysis is found. We find, for example, that RMP requirements would only be "partially" fulfilled by Phase I and furthermore, that the "RMP does not define the amount of a key resource that should be preserved". It goes on to further equivocate "with *some* redesign and modification, the Phase I plan could *potentially* achieve RMP policies and goals". We need much clearer information; an analysis based on "partially " and "potentially" is inadequate. Without clear definitions and clear standards and criteria, informed decisions on mitigating regional cumulative impacts simply cannot be made.

Required is a clear statement of thresholds and standards for adequate mitigation of

of cumulative effects likely to occur as a result of Otay Ranch. The length of the section in comparison to the rest of the document is not an accurate indicator of its content, since the Draft Program EIR evaluates the direct effects of nine project alternatives.

As the comment letter acknowledges, there are studies underway to determine the design of a multi-species preserve in the South County, e.g., the MSCP and the NCCP. Otay Ranch will be a key component of a future preserve, and biological data for Otay Ranch is being integrated into these planning processes. In addition, the management preserve design for Otay Ranch considers the connectivity to adjacent land uses.

10. The term "potentially" was used in this discussion to imply that if all of the mitigation measures and recommended redesign were adhered to, a minimally acceptable open space preserve would be established. This preserve could then be "enhanced" at the SPA level and through ongoing resource studies and required RMP Phase 2 studies.

Refer the response to comment number 2 of this letter regarding the relationship between the Program EIR and the RMP. Table 6 in response to comment number 3 in letter from Cindy Burrascano, which summarizes mitigation requirements and sets standards for habitats as well as sensitive plant and animal species.

cumulative impacts, and these are missing. We are essentially "given the run-around" with a series of "maybe's". Additionally, the modifications proposed in Table 4.2.4-7 which describe these potential measures are never given tangible form in a mapped alternative plan and are thus never presented in a way easy for decision-makers to evaluate. Such a presentation is needed

Also according to section 6.5.3, mitigation for cumulative impacts is also supposed to "tie these areas together onsite and with adjacent offsite areas to create a viable . . . preserve." The specific mitigation measures to connect habitat areas are never given in a sufficiently detailed manner to allow an informed decision. The discussion is entirely inadequate.

The document goes on to make conclusory statements that "Restoration of sensitive habitats . . . will provide mitigation for the loss of habitat and sensitive species due to development." This is a conclusory statement not backed up by reasoned analysis or specific proposals for coastal sage scrub habitat. A detailed analysis, including specific sites, restoration techniques, probabilities of success, population estimates after restoration, etc. is necessary.

(10)

The conclusion that cumulative impacts to key resources "can be mitigated" is also not backed up by any analysis or discussion whatsoever. The conclusion that the Phase I plan "partially mitigates" is also not backed up in this section, and indeed, is not supported anywhere in the document.

We are also not told whether cumulative impacts were reduced to the extent feasible.

The cumulative biologic impacts section is grossly deficient and does not provide adequate information to decision-makers, and yet is the most vital consideration. The most important regional cumulative impacts of Otay and surrounding projects on a potential reserve system are not adequately disclosed. Because they are not disclosed, they are not given adequate analysis in terms of potential mitigation or required project modification.

A completely new discussion on the cumulative impacts and mitigations for Otay Ranch and associated projects is necessary.

LO.3-7

7) The document does not contain a sufficient degree of analysis to provide decision-makers with information to allow them to intelligently take into account environmental consequences (San Bernardino Valley Audubon Soc. vs. San Bernardino (1984) 155 Cal.App.3d 738, 751). The criteria that the EIR must provide "a sufficient degree of analysis to provide decision-makers with information with enables them to make a decision which intelligently takes into account environmental consequences" (Cal Code Regs., tit. 14, section 15151) is not met.

This deficiency is evident in many sections, and is documented in the cumulative impacts comments above. Other examples include the following:

For most of the alternatives presented, an "Analysis of Compatibility with Adjacent Natural Areas" section is left out. This is one of the most critical areas of or decision-makers to consider, and all alternatives should provide an in-depth discussion of this parameter. Similarly, the "Preservation of Key Resource Areas" section is missing from most of the alternatives studied. These areas should be covered for all alternative.

(11)

The analysis in "Reduction of Sensitive Habitats" 4.2.4.1 subtracts coastal sage scrub impacts in "restricted development areas". However, this may not justified if there are large edge effects and indirect impacts on habitat in these "restricted" areas. Thus, full impacts to 1372 acres of coastal sage scrub has not had sufficient analysis. The table 4.2.4-3 is also highly technical and does not present the public with a clear idea of impacts.

There is an insufficient degree of specificity in the crucial area of the Resource Management Plan (RMP). The document does not provide decision-makers or the public a clear and specific picture of how RMP standards can be met because the RMP "does not define the amount of a key resource that should be preserved". Thus, for example, when the EIR states that Phase I "comes close" to RMP standards, but needs "modification", we have no idea what this actually means in real and specific terms.

If a goal of the project is to "preserve large blocks of key biological resources", we need to know *in a mapped fashion* what meeting that goal actually requires. To rely on criteria such as

It is presumed that, if the goals and standards of the RMP are met, cumulative regional effects will have been adequately resolved. This will be contingent upon and could be affected by upcoming regional biological evaluations such as the MSCP and NCCP. Population viability analyses being conducted as part of the MSCP for the California gnatcatcher and cactus wren could provide new information in the near future which may affect Otay Ranch and SPA designs.

Refer to response number 7 of the California Native Plant Society letter which further upgrades the discussion of restoration potentials on Otay Ranch.

Refer to Table 3.3.6-1 in the Final Program EIR which summarizes the regional context of sensitive plant species. Table 6.5-1 was constructed to illustrate how the three quantitatively evaluated alternatives contributed to the subregional impact to key biological resources. The reviewer must return to each alternative to see how these impacts are distributed throughout Otay Ranch, and how they may be avoided, minimized, and mitigated. The regional context of key resources was taken into consideration in the evaluation of impacts. This context is presented in the supporting technical reports and species accounts in the appendices, and is reflected in the determinations of significance (Sections 3.3.2.3 and 3.3.2.4). These determinations took into account both the regional context and the distribution and abundance of the species/habitat on Otay Ranch.

11. The "Analysis of Compatibility with Adjacent Natural Areas", including "Preservation of Key Resource Areas", was completed for the three alternatives for which quantitative analysis was completed.

Qualitative analyses were provided for the other alternatives. The qualitative alternatives (Fourth, Project Team and Low Density) are similar structurally to the Phase I-Progress Plan. Differences in wildlife corridors are discussed, but the reviewer needs to utilize the Phase I analysis to estimate comparable impacts.

Regarding treatment of "restrictive development areas," see response to comment number 6 in the letter from the U.S. Fish and Wildlife Service (USFWS), 10/8/92.

Regarding Table 4.2.4-3, refer to response to comment number 4 in the letter from the USFWS, 10/8/92.

70% of existing gnatcatcher habitat or 80% net pair protection does not tell us how the land protected needs to be configured, what type of slopes or elevation ranges need preservation, or whether adequate dispersal will take place. The EIR is grossly deficient if it cannot tell us in a specific, readily understandable fashion what is required, in terms of actual lines on a map, how its own RMP goals can be met.

In general, the RMP is not adequately integrated into the analysis of alternatives, and it appears that alternatives were developed independent of the RMP. If the RMP gave us specific environmental constraints on a map, and then showed where development could occur consistent with RMP goals, then this would constitute more sufficient analysis for decision-makers and the public who are concerned with ecosystem and reserve protection.

8) Decision-makers cannot discern with a reasonable sense of surety that the proposed mitigation measures will indeed ameliorate the problems proposed by the project. A complete analysis of feasible mitigation measures is not given.

In tables such as 4.2.4-5, a repetitive series of proposed mitigation measures is given. The analysis is deficient in that we are not told if these measures, upon implementation, would or would not satisfy RMP goals or protect key biologic resources in the long term. No data or reasoned analysis is provided which tells decision-makers whether the measures proposed would or would not ensure the survival of various sensitive species or keep a regional reserve system functioning. The series of mitigation measures is never put together in a readily comprehensible format, such as a map, which would facilitate intelligent decision-making.

9) The document is not clear and comprehensible.

As documented above, a range of alternatives with differing environmental consequences is not presented in a clear or orderly fashion. The names are confusing and the most important data, such as impacts to a reserve system or key biologic resources, are not presented in an intelligible or accessible manner. Superficial statistical analyses are frequently substituted for the type of cogent, meaningful analyses which would be of most use to the public and decision-makers.

10) Adequate thresholds or standards for significance/insignificance are not clearly established and they are not based upon biologically correct assumptions.

We do not know what is meant by "significant" or "insignificant" throughout this document. Is this standard being applied for populations, a future reserve system, or exactly what?

The closest ideas provided are in the "Key Resource Areas", which are mapped. These areas are obtained by drawing lines around clusters of sensitive species - "circumscribing", as the document calls it - and the EIR states that these boundaries will form the basis for decisions on adequacy of different alternative plans. Are these assumptions biologically correct? Simply drawing lines around clusters of sensitive species does not guarantee the viability of their populations in the long term. Foraging territories, dispersal, genetic resources, and physiographic variables such as slope, distance from the coast, soil type, elevation, vegetation type, disturbance regime, etc., all need to be taken into account, but are not. Without analysis of this type, the EIR is incomplete and deficient.

Thus, if thresholds for significance are based only on this clustering analysis, this constitutes a gross oversimplification of biologic needs, and thresholds must be reconstituted in a more holistic and comprehensive fashion. Decision-makers need to know what specific areas *on a map* are necessary to preserve biodiversity on the Ranch in the long term, and not just to what extent proposed development infringes on clusters of sensitive species. In table after table (Eg, 3.3 5,3.3-8, 3.3-10, 4.2.4-6), impacts are analysed in terms of percent impact of each sensitive habitat or each key resource area. This approach is over-simplistic, and does not account for the various physiographic factors enumerated above.

Decision-makers also need to see how alternatives compare with actual mapped preserve designs. They cannot be expected to turn percentages of impact into a clear understanding of how good a preserve design the alternative actually represents.

LO3-8

Regarding the comment on the Phase I-Progress Plan coming close to meeting the RMP standards, this relates to the discussion of "Compliance of the Phase I - Progress Plan with the RMP." Compliance could come if the "modifications" alluded to are the redesign modifications recommended in Table 4.2.4-8.

Regarding the need for a map of the habitat acreage necessary to meet RMP standards, a composite preserve map is included in the RMP.

12. The EIR was not directed or designed to satisfy the RMP goals. However, all of the recommended redesign and mitigation measures are designed to contribute to the viability of the open space preserve and the inclusive sensitive species.

13. Refer to response number 1 for a discussion of the range of alternatives. As stated in Section 4.1 of the Draft Program EIR, three of the alternatives were addressed in equal detail, and for comparative purposes five additional land use plans were qualitatively evaluated. This is a sufficient approach when conducting a program EIR analysis, which allows for a greater range of alternatives to be considered in the document. For the reader's reference, Table 4.1-2 in the Draft Program EIR provides a comparative summary of the key components of the project alternatives, while Table 4.10-1 summarizes the conclusions for each impact identified in the analysis of the alternatives.

14. Criteria for establishing significance are given in Sections 3.3.2.3 for plants and Section 3.3.2.4 for animals. Thresholds of significance for the City of Chula Vista and the County of San Diego where they exist are given in Table 3.3-10.

Circumscribing key resource areas in a generalized manner was not meant to create the preserve as developed in the RMP. Such areas should be given serious consideration for inclusion in a preserve, however, if the preserve is to create a viable open space system, maintain regional biodiversity, and achieve a multi-species approach to sensitive species management. By evaluating how effectively an alternative protects these areas, coupled with a more detailed examination of wildlife corridors and of the retention of individual sensitive plant and animal species, the reviewer can begin to focus on the capability of the open space alternative to achieve long-term viability. Such variables as foraging territories, dispersal, genetic interaction, soil type, elevation, and vegetation mosaic are all taken into account in evaluating key resource areas. Such issues are taken into account in evaluating wildlife movement corridors and in recommending redesign to protect habitat and species throughout the Draft Program EIR.

(14) The terms significant or insignificant and mitigable or non-mitigable are thus not defined in a meaningful manner or given clear and understandable thresholds, or a clear and meaningful presentation. As a result, decision-makers do not know, after reading this document, whether regional ecosystem functions will be compromised or preserved by the various plans and mitigations offered.

(15) **11) Studies should not be deferred.**

Wildlife corridor studies and results need inclusion in this EIR for review . Table 4.24-5 Road impact analysis is deferred. This needs to be done at this stage to provide adequate decision-making.

(16) **12) Project goals are not met.**

Section 2.5.1: A goal is "to provide for long term protection . . . of the diverse and sensitive . . . resources". As noted in above comments, we are not given sufficient information to judge whether this goal has been met as the RMP lacks specificity. Also, the cumulative impacts analysis does not adequately treat regional reserve goals. Not one single alternative is shown to meet RMP standards.

(17) **13) Off-site alternatives are unjustifiably dismissed and the range of off-site alternatives proposed did not adequately focus upon eliminating significant environmental impacts or reducing adverse impacts to insignificance (Section 15126 (d) CEQA Guidelines). Alternatives instead were selected on the basis of other project goals. Adequate fiscal analysis was not presented.**

It is unreasonable to base alternative site selection upon single contiguous sites of over 20,000 acres in size, which are extremely rare. Other alternative site options need consideration, especially in that Otay Ranch is actually 3 discontiguous parcels, and alternative sites should also be looked at in these terms. One option not explored in the EIR is a development site of a few thousand acres and another mitigation site, but not contiguous. The criteria used of one single huge site unreasonable forecloses feasible alternatives, and this requires further analysis.

The alternative site analysis was also faulty in that all factors were given equal weight in determining whether one was environmentally preferable. Thus, biological impacts were equally weighted with noise or light and glare. For this reason, the conclusions reached, that the alternative sites were not environmentally preferable was the result of a superficial and self-serving analysis. A more detailed and reasoned analysis is required rather than a single table which grossly oversimplifies the issues. The biological impacts should receive far greater weight than some of the others.

The statements that the off-site alternatives were all infeasible due to multiple ownerships was conclusory and not backed up by adequate fiscal analysis. Compared to other sections of the EIR, this section was in general brief and superficial.

(18) **14) Description of environmental setting (Section 2.2) is deficient in that regional significance of the site, for example to regional multispecies reserve planning, is not fully disclosed.**

This section should clearly state the importance of Otay Ranch to the regional ecosystem, to a future reserve system, to regional wildlife movement corridors, and to maintenance of wildlife populations.

(19) **15) Growth-inducing impacts are not adequately disclosed or analysed.**

To give one example, what will be the growth-inducing impacts of bringing road, water, sewage and other infrastructure to the area south of the Otay Lakes? This should be analysed in terms of inholdings in that region and effects on natural resources and BLM wilderness.

LO.3-9

15. The unique biological analyses conducted in support of this Program EIR, such as the wildlife corridor study, key resources evaluation, and vernal pools study, evaluate the regional implications of implementing the Otay Ranch GDP/SP. Thus, the biological assessment achieves the defined objectives of a programmatic EIR approach by evaluating the project in terms of broad effects on resources. Additional site-specific surveys and analyses will be conducted at the SPA and tentative map levels when more details are available on the actual footprint and features of the proposed development. Performance standards have been set for sensitive plant and wildlife species preservation and design of wildlife corridors in mitigation measures of the Final EIR and in the text of the GDP/SRP. These standards will determine subsequent mitigation programs, how the programs are carried out, and how they will mitigate or avoid significant impacts.

16. This goal can be met only if all of the other habitat and sensitive species goals are achieved. Regional reserve goals are achieved. Regional reserve goals are not known at this time. Refer to response to comment number 2 in the letter from USFWS, 10/8/92, regarding the relationship of the Draft Program EIR to the MSCP and NCCP programs.

17. In addition to reducing or eliminating significant environmental effects of the proposed project, alternatives must be feasible and enable the project applicant to obtain the basic project objectives. Since the New Town Plan has the potential for significant effects on all resources, the offsite alternatives evaluated by the Program EIR were considered in terms of the full range of their potential environmental effects, including biological resources. The difficulties anticipated in implementing a GDP/SRP for a land area comparable in size to Otay Ranch are further complicated by the multiple property ownerships. It was concluded that despite the comparable environmental resources, none of the offsite locations could improve the impacts and achieve the objectives of the project applicant described in Section 2.1 of the Draft Program EIR.

18. As defined in Section 15125 of the CEQA Guidelines, the purpose of the environmental setting is to provide a general description of the project area, in terms of topography, character, existing uses, surrounding uses, regional access, and the associated natural resources of the subject property. The key biological resources and RMP analysis in Section 3.3 of the Draft Program EIR specifically discusses the project's compatibilities with the Multi-species Conservation Planning efforts of

the CLEAN Water Program and the NCCP efforts of the County. It is not appropriate to focus the introductory discussion on these regional planning efforts.

19. South of Otay Lakes is the Helix Land Company property. It is true that by extending infrastructure to the Otay Ranch, this property would be afforded access and public services. Thus, the project would have growth-inducing effects on the Helix property. Based on the current land use designation (Multiple Rural Use) the Helix property could only develop large-lot residential (similar to the existing General Plan on the Otay Ranch site). Because the Helix land is surrounded by Otay Ranch and/or Bureau of Land Management ownerships, this growth-inducing effect would not be considered significant.

While we thank you for this opportunity to comment, we must state for the record that our review and analysis has been limited and hindered by the short comment time alloted. We have only been able to review small number of potential issues, and not in sufficient depth. Entire areas of the EIR have been omitted from these comments. Furthermore, there has been insufficient time for our scientists to evaluate in sufficient detail the adequacy of the mitigation measures proposed or the adequacy of impact disclosure. We thus reiterate our request for an additional 60 days to review this massive and frequently unclear document.

Thank you for your consideration.

Sincerely,

Dan Silver

cc: San Diego County Board of Supervisors
Chula Vista City Council

LO.3-11

ENDANGERED HABITATS LEAGUE MEMBERS

Laguna Hills Audubon Society
Palomar Audubon Society
San Diego Audubon Society
Los Angeles Audubon Society
Buena Vista Audubon Society
Pomona Valley Audubon Society
Palos Verdes Peninsula Audubon Society
Pasadena Audubon Society
Sea and Sage Audubon Society
El Dorado Audubon Society
Sierra Club San Diego Chapter
Sierra Club Angeles Chapter
Friends of Penasquitos Canyon
Shoreline Study Center
Carlsbad Arboretum Foundation
Cottonwood Creek Conservancy
Ecology Center of Southern California
Friends of the Hills (UC Irvine)
Defenders of Wildlife
Orange County Fund for Environmental Defense
Laguna Canyon Conservancy
Mountain Defense League
Save Our Coastline 2000
Laguna Greenbelt, Inc.
Friends of Batiquitos Lagoon
Friends of the Tecate Cypress
San Diego Biodiversity Project
Rural Canyons Conservation Fund
Friends of the Santa Ana River
Tri County Conservation League
Los Alamos Neighborhood Association
California Native Plant Society
Committee for the Environment (Orange County Bar Assoc.)
San Bernardino Sage Friends
Save Our Forest and Ranchlands
Friends of the Foothills

LO-3-12

OCT - 7

JAMUL-DULZURA COMMUNITY PLANNING GROUP
P>O>Box 613
Jamul, CA 91935

Douglas Reid, Environmental Review Coordinator
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A, Chula Vista CA 91910

The Jamul-Dulzura Community Planning Group, on October 5, 1992, approved the following comments on the Draft Environmental Impact Report for the Otay Ranch.

PROJECT DESCRIPTION, LAND USE, LANDFORM ALTERATION, AGRICULTURAL

LO.4-1

(1) Section 1.1.7, Pg. 1-17
Land use and density for the San Ysidro parcel should also be a defined issue.

(2) Section 1.2.2, Pg. 1-17
"project EIR on ... subsequent action need not examine those effects which the lead agency determines were either mitigated or avoided pursuant to the findings of the program EIR or examined in sufficient detail therein to enable those effects to be mitigated or avoided through conditions." Areas on which it can reasonably be determined that additional study will definitely be necessary should be listed.

(3) Section 2.1, Pg. 2.1
Objective #7 indicates that the project would complement existing commercial, ect... Project objectives and implementing procedures conspicuously lack focus on blending and interfacing with the existing rural communities of Jamul and Dulzura.

(4) Section 2.4, Pg. 2-22
Development phasing should be specific enough to preclude "leapfrog development" and subsequent dilution of public services. Reference Regional Land Use Element, Goal 1 and Regional Land Use Policy 2.1.

(5) Section 3.1.1.3., Pg. 3.1-15
Some land use designations referring to Fig.3.1-5 are actually shown on Fig. 3.1-6.

Section 3.1.2.4, Pg. 3.1-47, Para. 5
Designating land as CUDA adjacent to Multiple Rural Use (San Ysidro parcel) is also inconsistent with the General Plan.

(6) Section 3.2.1.3, Pg. 3.2-10
Hwy. 94 is a designated scenic highway. A photograph of the

JAMUL-DULZURA COMMUNITY PLANNING GROUP
MARK MONTIJO
OCTOBER 7, 1992

1. The issues listed in Section 1.1.7 were identified by the IJTF during the development of project alternatives. To resolve decision-maker concerns, these issues were the subject of independent studies which were presented as "issues papers" for consideration. Land use and density for portions of the San Ysidro parcel were addressed under the issue paper on planning for the area around Otay Lakes. Land use and density for the San Ysidro parcel were not considered as a separate issue paper topic, but the land use analysis in the Draft Program EIR considered these impacts (refer to Section 3.1.2).

2. Each issue area requiring subsequent analysis is identified in the mitigation measures in the Draft Program EIR that call for detailed analysis before or during SPA Plan review. A summary of all mitigation measures is contained in Table 1.1-1 of the Draft Program EIR. It is anticipated that most of the issues addressed in the EIR will require some reanalysis once more detailed project information is made available; however, policy-level topics would not require further discussion, thus focussing the additional studies on the specific physical impacts of site development.

3. The objectives referenced in this comment are those identified by Baldwin Vista in the New Town Plan. Interfacing with existing rural communities, such as Jamul and Dulzura, are policies of the County General Plan with which the project must be consistent. In cases where the project goals are not consistent with County policy, the land use analysis has identified a significant policy impact.

4. The development phasing described in Section 2.4 is proposed by Baldwin Vista. An evaluation of the project phasing with respect to "leapfrog development" has been added to the land use analysis in Section 3.1.2 of the Final Program EIR in

response to LAFCO's comment letter. Refer to the LAFCO comment letter on the Draft Program EIR.

5. Corrections regarding the Figure 3.1-5 references in the text are noted. The text in Section 3.1.1.3 of the Final Program EIR has been revised. The CUDA designation is a regional land use category that pertains to the nature of the area (i.e., urban) and the availability of public services and infrastructure. The Multiple Rural Use land use designation is a land use designation that can be applied to "broad expanses of rural land with overall low population density and few if any public services"; however, it can also be applied for other reasons such as land "susceptible to fires and erosion, lands which rely on ground water for water supply; and other environmentally constrained areas." Therefore, the two categories are not necessarily incompatible. In fact, in the Ramona Community Planning Area, the CUDA regional category is currently applied adjacent to lands designated as Multiple Rural Use under the County's Ramona Community Plan.

6. Comment noted. The text has been revised to require additional studies be conducted at the SPA Plan level (Section 3.2.3).

JDCP6

(6) proposed development area in the San Ysidro parcel taken from Hwy. 94 approx. 1 to 1.5 miles west of Otay Lakes Rd. could be a critical reference if the conclusion of Sec. 3.2.2.3 can be justified. Additional studies should be recommended at project level to assure a level of no significance.

(7) Section 3.7.2.3, Pg. 3.7-24
Overlying land uses in Procter Valley are Multiple Rural Use (4-8-20 ac.) and a small section of estate residential (2-4 ac). See Fig. 3.1-6. Table 2.3-1 shows densities in Procter Valley and San Ysidro parcels of low (0 -3 du/ac.), low med. (3-6 du/ac.), and med. (6-11 du/ac.). Are these consistent with the goals and policies of the Sub Regional Plan or are they significant unmitigable impacts to be included in Sec. 3.7.4?

(8) Section 4.2.2, Pg. 4.2.2-1, Para. 1
"Development in the vicinity of Jamul...." These large lots are referred to in Sec. 4.2.1 as .33 to 2 ac. or larger. The existing Country Town has a minimum 1 ac. lot size with adjoining uses of Estate Residential radiating out into Multiple Rural Use. This proposal is not compatible with existing single family development in the area and should be included in Sec. 4.2.2.3 as a significant unmitigable impact.

(9) Section 4.2.3.1, Pg. 4.2.3-3, Para. 7
As in comments to Sec. 3.2.2.3, additional study should be recommended at project level to assure a level of no significance, specifically in regard to the long grade on eastbound Hwy. 94 approx. 1 to 1.5 miles west of Otay Lakes Rd.

(10) Section 4.2.8-3, Pg. 4.2.8-3, Para. 2
Total density range within the Jamul- Dulzura Sub Regional Plan boundaries should be listed. Are these consistent with the goals and policies of the Sub Regional Plan, or are they significant unmitigable impacts to be included in Sec. 4.2.8.3?

LO.4-3

7. Section 3.7.2.3 of the Draft Program EIR provides a discussion of the Otay Ranch Project's compatibility with the goals and policies set by the Jamul-Dulzura Subregional Plan as they pertain to agricultural uses in the Proctor Valley parcel. The comment refers to compatibility of existing and proposed residential densities. A discussion of the policy impacts is found in Section 3.1.2 of the Draft Program EIR.

8. Comment noted. The text has been revised to indicate that single-family lots less than 1 acre in size would not be compatible with existing development in Jamul (Section 4.2.2.1). Mitigation has also been added to require that lots less than 1 acre in size may not be located contiguous to Jamul (Section 4.2.2.2).

9. Comment noted. The text has been revised to require that additional studies at the SPA Plan level be conducted (Section 4.2.3.2).

10. Comment noted. Refer to response number 7 in this letter.

[redacted] JOCP6

Biology and Resource Management

(11) An overview of environmental impacts would not be complete without a thorough treatment of wildlife corridors. The EIR only contains a single map, with very little detail, for the entire Procter Valley parcel. This map and text does not contain sufficient information to demonstrate the parcel can be developed in an environmentally safe manner. Also, it is appropriate to have composite maps that correlate sightings of marker species with your corridors. These should be included. A complete corridor study should be included in the EIR.

(12) The corridor plan also does not correlate with those of surrounding plans. A major wildlife corridor that bisects the Hidden Valley Estates project adjacent to the Procter Valley parcel will not connect to Otay's corridor system. County staff biologists support this corridor extending through the parcel to the Sweetwater reservoir. The developer should modify the corridor plan to meet the County's objectives.

(13) The sensitive habitat maps are misleading, in general, because they fail to quantify animals (or plants) at a specific location. Also, Ogden overlays sensitive habitat maps with either early phases of building or more environmentally friendly plan alternatives. If the New Town Plan is a good plan, it should be used for these maps. If not, be consistent with the site plans you overlay.

(14) There is very little treatment of endangered reptiles.

(15) The appropriateness of the Resource Management Plan should be reviewed and determined prior to the adoption of a land use plan dependant upon its implementation.

11. Refer to responses number 1 in letter from Jay Haron, 10/5/92. The complete Otay Ranch Wildlife Corridor Study will be released with the Final Program EIR.

12. Refer to response number 4 in letter from Jay Haron, 10/5/92.

13. For an explanation of animal point of occurrence data, refer to response number 12 in letter from California Department of Fish and Game, 10/5/92. For a discussion of plant point of occurrence data, refer to response number 25 in letter from California Native Plant Society, 10/6/92. Concerning development overlays, refer to response number 2 in letter from Jay Haron, 10/5/92.

14. Refer to response number 2 in letter from Jay Haron, 10/5/92.

15. The Resource Management Plan will need to be approved as part of the approval process of the General Development Plan. The compliance of the alternatives with the Resource Management Plan is discussed and is summarized in a table (see Table 4.10-1.1 in Section 4.10 of the Final Program EIR).

IDCPG

	IMPACTS	MITIGATION
Risk of Upset:	Hazardous materials create risks - past & present	Testing for previous disposal of hazardous wastes & ammunition at Brown Field
Library Service:	74,905 sq ft space 449,430 books	Library Master Plan
Parks, Rec. & Open Space:	Open space: need for long term	Master Plan
(16) Concern:	Who maintains parks/recreational facilities?	
Elec/Gas:	5 substations needed	Work with SDG & E
Health & Medical Facilities:	Ref. 3.3-75 for 8 additional facilities 150,000 people	Go to "service providers"
(17) Concern:	Who are "service providers" - how about County Health Department?	

LO.4-5

16. The maintenance of parks and recreational facilities is dependent on the ownership of those facilities. For example, if the project applicant were to dedicate, or give, regional parkland to the County of San Diego, the maintenance of the parkland would be the responsibility of the County.

17. The County Department of Health Services is identified as a service provider in Section 3.13.11.1 of the Health and Medical Facilities analysis. The Draft Program EIR (Section 3.13.11.1) identifies other service providers, such as various non-profit and commercial organizations.

JDCF

Draft Program Environmental Impact Report

OTAY RANCH

	IMPACTS	MITIGATION
Police:	207 officers needed to patrol area 42,262 sq.ft. housing needed for police 2 officers for 1000 population Would create 75,000 adult arrests per year; 9000 plus juvenile arrests. 1.74 support staff per 1.67 patrol staff required.	Master Plan
(18) Concern:	Impacts not discussed Courts - jails - prisons - Juvenile facilities required.	
Fire:	4 new fire stations	Master Plan
	2 west of Otay Lakes 2 east of Otay Lakes	Disaster Plan
Emergency/ Medical:	3 new facilities	Master Plan
Schools:	25 Elementary 3.4 Middle 4.0 Senior 32.4 schools	Master Plan
Concern: (19)	Otay Ranch states must demonstrate a maximum capacity of Elementary - 650, Jr. High - 1500 and 2500 - High School Local educators were contacted and strongly recommend that elementary school sites should be designed for a maximum capacity of 600 students and middle schools for 500. Otay Ranch number of 1500 for middle schools appears to be extremely high.	
Social & Senior Soc Fac.	Additional community social svc. Youth services needed	Master Plan to identify needs & services
Other Public Services:	a. cemetery: 62 acres already available	not needed
	b. child care - 35 facilities needed	Master Plan adjacent to schools
	c. animal control additional fac.	share in funding add. fac.

LO.4-6

18. Impacts to police protection services are discussed in Section 3.13.4.2 of the Draft Program EIR. The analysis concludes that the proposed project would result in significant impacts to police protection services; additional environmental review is required at the SPA Plan level.

19. During meetings between the project applicant and the affected school districts, it was initially determined that elementary schools should be sized for 650 students, junior high schools should be sized for 1500 students, and high schools should be sized for 2500 students (refer to attachment number 1, item number 4 to the letter from Sweetwater Union High School District dated October 4, 1992). The project applicant has expressed a willingness to work with all of the affected school districts to reach a mutually acceptable school capacity agreement. Please refer to response number 1 in the Jamul-Dulzura Union School District letter dated October 6, 1992.

JUCPG

TRANSPORTATION

In response to transportation analysis done in the Draft Environmental Impact Report for Otay Ranch Project, impacts to Highway 94 between Otay Lakes Road and Millar Ranch Road were not addressed. Highway 94 needs further analysis. Traffic volumes between Otay Lakes Road to (20) Millar Ranch Road along Highway 94 need to be discussed as well as impacts to the Level of Service that Highway 94 is presently designed. Cummulative impacts of other projects should be included in this analysis and widening of Highway 94 should be assessed as a possible mitigation measure.

LO4-7

Impacts to intersections along Highway 94 between Otay Lakes Road and Millar Ranch Road specifically in regards to safety - acceleration/deceleration lanes, site distances (21) and reduction of speed thru Jamul Town between Maxfield Drive and Lyons Valley Road/Indian Springs Road.

Direct impacts to Highway 94 from the San Ysidro Parcel should be addressed.

Project generated traffice and cummulative traffic (22) impacts east on Highway 94 to Highway 188 need to be addressed.

Further traffic analysis is needed regarding impacts to (23) Otay Lakes Road through the project to Highway 94 to the East and to San Diego Air Sports Center to the West.

Impacts to Hidden Valley Estates intersections along (24) Millar Ranch Road were not addressed and need further analysis.

20. As indicated in the Draft Program EIR, this section of State Route 94 (SR-94) is projected to operate at acceptable levels of service under buildout volume conditions, assuming the construction of the six-lane conventional highway facility proposed by Caltrans in the Route Concept in the Year 2010. As each village or SPA Plan on Otay Ranch is processed and subsequent environmental review is completed, this section of SR-94 will require special attention to ensure that the improvements to this facility, (needed to increase the capacity of this facility, as a result of offsite impacts from the project), are required as conditions of development for appropriate village or SPA plans as cumulative volumes and project-related volumes on this facility increase over time. This review at the SPA level of analysis will also include the review of major signalized intersections along SR-94 between Otay Lakes Road and Millar Ranch Road. Concerns related to safety, sight distance, exclusive turn lanes, and installation of traffic signals will be addressed in these subsequent analyses.

21. Portions of the San Ysidro parcel on SR-94 will likely be a significant source of project-related impacts on SR-94 east of State Route 54 (SR-54). As mentioned in the previous response, as SPA-level plans are processed for this parcel, it is recommended that special attention be devoted to both SR-94 and Millar Ranch Road. Both of these facilities will experience significant impacts from the Proctor Valley parcel and will require project-related improvements at the SPA level.

22. The section of SR-94 from Otay Lakes Road to Highway 188 is planned as a four-lane conventional highway transitioning into a two-lane conventional highway farther to the east toward Highway 188. The capacity of this facility appears to be adequate to handle the relatively low traffic volumes which are forecast in the buildout traffic model east of Otay Lakes Road. However, as individual SPA plans or villages are developed within the Proctor Valley parcel and/or the San Ysidro parcel, project-only impacts will be identified and reassessed on this segment of SR-94 as well.

23. Otay Lakes Road is planned as a six-lane prime facility to the east of the Otay Lakes Reservoir, transitioning to a four-lane major facility to the east connecting to

SR-94. The capacity of this facility also appears to be adequate to handle the buildout volumes on this section of Otay Lakes Road. However, as SPA plans or villages are reviewed, it will be necessary to determine the need for facility improvements over time, as the current facility consists primarily of a two-lane roadway facility with substandard vertical and horizontal curvature at some locations.

24. There were two alternatives for the Otay Ranch Project which were analyzed without this connection (the No Project Alternative and the Composite General Plans Alternative). These alternatives place all cumulative traffic within this corridor on the SR-94 facility. If the Millar Ranch Road connection is not included in the circulation system when major portions of Otay Ranch are developed, a reassessment of project and cumulative impacts along with the development of mitigation measures to address these impacts will be required as traffic would be rerouted to other facilities. It is important to recognize that as each phase of development occurs on the Otay Ranch Project, subsequent EIRs and traffic analyses will have to be prepared to document the impact of the proposed development over existing conditions on the transportation facilities which will be directly impacted by the project. Another tool which will be utilized by the Otay Ranch Project will be the preparation of Transportation Phasing Plans within the Southbay region, which will provide early identification of the need for capital improvements to both onsite and offsite facilities prior to the development of specific projects.

JPCPG

Alternatives to Millar Ranch Road should be discussed since it is a private road and requires a general plan amendment. (25)

Alternatives to proposed realignment of Proctor Valley Road should be discussed. Developer is assuming access through private property. (26)

Discuss how the different I25 alternatives will impact traffic to Highway 94. (27)

LO.4-9

Submitted by:
Mark Montijo, Chair

25. Refer to response number 24 of this letter.

26. The comment indicates a concern over access from the San Ysidro parcel and the upper Proctor Valley parcel to SR-94. This issue of local access from individual parcels of Otay Ranch will be addressed at the SPA level of analysis. If access to SR-94 cannot actually be achieved as assumed for this program-level EIR, project and cumulative traffic impacts would need to be reassessed at the time when the SPA plans and subsequent EIRs are being processed.

27. Comment noted. Refer to response number 3 in the Spring Valley Community Planning Group letter dated October 17, 1992.

THE CALIFORNIA NATIVE PLANT SOCIETY

San Diego Chapter, P.O. Box 1390, San Diego, California 92112

RECEIVED
OCT - 7

October 6, 1992

Mr. Douglas D. Reid
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Subject: Draft Program Environmental Impact Report for Otay Ranch (City of Chula Vista EIR 90-01; County of San Diego Log Number 89-14-98; State Clearing House Number 89919154)

LO.5-1

Dear Mr. Reid:

As part of the public review required under the California Environmental Quality Act (CEQA), the San Diego Chapter of the California Native Plant Society (CNPS) has reviewed the draft program environmental impact report for Otay Ranch (DEIR) prepared by Ogden for the City of Chula Vista and County of San Diego. It should be noted that, due to the brevity of the public review period, this review is general in nature, focusing primarily on botanical issues. Comments will commence with general issues, followed by page, figure, and/or table-specific comments.

A. General Comments

(1) 1. Neither the proposed project, nor any of its alternatives (with exception of the environmental alternative), meets the standards set forth in the draft Resources Management Plan (RMP) or the County of San Diego's Resource Protection Ordinance (RPO). Impacts to Diegan coastal sage scrub, maritime succulent scrub, valley needlegrass grassland, riparian woodlands, southern interior cypress forest, oak woodlands, and vernal pools are substantially greater than would be allowed for smaller developments in the County of San Diego, even without the application of RPO. It is difficult to determine the actual degree of nonconformance to the RMP standards for the Phase II Progress Plan, Fourth, Project Team, Existing General Plans, and Low Density alternatives as no in-depth analyses were conducted. It is unclear how a draft RMP is to be used as a guide for the implementation of mitigation when "portions could be changed". From our understanding, the RMP is on a different timeline for approval than is the DEIR; CNPS hopes that the final RMP does not reflect reduced standards to bring project impacts into conformance.

THE CALIFORNIA NATIVE PLANT SOCIETY
BERTHA MCKINLEY
OCTOBER 6, 1992

1. The Program EIR has been prepared in accordance with CEQA. The County of San Diego's RPO permitting process is an independent process and the RMP has been developed as a replacement for the County RPO for Otay Ranch. Refer to the Preface and Chapter 1 in the RMP (Dudek 1992b) for a description of the relationship between the RMP and RPO and the RMP and the Program EIR. In addition, refer to Sections 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, and 4.9.4.2 in the Draft Program EIR for a discussion of the compliance of the alternatives to the RMP. It is important to reiterate what is stated in Section 1.3.3 of the RMP: the objectives, policies, and standards presented in the RMP form the basis for mitigation measures presented in the Program EIR. The Program EIR, with its statutory requirements, provides the vehicle for assuring that the policies and programs included in the RMP are carried out. Note that some of the alternatives do not have an RMP associated with them and would thus be subject to the RPO at a later date. Moreover, the Program EIR covers the entire Ranch, whereas the RMP covers that area proposed to be included in the open space preserve. A new table has been prepared to summarize the comparison of each alternative to the RMP. (Refer to Table 4.10-1.1 in the Final Program EIR).

LO.5-2

2. The classification system used for plant communities is not consistent throughout the DEIR document. There are inconsistencies from section to section in the DEIR, as well as between the DEIR and its biological technical appendices. The text should include a discussion of the criteria used to classify plant communities. In various tables, figures, and sections of text there are references to Diegan coastal sage scrub, coastal sage scrub/non-native grassland, non-native grassland/coastal sage scrub, mixed chaparral/coastal sage scrub, coastal sage scrub/mixed chaparral, and disturbed Diegan coastal sage scrub. All of these are not classification units used by the California Natural Diversity Data Base (Holland 1986), although text states on page 3.3-4 that all nomenclature for plant communities conforms to Holland (1986). Holland (1986) is a hierarchical system which allows for refinements to include new classifications, however, the criteria used in the development of these units should be provided.

3. As an example of how important the consistent classification of plant communities is for impact analysis, Diegan coastal sage scrub is used as an example. It would be helpful to know how disturbed Diegan coastal sage scrub was differentiated from undisturbed Diegan coastal sage scrub. Given that this is not provided, it is included with other types of coastal sage scrub.

In this calculation of New Town Plan impacts (reference Table 3.3-5) to Diegan coastal sage scrub, the following categories are combined: Diegan coastal sage scrub (5,270.2 acres), coastal sage scrub/non-native grassland (309.5 acres), coastal sage scrub/mixed chaparral (5.8 acres), and disturbed coastal sage scrub (658.6 acres). This total acreage of impact equals 6,244.1 acres, or 56 percent, of the 11,146.1 acres found on Otay Ranch. In comparison with totals in Table 3.3-6, no combination of the category acreages in Table 3.3-5 yields the total acreage for Diegan coastal sage scrub (5,585 acres) indicated on Table 3.3-6. Combining Diegan coastal sage scrub (5,585 acres) and disturbed Diegan coastal sage scrub (781 acres) should be done to calculate impact acreages. Coincidentally, this combination results in 56 percent impact as well.

4. The analyses provided in the DEIR do not adequately address habitat impacts in a regional perspective. Again, using Diegan coastal sage scrub as an example, the loss of 6,244 acres of coastal sage scrub constitutes approximately five percent of the coastal sage scrub (54,565 hectares) occurring in San Diego County and two percent of what exists in the United States (288,388 hectares)

2. Plant community types included on all vegetation maps and impact tables within the Draft Program EIR were extracted directly from the biological technical reports. Although some of the vegetation types are redundant between the RECON and MBA mapping efforts, the Draft Program EIR includes all vegetation types to retain the greatest level of detail available and to allow tracking of habitat definitions to the original sources, i.e., the technical reports. General plant communities described in the text of the existing conditions section of the Draft Program EIR (Section 3.3.1.2) correspond more strictly to the Holland (1986) classification system and encompass the refined plant communities extracted from the EIR technical appendices. Refer to the text changes in Section 3.3.1.2 to clarify which refined habitats correspond to each of the basic Holland community types.

The additional plant communities modified from the Holland system represent either (1) habitats that have been disturbed or (2) hybrids between two Holland community types. One should refer to the EIR technical appendices for a more detailed description of each refined plant community. Any additional vegetation types referred to in the Draft Program EIR are a result of lumping redundant or similar plant communities as appropriate for the level of detail and clarity needed in the discussion. For example, baccharis scrub, mulefat scrub, tamarisk scrub, and tamarisk/mulefat scrub are combined into a broader class, i.e., floodplain scrub, in the analysis of significance to summarize impacts to this grouping of sensitive wetland communities. Where a community type represents a mix between two basic Holland communities, e.g., coastal sage scrub/non-native grassland, it was lumped with the dominant community represented by the first half of the name, i.e., Diegan coastal sage scrub. Similarly the disturbed communities were always grouped with the parent undisturbed community for the overall impact assessment; e.g., disturbed coastal sage scrub was grouped with Diegan coastal sage scrub. These rules for combining acreages for overall impact assessment were used consistently throughout the document.

The criteria used to classify plant communities included primarily plant species dominance; intensity of disturbance, overall plant species composition, and relative dominance of tree, shrub, or herbaceous cover also contributed to the differentiation

of plant communities. Quantitative decision rules to distinguish between similar plant communities were not used. A more accurate mapping of vegetation types will be required at the SPA level of CEQA review. The subsequent mapping will be done in coordination with the MSCP and SANDAG mapping efforts, and additional field surveys for ground truthing of vegetation maps will be required.

3. Disturbed coastal sage scrub was delineated in areas that were more open, contained numerous weeds, and lacked diversity as a result of ranching, farming, or repeated burning (MBA 1989). Coastal sage scrub/grassland mapped by RECON in the Otay River and San Ysidro parcels is equivalent to disturbed coastal sage scrub mapped by MBA in the Proctor Valley parcel. All of these habitats are considered sensitive and are combined into the category of coastal sage scrub for the purpose of impact analysis.

4. In the New Town Plan impact analysis, Table 3.3-6 combines the following categories from Table 3.3-5 to summarize impacts to Diegan coastal sage scrub: Diegan coastal sage scrub, coastal sage scrub/non-native grassland, and coastal sage scrub/mixed chaparral. Disturbed coastal sage scrub has been combined with Diegan coastal sage scrub in Table 3.3-6 in the Final Program EIR.

5. Refer to the text change in Section 3.3.2.2 of the Final Program EIR. Refer also to Section 3.3.1.5 of the Draft Program EIR for a description of coastal sage scrub decline.

LO.5-3

(Salata, unpublished data 1992). Not factored into this 56 (or 54) percent loss is the fact that much of the coastal sage scrub on Otay Ranch exists in large, contiguous tracts and provides an important link with coastal California gnatcatcher habitat in Mexico. To merely state that, yes, this impact is significant does not disclose to the public the biogeographical magnitude of this impact. (5)

Similarly, stating that implementation of the New Town Plan would result in the loss of 72 percent of the vernal pools (or habitat?) found on Otay Ranch does not provide the public with the whole picture. It is estimated that only four percent of San Diego County's original vernal pool acreage remains (Oberbauer and Vanderwier 1991), much of it in a disturbed condition. When resources have already been diminished by over 96 percent, losses of this magnitude are not acceptable. Similar problems exist for maritime succulent scrub. (6)

LO.5-4

5. CNPS has concerns with the level of impacts to habitat proposed to be mitigated through the implementation of restoration programs. For example, coastal sage scrub/non-native grassland matrices generally function as coastal sage scrub in terms of how it is used by wildlife, including coastal California gnatcatchers. Without definitions of these plant community designations, it is hard to concur that active management of coastal sage scrub/non-native grassland, non-native grassland/coastal sage scrub, and disturbed coastal sage scrub is necessary or should be credited as mitigation. What percentage ratio of coastal sage scrub to non-native grassland changes the designation from Diegan coastal sage scrub to coastal sage scrub/non-native grassland? From coastal sage scrub to non-native grassland/coastal sage scrub? Most of the coastal sage scrub on Otay Ranch has been disturbed by grazing activity; removal of livestock would likely allow these disturbed areas to restore themselves. (7)

Similarly, CNPS questions the percent preservation vs. restoration provided for in the RMP. For example, preserving 80 percent of the valley needlegrass grassland is an adequate standard, however, the fact that only 25 percent of this is *in situ*, the remainder as restoration, is not. (8)

6. It is generally unclear how the percentages for the standards in the RMP were established for habitats and sensitive plant taxa. For plants, it does not seem that the acceptable loss percentages were calculated taking into account the regional distribution of taxa. For example, a 70 percent preservation *in situ* for *Hemizonia conjugens* (vs. 95 percent for *Acanthomintha ilicifolia*) is based upon the fact that it the *Hemizonia* is abundant where it is found. This may be (9)

6. Refer to the text change in Section 3.3.2.2 of the Final Program EIR. Also refer to Section 3.3.1.5 of the Draft Program EIR for a regional perspective on vernal pool losses.

7. The various disturbed habitats are listed in Tables 3.3-9, 4.2.4-7, and 4.7.4-5 of the Draft Program EIR for evaluation of the total acreage available for restoration or natural recovery under each alternative. The scrub habitats in the San Ysidro parcel and the "inverted L" in Proctor Valley are presumed to still have the capability to regenerate naturally after removal of livestock grazing. Active restoration would not be appropriate in these areas. The Project Team concurs that open scrub habitats, e.g., coastal sage scrub/non-native grassland, are valuable to wildlife. Active restoration of the more highly disturbed communities on the Otay River parcel (non-native grassland/coastal sage scrub, non-native grassland, and agriculture) would, however, be beneficial and mitigation credit should be received. (See the text changes in Section 3.3.3 of the Final Program EIR. Figure 3.3-7 in the Final Program EIR illustrates the habitat areas appropriate for active restoration.) With regard to definitions of community types, quantitative decision rules were not implemented as part of the habitat mapping; however, refer to the biological technical reports for qualitative descriptions of these communities (MBA 1989, RECON 1991).

8. The RMP standards are not the same as the EIR standards because the two processes operate independently of one another. The RMP percent *in situ* preservation policy for valley needlegrass grassland is low (25 percent) because the RMP deals with a management preserve and retention of sensitive habitats outside the management preserve is not included in the standard. The EIR requires *in situ* preservation of 50 percent of the valley needlegrass grassland and restoration to mitigate all of the remaining impact. The EIR addresses impacts to undisturbed and disturbed native grasslands and identifies where minor redesign shall occur and

where higher quality areas for habitat retention and restoration shall occur. Some of the key grassland areas are not within the open space preserve anticipated in the RMP (e.g., the area around the K6 vernal pools and within restricted development areas of the San Ysidro parcel). These latter areas account, to some extent, for the lower RMP standard. Contributing to the generally lower standards for preservation of grassland are the disjunctiveness and patchy distribution of this habitat on Otay Ranch, the proprtionately low acreage of undisturbed habitat (49 acres) and much variation in the level of disturbance in other areas classified as disturbed native grassland.

9. The policies in the RMP were developed by the Otay Ranch Biological Subcommittee over a period of years including input from the resource agencies. The policies set by the RMP are less stringent than the EIR in some cases because the RMP focuses on a management preserve, whereas the EIR considers total impacts over the entire Ranch. Whereas the RMP policy for preservation of *Hemizonia conjugens* is set at 70 percent, the EIR requires preservation of 80 percent of this species. Refer to Table 3.3-6.1 in the Final Program EIR for the preservation requirements and the regional status of each plant species.

(9) true some years (like 1991 and 1992) but it does not consider the fact that its U.S. distribution is restricted to a small geographic area (the Sweetwater/Otay region of San Diego County). *Salvia munzii* is similarly distributed, although abundant where it occur. *Acanthomintha ilicifolia* has a much wider distribution (albeit only in San Diego County), although it is never as abundant as *Hemizonia conjugens* in good rainfall year.

LO-5-6

7. The degree to which salvage, transplant, propagation, restoration, and reintroduction programs are proposed for use as mitigation also concerns us. Of the types of mitigation provided for in CEQA, CNPS supports those which avoid net reduction of population size or species viability. For many taxa, these policies require the protection of essential plant habitat *in situ*. In other instances, policies require that impacts be fully avoided in order to prevent a significant impact. Alternatives such as restoration and off-site introduction are generally unproven and often unsuccessful. As such, these methods should only be used after alternatives which avoid or minimize impacts to the resource have been fully explored. Restoration and reintroduction programs, despite what is stated in this and other environmental documents, are rarely successful. Fiedler (1991) in a study of mitigation-related transplantation, re-location, and reintroduction projects involving state-listed plant taxa found that only eight of 53 such attempts were fully successful. Only seven others were considered to be of limited success. CNPS recognizes that numerous biological consultants promote and conduct such programs as part of CEQA-based mitigation, however, the success of their work has not been reliably demonstrated to the Endangered Plant Program, California Department of Fish and Game (CDFG), or CNPS. This lack of success has lead the Endangered Plant Program to view such "mitigation" with extreme caution.

(10)

Salvage, transplantation, restoration, and reintroduction programs are often proposed prematurely, before due diligence towards avoidance and/or minimization of impacts has been demonstrated. For example, preservation of vernal pools must be fully explored and receive first priority. The discord which exists between those biologists who feel that such programs are adequate compensation and those who do not continues to allow decision-makers to believe that the need for protection of habitat and species *in situ* is less urgent. Such is not the case; salvage, transplantation, and reintroduction activities do not recreate habitat. Those inexperienced with the complexities of natural communities seem to feel that, with a bit of thought and considerable expense, anything is possible and that rare plant taxa and/or entire habitats can be successfully re-established. This idea tries to soften the loss of natural areas

10. The Draft Program EIR requires preservation of 80 to 100 percent of the onsite distribution of state or federally listed or proposed plant species, relying on mitigation programs for only 0 to 20 percent of a population. For the remaining sensitive plant species listed by CNPS, preservation of a portion of the distribution of all species was required; complete reliance on mitigation is not allowed. The Project Team concurs, however, that species transplantation or reintroduction often has not been successful and is not equivalent to preservation of habitat and species *in situ*. The Final Program EIR has set specific standards for the degree to which mitigation may be implemented to offset significant impacts to CNPS listed species. Refer to text changes in Section 3.3.3 and Table 3.3-6.1 of the Final Program EIR.

(10) through the illusion that taxa have been "rescued", enforcing the idea that habitats are no more than the sum of their dominant biologic components with a few sensitive taxa thrown in for good measure. There is an enormous difference between intact habitat and a collection of native plants deliberately placed in open space. Similarly, merely bulking up seed in a greenhouse does not ensure its suitability for use in re-establishing natural populations.

(11) The wholesale application of these methods in the RMP does not appear to reflect the degree of caution which should be used in the advocation of such activities as mitigation. CNPS would like to see data on the use of salvage, transplantation, and reintroduction of plant taxa and restoration of habitats which are targeted for such activities in the RMP prior to our endorsement of these methods as a major component of any mitigation program for botanical resources. In lieu of this, we concur with the Endangered Plant Program, CDFG that these programs be successfully completed prior to the loss of the target taxa and/or habitats.

(12)

(13) As a final note on this subject, however, we would add that salvage, transplantation, and propagation programs are not always inappropriate, having value as impact-reducing measures. Plant materials which would be lost as part of impacts which have been determined to be not significant, or use of over-riding findings by a lead agency, could provide the basis for studies to demonstrate the appropriateness of such mitigation methods. Any such studies should include long-term monitoring programs with established criteria upon which to determine their success. The duration of monitoring periods should consider the life form of the plant. For example, a five-year monitoring program may be appropriate for an annual taxon like *Acanthomintha ilicifolia* or *Hemizonia conjugens*; it is not appropriate for tree species such as *Quercus engelmannii*.

(14)

8. The resource management plan needs to address taxa which will likely be listed by the federal and state governments in the next five years. While this is often difficult, with a program that will set in place land use plans to be implemented over the next 50 years, it does not seem unreasonable. This is one way to try and avoid the conflicts which will most certainly arise when environmental review of future specific plans or tentative maps occur in the future.

(15)

9. CNPS is aware that additional surveys were conducted by Baldwin's consultants in spring 1992 as part of the Resources Agency's Natural Communities Conservation Program. Where are these data? Fieldwork

(16)

LO.5-7

11. Comment noted. Refer to response number 10 above.

12. Refer to text change in Section 3.3.3 of the Final Program EIR. A 2-4 year experimental phase, a subsequent 5-8 year monitoring and maintenance program, and attainment of success criteria are required prior to the loss of sensitive habitats and species.

13. Comment noted. This is the context in which the Otay Ranch mitigation is presented.

14. Refer to text changes in Section 3.3.3 in the Final Program EIR. The period of time required for pilot programs (2-4 years) and maintenance and monitoring (5-8 years) will vary according to the life form of the plant and whether restoration of entire habitats is involved.

15. The Draft Program EIR and the RMP take future listings into account by analyzing candidate species and CNPS list 3 and list 4 plant species.

16. The Project Team understands that data were collected for Baldwin as part of the NCCP program; however, these data were not available to the Project Team for analysis in the Program EIR. The data presumably will be released as part of the NCCP review process.

conducted this year by biologists working on other projects in this area has identified dramatic increases in certain resources, two examples being coastal California gnatcatchers and *Hemizonia conjugens*. Similar trends are expected on Otay Ranch as well. It is difficult to provide concurrence with any preserve design knowing that significant data may be missing. Given that the DEIR was released for public review in August, we feel that these data could have been included.

(16)

10. CNPS sees two options for preserve design: a large, minimally-managed preserve or a smaller, highly-managed preserve(s). These options are alluded to in Table 4.1-2 which provides for the RMP as part of the proposed project (New Town Plan), Phase I Progress Plan, Phase II Progress Plan, Fourth, and Project Team alternatives, but not for the Existing General Plans, Low Density, and Environmental alternatives. It is our opinion that the a large preserve could be designed which would adequately address our concerns regarding impacts to resources associated with the development of Otay Ranch, however, this would mandate substantial project redesign unless the Environmental alternative was selected. The preserve which would be necessary as part of the New Town Plan will require intensive management, and the preparation of an adequate document to implement this management would require the collection of additional autecological and synecological data for a number of taxa, most notably small mammals and herpetofauna.

(17)

LO.5-8

B. Specific Comments

These specific comments deal primarily with the DEIR; the short time allowed for public review precluded CNPS from providing an adequate review of all of the technical appendices.

1. Page 1-17: Text in section 1.2.2 states that the level of detail in the is DEIR is focused on impacts that can be expected to occur from adoption of two general plan amendments and a general development plan/subregional plan, and leaves the more detailed analyses to be completed in conjunction with project-specific environmental review conducted for subsequent discretionary permits. This program document, however, sets into motion land uses which may be, in actuality, quite difficult to substantially modify in the future, even with new information. This new information is expected to be important; Table 1.1-1 shows that virtually all biological impacts are significant and not mitigated at the level of analysis contained in this document. In our experience, new biological information does not usually have the clout to change land-uses once

(18)

17. Comment noted. The Draft Program EIR recommends major redesign for the New Town Plan and minor redesign in selected areas for other alternatives as part of protecting key resources in a large open space preserve. Additional studies are required at the SPA level.

18. Comment noted. The Draft Program EIR would require major redesign of the New Town Plan to adequately protect biological resources. Major redesign would constitute a different alternative. The Draft Program EIR recommends and requires minor redesign for other alternatives which would lead to the design of a viable preserve system. It is not the task of the EIR to design the preserve.

(18) general and specific plans have been adopted. We suggest that this DEIR take its best shot now by providing all of the information available for the project area for use in crafting a project design that will protect biological resources on a region scale.

(19) 2. Figure 2.3-1: This figure indicates that State Route 125 will be located in Johnson Canyon. Caltrans has not yet established the route for this highway south of the Otay River or north of the community of Eastlake. Figure 2.3-4 also shows the alignment for SR-125 as if it were already established; text on page 3.3-106 indicates this as well.

(20) 3. Page 3.3-6: The discussion of clay lenses in the Grasslands/Meadows section should include information as to why these soil conditions are important for consideration. Clay lenses can be present in a larger area of a different soil series and provide habitat for a number of sensitive plant taxa, including the state-listed *Acanthominta ilicifolia* and *Hemizonia conjugens*, federal candidates *Muilla clevelandii*, *Brodiaea orcuttii* and *Dudleya variegata*, and CNPS listed species such as *Adolphia californica* and *Harpagonella palmeri*. No discussion of clay lenses appears to occur in subsequent sections of this document.

(21) 4. Figures 3.3-1(a,b,c): To assist in review, it would be helpful to have the same screens used for each habitat type.

(22) 5. Figure 3.3-7: It is unclear why Johnson Canyon is omitted from any type of wildlife corridor designation. It appears to contain resources commensurate with those found elsewhere and, although it does not provide as great a connection to other areas as does O'Neal or other canyons, it contains greater wildlife habitat than currently exists in Poggi or Wolf Canyons. Given the general perception that Johnson Canyon is a wildlife corridor, it seems the text should provide information on this canyon, even if to just dispel this perception. Also, nowhere in the appendices is the information provided to support these regional corridors. How were these determinations made?

(23) 6. Table 3.3-5: This table summarizes impacts to vegetations associated with the implementation of the proposed project (New Town Plan), however, these figures do not appear to be consistent with those on Table 3.3-6.

(24) It is unclear why there was no summary table for plant impacts similar to Tables 3.3-5 (plant community) and 3.3-8 (wildlife). To provide for this

LO.5-9

19. The Project Team understands that the proposed alignment of State Route 125 may change. However, the analysis relies on the most recent information available. Environmental impacts associated with State Route 125 will be subject to a separate EIR.

20. Refer to Section 3.3.1.5 and Tables 3.3-2 and 3.3-3 for a discussion of the importance of clay lenses. Also refer to the text change in Section 3.3.1.2 of the Final Program EIR and to the biological technical reports.

21. Different screens were used for the vegetation maps to best accommodate the number of different habitat types within each parcel and the variation in habitat types among parcels.

22. Refer to response number 10 in the Cindy Burrascano letter of 10/6/92.

23. There are minor discrepancies between Tables 3.3-5 and 3.3-6 that resulted from rounding errors. These differences are on the order of tenths of a percent and do not affect the impact analysis.

24. Regarding inclusion of the summary table on plant impacts (i.e., Appendix A-7) long data tables were kept out of the text as much as possible to aid in the readability of the report. The EIR Appendices were distributed with the Draft Program EIR.

(24) information only in Table A-7 of Appendix A is not acceptable. The appendices were not as widely distributed as the DEIR and without this information it is hard to concur with the conclusions in the DEIR.

(25) 7. Page 3.3-79: Text in section 3.3.2.3 states that the impact to each plant species is analyzed using the number and relative sizes of populations or major aggregations of sensitive plants, however, no plant species information is provided except in Table A-7 of Appendix A. This table is organized quite differently than those created for habitats and wildlife, using parcels and summary point location percentages only. There is very little information on population sizes, aggregations, etc. The use of point locations seems to be how significance was determined, however, its application here is questionable. Point data do not necessarily provide an indication of density within each occurrence, indeed, the text states that the number of points may not reflect the population size or individuals but, in some cases, may be correlated with the level of survey effort in different areas. It is difficult to accept that this information is adequate to determine significance or to develop adequate mitigation.

LO.5-10

(26) 8. Table 3.3-10: This table basically states that the proposed project (New Town Plan) requires redesign to retain resources at levels necessary to meet the standards set in the resource management plan. Virtually all impacts to biological resources are significant and not mitigable (mitigated?). A redesign must occur now when a comprehensive approach to impact analysis and mitigation can be taken; it will not occur in a piecemeal fashion later during the environmental review for implementing specific plans and tentative maps.

(27) CNPS again expresses our disagreement with the inadequate public review period provided for the review of this extremely complex document and its attendant appendices (see letters dated July 22 and September 14, 1992). Sixty days is not enough time to provide the City of Chula Vista and County of San Diego with the kind and quality of review that was requested in the July 31, 1992, letter which requested reviews address the accuracy and/or sufficiency of the DEIR in three areas: substantial adverse impacts upon the environment; ways in which adverse impacts might be effectively minimized or avoided; and feasible alternatives to the proposed project. The Otay Ranch project is unique in both its size and complexity and to provide the type of review which would be helpful to your jurisdiction and the County of San Diego requires a substantial amount of

25. Appendix A-2 of the Draft Program EIR contains a description of each sensitive plant species, including its distribution on Otay Ranch, locations of the largest concentrations, and, when available, the number of individuals in a population. Appendix A-7 summarizes in tabular format the location and relative size (small, medium, or large) of the major aggregations or populations of each sensitive plant species. The information contained in Appendices A-2 and A-7 was obtained from the technical biological reports (RECON 1990, 1991; MBA 1989, 1990) and responses to data gaps identified by the Otay Ranch Biological Subcommittee (Dudek 1991). The information on distribution and relative population size was used in conjunction with the point occurrence data as appropriate to assess the significance of impacts to each sensitive plant species of the various alternatives. A point occurrence represents a location where a particular plant species was detected. Depending on the growth habit of the species, one point occurrence may represent a range of numbers of plants. Table 3 provides a definition of what one point occurrence represents for each plant species.

For the following species, quantitative population information was available and was used to assess impacts: San Diego thornmint, Mexican flannelbush, San Diego button-celery, Otay mesa mint, little mousetail, and prostrate navarretia. The number of individuals representing a population was available for the first two species; for the latter five species, the number of vernal pools occupied by a species was used (MBA 1990, Dudek 1992). In addition, California Orcutt grass was recorded historically from one vernal pool on Otay Ranch, and this occurrence was used for impact assessment.

For the following species, density and overall distribution are reasonably well-represented by point occurrences. Each point occurrence represents only a few plants or a discrete population; the group of plants representing a point does not

vary dramatically in size. These species include California spinebush, Otay manzanita, dense reed grass, San Miguel savory, summer-holly, Orcutt's bird-beak, Gander's pitcher-sage, San Diego bur-sage, San Diego sagewort, southern mountain misery, chaparral-pea, and Engelmann oak.

For the following more abundant species, overall distribution is well-represented by point occurrences and, when averaged over a large area, impacts to point occurrences are a good approximation of the proportion of a population or populations to be impacted. For these species, the aggregation of points in an area represents the area of occupied habitat. These species include willowy monardella, Tecate cypress, narrow-leaved nightshade, western dichondra, San Diego barrel cactus, San Diego marsh-elder, Munz's sage, San Diego sunflower, spiny rush, and ashy spike-moss.

For the following species, overall distribution but not density is well-represented by point occurrences. Point occurrence data are probably skewed; however, relative population size is used in conjunction with point occurrence data to assess impacts. These species include Otay tarweed, variegated dudleya, and Dunn's mariposa lily. These species are either annuals or herbaceous perennials. Their appearance and numbers may vary from year to year. With two surveys conducted and large populations mapped for both variegated dudleya and Otay tarweed, a good representation of species presence and distribution onsite was obtained. The same can be said for Dunn's mariposa lily. This latter species is principally found at higher elevations, and major changes in distribution that could affect the impact analysis are considered unlikely.

For the following species, overall distribution is not well-represented by point occurrences. These species may be more widespread than field surveys to date indicate; thus, additional focused surveys are required for, but not limited to, these species at the SPA level of analysis. Point occurrence data, however, give a good and reasonable estimate for impact analysis at the program level based on the known populations on Otay Ranch. These species include slender-pod caulanthus, Orcutt's brodiaea, snake cholla, San Diego goldenstar, San Diego County needlegrass, Campo clarkia, Greene's ground-cherry, Palmer's grappling hook, California Adder's-tongue fern, and Coulter's Matilija poppy. Only one of these species is a first priority species: slender-pod caulanthus. It has an infrequent distribution and is seldom reported from the general area. Numbers can be very high in appropriate habitat in given years, but may be seen in only very low numbers in other years. This does not affect the program-level analysis. Second priority species in this grouping include Orcutt's brodiaea, San Diego goldenstar, and snake cholla. The first two species are herbaceous perennials. The Draft

Program EIR includes information on the numbers of these species (see Appendix A-2), though one could expect these numbers to fluctuate yearly. Snake cholla is not expected to be found in large numbers. San Diego County needlegrass, Greene's ground-cherry, Campo clarkia, and Palmer's grappling-hook are third priority species, and California Adder's-tongue fern and Coulter's Matilija poppy are fourth priority species. Because these latter species are principally found at higher elevations (Campo clarkia and Matilija poppy), around vernal pools or seeps (Adder's-tongue fern), in low numbers (Greene's ground-cherry), and have lower sensitivity status, they are not expected to significantly affect the program level analysis.

26. Seven less impactive alternatives to the New Town Plan are discussed and analyzed in the Draft Program EIR. See also response number 1 in letter from Endangered Habitats League, 9/23/92.

OTAY RANCH SENSITIVE PLANT SPECIES POINT OCCURRENCE DATA

Species for which quantitative population information is available.
(Point occurrence data were not used to assess impacts.)

Plant Species	Total # of points	Point Occurrence Representation	Population Data
Acanthomintha ilicifolia	2	discrete population	number of plants in each population
Eryngium aristulatum var. parishii	139	one or few vernal pools	number of vernal pools with this species (159); % cover class in each pool
Fremontodendron mexicanum	5	one plant	total number of plants
Pogogyne nudiuscula	75	one or few vernal pools	number of vernal pools with this species (97); % cover class in each pool
Myosurus minimus var. apus	3	one vernal pool	number of vernal pools with this species (3); % cover class in each pool
Navarretia fossalis	2	one vernal pool	number of vernal pools with this species (2); % cover class in each pool
Orcuttia californica	1	one vernal pool	(one historical pool location)

LO.5-13

Species for which density and overall distribution are reasonably well represented by point occurrences.

Plant Species	Total # of points	Point Occurrence Representation	Pattern of Point Occurrences
Adolphia californica	2	few plants	discrete groupings of plants
Arctostaphylos otayensis	13	few plants	discrete groupings of plants
Artemisia palmeri	6	few plants	discrete groupings of plants
Chamaebatia australis	17	small patch	discrete groupings of plants
Comarostaphylos diversifolia ssp. div.	4	few plants	discrete groupings of plants
Cordylanthus orcuttianus	2	two points=discrete population	one population on Ranch
Calamintha chandleri	2	discreet population	two populations on Ranch
Ambrosia chenopodiifolia	2	few plants	two populations on Ranch
Calamagrostis densa	2	small discrete population	two populations on Ranch
Lepechinia ganderi	9	few plants	discrete groupings of plants
Pickeringia montana spp. tomentosa	3	few plants	discrete groupings of plants
Quercus engelmannii	12	few plants	discrete groupings of plants

Table 3 (Continued)

OTAY RANCH SENSITIVE PLANT SPECIES POINT OCCURRENCE DATA

Species for which overall distribution is well represented by point occurrences.
Point occurrences are also a reasonable representation of density when large numbers of points are averaged over a large area.

Plant Species	Total # of points	Point Occurrence Representation	Pattern of Point Occurrences
Cupressus forbesii	128	few to numerous plants	groups of points = occupied habitat
Dichondra occidentalis	21	few to hundreds of plants	groups of points = occupied habitat
Ferocactus viridescens	344	few to numerous plants	groups of points = occupied habitat
Iva hayesiana	255	few to numerous plants	string of points = occupied habitat
Juncus acutus	86	few to numerous plants	string of points = occupied habitat
Salvia munzii	150	few to hundreds of plants	groups of points = occupied habitat
Selaginella cinerascens	221	few small patches to large areas	groups of points = occupied habitat
Solanum tenuilobatum	104	few to hundreds of plants	groups of points = occupied habitat
Viguiera laciniata	774	few to hundreds of plants	groups of points = occupied habitat
Monardella linoides var. viminea	9	few to numerous plants	string of points = occupied habitat

Species for which overall distribution but not necessarily density is well represented by point occurrences.
Point occurrence data may be skewed; however, relative population size is used in conjunction with point occurrences.

Dudleya variegata	128	few to numerous plants	discrete populations; broader area of occupied habitat on Otay River parcel
Hemizonia conjugens	106	tens to thousands of plants	groups of points = occupied habitat
Calochortus dunnii	16	few to numerous plants	groups of points = occupied habitat

Species for which overall distribution is not or may not be well represented by point occurrences.
Species are probably more widespread than current data indicate.

Brodiaea orcuttii
Caulanthus stenocarpus
Clarkia delicata
Harpagonella palmeri
Muilla clevelandii
Ophioglossum lusitanicum ssp. calif.
Opuntia parryi var. serpentina
Physalis greenei
Romneya coulteri
Stipa diegoensis

time and coordination. In the case of such a reviewer-unfriendly document, providing a competent, constructive review constitutes a tremendous task even for those of us who are not novices at this type of thing. CNPS was unfortunately unable to accomplish this in the time allotted.

Much of the CNPS's review of botanical issues associated with any environmental document centers around information contained within the appendices. In this case, the appendices were essential as they often provided the only summaries of plant impacts, etc. We were not sent pertinent biological appendices along with the DEIR, although it is our understanding that others (San Diego Biodiversity Project, for example) did. Arrangements were made with Joe Monico, Otay Ranch Project Planning Office, on August 10 to have the missing appendices sent to us, however, project office clerical staff could not figure out how to get the appendices to us while Mr. Monico was on vacation. As a result, CNPS review period for biological technical appendices was, in reality, only 30 days.

LO.5-15

(27)

It is rumored that the Chula Vista City Council may choose to extend the public review period upon taking back their authority to do so on October 6 is useless to us in terms of providing us the opportunity to hold off on our comment preparation. We must assume that the close of public review is October 7; we cannot risk missing the deadline for submittal of comments should things not go as expected during the October 6 council hearing.

In conclusion, CNPS requests that the City of Chula Vista not certify this DEIR in its current form. We feel that there are enough questions about the adequacy of the document and the RMP, lack of detailed analyses for alternatives, and the full disclosure of information to justify our position. In any case, we ask for the opportunity to review the final environmental impact report prior to its consideration for certification to ensure that our comments are adequately addressed. When this document is available, please contact me at 270-9573.

Sincerely,

Bertha McKinley
Vice-President

27. Comment noted.

References

Fiedler, P.L.
1991 Mitigation-Related Transplantation, Relocation and Reintroduction Projects Involving Endangered and Threatened, and Rare Plant Species in California. Endangered Plant Program, California Department of Fish and Game, Contract FG-8611. Final Report, June 14.

Holland, R.F.
1986 Preliminary Descriptions of the Terrestrial Natural Communities of California. Unpublished report, California Natural Diversity Data Base, California Department of Fish and Game, October.

Oberbauer, T.A. and J.M. Vanderwier
1991 The Vegetation and Geologic Substrate Association and Its Effect on Development in San Diego County. In: Abbott, P.L. and W.J. Elliott, eds. Environmental Perils, San Diego Region. San Diego Association of Geologists, October 20.

Salata, L.
1992 Wildlife Biologist, U.S. Fish and Wildlife Service, Southern California Field Office, Carlsbad. Unpublished data: California gnatcatcher population estimates.

cc: Norma Sullivan, South County Environmental Working Group
James C. Dice, Region 5 Plant Ecologist, California Department of Fish and Game, San Diego
Ken S. Berg, Endangered Plant Program, California Department of Fish and Game, Sacramento
Mark Skinner, Botanist, California Native Plant Society, Sacramento

LO.5-16

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October 6, 1992

Mr. Anthony J. Lettieri
General Manager
Otay Ranch Project
315 Fourth Avenue
Chula Vista, CA 91910

RE: Otay Valley EIR Comments

Dear Mr. Lettieri:

LO.6-1

Environmental Health Coalition (EHC) would like to make the following comments on the Otay Valley Ranch EIR. Our primary concern centers around impacts to water quality in the region and on San Diego Bay. There are many structural Best Management Practices (BMPs) that will reduce the quantity and improve the quality of runoff that should be included in the mitigation measures in the EIR. Educational programs, and policies can also be incorporated as mitigation.
The EIR cites flooding concerns from inundation during heavy rains. However, concrete channelization in the project area should be a last resort. In the past we have exacerbated the flooding problem through increase of impervious surfaces in a watershed and by channelizing drainages. This has exacerbated the problems of runoff quantity and quality. Requirements on this project should include aggressive use of the BMPs listed below.

BMPs fall into three categories:

BMPS that reduce pollutant generation (Process and Educational BMPs)

BMPs that reduce pollutant transport

BMPS that treat polluted runoff

EHC supports BMPs that reduce the source and transport of pollution because treatment of polluted

ENVIRONMENTAL HEALTH COALITION
LAURA HUNTER
OCTOBER 6, 1992

1. The water resource mitigation section of the Final Program EIR has been modified to include Best Management Practices (BMP's) in regards to reduction of pollutant generation, reduction of pollutant transport and treat polluted runoff.

(1) urban runoff, the most costly approach both economically and environmentally, is what we are trying to avoid!

Mitigationto offsetpollutantgeneration through educational and process BMPs:

MITIGATION FOR AIR POLLUTION IMPACTS

1. Include programs that reduce the number of car trips, increase ridership on trolley and bus, and promote alternative transportation, bike, walk, carpooling etc.

2. Include Oil Recycling Facilities-Provide a free oil recycling center in the watershed.

(2) 3. Incorporate programs that require that all vehicles are inspected for fluid leaks during smog checks. Plan to increase availability of automobile tuneups through promotion, by a service station or a community college/high school auto shop, of a "Free Tune-Up Day" for residents in the watershed.

4. Require vehicle fleets in the area that run on compressed natural gas. Natural gas powered cars emit 90% less of the harmful chemicals found in smog.

LO.6-2

MITIGATION FOR PESTICIDE CONTAMINATION IMPACTS

In the discussion below our use of "pesticide" is meant to include herbicides, fungicides, and rodenticides as well. Reduction of pesticide-caused pollution are easily reduced by disallowing pesticide use in the project area.

1. Integrated Pest Management (IPM) should be required in a covenant or other mandated arrangement for all project aspects. IPM is suitable for all public places, municipal parks, golf courses, and cemeteries and could be included in (3) the covenants in new developments. It is significant to note that the San Diego Unified School District has taken the lead by adopting an IPM policy district-wide, thereby protecting children, teachers, and staff at school.

2. Use of chemical pesticides along planned streets and highways by CALTRANS and other street maintenance staff should be prohibited in this project.

3. Prohibit use of pesticides when precipitation is forecast for the area. This will help prevent movement of those chemicals out of the area intended for use and into the waterways. In areas where there are heavy agricultural uses of the land, pesticide contamination of runoff and grour

2. The air quality mitigation measures in the Draft Program EIR, under the heading of "Transportation-related Management Actions," includes programs to reduce the number of vehicle trips and promote the use of alternative transportation.

Oil recycling facilities are a project-specific issue and shall be addressed at the SPA level.

All motor vehicle inspection programs are under the jurisdiction of the State of California. The tune-up programs suggested in this comment are more appropriate for project-level consideration but are not the responsibility of the project applicant to implement.

The RAQS includes measures that require companies to start planning to use alternative fuels (such as compressed natural gas, methanol fuels, etc.) in their vehicles; however, this measure applies to companies with large employment centers and delivery truck companies.

3. Comment noted. Refer to response number 1 above and text changes that have revised the mitigation measures in Risk of Upset, Section 3.14, in Final Program EIR to incorporate the suggested BMP's.

water is a serious problem.

3 4. Prohibit any use of pesticides that have been cancelled. The E.P.A. maintains a list of those cancelled chemicals.

5. Require drip irrigation systems in all new development.

MITIGATION FOR INCREASED USE OF HOUSEHOLD TOXICS

1. Establish a Household Hazardous Materials Program for the project that educates about proper disposal of household toxics while aggressively promoting safe substitutes for household toxics that pose less of a threat to the environment from their manufacture, use, and disposal.

4 2. Require storm drains to be stencilled with a "no dumping" to alert residents to the connection of the storm drain system to sensitive downstream waters and to discourage use of the storm drains for disposal.

3. Establish a hot-line so residents can report dumping and regulators should take a strong position to assess fines for illegal actions and to aggressively. Include street sign posting that storm drains are not for dumping.

LO.6-3

MITIGATION FOR INCREASED EROSION

1. Require site drainage design or other control measures that will minimize runoff from construction sites.

2. Require incorporation of vegetated, infiltration, or detention-based BMPs. Use planted areas to maximize

5 retention and infiltration.

3. Require significant use of permeable surfaces such as bark, gravel, ground cover, cobblestones, or brick.

4. Require and implement requirements on erosion control at construction sites--use sand bags, covers, straw bales to hold soil in place during construction, and use temporary detention ponds.

MITIGATION FOR IMPACTS OF GROWTH ON THE AREA -- PROMOTE SUSTAINABLE GROWTH

6 1. Establish policies that promote purchase of safe substitutes to toxic materials, the purchase of organic food, energy efficiency, mass and alternative transportation, and recycled products in all aspects of the planning and implementation of the project.

4. Although these comments are noteworthy with respect to best management practices, there are no regulations specifically requiring these measures. However, these measures could be incorporated into the preparation of site-specific plans at the request of the regulatory/reviewing agencies.

5. Comments noted. Refer to response number 1.

6. Comment noted. Among the measures suggested to promote sustainable growth, an Integrated Waste Master Plan will be prepared during the SPA Plan stage of the project to develop programs and policies on waste reduction and recycling. In addition, alternative transportation and public transit are features in the project and its various alternatives. Therefore, the Draft Program EIR has addressed this issue.

STRUCTURAL BMPS THAT REDUCE POLLUTANT TRANSPORT

1. Require that greenbelt and bikeway links are provided for in all projects. This will ensure that we are building an alternative transportation infrastructure and mitigation by planning green belt corridors.

2. Require aggressive re-forestation of the project area to cool the "heat islands" that the project will contribute to.

REDUCE CONCRETE/PROMOTE PERMEABLE SURFACES

1. Reduce the use of concrete, asphalt, tar, and other impermeable surfaces where possible. Replacing paved surfaces with permeable vegetated areas will slow the runoff, and give rainwater more surface to soak into, thus reducing the velocity and the volume of the runoff.

2. Reduce flows from parking lots and commercial properties. This can reduce pollutant loading as much as 50%. Pavement can be replaced by a variety of equally "parkable" surfaces that promote infiltration rather than runoff. These are already in use in many places, and bacteria exists in the soil beneath the surface that can naturally degrade pollutants. One possible model is shown on the attached diagram.

USE NATURAL, UNLINED DRAINAGE CHANNELS WHERE POSSIBLE

Channelization of drainage systems reduces groundwater recharge and increases flow and transport of pollutants into the receiving water. It also does not eliminate flooding in the area during the heavy rains. Natural drainages and swales allow for groundwater recharge and lessening of the velocity of the runoff.

Mitigation for increase of surface impermeability caused by the project -- Vegetative BMPs

Vegetated BMPs reduce pollution transport naturally using vegetation and natural infiltration into the soil to filter out and, in some cases, treat pollutants in urban runoff and to reduce the velocity and volume of the runoff. They are generally low cost and viewed as desirable by the community. They provide significant community enhancement, beautification, and mitigation. These should be widely used in the project.

GRASSED SWALES

Placement of vegetation on sides of storm drain channels and s[illegible]ts reduces the amount of pollutants in storm water ru[illegible].

7. An extensive bikeway and pedestrian trail system has been proposed as greenbelted links between the commercial centers and residential areas to decrease reliance on automobiles (and the production of pollutants). Landscape concepts and revegetation plans will be developed at the SPA Plan stage when more project details are available.

8. Comments noted. Refer to response to above comment number 1 and text changes that have revised the mitigation measures in Section 3.9 of Final Program EIR to incorporate the suggested BMP's.

Designate vegetated swales as a requirement for all projects including parking lots.

Swales are an excellent supplement to other BMPs. They are most successful when applied to residential and highway medians as an alternative to curbs and gutters. Swales are less expensive than curb and gutter systems, but if they are heavily fertilized or treated with pesticides they can end up exacerbating the problem. Addition of check dams can improve infiltration rates, but underlying soils must be permeable for the most effective use of swales. Roadside and backyard swales can be managed as natural areas. One drawback is that they are not generally able to remove soluble pollutants, such as nutrients.

FILTER STRIPS

8

These are similar to grassed swales except that they accept overland sheet flows of water. Runoff must be evenly distributed. This method complements efforts of urban re-forestation. Filter strips reduce watershed imperviousness and runoff volume and velocity and cost almost nothing to construct, especially if areas are preserved prior to construction. A well-managed filter strip can be a valuable community amenity.

Filter strips are effective in removing sediment, organic material and many trace metals as pollutants infiltrate soil and are taken up in rooted vegetation or by soil bacteria. Forested strips have greater pollutant removal than grass but need to be twice as large as grass filter strips. The benefit is that forested strips reduce runoff by 30-50%.

Once established, filter strips need little maintenance. The edges must be maintained to ensure spreading of the runoff. It could be fenced off where security is a concern. Shorter grass strips should be managed as a small meadow or lawn. They should be mowed a couple times a year and inspected annually.

CONSTRUCTED WETLANDS

9

Wetlands provide many valuable functions. Improvement of water quality is one of the most important. Wetlands can also control flooding, reduce stream velocity, and provide wildlife habitat at low maintenance costs. The surface area of a constructed marsh should constitute 2-3% of the total area of a contributing watershed. In arid regions, some source of dry weather water, either irrigation flows or groundwater, should be available.

Pollutant removal in constructed wetlands occurs by the following mechanisms:

* Petroleum hydrocarbons may be evaporated, taken up in

9. Comments noted. Refer to response to above comment number 1 and text changes that have revised the mitigation measures in Section 3.9 of Final Program EIR to incorporate the suggested BMP's.

plants or digested by bacteria.

* Nutrients will be taken up by wetland plants.
* Microbial degradation occurs in the substrate and root surfaces. Heavy metals are converted to relatively insoluble sulfides. Preliminary studies have not shown significant bioaccumulation of heavy metals although heavy metals can be absorbed in the peat.
* Bacteria and viruses will naturally die off in the detention pond and wetlands reducing health concerns.

9 While it has not been demonstrated that constructed wetLands simulate all aspects of natural wetlands, they do achieve a certain degree of the natural purification/filtration that natural wetlands do. A constructed wetland can be very effectively combined with infiltration or detention BMPs. This entails creation of a shallow, lined pond-like depression that is planted with wetland species. Two California natives, cattail Typha latifolian and the bullrush Scirpus validus, have proven highly effective for pollutant and nutrient removal. Vegetation should be harvested every two years to guard against build up of toxics if evident.

LO.6-6

DETENTION PONDS

Detention/sedimentation basins are best in areas suffering from sediment buildup and erosion. These ponds collect and store runoff and, by releasing it slowly, allow the sediment to settle out. Detention ponds are an effective, low cost means of removing sediment and reducing water quality impacts of erosion. If stormwater is detained 24 hours or more as much as 90% removal of pollutants is possible. Positive impacts include creation of habitat and recreational use associated with the inundated portion of the pond. The drawbacks include occasional nuisances and aesthetic problems, weeds, mosquitos, trash. However, if built in conjunction with a small constructed wetland as described above, these nuisances can be minimized.

10 **INFILTRATION TRENCHES**

Infiltration systems allow water to soak into the ground, or "recharge" ground waters. Infiltration trenches are an adaptable BMP that remove both soluble and particulate pollutants. The first flush runoff passes through stone, cloth, or soil to remove pollutants. Trenches are very useful in small areas, margins, perimeters, and other underutilized area of a development. They work best if used with swales to remove coarse particulate (sediment). Trenches receive high marks for protecting water quality and downstream aquatic life. Naturally occurring bacteria aid in pollutant removal and trenches will last 10-15 years with care. They are very unobtrusive, have low maintenance requirements, and have little impact on humans. They are widely use[illegible] in Arizona.

10. Comments noted. Refer to response to above comment number 1 and text changes that have revised the mitigation measures in Section 3.9 of Final Program EIR to incorporate the suggested BMP's.

INFILTRATION BASINS

10 Larger version of trenches are infiltration basins which are effective in removing both soluble and fine particulate pollutants but not sediment. These are probably the best for protecting downstream aquatic life. The contributing area for an infiltration basin should not exceed 50 acres and maintenance consists of annual inspection and mowing, debris and litter removal, tilling and revegetation of soil if needed to improve infiltration. If maintained, these can be used for recreation such as ball fields or playgrounds but frequent testing and maintenance is a must. These are widely used in Fresno and managed as playing fields and park areas.

Thank you for the opportunity of commenting on this EIR.

Sincerely,

Laura Hunter, Director
Clean Bay Campaign

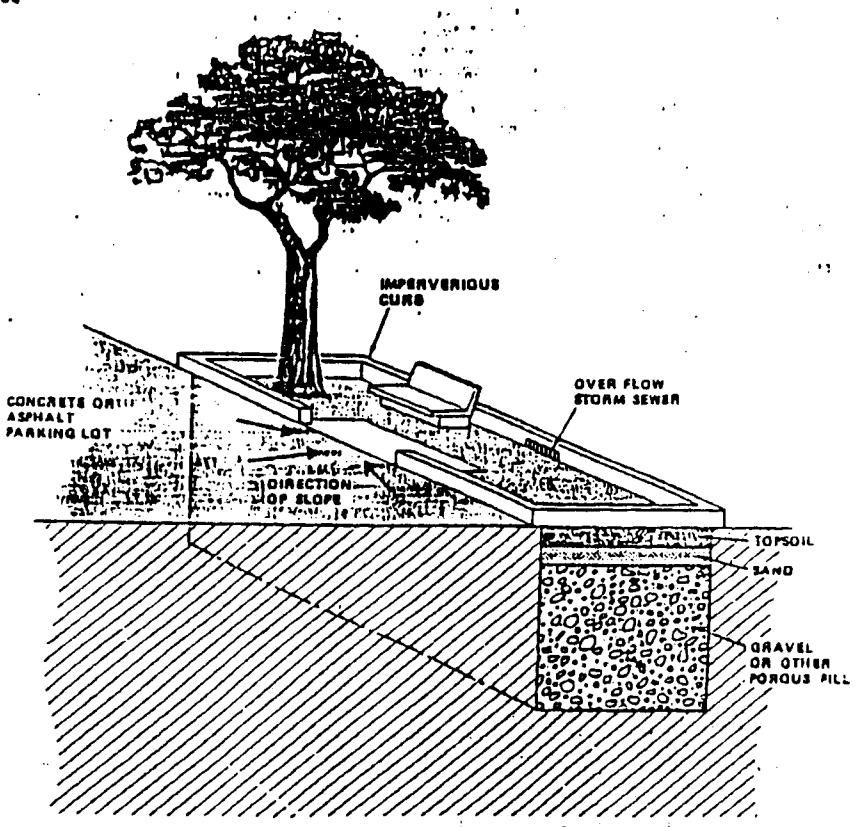

Figure 2. Hypothetical Application of a Greenbelt in a Parking Area.

sites where marshes have been dredged, filled, and/or channeled and which could be developed as wetlands.

Little information is available regarding the effectiveness of wetlands in removing oil and grease from stormwater runoff (Chan et al., 1981). Since the majority of oil and grease in runoff is normally found associated with particulates, it is reasonable to assume that wetlands would act primarily as a sedimentation trap. Pollutant removal from the water column would occur as the particulates settle, with degradation responsible for their ultimate elimination. The removal of other pollutants besides oil and grease would also be anticipated. An accurate assessment of oil and grease removal potential could not be made until pilot studies were conducted.

The costs of wetlands appear relatively high. Wetlands require a substantial quantity of land. Construction costs for the first wetland areas would probably be higher than those for wetlands built after the technology was fully developed because of the increased safety factors needed to account for design uncertainties. But the high initial construction costs usually would be less than the cost of conventional wastewater treatment plants.

While wetland development would be relatively expensive, its value would not be limited to water treatment. Wetlands are being restored and developed around the Bay Area because of their aesthetic, wildlife and recreational values. In some cases, integrating water quality considerations into plans for enhancing wetland [illegible]

LO.6-8

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September 29, 1992

Mr. Doug Reid
Environmental Coordinator
OTAY RANCH PROJECT TEAM
315 4th Ave
Chula Vista, CA 91910

Re: Draft EIR on the Otay Ranch

Dear Mr. Reid:

LO.7-1

The following are the comments of the Baldwin Vista Associates on the Draft EIR for the Otay Ranch. In general, we felt the EIR was adequate and complete. The comments contained herein are intended to clarify and contribute to the completeness of the document.

Each comment is numbered and begins with the page number to facilitate responses to these comments. Transportation, circulation and access will be addressed in a separate letter from Urban Systems Associates.

Thank you for the opportunity to comment.

Sincerely,

Gregory T. Smith
President

Enclosure

THE BALDWIN COMPANY
GREGORY SMITH
SEPTEMBER 29, 1992

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EIR COMMENTS

LO.7-2

1. Page 2-2-2.2.1: states rock mining quarry is 137 ac: pg. 3.1-2 -3rd full paragraph states 150 acres - we believe the site is approximately 137 acres.

2. Page 3.1-45: third full paragraph: text states that, "providing access to this area could have significant impacts to the protected open space and proposed wilderness area that surrounds it." This needs clarification. The New Town Plan does not propose access to the adjacent BLM owned lands. Public access to these lands already exists via the Minnewawa and Otay Truck Trails. An access road would also be constructed to the small, non-contiguous parcel. However, an easement and dirt road for this purpose already exists. In short, no access beyond that already existing would be provided. In addition, no protection exists for this open space beyond that provided by the Forest Service, Sheriff's Department and California Department of Fish and Game. Such "protection" is provided to all land in the area regardless of ownership. Please revise the draft EIR.

3. Page 3.1-47 last paragraph: The New Town Plan proposed development is <u>not</u> inconsistent with existing RCA's. Per page 3.1-31, the RCA overlay requires "special attention", "careful consideration and special environmental analysis". All of this has been done and is <u>consistent</u> with the RCA's.

4. Page 3.1-57 #7: The property has already been surveyed a number of times to establish the location of sensitive resources. The composite preserve included in the RMP considered these resources in establishing the Preserve boundary, to assure significant and representative areas were saved. The RMP includes policies for preservation, enhancement and protection of resources. In addition, the Biology section of the EIR contains a detailed, exhaustive list of species, specific mitigation measures and requirements for more focused surveys. These afford additional protection. The intent of the RCA's is implemented by all these measures. The imposition of such overlays at this point in time provides no additional protection and will cause pointless unnecessary future confusion. This mitigation measure should be deleted.

5. Page 3.2-31 - 3.2.3.2: It is infeasible to require the GDP/Subregional Plan to propose guidelines regarding amount and kind of remedial grading to be done in the river valley as this area is the subject of a separate regional park planning effort. Such guidelines should be included in the regional park plan.

1. Comment noted. Refer to the text change in Section 3.1.1.1 of Final Program EIR that corrects the acreage of the rock quarry.

2. Section 3.1 of the Draft Program EIR has been revised to clarify this issue. Until actual site plans for the discontiguous parcel of land located in the San Ysidro portion of the project have been developed, it cannot be assumed that the existing access road is sufficient. Traffic studies may show that additional roadway width is necessary or that a different road alignment is needed to provide access that is acceptable to the appropriate public works department road design standards. In addition, fire department review may require additional ingress/egress for emergency access purposes. The parcel is located in an environmentally-sensitive area, as is indicated by the recommendation from the BLM for acquisition and designation as a Wilderness Area. Therefore, impacts as a result of providing access to this parcel may be significant.

3. The Draft Program EIR does not state that the New Town Plan is "inconsistent" with existing County RCAs. It does, however, point out that the New Town Plan proposes development within several County RCA areas. As a result of this development, impacts could occur to the sensitive resources that are located in these RCA areas if not avoided or mitigated. This EIR analyzes potential impacts and proposes avoidance or mitigation.

4. This mitigation measure calls for coordination between the overlays noted on the Subregional Plan map and the Resource Management Plan (RMP). The overlay serves as a flag to future developers and plan reviewers that there are sensitive resources present in these areas that have previously been identified through the County's RCA process and that further mitigation may be required.

5. Comment noted. The GDP/Subregional Plan simply states that no grading will be allowed in the Otay River Valley until a regional park planning document identifies specific remedial grading guidelines and that those remediation guidelines, once available, will be the enforceable guidelines for that area of the project.

LO.7-3

6 Page 3.2-33: The draft states "Any cut and fill slopes in excess of 15 feet shall be identified." This refers to the entire Otay Ranch. The heading of this section refers to visual impacts in areas visible to a large number of people. To identify "any cut and fill slopes in excess of 15' in height" is over burdensome for a SPA plan whose the reference encompasses the entire ranch. The intent appears to be to protect vista viewed by many people. There are currently no regulations for reviewing slope heights at the SPA level. The draft EIR should be clarified through use of the following language: "Any cut and fill slope in excess of 15' in height visible from scenic corriders and vistas shall be identified."

7. 3.2-34: "The GDP/Subregional Plan will require..." should be changed to "The GDP/Subregional Plan will identify...". A SPA should more appropriately identify and describe processes for future discretionary actions.

8. Page 3.3-43: With respect to the four sensitive butterflies, it should be noted that none were found during directed searches at the appropriate time of year in 1992.

9. Page 3.3-65 through 3.3-67; Figure 33 - 6a-c: Footnotes are necessary on these three figures stating that the boundaries shown are generalized and do not precisely delineate either resource presence or absence. The statement in the text is not enough to convey this when one is actually looking at the map.

10. Page 3.3-71 to 3.3-75: It is unclear how a regional wildlife corridor differs from a local corridor either in function, importance or width. Please revise the text to explain the difference.

11. Page 3.3-89; #7A: Recommendations regarding Palomar Street, Orange Avenue and University Avenue are either infeasible, or already accomplished on the land use plan. Palomar Street is located on a mesa, well away from Poggi Canyon. Orange Avenue is located in the bottom of and on the south side of Poggi Canyon, away from undisturbed habitat, and just missing the south slopes, to avoid grading. The University Parkway crossing is necessary for access to the university site.

In general, roads are located where it is feasible to build them with the least amount of grading (least habitat disturbance). It is also necessary to meet specific safety standards. Relocating a road may result in more grading and habitat destruction, or result in unsafe conditions. In either case, road relocation is infeasible.

6. Conceptual grading plans are typically required at the SPA level, and it is a relatively easy procedure to identify the manufactured slopes over 15 feet. The height of the manufactured slopes is one of the variables used to determine whether or not grading activities will have significant visual effects. Existing scenic corridors and vistas are important, but they are not the final determining factor for significant visual impacts since grading activities often change the view corridors through a project, making previously hidden portions of the site visible. Additionally, it is the purpose of the SPA plans to bring the planning of the site to a more manageable level by looking at smaller areas within the total project planning area. There will not be a single SPA plan for the entire site; rather, Otay Ranch is projected to include as many as 15 SPA Plans (assuming 1 SPA Plan per village for the New Town Plan).

7. The EIR text reads "The GDP/Subregional Plan will identify..." (refer to the first full paragraph).

8. A written report documenting the survey results is necessary in order to incorporate the results into the technical appendices for the Final Program EIR.

9. Comment noted. Footnotes have been added to Figures 3.3-6a-c in the Final Program EIR.

10. Refer to the text revisions in Section 3.3.1.5 describing regional and local wildlife corridors.

11. Given the programmatic nature of the project and the absence of grading plans, the impacts of the roadways appear significant. As noted in Table 3.3-7, number 7a (and Tables 4.2.4-5, and 4.7.4-3), redesign of road alignments is required, to the extent feasible, in order to fully mitigate the resource disturbances described below. Feasibility shall be determined at the time the "project" (SPA or road relocation) is approved. Feasibility shall be defined in accordance with CEQA Guidelines §15364. However, roads may require relocation if the gnatcatcher is listed as a threatened species and the California Fish and Game Commission requires further mitigation under Fish and Game Code 2084.

Orange Avenue - This road directly impacts California gnatcatcher locations and could impact nearby coastal cactus wren locations depending on the actual alignment. There will be fragmentation of gnatcatcher and cactus wren habitat possibly leading to higher mortality and fragmentation of existing territories. There could also be other indirect effects from noise, increased human activity and disturbance, fire, non-native landscaping, etc.

Palomar Street/La Media Roads across Salt Creek Canyon - These roads would impact California gnatcatcher and cactus wren locations by eliminating habitat. They will also fragment very high quality gnatcatcher and cactus wren habitat, possibly affecting movement of gnatcatchers and cactus wrens (depending on the grading topography, combined width of the road and landscaping, traffic load, and dispersal capabilities of each species). These roads would also lead to the degradation of adjacent habitat through increased noise levels, potential for increased mortality, increased human activity and disturbance, increased potential for fire, and the possible introduction and invasion of non-native vegetation used in landscaping.

LO.7-5

(12) 12. Page 3.3-88; 2.g.: It is unclear where the Jamul Access Road is located. Only one crossing of Jamul-Dulzura Creek is proposed, in its existing location. Access to all developable areas of the San Ysidro parcel is provided after the road is located south of the creek.

(13) 13. Page 3.3-89; 7b and 7g: This measure should more appropriately be applied to CalTrans or the ultimate builders of SR-125. SR-125 is a separate project from Otay Ranch and is the subject of a separate environmental review.

(14) 14. Page 3.3-90; 12c: This measure is infeasible as traffic studies show expansion beyond two lanes is necessary for public safety. Existing Otay Lakes Road cannot be used as it does not meet safety criteria for the volumes projected with or without an Otay project.

(15) 15. Page 3.3-90; 7.d: It will not always be feasible or even possible to enhance/restore habitat prior to impact, specially in the first five years of the project or if unforseen impacts occur. (The later would be handled under separate CEQA review.)

(16) 16. Page 3.3-93; 25-28: The loss of raptor foraging is already recognized as being unmitigable. The recommended measures will not mitigate the impact. They are also infeasible as they seem to require huge areas of otherwise developable land to be left as open space to the point that the stated project objectives cannot be met.

(17) 17. Page 3.3-95; #30: This measure should more appropriately be applied to the agency that builds SR-125. (See comment #13.)

(18) 18. Page 3.3-125; #11: There is no rationale for the stated 10:1 ratio. It is excessive and infeasible. All areas of suitable habitat with existing stands of trees are being preserved and little or no restorable habitat is available. Only small areas, mainly in drainage swages into which seeds have washed, would be impacted, usually by infrastructure crossings. Such areas would not be good restoration areas because of the lack of concentration.

(19) 19. Page 3.4-24: There is no nexus between cultural resources on Otay Ranch and the requirement for an interpretive center or museum. Such a facility is not required for "mitigation". The requirement that Otay Ranch, alone, build any such facility goes far beyond the impact of the project and has no rational basis. CEQA requires nexus between impacts and mitigation. The mitigation measure should be deleted or revised to reflect a regionally funded program and, therefore, regional participation in establishing the facility.

12. There are two Dulzura/Jamul Creek crossings shown on the New Town Circulation Map (Figure 2.3-4). Otay Lakes Road is designated as a four-lane major road in this area and the other is an unnamed road designated as a two- or four-lane collector.

13. For each issue area, the Draft Program EIR includes SR-125 impacts since this alignment appears on the project maps for each alternative. Additionally, the EIR analyzes the level of development that would be allowed without SR-125. Subsequent EIRs will discuss the impacts from the SR-125 development in more detail.

14. Comment noted. Refer to response number 11 of this letter.

15. The revegetation recommendation will remain in the Final Program EIR. For first priority species it will be required that revegetation occur prior to impacting occupied habitat. For second and third priority species revegetation should occur prior to impacting occupied habitat when feasible.

16. These measures are intended to identify the extent of redesign that would be necessary to reduce impacts to below a level of significance. The Draft Program EIR acknowledges these impacts would require major project redesign. This is the reason why the determination that the impacts are significant and unmitigable was made. In determining which alternative to approve, the Board/Council must adopt all "feasible" mitigation measures, based on CEQA Guidelines §15364. Refer to Table 3.3-7 of the Final Program EIR.

17. Comment noted. Refer to response number 13 in this letter.

18. There is no precedent or set standards for mitigation of Tecate cypress forest; however, mitigation for impacts to individual Tecate cypress trees shall be similar to that for impacts to oak trees. The 10:1 ratio required in the Program EIR is based on the County of San Diego Guidelines for the Implementation of CEQA which specifies the following:

"Mitigation of any area of oak woodland which is lost due to a project must generally be replaced on an area basis at a ratio ranging from 2:1 to 3:1... In addition to the calculation of revegetation area, ... tree replacement standards will also be required. Consistent with standards developed by the Santa Barbara Botanic Garden and included in the Santa Barbara County guidelines for biological impacts, the required replacement ratio shall be ten trees for each tree lost."

19. The recommendation for a cultural resource interpretive center has a "nexus" between the extent of impacts and mitigation. The inclusion of an interpretive center in the Resource Management Plan would serve as a viable mitigative measure because it would make the resources recovered from data recovery programs available for interpretation and enjoyment by the local residents and the community as a whole. Consequently, the mitigation measure, unless deemed to be infeasible, is considered appropriate for the Otay Ranch Project.

Mitigation of impacts to cultural resources can take the form of preservation in place, data recovery and interpretation, off-sets such as purchasing land with a similar site, or combinations of these measures. If all of the significant sites are preserved in place, which is the preferred measure as provided in CEQA, then mitigation will have been achieved and there will be no need for future interpretation. If, on the other hand, preservation is not feasible, then excavation and interpretation are appropriate mitigation measures. The recommendation for an interpretive center was based on the assumption that such a center was proposed for biological and natural history resources and that cultural resources would be one element of such a center, not that the center be constructed and maintained for cultural resources alone. It is assumed that the construction of such a facility would be the responsibility of the developer. Financing arrangements for the operation of such a facility would be negotiated between the developer and the jurisdictional agency.

LO.7-7

(20) 20. Page 3.7-2: Since the passage of Proposition 13, property taxes have increased very little, having little impact on farm income. The statement to the contrary in the draft EIR should be corrected or deleted.

(21) 21. Page 3.7-10: Sources available to us do not show any Soil Conservation Service (SCS) designation of Farmland of Statewide Importance. The text, however, references the SCS method of determining Statewide Importance. Please provide the source of this information. If SCS lets each state make their own determination as to Farmland of Statewide Importance, then the text and graphics (Figures 3.7-2a,b &c) must be revised to show there is no land so designated by SCS.

California Department of Conservation (CDC) criteria for designation as Prime Farmland appear to be much more detailed and specific to California than the SCS methodology. A broad variety of physical and chemical parameters are used. The CDC methodology also recognizes that for land to be productive, it must have a dependable water supply. This more detailed methodology is more useful in evaluating whether land will ever support agriculture, especially given the astronomical construction costs of the necessary water system. These costs (see page 3.7-20) are so high that they would never be recouped out of farm revenues. Why are the more general SCS classifications used to determine agricultural suitability when the CDC system provides a more accurate assessment of existing conditions? The use of the SCS methodology and definitions is <u>not</u> mandated by CEQA.

(22) 22. Page 3.7-18: The County does not count Otay Ranch in the 168,317 acres of land currently in agricultural production. The draft EIR adds Otay Ranch land to the above figure to determine a potential 3% loss of land suitable for agriculture. This does not provide an accurate estimate of loss. This estimate can only be accurately calculated if all currently uncounted land in barley production is added to the 168,317 acres now in production countywide. Similarly, the draft EIR includes a calculation of 5% of land suitable for coastal dependant crops. This, too, is inaccurate unless all potentially suitable land is added to that now in production. Please correct the calculation to provide more accurate estimates.

(23) 23. Page 3.7-26; Mitigation Measure #3: The area designated for a community garden in the southwest portion of the Otay River Parcel is indeed a suitable location. However, since the river valley is currently the subject of a regional park planning effort, it would be more appropriate and feasible to have exact size and location determined as part of that effort. This is not a SPA determination. We do not understand how a community garden is mitigation.

20. Comment noted. Refer to text changes in Section 3.7.1 of Final Program EIR.

The Draft Program EIR provides a discussion regarding the payment of property taxes on Otay Ranch. Based on information provided by the property's farming operations personnel, the Otay Ranch property is currently taxed at an average of $100 per acre. The payment of taxes in addition to the cost of production often exceeds the average gross income for both barley and cattle production.

21. Table 3.7-1 of the Draft Program EIR shows the soil types located on the Otay Ranch property which fall within the Farmland of Statewide Importance category. The table was prepared using the Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance, issued by the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program. These soils meet the characteristics outlined in CDC's guide to "The Farmland Mapping and Monitoring Program" dated July 1992. The definitions for Prime Farmland, Farmland of Statewide Importance, Unique Farmland and Farmland of Local Importance were developed by the U.S. Department of Agriculture, Soil Conservation Service (SCS), as part of their nationwide Land Inventory and Monitoring system. Therefore, the CDC's criteria for designation of Prime and Statewide Important Farmland, which is based on a variety of physical and chemical parameters, is the same as SCS's methodology, except for CDC's criteria regarding water availability. The CDC states that a dependable irrigation system of adequate water quality must be in place in order for land to qualify as Prime or Farmland of Statewide Importance.

As indicated in the Draft Program EIR, based on CDC's criteria, Otay Ranch does not qualify as having Prime or Statewide Important Farmland because there is no irrigation system currently in place within the property. It should be noted that the analysis provided in the EIR (including Figures 3.7-2a through 2c) is based on SCS's methodology and criteria (which does qualify Otay Ranch as having prime farmland) based on the direction to do so from the County of San Diego Department of Planning and Land Use.

22. The 1989 Annual Crop Report omitted information regarding the amount of land used for barley production within the Otay Ranch property (Sixtus 1992). For this reason, the Draft Program EIR analysis added the 4,000-5,000 acres of Otay Ranch land reportedly used for barley cultivation to the countywide figure of 168,317 acres. The 3 percent loss is therefore an accurate assessment of the countywide loss of agricultural land associated with development of the Otay Ranch site.

The 5 percent figure representing the percentage loss of suitable land for coastal dependent crops is inaccurate. To estimate how much of an incremental loss of suitable agricultural land within the San Diego coastal area would occur with the Otay Ranch Project, additional information was obtained from the CDC's Farmland Mapping and Monitoring Program. The CDC estimates that in 1990 approximately 4,285 acres of land underlain with Prime, Statewide, Unique, and Local Important Farmland soils was committed to nonagricultural uses. This figure was added to the County's total agricultural land of 168,317 acres, which resulted in a total of 172,602 acres of countywide agricultural land. Based on this data, Otay Ranch Project would convert approximately 9,714 acres of suitable agricultural land, which represents a 6 percent loss or impairment of countywide land suitable for the production of coastal dependent crops. The text in Sections 3.7, 4.2.8, 4.3.8, and 4.4.8 has been revised to reflect these changes.

23. The purpose of the agricultural demonstration project is to preserve some of the Prime Farmland soils located onsite to reduce the incremental loss of an agricultural resource and to demonstrate the types of agricultural activities that can be carried out on those soils. As stated in the Draft Program EIR, this measure is not intended to serve as full mitigation.

An exact location cannot be determined at this time; however, a potential agriculutral demonstration project (maximum of 5 acres) would be in the southwest portion of the Otay River parcel (see Figure 3.7-2a in the Draft Program EIR). The southwestern area with Prime Farmland soils extends from the western site boundary, below the Otay River, in an east-to-west direction. This area contains approximately 115 acres of Prime Farmland. A determination on the feasibility of the agricultural demonstration activities will need to be made by the JPA overseeing the Otay Valley Regional Park planning effort upon consultation with the project biologist. Conflicts with biological resources and the RMP will need to be resolved when determining a location for the demonstration area.

24. Page 3.8-11; Proposed Mitigation: The proposed mitigation measures are not feasible. Extraction of all mineral resources would result in unacceptable biologic and landform impacts. At best, these measures would cause project interruptions that would result in delays in completing road and other infrastructure systems needed by area residents.

25. Page 3.9-12: The draft EIR assumes that all developed areas would be covered with impermeable surfaces resulting in an increase of 57%. The draft EIR points out that this is, "...a conservative assessment of impacts." This is a severe understatement of a gross overstatement that needs to be revised and clarified. One hundred percent coverage of any site with impermeable surfaces is never allowed by any zoning code. Indeed, when requirements for buffers, landscaping and open space are added in to any site plan, it becomes difficult to achieve 50% coverage even in an industrial area. Assuming 50% coverage would result in a conservative estimate. Assuming 100% coverage of all developed areas is a gross overstatement. The EIR should be revised. (Note: this applies to all alternatives.)

26. Page 3.11-21: The first bullet calls for the elimination of incompatible uses. The analysis section, however, calls for site specific analyses to determine whether air quality and associated health hazards would exist (Page 3.11-12). The proposed mitigation measure should be revised to reflect the analysis section.

27. Page 3.12-27; Rock Quarries: The draft EIR states that noise levels from quarries may be significant anywhere within 9300 feet (1 3/4 miles) of the quarry equipment. This is so inaccurate as to be ludicrous. Noise measurements are not necessary at this time. The fact is that the quarry is located in the river valley well below most of the Otay River Parcel. The draft EIR should take this into consideration, even using general guidelines when barriers and intervening topography are present. The requirement for noise studies anywhere within 1 3/4 miles of a quarry is unnecessary and should be reduced to a distance more reflective of actual existing conditions such as 500 feet.

28. Page 3.12-32: The measures suggested under "Exterior Noise" are not feasible as they run counter to the village concepts already accepted by the Interjurisdictional Task Force. These should be deleted. The following revised sentence will suffice: By considering the site's natural topography and using appropriate site planning techniques, it is often possible to reduce and possibly eliminate noise impacts.

LO.7-9

24. The RCA is an overlay designation which identifies lands "requiring special attention in order to conserve resources in a manner best satisfying public and private objectives." The portions of the project located within an RCA should be carefully evaluated in terms of the effects of potential mineral extraction on the environment. Within RCAs, County departments and other public agencies shall give careful consideration and special environmental analysis to all projects which they intend to carry out, propose, and/or approve, and shall select those conservation actions most appropriate to the project and consistent with the intent of the RCA overlay designation.

25. The specific land use information necessary to compute actual impervious surface area is not available at the level of a program EIR; therefore, the amount of increased development area (i.e., 57 percent) was used as an indicator of relative impervious surface and applied to a worst-case analysis. Obviously, the increased development area is significantly greater than the actual increase in impermeable area. For example, an average commercial area is 85 percent impervious, an average industrial district is 72 percent impervious, and an average residential lot ranges from 20 percent to 65 percent impervious. The percent increase in developed surface area was not used in a quantitative analysis and was only used in a comparative manner. When specific hydrologic and sediment loss studies are conducted on the SPA Plan level, more specific land use information will be available, and a more realistic estimate of impervious surface area will be calculated.

26. The first measure under Siting/Design Policies applies to future SPA Plan EIRs for site-specific development. The SPA Plan EIRs will address the potentially incompatible projects (e.g., Nelson-Sloan and Daley quarries) when the status of the adjacent offsite project and the actual project design are known. Both jurisdictions may be responsible for handling the site-specific studies. The referenced measure has been revised; note the change in Section 3.11 of the Final Program EIR.

27. The 500 foot criterion suggested is not suported by any actual information (such as field sound level measurements or acoustical estimates). The 9300-foot radius is based on noise attenuation calculations for the noisiest rock quarry equipment and delineates the potential impact area based on this worst-case analysis. The distance was placed in the Draft Program EIR with the concurrence of the County's Noise

Control Engineer. As stated in the Draft Program EIR, the effects of intervening topography and atmospheric attenuation were not considered. Ridges and other natural barriers will tend to mitigate some of the impact. The actual impact area will likely be less than 9300 feet. However, until a specific plan is prepared showing the location and elevation of the proposed noise sensitive receptors, the degree of attenuation cannot adequately be assessed. A site-specific acoustical analysis will be required during SPA Plan review. The report must demonstrate that noise-sensitive receptors will not be significantly impacted.

28. The exterior noise mitigation measures outlined in the Draft Program EIR are presented as recommendations and should be implemented on a site-by-site basis. They are considered fundamental for the control and abatement of onsite noise. If none of these measures is determined to be feasible, noise impacts may be significant and unmitigable.

LO.7-11

29. Page 3.13-21: The third bullet states "Following the determination of which jurisdiction will provide water to Otay Ranch..." This seems to anticipate a single jurisdiction will provide water to the entire ranch. Given the jurisdictional alternatives discussed previously, this may not be the case. The third bullet should be revised to state: "Following the determination of which jurisdiction will provide water to a proposed SPA..."

29. The text has been revised to require a determination of water providers as each SPA is proposed; please refer to Section 3.13.1.3 of the Final Program EIR.

30. Page 3.13-29: This comment is similar to the one above with respect to water, and applies to the second bullet. The second line of the second bullet should read, "...a proposed SPA in Otay Ranch, a Sewer Mater Plan..."

30. The text has been revised to require a determination of water providers as each SPA is proposed; please refer to Section 3.13.2.3 of the Final Program EIR.

31. Page 3.13-31: The first bullet requires an Integrated Waste Management Master Plan to identify and reserve specific site and to specify financing methods and facility timing. This is not feasible or appropriate for a master plan covering several decades, when site criteria and financing methodologies will undoubtedly change. The mitigation measure should be revised to read: "...The Integrated Waste Management Master Plan shall include criteria for site selection and for the preparation of financing and for the preparation of facility phasing plans, both of which will be done at the SPA level."

31. The development of criteria for the provision of public services such as site selection, financing, and facility phasing must be completed and approved by the appropriate jurisdiction prior to any SPA Plan approval. The master plans for the public services are required to meet identified criteria of the appropriate jurisdiction with respect to siting, sizing, financing, and phasing.

32. Page 3.13-37: An additional bullet should be added to more clearly define the requirements of individual SPA's: - "Each SPA shall address the requirements of the master plan."

32. The text has been revised to more clearly define the requirements of individual SPAs; please refer to Section 3.13.4.3 of the Final Program EIR.

33. Page 3.13-42: See number 31 above. This first bullet should be revised to read: "The master plan shall address facilities requirements of the service provider and shall include criteria for establishing equipment needs, site selection and location, and funding mechanisms. This will allow the master plan to be specific to the service provider and to function well over the life of the project.

In order to clarify individual SPA requirements, the second bullet should read: "Each SPA shall address the criteria and requirements of the master plan including a Public Facilities Financing and Phasing Plan."

33. Comment noted. Refer to response number 31 in this letter.

34. Page 3.13-44: See number 29 above. The first bullet should be revised to read, "The master plan shall address facilities requirements including criteria for determining facilities for hazardous material..."

34. Comment noted. Refer to response number 31 in this letter.

35. Page 3.13-58: See number 31 above. The first bullet should be revised to read, "The master plan shall include criteria for site location, site and facility size..."

35. Comment noted. Refer to response number 31 in this letter.

The second bullet should be revised to clarify individual SPA requirements: "Each SPA Plan shall address applicable portions of the master plan and shall include a..."

36. Page 3.13-61; Figure 3.13-10: The crosshatched area on this figure does not represent the Interjurisdictional Task Force's proposed park area. It represents an area within which a regional park may be established, in effect, a different focused area. Please correct the title of the figure or add a clarifying note.

37. Page 3.13-66: The draft EIR states that the proposed project is 501 acres short of required regional park acreage. The draft bases this conclusion on the County's goal of 15 acres per 1000 people for regional parks. This confuses the achievement of a goal with the actual requirement. The County has no requirement for dedication of regional park land. The regional park system is to be achieved using a variety of methods. Few, if any, projects are ever required to dedicate 15 acres per 1000 or an equivalent amount of money. Such a requirement would likely violate the Quimby Act and Subdivision Map Act both of which establish land dedication requirements. This clarification would be reflected in the draft EIR. It should also be noted that the New Town Plan provides approximately 11.7 acres of regional park per 1,000 people, nearly double the ratio that is currently provided.

38. Page 3.13-68: The fourth bullet requires the preparation of a Parks, Recreation and Open Space Master Plan. As described in #31 above, the requirement to include two jurisdictions, specified site locations and landing mechanisms is too detailed for a master plan that will be implemented over several decades. This bullet should be clarified to state: "...in accordance with the required parkland acreage requirements of the affected jurisdiction. The master plan shall include criteria for facilities requirements, site selection and location and funding mechanisms..."

This clarification will enable the master plan to stand the test of time while still being responsive to changing societal needs.

39. 3.13-81: The third bullet references pre-school and school-age children and the need for increased youth services. Please clarify why this reference is included in a section on senior services.

40. Page 4.2.2-4; #3 and #5: The draft EIR (Page 3.11-21) calls for elimination of potentially incompatible projects. See comment #26 above as it also applies to the Phase 1 alternative. With respect to the reference to Section 3.12, see comment #24 as it applies to this alternative.

LO.7-12

36. Section 3.13.9.1 of the Draft Program EIR discusses the proposed Otay Valley Regional Park, including the Focused Planning Area and the Progress Plan Area within the Focused Planning Area. The Draft Program EIR acknowledges that the Progress Plan Area further establishes a conceptual study area boundary within which the park boundaries can be established, and is not in itself the proposed park area. The title of Figure 3.13-10 has been changed to clarify this point.

37. The text has been revised to clarify that the project falls short of County goals for parkland dedication rather than County requirements; refer to Section 3.13.9.2 of the Final Program EIR.

38. The text has been revised in Section 3.13.9.3 to require that parkland standards of the appropriate jurisdiction(s) be used for mitigation purposes. With respect to criteria for facilities requirements, please refer to response number 31 in this letter.

39. The reference to pre-school and school-age children has been deleted; please refer to Section 3.13.12.3 of the Final Program EIR.

40. Comment noted. Refer to response number 26 in this letter.

41. Page 4.2.2-5; #7: See comment #4 as it also applies to this alternative.

42. Minor ridgetops and knolls are seldom regarded as being significant landforms. Statements such as these are inaccurate and should be deleted.

43. Page 4.2.4-2; Table 4.2.4-1: This table states there are a total of 9,595.8 acres of coastal sage scrub on the property, while Table 3.3-6 states there are 10,305 acres - which is correct? Which table was used in calculating impacts? This is especially important as other documents, including the RMP, relied upon Table 3.3-6.

44. Page 4.2.3.4: This section applies the mitigation measures in Section 3.2.3.2 to the Phase 1 alternative (Page 3.2-32). Several of these measures have already been incorporated into the design of the Phase 1 alternative, notably the first, second and fourth bullets, and the second full paragraph of Section 3.2.3.2. This should be noted in the draft EIR. Also, see comment #5 as it also applies to this alternative.

This section applies the mitigation measures in Section 3.2.3 to this alternative. This should be revised since both the project design and proposed GDP accomplishes these measures. See comment #7 as it also applies to this alternative.

45. Page 4.2.4-13-17; Table 4.2.4-5:

1. The "no net loss" statement is inaccurate as an approved HCP can (and have) allowed a net loss. (See HCP's for Coachella ringed-toed lizard and the San Bruno silverspot.)

2.b. It may not be feasible to preserve areas where birds have been seen previously but do not now occupy, and still meet the project objectives or restore the river valley. Condition 2a and 2f will protect existing birds while allowing objectives to be met. 2.b. is confusing at best and should be deleted.

2.e. The reference to SR-125 should be deleted as it is not part of this project and will be the subject of further environmental review.

3. This "no net loss" statement is unfounded as neither the State or Federal government regulate the take of a cactus wren. In addition, cactus wren are not endangered in the major portion of their range. This statement should be deleted.

LO.7-13

41. Refer to response number 4 in this letter. The text has been revised in Section 4.3.2 of the Final Program EIR.

42. The text in Section 4.2.3 has been revised to specify that the areas of concern are significant or sensitive landforms. Sensitive landforms are considered to be any areas with steep slopes (i.e., with slopes greater than 25 percent). These sensitive slopes can occur on minor ridgetops and knolls as well as on prominent ones. In addition, even minor ridgetops and knolls may have significant value from an aesthetic perspective. This is especially true in Proctor Valley and in the foothills to the San Ysidro Mountains on the south side of Lower Otay Lake where they represent the most readily visible parts of a regional open space system that serves to provide distinct boundaries for the areas of development to the north, west, and east. The eroding of this open space system by encroachment into the foothills and minor ridgetops may have significant cumulative or growth-inducing ramifications, as discussed in the Draft Program EIR (see also the discussions on "Change to the Overall Visual Character of the Project Area" in the sections on Landform Alteration/Visual Resources throughout the Draft Program EIR).

43. Table 4.2.4-1 breaks out impacts to the various types of coastal sage scrub communities that were mapped, whereas Table 3.3-6 combines all sensitive coastal sage scrub communities except disturbed coastal sage scrub which is shown separately in this sensitive habitats table. Table 3.3-6 in the Final Program EIR combines all sensitive coastal sage scrub habitats; the total acreage of coastal sage scrub onsite is 11,146 acres.

44. The grading and design standards (as listed in Section 3.2.3.2 of the Draft Program EIR) recommended to be included in the GDP/Subregional Plan for this alternative cannot be fully implemented until SPA and development plans have been formulated. Therefore, these standards must be included in the GDP/Subregional Plan regardless of which alternative is selected so that they will be required to be implemented in the future. Although the Phase 1-Progress Plan Alternative may have less potential for landform alteration and visual impacts than would the New Town Plan, the Draft Program EIR analyzes each of the alternatives individually. The Phase 1-Progress Plan Alternative has the potential for significant landform alteration and visual impacts that must be mitigated. See also responses numbers 5 and 7 in this letter.

4. This measure needs to be more specific. A description of the necessary redesign must be included so this measure can be responded to.

5. See comment #10.

7. Such realignments are not feasible for reasons already discussed in #11.

8. The RMP already commits to retention of 80% upon completion of the required restoration program. This statement is unnecessary.

(45)

9. The infeasibility of #7 has already been discussed in comment #11.

10. This measure is infeasible and is already discussed in comment #44.

13&14 (Table 3.3.7). Directed searches for Quino Checkerspot and three other sensitive butterflies were negative and none were found.

15-17 (Table 3.3.7). See above comment.

25-28 (Table 3.3.7). See comment 16.

29 (Table 3.3.7). See comments #16, 44 and 47.

30&31 (Table 3.3.7). This measure mitigates SR-125 which is not the project considered in this document. It will be the subject of separate environmental review.

LO.7-14

46. Page 4.2.4-15; Table 4.2.4-6: In reviewing the discussion of impacts to grassland and the associated Table 4.2.4-4, it is difficult to determine significance. The addition of another column labeled "Mitigation Implementation" (similar to that for coastal sage scrub) would be helpful to determine where mitigation should be done and the exact acreage.

(46)

47. Page 4.2.4-30-42; Table 4.2.4-8:

1. Redesign to minimize or avoid impacts to coastal sage scrub beyond what is proposed may not be feasible when requirements for roads or other facilities are considered. Simply moving roads may not reduce the size of the area that must be graded. The Phase 1 Progress Plan avoids the majority of coastal sage scrub. Where this was not feasible, efforts were made to limit disturbances to edges, keeping existing habitat blocks intact. This should be noted in the EIR.

(47)

45. 1. To ensure survival of the least Bell's vireo in San Diego County, there can be no net loss of individuals or occupied habitat.

2.b. It is necessary that all occupied least Bell's vireo habitat be preserved. Refer to revisions clarifying this requirement in Tables 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2.

2.e. Comment noted. Refer to response number 13 in this letter.

3. This requirement is consistent with the draft cactus wren Population Viability Analysis conducted by Ogden (1992c).

4. This will be made more specific. Refer to revisions to Table 4.2.4-5.

5. Mitigation measures will be clarified. Refer to revisions to Table 4.2.4-5.

7. Comment noted. Refer to response 11 in this letter.

8. This mitigation was assessed independently of the Resource Management Plan (RMP) and would be required in the absence of an RMP.

9. Comment noted. Refer to response 11 in this letter.

10. Mitigation measures will be clarified. Refer to revisions to Table 4.2.4-5 in Final Program EIR.

13-17. Comment noted. Refer to response number 8 in this letter.

25-28. Comment noted. Refer to response number 16 in this letter.

29. Refer to responses number 16, 44, and 47 in this letter.

30-31. Comment noted. Refer to response number 13 in this letter.

46. Table 4.2.4-4 has been revised in the Final Program EIR to clarify the significance of impacts to grassland habitats. Mitigation for grassland impacts is provided in Table 4.2.4-8.

1.b. The recommended elimination of low density, large lot homes seems to be a rather extreme measure for such a small area. No sensitive resources are located here that are not already protected elsewhere on Otay Ranch. The drainage being crossed is very small and is not a regional corridor. This measure should be eliminated or revised to require further study at the time of development.

1.d. The relocation of Otay Valley Road is not feasible from either a traffic circulation or grading standpoint. A significant amount of grading would be required, disturbing at least as much natural habitat.

1.f&g. These appear to be incomplete or missing. We reserve the right to comment on these two measures when we see them in their entirety.

1.h. Such criteria are already included in the RMP.

1.i. See #15.

(47) 2. See comments made previously on #1 above. Proposed measures for maritime succulent scrub are similarly infeasible.

5. See #16.

8. This measure requires redesign to preserve areas where two vernal pool plants were seen historically, roughly 10 years ago. Neither has been seen since; in spite of a comprehensive vernal pool survey. This measure seems to be unreasonable and accomplishes nothing since the plants do not appear to be present. It should be revised to eliminate the unreasonable requirements.

This measure also goes on to state that 42 acres out of 332 acres of vernal pool restorable area are being preserved by the Phase 1 Progress Plan. The draft EIR does <u>not</u> state that the majority of the 332 acres is so disturbed that restoration would have a very low likelihood of success, nor does it state that the 42 acres is adequate to mitigate the small losses that would occur. It is impossible to determine the appropriate acreage of actual vernal pool surface area that would be impacted by the Phase 1 Progress Plan although it appears to be approximately 1± acre. Certainly this can be replaced within the 42 acres available for restoration with plenty of restorable area left over. The draft EIR should clarify these points.

LO.7-15

47. 1., 1.b., 1.d., 1.h. and 2.

The Phase I-Progress Plan significantly impacts coastal sage scrub and maritime succulent scrub. The mitigation measures in Table 4.2.4-8 are intended to identify the extent of redesign or other mitigation necessary to reduce impacts to a level below significance. The Draft Program EIR recognizes that these measures would constitute major redesign of the Phase I-Progress Plan. The impacts, therefore, are unmitigable under this alternative as stated in Table 4.2.4-8 and on page 4.2.4-52 of the Draft Program EIR. Mitigability has to do with the degree of deviation from the alternative being analyzed that the mitigation imposes; it does not have to do with the feasibility of adopting the required mitigation. Section 15126 of the State CEQA Guidelines (a) states that the EIR must discuss mitigation measures that "could reasonably be expected to reduce adverse impacts if required as conditions of approving the project." Pursuant to Section 15091 of the State CEQA Guidelines, prior to deciding whether to approve the project, the decision maker must find that " [c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR" or that " [s]pecific economic, social, or other considerations make infeasible the mitigation measures identified in the Final EIR." The latter determination shall be made at the time the "project" (SPA) is approved. Environmental impacts associated with a different placement of roads or other facilities will be analyzed at the SPA level of CEQA review.

1.f&g. These measures have been included in the Final Program EIR.

1.i.Refer to response number 15 in this letter.

5. Refer to response number 16 in this letter.

8. The statement made in comment is incorrect. One of the two sensitive plant species, San Diego navarretia, was identified in the spring-summer of 1991 in the J 31 vernal pool complex where it was historically recorded. The presence of San Diego navarretia in this location is documented in the Report on the Flora of the Otay Ranch Vernal Pools 1990-1991 (Dudek 1992) which is one of the supporting technical reports of the Draft Program EIR. This is the only

occurrence of San Diego navarretia on Otay Ranch and only one of approximately thirteen locations in the U.S. presumed to be extant. Given the sensitivity of this species, preservation of the vernal pools in which it occurs (and an adequate buffer) shall be required.

Regarding the availability of restoration area, Table 4.2:4-8 has been modified and states that adequate acreage is available for vernal pool restoration needs. Redesign of the project is still required to reduce impacts to below a level of significance.

LO.7-16

LO.7-17

(48) 48. Page 4.2.4-22: The university is not the subject of this EIR as noted in the project description - either the description should be revised or this reference to the university should be deleted. References to SR-125 are not appropriate.

(49) 49. Page 4.2.4-23: See comment #10.

(50) 50. Page 4.2.4-27: The paragraph on Key Resource Areas should be deleted. It is not part of the RMP. The amount of each area that is retained is irrelevant as the boundaries are very loosely drawn and include large amounts of both sensitive and insensitive land. What is relevant is whether the Phase 1 alternative meets the goals of the RMP.

(51) 51. Page 4.2.4-45; Table 4.2.4-4: California Orcutt Grass: The term "wetter year" should be defined. Searches for this particular occurrence of California Orcutt Grass have been conducted for three years and it has not been located. This same definition is needed for little mousetail and Greene's ground-cherry. Much money has bee expended looking for something which has not appeared. Every repeat study simply adds to the final housing cost. This measure exceeds the "reasonableness" rule on which much of CEQA is based.

(52) 52. Page 4.2.4-46: Variegated Hassesenthus: The proposed mitigation measure seems to ignore the fact that the 70% to be preserved includes huge numbers of plants on thousands of acres that will be protected through the RMP. The amount preserved is larger than many existing populations on other properties and is large enough to be viable over the long term. The proposed measure does not enhance the viability of the plant. It does, however, make it more difficult to achieve the stated project objectives. The measure is infeasible and unnecessary.

(53) 53. Page 4.2.4-46; San Diego goldenstar: It is not feasible to preserve 80% of goldenstar in the Phase I Progress Plan. The necessary redesign would not allow the project objectives to be met.

San Diego Navarretia: The proposed mitigation requires the preservation of a highly disturbed area where this particular plant has not been seen for several years. This does not seem to be fair or feasible.

(54) 54. Page 4.2.4-49; Munz' Sage: See comment #49. San Diego Sunflower: See comment #49.

(55) 55. Page 4.2.4-50: Ashy Spike Moss: If the impacts are not significant, than the recommendations are unnecessary. This should be noted in the draft EIR.

48. It is correct to note that a university site has not been proposed for the Phase I-Progress Plan. The text referencing the impacts of a university site in Salt Creek Canyon has been deleted. In contrast, the entire EIR analysis, particularly the traffic section, assumed that SR-125 would be extended across the property by Caltrans. Therefore, reference to those impacts, although not directly attributed by the project alternative, is appropriate.

49. The text has been revised to emphasize the number of regional and local corridors. Refer to response number 10 in the letter for the definition of regional versus local wildlife corridors.

50. Section 2.2 of the RMP describes key biological resource areas consistent with those identified in the Draft Program EIR. Objective 2 (Policy 2.1) of the RMP calls for the preservation of large blocks of key biological resource areas and Guideline 2 calls out key resource areas to be considered in the development of the Preserve. While the RMP does not define the boundaries of the key resource areas, the Draft Program EIR assigns generalized boundaries to evaluate the protection of these areas by each alternative. The paragraph allows an overall comparison of the general protection of the key resources by the Phase I-Progress Plan as well as points out those areas where there may be problems. The alternative must be evaluated at this level as well as at a habitat level, since meeting of species specific or habitat-specific goals of the RMP does not ensure that individual key resource areas are effectively included in the open space preserve.

51. "Wetter year" refers to any year that has average or greater than average annual precipitation and is preceded by one or more such years . A survey in the spring of 1992 or potentially 1993, therefore, would be appropriate. The absence of Orcutt's grass during the 1990 and 1991 surveys cannot be considered definitive evidence for the extirpation of this species because these survey years were preceded by a series of drought years. The measure to conduct an additional survey and seed bank study for this species is warranted given the extended period of drought and the fluctuations in plant populations typical within vernal pools. Refer to Table 3.3-6.1 in the Final Program EIR for survey requirements for other sensitive plant species.

52. The Project Team biologist does not concur with the opinion that the long-term viability of variegated hasseanthus is assured under the Phase I Plan. This species has a narrow distribution being restricted to several disjunct populations in southern San Diego County and northwestern Baja California. Both the RMP and the EIR standards require *in situ* preservation of 75 percent of this species onsite. Refer to Table [plant standards] in the Final Program EIR. The feasibility of mitigation measures shall be determined at the time the "project" (SPA) is approved. Feasibility shall be defined in accordance with CEQA Guidelines Section 15364.

53. Response to comment number 52 in this letter regarding preservation of variegated hasseanthus also applies to San Diego goldenstar. Regarding San Diego navarretia, refer to response number 47.8 in this letter.

54. Comment noted.

55. Impacts to ashy spike-moss are found to be significant in the Final Program EIR. Refer to revisions to Table 4.2.4-9.

56. Page 4.2.4-51: The third bullet requiring the relocation of Otay Valley Road is infeasible as it does not meet traffic needs nor reduce grading. In spite of bridging the canyon, the grading necessary would impact large areas of habitat in the main and eastern area of Wolf Canyon.

(56) It is also infeasible to delete Alta and La Media Roads (fourth bullet) as circulation goals cannot be met. Both roads are necessary from a regional standpoint irrespective of whether Otay Ranch is ever constructed.

The fifth bullet references a university which is not part of this project. The project description states separate discretionary actions and environmental analysis would be necessary.

57. Page 4.2.4-52: The third bullet recommends removal of a proposed residential area that is not close to any wildlife corridors. This bullet should be removed. Any potential concerns about this small, very low density area should be handled by a specific study at the SPA level.

The requirements set through the fourth bullet are too broadly stated. Both corridors are in open space on the Phase I alternative. The draft does not document why wholesale deletion of developable areas (these are largely chaparral) is (57) appropriate for these two corridors. It would be more appropriate to establish the necessary width of these corridors in the Phase II RMP and implement them at the SPA level. The phrase about gnatcatchers is redundant and was already made in the sensitive animals table.

Specific design studies and incorporation of specific corridor width recommendations (RMP Phase II) would also be more appropriate with respect to Corridor 11 (fifth bullet).

The sixth bullet references a "finger of development across Corridor 8". Such a "finger" is not found on Figure 4.2-1 which shows a necessary road connection. The draft EIR should be corrected.

(58) 58. Page 4.2.4-52: The Analysis of Significance states that impacts to vernal pools and alkali meadow are significant and unmitigable. In fact, the recommended mitigation measures are feasible. The draft should be revised to reflect this.

(59) 59. Page 4.2.5-11: See comment #19.

(60) 60. Page 4.2.8-1 thru 4: See comments 21-23.

(61) 61. Page 4.9-1 thru 2: See comment #24.

LO.7-19

56. Section 15126 of the State CEQA Guidelines (a) states that the EIR must discuss mitigation measures that "could reasonably be expected to reduce adverse impacts if required as conditions of approving the project." Pursuant to Section 15091 of the State CEQA Guidelines, prior to deciding whether to approve the project, the decision maker must find that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR" or that "[s]pecific economic, social, or other considerations make infeasible the mitigation measures identified in the Final EIR." The latter determination shall be made at the time the "project" (SPA) is approved. Environmental impacts associated with a different placement of roads or other facilities will be analyzed at the SPA level of CEQA review.

57. The referenced area should be retained in open space because of the critical importance of this area to nesting raptors (including Cooper's hawk) and the relatively undisturbed southern live oak riparian forest and associated drainage. This area is also important as it is contiguous with Bureau of Land Management open space and abundant mountain lion sign has been observed in the woodland. Development of this parcel would degrade sensitive habitat, impact nesting raptors, and conflict with mountain lion use of the area.

The fourth and fifth bullets will be revised to incorporate more specific recommendations on corridor widths and lengths from the Wildlife Corridor Study (Ogden, 1992b). The statement about gnatcatcher presence in this portion of the parcel will be clarified but not removed from the text as the western portion of the San Ysidro parcel is important gnatcatcher habitat.

The reference to "a finger of development" has been revised in Section 4.2.4.2 in the Final Program EIR.

58. The determination that significant impacts to vernal pools and alkali meadow are unmitigable is based on the large deviation between the present Phase I-Progress Plan map and the presumed map configuration after mitigation requirements are incorporated. The determination of mitigability was based on the extent to which the plan would require redesign, not the economic feasibility of redesign. The feasibility of mitigation measures shall be determined at the time the "project" (SPA) is approved. Feasibility shall be defined in accordance with CEQA Guidelines Section 15364.

59. Refer to response number 19 in this letter.

60. Comment noted; refer to responses numbers 21 and 23 in this letter.

61. Refer to response number 24 in this letter.

62. Page 4.2.12-1 thru 12: See comment #26. With respect and Phase I Progress Plans, the Land Use Policies (pg. 4.2.12-9) are already incorporated into the project design to the maximum extent feasible. As densities decrease, the distance to recreation and commercial areas necessarily increases. The EIR should reflect this beyond just using asterisks to demonstrate potential infeasibility.

(62) Most of the Sitting/Design Policies are also incorporated into the project design. It is, however, infeasible to eliminate potentially incompatible projects. Such impacts, should they ever exist, are more properly handled by site specific studies at the SPA level when the status of the offsite incompatibility (e.g. quarry) and the actual project designs are known. This mitigation measure should be revised. See comment 26.

The EIR should note that the Transportation-related Management Sections (pg. 4.2.12-10) are the responsibility of the jurisdiction. The Phase I alternative does not prohibit or make it difficult for a government to carry out these duties.

LO.7-21

(63) 63. Page 4.2.13-20 thru 22: See comments 27 and 28 as both apply to this alternative.

(64) 64. Page 4.2.14-2 through 4.2.14-5: Wastewater and sewer service, integrated waste management, police protection, fire protection and emergency medical service, schools and libraries. See comments 30-35 as they also apply to this alternative.

(65) 65. Page 4.2.14-6: See comment #37 as it relates to regional parks. See comment #38 regarding clarification of language requiring a master plan.

(66) 66. Page 4.3.2-1: See Comment #3 and 4 with respect to RCA's as it also-applies to this alternative.

(67) 67. Page 4.3.4-6: See comments #51-55 regarding sensitive plants as these comments are also valid for the fourth alternative.

(68) 68. Page 4.3.4-5: The first paragraph under the heading Proctor Valley parcel, references the project Team Alternative rather than the Fourth Alternative. It should be corrected. The paragraph regarding wildlife corridors should also be clarified. The requirement to set back should be modified to include reference to the width established by the final wildlife corridor study required for the RMP - Phase 2.

(69) 69. Page 4.3.4-6:

A. Least Bells' Vireo: See comment #45 - part 1 and 3.

B. Coastal Cactus When: see comments #45 - part 3.

62. Comment noted. The footnote to Table 4.2.12-6 has been revised to acknowledge the density constraints of the land use policies.

Refer to response number 26 regarding potentially incompatible adjacent offsite projects.

It is correct that the Transportation-related Management Actions are the responsibility of the City of Chula Vista. Text changes will be added under Transportation-related Management Actions in Section 4.2.12 to reflect this point.

63. Comment noted. Refer to response number 27 in this letter. The exterior noise mitigation measures outlined in the Draft Program EIR are presented as recommendations and should be implemented on a site-by-site basis. They are considered fundamental to the control and abatement of onsite noise. If none of these measures is determined to be feasible, noise impacts may be significant and unmitigable.

64. 1. Section 4.2.14 of the Draft Program EIR, Wastewater and Sewer Service, requires the annexation of land to the appropriate sewer jurisdiction prior to each SPA Plan approval; therefore, comment number 30 does not apply.

2. Please refer to response number 31 in this letter.

3. Section 4.2.14 of the Draft Program EIR, Schools, refers the reader to Section 3.13.7.3 for details on the requirements of the master plan; please refer to response number 32 in this letter.

4. Please refer to response number 31 in this letter.

5. Please refer to response number 31 in this letter.

6. Please refer to response number 31 in this letter.

65. 1. The text has been revised to indicate that 15 acres/1000 population of regional parkland is a County goal, not a requirement, please refer to Section 4.2.14, Parks, Recreation, and Open Space, of the Final Program EIR.

2. The text has been revised to indicate that the standards of the appropriate jurisdiction(s) will be used for mitigation purposes; please refer to Section 4.2.14, Parks, Recreation, and Open Space, of the Final Program EIR. With respect to criteria for facilities requirements, please refer to response number 31 in this letter.

66. Comment noted. Refer to response number 3 in this letter.

67. Comment noted. Refer to responses to comment numbers 51 - 55 in this letter.

68. Comment noted. Text corrections have been made to Section 4.3.4.2. More specific recommendations on corridor widths will be made in the Final Program EIR.

69. 1. Refer to response number 45 in this letter, parts 1 and 3, and revisions to text in Section 4.3.4 of the Final Program EIR.
    2. Refer to response number 45 in the letter, part 3.
    3. Refer to responses number 45, parts 7 and 8, and response number 47 in this letter. Refer to revisions to text.
    4. Refer to response number 8 in this letter.

C. California Gnatcatcher: See comments #45 - part 7 and 8, #10 and #45. Also comment #47.

D. Quino Checkerspot: Directed search in 1992 was negative even though this butterfly appeared in other areas from which it was previously known.

70. Page 4.3.4-7: Wildlife Corridors: See Comment #57. This measure also recommends development be drawn back from corridor #3. Since the wildlife corridor map Fig. 3.3-7 shows two corridor #13, this is confusing. The draft and/or figure should be clarified.

71. Page 4.3.4-7: Alkali Meadow is listed in the significant potentially unmitigable section. It should be revised and moved to the significant but mitigable section as relatively minor changes at the SPA level can eliminate most impact.

72. Page 4.3.4-8: It is stated that impacts to Otay tarweed, San Diego goldenstar and snake cholla are significant and unmitigable. In fact, the majority of the existing populations, often including thousands or hundreds of thousands of individuals, are preserved in large blocks of open space. Long term viability is assured. The use of a simple percentage saved vs. percentage developed does not seem to be an appropriate measure in this instance. The draft EIR should be revised.

73. Page 4.3.5-10: Cultural Resources: Comment #19 also applies to this alternative.

74. Page 4.3.8-1 through 4: See comments #21-23 regarding agricultural. They are applicable to the Fourth Alternative.

75. Page 4.3.9-1: Mineral Resources: See comment #24 regarding the infeasibility of the recommended mitigation measures.

76. Page 4.3.12-1: Air Quality: See comment #62.

77. Page 4.3.13-1 through 6: See comments 27 and 28 as they also apply to the Fourth Alternative.

78. Page 4.3.14-1: Water Availability and Demand. Wastewater and Sewer Service, Integrated Waste Management, Police protection, Fire Protection and Emergency Medical Service, Schools, Libraries, parks - Recreation and Open Space: See comments 29 - 38 as they apply to the Fourth Alternative.

79. Page 4.4.2-1: The Impact Analysis states the project Team Alternative (PTA) is incompatible with Chula Vista's plans for a 4 year university. The land use statistics (Table 4.4-2) show a 384 acre university site. Please explain the inconsistency.

LO.7-23

70. Refer to response number 56 in this letter. Local Corridor 3 is one long corridor which runs along the ridgelines of the Jamul Mountains and connects with four other corridors. This will be clarified in the Final Program EIR (see Figure 3.3-7 and Section 3.3.1.5).

71. Refer to response number 58 in this letter as it also applies to this alternative.

72. Data on population sizes of these species and on minimum viable population sizes are not adequate to presume that long-term viability for these species is assured. Based on our biological opinion and the level of sensitivity of these species, the impacts resulting from the Fourth Alternative would be significant and unmitigable without major redesign of the project. Refer to California National Plant Society comment number 6 and USFWS comment number 10. Both comment letters refer to the fact that Otay tarweed on Otay Ranch comprises a significant portion of the entire species population.

73. Refer to response number 19 in this letter, regarding an interpretive center.

74. Comment noted. Refer to responses numbers 21 and 23 in this letter.

75. Refer to response number 24 in this letter.

76. Refer to response number 26 in this letter regarding the first measure under siting/design policies.

77. Refer to responses numbers 27 and 28 in this letter.

78. 1. Section 4.3.14.1 of the Draft Program EIR, Water Availability and Demand, requires the annexation of land to the appropriate water jurisdiction prior to each SPA Plan approval; therefore, comment number 29 in this letter does not apply to the Fourth Alternative.

2. Section 4.3.14 of the Draft Program EIR, Wastewater and Sewer Service, requires the annexation of land to the appropriate sewer jurisdiction prior to each SPA Plan approval; therefore, comment number 30 does not apply to the Fourth Alternative.
3. Please refer to response number 31 in this letter.
4. Section 4.3.14.1 of the Draft Program EIR, Schools, refers the reader to Section 3.13.7.3 for details on the requirements of the master plan; please refer to response number 32 in this letter.
5. Please refer to response number 31 in this letter.
6. Please refer to response number 31 in this letter.
7. Please refer to response number 31 in this letter.
8. Section 4.3.14.1 of the Draft Program EIR, Parks, Recreation, and Open Space, does not discuss the Otay Valley Regional Park planning process; therefore, comment number 36 does not apply to the Fourth Alternative.
9. The text has been revised to refer to County goals rather than requirements; please refer to Section 4.3.14, Parks, Recreation, and Open Space, of the Final Program EIR.
10. Section 4.3.14.1 of the Draft Program EIR, Parks, Recreation, and Open Space, requires the preparation of a master plan in accordance with applicable standards (i.e., those of the affected jurisdiction); therefore, comment number 38 does not apply to the Fourth Alternative.

79. Comment noted. The text of the Draft Program EIR has been revised (Section 4.4.2) to delete the reference to an inconsistency with the City of Chula Vista's university plans.

80. Page 4.4.4-5: All recommendations to pull back from wildlife corridors are too general. A reference should be added requiring the recommendations of the wildlife corridor study (RMP Phase 2) to be adhered to at the SPA level.

81. Page 4.4.4-6: Sensitive plants: See comments #51-54 as they also apply to this alternative.

Sensitive Animals: See comment #44, 45, 8, 11 and 13 with respect to Least Bell's vireo, cactus wren and gnatcatcher. Directed searches for Quino Checkerspot in 1992 were negative.

82. Page 4.4.4-7: See comment #58 and 72 with respect to alkali meadow.

83. Page 4.4.4-8: See comment #51-55 with respect to sensitive plants.

84. Page 4.4.5-10: See comment #19.

85. Page 4.4.8-1 through 4: See comments #21-23.

86. Page 4.4.9-1: See comment #24.

87. Page 4.4.12-1: Air quality: See comment #62 as it also applies to the PTA.

88. Page 4.4.12-1 through 6: See comments #27 and 28 as they also apply to the PTA.

89. Page 4.4.14-1 through 5: Water Availability as Wastewater and Sewer Service, Integrated Waste management, Police protection, Fire Protection and Emergency Medical Service, Schools, Library Service, and Parks - Recreation - Open Space: See comments 29-38 as they also apply to this alternative.

90. Page 4.5.4-3: In general, see comment #47 on Table 4.2.4-8, pp. 4.2.4-30-42. As noted previously in comment 47-1d, it is infeasible to move Otay Valley Road.

It is also stated that vernal pools, J-29, J-30 and J-31 are designated for residential development. This is incorrect. The land use plan (Fig. 4.5-1) clearly shows the land use category and open space. The text should be corrected.

91. Page 4.2.4-4: Table 3.3-11:
Otay Tarweed: This alternative leaves huge populations untouched in Otay River Valley. See comment #72.
California Orcutt Grass: See comment #51.
Least Bells' Vireo:
1. The "no net loss" statement is inaccurate as previously mentioned.

LO.7.25

80. Specific recommendations from the wildlife corridor study will be added to text in each appropriate section. See revisions to text in Sections 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2; 4.5.4.2, 4.6.4.2, 4.7.4.2, and 4.9.4.2.

81. Refer to responses number 51-54 in this letter.

82. Refer to responses number 51-54 in this letter.

83. Refer to response number 58 in this letter.

84. Refer to response number 19 in this letter.

85. Comment noted. Refer to responses numbers 21 and 23 in this letter.

86. Refer to response number 24 in this letter.

87. Refer to response number 26 in this letter.

88. Section 4.4.12 refers to air quality. Comment numbers 27 and 28 refer to noise. It is not clear how these are related.

89. 1. Section 4.4.14.1 of the Draft Program EIR, Water Availability and Demand, requires the annexation of land to the appropriate water jurisdiction prior to each SPA Plan approval; therefore, comment number 29 does not apply.
2. Section 4.4.14 of the Draft Program EIR, Wastewater and Sewer Service, requires the annexation of land to the appropriate sewer jurisdiction prior to each SPA Plan approval; therefore, comment number 30 does not apply.
3. Refer to response number 31 in this letter.
4. Section 4.4.14.1 of the Draft Program EIR, Schools, Proposed Mitigation, refers the reader to Section 3.13.7.3 for details on the requirements of the master plan; please refer to response number 32 in this letter.
5. Refer to response number 31 in this letter.
6. Refer to response number 31 in this letter.
7. Refer to response number 31 in this letter.
8. Section 4.4.14.1 of the Draft Program EIR, Parks, Recreation, and Open Space, does not discuss the Otay Valley Regional Park planning process; therefore, comment number 36 does not apply.

9. The text has been revised to refer to County goals rather than requirements; please refer to Section 4.4.14, Parks, Recreation, and Open Space, of the Final Program EIR.
10. Section 4.4.14.1 of the Draft Program EIR, Parks, Recreation, and Open Space, requires the preparation of a master plan in accordance with applicable standards (i.e., those of the affected jurisdiction); therefore, comment number 38 does not apply.

90. The statement in the Draft Program EIR that "the J-29, J-30, and J-31+ vernal pool complexes are designated for residential development" is correct. If the vernal pool map (Figure 3.3-5d) is superimposed on the land use map (Figure 4.5-1), this impact becomes apparent.

91. Refer to responses number 51 and number 72 in this letter.

1. Refer to response number 45.1 in this letter.
2b. Refer to response number 45.2b in this letter.
2e. Refer to response number 13 in this letter.
2g. Refer to response number 11 in this letter.
4. Refer to response number 45.3 in this letter.
5. Refer to revisions in text in Section 4.5.4. Refer to response numbers 11, 45 and 47 in this letter.

101. Page 4.5.14-6: The land use table shows this alternative would provide 772 acres of parks (assured to be combination of local and regional), approximately 353 acres less than the combined amount that is stated as the demand. This alternative does not provide regional parks at the desired ratio stated in the County General Plan. This should be stated in the Draft EIR.

102. Page 4.6.2-1: This alternative only provides enough land for a community college or small private university (see project description). This conflicts with Chula Vista's goal regarding a 4-year university. The draft EIR should be revised to reflect this incompatibility.

103. Page 4.6.4-4-6; Proposed Mitigation: The draft EIR generally applies to the measures defined in Section 4.2.4.2. See comments 45 through 47, and 52 through 55 as they also apply to this alternative.

104. Page 4.6.4-6; Analysis of Significance: See comments regarding Otay Tarweed (#72), San Diego Goldenstar (Comment #53) as it applies to these plants, raptors (#16), and wildlife corridors (#57) as they also apply to this alternative.

105. Page 4.6.5-10: See comment #19.

106. Page 4.6.8-1 through 4: The draft EIR states that existing cattle grazing and barley cultivation would cease under the Low Density Alternative. This is not exactly true with respect to cattle grazing, which could continue throughout the Proctor Valley and San Ysidro Mountain parcels since private ownership of undeveloped areas could continue. See also comments 19-22 as they apply to this alternative.

107. Page 4.6.9-1 and 2: See comment #24.

108. Page 4.6.13-1 through 6: See comments 27 and 28.

109. Page 4.6.14-1: See comment #29.

110. Page 4.6.14-1 through 9: See comments 30-38 regarding clarifications in requirements for master plans.

111. Page 4.7-4; Table 4.7.4-2: The amount of coastal sage scrub listed in this table (10,366 acres) does not match the amount listed in Table 4.7.4-1 (9895.9 acres). Please correct this discrepancy.

LO.7-27

101. Text has been added to Section 4.5.14 to reflect the shortfall of parkland acreage proposed under the Composite General Plans Alternative. Refer to Section 4.5.14, Parks, Recreation, and Open Space, of the Final Program EIR.

102. Comment noted. The text of the Final Program EIR has been revised in Section 4.6.2 to indicate that the amount of acreage set aside for educational facilities is not enough for a four-year college or university.

103. Refer to responses numbers 45-47 and 52-55 in this letter.

104. Refer to responses numbers 72, 53, 16, and 57 as they also apply to this alternative.

105. Refer to response number 19 in this letter.

106. Comment noted. Refer to text changes in Section 4.6.8 regarding cattle grazing, and refer to responses numbers 20 through number 22 in this letter.

107. Refer to response number 24 in this letter.

108. Refer to responses numbers 27 and 28 in this letter.

109. The Water Availability and Demand discussion in the Draft Program EIR (Section 4.6.14) requires the annexation of land to the appropriate water jurisdiction prior to each SPA Plan approval; therefore, comment number 29 does not apply.

110. 1. Section 4.6.14 of the Draft Program EIR, Wastewater and Sewer Service, requires the annexation of land to the appropriate sewer jurisdiction prior to each SPA Plan approval; therefore, comment number 30 does not apply.

2. Please refer to response number 31 in this letter.

3. Section 4.6.14 of the Draft Program EIR, Schools, refers the reader to Section 3.13.7.3 for details on the requirements of the master plan; please refer to response number 32 in this letter.

4. Please refer to response number 31 in this letter.

5. Please refer to response number 31 in this letter.

6. Please refer to response number 31 in this letter.

7. Please refer to response number 36 in this letter.

8. Section 4.6.14, Parks, Recreation, and Open Space, does not identify the regional parkland standard, therefore comment number 37 does not apply.

9. Please refer to response number 31 in this letter.

111. Refer to response number 43 in this letter as it also applies to the impact tables in this alternative.

2b. This measure is infeasible and unnecessary as previously mentioned.
2e. Delete reference to SR-125.
2g. Realignment of roads is infeasible as previously mentioned.

Cactus Wren

4. Statement misrepresents status of cactus wren which is widely distributed. It should be revised as stated previously.

5. Statement is inaccurate as this alternative does not propose a university in this location.

California Gnatcatcher

See comments previously made on suggested measures 4-7 and 7, 10 and 11. (Comments #11, 45 and 47).

92. Page 4.5.4-5: Analysis of Significance: It is not clear whether the recommended measures would completely mitigate the impacts of this alternative. Given the impacts to the Otay River Parcel and the unknown potential for impacts to the Proctor Valley and San Ysidro parcels it appears that, at the very least, impacts at level of planning are significant and unmitigated. Please clarify the draft EIR on this point.

93. 4.5.5-10: See comment #19.

94. Page 4.5.8-3: Mitigation Measure #2: See comment #23.

95. Page 4.5.4-1: See comment #24.

96. Page 4.5.12-2: All measures under Land Use Policies are potentially infeasible given the L & LM designations and resultant low population. The last two measures under Sitting/Design Policies on this page are potentially infeasible for a landowner. They should be applied to individual project builders at a much later time.

97. Page 4.5.12-3 & 4: Transportation - related Management Actions: See comment #62.

98. Page 4.5.13-1 through 5: See comments #27 and 28.

99. Page 4.5.14-1: See comment #29.

100. Page 4.5.14-2: Wastewater and Sewer Service, Integrated Waste Management, Police Protection, Fire Protection and Emergency Medical Service, Schools, and Library Service: See comments 28-33 as they apply to this alternative.

92. The Final Program EIR has been revised to clarify which impacts are unmitigated at this level of review. Refer to text changes in Section 4.5.4.

93. Refer to response number 19 in this letter.

94. Comment noted. Refer to response number 23 in this letter.

95. This comment is numbered incorrectly as it refers to the biology section but the comment concerns mineral extraction. Refer to the response number 24 in this letter for a discussion of mineral resources.

96. All measures under land use policies are feasible because the low density of the Composite General Plans Alternative precludes a balance of housing, employment and commercial facilities. As stated in the impact analysis, residents would drive farther to reach the facilities. A significant impact of motor vehicles emissions on air quality may result. The measures are, therefore, proposed to minimize vehicle trips.

97. Refer to response number 62 in this letter regarding transportation-related management sections.

98. Refer to responses numbers 27 and 28 in this letter.

99. The Water Availability and Demand discussion in the Draft Program EIR requires the annexation of land to the appropriate water jurisdiction prior to each SPA Plan approval; therefore, comment number 29 does not apply.

100. 1. Comment number 28 refers to noise and is therefore not applicable to the Public Services and utilities section of the Draft Program EIR.

2. Section 4.5.14 of the Draft Program EIR, Water Availability and Demand, requires the annexation of land to the appropriate water jurisdiction prior to each SPA Plan approval; therefore, comment number 29 does not apply.

3. Section 4.5.14 of the Draft Program EIR, Wastewater and Sewer Service, requires the annexation of land to the appropriate sewer jurisdiction prior to each SPA Plan approval; therefore, comment number 30 does not apply.

4. Please refer to response number 31 in this letter.

5. Section 4.5.14 of the Final Program EIR, Schools, refers the reader to Section 3.13.7.3 for details on the requirements of the master plan; please refer to response number 32 in this letter.

6. Please refer to response number 31 in this letter.

LO.7-31

112. Page 4.7.4-5 through 8; Table 4.7.4-3:

1. This measure references SR-125 which is a separate project. It should be deleted.

2. The "no net loss" statement is incorrect. See comment #45.

3.a. Realignment of a road is not always feasible. See comment #11.

(112)

4. See previous comments regarding SR-125. See comment #45.2b with respect to revegetation prior to impacts.

5. See previous comment #16 with respect to raptors. The finding of non-significance is inconsistent with a 50% reduction in foraying habitat (see page 4.4.4-13).

6. SR-125 is not part of this project. It is the subject of separate environmental analysis and discretionary actions. The comment should be deleted.

113. Page 4.7.4-13: References to SR-125 impacts should be deleted. It is also not clear whether impacts to raptors are significant. Irrespective of the "point of occurance" data, it eems that a 50% reduction in the amount of fields and grasslands would significantly impact the number of raptors now using the property. Not as many raptors will be able to find food and the population will decrease. Additional discussion of areas preserved and points of occupance are confusing. The draft should be clarified to make it easier to understand the significant impact.

(113)

(114) 114. Page 4.7.4-14: See previous comments on SR-125.

115. Page 4.7.4-15: The draft references the need for two roadways with respect to Otay Lakes Road. This is confusing as there would not be two roads. The existing road would not meet engineering standards. It would be abandoned upon completion of a new road. This comment also applies to page 4.7.4-29 where it is recommended that Telegraph Canyon Road and Otay Lakes Road be consolidated. The draft EIR should be revised and clarified.

(115)

116. Page 4.7.8-1: It is stated that all cattle grazing and barley cultivation would cease. This is correct for the Environmental Alternative and reflects concerns raised by biologists about agricultural impacts. Mitigation measures 1 and 4 (Page 4.7.8-3) are infeasible as they conflict with the proposed cessation of agriculture. In the case of measure 4, animal keeping could result in more lot clearing, reducing the amount of natural habitat that is otherwise available. Measure 5 is

(116)

112. 1. Refer to response number 13 in this letter.
2. Refer to response number 45.1 in this letter.
3. Refer to response number 11 in this letter.
4. Refer to response number 13 and 45.2b in this letter.
5. Impacts to the regional raptor population would be considered mitigable under the Environmental Alternative, since the majority of key raptor resource areas identified in the raptor study (Ogden 1992) are preserved as open space. Although, there is an approximate 50 percent reduction in overall potential foraging habitat, most of this reduction is in agriculture lands which were shown to be underutilized by raptors. Minor project redesign, enhancement and restoration of grassland habitats, and incorporation of management measures recommended in the raptor study could reduce these impacts to a level below significance.

   Refer to revisions to text that clarify raptor impacts (Section 4.7.4) under this alternative. Mitigation for regional raptor populations has been incorporated into the text (Section 4.7.4).

6. Refer to response number 13 in this letter.

113. Refer to responses number 13 and number 112.5 in this letter.

114. Refer to response number 13 in this letter.

115. Comment noted. Clarifications will be made to the Final Program EIR (see Section 4.7.4.2).

116. Section 4.7.8 states that "existing cattle grazing and barley cultivation operations would cease with development of the Otay Ranch property under the Environmental Alternative." It goes on to state "Limited agricultural activities could potentially occur in the Otay River, Proctor Valley, and San Ysidro parcels...". This assumes that mitigation to restore disturbed open space for biological purposes as prescribed in Section 4.7.4-1 is not adopted. Therefore, measure number 4 would still be applicable to this alternative. The decision to choose between the preservation of biological resources and agricultural resources will ultimately be decided by the decision makers (i.e., City of Chula Vista City Council and County of San Diego Board of Supervisors).

(116) also infeasible for two reasons. First, the JPA overseeing the Otay Valley Regional Park planning effort is planning this area. Inclusion or exclusion of agricultural uses is their decision. Secondly, much of the areas with "suitable agricultural soils are already recommended for restoration in the biology section of the draft. They are not available for agricultural use.

(117) 117. Page 4.7.8-4: Analysis of significance: This section only addresses the Otay River Parcel. Land with agricultural soils would also be impacted on other parcels. In fact, as stated in the project description, the Environmental Alternative would eliminate existing agricultural uses and the potential for a future use. More land would actually be removed from agricultural consideration than would occur on other alternatives. The impact on agriculture is more severe. The draft EIR should be revised to reflect these facts.

(118) 118. Page 4.7.901: This section should point out that it will be infeasible to extract mineral resources given the potential biologic impacts. This inherent conflict can only be resolved by the decision makers. See comment #24.

(119) 119. Page 4.7.12-9: Under Land Use Policies, the first bullet should have the single asterisk (*) added. The Fourth bullet is infeasible as this alternative does not provide a balanced mix of housing and employment opportunities. Under Siting/Design Policies, the last three bullets are not appropriate at this time. They should be applied much later when specific users are known. The draft EIR should be revised.

(120) 120. Page 4.7.12-10: Under Siting/Design Policies, the fourth bullet should have the double asterisk (**) added as the overall population of this alternative is too low to support mass transit. See comment #62 regarding Transportation - related Management Sections.

(121) 121. Page 4.7.13-12: See comment #27 with respect to quarries. Also, the mitigation measures do not include all of the recommendations with respect to exterior or interior noise reduction techniques that were included for other alternatives. Since noise standards will be exceeded in many areas of this alternative, these mitigation measures must be added for the Environmental Alternative. Alternatively, if these measures are not valid and appropriate for this alternative, then the draft EIR should address why such measures are appropriate for other alternatives that will result in similar conditions.

Mitigation measure number 5 has been revised as shown in Section 4.7.8 of the Final Program EIR to include concurrence of the JPA overseeing the Otay Valley Regional Park planning effort.

117. Comment noted. Refer to text changes in Section 4.7.8 which now include discussion of the Proctor Valley and San Ysidro parcels.

118. Refer to response number 24 in this letter.

119. Comment noted. The single asterisk is added to the first bullet under land use policies. Under the siting/design policies, the last three bullets are deleted because these measures do not apply.

120. Comment noted. Under the siting/design policies, a double asterisk is added to the fourth bullet. Refer to response number 62 in this letter regarding transportation-related management sections.

121. Refer to response number 27 in this letter. The interior and exterior mitigation measures recommended for other alternatives are applicable and will be added to this alternative.

LO.7-32

122. Page 4.7.14-1 through 4: Wastewater and sewer service, integrated waste management, police protection, fire protection and emergency medical services, schools and libraries. See comments 30-35.

123. Page 4.7.14-5: The Environmental Alternative includes no regional parks nor is a replacement for regional parks. The draft EIR does not address this apparent conflict with County goals for regional park acreage. The JEPA effort is independent of this alternative. The draft must be revised to address the lack of regional parkland provision by this alternative. Should the draft EIR find that the ongoing JEPA effort is sufficient for this alternative, then similar findings must be made for the other alternatives.

124. Page 4.8.4-1: The last paragraph on this page does not objectively state all possible impacts of the Otay Ranch remaining undeveloped. It is equally true that the land will become more valuable for development and the economic pressure to develop will be significant to both the landowner and jurisdiction. This last paragraph also assumes the need for mitigation will continue when public support for such activity may disappear. The statement in the draft is biased, subjective and speculative. It should be revised or deleted.

125. Page 4.8.11-14: The Project Specific Mitigation Measure section is puzzling. If there is no project, how can there be project specific measures? Why are they even needed? Who would be responsible for constructing these recommended facilities when there is no project? If there is no project to make up the deficiencies in the existing road system, then it usually falls on the jurisdiction to carry out necessary improvements. Given current limitations on budgets and resources, it seems unlikely that these measures would ever be implemented. The analysis of significance (Page 4.8.111-20) should recognize this.

126. Page 4.9.3-1&2: See comments 39-41 as they apply to this alternative. Mitigation Measure #3 (page 4.2.2-4) should be deleted. Both quarries have residential uses designated as either the underlying or nearby land use on the County and Chula Vista General Plans. Both quarries operate under conditional use permits. Both must expand the area of their permit to continue operating. As such, they are the intrusive incompatible use. Should the County or City allow expansion of the permits or operation outside the conditions of the permit, then they are reducing the ability of adjacent landowners to implement the jurisdictional General Plans. The landowner or developer should not bear the burden of eliminating the incompatibility. That responsibility belongs to the jurisdiction and the use that is intrusive to the underlying permitted uses.

LO.7-33

122. 1. Section 4.7.14 of the Draft Program EIR, Wastewater and Sewer Service, requires the annexation of land to the appropriate sewer jurisdiction prior to each SPA Plan approval; therefore, comment number 30 does not apply.
2. Please refer to response number 31 in this letter.
3. The language "Each SPA shall be required to meet the criteria outlined in the approved master plan" has been added to Section 4.7.14, Schools, Proposed Mitigation.
4. Please refer to response number 31 in this letter.
5. Please refer to response number 31 in this letter.
6. Please refer to response number 31 in this letter.

123. Text has been added to reflect the fact that no regional parkland is proposed under the Environmental Alternative; please refer to Section 4.6.14, Parks, Recreation, and Open Space, of the Final Program EIR.

124. The paragraph has been revised in the Final Program EIR to reflect how the combination of increased land costs and economic pressures to develop may also occur. Short of major changes in the federal Endangered Species Act, it is not clear how changing public support of mitigation measures may change the tenor of the paragraph. Notwithstanding the success of the MSCP and NCCP processes, the conclusions in the final paragraph are valid and not highly speculative based on trends over the last two decades.

125. Under the No Project condition, there are a series of other development projects within the Southbay region. The primary burden of making up the deficiencies in the planned roadway system would be placed on new development. Within the City of Chula Vista, this would come in the form of the Development Impact Fee (DIF) system. Within the County of San Diego and the City of San Diego, current mechanisms and/or new mechanisms must be utilized to provide fair-share contribution to the construction of local and regional roadway improvements.

126. Refer to response number 3 in this letter. The underlying County land use designation for both the Nelson and Sloan quarry (Rock Mountain) and the Daley quarry is Multiple Rural Use (1 du/4-8-20 acres). Land surrounding the quarries are designated for Multiple Rural Use or, in the case of the Nelson and Sloan quarry, land to the south is designated as Impact Sensitive (1 du/4-8-20 acres).

Clearly the intent of the County for land use in the vicinity of these quarries is not residential land use, especially at the densities proposed by the Otay Ranch project. Similarly, the City of Chula Vista designates Rock Mountain and its surrounding area as Open Space.

(127) 127. Page 4.9.4-5: The subspecific designation of the coastal cactus wren has not been accepted generally in the scientific community. Please correct the draft EIR.

129. Page 4.9.4-7: With respect to biology, see comments 45 through 58 on the Phase I Progress Plan. These comments are generally applicable to Phase II Progress Plan.

(128) With respect to the RMP, enough restorable area exists to easily meet all RMP goals. The RMP uses a combination of preservation and restoration to create the best possible preserve system. The RMP further contains performance standards that restoration programs must meet, to assure the RMP is met. The Phase II Progress Plan can easily meet the RMP goals for sensitive habitats using the combined preservation/restoration strategy outlined in said document. The EIR should be revised to reflect this.

The same comment applies to sensitive plans and animals.

129. Page 4.9.8.4-8: It is difficult to find 12 regional wildlife corridors on Figure 3.3-7. The numbering only goes up to R11. Please specify how many local and regional corridors would be blocked vs. local and regional corridors constrained.

The draft EIR incorrectly states that the Phase II Progress Plan does not meet Policy 4.1 of the RMP. Policy 4.1 partially states:

"Design the Preserve to provide adequate habitat linkages and wildlife corridors.."

(129) The standards require important corridors to be incorporated in the Preserve per the Wildlife Corridor study which was not available when the RMP or Phase II Progress Plan was prepared. In short, the RMP requires project redesign to reflect recommendations of the then unavailable Wildlife Corridor Study. This automatic mitigation insures that Goal 4.1 of the RMP will be met irrespective of the specific project that is approved. The draft EIR should be so clarified.

Under "Sensitive Habitats", the draft EIR states that impacts to alkali meadow would not be mitigable without significant project redesign. This is incorrect. Alkali meadow can be preserved at the SPA level without major redesign. The draft EIR must be corrected.

This section also refers erroneously to the mitigation measures in Table 4.2.4-7. Said table has no mitigation measures. The correct reference is Table 4.2.4-8. With respect to the Phase II Progress Plan, see comment #47.

LO.7-35

127. Comment noted. Refer to text changes in Section 4.9.4 that have removed subspecies designation as requested.

128. Comment noted. Refer to responses numbers 45-58 in this letter.

129. Comment noted. Refer to text changes in Section 4.9.4. Based on the Wildlife Corridor Study conducted by Ogden (1992b), there are 13 regional wildlife corridors: Poggi Canyon to Wolf Canyon, Wolf Canyon to Otay River Valley, Wolf Canyon to Salt Creek, Salt Creek, Salt Creek to Otay River Valley, O'Neil Canyon, and Corridors 1, 2, 5, 6, 7, 10, and 11. The Phase I Corridor Study named corridors based on geographic features, the Phase II portion of the study assigned numbers to the corridors. Analysis of the field data subdivided the corridors into major local corridors which were important for connecting animals with important resources (e.g., water, food, den sites, etc.) whereas regional corridors connected populations of target species (mammals and gnatcatcher/cactus wren) in large disjunct patches of habitat. The naming of local and regional corridors in the Draft Program EIR follows the Wildlife Corridor Study in order to maintain consistency between the documents.

The number of blocked versus constrained local and regional wildlife corridors is specified in the Draft Program EIR (Section 4.9.4). In addition, the referenced table name has been corrected in the text.

(129) This section requires pull-back from J-30 vernal pools to preserve undisturbed mima mound topography. Surveys in three years have located no vernal pools in this area. This particular mitigation is unnecessary to protect actual vernal pools, results in a loss of developable land and should be deleted.

(130) 130. Page 4.9.4-9: The no net loss comment is inaccurate - see comment #45.

131. Page 4.9.4-10 through 15:

6. See comment 45.8

8. The Phase II Progress Plan already includes large patches of intact habitat. Restoration and project revision will be done as required under the RMP to meet the RMP goal. This may not include the areas listed, but will, upon completion achieve the 80% level. This measure requires more than is necessary and may not be feasible given grading and engineering considerations. It should be deleted and replaced with the requirement for conformance with the appropriate RMP policy.

(131)

9. A reference should be made to the RMP map showing restorable areas.

12. Realignments may not be feasible. See comment #11

13. See comment #45.

14. See comment #44.

(132) 132. Page 4.9.4-16: California gnatcatcher and coastal cactus wren: See comment #45 and #47.

(133) 133. Page 4.9.4-18: Impacts to alkali meadow can be mitigated without significant redesign. Please correct the draft EIR.

(134) 134. Page 4.9.5-9: See comment #19.

(135) 135. Page 4.9.8-1 through 4: See comments #21-23.

(136) 136. Page 4.9.1-1 and 2: See comment #24.

(137) 137. Page 4.9.12-1 Air Quality: See comment #62.

(138) 138. Page 4.9.12-1 through 6: See comments #27 and 28.

LO.7-36

130. Refer to response number 45a in this letter.

131.
1. Refer to response number 45.8 in this letter.
2. The Draft Program EIR is designed to stand on its own, with or without the approval of the RMP. Considerations on the feasibility of recommended mitigation measures will be determined on the basis of case by case evaluations at the SPA level.
3. Reference is made in the Final Program EIR to a new figure showing restorable areas.
4. Refer to revisions to Table 4.9.4-2 to reflect redesign to the "extent feasible."
5. Refer to response number 45.3 in this letter.
6. Impact analysis and mitigation for animals in the Phase II-Progress Plan was done independently of Phase I and does not incorporate the Phase I mitigation table. Instead, measure number 14 refers to mitigation measures numbered 6-12 in the same table (Table 4.9.4-2).

132. Refer to responses numbers 45 and number 47 in this letter.

133. Refer to response number 58 in this letter as it also applies to this alternative.

134. Refer to response number 19 in this letter.

135. Comment noted. Refer to responses numbers 20 through 23 in this letter.

136. Refer to response number 24 of this letter.

137. Refer to response number 62 in this letter regarding transportation-related management sections.

138. Section 4.9.12 refers to air quality. Comment numbers 27 and 28 refer to noise. It is unclear how these are related.

139. Page 4.9.14-1 through 5: Wastewater and sewer service, integrated waste management, police protection, fire protection and emergency medical service, schools and libraries: see comment #38.

140. Page 4.9.10-2 through 10; Table 4.10-1:

A. Incompatible with Eastlake: The text of the draft EIR for the Environmental Alternative states some potential incompatibility exists and includes the same mitigation measure as is used for Phase 1 and Phase II progress plans. The table should indicate the same impact for all three alternatives.

B. Incompatibility with Internal Project Land Uses on the Otay River Parcel. The draft EIR text for the Phase II Progress Plan - Analysis of Significance finds no such incompatibilities. The S should be S/M for this alternative.

141. Page 6-9; Section 6.3.2.2: The draft EIR addresses the increase in developed land. It does not disclose the increase in permanent open space. The addition of 10984 acres of permanent open space from the Phase I Progress Plan to the estimated 10,499 acres resulting from the other cumulative projects represents a 100% increase. This should be added to the EIR to provide the decisionmaker with all available information.

142. Page 6-16; Table 6.5-1: This table includes estimates of gnatcatcher and cactus wren populations in the cumulative area. However, many of the projects in the cumulative area have little vegetation data available. There is even less data available with respect to specific species. While estimates of the amounts of vegetation types can be done from aerial photos, it is difficult to so estimate populations of specific pairs. It must also be pointed out that gnatcatchers certainly do not inhabit all coastal sage scrub. The estimates in Table 6.5-1 are highly speculative and should be deleted. References in the text using these speculative estimates must also be deleted. All that is known is that coastal sage scrub, gnatcatchers and cactus wren existed and continue to occur in the cumulative area. Development has undoubtedly decreased their populations. The Otay Ranch alternatives will add to the decrease with the New Town Plan responsible for the largest impact out of all the various Otay Ranch alternatives.

LO.7-37

139. Refer to response number 31 in this letter.

140. 1. Comment noted. Table 4.10-1 has been revised as requested.

2. The Draft Program EIR text does identify a potentially significant impact as a result of the Phase II-Progress Plan due to planned residential land uses adjacent to planned industrial land uses onsite (Section 4.9). As noted in this comment, however, Table 4.10-1 is incorrect since this internal land use incompatibility is mitigable. Table 4.10-1 has been revised as requested.

141. Based on the existing undeveloped nature of the cumulative impact area, after development of related projects occurs in conjunction with the Otay Ranch, there is not a cumulative increase in open space. Development results in a permanent removal of open space. It is acknowledged, however, that the amount of permanently preserved open space doubles with contributions from Otay Ranch.

142. The rationale for methods used for estimating cumulative impacts to California gnatcatchers and cactus wren are presented in Section 6.5. The purpose of this exercise is to make reasonable estimates of recent impacts to California gnatcatchers and cactus wren in the subregion and to compare these with the cumulative impacts of the Otay Ranch alternatives.

143. Page 6-12; Section 6.6.3: This section states that existing repositories for archaeologic data are beyond capacity. It goes on to, apparently, assign the responsibility for curing this regional deficit by requiring Otay Ranch to provide a "regional repository". Requiring Otay Ranch to cure an existing regional problem is illegal and unfair. The measure should be deleted.

144. Page 6.32-36; Section 6.9 - Agricultural Resources: This entire section uses CDC maps and averages to determine there are approximately 15,139 acres of suitable agricultural lands in the cumulative area. This is compared against 8,714 acres for Otay Ranch. However, more liberal SCS maps were used to calculate the 9,714 acres. This section should be revised using all SCS or all CDC information to compare amounts of suitable agricultural land in the cumulative region with those on Otay Ranch.

145. Page 6-32: Section 6.9.2.3 states grazing would continue on the San Ysidro and Proctor Valley parcels. This is incorrect. All grazing and barley cultivation would cease under the Environmental Alternative. This should be clarified and revised if necessary.

146. Page 6-26; Section 6.10.3: These measures are infeasible as stated previously in comment #24.

147. Page 8-6: Development of a landfill at site E-16 would eliminate a large area now planned for inclusion in the Resource Management Plan (RMP) preserve. It would also eliminate planned corridors that would allow California gnatcatchers and cactus wren to disperse from Poggi Canyon. The Poggi Canyon population would be isolated. It is unlikely such small populations would remain viable over time and they would be lost. The draft EIR should more clearly point out this impact.

LO.7-38

143. Because the prevention and mitigation of impacts to cultural resources requires testing and evaluation programs that generate materials and data to be stored, and the preservation of resources found to be important can take several forms including: preservation in place, off-sets such as purchasing land with a similar site, data recovery and interpretation programs, or combinations of these measures, provisions need to be made for each of these potential mitigation measures, including the future storage, curation and interpretation of the artifacts and data that are recovered. The only other course would be to postpone archaeological testing and data recovery on this and other projects (and in consequence postpone the development of any areas in which sites requiring these mitigation measures exist) until such time as agencies such as the County of San Diego, City of Chula Vista, City of San Diego, San Diego Archaeological Society, and other parties have established a regional repository and fees for curation at that facility. As this course will undoubtedly not be considered as an acceptable option, planning and provision for future curation and storage facilities should begin now.

Funding for a regional repository, it is assumed, would be derived from several sources including one-time fees that would normally be paid by the developer to such a curatorial facility for storage and curation of artifacts recovered from testing and data recovery programs, from regionally funded programs to achieve mitigation on projects, and possibly also from grants and in-kind funding. While the appropriate jurisdictional agencies will eventually have to define the extent or area that a "regional" repository would serve, certainly the magnitude of the Otay Ranch Project indicates that some planning must begin and provision made for the potential volume of materials and data that will be generated by the development of this large tract of land. It is, therefore, appropriate to begin addressing the curation issue at the Program EIR level of planning for this project. Because the schedule for establishment of such a repository is uncertain, adequate curation of artifacts as a mitigation measure should, at this time, include all possible options.

144. As stated in response number 21 in this letter, the methodology used by CDC to designate land as Prime or Statewide Important Farmland is the same methodology used by SCS since both are based on the same physical and chemical parameters developed by the U.S. Department of Agriculture as part of their nationwide Land Inventory and Monitoring system. As stated in CDC's Guide to Farmland Mapping and Monitoring Program, "soils are classified based on their physical and chemical characteristics using systems outlined by the U.S. Department of Agriculture's Soil Survey Manual and the National Cooperative Soil Survey's Soil taxonomy." These classifications which are part of SCS's methodology are found in Part II of the Soil Survey Manual for San Diego Area, USDA 1973.

It would not be practical to determine the acreage of suitable agricultural land for all of the surrounding projects included in the cumulative analysis using SCS's methodology. This would involve a much more detailed analysis based on site-specific soil types, and this information was not available in most of the EIRs reviewed for the surrounding projects. Therefore, the best available regional information was used which was CDC's Important Farmland Map for San Diego County. The difference between CDC's and SCS's criteria relates to water availability. As described in the EIR, although soils may meet the SCS's characteristics for Prime Farmland and Statewide Important Farmland, without an irrigation system in place, the CDC does not designate them as being Prime or Statewide Important Farmland. When this occurs, these lands are downgraded to the Farmland of Local Importance category. As shown in Table 6.9-1, in the cumulative analysis most of the suitable agricultural land (excluding grazing land) is within that category (6,501 acres). Because SCS's criteria for designating Prime and Statewide Important Farmland does not require that a dependable irrigation system be in place, more land would have been included in either the Prime or Statewide Important Farmland category. However, both methods would account for the same overall amount of suitable agricultural land (15,139 acres). Therefore, the figures used in Section 6.9 for Otay Ranch and the surrounding project sites are an accurate representation of the agricultural land that would be lost with development on a cumulative basis.

145. Comment noted. Refer to text changes in cumulative analysis for agricultural resources, which note that grazing in the Proctor Valley and San Ysidro parcels would not be allowed under the Environmental Alternative.

146. Comment noted. Refer to mineral resources response number 24 in this letter.

147. This comment refers to site "E-16" which is not found on page 8-6. Site E-1b is discussed in the text and appears to meet the description of the site referred to in the comment. The Draft Program EIR text will be revised for site E-1b (page 8-6) unless clarification from Baldwin indicates that this is not the site they were referring to in comment number 147. The text for site E-1b will be revised in order to expand on the discussion of impacts to California gnatcatcher and coastal cactus wren populations from development of a landfill at this location. A decision on whether or not to include a discussion of impacts to the RMP preserve will be provided at a later date.

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OCT -

October 12, 1992

Mr. Doug Reid
Environmental Coordinator
OTAY RANCH PROJECT TEAM
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Dear Mr. Reid:

LO8-1

The following is an additional Baldwin Vista Associates comment on the Draft Otay Ranch Environmental Impact Report supplemental to my previous comments conveyed in my correspondence on September 29, 1992.

Page 4.7.12-8. The draft EIR states that the air quality impacts of the Environmental Alternative are not significant. However, with respect to the New Town Plan and the other project alternatives, the rationale for determining significance is as follows:

> The region currently exceeds federal ambient air quality standards;
>
> Compliance with RAQS could bring the region into compliance with the federal ambient air quality standards;
>
> Compliance with RAQS is based on adherence to the Series VII population forecasts;
>
> Therefore, a project or project alternative has a significant unmitigable impact if:
>
> > The region's growth continues to exceed the Series VII population forecasts, or
> >
> > The project or project alternative is not consistent with the Series VII population forecast.

(1)

Applying this rationale to the Environmental Alternative leads to the conclusion that it, (like the other alternatives, except the "No Project Alternative") has a significant unmitigable impact because the region's growth is likely to continue

THE BALDWIN COMPANY
GREGORY T. SMITH
OCTOBER 12, 1992

1. The rationale and conclusions of the air quality impact assessment are correct. In Section 4.5.12, second paragraph, the EIR states that the Series VII growth projections were derived from land use density assumptions contained in the general plans existing at the time Series VII was being prepared. In order to determine the conformance to Series VII, the land use densities from the Environmental Alternative were compared to the Series VII land use densities. The numbers of dwelling units are listed below for comparison.

Parcels	Series VII	Environmental Alternative
Sweetwater/Otay River	41,496 du.	8,474 du.
Jamul/Proctor Valley/San Ysidro	3,392 du.	777 du.

The Environmental Alternative projects growth at a level less than presently assumed in the Series VII growth forecast. Therefore, the Environmental Alternative is in compliance with the RAQS, and the impacts to air quality are not significant.

to exceed the Series VII population forecasts, and the Environmental Alternative is not consistent with the Series VII population forecast, since the Series VII population forecasts assumed virtually no development within Otay Ranch. (1)

Sincerely,

THE BALDWIN COMPANY

Gregory T. Smith
President

LO8-2

September 13, 1992

Anthony J. Lettieri
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

SOUTH COUNTY ENVIRONMENTAL WORKING GROUP
MICHAEL BECK
SEPTEMBER 13, 1992

RE: Public Comment Period, Draft Environmental Impact Report
Otay Ranch Development

Dear Mr. Lettieri,

I am a member of the South Coast Environmental Working Group, a coalition of concerned citizens examining issues related to the proposed Otay Ranch Development. We recognize the need for responsible public participation within the California Environmental Quality Act review process, and would like to take this opportunity to comment on the review period that hes been granted for the Draft Environmental Impact Report.

LO.9-1

The Draft EIR reflects the scale of this proposed development in its legnth and complexity. It is our desire to provide imput into this process within the legal intent of CEQA (Article 1, Section 15002-j). After reviewing portions of the Draft EIR, it has become clearly evident that an extension of the review period is necessary in order to assess the adequacy of this document under CEQA.

A minimum of 60 days, beyond the origional comment period deadline, is necessary in order to give this document a fair and thorough analysis. Included are some issues that need clarification.

1) RESOURCE MANAGEMENT PLAN

(1) While the RMP is intended to be the equivalent of the County's Resource Protection Ordinance (1992 Work Program Report from AICP General Manager, April 29, 1992); it is difficult to see how ordinance protection can be applied to a RMP that "does not define the amount of a key resource that should be preserved". There seems to be a direct conflict between the intentions of these two statements.

Objective #4 of the RMP states that it is an objective to "establish functional connections to on-site resources and in-

tegrate the management preserve into a larger regional system. This statement is reinforced in the Draft EIR and yet there is no cross reference between the various alternatives in the Draft EIR and the goals, criteria or preserve design of either the MSCP or the South County NCCP.

(1) A preserve system as defined in a Final EIR must surely be integrated wiht these programs. The MSCP has overlapping jurisdictional concerns with the proposed Otay Ranch development and is even being prepared by the same biological consultant (OGDEN), and yet there is no tangilble reference to coordination of preserve design in the Draft EIR. Without this information it is impossible to objectively assess the impacts of the various alternative plans on a regional preserve system.

Additionally, Table 1.1-1 states that regional wildlife corridors would be significantly impacted and that part of the mitigation for this impact would be the implimentation of the RMP. This mitigation is confusing in that it is not clear which of the alternatives meet RMP standards.

LO-9-2

2) Section 3.9-14 CHANGE IN SURFACE WATER FLOW RATES

(2) Due to the increase in impermable surface area, increased run-off would be significant. This section states that drainage facilities would be aligned with creek bottoms and would be left open "where possible". The impacts would be a significant increase in erosion and siltation, and would be addressed by hydrologic "studies" at the SPA plan level (3.9.3 Proposed Mitigation). The implication is that if the "studies" show an increase in erosion and siltation that a hydrologist can--- AFTER the EIR is certified--- find that all of the tributaries should be

(3) channelized. This would of course eliminate these tributaries as natural wildlife corridors. How does this information figure into a preserve system that would be certified BEFORE these "studies" take place?

3) Section 2.3 -1.5 UNIVERSITY COMPONENT

(4) This section, while stating the reasons (briefly and generally) for this proposed siting, does not describe impacts to a proposed preserve system and yet this area has some of the highest concentration of priority 1&2 sensitive plants and animals (various maps and tables within the DEIR) on the Otay Ranch property. Also mentioned is that the amount of land reserved for this use totals "approximately" 400 acres. This is a vague qualifer, open to considerable interpretation. Has there been any commitment from a university relating to the amount of acreage needed to fulfill their anticipated acreage needs?

1. Regarding the interrelationship between the MSCP, NCCP, and the Draft Program EIR, refer to response to comment number 2 in the letter from the U.S Fish and Wildlife Service.

Regarding a comparison of regional wildlife corridors, see Sections 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, and 4.9.4.2 for discussions of compliance of alternatives with the Resource Management Plan. See also Table 4.10-1.1 in Section 4.10 which shows compliance of each alternative with the RMP.

2. The purpose of the detailed hydrologic studies at the SPA Plan level is to more specifically define the impacts and mitigations related to the detailed development in each drainage. The hydrologic studies will indicate the location of possible siltation and energy dissipation devices.

3. Refer to response to comment number 2 in this letter.

4. The proposed university site identified in the New Town Plan is located between the new Olympic Training Center (north) and the Otay Water Reclamation Plan (south). The area allocated to the university must be approximately 400 acres in size in order to meet the siting requirements of the university system and be considered a viable location for an education institution. At this time, no agreements have been arranged with a university; however, the City of Chula Vista has formed a task force to examine the siting of a university in the general area of Lower Otay Lake. Refer to comment number 1 from the City of Chula Vista UC Task Force letter. If developed, the university would be subjected to additional environmental review under CEQA prior to approval.

4) Table 1.1-1 PUBLIC SERVICES AND UTILITIES

(5) The mitigation for impacts to Water Availablility and Supply include a reference to a water reclaimation program. Have plans been developed for this program? When will it go on line? Will it be able to accommodate the gradual and eventual buildout? It is important to have this information in order to assess the significance of the mitigation.

These questions represent a small sampling of issues related to the adequacy of the Otay Ranch Draft EIR. In order to identify issues, compare alternatives and assess mitigations it is necessary that the public be granted an extension of the review period.

Thank you for your consideration.

LO.9-3 Sincerely,

Michael Beck

Michael Beck
P.O. Box 841
Julian, CA 92036
(619) 765-1469

cc: George Bailey
Tim Nader

5. As outlined under Section 3.13.1.3 of the Draft Program EIR, the preparation of a water reclamation plan as a component of the water master plan is required prior to the approval of any SPA Plan within Otay Ranch. The water master plan will be developed following the determination of which water jurisdiction(s) will serve the Otay Ranch Project. The master plan, including the water reclamation component, will be prepared in conformance with the standards of the appropriate jurisdiction and will be analyzed during subsequent environmental review.

CAROLINE E. COULSTON
ATTORNEY AT LAW
141-B SOUTH EL CAMINO REAL, SUITE 111
ENCINITAS, CALIFORNIA 92024
(619) 943-1061

September 11, 1992

Anthony J. Lettieri
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, California 91910

RE: Comments by South County Environmental Working Group
Otay Ranch Draft Program Environmental Impact Report
EIR 90-01 (City of Chula Vista)
Log #89-14-98 (County of San Diego)
SCH #89010154 (State of California)

LO.10-1

Dear Mr. Lettieri:

I have been retained to legally represent the South County Environmental Working Group, a fact finding educational organization formed for the purpose of examining the Otay Ranch Project. The South County Environmental Working Group is hereby formally requesting an extension of the public review period for the 4000 page Otay Ranch Draft Program EIR until December 7, 1992.

I need not remind you that the beneficial effect of public participation on the environmental review process is one of the strongest themes running through the body of CEQA law. One of the major functions of the EIR is to ensure that all reasonable alternatives are thoroughly assessed. An EIR serves to demonstrate that the lead agency has in fact analyzed and considered the ecological implications of its actions.

(1) No meaningful consideration of this document, which will have significant impact on the entire region, can possibly be made in the 60 days allotted by the City of Chula Vista City Council. The Lead Agency must provide the public adequate time for review and comment on a Draft EIR. (CEQA Guidelines § 15203). Of course, failure to comply with the CEQA guidelines may constitute abuse of discretion justifying the issuance of a writ of mandate. Benton v. Board of Supervisors of Napa County, 226 Cal.App.3d 1467, 277 Cal.Rptr. 481 (1991).

(2) The unprecedented scope, complexity and length of the EIR requires an extension of the

SOUTH COUNTY ENVIRONMENTAL WORKING GROUP
CAROLINE COULSTON
SEPTEMBER 11, 1992

1. The Draft Program EIR has been prepared and presented to the public in accordance with all applicable CEQA code sections. The City of Chula Vista as lead agency allotted adequate time for all other public agencies and members of the public to review and comment on the Draft Program EIR in accordance with CEQA Guidelines §15203. Public Resources Code §21091(a) states that the public review period for a draft EIR shall not be less than 45 days and in the case where a draft EIR is submitted to the State Clearinghouse for review, the review period shall be at least 45 days. The City of Chula Vista allotted a 80-day review period for the Draft Program EIR, well in excess of the 45-day period required by CEQA.

review period. The CEQA Guidelines specifically provide for a 90 day review period except in "unusual circumstances." (CEQA Guidelines § 15105). This document is 4000 pages long, whereas proposals of unusual scope or complexity should "normally be less than 300 pages." (CEQA Guidelines § 15141). The 23, 088 acre size of this project and the 4000 page length of the EIR clearly qualifies as "unusual circumstances." The suggested 60 day extension of the review period provides a reasonable balance of the interests of the applicants to move expeditiously and the public to adequately respond to the EIR.

(2)

It is particularly important in this case that sufficient review time be given since this is a Program EIR which will have long lasting effects. All environmental documents on later parts of the program need only focus on new effects not considered in the Program EIR. (CEQA Guidelines § 15168(d)(2)). Documents pertaining to subsequent projects can incorporate by reference all materials from the Program EIR. Therefore, the Program EIR acts as an analytical superstructure for subsequent analysis and must provide an ecologically sound basis for later projects.

(3)

LO.10-2

The transcript of the July 30, 1992 hearings indicates that the decision to limit the review period to 60 days was based in part on review periods granted for recent local EIRs. The EIRs discussed, including the Black Mountain EIR and Central Mountain Update, are all documents of less than 500 pages. Furthermore, these projects often concerned only one or two salient issues. Comparisons between this EIR and those of General Plans are further misleading in that a project EIR will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a general plan. (CEQA Guidelines § 15146(a)). The Otay Ranch EIR is unlike the EIRs mentioned at the hearing as it concerns the largest project in California and is an all inclusive manuscript addressing all issues.

(4)

The limited review of the EIR which has been possible to date indicates that this Draft EIR is not a comprehensive document as required by CEQA. (CEQA Guidelines § 15120). First, discussions with Baldwin staff have indicated that an additional "staff recommendations" document will be submitted to the Planning Group this month providing yet another alternative. Naturally, such a document should be made part of this EIR in order that all proposed alternatives can be examined simultaneously. If, subsequent to public review significant new information, such as the proposed staff recommendations, is made available then the agency must issue a new notice and must recirculate the

(5)

2. In CEQA Guidelines §15087(c), the requisite review period cannot be extended to longer than 90 days except in unusual situations. This Draft Program EIR may be lengthy because it is necessary to disclose all of the key environmental issues to the decision-makers and the public. However, the lengthiness of the document does not qualify as "unusual circumstances." Rather, in the discussion following CEQA Guidelines §15087, it is concluded that 90 days appears to be a reasonable maximum period of time for public agencies and members of the public to participate with the most complicated EIRs. In balancing the ability of the public agencies and the public to respond against the interests of the applicants and public agencies in making a final decision to move the project forward, 60 days is considered a reasonable and adequate time period for review.

3. By using a Draft Program EIR, the lead agency has a tremendous advantage since it can consider broad policy alternatives and mitigation measures at an early time when there is greater flexibility to deal with basic problems or cumulative impacts. (CEQA Guidelines §15168(b)(4)). This Draft Program EIR contains broad and general environmental analyses so that it can serve as the basis for other agencies in approving subsequent projects within the program. However, individual projects will not be approved without analyzing, in a subsequent environmental document, any new data relevant to formulating project-specific alternatives and mitigation measures and without analyzing project-specific impacts. (See discussion following CEQA Guidelines §15168.)

4. The 60-day review period that was allocated for the Otay Ranch Draft Program EIR is the same as the time period allowed for the Black Mountain EIR and Central Mountain Update. The time period set for the three projects was deemed sufficient by the County of San Diego in comparing the degree of specificity of each EIR and the time necessary for adequate review. While the level of specificity of each EIR may have been slightly different, the EIR requirements must be sufficiently flexible to encompass those projects with varying levels of specificity. City of Antioch v. City Council 187 Cal. App. 3d 1325 (1st Dist. 1986). Furthermore, each EIR must "be reviewed in light of what is reasonably feasible" (CEQA Guidelines §15151, Kings County Farm Bureau et.al. v. City of Hanford (5th Dist. 1990) 221 Cal. App. 3d 692.) The City of Chula Vista determined that a 60-day review period was reasonably feasible time in which to understand the specific environmental impacts of the project, in order to promote informed decision-making. In addition to the environmental process, the Otay Ranch Project has been the subject of several workshops and 4 hearings.

(5) EIR for additional commentary and consultation. (Pub. Resources Code, § 21092.1; See also Sutter Sensible Planning, Inc. v. Board of Supervisors 122 Cal.App.3d 813, 822 (3d Dist. 1981). Efficiency demands an extension of the present comment period in order that the forthcoming alternative can be thoroughly considered .

(6) Second, the document alludes to an upcoming Wildlife Corridor Study, which only became available 30 days after the review period began, and to a Resource Management Plan Phase II which will only be available if this EIR becomes certified. As much of the New Town Plan appears to rely on these studies as the basis for the EIR analysis it is clear that no reasoned decision can be reached on the basis of the current document. The public and the decision makers cannot be expected to view these documents in isolation from one another and still fulfill the goals of CEQA.

LO.10-3

(7) Third, the EIR directly makes reference to substantial changes in the San Diego County General Plan. The General Plan Amendments are not due for public review until the end of this month. Again, the documents must be reviewed at the same time in order to meaningfully analyze consistency of the EIR with the amendments.

(8) Fourth, the Draft EIR is incomplete in that it does not yet include correspondence between the applicant and the applicable agencies. A request has been made, pursuant to the California Records Act of 1968 (Government Code §§ 6250 - 6265), that all documentation in the form of letters, reports and all forms of written correspondence exchanged during the processing period of the Otay Ranch Development EIR be submitted as official filings to become part of the EIR's permanent record. (See Letter from Pat Parris to Otay Ranch Joint Planning Project (Aug. 19, 1992)). The attorney's office of the City of Chula Vista has indicated an unwillingness to comply with the request and will not supply the information. Recent case law indicates the prudence in continuing to insist on the inclusion of these materials. (Del Mar Terrace Conservancy v. City of San Diego, San Diego Sup. Ct. # 537406 on appeal Ct. App. 4th Dist. # D015851) (Court held that, even though correspondence between applicant and city indicated intent to thwart the CEQA process, the intent of the documents could not be assessed by the court since the documents were never made part of the CEQA record for the preliminary decision makers to review.) Until these documents become part of the EIR it will remain only a partially complete document.

5. This Draft Program EIR is a comprehensive document which has been prepared with a sufficient degree of analysis to provide decision-makers with information to make a decision which intelligently takes account of environmental consequences. (CEQA Guidelines, §15151.) An additional "staff recommendations" document will not add any new information which would require that the City of Chula Vista issue a new notice and recirculate the EIR for additional commentary and consultation. (Pub. Resources Code §21092.1.) Rather, the additional information will merely clarify, amplify, or make minor modification to an otherwise adequate EIR. (Pub. Resources Code §21092.1; Sutter Sensible Planning, Inc. v. Board of Supervisors (3d Dist. 1981) 122 Cal. App. 3d 813, 822.) Therefore, no extension of the present comment period is required.

6. The updated Wildlife Corridor Study which became available after the review period began is the second phase of the study and is a condition of Phase II of the Resource Management Plan. Since the Wildlife Corridor Study was close to completion, it was decided to release it earlier than was originally planned. The first phase focused on identification of the wildlife corridors within the Otay River parcel and that study is an integral part of the Draft Program EIR. The second phase is concerned with the remainder of the Ranch and provides definitive recommendations for corridor widths and underpass design. The results of the second phase were also reflected in the Draft Program EIR. Final corridor design decisions have been deferred until SPA preparation. However, the parameters for such a decision are found in the final Wildlife Corridor Study report (Ogden 1992b).

As for the Resource Management Plan Phase II, it also includes information that is not integral to the programmatic EIR. Rather, all necessary information related to the Resource Management Plan Phase I is included in this programmatic EIR for the purpose of formulating broad policy alternatives and mitigation measures.

7. The Draft Program EIR is a condition precedent for the proposed amendments to the General Plan. The purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect of a proposed project on the environment, to list ways in which the significant effects of such a project might be minimized, and to indicate alternatives to such a project. (Public Resources Code §21002.) Each of these requirements has been met in the Draft Program EIR, for the proposed General Plan Amendments.

8. All of the necessary information pertaining to the processing period of the Otay Ranch Program EIR is fully documented in the EIR, as well as in the presentations before the Planning Commission and the City Council. There is no additional relevant information that would aid informed decision-making and informed public participation. Since, all of the necessary information is part of the CEQA record, it is not necessary to evaluate the ways in which extraneous evidence may become part of the record. The documents and correspondence sought by the commentators are preliminary drafts and personal communications that have not been placed before the decision-makers since it would not assist them in their decision-making

The South Coast Environmental Working Group intends to participate in the public process and thoroughly review and analyze the Draft EIR. Indeed, members haye already begun the massive undertaking. However, the unprecedented range and content of the document and the fact that the document is incomplete make it clear that useful examination will not be possible in only 60 days. To preserve the integrity of the process the citizens of San Diego County must be given the opportunity to fully and carefully analyze the EIR.

For all the above reasons, we are hereby formally requesting an extension of the comment period until December 7, 1992.

Sincerely,

Caroline E. Coulston
Attorney for South County Environmental Working Group

LO.10-4

cc: Mayor Tim Nader, City of Chula Vista
George Bailey, Chair San Diego County Board of Supervisors
Clerk San Diego Board of Supervisors
Christine Kinney, Attorney for California Resources Agency

Rec'd 10/19/92
Prior to Meeti..

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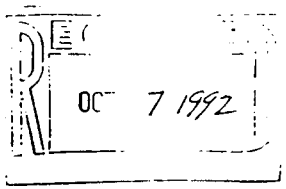


October 7, 1992

Mr. Lettieri
Otay Ranch Project
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Re: Comments to the Draft Environmental Impact Report for Otay Ranch.

Dear Mr. Lettieri;

Otay Ranch contains some of the most biologically signficant and intact open space left in Southern California. This fact compels me to comment on the above-referenced project. I would feel remiss as a conservation biologist if I failed to provide input. Having professional expertise in Ecology and Wildlife Biology this letter will touch upon the Biological Chapter of the Draft Environmental Impact Report (EIR).

LO.11-1

The enrollment of the City of Chula Vista and the County of San Diego in the NCCP obligates the parties to plan to meet NCCP goals. In addition, plans are underway to provide a reserve system to offset impacts of the Clean Water Program in San Diego. Both the MSHCP and the NCCP will consider the area in and around Otay Ranch critical in their programs. We call upon the lead agencies to see to it that these objectives are indeed achieved.

Areas appropriate for development have been identified by biologists on the Interjurisdictional Task Force and by the wildlife agencies. Shouldn't we use this expertise to limit development to these areas?

With the flexibility 23,000 acres brings and with the obvious creativity of the Baldwin Co. planners, protection of ecosystem functioning and development can all take place to the benefit of everyone. Is there any excuse or overriding consideration for not respecting the biological constraints which exist on the property?

The remainder of my letter is specific comments to three parts of the DEIR; Section 3.3 Biological Resources, Appendices, and Technical Report Volume V Phase I Draft Otay Ranch Resource Management Plan.

Because of the time limitations given to review this document I'm sure I have missed many writing inconsistancies. Some of them are listed below as part of my comments. The texts of the documents listed above are also inconsistant among each other. With the time I had I concentrated on analysis and documentation of more serious matters.

(1) I would like to comment on the presentation of the document. It is confusing because there is a lack of side by side presentations. Couldn't there be side-by-side maps generated by the consultant's GIS that would make comparisons easier? The legends in the figures are not precisely defined. Indicate whether positions are individuals or groups and what about mapping wildlife habitat?

There appears to be incomplete citation and use of historical data. Could the data base b- -ecisely explained? What do historical symbols mean on the figures? What citatic re used for the historical data?

SOUTH COUNTY ENVIRONMENTAL WORKING GROUP
NANCY NICOLAI
OCTOBER 7, 1992

1. Side by side figures displaying sensitive resources with overlays of the various alternatives are presented in the Draft Program EIR Appendices. Regarding the sensitive plant data base refer to response number 25 of the California Native Plan Society letter, 10/6/92.

   Regarding the sensitive animal data base refer to response number 12 of the California Department of Fish and Game letter, 10/5/92. Refer also to response number 5 in this letter.

LO.11.2

Section 3.3.1.2 General Overview of habitat or vegetation types on Otay Ranch is well documented; however, there are some inconsistancies that require clarification. A note here - inconsistancies among text, tables and figures is common throughout this section confusing the reader and not allowing for reasonable public appraisal of impacts and their significance. I did not have enough review time to document all inconsistancies and poor writing but many examples are listed below. It appears that the writers did not have enough time to proofread or correct obvious mistakes. How much of the research and thought about this document are also sloppy and rushed?

The text on habitat types describes 20. Why does Table 3.3-1 list acreages of these 20 plus four habitat types not discussed in the text? What is a disturbed coastal sage scrub habitat and how was it disturbed? What are aquatic habitats and what vegetation types and other physical features describe them?

(2) Figure 3.3-1 shows habitat types discussed in the text but adds new types not listed in Table 3.3-1, too. What is CSS/NNG (I'm using acronems not because I don't know what they stand for but because it saves space), NNG/CSS, tamarisk scrub/mulefat scrub, Mixed Chapparal/CSS,Mixed Chapparal/CC, Mixed Chapparal/TC, NNG/disturbed? I'm especially interested in the differences among Disturbed/CSS, disturbed CSS, CSS/non-native grassland, and non-native grassland/CSS.

Why are habitat types split in this manner since splitting makes it easier to misrepresent the acreages of habitat types on the project? It is very important to describe the conditions under which a habitat is classified "disturbed" because there is a great difference in habitat resilience to various disturbances. Why aren't disturbed habitats described under the habitat section?

(3) Table 3.3-1 lists Vernal Pool acreage. What is the precedent for delineating vernal pools in the manner described rather than that used in a wetlands delineation? Or why not use the method described to circumscribe the pools but include the pools' watershed? Isn't the purpose to give the acreage of vernal pools, either jurisidctionally or biologically? The resulting acreage numbers are arbitrary and do not reflect the ecology of vernal pools or jurisdicational definitions. Why are the acreages of vernal pools sometimes included in the tables' calculations and sometimes not?

(4) Text on page 3.3-36 does not reflect data for sensitive plants in Table 3.3-3.

Figure 3.3-2 legend does not reflect what is on the map, i.e. only 9 out of the 23 species listed in the legend are shown on the map 3.3-2a. Why were the maps done this way? What does the designation "historical sightings" mean in these tables? What are the (5) historical sightings references and how old are they? A letter on these maps can represent one individual, 10 individuals, or an aggregation of 10,000 individuals. Because of this ambiguity the maps show a distorted representation of the amount and distribution of sensitive plant species on the property, so why was the mapping done this way?

(6) Why is there no Plants-General Overview section in the report? At least the uniqueness of this biogeographic region could be described with field data and qualitative descriptions of the property.

(1) Text on page 3.3-36 is inaccurate. It states that there are 40 detected sensitive wildlife species, but the resulting breakdown to Federally listed, ect. add up to 41. What is the missing species? The text states 24 potential C2 or Species of Special Concern, however the Appendix to this text lists 34 potential sensitive species including locally sensitive species. Why don't these numbers match and why are the locally sensitive

2. For clarification of plant community classification and definitions refer to response number 2 in letter from the California Native Plant Society, 10/6/92. Disturbed coastal sage scrub and aquatic habitats are described in detail in the Biological Resource Surveys (MBA 1989 (Report 14)) and RECON (1992 (Report 13)) in the Otay Ranch Technical Reports, Volume IV, Biology). Aquatic habitats are described in Section 3.2.6 of technical report number 14 and disturbed coastal sage scrub habitats are described in Section III of technical report number 13.

3. Individual vernal pools on the entire Otay Ranch property were delineated and mapped and a report of these data is included as Technical Report 19 in Volume IV. Vernal pools in southern California often do not meet the criteria used to define wetlands under jurisdiction of the U.S. Army Corps. of Engineers. A wetland delineation would not be appropriate for defining the extent of vernal pool habitat on Otay Ranch and could underestimate the acreage of this habitat. To use the total surface area of vernal pools, which was delineated and included in the Technical Report 19, as the area of habitat impacted also would be a vast underestimate of acreage of the vernal pool ecosystem. The watershed of a vernal pool defined by topography does not accurately represent the vernal pool ecosystem. Underground soil-water relations may affect vernal pool watershed and many other factors (e.g., insect pollinators) may expand the vernal pool ecosystem beyond the topographic watershed. Additional studies at the SPA level of CEQA review will determine adequate watershed and buffer area for long-term preservation of vernal pool habitat. The vernal pool habitat areas circumscribed for this analysis include the precise locations of pools, the intervening mima mound topography, and approximate watershed of the vernal pool system. These data are adequate to make comparisons of impacts to vernal pool habitat from the various alternatives.

The vernal pool habitat acreages are included in all the impact tables but are never included in the acreage totals because this area is covered by other habitat types, e.g., non-native grassland.

4. Refer to text change in Section 3.3.1.5 of the Final Program EIR.

LO.11-3

5. The legend for Figures 3.3-2 a-c represent the priority 1 and 2 sensitive plant species present on the entire Otay Ranch rather than those present parcel by parcel. Historical sightings are from the ASI data base which was collected before 1989. The references can be found in the biological technical reports and include:

Advanced Sciences, Inc. (ASI) 1987. "A Biological Overview for the United Enterprises Properties located in Otay Mesa, Southern San Diego County, California." 69 pp.

Advanced Sciences, Inc. (ASI) 1987. Miscellaneous sensitive resource maps and species lists of United Enterprises Property, Otay Ranch, California.

Regarding the representation of point occurrences on maps, refer to response number 25 in letter from the California Native Plant Society, 10/6/92.

6. The floristic uniqueness of this region is described in the Sensitive Plants Section 3.3.1.5 of the General Overview.

7. The Final Program EIR text has been revised in Section 3.3.1.5 to indicate the correct number of sensitive species within each category. Note that the sensitive species list in the Final Program EIR is expanded and that some animal species were upgraded to new sensitivity categories compared with the Draft Program EIR. For a discussion of changes in sensitivity status for animals species, refer to response to paragraph 3 of comment number 3 in letter from Cindy Burrascano, 10/6/92. Some species underwent sensitivity status changes too late to incorporate in the Draft Program EIR (e.g., tricolored blackbird with footnote on page 3.3-49

(7) species not included in the discussion? One species, the tri-colored blackbird, is inaccurately described in later text and is not included here. This species was advanced to State-listing candidacy, it has not been listed yet. Why is this species not included here?

(8) In section 3.3.1.4 the Wildlife-General Overview. Why is it unclear in the discussions which species were observed during the surveys and which were not observed but were expected to occur? What is the abundance of the common and not-so-common species on the property? Is what observed typical for this region and why? Are species diversities and numbers different between parcels? I know that each parcel has different disturbances and different combinations of wildlife habitats, therefore there will be differences in wildlife composition and number on each parcel.

(9) Where there are large blocks of habitat, such as chapparal on the San Ysidro parcel, there will be a different wildlife species mix then in chapparal which occurs in small islands, such as on the Otay parcel. Why are these differences not discussed? For the purposes of protecting wildlife within these habitats it is very important to understand species composition in "island" habitats vs. habitats with a decent interior. What is the diversity and abundance of species in "edge communities" between such habitats as wetlands and scrub, woodlands and scrub, woodlands and grasslands? These habitat mixed are very important for some of the sensitive species and for biodiversity.

LO11-4

(10) Shouldn't survey methodologies suggested by the NCCP be used on the project since the lead agencies of this project are enrolled? Did any surveys take advantage of the 1992 season, which had considerably more rain than previous years?

(11) Page 3.3-44 states there are six sensitive amphibians and reptiles that occur or could occur on the project. Why are does Appendix Table 3 list 17 and why are locally sensitive species left off the discussion on page 44? Data from both RECON's and MBA's Biological Reports list the following sensitive amphibians and reptiles observed on the project; granite spiny lizard, western spadefoot toad, western grebe, Clark's grebe, common barn owl, short-eared owl, and northwestern San Diego pocket mouse? Why are these not listed as observed either in the DEIR or in Appendix Table 3?

(12) The analysis of sensitive amphibians and reptiles is incomplete because there is no discussion of the following species; western spadefoot toad, granite spiny lizard, silvery legless lizard, and California lyre snake. What is the range, habitats, and potential for occurrence of these species? In addition, where were both granite spiny lizard and western spadefoot toad on the site? What is the potential for California mountain kingsnake to occur in mixed chapparal on the project site?

(13) Since the publication of Unitt's book on the birds of San Diego County, the occurrence of burrowing owl has become drastically reduced and to my knowledge there are no colonies of greater than 10 birds in coastal San Diego County. Why wasn't more recent knowledge used before makeing the observation that burrowing owls occur "throughout" coastal lowlands of San Diego County?

(14) The analysis of sensitive birds is incomplete because there is no discussion of the following species; western grebe, Clark's grebe, American bittern, great blue heron, great egret, snowy egret, green-backed heron, black-crowned night heron, canvasback, redhead, bald eagle (an endangered species), peregrine falcon (an endangered species), warbling vireo, common barn owl, downy woodpecker, Bewick's wren, and blue-gray gnatcatcher. What is the range, habitats, and potential for occurrence of these species? How many barn owls, short-eared owls, and western grebes were observed and where?

of the Draft Program EIR). Sensitive species were discussed according to the California Environmental Quality Act (CEQA) Section 15380. For more information refer to response number 9 in letter from Chaparral Greens, 10/12/92.

8. Refer to response number 3 in letter from Cindy Burrascano, 10/6/92. Also, refer to the Biological Resource Survey Reports (MBA 1989 and RECON 1991, in the Otay Ranch Technical Reports, Volume IV, Biology) for complete species lists which identify those species which were observed onsite. Section 3.3.1.4 characterizes assemblages of species which occur or would be expected to occur in the different habitats on Otay Ranch. This section is a synopsis of information from the technical reports and is designed to give an overall description of species which occur in broad habitat categories. Greater detail concerning wildlife and relative abundance in each parcel is presented in the technical reports.

9. Refer to response number 21 of this letter as well as response number 6 of the United States Fish and Wildlife Service letter, 10/8/92.

10. The drafting of the Otay Ranch EIR began prior to the formation of the Natural Communities Conservation Program (NCCP). The NCCP survey guidelines were not finalized until February 1992. Any future surveys at the Specific Plan Level will follow approved methodologies such as those suggested by the NCCP (see Policy 4.2 of the Resource Management Plan). The sensitive animal mitigation text has been expanded to clarify survey requirements (see Section 3.3.3). There have been no data released to Ogden concerning a 1992 survey of the Otay Ranch Project.

11. Page 3.3-44 of the Draft Program EIR states "Six amphibian and reptile species with both federal and CDFG Species of Special Concern status occur on Otay Ranch." The key word here is "both". Text will be inserted before this sentence in the Final Program EIR to indicate the total number of sensitive reptile and amphibian species which occur or could occur onsite. Regarding the reptiles and northwestern San Diego pocket mouse *(Chaetodipus californicus femoralis)* refer to responses to comments number 4, 6, and 15 in letter from Robert N. Fisher, 10/12/92. In regards to the western grebe *(Aechmophorus occidentalis)* and Clark's grebe *(Aechmophorus clarkii)*, these species were observed offsite on Otay Lake (Howard Weir, personal communication). Regarding the common barn owl

LO.11-5

(*Tyto alba*) and short-eared owl (*Asio flammeus*), changes will be made to Appendix Table A-3 to indicate they were observed onsite. Western grebe, Clark's grebe, and common barn owl are not discussed in the text of the Draft Program EIR because they do not have a sensitivity status of at least a federal candidate or California Department of Fish and Game (CDFG) Species of Special Concern (see response number 9 in letter from Chaparral Greens, 10/12/92). The short-eared owl text (Section 3.3-50) will be revised to indicate this species was observed in the Otay Ranch Project area. A brief discussion of indirect impacts to waterfowl occurring offsite on Otay Lake will be provided in the Final Program EIR (refer to response number 6 in letter from the City of San Diego, 9/14/92).

12. In regards to western spadefoot toad (*Scaphiopus hammondii*) refer to response number 6 in letter from Robert N. Fisher, 10/12/92. The silvery legless lizard became a CDFG Species of Special Concern during the drafting of the Program EIR. This species will be included in the Final Program EIR (see Sections 3.3.2.4, 3.3.3, 4.2.4.1, 4.2.4.2, 4.7.4.1, 4.7.4.2, and Tables 3.3-7, 4.2.4-5, and 4.7.4-3). For more information on this species refer to Table 4 in response number 3 in letter from Cindy Burrascano, 10/6/92. Granite spiny lizard (*Sceloporus orcutti*) and lyre snake (*Trimorphodon biscutatus*) are not discussed in the text of the Draft Program EIR (although they are listed in Appendix Table A-3) because they do not have at least federal candidate or CDFG Species of Special Concern status (see response number 9 in letter from Chaparral Greens, 10/12/92). Regarding the potential for San Diego mountain kingsnake (*Lampropeltis zonata pulchra*) to occur onsite, refer to Draft EIR page 3.3-44.

13. Comment noted. The Final Program EIR text will be revised to indicate the burrowing owl (*Speotyto cunicularia*) was historically widespread in the lowlands of San Diego County (see Section 3.3.1.5).

14. Refer to response number 9 in letter from Chaparral Greens, 10/12/92, for a description of those animals discussed in the text of the Draft Program EIR. Also, refer to response number 11 in this letter. Most of the animals listed do not have a high enough sensitivity status to be discussed in the Draft Program EIR, however, they are listed in Appendix Table A-3 and in the Biological Survey Technical Reports (MBA 1989 and RECON 1991). Bald eagle (*Haliaeetus leucocephalus*) and peregrine falcon (*Falco peregrinus*) both state and federally-listed endangered

(15) The analysis of sensitive species is incomplete because I believe there are two species that may occur on the project, Coronado skink and spotted bat. What is the range and habitats for these two? What are the historical records for these species and how close are they to Otay Ranch?

(16) Do the "X's" in Appendix Table 3 include historical sitings on Otay Ranch? Wouldn't this table be completed by adding this information if it is not included? Shouldn't Quino checkerspot have PPE listed under status? Isn't there a petition pending for this species with U.S. Fish and Wildlife Service (USFWS)?

(17) Page 3.3-45 describes the California gnatcatcher pairs occuring on the property. Why aren't these numbers discussed in the context of whats known about densities regionally and for the species as a whole? A quick calculation shows that California gnatcatchers on Otay Ranch represent 6-7% of the known gnatcatcher pairs in the U.S. Doesn't this put perspective on the importance of Otay Ranch habitat to the California gnatcatcher?

(18) There was a detailed California gnatcatcher study conducted in 1991. As well as being more detailed, this information was collected after a good rain year whereas the prior general surveys were conducted during a drought. The results of this survey could show interesting results and report more pairs of gnatcatchers. Why are the results of these surveys not included in this report?

(19) Why weren't detailed surveys for sensitive wildlife species conducted? Isn't it important to collect and document wildlife ocurrence and distribution to make an assessment of the impacts to sensitive species? How can this be done without good data sets or even presence/absence level surveys?

(20) Why isn't the information on tri-colored blackbird, a species advanced to candidacy for listing by the state and stated in a footnote on page 3.3-49, incorporated into the tables or text of this DEIR with this new status?

(21) Why isn't there a discussion of interior-dependant species or indicator species included? There is good information that when certain of these species are lost it is an indication of the ecological health of the area. Do interior-dependant species or indicator species occur anywhere on the project, where and why? Why isn't additional biodiversity information discussed? Why isn't a section on the overall ecology and biodiversity of a project the size of Otay Ranch not included? It is greatly warranted on a project of this size especially because a Preserve is the crown jewel of mitigation of this project. Isn't it necessary to assess the ecological health and stability of the Preserve as well as the sensitive species that occur there?

(22) Figure 3.3-7 would be easier to assess if vegetation and landscape features were shown on the map. This would help the reader decide if the corridors make sense biologically. Why doesn't the legend match the map? Is this a figure of the "focal mammalian species" or is it an "existing corridor" map? Where did the information for this figure come from? What study was conducted to provide the information and why isn't the study included here or in the appendices? What is the methodology used to decide on these areas as corridors?

(23) Page 3.3-69 does not define wildlife corridors as used in the context of this report. The term corridor has many definitions in the literature and can be variously described by the scale of its regional context and by the species moving from place to place. Why isn't this information included here? What are "regional" and "local" corridors?

LO.11-6

species were not discussed as there is not appropriate habitat for them onsite. It was determined from distribution records and habitat preference that these two species would be unlikely to occur onsite as residents (winter or breeding). They could occur offsite at Upper and Lower Otay Lake although they were not observed during the raptor study (unlike the osprey *(Pandion haliaetus)* which was observed regularly in the winter offsite). Refer to Table 6 of comment number 3 in letter from Cindy Burrascano (10/6/92) for a description of habitat affinities of these two species. Also refer to responses to comments 11 and 15 in letter from Robert N. Fisher regarding a similar discussion of sensitive bats.

15. Refer to responses to comments number 6, 11, and 15 in letter from Robert N. Fisher, 10/12/92.

16. Refer to response number 1 in letter from Ray Radtkey, 10/15/92. Appendix Table A-3 and text in the Final Program EIR (see Sections 3.3.1.5, 3.3.2.4, 3.3.3, 4.2.4, 4.3.4, 4.4.4, 4.5.4, 4.6.4, 4.7.4, 4.9.4, and Tables 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2) will be reformatted and revised to reflect the recent petition for endangered species status for this species. Also refer to third paragraph of response number 3 in letter from Cindy Burrascano (10/6/92) regarding changes in sensitivity status of animal species during the buildout of Otay Ranch.

17. The Draft Program EIR gives an estimate for the number of California gnatcatcher pairs (*Polioptila californica*) occurring in California. In the next paragraph the Draft Program EIR estimates the number of California gnatcatcher pairs which occur onsite. The Final Program EIR (Section 3.3.1.5) text will be expanded to briefly discuss the regional significance of the Otay Ranch California gnatcatcher population.

18. These results have not been provided to Ogden for review and analysis. They are therefore not included in the Draft Program EIR. Text in Section 3.3.1.5 will be revised to indicate data were collected during a drought and probably reflect minimum estimates for the number of pairs of gnatcatchers onsite.

19. Refer to response number 3 in letter from Cindy Burrascano, 10/6/92. Also, refer to response number 9 in this letter.

20. Refer to response number 7 in this letter and Appendix Table A-3 text in the Final Program EIR (see Sections 3.3.1.5, 3.3.2.4, 3.3.3, 4.2.4, 4.3.4, 4.4.4, 4.5.4, 4.6.4, 4.7.4 4.9.4, and Tables 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2) will be reformatted and revised to reflect the recent elevation in sensitivity status for this species.

21. The overall diversity of the project area is acknowledged in Section 3.3.1 and borne out in the discussion of over 95 sensitive habitats, plants, and animals. The Draft Program EIR recognized the importance of the natural open space onsite by identifying key resource areas and wildlife corridor linkages and comparing the capability of the different alternatives to retain these resources in a viable natural preserve. The Analysis of Open Space Design (Section 3.3.2.5 and within Sections 4.2.4.1 and 4.7.4.1) represents a departure from smaller EIR's recognizing the maximization of biodiversity and the multiple species approach to biological planning of large open space areas. The three alternatives analyzed quantitatively were evaluated as to (1) how effectively natural open space linked with major offsite areas, (2) the effect of anticipated infrastructure facilities on the natural open space system, (3) whether proposed regional parks integrated well into the system, (4) whether major facilities contemplated within the open space (e.g., University and Conference Center) would affect the integrity of the system, (6) how effectively the plan retains wildlife movement corridors, and (7) how the plan retains each key resource area throughout the Otay Ranch Project.

The open space system is then analyzed for compliance with the Resource Management Plan which proposes to preserve the most sensitive resources on Otay Ranch along with providing management, restoration, and educational activities. Detailed ongoing species specific studies are required by the Draft Program EIR and Resource Management Plan which will further define the boundaries of the open space system on Otay Ranch. Special resource studies have been completed for Otay Ranch including the Raptor Management Study (report number 21, Volume VI, Otay Ranch Technical Reports), Otay Ranch Wildlife Corridor Study (Phase I, report number 20, Volume VI), and Vernal Pool Studies (reports 17 and 19, Volume VI). More detailed quantification of biodiversity on Otay Ranch, while being desired from a biological perspective, must be measured against the time, cost, and extent of data assembled to date.

LO.11-7

22. Refer to responses to comments number 4 and 7 in letter from Daniel Tarr, 9/13/92. More specificity is required concerning how the legend does not match the map in order to respond. Figure 3.3-7 show regional and major local corridors used by focal mammal species and by California gnatcatchers and cactus wren *(Campylorhynchos brunneicapillus)*.

23. Comment noted. Refer to text changes in Section 3.3.1.5 defining regional versus local wildlife corridors.

(24) Why aren't Phase II and Phase III of the corridor studies included in the DEIR? Hasn't the work been completed? The Phase I Corridor Study included in the appendices is not an adequate corridor study for the project. The study was done to evaluate the open space "...for its usefulness as a wildlife corridor." I don't understand this statement. Is the study conducted to find large mammalian movement areas on the project or adequate places for planned corridors?

(25) Why is the corridor minimum width 450 feet as stated on text on page 3.3-71? What biological information is this number based on?

(26) Is the project working with the City of San Diego to maintain corridors to the Otay Lakes? Why doesn't the DEIR describe connections to large blocks of public owned lands? Why doesn't the DEIR describe connections to open space on surrounding developments and proposed developments? These connections are just as important as corridors across the project.

(27) Beginning on page 3.3-71 why doesn't the descriptions of the corridors include habitat types, area, length, species presence and use, and species expected to use the corridor? This information is very important in determining the future use and long-term viability of the corridors. On page 3.3-73 what does it mean to link Corridor 1 in a "direct manner"? What is the data that supports this statement?

(28) On page 3.3.75, section 3.3.2.2 this is not adequate, cannot more information be provided for an adequate assessment of roads, infrastructure, roadways, water and sewer systems? What about erosion impacts? There is a history of piecemealing permits for

(29) ACOE and Department of Fish and Game for wetlands disturbances on one project. This is done by applying for these permits each time a phase or portion of the project is undertaken rather than as one permit for the whole project. Why isn't this issue addressed in this discussion of the permitting process for the DEIR?

(30) Why does Table 3.3-5 list habitat types not shown in prior text, tables or figures? I have already discussed the problems with splitting the habitats when listing their acreages. For example, what is the Grassland category as apposed to the Non-native grassland and Valley needlegrass grassland discussed in the text and included in other tables?

(31) Why aren't clay soils habitats listed in Table 3.3-6? This was considered a sensitive habitat in the text and may include concentrations of sensitive plants.

(32) Why does Table 3.3-6 list 12 sensitive wetland habitats but the accompanying text divides wetlands into 7 types? Again, splitting habitat types in fits and starts throughout the text is confusing. Why is tamarisk scrub, an invasive and introduced species,

(33) considered a sensitive habitat in Table 3.3-6? Wouldn't it be clearer to seperate out other wetland acreages including tamarisk scrub from other sensitive habitat types? Wetlands

(34) exist on the project called Waters of the U.S. and are not defined solely by wetland vegetation. Why aren't these wetlands described and analyzed in this report? This is incomplete information about the amount and kinds of wetland habitat on the project.

(35) Page 3.3-79: Why were "points of occurrence" used to evaluate species numbers and distribution on the project? This analysis is very misleading, for example one point can represent one individual plant or an aggregation of 10,000 individual plants. A point can represent one mountain lion track or one California gnatcatcher, the first is a far-ranging specie[s] [w]here one male can have a territory as large as 100 square miles and the second is a relat[ive] [s]edantary song bird that may occupy 30 acres. How can the level of effort in

LO11-9

24. Regarding distribution of the wildlife corridor study, refer to comment number 7 in letter from Daniel Tarr, 9/13/92. Refer to the corridor study for objectives and methodologies.

25. This figure comes from an analysis of functional offsite corridors in Phase II of the wildlife corridor study. Refer to text changes that describe this requirement in greater detail in the Final Program EIR (see Section 3.3.1.5).

26. Refer to the Draft Program EIR for description of corridor linkages with offsite open space (see pages 3.3-72-75; Poggi Canyon to Wolf Canyon, Salt Creek Canyon and O'Neal Canyon corridors, Corridors 1, 2, 5, 6, 7, 10, and 11). These discussions refer to offsite as well as onsite portions of the corridors. The wildlife corridor study gives more detailed descriptions of each of these corridors. The Draft Program EIR discusses and evaluates further the continuity of open space in Sections 3.3.2.5, 4.2.4.1, and 4.7.4.1. Also, refer to response number 21 in this letter.

27. There will be more specific detail added to the Final Program EIR concerning individual wildlife corridors (see Section 3.3.1.5). However, for complete descriptions of each corridor, refer to the wildlife corridor study. Linking resources in a direct manner refers to the shortest possible route following natural topography and in which animals will naturally travel. The shorter a corridor is through developed areas, the quicker an animal can move through these developed areas, and consequently the lower the chances of mortality for that dispersing animal.

28. Detailed examination of infrastructure impacts within open space is not possible at this stage. Infrastructure issues are reviewed in the Analysis of Open Space (Section 3.3.2.5) for the New Town Plan and in similar sections for each alternative.

29. Permit applications for wetlands disturbances would be premature at this stage because specific wetland impacts are not known; many drainages within a development footprint may be preserved pending tentative maps for these areas.

The Program EIR reflects the specifics of a project at the General Plan Level of study. Acquisition of resource agency permits requires detailed engineering and impact data which does not currently exist. Specific Plan Level designs must work to avoid wetland impacts, minimize unavoidable impacts, and effectively mitigate impacts to the satisfaction of the permitting agencies.

30. The habitats in Table 3.3-5 are shown on all the vegetation maps and were extracted directly from the original biological resources technical reports (Recon 1991, MBA 1989). Refer to text changes in Section 3.3.1.2 for inclusion of these habitats within the discussion of the basic Holland (1986) plant communities. The area mapped as "grassland" is non-native grassland. This occurs on the Otay River parcel in a small parcel previously not a part of the project.

31. Clay lenses are a sensitive soil type but do not always coincide with sensitive biological resources. When they contained sensitive biological resources, they were mapped as such and impacts were calculated accordingly. Sensitive soils maps typically are used to help focus biological survey efforts and identify possible appropriate restoration areas. Refer to text change in Section 3.3.1.2 of the Final Program EIR regarding clay lenses as a sensitive soil.

32. Broader vegetation categories are used to summarize impacts to similar sensitive habitats to improve readability and reduce excess nomenclature. For example, floodplain scrub is used to describe all the wetland habitats occurring in the Otay River floodplain, including baccharis scrub, tamarisk scrub, tamarisk scrub/mulefat scrub, and mulefat scrub. The refined plant communities were included in the impact tables to allow the reader to track the particular impact back to the original technical reports.

33. Tamarisk scrub is considered a sensitive habitat because it is a wetland and therefore is categorized with the other floodplain habitats. It is useful to distinguish each habitat, particularly for identifying potential restoration areas, as is done on the vegetation maps, impact tables, and tables of areas available for restoration (Tables 3.3-9 and 4.2.4.-7).

34. "Waters of the U.S." fall under the jurisdiction of the ACOE, though they are not defined as wetlands. A detailed survey to delineate the limits of the jurisdictional habitat (i.e., wetlands and waters of the U.S.) was not conducted nor is it required for this level of analysis. All habitats with even a small component of wetland vegetation were considered to be wetlands for this level of analysis. A formal wetland delineation using the Federal Unified Method would reduce the acreage of habitat currently classified as wetland. This method requires the presence of three wetland parameters, i.e., hydrology, hydric soils, and hydrophytic vegetation, as opposed to the method of mapping all areas with wetland vegetation as wetlands.

(35) obtaining the points of occurrence data be compared? How are the points of ocurrence directly related to the number of individuals in an area? How was this data collected? Why was no other method of data collection or analysis used for this study?

(36) Why are the losses of thirteen sensitive habitat types greater than the Otay Ranch's RMP or the County's Resource Protection Plan Guidelines? Why do the amounts of these habitats not meet the guidelines of these plans?

(37) Beginning on page 3.3-80, plant species impacts why aren't the discussions of points of occurrences consistant for each species? Earlier text states that two assessments were used to determine impacts to plants; 1) the number and relative size of an aggregation and 2) the number of points of occurrence. When I went through the subsequent analysis I noted that the number and relative size of an aggregation was never discussed for any species. Why wasn't this done? This is the most meaningful way to review the level of impacts to individual species.

(38) Why aren't impacts to species discussed in a regional context? Why weren't assessments made to determine the "importance" of the aggregations on the Otay Ranch in the context of the species range, occurrence in San Diego County, and ocurrence in the Otay River watershed. What are the cummulative impacts to each species?

LO.11-11

(39) The County of San Diego's Guidelines were used to assess impacts to sensitive plants. Even with the greater allowable percentages of species as outlined on page 3.3-79 why were the following species in violation of this amount of impact: San Deigo thorn-mint, San Diego button-celery, Otay tarweed, willowy manardella, California orcutt grass, Otay mesa mint, Otay manzanita, Orcutt's brodiaea, dense reed grass, variegated dudleya, San Diego barrel cactus, San Diego golden star, little mousetail, San Diego navarretia, snake cholla, narrow-leaved nightshade, San Diego bur-sage, San Deigo marsh-elder, Greene's ground-cherry, Munz's sage, San Diego county needlegrass, San Diego sunflower, California adder's tongue and Engelmann oak? Why are the first six species in violation of the State Endangered Species Act?

(40) Why are "point occurrences" used to analyze the level of signficance? The analysis is inadequate because the number of point occurrences is a misrepresentation of the number and distribution of a species on the project. For example, there are two point occurrences of San Diego thorn-mint. One of them consists of approximately 30 individuals and the second approximately 10,000 individuals. According to the analysis one point occurrence could be impacted for a value of 50% loss to the species. However, note what diffence a point occurrence makes if the 10,000 were the aggregation impacted.

(41) Why are modifiers such as: "broad" areas, "major" areas, "extensive" populations, "largest" populations, a "portion", "stand", "relatively common", "majority" of occurrences, "largest amount" of this species, and this species is "frequent" used instead of numbers or percentages to describe impacts? These modifiers are inadequate and should be changed so that review can be complete. Where are the figures that would help with visualizing this analysis?

(42) Mitigation for the significant impacts to plants rely on transplantation and reseeding techniques whose success is unknown for the following species; San Diego thorn-mint, San Diego button-celery, California orcutt grass, San Diego golden star, little mousetail, and Greene's ground-cherry. Why was this mitigation used for these species when we don't know if the technique will work? As with this and other plant species whose mitigation is transplantation and reseeding, what is going to be done if the technique doesn't work? How long will monitoring occur before the technique is called a failure?

35. Refer to response number 25 in letter from the California Native Plant Society, 10/6/92, regarding point occurrences for plant species.

Regarding point of occurrence data for wildlife refer to response number 12 in letter from California Department of Fish and Game, 10/5/92. Regarding other methods of analysis for sensitive wildlife, refer to response number 3 in letter from Cindy Burrascano, 10/6/92.

36. The adopted plan will need to meet the guidelines of the RMP or be redesigned to meet the guidelines. If the adopted plan does not have an RMP associated with it, then it will need to meet the County's RPO guidelines. The New Town Plan clearly falls short of meeting the guidelines of the RMP and would thus require major redesign.

37. The relative size of sensitive plant populations was discussed in the impact section; refer to impacts to variegated dudleya, San Diego barrel cactus, and San Diego golden star in Section 3.3.2.3, for example. Appendix A-7 summarizes information on relative population size and percent of point occurrences impacted. Also refer to the biological technical reports which contain such species specific information.

38. Refer to Appendix A-2 in the Draft Program EIR and Table 3.3-6.1 in the Final Program EIR.

39. The New Town Plan would result in significant unmitigable impacts to many biological resources and is therefore not the biologically preferred alternative. This plan would not conform to the State Endangered Species Act without major redesign.

40. Percent of point occurrences was not used for the analysis of impacts to San Diego thorn-mint. For this species and several others, quantitative population data were used in assessing impacts. Refer to the impact sections for how the analysis was done for each species. Refer to response number 25 in letter from the California Native Plant Society, 10/6/92 for definitions of point occurrences.

41. The use of terms such as "small", "large", and "extensive" population does provide information about relative population size and is a useful aid in assessing the relative magnitude of impacts. Relative population sizes of sensitive plant species are described in Appendix A-2 and in the biological technical reports. The data that help in visualizing the analysis are provided in Appendix A-7.

(42) How many times will the technique be tried on a single species before the technique is called a failure? What are the species-specific levels of establishment to determine success?

(43) Why isn't Greene's ground-cherry, Munz's sage and San Diego County needlegrass not brought below signficance even with mitigation?

(44) Mitigation for Englemann oak by planting 10:1 ratio with acorns will not work because of the diversity and number of acorn predators on Otay Ranch. There is a very large body of oak literature and the problems of establishment, especially with acorn predators. Why wasn't this literature used to design a more sophistacated method for re-establishing oaks as mitigation?

(45) Section 3.3.2.4 Reduction of Sensitive Animals begins by stating that there is not enough data to make quantitative assessment of impacts. "Potentially Signficant" is not an adequate assessment under CEQA for a programatic EIR. Why weren't data collected to make an adequate assessment for a programatic EIR? Isn't this information necessary to design and plan the Preserve?

(46) There isn't enough information to make an adequate assessment for the following species; fairy shrimp, San Diego horned lizard, orange-throated whiptail, western whiptail, rosy boa, red diamond rattler, rufous-crowned sparrow, Bell'sage sparrow, desert woodrat, black-tailed jackrabbit, the butterfly species, San Diego banded gecko, coast patch-nosed snake, northwestern San Diego pocket mouse, southern grasshopper mouse, arroyo southwestern toad, Pacific little pocket mouse, willow flycatcher, two-striped garter snake, California red-legged frog, southwestern pond turtle, loggerhead shrike, horned lark, badger, grasshopper sparrow, ringneck snake, mountain kingsnake, and bat species.

(47) I explained the problem with using point occurrence data earlier and analysis with point occurrence for wildlife species is also not valid.

(48) The DEIR states that species were analyzed by looking at the "...reduction of suitable habitat". The information for species habitat is stated to be in Table 3.3-5, but this table lists vegetation habitats, not wildife habitat. These two are not the same and why should the reviewer have to page back and forth between the descriptions of habitat affinities for each species and Table 3.3-5 to find out what the acres of potential habitat may be? Many of the species descriptions do not include all of the habitat requirements for food, shelter, cover, and water. Were field data collected for this analysis? If not, what information was used to determine wildlife habitat on the project? Where is the information showing the acreages of suitable habitat for all of the sensitive species listed in Appendix Table 3? Isn't this the type of information needed to make assessments in the above statement "...reduction of suitable habitats"? Instead I found the modifiers low, moderate, and high for habitat loss. What was the information used for making these generalizations? This is not adequate information to base assessments of impacts to sensitive wildlife species.

(49) If habitat was the basis for assessment then why aren't the habitat maps for the four sensitive butterfly species (Appendices) used to analyze impacts to these species?

(50) On page 3.3-99 the 5,270 acres should be 5,585 acres. What is the reduction of suitable habitat for California gnatcatcher?

(51) What does low potential for impact mean on page 3.3-100?

LO.11-12

42. The general approach for sensitive plant species impacts is avoid first, minimize second, and mitigate as a last resort. Where mitigation is required, a 2-3 year pilot program, a subsequent 5-8 year monitoring and maintenance program, and attainment of success criteria are required prior to the loss of sensitive plant species. If success criteria are not met, alternate mitigation will be sought, e.g., offsite purchase and preservation, or the population will be preserved onsite. Refer to text changes in Section 3.3.3 of the Final Program EIR.

43. Refer to response number 39 in this letter.

44. The mitigation for Engelmann oak in Table 3.3-11 states that oaks will be planted from containers at a ratio of 10:1. Acorns will be collected from trees in the area to preserve the genetic integrity of the local population. They will be nursery propagated, however, to increase the percent of successful establishment and avoid the problems of seed predators. Impacts to Engelmann oaks are not anticipated to occur in the near future given their location onsite and the anticipated long build-out period. It is acknowledged that the body of literature on oak restoration has grown greatly over the last few years. Mitigation of oaks will be accomplished according to established guidelines approved by the resource agencies (Policy 9 of RMP).

45. Refer to response number 3 in letter from Cindy Burrascano, 10/6/92.

46. Refer to response number 3 in letter from Cindy Burrascano, 10/6/92.

47. Refer to response number 35 in this letter and response number 12 in letter from California Department of Fish and Game (10/5/92).

48. Refer to response number 3 and associated Table 6 in letter from Cindy Burrascano, 10/6/92. Also refer to response number 12 in letter from California Department of Fish and Game, 10/5/92.

49. Habitat maps for the four sensitive butterflies were overlaid with the development plans for the quantitatively assessed alternatives (New Town, Phase I-Progress, and Environmental Plans). These maps were prepared as data gap document (Dudek and Associates 1991, in the Otay Ranch Technical Reports, Volume IV, Biology). Impacts were evaluated as potentially significant if these habitat areas were impacted according to the criteria given in Section 3.3.2.4 and Tables 3.3-7, 4.2.4-5, and 4.7.4-3 in the Draft Program EIR. These impacts were considered potentially significant as the distribution and occurrence of these species is not well documented onsite. Further studies are required at the Specific Plan Level to determine distribution, abundance, impacts, and measures to reduce impacts (refer to Tables 3.3-7, 4.2.4-5, and 4.7.4-3 in the Draft Program EIR). Note that the United States Fish and Wildlife Service has recently received petitions to list these species as endangered. These species were reanalyzed in the Final Program EIR as first priority species (see response number 16 in this letter).

50. The Draft Program EIR was referring to the reduction of undisturbed Diegan coastal sage scrub (refer to Table 3.3-5). To be more inclusive of the impacts, the Final Program EIR is revised in Section 3.3.2.4 to include impacts to maritime succulent

scrub, coastal sage scrub/chaparral, and coastal sage scrub/non-native grassland habitats for a total reduction of 5754.8 acres of undisturbed scrub habitat.

51. Refer to response number 9 in letter from Robert N. Fisher, 10/12/92.

(52) The location of a red-legged frog or southwestern pond turtle population on the project would be very important to the species because there are very few localities of these species in southern California. Why shouldn't any loss of these species and their habitat be considered signficant?

(53) Since all impacts to raptors is considered significant why aren't impacts to raptors such as red-shouldered hawk, long-eared owl, and ferruginous hawk considered signficant?

(54) The discussion of impacts to bats is inadequate. Why aren't impacts discussed such as human intruders at bat roosts, development of roads opening up access to bat roosts, and pesticide spraying on bat's prey base? Why weren't surveys conducted for the location of bat roosts, hibernicula, winter roosts, and maternity roosts? These habitat requirements are just as important for an adequate assessment as the amount of habitat available on the site.

(55) Are the numbers of species and the habitats impacted by the infrastructures discussed from pages 3.3-103 through 107 included in the tables of impacts and mitigation? These infrastructures are growth inducing impacts. For example the direct and indirect impacts to gnatcatchers as a result of the Water Distribution System could be signficant depending on what is put in around the Otay Lakes because of the Otay Ranch Development. Why aren't the direct and indirect impacts of these growth inducing structures discussed?

(56) Why are the impacts to Otay Valley due to the developed parks planned by the Otay Valley Regional Park not analyzed? Isn't this development part of this project? Why aren't the species discussed in the DEIR not included in the Table 3.3-7?

(57) Is it possible that SR125 and the transit route be taken out of Johnson Canyon? Why was Johnson Canyon not discussed as a corridor? Isn't one of the Caltrans alternatives for SR125 not in Johnson Canyon? If so, why isn't this alternative discussed in the DEIR?

(58) I support the alternatives which remove the University Site out of Salt Creek. I need more information about how the university would design their campus without impacting the most important area for multiple rare species and biodiversity on Otay Ranch.

(59) I disagree with the discussion that camping is a passive recreational activity that will not have signficant impacts to the environment. When was the last time the writers of this DEIR were in Yosemite or Yellowstone National Park? These are extreme but good examples of what passive recreational activities can be. Camping can have many direct and indirect impacts to species. For example, mountain lion will be "controlled" because of increased contact with campers and camping increases fire frequency. Shouldn't these recreational activities be discussed and their impacts analyzed? How much open space will be developed for campgrounds, roads, bike trails, restrooms, ticket booths, and picnic tables? What recreational activities are planned and where will they take place? These activities should be outlined and discussed for an adequate assessment.

(60) Why aren't indirect impacts discussed for this project? For example, impacts such as lighting and noise are significant indirect impacts to least Bell's vireo. There is no discussion of other impacts to wildlife except habitat loss. Why weren't impacts from noise, light, introduction of exotic species and competitors, increases or decreases of natural predators, and increased fires not discussed? They can be just as signficant as

LO.11-14

52. If the red-legged frog *(Rana aurora draytonni)* or southwestern pond turtle *(Clemmys marmorata pallidus)* occur onsite and were impacted by proposed development, that would be a significant impact that would need to be mitigated (refer to Tables 3.3-7, 4.2.4-5, and 4.7.4-3 in the Draft Program EIR). Refer to last paragraph in response number 3 in letter from Cindy Burrascano, 10/6/92.

53. The Otay Ranch Raptor Management Study (Ogden 1992a) determined that these species occur onsite in low numbers in the winter (e.g., ferruginous hawk (*Buteo regalis)*) or occur primarily offsite in more appropriate habitats (e.g., red-shouldered hawk (*Buteo lineatus)* and long-eared owl (*Asio otus*)). In the case of federal candidate or California Department of Fish and Game species which are known to occur onsite in low densities but were known to occur elsewhere in greater numbers, impacts from development were evaluated as not significant. This is consistent with the California Environmental Quality Act Section 15382.

54. Text in the Final Program EIR will be expanded to discuss potential impacts to bat species in more detail. In response to the survey issue, refer to response number 3 in letter from Cindy Burrascano, 10/6/92. It is important to note that at the Specific Plan Level the Draft Program EIR calls for focused surveys for bats, and 100 percent preservation of roosts as well as other mitigation (see Tables 3.3-7 and 4.2.4-5).

55. Detailed infrastructure impacts are not included in the impact acreages. Like other potential uses of the open space system on Otay Ranch such as the University or regional parks, the plans for such facilities are unknown at this time. It is important within the context of the Programmatic EIR to address such potential uses so that they are not overlooked in the specific plan level studies when detailed alternative alignments and development strategies can be reviewed and evaluated. It is important to point out the potential cumulative adverse effect of infrastructure facilities and other uses of the open space preserve. The "Development of conceptual infrastructure plans providing standards and criteria for facilities located within or across the Preserve" is a requirement of the Phase 2 RMP and will be concluded with the first SPA approval process.

See also response number 6 of U.S. Fish and Wildlife Service letter (F.2) for discussion of indirect effects. See Sections 3.13, 4.2.14, 4.3.14, 4.4.14, 4.5.14, 4.6.14, 4.7.14, 4.8.14, and 6.15 impacts and cumulative impacts of Public Services and Utilities and Section 7 of the Draft Program EIR for discussion of Growth-Inducing Effects.

56. The impacts to Otay Valley Regional Park are not analyzed because the park has yet to be defined, sited, and planned.

57. In regards to Johnson Canyon functioning as a wildlife corridor, refer to response number 10 in letter from Cindy Burrascano, 10/6/92.

The route chosen for SR 125 was done in consultation with Caltrans. Other routes were discussed throughout the planning process and the route may yet be changed. SR 125 will be the subject of a separate Program EIR process, but it is a real element of the overall project and is discussed per alternative given the information we have to date.

58. Comment noted.

59. Details on the locations and sizing of comprising areas is not currently available.

(60) direct habitat loss? For a completely adequate assessment of this project's impacts to each species, these impacts should be discussed.

(61) Why aren't indirect impacts discussed for waterfowl and fish in Otay Lakes? Couldn't an important recreational fishery be impacted by this project? Otay Lakes are an important open water habitat for many waterfowl. What would be the regional signficance of impacts to waterfowl and to the Pacific Coast Flyway by impacts to Otay Lakes?

(62) Section 3.3.3 Proposed Mitigation states that "Mitigation may be ...restoration or enhancement or may call for redesign where mitigation is not feasible." This statement implies that project redesign is not mitigation, yet it is used as a mitigation measure for nearly every species and habitat type on the project. Isn't project redesign the same thing as avoiding impacts by reducing acreage in development? Is avoidance considered a mitigation measure under CEQA, State Endangered Species Act, or Federal Endangered Species Act?

(63) The results and analysis leave out data which I need to determine the adequcy of the mitigation measures. The mitigation is based on incomplete information about occurrence on the site and then the measures are based on a few unfinished transplantation studies for the plants. Mitigation for wildlife consist mostly of more studies although a few good ideas are presented. Is this adequate?

(64) Under these acts avoidance shall be considered first before mitigation measures are considered. Given the acreage of the project couldn't avoidance have been considered first? Larger blocks of natural areas lead to levels of impacts below signficance and better, manageable preserves.

(65) Why is there inadequate acreage left in this plan for restoration and enhancement? Why does this plan and none of the other alternatives meet the goals and objectives of the RMP? How can the RMP be analyzed for adequacy if it is still "...undergoing review, and portions could be changed"? Because the project does not meet the RMP objectives I saw little reason to spend too much of the limited review time on it.

(66) Instead of impacting corridors by cutting them off by roads, couldn't there be structures placed to facilitate continued use of the corridor? Why isn't this discussed in the mitigation section of the DEIR?

(67) Why is East Orange Avenue directly down Poggi Canyon? Can't this road be moved out of the Canyon? The integrity of the canyon as habitat and a connection to other habitats is lost with the road in the canyon. Where is this addressed in the DEIR?

(68) If the vernal pools are unmitigatable then how can the vernal pool's sensitive plants be mitigated by restoring pools? Isn't there enough degraded vernal pool habitat to restoreto a level below significance? If not, then how are the vernal pool sensitive plants goint to be mitigated in these areas? What is the acreage of intact vs. restorable vernal pools? What is the condition of the restorable vernal pools? Depending on condition, some pools may never return to a pool habitat.

(69) Over 160 acres of wetlands will be impacted but no mitigation is given. Has the project considered that both the state and the U.S. have a no-net-loss to wetlands policy? How can this be ignored?

(70) How will species be mitigated by restoration and transplantation of not enough habitat is left to restore? Will the remaining restorable habitat look like a botanical garden

LO.11-16

60. Refer to text changes in the Final Program EIR which discuss indirect impacts to sensitive wildlife (see Sections 3.3.2.4 and 3.3.3 and Tables 3.3-7, 4.2.4-5, 4.7.4-3 and 4.9.4-2).

61. Refer to response number 6 in letter from the City of San Diego, 9/14/92.

62. Major redesign is equivalent to avoidance. However, minor redesign at the SPA level is a condition for approval and thus is considered a mitigation measure. Redesign may be used as a mitigation measure under CEQA.

63. Refer to response number 25 in letter from California Native Plant Society, 10/6/92. Given the size of the project, and the length of buildout, the number of sensitive species and the general lack of regional information on many of the sensitive species, ongoing studies is an essential requirement to making decisions on the overall development. Significant new information can alter SPA level designs. Ongoing studies are required in the Program EIR and in the Resource Management Plan.

Refer to the Final Program EIR for revisions to sensitive plant and animal mitigation text (see Sections 3.3.3; 4.2.4.2; 4.3.4.2; 4.4.4.2; 4.5.4.2; 4.6.4.2; 4.7.4.2; 4.9.4.2; and Tables 3.3-7; 4.2.4-5; 4.7.4-3; and 4.9.4-2).

64. The New Town Plan clearly does not avoid key resource areas and, as such, incurs significant impacts, many of which are unmitigable without major redesign. In the context of the draft Program EIR, major redesign constitutes a different alternative, thus, specifics on major redesign are not pursued. Rather, a different alternative is considered altogether and analyzed. The intent of the other alternatives to avoid and minimize impacts is evaluated in the draft Program EIR.

65. The Phase I RMP is to be approved as part of the General Development Plan (GDP). The objectives and policies of the RMP have been incorporated into the GDP and are also evaluated in the Draft Program EIR. Refer to response number 1 of letter from the South County Environmental Working Group 9/13/92.

66. Impacts to corridors and wildlife movement are not mitigable under the New Town Plan. However, requirements to reduce impacts to a level below significance will be included in the Final Program EIR (see Section 3.3.3). Also, see changes to text in Sections 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, and 4.9.4.2 which gives more specific corridor mitigation requirements for those alternatives.

67. Recommendations concerning Orange Avenue are made in the Draft Program EIR (see Tables 3.3-7, 4.2.4-5, 4.9.4-2).

The Orange Avenue alignment was chosen to minimize impacts to the last of already limited coastal sage scrub and maritime sage scrub habitat in Poggi Canyon. The

alignment was specifically drawn to run through disturbed habitat and avoid direct effects to scrub.

68. The analysis of significance Section 3.3.4 for the New Town Plan in the Draft Program EIR indicates that impacts to vernal pool habitat and the sensitive plant species occurring in vernal pools are significant and unmitigable. Mitigation in Table 3.3-11 includes redesign of the project and restoration of vernal pools. Refer to Table 3.3-6 for acreage of intact vernal pool habitat and Table 3.3-9 for acreage of restorable vernal pool habitat. Vernal pool restoration shall be focused in areas that have been physically disturbed by roads, scraping, overgrazing, etc. but for which basins are still evident. Refer to text changes in Section 3.3.3 of the Final Program EIR.

69. Refer to text changes in Section 3.3.3 of the Final Program EIR regarding wetlands mitigation.

70. Refer to text changes in Section 3.3.3 for guidelines for sensitive plant species mitigation. Refer to Figure 3.3-7 of the Final Program EIR for areas of clay soils within disturbed habitats. Micro-sites within these areas will be identified during the experimental phase of the mitigation program for their suitability for restoration and transplantation of sensitive plant species specific to clay soil.

because all of the plant species are being planted into one or two places? Will restoration correspond to habitat these sensitive plants came from?

(71) Thirty-seven wildlife species are listed as potentially signficant. The DEIR and the tables say that no information is available on the numbers and distribution of these species on the project. Yet,no explanation is given for the DEIR statement, page 3.3-139, that impacts are not signficant to these species. How is this latter statement reconciled with the data given in tables and prior text?

(72) Who is going to pay for all the additional studies listed in the DEIR, the RMP, and elsewhere so we know what exists on the property and in what abundances? I quickly added up the cost of some of these projects and I believe if done properly they would amount to approximately $300,000. How much will each of the studies cost and what will be their design? Management of the three U.S. Fish and Wildlife Service Refuges in southern coastal California cost approximately $250,000 annually. Who will pay for the cost of running a larger and much more diverse preserve on Otay Ranch for perpetuity? How much will trained personnel cost? And finally, how much will it cost to run; monitoring programs, restoration projects, exotics control, wildlife damage control, fire management, and other programs?

These figures are available and should be addressed. I am concerned that the project analyst isn't knowledgable about these costs and has not estimated the amount of money "saved" by a better preserve design. Management and study costs will be larger with the poorly designed preserve now proposed.

LO.11-18

I support the concept that our communities can plan and preserve habitat to preclude listing species as endangered. The DEIR states this was the intent of the City of Chula Vista and The County of San Diego, too. This concept is the heart of California's Natural Community Conservation Plan or NCCP. Part of the vision I anticipated for this project was the accomplishment of a Natural Areas Preserve that is biologically driven. Preserves are better than RPO guidelines and should take RPO's place. Wasn't this the intect of the project? Why wasn't a viable and implementable preserve in the DEIR? This project is the City of San Diego's MSHCP and the NCCP's opportunity to obtain a preserve in this extremely valuable biological resource area. Unfortunandly, the Otay Ranch preserve does not do this mainly because there is no guarantee that a preserve will be set aside with the passage of this EIR.

(73) If the data needed to assess impacts isn't collected until the SPA level and then only for the SPA project boundaries, how is the preserve going to be assessed for its adequacy to protect all the species and habitats? How can analysis at the first SPA address project-level issues such as; preserve design, management, and implementation, corridors, far-ranging species, large populations, widely dispursed species, and infrastructure impacts.

What solid evidence guarantees the existance of the preserve when the EIR is passed? Why isn't the guarantee of a preserve and the structure to implement it addressed with this DEIR? Do we have enough biological information to create the basic outline of the preserve and its connections? If we preserve large connected blocks of habitat we should preserve biodiversity and ecosystem functioning into perpetuity with little management. Quality environment not withstanding, this preserve would satisfy CEQA, be cheaper and easier to manage and would guarantee that the project would not be hassled with new listings and new regulations that are currently unforseen.

(74) How will the project address species which will be listed during phasing of the project? Doesn't the DEIR have to address reasonable scenarios in its evaluation? There is

71. Comment noted. Refer to revisions in text of Final Program EIR (see Sections 3.3.4, 4.2.4.3, 4.3.4.4, 4.4.4.3, 4.5.4.3, 4.6.4.3, 4.7.4.3, and 4.9.4.3).

72. The cost of ongoing studies associated with the RMP and for each required SPA level resource study will be borne by the project proponent. The costs associated with managing the preserve are addressed in Policy 5 of the RMP and would be completed as part of the Phase 2 RMP.

73. The relationship of the EIR to the MSCP and NCCP processes is discussed in comment 2 of letter from the United States Fish and Wildlife Service, 10/8/92. The RMP must be approved along with the General Development Plan (GDP). The GDP contains all the policies of the RMP. The Program EIR also contains the policies and sets standards whereby conditions of project approval may be assigned which would protect natural resources onsite. The ultimate configuration of natural open space will be dictated by the alternative or alternative mix approved by decision making bodies, the final RMP, conditions of approval placed on the project, ongoing SPA resource studies and RMP required studies, as well as NCCP and MSCP determinations, and changes in the status of priority one federal candidate species.

also a good chance that Otay Ranch may have much remaining habitat on the coastal plain in southern California by the time the last SPA is proposed. Phasing of this project over the next 30 years, with rate of coastal sage scrub that is being developed, could leave the last SPA with listing processes for many species that are common on the Ranch. If these species remain common how will this be handled? (74)

What about species that could be listed in the next five years? Could the preserve be designed so that ecosystem functioning will remain and therefore species will be protected into perpetuity? Couldn't this be another added incentive to preserve large blocks of easily managed spaces? (75)

As I mentioned earlier my comments to the RMP will be brief. My intent for the Preserve was best stated by Dr. Pat Halpin from the University of Virginia. She says, "I try to promote the highest level of ecosystem resilience-trying not to fragment habitat so that species can move, providing travel corridors, altitudinal variation, different soil types. We should change our philosophy [on nature preserves] from that of static museums of present species to dynamic arenas of biodiversity." Shouldn't this be the driving force behind the RMP?

The RMP states the goals and policies of habitat preservation and enhancement for the project. Doesn't it also need to state finances and implementation? Can the DEIR be certified with conceptual ideas and without language stating how the project will implement and assure mitigation, monitoring, and Preserve establishment? Doesn't the DEIR need to address subjects such as a timeline of completion? What happens if the development is completed but Preserve is not? Wouldn't seperate bonds for each SPA and one for the preserve guarantee successful completion of these issues? (76)

Policy 9.6 in the RMP is a good idea. The RMP needs to establish a procedure for amending itself. However, I don't think it is appropriate to entrust that power to political bodies. Why isn't ammendment power given to the Preserve Owner/Manager? How can our political system be entailed with responsibility of managing a preserve and making changes to its management when they lack the expertise? As an aside shouldn't the Preserve Owner/Manager contribute to the details of this RMP before it is completed? After all, they are experts.

The authority becomes especially critical when we next read that Policy 9.7 requires an amendment to add development in the preserve. What will keep the politics of Chula Vista from adding more and more development on the preserve? (77)

I did not have enough time to evaluate this document more closely than I wanted because it appears to have great potential and some serious flaws.

In summary I have three major concerns about the project, first the New Town Plan has too many significant, unmitigated impacts to the environment especially considering the size of the project, second the data collection and analysis is deficient, and thirdly there is no guarantee with the certification of the DEIR that a preserve will ever be implemented.

I had many ideas about what I'd like to see on the project and a map of a preserve design that would work. However, I do not have enough time to review the document for its adequacy and present my own alternatives and suggestions for improvement. I am especially concerned about the methods of implementing the preserve. I have presented some of my ideas at workshops and I wish to have the review period lenthened so I could present them all to the project. I hope this has been helpful and I appreciate the opportunity to comment on the DEIR.

LO.11-19

74. Resource studies and CEQA documentation are required for each SPA. Changes in species status must be addressed at that time (see Policy 9.5 of the RMP). The Draft Program EIR in addressing a large number of sensitive plants and animals attempts to avoid future listing problems. The NCCP and MSCP processes will likewise attempt to minimize future listing problems.

75. See response no. 74. Policy 9.8 of the RMP allows the preserve boundaries to be modified albeit never reduced to accommodate new information on species, habitats, or corridors.

76. The objective of the RMP is stated at the beginning of Section 3.2 of the RMP. It is clearly recognized that funding and conveyance of the preserve are key issues which must be addressed as part of the process. Policy 9.6 states that any amendment to the RMP is subject to CEQA and thus public review. Any amendment is also subject to review by the resource agencies and the Preserve Owner/Manager.

77. Refer to response number 76 in this letter.

Sincerely,

Nancy Nicolai
Ecologist
South County Environmental Working Group
364 Elkwood Avenue
Imperial Beach, CA 91932

LO.11-20

RECEIVED

OCT 12 1992

PLANNING

HELIX LAND CO., LTD.
T. G. LAMBRON INC., GENERAL PARTNER
THEODORE G. LAMBRON, PRESIDENT
P.O. BOX 15463
SAN DIEGO, CALIFORNIA 92115-0463
(619) 583-1220

October 10, 1992

Douglas D. Reid, Environmental Review Coordinator
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Re: Otay Ranch Draft Progam Environmental Impact Report (D.E.I.R.)

Dear Mr. Reid:

LO.12-1

Thank you for the opportunity to comment on the Otay Ranch D.E.I.R. The above captioned limited partnership, (Helix), is the owner of some 480 acres located south of lower Otay Reservoir and is surrounded on three sides by the Otay Ranch. Our property has been discussed at some of the Otay Ranch's public hearings.

We have reviewed the D.E.I.R. and have the following comments:

While we understand that our property is not being covered under this D.E.I.R. any of the proposed land use plans will have a significant impact upon the future of the Helix property. This is especially true in our case as the Helix property is the only privately held neighboring to the Otay Ranch parcel with legal access located south of the lower Otay Reservoir which is partially surrounded by the Otay Ranch. (1)

Our basic concerns cover the availability of access and public utilities to our property under any scenario. The geographic and ownership restrictions of all the properties neighboring the Helix property require that the only available avenue for access and public utilities must come from the direction of the Otay Ranch to our property. These issues relate to the areas south of the lower Otay Reservoir owned both by the Otay Ranch and Helix. In this specific case one cannot effectively discuss the environmental impacts without including some analysis of the impacts on the Helix property.

It therefore appears that some inclusion of these issues be addressed somewhere in the D.E.I.R. .

Yours truly,

THEODORE G. LAMBRON

HELIX LAND CO., LTD.
THEODORE G. LAMBRON
OCTOBER 10, 1992

1. Comment noted. The Helix property, located to the south of the San Ysidro parcel of Otay Ranch, is accessed through the Otay Ranch property. This parcel would continue to be accessed through the Otay Ranch property under any of the alternative development scenarios for Otay Ranch. Several of these scenarios leave the portion of Otay Ranch immediately south of Lower Otay Lake in undeveloped open space. In this case, access to the Helix property would continue as is without any changes. If the Otay Ranch property were developed under one of the alternative scenarios that calls for residential development south of Lower Otay Lake, then access to the Helix property would occur via the roads developed to provide access to the Otay Ranch residences. The specifics of this access would need to be negotiated with the project applicant at the time that the proposed circulation in this area is designed.

URBAN SYSTEMS ASSOCIATES, INC.
transportation planning & traffic engineering
consultants to business and government

4540 Kearny Villa Road, Suite 1
San Diego, CA 92123-15
(619) 560-1911 telepho...
(619) 560-9734 facsimile

October 6, 1992

OCT - 6

Mr. Doug Reid
Environmental Review Coordinator
CITY OF CHULA VISTA
276 Fourth Avenue
Chula Vista, CA 92010

Dear Doug:

Thank you for providing the Otay Ranch Draft EIR (DEIR) for public review and comment. As you know we are the traffic consultant for the Baldwin Company and in that capacity we would like to offer the following comments. Overall the DEIR was thorough and complete however, we would like to emphasize the following items.

LO.13-1

On page 3.10-7, Impact Analysis Section, there are references to Appendix B which discusses methodologies, thresnold standards, etc. Since most citizens do not obtain or review appendices, we would recommend that the following short supplement to the summary of Appendix B (Paragraph 2, page 3.10-7) be included in the impact analysis section of the final EIR.

(1) "Trip Reduction Strategies include the promotion of travel by public transit, promotion of ridesharing, careful land use planning in order to reduce the need for auto trips and the encouragement of bicycle and pedestrian travel. Within communities the use of golf carts for short trips is also proposed. Other development strategies to reduce or control trip making include appropriate parking standards, road design standards and incentives along with design guidelines and design review procedures. Transit is strongly encouraged by providing transit corridors and facilities in each village core, the provision of light rail transit and bus facilities as appropriate. One of the most important tools to control project traffic impacts and assure appropriate and adequate facilities are available concurrent with need is the phasing of transportation improvements. Phasing along with this General Development Plan and subsequent Specific Plans, Tentative Subdivision Maps, Final Subdivision Maps, Building Permits, and ultimately Occupancy permits assure absolute control over what transportation facilities will be built when and where. Mitigation of project impacts will therefor be assured."

(2) On page 3.10-12, first paragraph, Comparative Analysis of Impacts, the DEIR appropriately states that "at this program level of review, the definition of project-only impacts is not provided..." We would suggest that the statement be explained by inserting the following language in the final EIR.

URBAN SYSTEMS ASSOCIATES, INC.
ANDREW P. SCHLAEFLI
OCTOBER 6, 1992

1. The text has been revised as requested. Refer to Section 3.10.1 of Final Program EIR.

(2) "Project level impacts are impossible to fully identify and address at this stage of development of the new town plan because of uncertainty relating to what ultimate street system is approved for the area. For example, will 125 be a freeway or a toll facility? Will there be 2, 3 or 4 river crossings? These major circulation issues significantly impact trips through the project area consequently project level impacts can not be adequately identified at this time. During subsequent planning efforts and preparation of subarea plans, these issues can be quantified and mitigated."

On page 3.10-23, second paragraph, mitigation measures are alluded to but not specifically mentioned. We would suggest that the final EIR include the following statement to further explain or at least identify some of these mitigation measures.

(3) "The plans for Otay Ranch provide a comprehensive, efficient and safe system for a variety of transportation modes. Automobile oriented improvements do not entirely define the scope of these improvements. Rather, they are just one element of an integrated mobility system which includes bus, fixed guideway transit, carts, bicycles, pedestrian ways and trails all linked to minimize or avoid automobile travel."

Page 4.9.11-16 generally describes Project Specific Mitigation Measures however, the main tools included in the plan which assure mitigation are phasing and the development process which in itself assures careful, incremental review and approval of projects. We would recommend the discussion be expanded to include the following in the final EIR.

"This traffic analysis is oriented toward future traffic conditions at the full buildout of the project. However, buildout will occur over a number of years and it will be necessary to provide an adequate transportation system for interim periods of development. The following paragraphs describe recommendations to deal with the phasing of development and transportation improvements.

(4) Primary regional transportation facilities which impact the project area are SR-125 and regional transit service (light rail or express bus). With these regional transportation facilities in place, it will be feasible to implement any major portion of development. If some of the development is proposed to occur before regional transportation facilities are implemented, project phasing will require that a local transportation traffic phasing analysis be conducted to identify alternative transportation mitigation measures which may be necessary.

Additional traffic analyses will be conducted to determine appropriate phasing of transportation improvements as interim phases of project development occur. As documented by the Transportation Phasing Plan (TPP) developed by Chula Vista for the Eastern Territories area, trip patterns and traffic impacts may change significantly in the course of project development. Thus, it will be important to

LO.13-2

2. The text has been revised as requested. Refer to Section 3.10 of Final Program EIR.

3. The text has been revised as requested. Refer to Section 3.10 of Final Program EIR.

adequately assess the impacts of the Otay Ranch project at various phases of development. This will require the development of a comprehensive transportation phasing program which would be coordinated with each phase of the land use development. This Otay Ranch Transportation Phasing Program will be coordinated with the ECV TPP conducted by the City of Chula Vista. The development and implementation of each SPA or village will receive a site-specific traffic impact evaluation to identify the potential impacts to the current transportation network and recommend appropriate mitigation to maintain high quality service on the local system."

(4)

Thank you for the opportunity to comment on the DEIR. We look forward to the completion of a Final EIR and hearings on this important project.

LO.13-3

Sincerely,

Andrew P. Schlaefli
Vice President

APS/vks

cc: Greg Smith
Steve Doyle

4. The text has been revised as requested. Refer to Section 4.9.11 of Final Program EIR.

RECEIVED
OCT - 8 1992
PLANNING

INDWELLER

INfrastructure Dealing with Waste WELL Earth Restoration
a non-profit mutual benefit corporation
October 8, 1992

RE: OTAY RANCH DEIR, CITY OF CHULA VISTA EIR-90-01, COUNTY OF SAN DIEGO
LOG NO. 89-14-98, SCH NO. 89010154

LO.14-1

LOCAL LAND USE POLICES: Background

The General Plan Update (1989) Subsection 3.7 "Conversion of Agricultural Lands," notes the importance of such agricultural parcels: CEQA Appendix G. states that no mitigation measures are available which could reduce this impact to a level of less than significant. According to the Conservation Element of the General Plan (p. 64), "farming activities in the vicinity of urban areas must be viewed as interim uses."

ACTION: DEIR, AGRICULTURE MITIGATION

From an environmental and economic perspective in the field of Agroecology and Organic Waste Recycling, it is the position of this corporation for the mutual benefit of the public to amend the Chula Vista General Plan to reflect comprehensive planning for mitigating loss of prime agricultural land.
The aggressive approach to Integrated Waste Management (AB 939, the Integrated Waste Management Act, 1989) would be to amend now the Chula Vista General Plan in these areas:
1. The Conservation Element of the General Plan should be revised to state that farming activities in the vicinity of urban areas must be viewed as essential uses for recycling organic and promote direct farm marketing. (1)
2. The Agriculture Element of the General Plan should reflect the intent of the AB939 element for composting (Farm Co-composting).
3. Sustainability of an economic tax base utilizing public resources can provide funding for resource management needs with the production of horticultural end-products.
4. Mitigation measures could include, but are not limited to: the transfer of lands or impact fees into a Public Resource Management Fund or Waste Management Fund which are dedicated for improvements in Agroecology, Parks and Recreation, and Open Space to develop an Infrastructure to meet the demands of organic recycling, and composting of the green waste stream that augments the Chula Vista and the County Source Reduction and Recycling Element required by AB939

General Development Plans for the City of Chula Vista and Subregional Plans for the County for the Otay Ranch Project should be prepared and processed to correlate Integrated Waste Management Plans and the Resource Management Plans as mitigation measures. Specific Plan Areas with Integrated Solid Waste Management Facilities/Water Facilities/ Parks and Recreation Facilities are identified and reserved including consideration of areas adjacent to public schools and other public lands where co-location is feasible and desirable. (2) Included but not limited to the planning process are: 1. Equipment needs. 2. Alternative financing. 3. Ability to provide facilities in conjunction with infrastructure demonstrated. 4. Design Criteria for land adjacent. 5. Alternative maintenance entities and funding identified (remediation included). 6. Sites for special purposes.

1433 Nacion Avenue, Chula Vista, CA 91911-5513
PHONE (619) 422-1145 FAX

1. The comment letter does not address the adequacy of the EIR. The proposed amendments to the City of Chula Vista's General Plan with regard to the mitigation of the loss of prime agricultural land are beyond the scope of the Otay Ranch Program EIR. No additional response can be made.

2. Mitigation in the Draft Program EIR for the Otay Ranch project requires the preparation of an Integrated Waste Management Plan in coordination with the City of Chula Vista and the County of San Diego. A Resource Management Plan is incorporated as a component of the GDP/Subregional Plan. The identification and reservation of land for the specific facilities listed in comment number 2 will occur at the SPA Plan level.

INfrastructure Dealing

with

WASTE

WELL

Earth Restoration

INDWELLER

MISSION STATEMENT

LO.14-2

Provide resource recovery through an infrastructural system of public facilities;

Support the facilities through a network of Recyclers;

Develop Secondary Material Resources to feedstock the Agroecology Industry and Green Businesses;

Educate the public with the Interpretive Infrastructure and network of facilities;

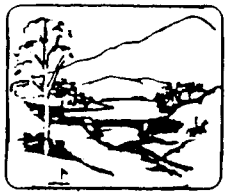
Maintain the research and development for Ecopreneuring; and

Promote recycling products and services to benefit us all.

INDWELLER is a Registered Service Mark, [illegible]

1433 Nacion Avenue, Chula Vista, CA 91911-5513
PHONE (619) 422-1145 FAX

SWEETWATER



Community
Planning
Group

OCT

SWEETWATER COMMUNITY PLANNING GROUP
JOHN HAMMOND
OCTOBER 12, 1992

12 October 1992

To: Douglas D. Reid
Environmental Review Coordinator
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Subj: Draft Environmental Impact Report (DEIR) on the Otay Ranch General Development Plan and Subregional Plan.
EIR-90-01 (City of Chula Vista)
Log # 89-14-98 (County of San Diego)
SCH # 89010154 (State of California)

From: Sweetwater Community Planning Group

LO.15-1

The Sweetwater Community Planning Group (SCPG) is taking this opportunity to make preliminary comments on the subject draft EIR. As was pointed out by ourselves and many others at the joint City/County Planning commission meeting on 16 September, 1992, this DEIR is of such magnitude and potential impact on the region, the limited review period will raise many doubts in the future of the processing of this project as to whether the public had a sufficient opportunity to study and prepare a proper response as provided under the CEQA statutes.

(1) The SCPG takes issue with the total disregard for the quality of life in the Sweetwater Valley area. The Otay Ranch project relies on the external infrastructure of inadequate circulation roads as provided in the County Circulation Element as though these can be upgraded without significant impact on the communities in which they lie. Subsequent planning documents suggest that the impact on the Sweetwater Planning area would be no less that having a 6 lane freeway right through several of the proposed "villages". The Otay Ranch project assumes that the SR 125 project will be in place and that the driving forces for SR 125 are exclusive of Otay Ranch. This assumption cannot be supported. By itself, the Otay Ranch Project would require a facility the size of the proposed initial SR-125 Tollway (6 lanes built, 10 lanes ROW reserved) considering the current environmental regulations. There is also a significant omission of discussion of the need for a similar facility connecting the project directly westerly to I-805 and I-5. This is an indictment of the poor and inadequate circulation planning on the part of Chula Vista. The nearest east/west

P.O. Box 460, Bonita, California 91908-0460

1. The traffic analysis conducted for the City of Chula Vista General Plan identified all the roadways, including SR-125, necessary to service development of the Otay River parcel under the Eastern Territories Plan. By basing the Otay Ranch circulation plan on the City of Chula Vista roadway network, rather than the County Circulation Element, it was assumed that the roadway network could generally accommodate project and cumulative traffic volumes. It is acknowledged that for the two eastern parcels the County Circulation Element may not have anticipated the level of development proposed for the Otay River parcel, however, roadway classification upgrades proposed as mitigation in the Program EIR would eliminate the impact.

(1) (SR-54) facilities are significant distances north of the project and will be inadequate for the projected load.

(2) The DEIR addresses the additional traffic generated by this project on Bonita Road east of Otay Lakes Road. In the recent regional traffic study (joint with County and City), the I-805 Bonita Road junction was found to have LOS E/F and that any further significant increase in load would require a complete reconfiguration into a full "Urban Interchange" and consideration given to separate access for the Plaza Bonita Shopping Center. This is not discussed nor mitigated.

(3) The Otay Ranch Project presumes that the Otay Reservoir is an asset that they should maximize use of. This lake is one of very few fresh water facilities in dry and arid San Diego County. It currently provides recreational activities for the region. To allow a commercial interest to develop adjacent to the lake as a "destination resort" will serve to deny access to the people who currently enjoy the idyllic environment.

(4) A buffer zone of a least one-quarter mile should be provided around the lake in which no development can occur. In addition, development close in endangers the precious potable water storage facility through over-ground sheet flow of pollutants from pesticides, fertilizers and contaminants for motor vehicles to name a few and the very real threat of contamination with raw sewerage due to pump or pipe failure. There should be a development policy that all ground water and sewerage from any development should be conveyed by gravity facilities around the reservoir.

John Hammond
Chairperson

cc: San Diego County Board of Supervisors
San Diego County Planning Commission
Chula Vista City Council
State Clearing House

L.O.15-2

2. The section of Bonita Road from I-805 east to its connection to Central Avenue will experience an increase in traffic volumes as a result of the implementation of the Otay Ranch Project and the provision of a connection to the Otay Mesa via the extension of Otay Lakes Road/La Media Road. The increased traffic volumes, as projected under buildout conditions, requires the upgrade of the classification of this facility from its current four-lane major classification to a six-lane prime classification. The increased traffic demand at the interchange of I-805/Bonita Road requires a modification to the existing interchange configuration to increase its capacity and to accommodate the increased traffic volume while maintaining acceptable levels of service. The concept of providing separate access to the Plaza Bonita Shopping Center as a part of the upgrading of the I-805/Bonita Road interchange could also be reanalyzed for incorporation into the overall interchange modification project.

   The timing for improving any roadway or interchange improvement project along this segment of Bonita Road would be based on the analysis of project and cumulative impacts to be analyzed under subsequent environmental review, which will occur as each part of the Otay Ranch Project is processed by the City of Chula Vista or the County of San Diego. Thus, as a condition for development of individual phases of the Otay Ranch Project, it will be necessary for the developer to either construct the improvements required to upgrade this facility, or to contribute on a fair share basis to provide funding for the construction of these improvements.

3. The Draft Program EIR discusses the impacts that Otay Ranch may have on the lake in several different contexts. The Otay Lakes, as an important public land use, are described originally in Section 3.1.1.2. They are also discussed as visual resources in Sections 3.2.1.1 and 3.2.1.3, and as recreational resources in Section 3.13.9. Impacts are also discussed in the appropriate sections of each of the project alternatives. Although a 0.25-mile buffer is not required specifically as mitigation, other measures include the development of specific setbacks from Lower Otay Lake at the SPA level, grading guidelines for development in proximity to the lake, the reduction of building heights near the lakeshore, and the rehabilitation of the abandoned Otay Lakes Road alignment as a pedestrian and bicycle access to the lake (Section 3.2.3). The loss of waterfowl hunting on the lake is listed, however, as a significant, unmitigable impact of the project (Section 3.13.9.2).

4. There is no regulatory requirement to buffer the lakes; however, there is a regulatory requirement that development cannot degrade existing beneficial uses (in this case, potable water, recreation and fishing). A narrow, undeveloped area between Otay Lakes Road and the reservoir corresponds to the City of San Diego ownership boundaries. In addition, as noted in the Draft Program EIR, the project has proposed an Urban Runoff/Reservoir Protection System (Baldwin Vista 1991) to achieve the regulatory standards on water quality. The system will be implemented during the SPA Plan phase and prior to upgradient development.

Pacific Southwest Biological Services, Inc.

Post Office Box 985, National City, California 91951-0985 • (619) 477-5333 • FAX (619) 477-1245

OCT - 6

6 October 1992

Otay Ranch Project Planning Office
Environmental Review Coordinator
315 Fourth Avenue, Suite A
Chula Vista CA 91910

Dear Mr. Reid:

Re: EIR 90-01
Log # 89-14-98
SCH # 89010154

(1) I have reviewed the draft EIR and appendices for the Otay Ranch project. The document is well organized and I found it to reflect accurately the understanding I have regarding the biological resources in the region. As you know, I was the original vernal survey biologist in the area and have been involved with many biological assessments in the project area for clients other than the project proponent.

(2) Of the several on-site alternatives analyzed in the document, it is my opinion that either the Fourth Alternative or the Project Team Alternative would be feasible plans to approve since they have equivalent, acceptable biological impacts. The Environmental Alternative is also a desirable alternative but I do not think it is a feasible alternative unless acquisition of proposed open space is funded by a conservation agency to compensate for lost, developable acreage.

(3) Table 4.10-1 is extremely useful in comparing the on-site alternatives. What would be of greater value there, however, is having relative quantitative impact values given rather than just significant or non-significant notations. This use of values was done in several of the biological impact assessment and this allows a much greater confidence in understanding the relative impacts. Using significance thresholds does not prove very useful in evaluating relative impacts.

(4) I was very interested to see the off-site alternative assessments. Unlike most "paper tiger" approaches, these appear to have some credibility. Unfortunately several of our survey projects occur in these sites and the level of planning in the alternative analysis conflicts with what our clients have proposed for their land. I don't think they would be pleased to have planners suggest land uses for their sites. I realize these are preliminary analyses but too often these documents are used out of context. This is something to consider in the future.

Congratulations on accomplishing the draft EIR effort. It has been a epic effort and all the facts seem to be out on the table for review.

Sincerely,

K. Mitchel Beauchamp
President

mdp/OTAYRNCH.

LO.16-1

PACIFIC SOUTHWEST BIOLOGICAL SERVICES, INC.
MITCHEL BEAUCHAMP
OCTOBER 6, 1992

1. Comment noted.

2. Comment noted.

3. Comment noted.

4. Comment noted.

GPA 90-04
Fwd'g, =
Brand, III

MOUNTAIN DEFENSE LEAGUE

P.O. Box 2267, San Diego, CA 92112
(619) 298-3738

October 6, 1992

RECEIVED
OCT 06 1992
San Diego County
DEPT. OF PLANNING & LAND USE

TO: COUNTY OF SAN DIEGO
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

FROM: THE MOUNTAIN DEFENSE LEAGUE
P.O. Box 2267
San Diego, CA 92112

SUBJECT: Review of the PDEIR Prepared for the Otay Ranch General Development Plan and Other Related Actions, County of San Diego Log # 89-14-98, State of California Clearing House # 89010154

LO.17-1

The Mountain Defense League (MDL) has only been able to briefly review the above cited document. Owing to the size of the PDEIR and the very short Public Review Period allowed for evaluation of such an ambitious project it appears that our comments will be limited only to its most obvious shortcomings. We wonder why sufficient review time (we believe that three to six months are warranted) was not allotted for adequate Public study.

(1) It would be helpful if an Economic Justification Analysis were included at the beginning of the PDEIR. This project is in effect a "new city" and given that the County and its Cities are in a severe economic depression, with no end in sight, just who well have need of these new homes? Who will be able to afford them? Just because land is owened and can be developed is no rationale for doing it at this time. A real need should be demonstrated before approvals are given. Nebulous projections by a development oriented public agency do not constitute "real time needs."

(2) The MDL notes that almost every issue presented ends with the conclusion that the Impacts Will be Significant and Not Mitigable. Our summation is that the proposed project is not a good project and hence should not be approved. In fact, it appears that there can be no valid overiding considerations by which this project could be approved. The totality of the impacts will be overwhelming to existing infrastructure, existing communities, and natural environmental resources.

MOUNTAIN DEFENSE LEAGUE
RICHARD M. GADLER
OCTOBER 6, 1992

1. Comment noted. In accordance with CEQA §15121, the purpose of a Program EIR is to provide information to the decisionmakers on the environmental consequences of a proposed project. Economic feasibility and justification is not an appropriate topic for discussion in an EIR. As a note, the Service/Revenue Plan (described in Section 2.5.6 of the Final Program EIR) will be prepared prior to SPA plan submittal and will identify the costs of maintaining and operating all public services affected by Otay Ranch. Capital costs of infrastucture extensions and upgrades will be evaluated at the SPA level. Refer to response letter from City of San Diego Water Utilities Department (dated October 25, 1991).

2. Comment noted. The Draft Program EIR acknowledges that the proposed New Town Plan would result in significant and unmitigated impacts at this level of analysis. Consequently, several alternatives to the proposed project were evaluated in an attempt to reduce the significant effects of the proposed project. Through this process, the County and City have recommended adoption of the Mitigated Phase II-Progress Plan that effectively reduces or eliminates many of the impacts of the New Town Plan. Once additional project information is available, some of the significant impacts could be avoided through sensitive SPA Plan design. A CEQA evaluation of the SPA Plans in the future would disclose the actual impacts of site development.

Who will underwrite the costs of new freeways and arterials needed to handle ADT of 50,000 households (500,000 trips)? What effects will these new roads serving the project have on the environment? These impacts must be included as part of the project scene. Who will pay for the extension of water, power and sewer lines, the existing rate payers? Will rates go up for present users to finance the new connections? Who will build new schools? A wholly new district will be formed, it appears. Will new home purchasers there be saddled with onerous Mello-Roos Special District taxes? The adverse effects of these tax programs used in similar developments elsewhere should be included as a determinant of whether new school construction is even feasible or not, given the high cost of new homes and especially since the State has no money for new school construction. Bond Issue money is in a serious shortfall status for already approved new schools. These are serious omissions; as are the following.

(3)

LO.17-2

Three issues stand out for their lack of adequate discussion in the PDEIR. These are Cumulative Effects, Community Character and Growth Inducement. The three in this instance are somewhat interelated. The document treats them as if they were effects of just another 250 unit subdivision, which it is is not.

The proposed project is a frontier project in a sense, and will introduce urbanization into a rural, largely vacant region. There are many large land holdings between the project site and the County's east border as well as down to the border with Mexico. It is these areas that will next be proposed for development. The problem therefore is regional in scope. Sewer and water mains can easily be extended from the project area to as far as they will be needed. The PDEIR vaguely alludes to the fact that the project will be growth inducing, but gives little data on the problem. The discussion should quantify all private holdings to the south, east and north of the site and present the carrying capacity of each under the same density as the proposed project. Needs for roads, schools and other infrastructure should be qualified and quantified as well as their costs in real dollars. It is just possible that this and following projects may be unaffordable in the long run. Impacts to natural environmental resources should be identified and discussed, as well. The issues of Community Character, and Cumulative Impacts must also be discussed on a regional basis. Certainly, their effects on the surrounding communities ought to be probed and discussed. How do the other jurisdictions and agencies view this project? It would be instructive to know. We do not believe that everyone has a sanguine feeling about a project in which the preponderance of major isssues are found to be recommended as significant and not mitigable in the PDEIR. Perhaps a separate document containing public and other agency/ jurisdidction comment and input with response and commentary should be circulated for the public's benefit.

(4)

(5)

3. As discussed in Section 2.5.6 of the Final Program EIR, a two-part Service/Revenue Study will be conducted on the Otay Ranch Project to provide a fiscal (cost/benefit) analysis of providing services and infrastructure to the Project. Both parts of the Service/Revenue Study focus on operational and maintenance costs. Cost estimates for capital improvements will be done primarily at the SPA level.

4. The growth inducement analysis in Section 7 of the final Program EIR has been expanded to quantify the effects of project development. All private landholdings surrounding the Otay Ranch has been proposed for some level of development. More immediately, lands in close proximity are currently undergoing development pressures as recognized in the cumulative impact assessment in Section 6 of the report. In the future, master plans will be developed by the Otay Ranch applicant to evaluate the infrastructure needs and costs of upgrading existing public facilities to service the project. These future studies will account for the cumulative growth and effects on infrastructure in the County's Southbay area.

5. The cumulative impact analysis contained in Section 6 has addressed the overall regional impacts of developing the surrounding projects in conjunction with Otay Ranch GDP/SRP. Refer to comment letters received from the City of San Diego and local unincorporated communities of Spring Valley, Jamul-Dulzura, Valle de Oro, and Sweetwater for discussions on issues that concern the nearby communities and jurisdictions.

6 The dense development of 23,000 plus acres when viewed from the perspective of a map shows that it will have unbelievably signficant effects over a very wide area, perhaps the entire south County, or the State. Given that approximately 200,000 new homes are under construction in Orange County it would be useful to ensure that there will be an adequate water supply for the future for all residents. The document could enlighten us on this, too, as a minimum of 50,000 new households are added to already existing, or in the pipeline projects.

7 Because of its size, complexity, vast impact on infrastructure, surrounding communities, and the natural environment, it is imperative that nothing be done in a hurry to approve this project, and that everything be handled in a manner that will reinforce the public's confidence in the process, procedures, and the decision makers. Too, this is an instance when adherence to the "worst possible case scenario" is fully justified, and must be used.

The MDL appreciates this opportunity to comment. Please keep us informed of any changes in the project, or the PDEIR. Also, kindly notify us of any pending or future actions involving the project. The MDL would also like to commend Ogden Services for a notable effort on a very difficult undertaking.

Sincerely,

Richard M. Gadler

Richard M. Gadler
for The Mountain Defense League

6. Refer to response to San Diego County Water Authority letter and text changes in Section 3.13 that describe the regional water supply situation.

7. Comment noted. A policy-level analysis has been conducted for a wide range of environmental issues in accordance with the Program EIR approach to environmental review. Numerous resource studies have been conducted and several public workshops have been held over the 3-year period Otay Ranch has been undergoing environmental evaluation. The studies and workshops were conducted in an effort by the City and County to fully disclose the effects of the project.

OCT

October 12, 1992

Mr. Douglas Reid
Environmental Review Coordinator
City of Chula Vista
276 Fourth Ave., Suite A
Chula Vista, Ca. 91910

CHAPARRAL GREENS
SUSAN WOLFE-FLEMING
OCTOBER 12, 1992

CHAPARRAL GREEN COMMENTS RE: The Otay Ranch DEIR - content and public review period.

Mr. Reid:

L0.18-1

The Chaparral Greens in East County wish to respond to many areas that are lacking or in question, which we have been able to identify in the short period of review given to us at this point. This is by no means a comprehensive analysis, as we have not been given the time for the in-depth review necessary. We do, however, have a tremendous concern regarding the future of our County.

The unacceptable stricture placed on us (illegitimately) by the City of Chula Vista in the form of restricted opportunity for review of this massive and complex proposal with its attendant General Plan Amendments, RMP, and alternatives has forced us to truncate our study and necessarily reduced the level of detail we are able to provide in our comments. We consider these to be "interim" comments with more to follow.

Our first area of concern is the inadequacy of the public review and comment period allowed for this project. Because of the unusual nature and scope of this project, our group has been requesting at least another 60 days for further work. Our members are all volunteers and have outside jobs, giving us, as average residents, limited time.

We are presented with an unrealistic and ever-changing schedule for review and approval. We have sought, in writing, many times to clarify the responsible agencies and timelines involved and been either ignored or mislead. The confusion surrounding the environmental review of this project is scandalous.

We have two general areas of discussion following; procedures and content.

PROCEDURES

We have experienced a reluctance from the lead agency to respond to us, as the public, with respectful attentiveness during this public input process, and to supply us with answers to our questions and letters. We have been continually criticized for our involvement because we are not residents of Chula Vista. We have offered our comments in good faith at the public hearings, have been represented at most of the workshops and have worked to understand the process before us. There has been mass and misinformation on the part of the City of Chula Vista. Our irritation with the process has been compounded by the insult that we somehow have no business being involved. This message has been made clear on the record at least twice recently. We are involved because Otay Ranch directly affects us in East County. We would even question the appropriateness of the City of Chula Vista in the role of Lead Agency.

CEQA guidelines clearly describe the role of the lead agency and the process by which lead agency should be determined. Our Board of Supervisors has been negligent in their duty to evaluate the criteria by which this should take place. No part of this project is within the City limits or the "sphere of influence" of Chula Vista. We are told that there is, currently no annexation agreement. Further we know of no formal pre-zoning of this property. It appears that the County and the City have both been exceeding the bounds of normal rules and policies, and much without public knowledge. We expect more from our elected officials! We request that the Board rescind the MOU, dated Aug. 1, 1989 and take control of the processing of this project. (1)

In the Existing Conditions Report, Otay Ranch, San Diego, California, dated October 30, 1989, on page 2, we find the following confusing sentence: "The lead co-agency responsible for review of the new town plan is a joint planning project team of the City of Chula Vista and the County of San Diego." We totally reject the idea that the Project Team should, or could, have any legitimate function as a "lead co-agency". The MOU dated August 1, 1989 says nothing about such a "lead co-agency". For the County to abdicate its authority and delegate it to either Chula Vista or the Project Team is outrageous.

The 1989 New Town Plan has been "revised by Ogden, 1992". Show us where changes have been made - specifically. (2)

There has been apparent use of the Interjurisdictional Task Force (IJTF) as a way to push forward an "unripe" proposal. The IJTF (page 2-2) is cited as having "agreed that the city of Chula Vista General Plan would be used as the basis for evaluation of the Otay River parcel of Otay Ranch, and the County of San Diego General Plan would form the basis for evaluation of the Proctor Valley and San Ysidro parcels." There is no basis in county (3)

LO.18-2

1. Comment noted. Refer to response to comment number 2 from the Sweetwater Community Planning Group regarding the lead agency designation and the City/County MOU.

2. For the purposes of the quantitative analysis in the Draft Program EIR, Ogden input the land use plan of the New Town Plan into a computer file (i.e., geographic information system) for analysis of the resource database. Ogden revised the original land use acreages in the New Town Plan (as shown in Table 2.3-1) based on the acreage estimates derived from the computer file. No changes were, made to dwelling unit counts. As a note, this methodology was followed for all project alternatives presented in the EIR.

3. In the case where the impact criteria of the City of Chula Vista and the County differed, the EIR analysis utilized the more strict standards for determining significance. Therefore, although the IJTF agreed to use the Chula Vista General Plan as the basis for evaluation on the Otay River parcel, the County's environmental standards have been preserved.

process for such an agreement entered into by two Supervisors on behalf of the County.

We question whether the City of Chula Vista and the County of San Diego can properly conduct an independent review per CEQA given the recent revelations about loans made to Baldwin Co. and secured (in the County's case) by a note on property within the project boundaries. We know that normal processing procedures in both cases would be to suspend the processing of an application when a developer's deposit account falls in arrears. By what reason and authority do the County and City continue the processing - and the highly irregular loan arrangement?

The City of Chula Vista recently changed City environmental review procedures to give the City Council the authority to close public review of a project. This maneuver was appalling behavior and disingenuous to the Planning Commissioners who were dealing with this project (and doing a fair job of it, whether it has been appropriate for Chula Vista to be Lead Agency or not). The timing of this change of procedures seems obvious to our group; it is a direct response to the Otay Ranch project. It also appears to conform nicely to parameters defined by the Baldwin Co. in the offer of indemnification extended to the City and County. Isn't this an appearance of something like a protection racket?

L.O.18-3

On page 245 of the New Town Plan we are told: "The Eastern Territories Area Plan is an extension of the General Plan elements and should be read in conjunction with them." We are given no opportunity within the DEIR to do so.

Then we are told on page 248: "As part of the GPA process, the land use plans presented in the County's Otay and Jamul/Dulzura Subregional Plans and Chula Vista's Eastern Territories Area Plan will be amended to reflect the land uses proposed by the Otay Ranch New Town Plan."

If we are being told that Baldwin Co. is being given the opportunity to draft their own San Diego County General Plan, we would demand the opportunity to formally participate in a public review of such an action and to object to such an outrage.

We are informed that recent legislation, signed by the Governor, prevents any further annexation efforts anywhere in the State of California. How will this new law effect the Baldwin New Town Plan and any of the other alternatives that require annexation to Chula Vista?

A document was presented by A.J.Lettieri to members of Chula Vista City Council and the Board of Supervisors on July 30, 1992 titled: "1992 Work Program Report". While dates are not indicated, the order suggests that under EIR preparation and

4. As part of the original New Town Plan application, Baldwin Vista Company requested approval of General Plan Amendments for both the City of Chula Vista and the County of San Diego General Plans. The Draft Program EIR has evaluated the proposed project, its alternatives, and the environmental implications of adopting any of the proposed General Plan Amendments.

5. The Draft Program EIR did not consider the impacts of annexation since jurisidictional boundaries have not been determined at this point in time. However, in the future, a supplemental environmental analysis will be prepared evaluating the impacts of annexation for LAFCO's review. At that time, any recent legislation on annexations will be discussed in light of Otay Ranch annexation proposal. Refer to the comment letter from LAFCO in this Final Program EIR.

during and prior to the close of the public review period, the Team will prepare "Findings & MMP" and "Overriding Consider."

How can this be legitimately done until the public comments are in and processed? Any statements of overriding consideration made based on the DEIR will be flawed and subject to challenge.

CONTENT

(7) Our group would like to see the New Town Plan taken back to the drawing board. There is technology and resources which could make a huge difference in this project. The Baldwin Company seems to pride itself on incorporating new ideas which are environmentally valuable (i.e. the preserve system) into its plans but continues to promote the degradation of land which is zoned as agricultural (i.e. grazing on wetlands).???

(8) We want to see the RMP established by the Board of Supervisors before any consideration of the Baldwin plans or alternatives. This is appropriate in advance because the RMP will replace the RPO. The established RMP could then be compared to proposed development alternatives in a meaningful way.

(9) We seek clarification per CEQA section 15125(a) on which species identified by the Ogden studies are rare or unique and how was such a determination made?

(10) With reference to agricultural issues: it is misleading to cite the availability of water at current rates and policies as limiting the agricultural use of the western parcel. This area has been identified as locally and regionally significant agricultural soil. It should be kept available for future use. Policy can change as to pricing and availability of water. Farming methods can change to require less water to grow useful crops. We reject the denigration of the agricultural value of this area.

(11) We believe that by utilizing reasonable and available technology, water issues, sewer and reclamation facilities, energy efficiency, housing, economic sustainability, air quality control and waste considerations could create a real model for our County. Enclosed is a mailing list from the Rocky Mountain Institute, which offers studies and resource materials relating to these issues. We are requesting that in an alternative project format, these ideas be researched and addressed by the Project Team.

(12) There has been a failure to adequately discuss the inconsistencies between the proposed project and applicable general and/or regional plans. The DEIR fails to address impacts of proposed changes to the County General Plan, proposed annexation and associated development.

LO.18-4

6. The candidate findings, mitigation monitoring plan, and statement of overriding considerations were prepared in conjunction with the Program EIR following the close of the public review period and reflect the impacts of adopting the Mitigated Phase II-Progress Plan.

7. Comment noted. No additional response can be made.

8. The County's Resource Protection Ordinance does not apply without a project proposed. Therefore, the RMP must be processed concurrently with the Otay Ranch development proposal and cannot occur independant of the project environmental review process.

9. Refer to Section 15380 in the California Environmental Quality Act which defines rare or endangered species. Refer to Section 3.3.1.5 in the Draft Program EIR for plant and animal species considered sensitive. Plant species treated in the Draft Program EIR include State or Federally listed species and all species included in the California Native Plant Society's Inventory of Rare and Endangered Plants (Smith and Berg 1988). In addition, chaparral pea (*Pickeringia montana* ssp. *tomentosa*) was treated because it is considered a unique plant of this region.

In addressing sensitive animals, Ogden evaluated federal and/or state-listed threatened and endangered species, federal candidate species (USFWS 1991), and California Department of Fish and Game Species of Special Concern (CDFG 1991). In some cases Audubon Blue List species were also addressed (Tate 1986). Appendix A also lists animals species with lower sensitivity which have no formal status (e.g., species which are of concern locally or which are considered Special taxa by the state). These species were included in the list of sensitive species because some of them may gain state or federal status at some point in the future development of the Otay Ranch Project. Except for selected Audubon Blue List species, those species without legislated sensitivity were not discussed within the text of the Draft EIR and only appear in Appendix A. Also refer to the third paragraph of response to comment number 3 in letter from Cindy Burrascano (10/6/92) for a further discussion of species which gain sensitivity status in the future during the buildout of the Otay Ranch Project.
It is important to note that the Otay Ranch Biology Subcommittee dealt with species to be covered in the Program EIR, identified data gaps, and reviewed baseline data for adequacy.

10. Comment noted. It is true that the Otay River parcel contains highly productive agricultural soils for the production of coastal dependent crops (see discussion in Section 3.7.1.2). Information regarding the cost of providing water for agricultural uses and the policies (or lack of policies) which regulate the conversion of agricultural lands to urban uses, is provided for the readers to understand some of the realistic obstacles which may prevent use of the Otay River parcel for the cultivation of irrigated crops. The permanent conversion of this land to nonagricultural uses is regarded as a significant and unmitigable impact of the Otay Ranch Project.

11. Comment noted. The Otay Ranch GDP/SRP contains policies addressing many of these issues. All SPA Plans must be consistent with the GDP/SRP.

12. Each issue area summarizes the applicable plans and policies pertaining to development of the Otay Ranch. In particular, the land use assessment evaluates policy inconsistencies and identifies mitigation measures required to eliminate the impact. As noted above in response to comment number 5, annexation was not an approval sought by the project at this point in time.

Otay Ranch Goals, Objectives, and Policies - accepted by the IJTF, December 11, 1989. (Technical Reports, vol. I).
Page i: "The Goals and Objectives are intended to be flexible in nature and will not necessarily be the Goals and Objectives adopted as part of the General Plan document at the conclusion of this process."

Page ii: "A magnificent array of community amenities such as open space networks, trails, bicycle paths and recreational activities will be provided that is unsurpassed in Southern California. Most importantly, development will include new, unique, and evolutionary techniques which can lead California, (13) American, and world communities into the 21st century."

We find no real support for such hyperbolic statements in the DEIR - instead, any such "visionary" work is left to an unspecified future after density is nailed down.

Page 1: Objective 3 calls for clear delineation of the urban limit line boundary on the property. Page 2-25 of the DEIR calls for inclusion of the entire property within the Current Urban Development Area.

We see another example of Goals and Objectives being mere exercises along the way to adoption of the New Town Plan as offered by Baldwin.

Failure to properly address Project Alternatives:

(14) Failure to provide comparative quantitative analysis in assessing the environmental merits and feasibility of project alternatives.

(15) Failure, after repeated requests, to include an alternative that is consistent with the existing County General Plan.

(16) Faulty assumptions in the alternative labeled "Chula Vista plus SD County General Plans. All land assumed to be developable based on midpoint of County General Plan land use designations.

We will continue to add to our work on this project and to amend our comments as permitted. These in no way should be taken as a completed set of our comments. We are asking for 60 additional days (beyond October 7, 1992) to continue the public review period on the Otay Ranch Project.

We are very disturbed over the recent revelations re loan arrangements between our elected officials and the Baldwin Co. We feel that this represents a conflict of interest and we ask that an investigation be undertaken immediately at the highest levels to determine responsibility and legality of these maneuvers.

Chaparral Greens by: Susan White-Thomas Chaparral Greens

LO.18-6

13. The purpose of the Draft Program EIR was to evaluate the policy-level environmental effects of adopting the Otay Ranch GDP/SRP. The design and planning guidelines referenced in this comment are contained in the GDP/SRP text and will be implemented by the project during the planning stages of all SPA Plans.

14. Comment noted. Refer to response to comment number 1 of Endangered Habitats League letter regarding the range of project alternatives and the Draft Program EIR approach.

15. The Composite General Plans Alternative is consistent with the County General Plan in the eastern parcels. The decision to utilize the City of Chula Vista General Plan was made by the IJTF during the development of project alternatives. The Composite General Plan Alternative served as the basis for comparison when evaluating impacts of project alternatives, particularly traffic and circulation (refer to Tables 3.10-6). Therefore, consistency with the existing County General Plan is addressed in the Draft Program EIR.

16. The Composite General Plans Alternative land use densities are based on the maximum number of units allowed for each land use designation rather than the midpoint.

TO: Anthony Lettieri, Otay Ranch Project
315 4th Ave, Suite A, Chula Vista 91910

Joint San Diego County Planning Commission
275 4th Ave.
Chula Vista, CA 91910

OCT

FROM: Benny Chien, M.D., J.D., Californians for Population Stabilization
2615 Ellentown Rd., La Jolla, 92037

RE: DEIR for Otay Ranch Oct. 12, 1992

I have the following objections and criticisms to the above project and DEIR.

LO.19-1

1. The water demands of this project by a newly proposed fifth pipeline into San Diego County will push the reserve capacity for the existing population to a dangerous level. In view of the vagaries of the existing weather patterns, the EIR should analyze the real world scenario of a long term drought during the lifespan of the proposed project. Over the next hundred years, a major water shortage would create a disaster for the present population and habitat. Adding fifty thousand new water users would bring the local environment to the edge of a major water shortage.

2. The air quality impacts from such a large and remote population center must be analyzed in terms of the vehicle miles travelled (VMTs) to inform the public the true impacts from this development. In view of the city of San Diego's new Transit Oriented Design ordinance, this project should be analyzed in terms of its conflicts with the goal of reducing VMTs and single passenger automobile usage.

3. If overriding economic and social considerations are to be used as a grounds for approving this EIR, the EIR should calculate the full range of economic costs to offset against the usual economic benefits, namely:

   a. the health care costs of auto pollution, documented by the American Lung Association in Feb. 1990, study. These costs are estimated to be $50,000,000,000 for the state of California, and about $500,000,000/yr for San Diego. (copy of this study at city of San Diego Planning Dept., Mary Lee Balko)

   b. the increased costs of courts, jails, health care services which become a burden to the community at large. The approving agency and EIR must disclose the full ramifications of such a massive population increase as part of its election to use overriding economic and social considerations.

4. The EIR fails to consider the huge variation in run-off from loss of ground. The variation between dry soil and rain-soaked soil can be a factor of 20X, which would invalidate present estimates of storm run-off and erosion, and ground water recharge. Rapid runoff from channelized impervious surfaces prevents recharge.

5. The absolute volume of sewage from this project should be analyzed in relation to its cumulative impact upon the San Diego coastal waters. This is important in view of the City of San Diego's attempt to limit sewage treatment to advance primary rather than secondary. The effects of the absolute increase in sewage needs to be analyz

CALIFORNIANS FOR POPULATION STABILIZATION
BENNY CHIEN
OCTOBER 12, 1992

1. The Metropolitan Water District is responsible for the long-term water planning for their entire service area which includes the Otay Ranch. The water planning process involves the weighing of cost of water versus reliability of supply. The more reliable the water supply, the more costly the water. Water is a renewable resource so that any reasonable amount of water could be made available to users with a greater reliability if they were willing to pay the cost. MWD has adopted policies and goals for water reliability. MWD also has policies to deal with a long-term drought scenario.

2. The California Air Resources Board's URBEMIS 3 model was used to quantify emissions resulting from increased automobile traffic from the proposed Otay Ranch development. The model considered the number of vehicle trips generated and vehicle miles traveled for each type of trip.

3. The referenced City of San Diego ordinance would only apply to the 390 acres of Otay Ranch property on Otay Mesa. When development is proposed for that portion of the project, provisions of the Transit Design Ordinance will be incorporated into the SPA Plan. The air quality mitigation measures contained in Section 3.11.3 of the Draft Program EIR also require siting and design policies to encourage pedestrian traffic and reduce vehicle miles.

4. In accordance with CEQA §15092(b), agency approval of the project requires the preparation of a Statement of Overriding Considerations describing the social and economic benefits of the project that balance the significant environmental effects of the project. However, the Final Program EIR can be certified as adequate without the overriding considerations. The statement of overriding considerations being prepared for GDP/SRP adoption will refer to the plan recommendations and findings of the Final Program EIR and will be available for review prior to project approval.

5. The Program EIR does consider the potential increase in impermeable surface which will increase the total volume of runoff and erosion. In addition, the

increased impermeable surface will decrease the total volume of recharge to the aquifer. The Program EIR does not specifically estimate the possible variance in runoff and recharge. As required by the Program EIR, the SPA level EIR shall quantify the variances in runoff and recharge and these calculations will include soil moisture, soil type and land use. The study shall demonstrate that City of Chula Vista and/or County of San Diego standards on aquifer recharge shall be achieved.

6. In accordance with CEQA (Section 21082.2b), the Draft Program EIR for the Otay Ranch project addressed the cumulative impacts of the Otay Ranch project when considered with other approved and anticipated future related projects. The issue areas analyzed in the Cumulative Impacts section (Section 6) are the same as those issue areas analyzed in the Environmental Analysis section (Section 3) of the EIR. With respect to wastewater and sewer service, the EIR (Section 6.15.2) identified the cumulative sewage flow (35.6 mgd) which would be generated by Otay Ranch together with related projects in the cumulative impact area. Based on this analysis, it was determined that this combined effect would result in a significant cumulative impact on wastewater and sewer service if the anticipated improvements in the region's sewerage infrastructure are not made. Please refer to Section 6.15.2 of the Draft Program EIR. The Master Plan for Sewer Facilities required for all SPA Plans in the Final Program EIR evaluate the project's impact on regional infrastructure, including wastewater treatment capacities and long-term treatment plans.

LO.19-2

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OF COUNSEL

October 16, 1992

VIA FAX (619) 422-7690

Mr. Douglas D. Reid
Otay Ranch Project Planning Office
315 Fourth Avenue
Chula Vista, CA 91910

Re: DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR OTAY RANCH, JULY 31, 1992 (CASE NO: EIR-90-01) SWEETWATER RESERVOIR URBAN RUNOFF PROTECTION

Dear Mr. Reid:

This office represents the interests of the South Bay Irrigation District ("South Bay"), which is referred to in certain "Jurisdictional Alternatives" outlined in the above-mentioned draft EIR. On behalf of South Bay we offer the following comments and recommendations.

I. The Draft EIR Contains Outdated Information Regarding South Bay.

South Bay is an Irrigation District organized and existing under the Irrigation District Law of the State of California (Division 11 of the Water Code). In 1972, South Bay and the City of National City, both of which were served by the water supply and distribution system owned by the California-American Water Company (known as the "Sweetwater System"), entered into a Joint Powers Agreement for the purpose of forming the Sweetwater Authority ("Sweetwater"). In 1977, the Joint Powers Agreement was amended to allow for South Bay's purchase of the Sweetwater System. After acquisition of the water system, South Bay leased it to Sweetwater. In 1990, Sweetwater purchased the water system from South Bay. Thus, South Bay does not own a storage reservoir, treatment system or connections to the County Water Authority's aqueduct, as the draft EIR assumes.

LO.20-1

(1)

JENNINGS, ENGSTRAND & HENRIKSON
DEBRA K. MAURER
OCTOBER 16, 1992

1. The document has been revised to reflect that the Sweetwater Authority now owns the storage reservoir treatment system and connections to the County Water Authority Aqueducts. Please refer to Section 3.13.1.2 of the Final Program EIR.

II. The "City of Chula Vista" "Jurisdictional Alternative."

Since South Bay does not own the water system, making it a subsidiary district of the City of Chula Vista will not provide the city with a water system. Moreover, only approximately 65.5 percent of South Bay's land area falls within the City of Chula Vista, and thus South Bay may not be made a subsidiary district of the City. Only about 50% of Sweetwater Authority's land area is within the City, thus it may not be made a subsidiary district of the City either. (Government Code section 57085.) (2)

Sweetwater sent you a letter on October 2, 1992, objecting to this alternative because, among other things, Sweetwater provides water not only to portions of the City of Chula Vista, but to National City and Bonita. South Bay, as a member of the Joint Powers Agreement, joins in the objections raised in that letter. The provision of water to the proposed development from the City of Chula Vista is not a viable alternative by the method suggested. (3)

III. The "Sweetwater Authority" "Jurisdictional Alternative."

This alternative recommends the annexation of the proposed development into South Bay, and thus into Sweetwater's service area. Such an annexation is not possible if there is a majority protest, and is subject to an election if 25 percent or more of the registered voters within the district protest. (Government Code section 57075.) Moreover, as pointed out by Sweetwater in its October 2, 1991 letter, the proposed project at build-out would nearly double the demand on its system, and would require tremendous capital improvements. (4)

In summary, given the fact that neither South Bay nor Sweetwater could be made a subsidiary district of the City of Chula Vista, that alternative should not be included within the project's EIR. South Bay has no objection to the "Sweetwater Authority" alternative being included within the EIR, but it joins the Sweetwater Authority in requesting that this alternative be rejected as unfeasible. (5)

Thank you for your consideration. Please do not hesitate to call me with any questions or comments you may have.

Very truly yours,

JENNINGS, ENGSTRAND & HENRIKSON
A Professional Law Corporation

Debra K. Maurer

LO.20-2

2. The reference to making the South Bay Irrigation System a subsidiary district of the City of Chula Vista has been deleted from the text; please refer to Section 3.13.1.2 of the Final Program EIR.

3. The OWD has been identified in the Final Program EIR as the preferred water distribution alternative. Please refer to response to comment number 2 of Sweetwater Authority Letter.

4. As stated in the Final Program EIR, the Otay Water District Alternative is preferred to all other water delivery options available to the Otay Ranch. An analysis of the water provision proposal will be conducted prior to SPA Plan approval. At that time, the Sweetwater Authority will be able to comment on the project's water supply and infrastructure plans. Refer to response number 2 of Sweetwater Authority comment letter.

5. Comment noted. No additional response can be made.

COALITION FOR PLANNING REFORM SAN DIEGO

Responsible Planning and Natural Resource Preservation

President - Jerry C. Harmon, Escondido
Vice President - Kevin K. Johnson, Encinitas
Secretary - William N. Tripp, La Mesa
Treasurer - Melvin Cram, Ph.D., Alpine

October 19, 1992

Anthony J. Lettieri
Otay Ranch project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, California 91910
VIA FACSIMILE

Re: Otay Ranch Draft Program Environmental Impact Report
EIR 90-01 (City of Chula Vista)
Log #89-14-98 (County of San Diego)
SCH #89010154 (State of California)

Dear Mr. Lettieri:

LO.21-1

The Coalition for Planning Reform, ("CPR"), is a nonpartisan, grassroots foundation, formed by citizens concerned by the lack of responsible local and regional planning in San Diego County. CPR's goal is to preserve and enhance natural resources and the quality of life in San Diego County through planning which emphasizes the carrying capacity of the region, and the establishment of variance-free, long-term zoning commitments. Our concern for the well-being of the region prompts us to offer the following comments regarding the inadequacies of the EIR and the inappropriate management of the project by the involved elected officials.

I. LEAD AGENCY

CPR believes that the San Diego County Board of Supervisors, ("Board"), improperly abandoned its land-use decision making responsibilities when it signed the Memorandum of Understanding, ("MOU"), with the City of Chula Vista, ("City"), making the City lead agency. The MOU acknowledges that the project is totally within the unincorporated area and thus the Board should be the lead agency under "normal circumstances. "The MOU justifies the City's lead agency status on "efficient processing" grounds. (1) "Efficient processing" is an inappropriate and insufficient basis for the Board to desert its constituents.

The City is a particularly poor choice of lead agencies. The City does not meet CEQA criteria for lead agency status. The MOU admits that the Otay Ranch is not within the sphere of influence of the City. The City does not have responsibility for supervising or approving the project as a whole. The City is not carrying out the project. The City has not filed to annex the

COALITION FOR PLANNING REFORM
JERRY HARMON
OCTOBER 19, 1992

1. Comment noted. Refer to response to comment number 2 of Sweetwater Community Planning Group letter on the lead agency status of Chula Vista.

Otay Ranch and under current state law such annexation is impossible. Finally, the City has not done any prezoning. The Board should have retained control over the process and allowed the City to have advisory status as a Responsible Agency.

(1) CPR demands the recision of the MOU. The unincorporated areas rely on the Board to protect their interests. Under the MOU, the Board merely retains advisory status. The project, the largest in California history, has the potential to seriously impact the quality of life in the unincorporated areas. As an advisory body,the Board cannot have ultimately meaningful impact on the decision makers. This has already been evidenced by the failure on the part of the City to heed the advise of the Board concerning the matter of the Public Review Period.

II. PUBLIC REVIEW PERIOD

CPR hereby reiterates its comments asking for an extension of the Public Review Period. Citizens from all over the South Bay have repeatedly asked that the public be given an adequate period of time, such as a total of 120 days, in which to review the 4000 pages of EIR and appendices. These requests have been made by those most immediately affected by the project, including the Jamul-Dalzura Planning Group, the Valley de Oro Planning Group, the Sweetwater Planning Group and the Spring Valley Planning Group and the city of Imperial Beach. Nonetheless, the period will be closed after only 65 days. The process of decision-making on this issue alone, has been extremely confusing.

(2) When the City Council set the original deadline for the Public Review Period it did so in violation of its own environmental guidelines which specifically gave the City Planning Commission the power to set the deadline. On September 16, 1992, the Planning Commission unanimously voted to extend the period for an additional 60 days. However, Staff gave the peculiar impression that the public could not be adequately noticed of the change. Therefore, implementation was delayed. Only after public comment on the procedural inconsistency with the City's own internal guidelines, did the City Council made a post-hoc decision to change those guidelines to give the Council decision making power on some EIRs, including this one.

This piecemeal and confusing manner of determining the length of the review period is inappropriate. CEQA specifically provides that in special circumstances, such as this, the public review period may exceed 90 days. The period should be adequate to allow the public to check the EIR for accuracy and omissions.

LO.21-2

2. Comment noted. Refer to response to comment number 2 of South Coast Environmental Working Group on the length of the public review period for the Draft Program EIR.

Otay Ranch Comments
CPR
3

(2) This EIR concerns a project of unprecedented size and scope. The document and its important appendices total over 4000 confusing pages. Yet the Board, the City and the City Attorney decided the length for review on such irrelevancies as the upcoming election; the period during which the agencies are indemnified by the applicant; and, the public's failure to participate prior to the beginning of the review period. Such comments clearly show a lack of understanding of the CEQA process. They further indicate that the project is driven by concerns other than state law.

III. SUBSTANTIVE OMISSIONS EXIST IN THE EIR

(3) Substantial public funds have been expended to develop the NCCP and MSCP programs. These programs are intended to study and preserve wildlife corridors in the region as whole. However, the EIR completely fails to take into account the NCCP or the MSCP programs.

(4) The essential issue of available water is not adequately addressed in the EIR. This region already suffers from lack of water. The EIR analysis assumes that the project will be supported by reclaimed water. However, no reclaimed water project exists. It is premature to certify a project of this magnitude without providing water. The regional cost to make water available to the project is not addressed anywhere in the EIR.

(5) The EIR fails to adequately analyze other immediate and cumulative infrastructure costs to the entire region. They include the impacts to regional schools, waste and air. No mention is made of environmental effects over the border. The public has suggested economically and environmentally feasible alternatives to adequately mitigate all these impacts. However, none of these ideas have been implemented.

(6) This EIR is intended to support General Plan Amendments which will impact the entire county. This substantively inadequate document does not suffice as the basis for the amendments. No certification can take place before a Subsequent EIR is prepared after adequate study of all the above issues.

IV. LACK OF INDEPENDENT REVIEW

County policy provides that the estimated cost of providing staff resources must be fully offset by advance deposits made by the applicant. County policy further provides that failure to keep the deposit account current will stop the project until a

LO.21-3

3. Refer to response to comment number 2 of the letter from the U.S. Fish and Wildlife Service, 10/8/92.

4. The Final Program EIR has been expanded to include a comprehensive discussion of regional water supply. Refer to text changes in Section 3.13.1 of the report. The analysis does not assume that the project will be supported by reclaimed water, rather that reclaimed water may be considered as an alternate water supply for irrigation within permitted areas of Otay Ranch. The project is providing a site for a sewage treatment/reclaimed water reclamation facility. The Clean Water Program (METRO) is currently proposing service through ownership and operation of the plant.

5. The fiscal impacts on public infrastructure will be evaluated in the Service/Revenue Plan prior to SPA Plan approval. Refer to the responses to the Carolyn O'Patry letter (10/15/92) for a discussion on international border issues.

6. The General Plan Amendments associated with the GDP/SRP adoption were explicitly addressed in the Draft Program EIR in the land use, aesthetics, traffic circulation, air quality, and noise analyses. Refer to response number 7 of Caroline Coulson's letter (9/11/92).

positive balance is restored.

On July 28, 1992, three days before the EIR was officially made available for public review, the Board completely disregarded these fiscally important policies. The Board was advised on that date that the originally estimated deposit amount of $35,000 had proven inadequate to cover County costs. Further, the Board was informed that the applicant, Baldwin-Vista, ("Baldwin"), was delinquent in payment of deposits in the amount of at least $111,264.36. Nonetheless, the Board made the decision to allow the project to proceed.

More significantly, the Board accepted a portion of the project property to secure a deed of trust on a promissory note and a "contingent promissory note" on the deficit. This "Processing Fees Security Agreement" effectively makes the Board a partner in the project. By thus linking its interests to that of the applicant, the Board has surrendered all independence and cannot remain an impartial decision-making body.

The City too has made special adjustments in its policies in order to accommodate Baldwin. On June 30, 1992, the City renewed a modified "Three Party Agreement", between Baldwin and an environmental consultant, RBF, such that the City is responsible for payment of the consultant. Baldwin secured the agreement by giving the City second trust deeds on three model homes in the Carmel Valley area. Baldwin is widely known to have considerable financial difficulties. To recover costs, the City is dependent on the success of the project and cannot remain impartial when evaluating the impacts of the project.

Unless Baldwin's deposit account is now current, CPR demands that both the County and the City deem Baldwin in default. The special treatment Baldwin has received by the City and County amounts to immense and flagrant violation of public trust.

V. CONCLUSION

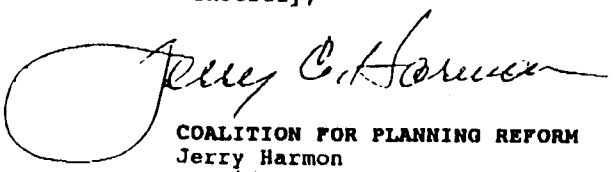
The impropriety in the management of this entire project is evidenced by the resignation of the Chair of the City Planning Commission. "They don't need me," he said. "I don't pimp for anyone." In reference to the indemnity offered by Baldwin, Mr. Casillas explained, "they put no money up, no bond, nothing. It's nothing but a piece of paper. If push comes to shove, it wouldn't be worth the paper it's written on." CPR regrets the loss of this valued member of the Commission, but hopes the public becomes equally disgusted with the irresponsible actions of our elected officials.

LO.21-4

Otay Ranch Comments
CPR
5

CPR is angered by this example of failure on the part of those entrusted with the duty to protect the region. In these days full of news of economic and environmental problems it is especially disappointing to find untrustworthy stewardship.

Sincerely,



COALITION FOR PLANNING REFORM
Jerry Harmon
President, Coalition for Planning Reform

LO.21-5

cc: Mr. Mark Montijo, Jamul-Dulzura Community Planning Group
Ms. Andrea McGuire, San Diego Chapter Director, Sierra Club
Ms. Norma Sullivan, South County Environmental Working Group
Mr. Malcolm Gettman, Spring Valley Community Planning Group
Mr. Wally Riggs, Crest-Dehesa Planning Group
Mr. Jack Phillips, Valley D'Oro Community Planning Group
Mr. John Hammond, Sweetwater Community Planning Group

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LO.21-6

LO.22-1

Spring Valley Community Planning Group

P.O. Box 1637
Spring Valley, Ca 91979
October 17, 1992

To: Otay Ranch Project

Subject: Comments on Draft EIR

The Spring Valley Community Planning Group has had extenive experience reviewing large scale projects. Our reviews were comprehensive and resulted in the overall success of the projects. Though time was often a factor, the applicant was often willing to extend review periods to insure adequate responses, and preclude expensive litigation. Commitments made by the project team to allow adequate review have not been honored, by the City of Chula Vista. This can only be construed as an indicator of the credibility for future commitments.

(1) It should be noted that the new public closing date for the Draft EIR is prior to the United States Fish and Wildlife Service's determination on the classification of the California Gnatcatcher, *Polioptila melanura*, by four days. The status of the gnatcatcher certainly impacts the level of mitigation as proposed in the draft document.

(2) California's Natural Community Conservation Plan (which states that communities can plan and preserve havitats to preclude listing species as endangered), that was supported by the President of the United States; unfortunately Otay Ranch has ignored. The project as proposed and most of its alternatives do not promote the Natural Community Conservation Plan. Six pages of text conserning environmental issues does not start to cover the complexity of such a massive and environmentally sensitive area.

(3) The most glaring deficiency as it related to communities north of H Street in Chula Vista, is **TRAFFIC**. These issues are significant and so far no mitigation is proposed in the document. Our primary concerns are:

EAST vs. WEST ALIGNMENT, SR125
The project proponent believes that the issue of SR 125 should not be addressed in this document. This is in violation of Prop. C, which calls for regional planning. SR 125 is a regional transportation element and as such is required to be studied.

(4) The traffic models used reflected a western alignment and does not discuss the impacts of an eastern alignment. Both alignment should have been addressed, since no alignment has been adopted.

SPRING VALLEY COMMUNITY PLANNING GROUP
MALCOLM GETTMANN
OCTOBER 17, 1992

1. Refer to response number 1 in letter from Sweetwater Community Planning Group, 9/15/92.

2. Refer to response number 2 in letter from United States Fish and Wildlife Service, 10/8/92.

3. The Otay Ranch traffic analysis for the preparation of the Draft Program EIR includes an analysis of State Route 125 (SR-125) for each of the alternative land use plans and circulation elements. The SANDAG Southbay Combined Transportation Model which was utilized to produce the buildout travel forecast for the alternatives utilized the western alignment of the SR-125 facility north of Telegraph Canyon Road. The base model utilized in this assessment of project and cumulative impacts was provided by the Chula Vista General Plan model. The alignment of SR-125 within this model reflects the approximate location of the previously adopted route for SR-125 in the Southbay area. Alternative alignments of SR-125 have been developed by Caltrans in response to community concerns; however, the studies which are currently underway by Caltrans to assess the environmental impacts, to determine a final route, and to prepare final route adoption documents for SR-125 will not be completed until July 1995. If an alternative alignment (other than the western alignment north of Telegraph Canyon Road) is ultimately selected by Caltrans, the General Plans for all jurisdictions in the Southbay region would need to be reevaluated in response to the potential modifications to travel patterns.

4. For the facilities north of H Street (Otay Lakes Road, Bonita Road, Central Avenue, San Miguel Road, Willow Road, Jamacha Boulevard, Sweetwater Road, and State Route 54 (SR-54) from Manzana to Jamacha Boulevard) the comment indicates that these facilities will reach level of service F in all but the No Project Alternative. In response to this comment, a summary list has been prepared for all facilities which will require roadway classification upgrades in response to the impacts identified from project-generated and/or cumulative traffic volumes within the study area. For roadways that are outside of the study an analysis was

TRAFFIC VOLUMES

Traffic north of H Street, indicate significant losses in level of service. Most facilities north of H Street, are at LOS "D" as of this date. Otay Lakes Road, Bonita Road, Central Ave., San Miguel Road, Willow Road, Jamacha Blvd., Sweetwater Road, and SR 54 from Manzana to Jamacha Blvd. will reach LOS "F" in all but the No Project Alternatives. (5)

Using the Phase II project plan as a assumption, the following issues were identified: (6)

State Route 125 reaches LOS "F" at San Miguel Road, and remains at LOS "F" into the City of La Mesa. No information is provided on the SR 125 and I-8 interchange No mitigationis provided for in this document. (7)

State Route 94 reaches LOS "F" from SR 54 to SR 125. Again, with no mitigation offered anywhere in the document. (8)

State Route 54 in shown completed, we assume into El Cajon, with traffic volumes at 67,000 ADT. We must assume that Baldwin will build the complete facility since no state planning is anticipated within the next 20 years. (9)

The impacts of surface streets without mitigation is not acceptable. NO community should suffer the consequences of large development outside their jurisdiction. Under this proposal 10 surface streets in Spring Valley reach LOS "F", while only 5 surface streets in the project area reflect similar traffic volumes. No mitigation is proposed outside the project area, yet the impact is at least double. (10)

During the four preliminary years of "community input", the areas that suffered the greatest impact, were not notified of the project status. When questions did arise all parties assured the community that these issues would be addressed in the Draft EIR. We are saddened to say that even after 4 years of hard work, the document remains woefully inadequate.

Respectfully Submitted,

Malcolm Gettmann, Chair
Spring Valley Community Planning Group

LO.22-2

prepared for offsite roadway segments in response to the Valle de Oro Community Planning Group (refer to response number 4).

5. The statement regarding SR-125 reaching level of service F north of San Miguel Road is accurate. This level of service F forecast is based exclusively on a comparison of average daily traffic volumes at buildout compared to a planning level capacity of 200,000 vehicles per day for a 10-lane freeway facility. However, the ability of freeway facilities to accommodate volumes in excess of 200,000 vehicles per day while remaining at acceptable levels of service is heavily dependent on the peak period conditions and the peaking characteristics of the users of these facilities. Thus, if the peak period traffic demand is spread over a number of hours through Transportation Demand Management (TDM) and Transportation Systems Management (TSM), it is possible for this facility to remain at acceptable levels of service with volumes in excess of 200,000 vehicles per day.

6. An assessment has been conducted of a project-only assignment for the New Town Plan, which is the most intensive alternative proposed for the Otay Ranch project (approximately 900,000 project trips), compared to the total cumulative volume assignment for SR-125 north of SR-54. This indicates that the project would contribute approximately 40,000 vehicles per day to this segment, which is anticipated to carry 220,000 vpd based on the cumulative travel forecast of the Phase II-Progress Plan. These traffic volumes indicate a project trip contribution of approximately 18 percent on the segment of SR-125 north of SR-54. The project's contribution to the cumulative volumes on a roadway segment located 5 to 10 miles north of the Otay Ranch demonstrates there is a need for a regional traffic impact fee to fund the construction of regional transportation facilities throughout the county. The feasibility of implementing a regional traffic impact fee structure is currently under investigation by the San Diego Association of Governments (SANDAG). The adoption of a funding mechanism would be a critical factor in the ability of local agencies to continue to provide facility improvements on major regional transportation routes.

7. The Draft Program EIR indicated that the section of SR-94 between SR-54 and SR-125 is operating at a level of service F (Figure 3.10-1). However, upon further review, it has been determined that the actual level of service indicates level of service D conditions, based on an approximate cumulative volume of 100,000 vpd (refer to revised Figure 3.10-1). This facility is currently planned for a six-lane freeway by the Caltrans Route Concept Plan, which was included in the 1990 Regional Transportation Plan developed by SANDAG (January 1991).

8. The volumes of SR-54 north of the project study area range from 67,000 vpd east of SR-125 to approximately 42,000 vpd north of SR-94 proceeding into El Cajon. The SR-54 traffic volume levels also indicate an acceptable level of service for the type of facility which is being considered by the Caltrans Year 2010 Route Concept Plan. The Regional Transportation Plan calls for six-lane expressway or a six-lane conventional highway on this roadway. To maintain level of service C for this type of facility, a maximum traffic volume of approximately 70,000 vpd would be required. Thus, Figure 3.10-1 in the Final Program EIR has been revised, and adequate capacity will be available on these facilities for the buildout volumes predicted by the Phase II-Progress Plan.

9. Refer to response number 6 in this letter regarding the need for regional traffic impact fees.

10. Comment noted. Refer to response number 4 of Valle de Oro Community Planning Group letter (dated October 19, 1992) regarding impacts to street segments in Spring Valley community). The response summarizes the impact of project traffic on offsite facilities and also recognizes the potential need to adopt new roadway classifications for major Circulation Element facilities within these Community Plan Areas.

LO.23-1

OCT

October 19, 1992

Mr. Doug Reid
CITY OF CHULA VISTA
276 Fourth Avenue
Chula Vista, CA 91910

RE: Otay Ranch EIR

Dear Doug:

Thank you for the opportunity to review the Otay Ranch EIR, we have the following comments for your consideration:

1. Regarding the Otay Valley Regional Park issue paper, we oppose the representation in Exhibit 1 indicating that a portion of EastLake Vistas is included in the study area. It should be noted that EastLake Vistas has an approved General Development Plan, zoning and a development agreement in effect with the City of Chula Vista and EastLake Development Company, which has been effective since 1989. We do not feel it appropriate to include the Vistas as part of a regional park discussion.

2. In the main EIR text, Figure 2.3-4, the exhibit of the circulation element is incorrect relative to the alignment Palomar Road and Orange Avenue.

3. The Lower Otay Reservoir Urban Run-off Plan, indicates a number of facilities on EastLake property. Specifically figures 6-1 and A-2 indicate a force main across EastLake Vistas. While these facilities may be required to transverse the EastLake property, it will be necessary for the applicant to coordinate their location, timing and easement acquisition with us.

EASTLAKE DEVELOPMENT COMPANY

900 Lane Avenue
Suite 100
Chula Vista CA 91914
(619) 421 0127
FAX (619) 421 1830

EASTLAKE DEVELOPMENT COMPANY
KATY WRIGHT
OCTOBER 19, 1992

1. With respect to the Otay Valley Regional Park planning process, the study area was developed by the County of San Diego, not as a proposed park boundary, but as an area within which the proposed regional park may eventually be established. The County will be required to consider factors that will prohibit them from acquiring property for the proposed park such as private ownership and previously approved development plans such as EastLake as their planning process progresses.

2. The roadway alignments depicted in Figure 2.3-4 were submitted with the original Baldwin application, New Town Plan. The proposed alignments for Palomar Road and Orange Avenue depicted in that figure have since been changed and are proposed as General Plan Amendments of the City and County Circulation Elements.

3. As the planning process for the proposed Otay Ranch Project progresses and the design and location of necessary facility infrastructure become further refined, the applicant will work with the appropriate agencies and property owners to coordinate infrastructure location, and timing and easement acquisition.

4. The Otay Ranch Master Water and Sewage Plan, dated March 1992, Figures 5-2 and 6-5, indicate storage facilities on EastLake property. Again while these facilities may be required, the applicant should be required to coordinate their location, timing and site acquisition with us.

This concludes our comments.

Very truly yours,

EASTLAKE DEVELOPMENT COMPANY

Katy Wright

Katy Wright
Project Manager, Community Development

KW:td

LO.23-2

4. Please refer to response number 3 in this letter.

October 19, 1992

Mr. Douglas Reid
Environmental Review Coordinator
Otay Ranch Project
315 Fourth Avenue, Ste. A
Chula Vista, CA 91910

SUBJECT: Comments on the DEIR for the Otay Ranch Project.

Mr. Reid:

With this letter of comments on the DEIR for the Otay Ranch Project we are establishing our presence in the administrative record. We are including several documents and news clippings as attachments to our comments. In some cases, we seek response to our questions regarding these attached pages.

LO.24-1

(1) Mountain Lion Studies:

Specifically, what studies have been done? When? By whom? What parameters and limits were used? Has the Mountain Lion Preservation Foundation (916 442-2666) been contacted regarding these studies? What specific recommendations were made by the Dept. of Fish and Game and the Fish and Wildlife Service regarding mountain lion studies? Were these recommendations followed? If not, why not?

(2) Regarding vernal pool studies:

What studies have been done contrasting "dry year" conditions with "wet year" conditions? The 91-92 season is considered to have been a wet year - many species associated with vernal pools that might be difficult to study in dry years would have been apparent last year. If bio-resource data does not include this information, it is flawed. We understand from our sources that studies were done. We want to see them included in the final EIR.

(3) We also wonder if some of the impacts identifies as unmitigable might have been mitigated under a less intensive alternative. We do not agree that all "feasible" alternatives have been explored.

Compliance with existing law and further impacts on already degraded resources:

(4) Are the various alternatives and the proposed New Town project consistent with the Clean Air Act; the Clean Water Act; the Endangered Species Act? Given that San Diego county does not currently comply with provisions of the Clean Water Act or the
(5) Clean Air Act, what impacts, specifically will each alternative proposal have? By what logic or legal authority can additional
(6) sewer hook-ups be granted?

RESPECT
SUSAN WOLFE-FLEMING
OCTOBER 19, 1992

1. Refer to response to comment number 7 in letter from Daniel Tarr, 9/13/92.

2. There were no vernal pool studies conducted in the 91-92 season. A vernal pool study was done in the 89-90 and the 90-91 seasons and these data are included in technical report number 19 of the Draft Program EIR technical appendices. A vernal pool survey in a "wet year" of impacted habitat adjacent to identified vernal pools is required for the SPA level analysis. "Wet year" is defined as any year that has average or greater than average annual precipitation and is preceded by two or more such years. Refer to text changes in Section 3.3.3 of the Final Program EIR.

3. As summarized in Table 4.10-1 the impacts of the project alternatives presented in the Draft Program EIR vary depending on the size of developable area, residential density and other design features of the land use map. In addition to the No Project Alternative, two "less intensive" alternatives were included in the analysis: Environmental and Low-Density. A review of the impact conclusions for those two alternatives (Table 4.10-1) illustrates that development of "less intensive" alternatives would still result in significant unmitigable impacts to visual character, agricultural resources and policies, and air quality. Refer to response number 1 of Endangered Habitats League letter (9/23/92) for additional discussion on the range of alternatives.

4. Enforcement of the Clean Air Act is under the responsibility of the California Air Resources Board (CARB) and the Environmental Protection Agency (EPA), the Clean Water Act is administered by the EPA, and the EndangeredSpecies Act is enforced by the US Fish and Wildlife Service. The County of San Diego and City of Chula Vista are responsible for the proper local enforcement of the regulations. In the Draft Program EIR, the project and its alternatives are evaluated with respect to their conformance with all applicable legislation and regulations.

5. The compliance of the project alternatives with these regulations is discussed in detail under the pertinent issues areas of the Draft Program EIR. The impacts of each alternative are summarized in Table 4.10-1. If the project or alternatives were

determined to be inconsistent with the regulations, mitigation measures have been recommended, as necessary.

6. If additional or future sewage treatment capacity is available and the sewer service agency indicates the project's sewage can be accommodated, then the sewer hook-ups are authorized. The project has requested an adjustment in the Current Urban Development Area (CUDA) of the County of San Diego as a General Plan Amendment (GPA). The CUDa signifies areas serviced by sewer (v.s. septic). Approval of that GPA by the City Council and Board of Supervisors would, essentially, amend the County policy for sewer service onsite.

(7) We challenge the idea that an examination of selected representatives of the various alternatives fulfills the CEQA requirements. We ask that each alternative be addressed separately and completely in the final EIR.

(8) Given the failure of the DEIR to include the required General Plan Alternative, we ask that a "subsequent" EIR be circulated which would include this alternative and other necessary material that has been left out. Many inadequacies have been identified by comments made by other reviewers. We believe that such instances show that the Lead Agency has knowingly allowed an incomplete and flawed document to be presented for public review.

(9) "Affordable housing":

Specifically, what types and prices of houses are to be provided in each alternative proposal discussed? Where will these affordable houses be placed?

(10) Process:

Project Team staff and some of the decision-makers occasionally refer to an approval schedule. It has become clear to us that someone has identified a schedule by which this project is to be approved. It has been stated that election related matters are a driving concern and that THIS Board and THIS Council must make the approval. We do not accept the notion that legitimate environmental review can be driven by such a schedule.

(11) Annexation matters:

The stated desire of the Chula Vista City council to annex the western parcel of this project this year cannot be allowed to drive the review and approval schedule and is further evidence of the failure and inappropriate behavior of Chula Vista as Lead Agency on this project.

We ask that the final EIR address the importance of two recent laws passed in California as they relate to each of the project alternatives. These laws, SB 1559 and AB 3027, both deal with annexation and may have a direct bearing on this proposal.

Independent review has been compromised:

We are troubled by the financial arrangements made, in our name, between the County and Baldwin to process this project. Does this not constitute a breach of the "independent review" required under CEQA guidelines? Supervisor Bailey is quoted in the paper saying that he is looking out for the "county's interest" in making such arrangements. We strongly disagree and ask for clarification of exactly what is the county's interest in this project - and the City of Chula Vista's as well.

LO.24-3

7. Comment noted. Refer to response to comment number 1 of the Endangered Habitats League letter regarding the range of project alternatives evaluated in the Draft Program EIR.

8. The Composite General Plans Alternative represents the project alternative that is referenced in this comment. Refer to response to comment number 15 of Chaparral Greens letter.

9. During the SPA Plan development stage of the project, the project applicant's consultant will prepare a market study that will identify housing costs and housing types.

10. Comment noted. Does not address the adequacy of the Draft Program EIR. The referenced attachments to this letter are on file and available for review at the City and County offices.

11. Approval of an annexation proposal has not been requested by the project applicant at this time. Refer to responses to the LAFCO comment letter for further discussion of the annexation issue. As noted in the responses, supplemental environmental analysis will evaluate the environmental impacts of annexation once a plan is proposed for Otay Ranch.

Does not Board Policy I 109 require Baldwin Vista to prepay any processing fees necessary to pay for county staff time? We know that Chula Vista deposit account guidelines explicitly state that when further deposits are required, "In no case will a project be scheduled for consideration until the additional amount is received." Given the "loan" of county funds to Baldwin, from where exactly did the money to pay staff come. We are informed that Baldwin Vista has made the scheduled payments to the County for August, September, October. Given the need for public reassurance on this point (independence of review by decision-makers), we ask that all processing fees deposit accounts records from the County and the City of Chula Vista be made part of the administrative record and included in the final EIR.

Does not Board policy I 109 require the County to prepare the environmental documentation for the General Plan Amendment? We believe the County should be responsible to prepare all environmental documents for this proposal.

We have attached the CAO report of July 28, 1992 and the minute number 39 from the Board meeting of the same date. Please provide the full text of all agreements made between Baldwin Vista and both of the permitting bodies in this project. In the decision, the Board found that CEQA did not apply to this approval - we disagree and assert that this approval may have direct impacts on the environment.

What is the background of the MOU dated August 1, 1989? Where did the idea originate? What party offered the first draft? We have problems with the MOU and some of its provisions and are attaching it now so that it will be part of the administrative record. Please provide the staff report recommending to the Board of Supervisors, the adoption of this arrangement. Also, please provide, for the record, the Chula Vista City Manager's report recommending such action on the part of that city.

By what authority did the Interjurisdictional Task Force "agree" that the western parcel would be planned according to Chula Vista standards?

Include, for the final EIR record, the "Statement of Intentions" adopted by the City Council in Chula Vista on April 25, 1989. It is also necessary to have included the "Original Agreement" with RBF as consultant on August 1, 1989 along with all subsequent amendments.

Our request, based on what has been identified in a cursory examination (see above), is that the entire public record files of the Otay Ranch Proposal be made a part of the administrative record in these proceedings.

Sincerely,

Susan Wolfe Fleming
for
RESPECT, San Diego County
11524 Fuerte Farms Rd.
El Cajon, CA 92020

LO.24-4

VALLE DE ORO COMMUNITY PLANNING GROUP
P. O. BOX 3958
LA MESA, CA 91944-3958

October 19, 1992

Mrs. Anne Ewing, County Principal Planner
Otay Ranch Joint Planning Project
County of San Diego - City of Chula Vista
315 Fourth Avenue, Suite A
Chula Vista, CA 92010

SUBJECT: REPORT REGARDING THE DRAFT EIR FOR OTAY RANCH
(Incomplete Due to Inadequate Review Time)

LO.25-1

BACKGROUND

This planning group has requested a minimum of 120 days to review this document. As of this date only 80 days have been allowed; and, despite our valiant efforts to meet this schedule, our review is incomplete. We have observed strange behavior from project team officials such as Mr. Lettiere's direction on September 16 that the planning commission could not, at that time, extend the review time 60 days when indeed they had that power. Given the extensive nature of this project and its wide-spread effect on surrounding communities and the environment, we are compelled to closely monitor an on-going series of events exemplified by Lettiere's action that have served only to limit and confuse the public review of this DEIR.

GENERAL FINDINGS

(1) Jurisdiction - The agreement allowing the City of Chula Vista jurisdiction over this project has resulted in the inappropriate use of Chula Vista's standards for the determination of project impacts and mitigations in the unincorporated County. Since none of the project property lies within the City's boundaries or within the City's sphere of influence, there is no sound logic to process this project review under the City's jurisdiction. This jurisdictional problem was amplified when an official from Chula Vista stated that since none of the requests for longer EIR review times were from his district, he saw no reason to grant the requests. These displays of arrogant power clearly indicate that Chula Vista's politician/decision makers are not interested in the needs of the unincorporated communities that can be heavily affected by this project.

VALLE DE ORO COMMUNITY PLANNING GROUP
JACK L. PHILLIPS
OCTOBER 19, 1992

Further, our reading of CEQA guidelines and the Public Resources Code (Sections 15051 and 15367 and Section 21067 respectively) indicate that the County should be the Lead Agency for this project.

We who live in the unincorporated areas rely on County Government to protect our interests. In this case, the County has abdicated its normal control over development and, hence, its responsibility to protect our interests. We have not received fair consideraton of our concerns with Chula Vista as the lead agency for this project. Trying to follow the Environmental Review Procedures formally adopted by Chula Vista in 1982 has proven difficult and confusing. The Lead Agency seems unable or unwilling to follow its own prodedure and has shown a willingness to tailor its process to the needs and desires of the applicant.

(1)

Since this project requires modifications to the Valle de Oro and Jamul-Dulzura community plans, we do not understand how the City of Chula Vista can be the Lead Agency for environmental review of General Plan Amendments in our area. As the Chula Vista politician so succinctly pointed out--we don't vote in his district, so he doesn't care about our problems.

Recommendation: To insure that the interests of communities in the unincorporated county are adequately served by County Government, the agreement giving Chula Vista Lead Agency status over this project should be immediately rescinded. This should be a county project, developed to county standards and administered by county staff.

LO.25-2

Loss of Governmental Independence - Recent disclosures of a "Processing Fees Security Agreement" between the County of San Diego and the Baldwin Co. as well as a "Three Party Agreement" between the City of Chula Vista, RBF, and Baldwin Co. to cover fees owed by Baldwin to RBF leave no doubt that Chula Vista, as Lead Agency, and the County, as Responsible Agency, have both compromised their independence of review in this project.

In the case of the County, we are presented with the picture of an agency holding a promissory note secured by a portion of a parcel that is part of the project being reviewed--Otay Ranch. In Chula Vista's case, the Lead Agency holds second trust deeds on Baldwin Vista model homes securing a debt owed to the environmental consultant for the project. Both the county and city governments have compromised their independence in this matter and have jeopardized their positions of public trust.

CEQA requires an independent review of the environmental impacts associated with a project; a full and fair disclosure of the factors involved in the decision-making process and that all feasible measures be undertaken to insure that the environment is

1. Comment noted. Refer to response number 2 of Sweetwater Community Planning Group letter (dated September 15, 1992) regarding the jurisdiction.

protected and preserved for future generations. With these agreements, both jurisdictions have embarked on a path that makes them essentially financial partners with Baldwin.

We cannot accept the idea that it is "in the county's interest" to assist Baldwin Co. in this "unusual" way. We call on both agencies to show why we should not consider the processing of this whole project to be flawed. What other "arrangements" have been made in this project that could be seen by members of the public to be unusual?

Recommendation: Demand immediate payment of all past due developer processing fees (plus interest) and investigate the process used to establish the "loans" made to the Baldwin Co. last July. Report findings of the investigation publicly.

LO.25-3

(2) No General Plan Alternative - The DEIR does not include an actual alternative development plan based on the County General Plan. In January of 1990, both Doug Reid (Environmental Review Coordinator) and Tom Harron (City Attorney) recommended consideration and formal treatment of an alternative based on the existing County General Plan. As late as March 5, 1992, our planning group was assured by Supervisor Bailey in writing that we would see an EIR including a General Plan Alternative. Because their advice was ignored, the comparison of impacts and assignment of responsibility for mitigations have not been legitimately accomplished.

The Composite General Plans Alternative has no basis in fact as the existing general plan for the property. Chula Vista's intense urban development plan for the Otay River parcel has no actual stature (not in city's boundary or sphere, not processed for amendment of the County General Plan or annexation, and not subjected to legitimate environmental review required for such processing) and, therefore, should not be used as the baseline from which the effects of change are analyzed.

Further, no reasonable development plan indicating the actual intensity that can be achieved under the County's General Plan is shown for the other major parcels under the Composite General Plans Alternative. The gross intensities assigned to these parcels ignore the County Resource Protection Ordinance, agricultural preservation policies, and other development standards that would be applied during subdivision of the property.

Recommendation: Develop an alternative development plan accurately based on the County General Plan and analyze proposed project and alternative project impacts with respect to the existing General Plan.

2. Comment noted. Refer to response numbers 3 and 15 of the Chaparral Greens letter (dated October 12, 1992).

LO.25-4

Program EIR - This DEIR is being presented as a policy level "program" EIR that specifies definite numbers of dwelling units and future population and yet is not required to address, to any specific degree, the significant impacts associated not only with the project, but also with associated changes in the County General Plan.

Requirements of a "program" EIR are not being properly undertaken. For those impacts that cannot be predicted without undue speculation, the agency can defer specific analysis until later points in the program approval or implementation process. (3) In this instance, we find that numerous known and anticipated impacts have been ignored and that analysis has been deferred to a future unspecified date. Since the project documents clearly provide development rights to the overall intensities, such a process is not legitimate. The "Program EIR" for Otay Ranch is of little value as a data base whose contents can be referred to or incorporated by reference at a future date--except to allow a specific number of dwelling units and a prospective population.

Recommendation: Expand the document to include the necessary program and policy level analyses of impacts.

SPECIFIC CONCERNS

Transportation, Circulation, and Access - Major problems exist in this section of the DEIR. These problems allow one to consider the various project alternatives without being aware of large-scale off-site impacts to the traffic circulation in nearby communities.

The issues are as follows:

1. *Regional Impacts Not Analyzed.* The study area for the project has been restricted to a portion of the Southbay Region. This confined study area thereby conceals the large-scale impacts of this proposal that occur in Spring Valley, Lemon Grove, Valle de Oro, and possibly El Cajon. A hint of the magnitude of these impacts can be seen by examining the differences between the no-project alternative and the various project alternatives shown on the circulation network level of service maps. Non-study area roads such as (4) Jamacha Road (north of SR 94), Avocado Blvd., Campo Road, Kenwood Drive, Bancroft Drive, Troy St., Broadway, Jamacha Road, Jamacha Blvd., and SR 54 are driven to LOS "F" by all alternatives except the Environmental and Composite General Plans.

   Although we also see obvious inconsistencies elsewhere on these maps, they consistently show significant off-site project-related traffic impacts that have not been analyzed.

3. The Draft Program EIR evaluates policy impacts of adopting the Otay Ranch proposal and the environmental implications of developing the site. In addition, the Final Program EIR has been expanded to discuss project consistency with LAFCO policies regarding agricultural preservation, public service expansion, and growth inducement. All future studies are required at the SPA Plan level, while many are necessary prior to submittal of the first SPA Plan. Refer to response 3 of Caroline Coulson's letter (9/11/92) that discusses the purpose of the Program EIR.

4. Additional detail on the actual levels of service which are anticipated for facilities beyond the northern study area boundary (SR-94 and SR-54) has been developed for the Otay Ranch transportation analysis. The levels of service on specific facilities identified in the comment letter were inaccurately depicted on the graphic provided in the Draft Program EIR. These facilities are located beyond the limits of the Otay Ranch study area, and project-related impacts on these local arterial facilities are minor (10 percent or less). The detailed analysis of buildout levels of service beyond the project study area was not included in the Otay Ranch Traffic Analysis; however, the following findings were concluded from the analysis of the project-related impacts on circulation element facilities within the three community planning areas:

- The contribution of Otay Ranch generated traffic on regional and local facilities within those planning areas ranges from 56 percent (approximately 20,000 vehicles per day (vpd) of project generated traffic out of 35,800 vpd of cumulative volume of SR-94/Campo Road east of Millar Ranch Road) to 1 percent (approximately 140 vpd of project generated traffic out of 11,400 vpd of cumulative volume of Kenwood Drive south of SR-94).

- For the New Town Plan all analyzed facilities (other than SR-94/Campo Road) within these planning areas experience project-related impacts of 16 percent or less. However, for those facilities which are forecasted to exceed LOS C, the level of project impact never exceeds 10 percent for the New Town Plan (the most intense development plan evaluated for the Otay Ranch).

- Based on a review of the Series 7 (Year 2010) regional land use data base, it is apparent that under buildout conditions higher cumulative volumes may exist on local circulation element facilities than had previously been forecasted by local Community Plan Update models. This may indicate a need to re-examine the ability of the facilities at their current circulation element classification to handle local traffic and cumulative traffic which is generated within or immediately adjacent to their individual planning areas. However, the level of impact from the Otay Ranch Project appears to be minimal with the exception of SR-94 (56 percent project contribution). Thus, as this project moves forward and subsequent traffic analyses are conducted at the SPA level, it will be necessary to carefully review off-site impacts and require the project to contribute to off-site facility improvements on a "fair share" basis. Refer to response to comments 4 and 5 from Caltrans letter regarding project impacts to SR-94.

Tables 4 and 5 present the details of the above analysis.

For the arterial facilities of Troy Street, Broadway, Fuerte Drive, and Chase Avenue, information is not readily available from the computer travel forecasts which were performed for the Otay Ranch Project. However, these facilities are located further north than those evaluated in the supplement analysis described above and thus would experience less project-related impacts. The level of impact offsite from the Otay Ranch Project appears to be minimal with the exception of SR-94 (56 percent project contribution). Thus, as this project moves forward and subsequent traffic analyses are conducted at the SPA level, it will be necessary to carefully review offsite impacts and require the project to contribute to offsite facility improvements on a fair share basis.

Table 4

OTAY RANCH EIR TRAFFIC ANALYSIS
COMPARISON OF SEGMENT VOLUMES AND PROJECT ONLY TRAFFIC CONTRIBUTIONS
NO PROJECT ALTERNATIVE/NEW TOWN PLAN/PHASE II - PROGRESS PLAN

Facility No.	Roadway	From - To	Community Plan Adopted Circulation Element Classification	Maximum Desirable ADT Volume (LOS "C")*	No Project Alternative (August 1991)***		New Town Plan (April 1990)***			
					Daily Volume	LOS	Daily Volume	LOS	Project Contribution** Volume	%
1	Jamacha Road	Campo Rd - Fury Ln	6 Ln Prime	44,600	34,800	B	34,300	B	4,486	13%
2	Avocado Boulevard	SR 94 - Fury Ln	4 Ln Major	29,600	**42,100**	**F**	**41,300**	**F**	**2,933**	**7%**
3	SR 94/Campo Road	Millar Ranch Rd - Lyons Valley Rd	6 Ln Prime	44,600	31,600	B	35,800	B	19,927	56%
4	Kenwood Drive	Bancroft Dr - SR 94	4 Ln Collector	27,400	12,200	A	11,400	A	140	1%
5	Bancroft Drive	Kenwood Dr - SR 94	4 Ln Collector	27,400	2,100	A	2,600	A	89	3%
6	Troy Street	SR 125 - Bancroft Dr	4 Ln Collector	27,400	3,500	A	4,300	A	550	13%
7	Broadway	Skyline Dr - SR 125	4 Ln Major	29,600	7,700	A	8,300	A	587	7%
8	Jamacha Road	Sweetwater Rd - Jamacha Blvd	4 Ln Collector	27,400	**31,300**	**E**	**31,500**	**E**	**3,160**	**10%**
9	Jamacha Boulevard	SR 125 - Jamacha Rd	4 Ln Major	29,600	10,200	A	10,800	A	648	6%
10	State Route 54	SR 125 - SR 94	6 Ln Expressway	70,000	25,500	A	34,800	A	5,513	16%
11	State Route 54	SR 94 - Fury Ln	6 Ln Expressway	70,000	N/A	N/A	8,700	N/A	820	9%

Notes:
- * Source: County of San Diego Street Design Standards
- ** For the purpose of this analysis, the project only trip assignment developed for the New Town Plan was used. This alternative represents the worst case in terms of total trip generations.
- *** During the time between the modeling of the New Town Plan and the No Project Alternative, a series of land use updates has taken place within the San Diego Region including the Community Plan Areas of Sweetwater, Spring Valley, and Valle de Oro. These land use modifications, which reflect SANDAG's update of Series 6 (Year 2005) to Series 7 (Year 2010) growth forecasts, have occurred off the project site and outside the study area identified for the Otay Ranch project, and have resulted in an increase in cumulative traffic volumes shown on this table.

LO.25-6

Table 5

OTAY RANCH TRAFFIC ANALYSIS
SUMMARY OF EXPANDED OFFSITE ROADWAY ANALYSIS
NEW TOWN PLAN/PHASE II - PROGRESS PLAN

Offsite Roadway Segments	Project Only Assignment*	New Town Plan ADT Volumes**	New Town Plan % Project Contribution*	Phase II - Progress Plan ADT Volumes**	Phase II - Progress Plan % Project Contribution*	Comparison of Cumulative ADT†
East of 125 & South of SR-54						
State Route 94 S/O Millar Ranch Road	1,514	35,800	4%	33,000	5%	-8%
Millar Ranch Road S/O State Route 94	18,580	22,700	82%	25,000	74%	+10%
State Route 125 S/O State Route 54	87,238	199,600	44%	202,000	43%	+1%
Subtotal	**107,332**	**258,100**	**42%**	**260,000**	**41%**	**+1%**
West of SR-125 and South of SR-54						
Sweetwater Road (East) S/O State Route 54	646	17,200	4%	23,000	3%	+34%
Briarwood Road S/O State Route 54	2,131	24,900	9%	21,000	10%	-16%
Valley Road S/O State Route 54	530	11,100	5%	22,000	2%	+98%
Sweetwater Road (West) S/O State Route 54	3,631	25,200	14%	33,000	11%	+31%
Interstate Route 805 S/O State Route 54	33,847	257,100	13%	246,000	14%	+4%
Subtotal	**40,785**	**335,500**	**12%**	**345,000**	**12%**	**+3%**
TOTAL E/W SCREENLINE	**148,117**	**593,600**	**25%**	**605,000**	**24%**	**+2%**

Notes: * For the purpose of this analysis, the project only trip assignment developed for the New Town Plan was used. This alternative represents the worst case in terms of total trip generation.

** During the time between the modeling of the New Town Plan and the No Project Alternative, a series of land use updates has taken place within the San Diego Region including the Community Plan Areas of Sweetwater, Spring Valley, and Valle de Oro. These land use modifications, which reflect SANDAG's update of Series 6 (Year 2005) to Series 7 (Year 2010) growth forecasts, have occurred off the project site and outside the study area identified for the Otay Ranch project, and have resulted in an increase in cumulative traffic volumes shown on this table.

† Comparison of cumulative ADT: Percent Increase of Phase II - Progress Plan ADT from Baldwin New Town Plan ADT.

Additional roads and intersections farther North must also be examined (Fuerte, Chase, etc.).

(4) It is apparent that either extensive additional mitigations to the circulation system or large reductions in the proposed intensity will be required to allow the Valle de Oro, Spring Valley, and Lemon Grove circulation networks to operate at acceptable levels after developement of Otay Ranch.

2. *Level of Service Analysis.* This analysis is falsely based for county roads. The above east county roads and others shown in and around the study area will actually be even more conjested than indicated due to the basis used for analysis. (5) The analysis assumes that roads are built to Chula Vista's standards for their category in the County Circulation Element. Most of these roads are in areas that are built out with high-value improvements. They do not conform with Chula Vista's standards and their expansion to actually accommodate the indicated Otay Ranch traffic would be very expensive in both construction and right-of-way costs.

3. *Proposed Mitigations.* Traffic congestion problems are not mitigated by the change of a designation on a map or a GPA. The EIR proposes this type of paper mitigations for the off-site impacts resulting from the Otay Ranch project. This shifts the burden of actual or physical mitigations to the (6) county and state governments. This is unacceptable in view of the massive change in the General Plan's intensity being sought by Baldwin.

Will the Baldwin Company be required to pay the cost of actual off-site mitigations required as a result of their project's impact on neighboring communities? If not, then who will pay for the mitigations? This EIR must clearly define these responsibilities.

4. *Chula Vista Intersection Standard Inappropriate.* Because circulation roads within the county are not built to the assumed standards utilized for the Southbay model, intersections become a serious problem long before the entering volumes reach 65,000. Examples of such problem (7) intersections are Avocado Blvd/Fuerte and Chase/Jamacha Rd. at ≈40,000 and Jamacha Junction at ≈50,000 entering volumes.

A more realistic standard must be developed for analysis of intersection criticality, and the threshold for mitigation must be based on the actual intersection geometry, not assumptions.

5. *Chula Vista Freeway Standard Inappropriate.* Chula Vista's (8) willingness to accept LOS E or near gridlock traffic conditions on all of their freeways is poor judgement or

LO.25-8

5. The level of service standards developed for the joint review (City of Chula Vista and County of San Diego) of the Otay Ranch Project are a common set of roadway design and threshold standards for the overall review of this 23,000-acre development. The area of implementation for these standards includes the study area east of I-805, south of SR-54, west of SR-94 and north of the border of the United States and Mexico. The only area which is excluded from implementation of these standards is the Sweetwater Planning Area, due to a significant number of existing arterial facilities. Thus, this set of evaluation standards was intended to guide the review of existing City of Chula Vista and City of San Diego facilities and proposed onsite and offsite facilities associated with construction and development of the Otay Ranch project. For circulation element facilities which lie outside of the study area boundary established for the Otay Ranch Project, there is no intention to apply these standards in either the evaluation nor design of future facilities.

6. The traffic analysis of the Otay Ranch Project recognizes the fact that the paper mitigation recommended in this program level EIR only provides conceptual mitigation for cumulative impacts and project-related impacts resulting under buildout conditions. The burden of actual or physical mitigation of existing or planned roadway facilities in the Southbay region, or wherever project impacts occur, will be placed on the developers of individual SPA developments on Otay Ranch. Additional, more detailed traffic analyses will be included in subsequent traffic reports to be prepared as each phase of the Otay Ranch development is processed through the City of Chula Vista or the County of San Diego. The developer of the Otay Ranch Project will be responsible for the payment on a fair share basis of the cost of actual offsite mitigation measures at each level of development.

7. This program level of analysis, which involved the review of project impacts under buildout conditions (Year 2030 to Year 2050), required a standard methodology for analyzing the impact of future traffic volume on major crossings of the planned circulation system within the Southbay area. It is recognized that this standardized approach to identifying potential impacts and the need for various types of intersection mitigation measures focuses on major intersections (i.e., intersections with entering volumes in excess of 65,000 vehicles per day). The ability of standard intersection design treatments to mitigate the impacts associated with entering volumes at the crossings of major arterial at total entering volumes of less

than 65,000 vehicles per day has been reviewed and defined in a technical memorandum included in Appendix K of the Transportation Circulation and Access Technical Report. For minor intersections (i.e., entering volumes of less than 65,000 vehicles per day) it is recognized that at the SPA level of development during subsequent environmental review for this project it will be necessary to focus on all proposed intersections and to determine the specific configuration and type of intersection control that will be necessary. This will include both onsite and offsite intersections to be determined by the City of Chula Vista and/or the County of San Diego. All intersection impacts identified (whether within the Otay Ranch study area or beyond the limits of the Otay Ranch study area) will have to be mitigated by the developer of the Otay Ranch. Appropriate mitigation measures and contributions to funding will have to be secured at the SPA level.

The intersections of Avocado Boulevard/Fuerte Drive and Chase Avenue/Jamacha Road are beyond the limits of the Southbay study area developed for this EIR. Please refer to response to comment number 4 of this letter for a further discussion of project level impact under buildout conditions at these offsite roadway segments which include these intersections.

It is also recognized that during the development of Otay Ranch, impacts beyond the study area developed for the Otay Ranch Program EIR under buildout condition may occur. The reason for these impacts, which may occur offsite and out of the project study area may be due to the fact that the entire circulation system (as shown under buildout conditions) may not be in existence during the timeframe in which any one phase of development may proceed on Otay Ranch. It is for this reason that subsequent environmental review and detailed traffic analyses will be required prior to the approval of any individual phase of development on Otay Ranch. Additionally, all enhanced CEQA review requirements associated with the new Congestion Management Program legislation will be in place and will require the project to be in full conformance prior to the approval of any phase of development.

their part that must not be made the standard outside of their city limits. Their allowance of very high entering volumes at intersections coupled with their acceptance of high congestion on their freeways serve only to help developers further congest their city. These standards are unacceptable in any community that cares about their quality of life. These standards shall not be used in determining the need for mitigations in the Valle de Oro Plan Area! (8)

The EIR must disclose and analyze actual numeric traffic impacts in our area and mitigate freeway impacts above actual LOS D.

6. *Millar Ranch Road.* The Valle de Oro circulation plan is based on general plan assumptions that do not project urban sprawl into Proctor Valley and Jamul and do not provide a four-lane major road connection through Proctor Valley/Millar Ranch Road directly to Route 94. Any change to the General Plan in this area must consider the regional impacts to traffic. The DEIR focuses attention on a fabricated "Southbay" region that conveniently avoids the east county region affected by the Proctor Valley Parcel. (9)

To be valid, analysis of the traffic impacts related to general plan changes that increase intensity in Proctor Valley and create a new thoroughfare connection of Millar Ranch Road to Proctor Valley Road must include the effect on roads throughout the Valle de Oro Plan Area and portions of El Cajon.

The effect of an SR 54 expressway between SR 94 and I-8 not being completed must also be analyzed as CALTRANS has no plans for future construction of this roadway. (10)

The effects of different alignments and toll status for SR 125 must also be considered and analyzed. (11)

7. *S.R. 125.* The DEIR does not address the effects of project-generated traffic utilizing SR 125 as a conduit out of the immediate project area.

Starting with the assumption that construction of southern SR 125 is necessary for Otay Mesa, the DEIR avoids consideration of viable alternatives for Otay Mesa and consideration that the intensity for Otay Ranch will be the prime determining factor in the ultimate size and impacts of SR 125. (12)

With improved connectivity between Otay Mesa and I-805 and development of Otay Ranch at intensities closer to the approved County General Plan, SR 125 could be sized as a far less impactive prime arterial.

LO.25-10

8. The circulation system design standards were developed by the Transportation Subcommittee for the Otay Ranch Project for the determination of threshold standards significant impacts. Input from the entire Transportation Subcommittee (consisting of members from all agencies in the County of San Diego including City of San Diego, City of Chula Vista, County of San Diego, Caltrans, SANDAG, MTDB) was solicited regarding the development of these standards. While it is recognized that freeway levels of service are typically defined under peak hour conditions, it was necessary to develop a standardized approach for analyzing average daily traffic volume conditions under buildout conditions (Year 2030–Year 2050). The selection of level of service E for freeway facilities as the threshold for acceptable levels of service is also in agreement with the regionally adopted standard for freeway facilities as incorporated into Year 1990 Congestion Management Program. In the future, as individual phases of Otay Ranch are processed, subsequent environmental review will require these freeway facilities to operate at acceptable levels of service prior to the approval of that phase of development. Contributions to the construction of offsite mitigation measures to improve operations and provide additional capacity of the regional facilities and/or provide regional transit service to the development at a sufficient level to relieve anticipated congestion will be required. Further, the analysis of individual levels of service at major signalized intersections, onsite and offsite, under project and cumulative growth conditions will be required at each phase of development of Otay Ranch. Thus, subsequent environmental review will require full conformance with regional planning guidelines and standards under project-specific conditions.

For project-related or cumulative impacts in the Valle de Oro Community Plan Area, the County of San Diego will require future environmental analyses for Otay Ranch to utilize County of San Diego standards rather than the Otay Ranch implementation standards developed for this project, as much of this planning area is beyond the study area developed for this project.

9. Comment noted. Refer to above response to comment number 8 in this letter. As described in a previous response to the Valle de Oro planning group, an analysis of Otay Ranch Project impacts was conducted for roadway segments in the eastern communities beyond the Proctor Valley parcel. The results of that analysis are provided in summary form in response to comment number 4 in this letter.

10. At each level of subsequent environmental review for each phase of development of Otay Ranch, it will be necessary to review the need for the SR-54 expressway between SR-94 and I-805 as a critical link mitigating the project-related or cumulative impacts of that phase of development. If this facility is determined to be critical for the development of that phase of Otay Ranch, then the project developer will be required to either construct the facility or contribute to the construction of the facility on a fair share basis, based on the level of project contribution to the associated traffic impacts.

11. The traffic analysis prepared for the Otay Ranch Project includes an evaluation of SR-125 for each alternative land use plan. It is recognized that the Otay Ranch Project will contribute a significant level of traffic to the SR-125 facility in the Southbay. The range of project-related impacts on the SR-125 facility from the most intensive development alternative for the Otay Ranch Project (New Town Plan generating approximately 900,000 trips per day) ranges from approximately 43 percent on the section of SR-125 south of SR-54 to approximately 18 percent on the section of SR-125 north of SR-94. These significant levels of contribution to the project from the cumulative buildout traffic volumes for the SR-125 facility indicate the need for this project to contribute to the construction of all major regional facilities serving the Southbay over time. Thus, as each phase of the Otay Ranch Project is reviewed at a more detailed level in subsequent EIRs, it will be necessary to analyze onsite and offsite traffic impacts to major regional facilities.

The SR-125 connection from SR-54 to SR-905 in considered a highly critical link in the regional transportation system, required to serve cumulative volume loadings in the range of 157,000 vehicles per day north of the Otay River Valley to 184,000 vehicles per day south of SR-54. Thus, even without the development of the Otay Ranch Project, the demand for this facility to serve a significant level of regional traffic volume is apparent. It is unlikely that a non-freeway facility in this corridor would be capable of relieving high levels of congestion that would occur on I-805 even with the provision of enhanced connectivity between Otay Mesa, I-805, and I-5.

The concept of shifting a portion of the 157,000 to 184,000 vehicles per day which are forecasted for SR-125 to I-805 via a new diagonal expressway would require further analysis. However, due to the fact that I-805 (south of SR-54) under No Project conditions is forecasted to experience volume loadings in the range of 230,000 to 240,000 vehicles per day (in excess of its level of service E contemplated capacity of 200,000 vehicles per day based on a 10-lane facility), it is apparent that any shifting of regional through traffic to I-805 from SR-125 would further deteriorate the level of service on this facility north of the connection which is proposed to occur near the Sunbow II project.

In generating the required General Plan alternative, a circulation alternative should be added that replaces the southern end of SR 125 with a diagonal expressway connector from Otay Mesa to I-805 connecting near the Sunbow II project.

In addressing the effects of modifying the current County General Plan to allow the intense development proposed by Baldwin, the DEIR must consider all of the environmental effects of SR 125 being sized to accommodate the Otay Ranch project. The baseline for these effects must be the County General Plan, not an out-of-jurisdiction Chula Vista plan that has no actual standing.

These considerations must cover the environmental effects of the various routing alternatives being considered. They must also consider that these routing alternatives may take the project traffic out of its planned and studied direction and exit it within one mile of Millar Ranch Road on SR 94. This would invalidate most of the traffic studies performed for this project. Further, the growth-inducing effects of SR 125 (12) must be examined for each Otay Ranch development alternative and its effect on each possible alignment of the roadway.

The effect of SR 125 South being a toll road has not been adequately considered. The brief analysis included in the DEIR specified that its validity was questionable. Indeed, the model inputs for toll versus non-toll impacts were developed from studies of the Coronado Bay Bridge. This is a completely invalid comparison--the bridge route has no reasonable parallel routes (SR 125 will have I-5, I-805, and Proctor Valley/Millar Ranch), only two entry/exit points, and the toll is cheaper than the usual cost of fuel to drive around the strand. Additionally, the single loading point method of analysis is probably not valid for determination of the effects of toll.

We believe that the ultimate routing and toll status of SR 125 will have a significant effect on the traffic impacts of the proposed project and each of the alternatives. Analyses and determination of required mitigations must be included for each combination of variables in each alternative to assess the actual impact of the proposed GPA and project.

Otay Ranch Goals, Objectives, and Policies, Tech. Reports, Vol I-Page 1: Objective 4 calls for development patterns consistent with the adopted community plan of the adjacent rural community (13) of Jamul. This is not being offered in the DEIR proposal. Instead, the proposal places urban intensity in the existing rural Jamul/Dulzura Plan Area and then changes the boundary so it can be said that the goal is met. No legitimate rationale is

LO.25-12

12. The Interjurisdictional Task Force determined that Chula Vista General Plan Circulation Element network would be the network used for the Composite General Plans Alternative analysis. In addition, various scenarios were analyzed among the nine project alternatives including different numbers of river crossings. Therefore, it was deemed unnecessary to independently model the County of San Diego or the City of San Diego Circulation Element networks for this analysis.

Please refer to response number 3 of the Spring Valley Community Planning Group letter, dated October 17, 1992, referencing east versus west alignments of SR-125. It is recognized that toll versus non-toll operations of this facility could significantly impact arterial traffic volumes in and out of study area facilities in the future as project and cumulative development occur within the Southbay region. It is for these reasons that close review of the EIR being prepared by Caltrans is necessary to understand the impacts of the alignment alternatives as well as the potential toll control. The toll versus non-toll analysis that was provided in the Otay Ranch EIR was an attempt by the Project Team to provide a preliminary indication of the potential off-facility impact of the toll road concept. A more detailed toll versus non-toll evaluation will be included in the Caltrans EIR for the SR-125 facility, as the design of this facility and the impacts resulting from toll versus non-toll and east versus west alignment is the focus of that EIR.

In response to the comment on the growth-inducing effects of SR-125, it is apparent that if this facility is approved as a toll road facility, the franchise agreement between Caltrans and California Transportation Ventures (CTV), the selected operator for the toll road facility, will control the timeframes for the construction of the initial facility as well as the widening of the facility over time to maintain acceptable levels of service based on actual demand. The issue of growth inducement will be closely related to the decision of whether this facility will be financed as a toll road facility, rather than a freeway facility. If the facility is adopted as a freeway facility, a significant portion, if not the entire portion, of the costs associated with the construction of this facility would be placed on the future developers within the Southbay and southern portion of the County. It is assumed that if the freeway facility is adopted, the construction of the facility would be delayed until the point in time when its need is critical. An interim facility consisting of an at-grade or grade-separated arterial type facility may be constructed to serve development in Eastern Chula Vista extending from south of SR-54 into this development area, but it would not penetrate the Otay River Valley to serve the Otay Mesa until additional funding is provided from other development sources beyond the sources available in Eastern Chula Vista.

offered for the boundary change--it only serves to benefit a deception that the project conforms with the goals and objectives.

Page 1: Objective 6 calls for land use arrangements which "respond to natural open space areas, significant landforms, and sensitive habitat". We see limited evidence in the DEIR that such an objective has been incorporated within the proposal.

Page 7: Goal 1 is to "Ensure an adequate supply of water for build-out of the entire Otay Ranch Project Area; design the Otay Ranch Project Area to maximize water conservation". Again, we find no evidence in the DEIR that the "goal" has been considered. In fact, it is explicitly discarded by the proponents making the assertion that they are only responsible to provide the storage and supply infrastructure necessary to their project area.

(13) If the "Goals and Objectives" had formed the basis for the formulation of the Otay Ranch Project, the DEIR would have been useful and informative. As the above cited examples show (and they are only a few of many possible--limited by our time constraints in reviewing this DEIR) the stated "Goals and Objectives" for this project provide no real basis for understanding what is actually being proposed and can reasonably be seen as confusing to the public. As the basis for policy level decision-making, this document, and the uses made of it are seen as deceptive. Why haven't the stated goals and objectives been made the basis for this document?

We fail to see where Baldwin has provided any justification to support the contention that the existing County General Plan must be amended to provide a framework for intense development in the unincorporated county area of Otay Ranch. The proposed New Town Plan and the Alternatives offered for examination are all based on a false assumption that ANY change in the General Plan is required, justified, or desired.

<u>Project Description (Justification)</u> - An accurate, stable, and finite description is required to constitute an informative and legally sufficient EIR. Does the DEIR "shift among various project descriptions" in an effort to confuse the public? An EIR may not define a purpose for a project and then remove from consideration those matters necessary to the assessment of whether the purpose can be achieved.

(14) The Otay Ranch DEIR proposes the Baldwin New Town Plan and then proceeds to remove from consideration many of the impacts integral to the stated goals of the proposal. Why? Endless examples are in the text where matters of extreme importance are put off to a much later, unspecified time.

LO.25-13

13. These comments do not relate to the Draft Program EIR, but to a report prepared by the project applicant in support of its development application. As noted, the stated goals may not actually be reflected in the proposed map. For this reason, the EIR has analyzed the impacts of the map, <u>not</u> written verbiage that may or may not actually be implemented. Where appropriate, the applicant's stated goals have been included as mitigation and will be monitored as part of the monitoring program to ensure that they are carried out.

14. The Draft Program EIR evaluates the New Town Plan as the project proposed by Baldwin, which was originally submitted to City of Chula Vista and County of San Diego. The various other alternatives are presented to provide the public and decision makers with options on project features to be considered during the project approval standpoint. The intent of these alternatives was to reduce or eliminate significant impacts of the proposed project (or the New Town Plan). Refer to response to comment number 1 of Endangered Habitats League letter (dated September 23, 1992) for additional discussion of this topic.

The New Town Plan is put forth (DEIR page 1-1) as a "framework for land use, circulation, open space, community design, and public facilities and services upon which subsequent development would be based". The very specific numbers of 50,733 residences and 149,810 persons are used in the proposed project description. However, any detailed discussion of impacts (known and unknown, but reasonably expected) is put off into a distant future when numerous additional studies will be undertaken and unspecified mitigation of anticipated impacts will be defined and approved. Reasonable and easily projected impacts are known. Why have the studies been delayed? We must point out that the Lead Agency is expected to require responses to comments in compliance with CEQA Section 15088 requirements.

(14)

We know that in their preliminary projections for future housing needs in the county, SANDAG assumes the build-out of Otay Ranch. And we know that the Project Team points to SANDAG projections of needed housing to justify the project. Other than the circular logic displayed in such an argument, what empirical evidence or credible authorities are being cited to justify the need for this kind of project? [Response should conform to CEQA Section 15126(b).]

(15)

LO.25-14

Village Structure - Throughout the document the "Village" structure of development is offered as a futuristic design approach that will create a lifestyle different from the California norm. This "new" village concept is used repeatedly as the basis for reducing the level of impacts to be expected from the development.

We are quite familiar with this concept. The text reads identical to a script that was generated 19 years ago to justify the intense Rancho San Diego "New Town" development in our plan area. Approximately seven villages were proposed with emphasis on local employment and commercial centers, pedestrian linkages, and even a light rail or monorail link to San Diego.

(16)

Very few of the concepts have been successfully implemented. Instead of self-contained idyllic villages, we have been left with typical urban sprawl at a much higher intensity than originally planned.

We can assure you from direct experience that all of these visions of a different California lifestyle are nothing more than rhetoric to justify dramatically increasing the intensity of the County General Plan.

Recommendation: Remove all language referring to the village structure as less impactive, differing from urban sprawl, or justification for higher intensities. Experience clearly shows these claims to be false.

15. At this level of analysis (i.e., programmatic), several of the environmental impacts of the project are categorized as significant due to the unavailability of sufficient project detail at this time. Despite this conclusion, the project or alternatives to the project could be designed at the SPA level to avoid or eliminate some of these impacts. Therefore, it is not appropriate to defend the needs for the project and related regional housing based on the significance of impacts as currently identified in the Draft Program EIR. The land is planned for urbanization under the existing General Plans. Furthermore, the growth inducement analysis in Section 7 of the Draft Program EIR compares projected population and housing projections for Year 2010 and determined that ...

16. In concept, the village designs encourage pedestrian access, decrease vehicular trips and promote a more cohesive community by distributing commercial, public facility (e.g., schools), and park uses in close proximity to residential. Thus, nearby residents would travel shorter distances for shopping and recreational activities. To ensure that the village design is properly implemented, the Otay Ranch GDP/SRP (and accompanying land use map) explicitly states where land uses will be located and how the village designs will be structured. Each SPA plan will conform to these guidelines. Any proposed increases in development intensity, over those levels presented in the GDP/SRP, would require an amendment of the appropriate General Plan and subsequent environmental analysis to evaluate the impact on existing areas.

Resource Management Plan - This is a plan that provides no resource protection and no real management plan.

There is no comparison of what would be preserved under the RMP (Phases 1 and 2) and what is preserved under the existing county RPO. Please provide such a comparison for each alternative and the required County General Plan Alternative.

The Owner/Manager of the undefined "preserve" is left for designation at a future date--this tells us nothing. Numerous strategies and studies will somehow assure us that what needs protection will receive it. We don't agree. To what standard will these studies be held? When will they occur?

RMP Draft Phase I, (Vol. V) includes a map which delineates "wetlands". These are identified as being those areas containing "wetland vegetation species". We do not accept this as being an adequate definition of wetlands. All resource identifying and "protecting" maps and plans in the RMP are flawed by this faulty science. "No net loss" means nothing if one has already removed the wetland by definition.

On page 116 of the RMP, Vol. V, Technical Reports, Policy 9.3 states the following: "Complete wetland delineation using the Federal Unified Method, or approved modification thereof, for each Specific Plan or SPA containing wetlands. STANDARD: Wetland delineations and permitting shall be in accordance with the standards and guidelines of the U.S. Army Corps of Engineers". Is this consistent with the methods used in the DEIR data base? (17)

The Valle de Oro review team observed inappropriate grazing of sensitive habitat in 1990 and the Ogden biologists have verified that they knew grazing had been allowed in the sensitive vernal pool areas. The herbivores have helped develop the New Town Plan! Specifically, what measures have been taken to preserve known assets during this development process?

On page 263 of the Baldwin New Town Plan, October 1989 (Tech. Reports, Vol. II), we are presented with the future prospect of a Resource Management Plan--"This document shall implement the Open Space Recreation Park/Conservation element of the Otay Ranch New Town Plan". In the DEIR we are presented with numerous examples of instances where the New Town Plan is in direct conflict with the Draft Phase I RMP. How are we to understand such a process? A Phase I Draft framework provides no protection.

The RMP is contained in Technical Reports, Vol. V. This material must be included in the DEIR itself. We are told that the DEIR serves as environmental documentation for the GPA and for the determination of the RMP as "the functional equivalent" of the County's RPO and yet, the only folks able to actually evaluate

LO.25-15

17. Preface in the Draft Resource Management Plan (RMP) provides a comparison and analyzes the differences between the County Resource Protection Ordinance (RPO) and the Otay Ranch RMP. Also refer to Table 4.10-1.1 in Section 4.10 in the Final Program EIR for a comparison of the compliance of each of the alternatives to the RMP.

All studies which are utilized for environmental documentation and analysis will be subject to public review and resource agency review for each SPA. Objective 9 (Policy 9.1) of the RMP sets up a framework with the resource agencies regarding ongoing management, resource studies, environmental documentation, and permitting issues.

All habitats with even a small component of wetland vegetation were considered to be wetlands for the RMP and the Program EIR. Refer to Figures 3.3-5a-h and Table 3.3-6 in the Draft Program EIR. A formal wetland delineation using the federal unified method requires the presence of three wetland parameters; i.e., wetland hydrology, hydric soils, and hydrophytic vegetation; as opposed to only the presence of wetland vegetation. The Program EIR utilizes the method of mapping all areas with wetland vegetation as wetlands. The formal wetland delineations to be conducted at the SPA level of analysis will reduce the acreage of habitat currently classified as wetland. All wetlands will be subject to resource agency permitting programs.

Regarding grazing, the Resource Management Plan (RMP) Policy 8.4 calls for the preparation of a Range Management Plan during the interim, until the Preserve is conveyed to a Preserve Owner/Manager.

In regards to the New Town Plan and the RMP refer to comment 19 in this letter. Refer also to the Draft RMP (report number 23 in Otay Ranch Technical Reports, Volume V) which presents goals, objectives, policies, standards, and guidelines for the Preserve on Otay Ranch. The New Town Plan does not meet the requirements of the RMP (refer to Section 3.3.3 of the Draft Program EIR).

The Draft Program EIR presents the goals, is objectives, policies, standards, and guidelines pertinent to biological resources (see Section 3.3.3). The Draft Program EIR also evaluates the compliance of each alternative with the RMP (see Sections 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, 4.9.4.2 and Table 4.10-1.1 in Section 4.10 of the Final Program EIR).

the RMP are those who either obtain a full set of the nine volumes or get to one of the established repositories.

We are told on page 2-22 of the DEIR, "At the time of this EIR, Phase I of the RMP has been drafted and is now being reviewed and processed by the city and county". We have been given no information, in spite of repeated written requests, on how we and the public will be able to participate in future reviews of the evolving RMP. Who will have jurisdiction? (17)

Section 4.4 on page 167 of the RMP contains a very confusing note from the Project Team. Please clarify. How are we to make sense of this?

Page 2-24 of the DEIR. "Beyond the county RPO, the resource protection program addresses state and federal regulatory requirements in light of the resources present onsite". Several biologists have provided critical review of the "research" done on the resources present--we do not believe the research has been anything near adequate. Please address in detail.

Page 2-24 of the DEIR. "Resources addressed in the RMP that are analyzed in the Program EIR include: biological resources, cultural resources, paleontological resources, floodplains, agriculture, and steep slopes. In many cases, the objectives, policies and standards presented in the RMP form the basis for mitigation measures presented in the Program EIR". (18)

The above is completely unsatisfactory and inadequate, complete with qualifiers and modifiers. The document admits that the resources have not been completely analyzed. Please explain how this can be assumed as adequate.

Same page, same paragraph "...the Program EIR with its associated statutory requirements, provides the vehicle for ensuring that the policies and programs included in the RMP are implemented". No such assurance is provided or taken from the above. Specifically, how will implementation be ensured?

On pages 265, 266 and 267 of the New Town Plan (Vol. II, Tech Reports), very specific elements of several plans (including the RMP) are described and yet, in the DEIR we find contradictions that are dealt with by deferring the needed plans and studies to some future date. (19)

Clarify the inconsistencies between the New Town Plan requirements and Draft Phase I RMP offered as being its extension.

The Phase I Draft RMP is to provide "a conceptual preserve boundary", page 15, Vol. V, Technical Reports. This "preserve" would somehow come into existence over the life of the project (20)

LO.25-16

Regarding who will have jurisdiction, this determination will require subsequent environmental documentation through the Local Agency Formation Community (LAFCO) process.

Regarding mitigation, refer to mitigation Sections (3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, 4.9.4.2) in the Final Program EIR. Refer also to Table 6 in response to comment 3 in letter from Cindy Burrascano.

18. The text that is referenced in this comment is an introductory description of the RMP. An evaluation of the proposed RMP is provided in the biology and cultural resource sections of the Draft Program EIR which discuss the specific RMP features and policies with respect to the resources present on Otay Ranch. Refer to response to comment number 17 above in this letter.

19. These plans have changed since the original submission of the New Town Plan. In regards to the RMP, it is most closely related to the Phase I and Phase II-Progress Plans.

20. Comment noted. Refer to pages 4 through 15 in the Draft RMP.

(20) but would immediately take the place of the RPO protections. We do not accept such a "protection" as being the functional equivalent of the County RPO.

Under page 64, Goals, Objectives, Policies of the RMP, Vol. V, Technical Reports, Policy 1.2 states: "Complete biological studies currently in progress". STANDARD: The following studies shall be completed by the landowner prior to or concurrent with Phase 2 RMP:

1) Wildlife Movement/Corridor Study (expected completion, late 1992)

2) Raptor Foraging/Habitat Study (expected completion, late 1992)

(21) 3) Habitat and Population Studies on California Gnatcatcher and Cactus Wren (ongoing studies over 35-year period)

4) Vernal Pool Study (expected completion, Fall 1992)

These studies, critical to an understanding of the environment in the area, are not included in the DEIR and are not part of the Draft Phase I RMP. They should be. Please give rationale why they are not included.

Page 89, Policy 4.2 states that the Project Team has "Assure[d] that biological data for Otay Ranch are acceptable to the Scientific Review (SRP) panel so that, if feasible, the Preserve can be incorporated into a larger South County NCCP". Present evidence that this has occurred.

Wildlife Corridors:

The RMP describes large blocks of natural habitat connected by verified regional wildlife corridors. Everytime we ask to see such substantive verification we are told that studies are (22) on-going and we are referred to a crude map showing "corridors" which exist primarily in the applicant's mind. Show specific evidence of these corridors--location, size, make-up, etc. Also, please justify the combining of bicycle paths and hiking trails with wildlife corridors intended to serve large animals including predators such as mountain lions and other species.

(23) Greenbelt/Golf Courses - On page 2-15 of the DEIR, a very specific 2,716 acres "greenbelt" system is mentioned as "integrat[ing]" the many natural canyons. "Greenbelt" is neither defined nor described in terms of biology or environmental significance or value. Please define and give specifics.

(24) Golf courses are mentioned but not shown on the figures. The Draft Phase I RMP on page 229 mentions active recreational uses

LO.25-17

21. There is no requirement that these studies be completed prior to the completion of the Final Program EIR. However, two of these studies are completed and one is drafted and undergoing review.

Phase I of the Otay Ranch Wildlife Corridor Study was completed in January 1992 and is report number 20 in the Otay Ranch Technical Reports, Volume IV, Biology. The complete Otay Ranch Wildlife Corridor Study (Ogden 1992b) was released with the Final Program EIR. The Otay Ranch Raptor Management Study was completed by Ogden in July of 1992 and is report number 21 in the Otay Ranch Technical Reports, Volume IV, Biology. The vernal pool report was completed by Dudek in March 1992 and is included as technical report number 19 of the Draft Program EIR.

See response number 2 in letter from the United States Fish and Wildlife Service, 10/8/92 regarding MSCP/NCCP coordination. The South County NCCP is not scheduled to file a Planning Agreement which includes a map of its coverage until December 1992.

22. Refer to the Otay Ranch Wildlife Corridor Study (Ogden 1992b) for specific information on wildlife corridors.

23. Greenbelts are the manufactured open space areas present between villages and throughout the Otay Ranch development. They typically feature landscaping and pedestrian or bicycle paths that encourage non-vehicular movement between villages, natural open spaces, and parks. From a biological standpoint, greenbelts offer minor linkages to open space but feature non-native vegetation and/or disturbed native habitat. For the purposes of this analysis, greenbelt areas were presumed not to remain as natural open space and these areas were not relied on to function as wildlife corridors or protect sensitive habitats or sensitive species.

on 400 acres. On page 2-15 of the DEIR playing fields and parks are specifically identified totaling some 394 acres. Are these the 400 acres mentioned in the RMP?

(24) Our planning group was told that the New Town Plan includes five golf courses and that other alternatives also include various numbers of courses. Where will the golf courses be and why are the associated impacts not fully examined in this policy-level document? The decision whether to include golf courses in the New Town (or any other) Otay Ranch Plan is one of major significance and cannot be slipped into the process unexamined at this level.

(25) Air Quality - The Lead Agency is required to analyze both "on-site" and "secondary" air pollution emissions in assessing overall significance of air quality impacts. It ignores highly impactive policies from the City of Chula Vista such as allowing freeways to function at LOS "E" and the very high intersection critical threshold of 65,000 entering vehicles. This section is inadequate in its level of analysis. How will San Diego County be in compliance with the Clean Air Act after Otay Ranch when we are not now in compliance? Please explain fully.

LO.25-18

Water/Sewer/Drainage - Others, including LAFCO and County Planning Commissioners, have made comments about water and sewage that we agree with and would underscore. These matters cannot legitimately be left to some future level of review--they are critical policy level decisions and have county-wide implications.

(26) As an example of the inadequate level of analysis and discussion, page 2-21 of the DEIR states: "In addition, a potential wastewater treatment facility has been identified within the plan which would connect offsite to the existing Metro system and/or ocean outfall". This is the same Metro system that has been in violation of the Clean Water Act for years and is even now unable to find a way to come into compliance. Explain fully how this project would affect the present and planned revamping of the Metro system.

All of the alternatives offered assume extension of the sewer throughout the Central Proctor Valley area, all of which is well beyond the Urban Limit Line. A significant amount of the proposed development, including commercial and multiple dwelling units, occupies the middle of the RCA between Mt. San Miguel and the Jamul Mountains. We understand that reasons for establishing (27) the RCA include providing for the movement of wildlife between thse two mountain areas and also creation of a buffer between Jamul and the urban areas of Chula Vista and San Diego.

The sewer decision is faulted. Sewering of this valley will be the end of the RCA and its populations of endangered plants and

24. The golf courses referenced in this comment would be placed within the limits of development defined for each village. The land use plan for the Mitigated Phase II-Progress Plan depicts the conceptual locations of two golf courses: Central Proctor Valley and the Lake Resort. Thus, the recommended plan has reduced the New Town Plan's golf course proposal to two courses. The impacts of these golf courses were evaluated in the Draft Program EIR with respect to land use, biology, cultural resources, and parks/recreation.

25. Questions about the effects of Level of Service at the intersections within the project, as well as the local effects of traffic at these locations, will be addressed at the SPA level, by prior agreement with the SDAPCD, since detailed information is not available at this stage. Measures to reduce any significant effects to local and regional air quality will be required at the SPA level.

The Regional Air Quality Strategy takes into account a certain amount of growth (consistent with SANDAG Series 7 projections). Since the RAQS lays out a plan to achieve compliance with the Clean Air Act, San Diego County can be in compliance with the addition of the Otay Ranch Project as long as growth is consistent with Series 7 (or less) and the assumptions on which the RAQS is based regarding effectiveness of control strategies are correct.

26. Please refer to the response to comments to the reference LAFCO letter and Planning Commission Transcript. Currently, scientific tests are being run to determine if an alternative chemical treatment on the influent will be equivalent to secondary treatment levels. The Federal Court has granted the City of San Diego an 18-month time frame to make a determination; the results of these tests and the potential changes to the Clean Water Program and associated facility upgrades will not be known for some time.

27. The growth-inducing impacts of extending infrastructure through the Proctor Valley area are discussed in Section 7 of the Draft Program EIR. It is acknowledged that development in areas currently not serviced by a sewer district could occur using septic systems; however, development as proposed could not take place under the County General Plan.

wildlife. It will also lead inexorably to further development up the valley and beyond. The argument presented that no building can take place under the County General Plan using septic systems (27) is ludicrous. There are numerous examples around the county of homes on much smaller lots successfully using septic systems. The idea that properly permitted and constructed septic systems are more a threat to water quality than urban runoff and potential sewer system breakdown is ridiculous on its face.

Drainage and flood control must also be addressed at this level of environmental review. These are regional issues and policy (28) level decisions. References in the DEIR to the Implementation Plans are misleading at best. These plans, contained in Technical Reports Vol. VII, are wholly inadequate and full of erroneous or, at least, only partially correct information. Several potential ways of bringing sewer service and water to (29) residents are casually mentioned but nowhere fully examined. Please address these issues more fully. What does the applicant propose?

<u>Landfill Issues</u> - Not adequately addressed and not in sufficient (30) detail. Please give a detailed plan to serve the proposed population and businesses.

<u>Policy I-109</u> - Otay Ranch New Town Plan, October, 1989 (Vol. II, Tech. Reports), provides a specific work program developed as part of Policy I-109. The Work Program (page 58) established six tasks to be completed leading to a recommendation regarding processing of the General Plan Amendment. This work was apparently reviewed by the Task Force and staff summarized their recommendations in a report dated February 17, 1989. What written documentation exists that the six tasks identified originally were actually undertaken and completed?

Page 59 cites County staff recommendations dated February 17, 1989. Please clarify the item number 1 and how it can be that "no substantial issues were identified that would preclude such (31) authorization".

Item number 2 contains an either/or element for addressing issues identified in the EIR. Which is it--either, or?

Item 3 seems to indicate some opportunity for review of a proposed General Plan Amendment and various alternatives. We have just been given the opportunity (Oct. 7, 1992) to examine such a proposed change which does not appear to contain any alternative proposals.

It is insufficient to merely mention that these recommendations, including authorization for processing of the GPA, were approved by the County Board of Supervisors on March 24, 1989 without including the substantive points of discussion in that meeting.

LO.25-19

28. The Draft Program EIR addresses surface water hydrology in Section 3.9, Water Resources, of the document. Due to the lack of grading plans and drainage plans, the analysis is adequate at this programmatic level. More refined drainage plans and flood control provisions will be discussed and evaluated at the SPA plan stage.

29. As stated in Section 3.13.2.2 of the Final Program EIR, the jurisdictional preference for sewage service is the City of Chula Vista in coordination with METRO or its new Special District Act. The provision of sewer and water service will be evaluated prior to SPA plan development under a supplemental analysis of public services.

30. The analysis of integrated waste management included in the Draft Program EIR is adequate at the programmatic level. As stated in the Draft Program EIR, Section 3.13.3.3, an Integrated Waste Management Program will be prepared by the project applicant prior to SPA Plan approval.

31. Comment does not address the adequacy of the Draft Program EIR. The IJTF role has evolved since its original responsibility for implementing Policy I-109, as acknowledged by the EIR. Issues of concern that were discussed by the IJTF are listed in Section 1.1.7 under "Issues to be Resolved" in the Draft Program EIR.

(31) How are we to know whether or not any "issues" were identified? Please include a complete set of the minutes of this meeting in the FEIR.

(32) Cumulative Impacts - There is failure to properly address cumulative impacts in the context of an already degraded environment. There is inadequate geographic scope of cumulative impact analysis. Please frame your response within the guidelines contained in CEQA Section 15130.

Reasonably foreseeable consequences of the proposed project are not addressed, for example: Daly property development as a result of sewer extension; other additional sewer hook-ups; further demand on water imports; Helix Land Co. property development known to be underway.

(33) Also, page 2-22 of the DEIR states: "Likewise, development of the Eastern Urban Center would likely occur in the latter phases of the project to lessen the economic effect on downtown Chula Vista". These economic effects are nowhere analyzed. Please give details in the cumulative impact analysis.

LO.25-20

Alternative to the Project - CEQA mandates that avoidable significant environmental damage be substantially lessened or avoided where feasible. A draft EIR must describe a range of reasonable alternatives to the proposed project that could feasibly attain the project's basic objectives, and must evaluate the comparative merits of each alternative. Serving the public purpose at minimal environmental expense is the goal of CEQA.

We find very little in the way of basic objectives for this project other than the Baldwin Company's desire to change the County's General Plan and develop their property to the maximum density permitted over the next 30-50 years. If decision-makers rely on SANDAG series eight projections for a description of anticipated demand, we would suggest that these projections be re-examined in the light of a slumping economy and slack demand in the near term. There will be additional demand, but we (34) believe there are other ways to meet it.

We suggest another, as yet unexamined, alternative that could, under proper leadership and design, fulfill the projected need for liveable communities, affordable housing, energy and resource efficiency, preservation of agricultural resources and environmental protection. We suggest a serious consideration of some form of "redevelopment" of current urban areas. Not that we are endorsing what may have been done under this title in the past, but rather we suggest there are many examples of progressive, forward-looking planners and architects in the world (and probably in San Diego) who could demonstrate models and plans for such communities. We will accompany staff to the library to help begin the research if necessary.

32. Comment noted. The scope of the cumulative impact analysis was defined by the County of San Diego and City of Chula Vista as all active development applications, recently approved projects and those projects under construction at the time of EIR preparation. In the absence of a specific proposal, the general plan designations were utilized. Refer to response to comment number 9 of Endangered Habitats League letter (dated September 23, 1992) for additional discussion of this topic. Refer to response to LAFCO comment number 19 regarding the growth inducing effects of Otay Ranch.

33. An economic evaluation and market analysis will be conducted by a consultant of Baldwin's during SPA Plan development when additional information on the project is available. For SPA Plan(s) encompassing the Eastern Urban Center (EVC), this will likely include an assessment of the project's economic effects on downtown Chula Vista. However, as determined by the City and County, a fiscal analysis was not included in the scope of the Program EIR at this time.

34. Comment noted. Refer to response to the Endangered Habitats League letter regarding the range of project alternatives evaluated in the Draft Program EIR.

The Baldwin Company has their way of doing what they do. It is very conventional and predictable. In our view it is another example of "dinosaur development" with all of the associated ills we have come to know over the past decades. Decision-makers have a responsibility to consider the truly feasible alternative of taking advantage of existing technology and design strategies to create a more economical, more humanly liveable urban (34) environment. The New Town Plan is to come into being over the next 30-50 years. Surely, it makes sense to look at an alternative that does not do damage to the environment and still provides homes, jobs, and community while preserving, for future generations, valuable agricultural soils, resources, habitat and open space.

Notes on Biology - The Baldwin Project, in its resource categorization, has defined resource areas as being of "low", "moderate" or "high" quality. It then proceeds to assert that the areas of low or moderate value are those that are appropriate for development. Some areas are categorized as being of "low" or "moderate" value because of agricultural animal grazing taking place in the past and present. While it is true that such uses were and are permitted, it is also true that in many areas, should such uses be discontinued, the habitat would regenerate (perhaps unaided) in a relatively short span of time. Why are "moderate" quality areas to be taken when "high" quality areas are in such short supply?

LO.25-21

We wonder if an effort has been undertaken to deliberately (35) degrade areas in advance of biological surveys for the purpose of finding them to be of "low" or only "moderate" value. See the example of the "wetlands" mentioned earlier in our comments.

Proper evaluation of important habitat should not be based on what remains in the wake of cattle, sheep or goats grazing through the study area. Credible biologists can determine which areas are capable of self-regeneration or restoration with minimal input. This must be done before a "preserve" or a New Town Plan is adopted. Please comment on the regenerative capabilities of the low and moderate areas. Give specifics on each area.

Mitigation - When approving projects that are general in nature (e.g., a general plan amendment as opposed to a specific development plan approval), agencies must develop and approve whatever general mitigation measures are feasible to lessen or avoid projects' significant impacts. Agencies cannot defer the (36) obligation to formulate and adopt mitigation until a specific development is proposed.

In the Baldwin project, we are presented with mitigation that is put off into the future at the SPA level. We are again and again

35. This comment refers to the Resource Sensitivity Analysis which is a planning document utilized to determine developable area on the Otay Ranch. For purposes of general planning, it necessarily separates areas into high, moderate, and low sensitivity categories based on existing resources. Biological issues alone rarely fall into such distinct categories. Areas of previous disturbance which do not support sensitive resources are ranked lower than those supporting sensitive habitats/species. Such areas are, however, taken into consideration if they are important for linking natural areas (wildlife corridors) or are adjacent to key biological areas. Within the context of the Program EIR, such areas are also reviewed for restoration potential and for sensitive species reestablishment (refer to Figure 3.3-8 in the Final Program EIR).

Refer to response to comment number 7 in letter from the California Native Plant Society, 10/6/92, regarding the regenerative capabilities of disturbed habitat areas on Otay Ranch.

36. Comment noted. The mitigation measures contained in the Draft Program EIR are intended to mitigate broad policy impacts of project approval. Until additional project details are presented in the SPA Plan and/or tentative map, the Draft Program EIR must concluded that at this level of analysis a significant impact would occur. However, the impact could be avoided or minimized during the SPA planning phase, and therefore, be mitigated to below a level of significance. Otherwise, additional mitigation will be applied at the SPA Plan stage during subsequent environmental review if significant project-specific impacts are still identified. Refer to response to comment number 3 of South Coast Environmental Working Group for additional discussion on the purpose of a Program EIR.

told that this or that Special Plan/Study will be developed to mitigate the impacts known at this time to be inherent in the project. Such a dodge cannot be permitted and must be corrected by the Lead Agency (which should be the County) in the final EIR. (36)

Unclear Language - Vague and unclear modifiers are used extensively: "somewhat", "wherever possible", "wherever practical", "where possible", "potentially", "major", "minor", "when feasible". Given more time, we could provide a staggering list. These modifiers and qualifiers serve to render the mitigations and analyses meaningless.

Conclusive statements made are unsupported by empirical or experimental data, scientific authorities, or explanatory information of any kind. They not only fail to crystalize issues but afford no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives. Given more time, we would provide numerous examples from the DEIR. (37)

Referenced Documents - Using CEQA Section 15150 as guidance, we find the method of incorporating documents by reference to be questionable. Examples are abundant in the text. We have no reasonable opportunity to validate these documents and are left to wonder about their relevance. Please explain the relevance of each of these referenced documents. (38)

Technical Committees - Apparently nine "Technical Committees" were formed to work on this project--traffic being one. What legal authority do/did they have to determine policy for the County? (39)

Information documents known to exist that are missing from the DEIR - The Memorandum of Understanding between the City of Chula Vista and the County of San Diego from August 1, 1989.

A "feasibility study" and technical studies done for United Enterprises.

Project-related correspondence between Baldwin, the Project Team, the City of Chula Vista, and the County of San Diego from the date of application to the present. (40)

"Initial Checkprint Draft Otay Ranch Program EIR" dated January 11, 1990 prepared by Dames and Moore. Compare to DEIR now.

Written comments (and probably oral testimony) on the "Issue Papers" have not been included in the backup volumes to the DEIR. We cannot know if the comments have been addressed.

LO.25-22

37. Three of the eight project alternatives were quantitatively evaluated in the Draft Program EIR and the analysis contains specific discussions of project impacts. If any qualifiers were used in the report, the language is found in the qualitative discussions on the remaining alternatives. However, because these alternatives fall within the range of quantified analyses, this approach was considered acceptable. In each case, the mitigation measures specifically state the requirements and standards the project must meet in order to reduce impacts to below of level of significance.

38. All documents referenced in the Draft Program EIR are available for review at the City and County offices and local libraries at the request of the reviewer.

39. The technical committees referenced in this comment include staff members from the City of Chula Vista and the County of San Diego planning departments, engineering departments and public works. In the case of the transportation committee, members of the County were present during the traffic policy discussions.

40. All of the informational documents outlined in this comment were bound separately as appendices to the Otay Ranch Draft Program EIR. They were available during the entire public review period for the Draft Program EIR and can still be reviewed at the City and County offices.

(40) Report prepared for VDOCPG by Daniel Tarr and Jack Phillips.

Submitted,

Jack L. Phillips
Chairman, VDOCPG

Distribution: San Diego County Board of Supervisors
San Diego County Planning Commission
San Diego County DPLU

LO.25-23

SAN DIEGO AUDUBON SOCIETY

2321 Morena Blvd., Suite D San Diego, CA 92110 275-0557

October 19, 1992

Anthony J. Lettieri
Otay Ranch Project
315 4th Avenue, Suite A
Chula Vista, CA 91910

Subject: DEIR, Otay Ranch Project

Thank you for the additional copy of the DEIR. We are most disappointed in this document.. In spite of its great bulk, there are many critical matters missing. First, the Resource Protection Plan, which finally arrived last Friday. Why is it not a part of the DEIR? Can the DEIR be certified without it? Not as I understand CEQA.

LO.26-1

(1) Further, there is no discussion of the Clean Water Program's mapping, the County's mapping project, or the NCCP, though we understand that Otay Ranch is enrolled in the NCCP.. Major goals of these mapping projects are to protect and preserve biodiversity by setting aside large and connected areas of healthy habitat, to protect ecological health, region-wide, and to try to prevent the listing as endangered of plant and animal species now threatened or common. There is no assurance that these goals were considered, much less that they will be met by this project.

(2) Most of the alternatives, confusing though they are, are essentially similar in regard to natural resources, and none would meet even the County goals of the Resource Protection Ordinance. Even the so-called "Environmental" alternative would destroy most of the wildlife corridors. And we wonder if it is a serious alternative. Under CEQA, alternatives must be analyzed which will reduce impacts below the level of significance. These alternatives don't even try, and, except for the Environmental, look oddly the same.

(3) There is no discussion nor maps of the Wildlife Preserve that has been so touted. No discussion of financing, who would manage, what protections it would enjoy, how enforced, how monitored. This is a serious absence. Surely this matter should be considered now, with cooperation from, for example, the Nature Conservancy, a group likely to be considered for the job as manager, experienced land managers whose input should be invited and heede ithout the Wildlife Preserve, the document is well nigh useless to us. Wi. -3,000 acres, and a creative planning staff, surely something wonderful could have been, or could be, planned.

SAN DIEGO AUDUBON SOCIETY
NORMA SULLIVAN
OCTOBER 19, 1992

1. Refer to response number 2 in letter from the United States Fish and Wildlife Service, 10/8/92.

2. Refer to responses number 1, 3, and 6 in letter from Endangered Habitats League, 9/23/92.

3. The Draft Resource Management Plan was included in Volume V (number 22) of the Otay Ranch Technical Reports. Compliance with the objectives, policies, standards, and guidelines of the Resource Management Plan by alternative are included in the biological resource mitigation sections of the Draft EIR.

The discussion of water resources for this giant project is confusing, contradictory, inaccurate in many ways, and clearly unrealistic.

(4) We concur with Palomar Audubon in their calculations of negative impacts to sensitive species and habitats and wildlife corridors -- impacts not entirely clear for comparison in the DEIR, but clearly unacceptable.

(5) We urge that this DEIR not be certified. It is, it seems, a rather awkward, unwieldy first step. We stand ready to cooperate in going back to the drawing board to plan something innovative, in line with the NCCP and County mapping goals, protective against endangered listing of species, and of benefit to all residents of the County and the region.

Thank you for your consideration.

Norma Sullivan

Norma Sullivan, Conservation Chair

4. Comment noted.

5. Comment noted.

LO.26-2

SIERRA CLUB, SAN DIEGO CHAPTER
San Diego and Imperial Counties
3820 Ray Street
San Diego, CA 92104

OCT · 5

October 19, 1992

Anthony J. Lettieri, General Manager
Otay Ranch Joint Planning Project
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Dear Mr. Lettieri:

The Sierra Club is disturbed at the haste with which this project is being taken through the public review and comment period. There are several crucial documents not yet in their final draft form and we regret the lack of opportunity for public comment and response to them, specifically the wildlife corridor study and the resource management plan (RMP).

LO.27-1

(1) The status of the RMP raises several questions, and we request a formal response to them; if the responses are not within the scope of the EIR, then an independent response would be appreciated. What is the legal status of the RMP? Is it "certified" like the EIR? Since the RMP is the county's substitute for RPO, can the EIR be adopted and certified without the RMP? What assurance is there that the RMP could not be significantly altered prior to being "certified" or adopted, since the public comment period will not remain open long enough to include RMP comments?

(2) I believe that Otay Ranch Project personnel explained a week or so ago that the proposed preserve, the heart of the RMP, would be funded incrementally, as each SPA is processed, or perhaps completed. This raised the question in my mind – If funding for the preserve depends upon the economics of each SPA, will the preserve be threatened, or at least fragmented, if any given SPA experiences financial difficulties?

(3) We keep being reassured that subsequent EIRs for SPAs will pick up any data missing from the program EIR and go into more detail. However, it's our experience that they will just cite the program EIR. Is there any requirement or assurance that supplemental EIRs will indeed supply missing data? And how does an incomplete program EIR provide an adequate basis for a general plan amendment? It is our understanding that the county requires a complete and adequate EIR when it is to be the basis for a GPA. Does the City of Chula Vista have a similar requirement? Is the city willing to proceed with a general plan amendment using an incomplete EIR?

Sincerely,

Patricia Gerrodette

Patricia Gerrodette, Chair
Land Use Committee

cc: San Diego County Board of Supervisors
Chula Vista City Council

SIERRA CLUB
PATRICIA GERRODETTE
OCTOBER 19, 1992

1. The Resource Management Plan (RMP) will be considered for adoption along with the Final Program EIR. The RMP is a significant component of specific project alternatives and must be considered with the Final Program EIR, since the impact assessment and many of the mitigation measures in the report assume the RMP will be implemented. Any alterations of the RMP subsequent to public review were in response to agency and public review comments on the EIR.

2. Approval of each SPA must be accompanied by a corresponding conveyance of land to the RMP Management Preserve, regardless of the land ownership. Development would enable the implementation of the RMP through funding contributed by each village as described in the RMP. The RMP also delineates the location of the open space in the Management Preserve and the order of conveyance of the Preserve parcels. The order is based on the quality of the resources. The Preserve will, therefore, not be threatened or fragmented by development pressures or economics.

3. The data gaps identified in several of the comment letters have been filled in the Final Program EIR, as appropriate. Where mitigation requires additional studies during SPA Plan preparation, the Draft Program EIR has identified the required content of those studies or referenced the regulatory standard those studies must meet to be considered adequate. Refer to response number 3 of the South Coast Working Group letter regarding the purpose of the Program EIR.

WILSON ENGINEERING

DEXTER S. WILSON P.E.
ANDREW M. OVEN, P.E.
MARK A. BURBRINK, P.E.

OCT - 5

October 1, 1992

Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Attention: Douglas Reid, Environmental Review Coordinator

Subject: DEIR Otay Ranch

LO.28-1

The following comments are offered on the above referenced document, specifically with regards to Section 3.13.1 Water Availability and Demand.

1. Page 3.13-6, third paragraph of the above referenced section: One agency currently provides water service to the project area, the Otay Water District. The City of San Diego does not provide water service to project area. There are two areas of the project (the San Ysidro parcel and the Resort site on the Proctor Valley parcel) which are not currently within any water purveyor's jurisdiction. These areas are controlled by the San Diego County Groundwater Ordinance.

(1)

2. Page 3.13-17, second paragraph, last sentence under the discussion of Otay Water District. This comment was made by Mr. Mumford, yet it is out of place and context where it is shown. The sentence, "However, due to existing drought conditions.." would be better understood if located on page 3.13-6 under the existing conditions discussion (at the end of the second paragraph). While it is true that the Otay Water District is subject to water availability restrictions placed on it by MWD, generally, those restrictions are uniform in application and are effective on the entire MWD service area,

(2)

703 PALOMAR AIRPORT ROAD, SUITE 300 • CARLSBAD, CA 92009 • (619) 438-4422 • FAX (619) 438-0173

WILSON ENGINEERING - WATER
DEXTER S. WILSON
OCTOBER 1, 1992

1. The discussion of the City of San Diego as a service provider has been deleted from the referenced paragraph, and the reference to the San Diego County Groundwater Ordinance has been added to the text; please refer to Section 3.13.1.1 of the Final Program EIR.

2. The referenced sentence has been moved as suggested; please refer to Section 3.13.1.1 of the Final Program EIR.

LO.28-2

(2) not just the OWD. Permit restrictions currently in effect in OWD will be lifted when the new CWA pipeline 4EII is completed (currently under construction).

(3) 3. Page 3.13-8, second paragraph, revise the first sentence to read: "The City of San Diego Water Utilities Department provides water service to the majority of the City of San Diego, Imperial Beach, Coronado and parts of the County of San Diego. Although a portion of the Otay Ranch property falls within the City of San Diego municipal boundaries (approximately 390 acres, east of Brown Airfield on the Otay Mesa), this area is under the service jurisdiction of the Otay Water District and would be provided with water service by the OWD."

3. The text has been revised as suggested; please refer to Section 3.13.1.1 of the Final Program EIR.

(4) 4. Page 3.13-8, fourth full paragraph, revise the third sentence to read: "The Sweetwater Authority serves central Chula Vista largely from the Sweetwater Reservoir filtration plant. The Sweetwater Reservoir has a capacity of 27,000 acre-feet and the filtration plant has a design capacity of 24 mgd."

4. Please refer to comment and response to comment number 1 of the Sweetwater Authority letter.

(5) 5. Page 3.13-8, fifth full paragraph, revise the first sentence to read: "The Otay Valley parcel and a large portion of the developable Proctor Valley parcel are within the Otay Water District."

5. The text has been revised as suggested; please refer to Section 3.13.1.1 of the Final Program EIR.

(6) 6. Page 3.13-9, figure 3.13-2. Delete the reference for the City of San Diego Water Utilities Department serving any portion of the project. The boundary line shown is a municipal city boundary, not a water service jurisdiction boundary. The OWD jurisdiction includes all of the Otay Valley parcel and that property on Otay Mesa, east of Brown Airfield at the project's southerly boundary. Additionally, delete the reference to the Tiajuana Valley County Water District and replace it with the San Diego Water Utilities Department. While the Tiajuana Valley County Water District does exist, it does not

6. The reference to the City of San Diego Water Utilities Department has been deleted from Figure 3.13-2; the reference to the Tijuana Valley County Water District has been replaced with the San Diego County Water Utilities Department.

serve water to the west end of Otay Mesa, the City of San Diego serves this area. (See attached figure)

7. Page 3.13-15, first full paragraph, first sentence, delete the reference to "the Colorado River Basin RWQCB". It has no jurisdiction within the project area or the region's surface and subsurface waters.

8. Page 3.13-17, Jurisdictional Alternatives, the second sentence should be revised as follows: "The Otay Water District is the preferred jurisdiction for water service, however, each of these alternatives is discussed below."

9. Page 3.13-17, Otay Water District, revise the first paragraph to read: "Approximately 70 percent of the water demand for the Otay Ranch project is within the OWD. OWD is the logical service choice for the project. While the OWD is currently experiencing a water delivery shortage which impacts its ability to service new demands, this shortage is expected to be resolved when the new CWA pipeline is completed (this facility is currently under construction)."

10. Page 3.13-17, Otay Water District, revise the second paragraph to read: "OWD has adequate capacity to serve existing needs and is planning to serve the portions of the project that fall within its jurisdiction (the Otay Valley parcel and a portion of the Proctor Valley parcel). Upon completion of CWA's pipeline 4EII, adequate capacity would be available to serve Otay Ranch. With improvements to the MWD and CWA delivery and storage system, OWD will be able to fulfill its Water Service Master Plan (draft 1992) and provide water service to the Otay Ranch through the year 2030."

11. Page 3.13-19, Preferred Water Distribution, delete the first paragraph and replace with the following: "The jurisdictional preference for the project is to remain in the Otay Water District. Based upon the Wilson Engineering

LO.28-3

7. The Colorado River Basin RWQCB has been deleted from the text; please refer to Section 3.13.1.1 of the Final Program EIR.

8. The text has been revised as suggested; please refer to Section 3.13.1.2 of the Final Program EIR.

9. The text has been revised as suggested; please refer to Section 3.13.1.2 of the Final Program EIR. See also comment and response to comment number 7 of OWD's letter.

10. The text has been revised as suggested; please refer to Section 3.13.1.2 of the Final Program EIR.

L0.28-4

report, modifications to the Draft OWD Water Service Master Plan (1992) are suggested for water storage and delivery. These modifications have been reviewed by OWD and will be incorporated into the final Water Service Master Plan. Informal negotiations have begun with the City of San Diego to acquire or lease storage and filtration plant capacity in the Lower Otay Reservoir and filtration plant for OWD. This type of storage and service capability will provide the OWD with an additional service alternative in the event of future disaster or long term drought. Coupled with the completion of the CWA pipeline 4EII, which will more than double the water service capacity to the South County, OWD is the water service jurisdiction of choice for the project."

(11)

(12) 12. Page 3.13-21, Proposed Mitigation, second bullet, delete the first sentence, as the jurisdictional preference has been stated.

13. Page 3.13-21, Proposed Mitigation, third bullet, revise the first sentence to read: "Following the adoption of the Otay Water District Water Service Master Plan, an Otay Ranch Water Master Plan shall be prepared by the applicant in conformance with OWD standards. The Otay Ranch Water Master Plan will address, in detail, the following: - Design criteria and assumptions in accordance with OWD standards and regulatory authorities...".

(13)

14. Page 3.13-21, Proposed Mitigation, add a fourth bullet to read: "A Reclaimed Water Uses and Restrictions Plan shall be prepared by the applicant in conformance with the Water Reclamation Plan and current engineering and health standards, prior to any SPA Plan adoption. These Uses and Restrictions shall be prepared in coordination with the appropriate agencies to promote the maximum use of reclaimed water allowed by law, within the project area.

(14)

11. The referenced paragraph has been deleted and replaced with the suggested text; please refer to Section 3.13.1.2 of the Final Program EIR.

12. The jurisdictional preference has been stated in the Final Program EIR; however, a jurisdictional decision has not yet been made. The preferred alternative for the provision of water service to the proposed Otay Ranch Project requires subsequent studies and environmental review. The first sentence of the second bullet under Section 3.13.1.3 has not been deleted from the text.

13. Please refer to response number 12 in this letter.

14. The requirement to prepare a Reclaimed Water Uses and Restrictions Plan has been added to Section 3.13.1.3 of the Final Program EIR, under the requirements of the Water Master Plan.

15. Page 4.9.14-1, Water Availability and Demand, Demand Generated, delete first two sentences and replace with the following: "Based on the water demand rates currently being utilized by the Otay Water District for their Draft Master Plan, the water use for the Phase II Progress Plan Alternative is estimated at 17.9 million gallons per day (mgd) for average day use. This represents a 20 percent reduction from the 22.6 mgd demand shown in the Draft EIR. This reduction in demand is due to a change in the overall residential character. This same reduction in demand could be applied to all other alternatives. Water conservation measures would reduce the potable demand 121 gpd per unit, for a savings of 2.6 mgd, or 16 percent. Approximately 90 percent of this demand is attributable to land uses within the boundaries of Otay Water District.

16. Page 4.9.14-1, Water Availability and Demand, Reclaimed Water, add the following to the end of the first Paragraph: "Based on discussion with local agencies, the use of reclaimed water for irrigation on the two eastern parcels may be permitted; if this occurs, the average reclaimed water demand is estimated at 5.7 mgd."

17. Page 4.9.14-1, Water Availability and Demand, Reclaimed Water, second paragraph, delete "the unanswered question of which water jurisdiction will ultimately serve the project," from the second sentence as the jurisdictional preference has been stated as the Otay Water District. This comment is consistent for all alternatives discussed in Section 4.

LO.28-5

15. It was determined, based on discussions with Dexter Wilson at Wilson Engineering on November 11, 1992, that the text should be revised as proposed with one exception. The sentence stating "This same reduction in demand could be applied to all other alternatives" was not added to the Final Program EIR because the demand rates generated for the Draft Program EIR were based on the rates utilized in Section 3.13.1. It was determined that changing the demand rates was not appropriate.

16. The sentence has been added to the text; please refer to Section 4.9.14.1, Water Availability and Demand.

17. Please refer to response number 12 in this letter.

These conclude my comments on the Water Availability and Demand Section.

Wilson Engineering

Dexter S. Wilson

DSW:jaa

cc: Greg Smith, The Baldwin Company
Steve Doyle, Steven Doyle Consulting

LO.28-6

WILSON ENGINEERING

DEXTER S. WILSON, P.E.
ANDREW M. OVEN, P.E.
MARK A. BURBRINK, P.E.

October 1, 1992

Otay Ranch Project Planning Office
315 4th Avenue, Suite A
Chula Vista, CA 91910

Attention: Douglas Reid, Environmental Review Coordinator

Subject: DEIR Otay Ranch

LO.28-7

The following comments are offered on the above referenced document, specifically with regards to Section 3.13.2 Wastewater and Sewer Service.

(18) 1. Page 3.13-22, Section 3.13.2.1 Existing Conditions, third paragraph, delete the second to last sentence. Add a new paragraph (as the fourth paragraph) to read: "When upgraded to a secondary treatment facility, the Point Loma plant's capacity may be reduced to as little as 150 mgd if conventional treatment processes are utilized. Currently, scientific tests are being run to determine if an alternative chemical treatment of the influent will substantially alter the effluent characteristics. The Federal Court has granted the City of San Diego an 18 month time frame to run the tests needed to determine if the effectiveness of chemical treatment on the influent will be equivalent to secondary treatment levels. The results of these tests and the potential changes to the Clean Water Program will not be known for some time. Additionally, the City of San Diego has identified a new sewage treatment plan alternative (for capital facilities), which is based in part, on the use of chemical treatment at Point Loma. This new alternative, designed "the Consumers Alternative", can not be fully analyzed until the Court rules

FAX (619) 438-0123

18. The second to the last sentence has been deleted; the suggested new paragraph has been added to the text. Please refer to Section 3.13.2.1 of the Final Program EIR.

(18) on the results of the current testing programs. The State of California has adopted new Special District Act legislation for the METRO Sewer Service area. While changes to facility schedules and treatment alternatives have not been finalized, the goal of providing sewage service to the Otay Ranch has not been altered.

(19) 2. Page 3.13-26, Jurisdictional Alternatives, fifth paragraph down, which begins "A jurisdictional alternative..." should be deleted and rewritten as follows: "The jurisdictional preference for sewage service is the City of Chula Vista in coordination with METRO or its new Special Act District. For those areas of the project which will not be incorporated into Chula Vista, the reviewing authority for facility design would be the County of San Diego and transmission agreements with the City of Chula Vista would be required to take the sewage flows through Chula Vista to METRO. This is considered to be a potentially significant impact because the inter-agency arrangements for the new Special Act District have not been completed at this time.

(20) 3. Page 3.13-29, Wastewater Treatment Alternatives, the third paragraph which begins: "A wastewater treatment alternative..." should be deleted and rewritten as follows: "The wastewater treatment alternative shown as number 3 above is the preferred solution for the Otay Ranch project. In coordination with the Clean Water Program, City of Chula Vista, County of San Diego and Otay Water District a wastewater treatment facility, suitable for the production of tertiary treated, reclaimed water, would be constructed on the site designated and approved in the Otay Valley. Issues of timing and funding remain to be solved by the above agencies, but the phasing of the Otay Ranch shows this facility would not be required until some time in Phase II, which is consistent with the latest schedule of the Clean Water Program. At the General Development Plan level of analysis, wastewater facility/service impacts are considered to be potentially significant."

LO.28-7

19. The suggested paragraph has been added to the text. The jurisdictional preference has been stated in the Final Program EIR; however, a jurisdictional decision has not yet been made. The preferred jurisdictional alternative for wastewater and sewer service will require subsequent studies and environmental review. Therefore the referenced sentence has not been deleted; please refer to Section 3.13.2.2 of the Final Program EIR.

20. The suggested paragraph has been added to the text; however, the third paragraph has not been deleted. Please refer to response number 2 in this letter.

4. Page 3.13-29, Proposed Mitigation, first bullet, delete the first sentence and "In addition" from the second sentence. Because the applicant has proposed to be service by the City of Chula Vista and METRO, this sentence is no longer applicable. (21)

5. Page 3.13-29, Proposed Mitigation, second bullet, delete the following portion of the first sentence: "Following the determination of which jurisdiction will provide sewer service to Otay Ranch,". See comment 4 above. (22)

These conclude my comments on the Wastewater and Sewer Service section.

Wilson Engineering

Dexter S. Wilson

DSW:jaa

cc: Greg Smith, The Baldwin Company
Steve Doyle, Steven Doyle Consulting

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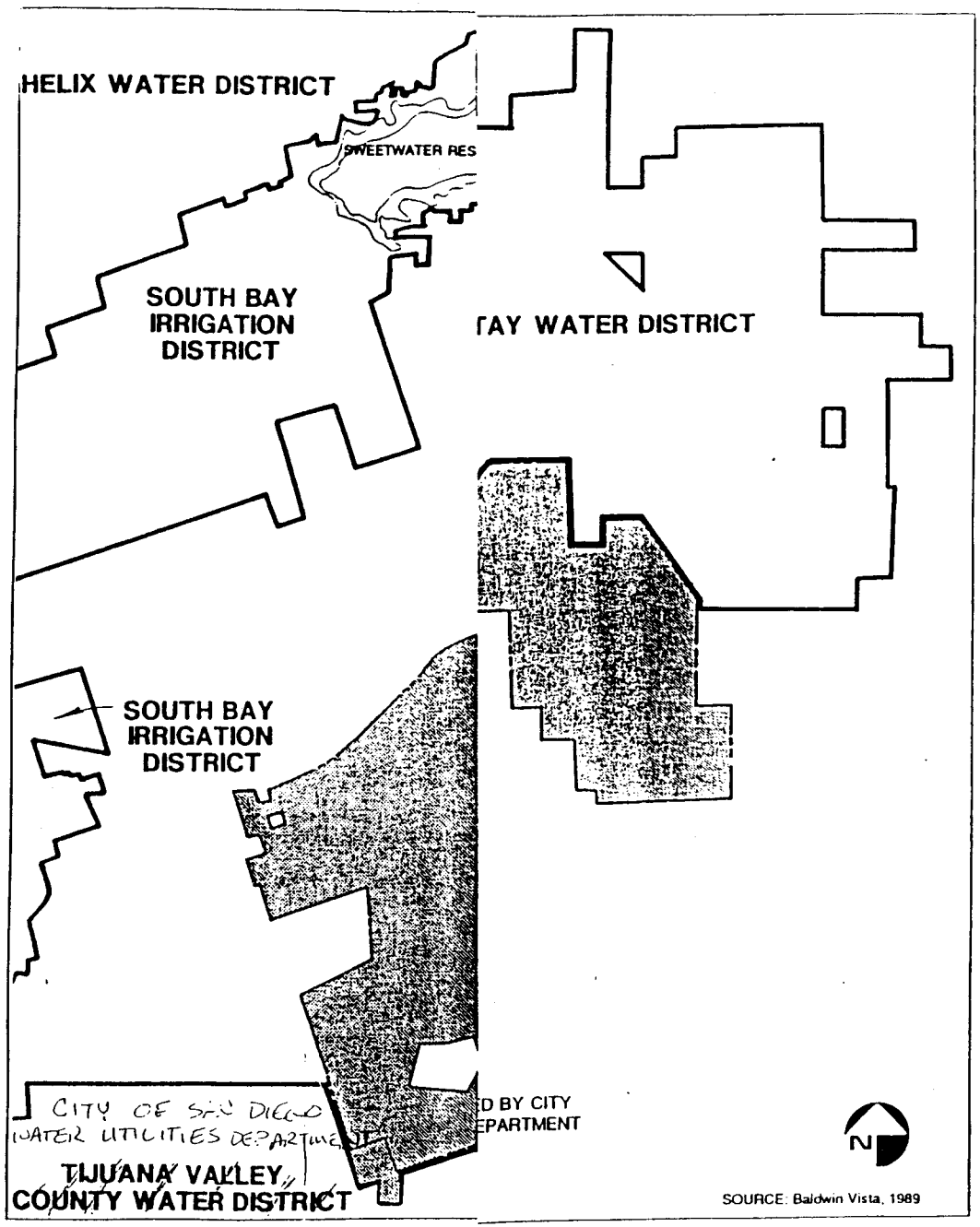
LO.28-9

21. The referenced text has not been deleted; please refer to response number 2 in this letter.

22. The referenced text has not been deleted; please refer to response number 2 in this letter.



OGDEN

FIGURE 3.13-2

LO.28-10

Shoreline Study Center

September 15, 1992

Anthony Lettieri
Otay Ranch Project
315 4th Avenue, Suite A
Chula Vista, CA 91910

Re: DEIR for Otay Ranch Project

Dear Mr. Lettieri:

We request an extension of the public review period to 90 days. Many factors point to the necessity to observe this CEQA requirement.

Consider the creation of a new town -- the core of this 23,000 acre project. Many of these acres are sensitive habitat. Additional acres are prime prospects for restoration. Surround these acres with fast-growing San Diego County and you have nothing less than an "unusual situation" (per CEQA Guidelines).

When the public is faced with an Environmental Impact Report of over 2400 pages (well in excess of the 300 maximum recommended by CEQA) it's "unusual".

A request for all correspondence between the applicant and all entities is outstanding.

LO-29-1

(1) The mapping is too poor to support making judgements on a proposed preserve. Failing to map a watershed or area containing sensitive habitat before designing a project is common but not tolerable. Preserve assessment and its mapping should be done first.

Public input is the heart of CEQA. Please extend the public review period to encourage the best possible project in this largest remaining tract in San Diego County.

Sincerely,

Inez Yoder

Inez Yoder, President

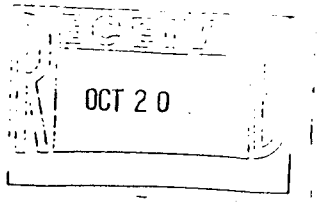
cc: Tim Nader, Mayor
George Bailey, Chairman
San Diego Board of Supervisors

SHORELINE STUDY CENTER
INEZ YODER
SEPTEMBER 15, 1992

1. Comment noted. Mapping resources on a 2,000-foot scale was considered a professionally accepted and appropriate methodology for evaluating broad policy impacts of the project and for delineating preserve boundaries for the RMP. In the case of vernal pools, both pool locations and watersheds were mapped at a scale of 1,000 feet to improve the accuracy of the analysis for those localized resources.

Individual Comment Letters

Oct 18, 1992



Mr. Anthony Lattierri, General Manager
Otay Ranch Joint Planning Project
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Dear Sir:

The DEIR did not provide a community-by-community impact study of the Otay Ranch development at full build-out. This development presents a unique situation by its sheer size and location and as follows:

1. The impact to neighboring communities of this development shall be so severe, for the following reasons:

a) The size of this development would approximate that of the city of San Francisco. However, by comparison, San Francisco has the luxury of three times as many directions to build corridors, i.e., to the North, East and South.

b) The geographic location of Otay Ranch development would limit its choice of corridors to one, namely North, in order to access the rest of the County and the USA.

c) Development of Otay Ranch community as planned, would require an incomprehensible damage to neighboring communities that lies immediately to the North, as their population traverses Northward.

I-1-1

(1)

2. Bonita is one such community that shall be so impacted.

a) It is in danger of disappearing as a contiguous and viable community when the intended plan is carried out to widen to 6 lanes or more, Bonita Road, Otay Valley Road, Sweetwater Road and SR-125 to accommodate the developing Otay Ranch traffic.

b) In the not too distant past, Bonita, lost part of its Western section with the construction of I-805. It also lost part of its' Northern section when SR-54 was constructed. The pleas of a proud and a historic community to survive, have fallen upon deaf ears and insensitive officials and a final blow is threatened.

c) Unfortunately, too many communities risks suffering the same fate if the community of Bonita is allowed to be destroyed. (A certainty if any of the Western alignment of SR-125 is used.)

3. All adjacent and nearby communities who have not taken into consideration the impact of three quarters of a million additional vehicles that the Otay Ranch development shall generate at full

RAMON A. YMZON
OCTOBER 18, 1992

1. The Draft Program EIR did address Otay Ranch project impacts on surrounding communities, including land use, traffic and growth inducement impacts on Jamul, Eastern Chula Vista, and Otay Mesa. Impacts on Bonito were addressed relative to the proposed road improvements in Section 3.10.4 which discusses Indirect Impacts of Offsite Roadway Improvements. These indirect impacts were also summarized in Table 3.1-9 of the Draft Program EIR and include significant impacts to biological resources, land use, and landform alterations/visual resources.

Although not required to be included in the EIR, the project team will also be preparing a market study and a service/revenue plan to address the fiscal impacts of the project.

build-out, shall wake up to a nightmare, many times worse than L.A.

It is therefore requested that a community-by-community impact report be submitted and arranged in the order of severity.

(1) It is further requested that the period for public review be extended another 120 days to allow further public comments.

Finally, I request that you, our elected officials, LAFCO, and other reviewing authorities, begin to recognize this unique problem and prevent developers from destroying or severely degrading the quality of life of established communities in the process of developing new ones. (Like, parents or elders should not be terminated as new children or youths, joins society.)

Yours truly,

RAMON A. YMZON
5732 Sweetwater Rd
Bonita, CA 91902

cc: LAFCO
BOARD OF SUPERVISORS
CHULA VISTA COUNCIL MEMBERS
MAYOR OF CHULA VISTA

L1-2

University of San Diego

Department of Biology

SEP 21

September 13, 1992

Tony Laterrie
General Manager
Otay Ranch Project Office
315 4th Street
Chula Vista, CA 91910

Dear Mr. Larerrie,

I am a population biologist at the University of San Diego and have been doing research on the biology of vernal pool animals since 1979.

I-2-1

I have recently reviewed an EIR on the Otay Ranch area prepared by Ogden Environmental in association with Michael Brandman and Associates, among others. There are some very serious problems with the sensitive species inventory and considerations sections. Two sensitive species of invertebrates are not seriously addressed and one species of vertebrate is not addressed at all. The reasons for these statements are as follows.

(1)

MBA knew of the research going on at USD on the eubranchiopods (fairy shrimp, tadpole shrimp and clam shrimp) of San Diego County and of my dissertation on spadefoot toads. In 1990, on two days notice, we were asked to prepare a summary of the life history of fairy shrimp and spadefoot toads and to include what was known about their occurrence in the J25 and J30 series pools on Otay Mesa. At that time it was stated that there was neither time nor money for an actual survey of the area.

The report stated that two species of fairy shrimp were present. Streptocephalus woottoni was present in J30. This is the rarest species of fairy shrimp and at the time this was one of only seven pools in which it was known to occur. The species has been proposed for listing by the USF&WS (F.R. 56(218):57503-57509). Branchinecta sandiegoensis was also known to be present in J30 and in J25 as well. This species is endemic to the San Diego area. A petition to list it as endangered has been submitted to the USF&WS (D. Hogan, pers. comm.).

At the time no specific information was available on the occurrence of spadefoot toads in these pools. However, due to the drought few successful breedings had been seen in Southern

UNIVERSITY OF SAN DIEGO, DEPARTMENT OF BIOLOGY
MARIE SIMOVICH
SEPTEMBER 13, 1992

1. Vernal pools were extensively covered throughout the document and are considered to be an "umbrella" habitat for the two invertebrate fairy shrimp species (*Streptocephalus woottoni* and *Branchinecta sandiegoensis*). Regarding the concept of "umbrella" habitats and sensitive animals, refer to response to comment number 3 in letter from Cindy Burrascano, 10/6/92.

Vernal pool fairy shrimp are also discussed in detail in the report on "Sensitive Faunal Elements of the Vernal Pools on Otay Ranch" (USD 1990, report number 17 in Otay Ranch Technical Reports, Volume IV, Biology). The Final Program EIR will be revised to expand the discussion of important aspects of the ecology of fairy shrimp and potential impacts from development of the Otay Ranch Project (see Sections 3.3.1.5, 3.3.2.4, 4.2.4.1, 4.3.4.1, 4.4.4.1, 4.5.4.1, 4.6.4.1, 4.7.4.1, and 4.9.4.1). In addition, mitigation has been revised to be more specific (refer to Tables 3.3-7, 4.2.4-5, and 4.9.4-2). It is important to note that the Draft Program EIR calls for the preservation of vernal pool habitat. The Final Program EIR will be revised to require a 100 foot buffer zone around preserved vernal pools and associated watersheds which could mitigate indirect impacts to vernal pool fairy shrimp (see Section 3.3.3). The Resource Management Plan also stipulates protection for vernal pools as a sensitive habitat for fairy shrimp.

Amphibian species with at least a sensitivity status of California Department of Fish and Game (CDFG) Species of Special Concern were discussed in the text. Amphibian species with lower sensitivity status were listed in Appendix A-3 but not discussed in the text of the Draft Program EIR. It was not discovered until after preparation of the Draft Program EIR that the western spadefoot toad *(Scaphiopus hammondii)* had been elevated to the status of a CDFG Species of Special Concern (CDFG 1991). Until recently there was no legislative sensitivity status accorded to this species. Locally, it has been designated "undetermined sensitivity status" by the San Diego Herpetological Society (McGurty 1980). This designation was the result of a lack of detailed species distribution information. The western spadefoot toad is also discussed in detail in the sensitive faunal report (USD 1990). A brief discussion on the western spadefoot toad has been added to the description of existing conditions, Section 3.3.1.5 of the Final Program EIR; impacts are discussed for each of the major alternatives. Mitigation measures will also be required that are similar in depth to those presented for other reptile and amphibian species (Tables 3.3-7, 4.2.4-5, and 4.7.4-3). Also refer to response to comment number 3 in letter from Cindy Burrascano, 10/6/92.

California since the mid 1980's and in many areas the species was considered to be extinct. The area was considered appropriate habitat for the toads. This species is considered a California Species of Special Concern (F.R. 47(251):58454-58460).

The EIR contains some but not all of this information. There are the following problems.

(2) 1) The report on sensitive faunal elements is listed among a large number of reports that resulted from extensive surveys. The description of the report does not reflect the fact that although the species were discussed, species occurrence data was only requested for two pool complexes. Thus, the report was not the result of a comprehensive survey.

(3) 2) The information on the occurrence of the two species of shrimp is included. However, no effort was made in the interim to determine if more information was available. On the contrary, since 1990 Streptocephalus woottoni has been found in one more pool (J29) and Branchinecta sandiegoensis has been found in several. A clam shrimp, Cyzicus californicus has also been found in J30. This species is a California endemic and this is the only known population in San Diego County.

These data are in press and will appear in the Transactions of the Wildlife Society shortly (Simovich and Fugate, 1992). The data were however, presented in a poster at the Wildlife Society meetings which representatives from both of the above mentioned companies attended.

(4) 3) Also over the interim, Dr. Denton Belk has identified several fairy shrimp specimens for John Brown of MBA. Several of these are B. sandiegoensis from the Otay Ranch. Some were from Proctor Valley which had not been sampled previously. (Dr. Belk periodically sends his voucher records to USD and vise versa, such that the two computer data bases remain compatible.) These data are not reported in the EIR.

(5) 4) B. sandiegoensis is referred to in the EIR as the "vernal pool fairy shrimp". This is incorrect. The vernal pool fairy shrimp is B. lynchi which is not known from San Diego County.

(6) 5) In the EIR, although mentioned, these three species are not on maps and their concerns are not specifically addressed. For example, waterfowl are very important to fairy shrimp. The birds carry eggs between pools providing a mechanism for gene flow between fairy shrimp populations. If open space areas are not large enough to promote waterfowl usage, the shrimp populations will become isolated and vulnerable to extinction, even though the pools may remain.

(7) 6) Spadefoot toads are mentioned in the EIR only on a list of sensitive species potentially present. In point of fact, there has been successful breeding in several pools since 1990, and thus not

2. Comment noted. Refer to text changes that have been incorporated into Section 3.3.1.5 of the Final Program EIR regarding the nature of the subject report.

3. The California Natural Diversity Database shows the occurrence of vernal pool fairy shrimp in vernal pools on Otay Ranch in 1990. This information is in the Draft Program EIR (see Section 3.3.1.5). It was assumed any impacts to vernal pool habitat could impact fairy shrimp species. Comprehensive surveys at the Specific Plan Level will delineate occupied habitat and impacts will be assessed at that time. The Final EIR requires redesign to avoid impacts to occupied pools and 100 percent preservation of occupied habitats.

4. This information has not been released to Ogden for review or analysis and is therefore not included in the EIR. Information gathered on the occurrence of vernal pool fairy shrimp which is not included in the Final Program EIR would need to be analyzed at the Specific Plan level. This is when data gathered during required surveys (see Tables 3.3-7, 4.2.4-5, and 4.9.4-2) would also need to be evaluated. If additional species such as the clam shrimp (*Cyzicus californicus*) become sensitive (see response to comment number 9 in letter from Chaparral Greens, 10/12/92), they would also have to be evaluated at the Specific Plan level.

5. The name of this fairy shrimp has been corrected in the biological technical appendix (Table A-3). The correct name was used throughout the Draft Program EIR.

6. See response number 1 in this letter.

7. Refer to text changes in Section 3.3.1.5 of the Final Program EIR that document the detection of the spadefoot toad onsite (MBA 1989). Also refer to response to comment number 1 in this letter.

all populations in the area are extinct. It is critical that the concerns of these toads be considered. For example, spadefoot toads burrow deep in the ground for most of the year. However, (7) their burrowing sites are in upland areas and not around the pools in which they breed. Thus, unless open space is designed properly, roads or other obstructions could separate burrowing and breeding habitat and cause the death of many toads and finally the extinction of the few remaining populations.

In conclusion, I feel that information on several sensitive species, one actually proposed for listing, was either ignored or (8) not included in the EIR. The concerns of these species, which are different from those of plants or endangered birds, were not considered. Considering the status of the species involved, I find these significant omissions.

References can be made available upon request.

If I can be of any assistance feel free to contact me.

Sincerely,

Marie A. Simovich, Ph.D.

cc. Nancy Gilbert
Tom Oberbauer
Chris Nagano
Robin Stribley
Anne Ewing
Robyn Stribley

8. Refer to response number 1 in this letter. Also, recommendations (Tables 3.3-7, 4.2.4-5, and 4.9.4-2) for further surveys and assessment of impacts at the SPA level of environmental review will take into consideration many of the issues that have been raised involving the ecological requirements of these species and potential impacts. At that time, a detailed mitigation plan will be formulated as well as the designation of an open space preserve to protect these vernal pool species.

SDSU

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OCT - 7

October 7, 1992

Douglas D. Reid
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Dear Mr. Reid,

I recently had the opportunity to review the DEIR for the Otay Ranch General Development Plan. I am currently a graduate student at San Diego State University studying herpetology. The sections in the DEIR regarding reptiles and amphibians seem grossly inadequate. It is obvious that no special attention was paid to assess the occurrence of the reptile and amphibian populations.

I.3-1

(1) On page 3.3-44, the report states that six species of reptiles and amphibians with federal candidacy could occur on Otay Ranch. Of the six, only the San Diego Horned lizard (*Phrynosoma coronatum blainvilli*) and the Orange-throated Whiptail (*Cnemidorphorus hyperythrus beldingi*) were observed on site. The remaining four species were characterized as not occuring onsite. Of these four species, only the San Diego Mountain Kingsnake (*Lampropeltis zonata pulchra*) does not occur in the type of habitats present within the project boundaries. However, the Southwestern Pond turtle (*Clemmys marmorata*) and the Red-legged frog (*Rana aurora*) are listed in Table 3.3-7 as Low Potential Impact presumably due to their non-occurence within the project site. The non-occurence of these two species within the project site is weakly supported by the lack of personal observations. No attempt was made to substantiate this lack of observation. This type of negative evidence should be cross referenced with the locality information available from museum collections, such as those at the San Diego Natural History Museum or the Los Angeles County Museum of Natural History. Furthermore, the Arroyo toad (*Bufo microscaphus californicus*) was not seen onsite, however it's habitat is present. Presumably, this was the criteria which gave it a High Potentjal Impact in Table 3.3-7. The mitigation solution seems extremely general considering this toad is a sandy streamside specialist, where any modification of the drainages within or surrounding the project would most likely cause serious effects to this population.

(2) There are many other minor inconsistencies which will eventually have to be addressed. In Table 3.3-7, the report refers to a reptile survey when commenting on the presence of the Red-legged frog. Does this imply that no amphibian survey will be conducted? Other inconsistencies appear in the Amphibian and Reptile section (3.3-44) in comparison to the attention given to plant species. This is evident in the lack of scientific names for each animal discussed.

(3) In my opinion, a great deal of information is lacking concerning the reptile and amphibian populations presented in this report. I would recommend that a considerable

SAN DIEGO STATE UNIVERSITY, DEPARTMENT OF BIOLOGY
BRADFORD HOLLINGSWORTH
OCTOBER 7, 1992

1. Refer to response number 9 in letter from Robert N. Fisher, 10/12/92. Refer also to response to comment number 3 in letter from Cindy Burrascano, 10/6/92.

2. Refer to response number 1 in letter from Jimmy McGuire, 10/7/92.

3. Refer to response number 3 in letter from Cindy Burrascano, 10/6/92.

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(3) amount of effort is needed before this project should even be considered. Until that information is available, I cannot even comment on the validity of the proposed mitigations. If you have any further questions regarding the amphibians and reptiles in or surrounding the Otay Ranch project, please feel free to contact me.

Sincerely,

Bradford Hollingsworth

I.3-2

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OCT - 7

October 7, 1992

Douglas D. Reid
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista. CA 91910

I.4-1

Dear Mr. Reid,

My name is Jim McGuire and I am a graduate student in systematic herpetology at San Diego State University. I am a native San Diegan and I grew up studying reptiles and amphibians in the Jamul area. The Proctor Valley parcel is a locality that I have frequented for the past 10 years. I would like to express my concern over the scientific rigor of the Draft Environmental Impact Report (DEIR) as it pertains to reptiles and amphibians. It is very clear that a professionally trained herpetologist was not involved in the development of this report. Reptile and amphibian species were listed only under common names, while plant taxa were listed with both common and scientific names. (1) Furthermore, on table 3.3-7 the arroyo southwestern toad (*Bufo microscaphus californicus*) and California red-legged frog (*Rana aurora draytoni*) were referred to as reptiles! A list is given of reptiles and amphibians thought to be present on the site, rather than *known* to be present on the site. This list is missing several common species that I have studied on site myself. The list of brushland reptile and amphibian species thought to commonly occur on the proposed area of development (page 3.3-17) does not include many species (2) that I have collected in brushland habitats in the immediate vicinity of the Proctor Valley parcel, including the side-blotched lizard (*Uta stansburiana*), granite spiny lizard (*Sceloporus orcutti*), coast horned lizard (*Phrynosoma*

SAN DIEGO STATE UNIVERSITY, DEPARTMENT OF BIOLOGY
JIMMY MCGUIRE
OCTOBER 7, 1992

1. There is a discrepancy in the Draft Program EIR concerning the use of scientific names for animals. Scientific names for wildlife are not used in all sections of the Draft Program EIR. Sections 3.3.1.4 and 3.3.1.5 do not list scientific names for animals in an attempt to reduce the length of the document. The biological survey reports (RECON 1991 and MBA 1989 in Otay Ranch Technical Reports, Volume IV, Biology) are referred to in Section 3.3.1.4 of the Draft Program EIR as containing complete species lists. The text will be changed to indicate that scientific names for all but the sensitive animal species are included in these reports. The Draft Program EIR has a sensitive species list which gives updated scientific names (Appendix A-3) and is referred to in Section 3.3.1.5. Nomenclature in Appendix A follows that adopted by the California Department of Fish and Game (CDFG 1991). The following are the accepted authorities – reptiles and amphibians: Stebbins 1985 and Jennings 1988; birds: American Ornithologist's Union (AOU 1957, 1982, 1983, 1984, 1985, 1987, and 1989); and mammals: Jones et al. 1982, 1983, and 1986. These are the same authorities used in the previous biological survey reports on Otay Ranch, but species names have been updated where appropriate in the more recent CDFG list.

Other sections of the Draft Program EIR contain scientific names (e.g., the Reduction of Sensitive Animal Sections) as it was considered important for the reader to be able to clearly and unambiguously identify sensitive species when discussing impacts. Because of the length of the document, it was assumed that a reader may skip preceding sections and read only those pertaining to impacts and mitigation. Text in these sections has been checked and revised where necessary to ensure that scientific names are included.

The arroyo southwestern toad *(Bufo microscaphus californicus)* and California red-legged frog *(Rana aurora draytonii)* appear under the section Reptiles and Amphibians in Table 3.3-7. Refer to changes in the text of Tables 3.3-7 and 4.2.4-5 which clarifies that subsequent herpetological surveys are to be conducted for reptiles and amphibians.

2. The list of reptiles and amphibians that occur onsite is only a partial listing of species that occur or could occur in that habitat. Many of these reptile species were observed onsite (RECON 1990 and MBA 1989). Refer to text changes in Section 3.3.1.4 which clarify that some of these species were observed during biological resource surveys. There was no attempt to make a complete listing of all common reptiles, amphibians, birds, or mammals that occur or could occur onsite. Instead, a subset was given of representative species occurring in different habitats onsite. For a complete species list, refer to the biological survey reports (RECON 1990 and MBA 1989).

For an evaluation and listing of the sensitive reptile and amphibian species which could or do occur onsite, refer to the biological survey reports, Section 3.3.1.5 andAppendix A-3 in the Draft Program EIR, and response number 3 in the Cindy Burrascano letter of 10/6/92. Also, refer to response number 3 in that letter for a discussion of requirements for herpetological surveys, assessment of impacts, preparation of mitigation plans, and other measures to reduce impacts to sensitive reptiles and amphibians at the SPA Plan level.

coronatum), Gilbert skink (*Eumeces gilberti*), California legless lizard (*Anniella pulchra*), coastal rosy boa (*Lichanura trivirgata*), ringneck snake (*Diadophis punctatus*), coachwhip snake (*Masticophis flagellum*), common kingsnake (*Lampropeltis getula*), long-nosed snake (*Rhinocheilus lecontei*), night snake (*Hypsiglena torquata*), and western toad (*Bufo boreas*). Furthermore, I have personally observed *Uta stansburiana*, *Phrynosoma coronatum*, and *Sceloporus orcutti* on the Proctor Valley Parcel. The grassland species list is (2) lacking the western whiptail (*Cnemidophorus tigris*) and Pacific slender salamander (*Batrachoceps pacificus*), both of which I have observed this year on the Proctor Valley parcel. It is evident that field observations were not made by a competent herpetologist or at least some of these species would not have been overlooked. Casual observations of reptiles and amphibians made during the course of bird or plant surveys are woefully inadaquate because most reptile and amphibian species are secretive and will not be observed unless rocks and other surface debris are overturned.

I.4-3

Nowhere in this report is it mentioned that coast horned lizards and orange-throated whiptail lizards primarily inhabit mesas (which is why these (3) lizards are threatened species). This must be considered when the continuous habitat corridors are delineated. It makes no sense to restrict these corridors to narrow canyons because the species that we are attempting to protect will not be able to use them.

With respect to the reptile and amphibian species, it is clear that this DEIR is fatally flawed. Until these inadaquacies are corrected, no development should be considered on Otay Ranch.

Sincerely,

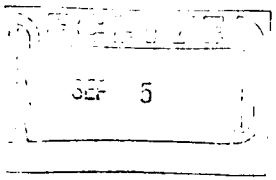
Jimmy A. McGuire

3. The Draft Program EIR briefly discusses sensitive species and the habitats in which they may be expected to occur on Otay Ranch. Descriptions of habitat affinities for these two species are expanded upon in Table 6 of response number 3 in the Cindy Burrascano letter of 10/6/92. These descriptions are based on a number of different sources, and it was not determined that San Diego horned lizards *(Phrynosoma coronatum blainvillei)* and orange-throated whiptail *(Cnemidophorus hyperythrus)* occur primarily on mesas. Instead, distribution and habitat information indicates that these species occur on mesas as well as on other topographical landforms (e.g., hillsides, ravines, and washes) where specific habitat requirements are met (e.g., San Diego horned lizard: harvester ant mounds, sandy and loose soil, leaf litter; orange-throated whiptail: subterranean termites, leaf litter or sandy soils, coastal sage scrub, etc.). However for completeness in describing the habitats, the Final Program EIR text in Section 3.3.1.5 has been changed to indicate that these species also occur on mesas.

Refer to Phase I of the Otay Ranch Wildlife Corridor Study (Ogden 1992, report number 20 in Otay Ranch Technical Reports, Volume IV, Biology) for a discussion of reptiles and corridors. It should be noted that since these two reptile species are observed on hillsides and in ravines, they should be able to travel through corridors designed for large mammals, which require that rim-to-rim topography be included within the corridor and buffer zone (Ogden 1992b).

September 12, 1992

Anthony Lettieri
General Manager
Otay Ranch Joint Planning Committee
315 Fourth Avenue, Suite A
Chula Vista, CA 91910



Dear Mr. Lettieri:

Since the release of the Otay Ranch Draft Program Environmental Impact Report for public review I have been studying the sections relating to groundwater, an area in which I have some experience and a good deal of concern. I am a geologist by education (though not by profession) and I participated in the drafting of the recently adopted County Groundwater Ordinance, as John Peterson of the Department of Planning and Land Use can attest.

I.5.1

On the subject of Otay Ranch groundwater, I am very concerned about some potential problems that the EIR does not address - at least not that I can find. The areas which concern me are:

(1) 1) There are a number of references to the 100-year floodplain and what should be done to avoid encroachment, or to avoid impacts where encroachment is allowed. It is also stated that each plan will increase impermeable surface area by some amount (57 percent, in the case of the New Town Plan). However, I do not find any discussion of how much the area of the 100-year floodplain will be expanded by the increased runoff; or whether, in fact, the 100-year flood will become a 10-year flood because of increased runoff.

(2) 2) Section 3.9.2.2 makes some statements which I simply do not understand about groundwater recharge in the river bed making up for reduced recharge elsewhere; there is apparently some leap of logic here which surpasses my knowledge of groundwater hydrology.

(3) 3) The discussion (section 3.9.3) of the projected downstream effects of increased runoff of fertilizers and pesticides from developed areas is minimal, and refers to a 1991 study which must be analyzed to understand the mitigation proposed.

(4) 4) I find no discussion of saline inflow into the groundwater dependent areas of the project due to lowering of the water table from increased pumping and decreased recharge; is this a potential problem?

CLARK WAITE
SEPTEMBER 12, 1992

1. The peak discharge studies conducted by VTN Southwest (1989) indicated that the peak discharge on the Otay River would not increase significantly. Peak discharge (maximum height of the water) has a direct effect on the inundation of a floodplain. Hence if the peak discharge increases, the floodplain designation will not change.

2. Since the principal aquifer is the alluvium in the Otay River Valley and this area is not going to be significantly urbanized, the quantity of recharge to this alluvial aquifer will not be affected. However, recharge to the upland minor aquifers will decrease.

3. The Urban Runoff/Reservoir Study (Baldwin Vista 1991) details plans for the protection of the surface water quality. Urban pollution shall be mitigated via the implementation of dry weather urban runoff and first flush containment plans. In addition the applicant must comply with all applicable regulations in accordance with the National Pollutant Discharge Elimination System.

4. The proposed project does not include any increase in ground-water pumping rates. The process of preparing a program EIR is very detailed and requires the

It is possible that all these questions are addressed in one or more of the five prior studies referenced in paragraph 3.9.1, or in other documents mentioned throughout the text, and I intend to review them as quickly as I can. The problem is time. The Board of Supervisors and the City Council allocated a very limited period of time to review a document the size of the Otay Ranch EIR. Upon initial examination of almost any section of the EIR, the reader finds, as I did in the case of groundwater, that there are several other documents that must be studied in order to make a fair and rational assessment of the EIR.

At your joint meeting on July 30, you agreed that the review period for the EIR could be extended if warranted. If my experience in studying the groundwater issue is any indication, such an extension is clearly necessary if you want to have a meaningful review of this EIR.

I5-2

Sincerely,

Clark Waite
P.O. Box 247
Descanso, CA 91916

cc: George Bailey, Tim Nader

preparation of numerous background studies. To ensure that these studies are available to decision-makers and the public, they have been placed under one roof at the following locations:

- Chula Vista Public Library
- Otay Ranch Project Office
- County of San Diego Department of Planning and Land Use Library
- Bonita-Sunnyside County Library
- Case De Oro County Library
- Spring Valley County Library
- Rural Fire Protection District, Jamul

Carolyn Avalos
605A Hygeia Avenue
Leucadia, CA 920240

September 9, 1992

Mr. Douglas Reid
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Re: Otay Ranch Draft Program EIR
Section 3.4, Cultural Resources

Dear Mr. Reid:

According to the Cultural Resources Element of this EIR, 6,000 acres have been assessed; 17,000 acres have been generalized (3.4-22). From what I have researched, three different civilizations of native peoples are known to be represented within the property in question. As the document affirms, these findings span 8,000 years, possibly more. It is noted further on page 3.4-9 that the "earlier San Dieguito Complex is also suggested..., but little evidence currently exists to verify this assertion." According to this element, the existence of such artifacts would set the antiquity of cultural resources existing on the property back at least another thousand years.

I.6-1

If so little is known about what Professor Charlotte McGowan of Southwestern College believes to be the most significant archeological site in the southwest corner of San Diego County and therefore of the entire country, why are construction plans being drawn up in the context of the unknown? Professor McGowan is mentioned in the same section (3.4-36) as being basically responsible for the area's prehistoric investigation until 10 years ago, presumably when the Otay Ranch property changed hands. On page 3.4-24, it is emphasized that one of the few prehistoric resources determined to be important is the McGowan Site, a "large and important village site with a considerable demonstrated antiquity." The New Town Plan would develop this site. If not directly developed by a different plan, would it be protected from unauthorized public intrusion fostered by the proximity of residences and accessibility of roads? What provisions would be made to prevent even the most primitive of pothunters from damaging this and other important sites, beginning with the introduction of construction crews and equipment?

(1)

What is implied is the discovery, disturbance, and endangerment of still untold prehistoric treasures? They might offer vital information on climate changes, biology, and human origins in this area and beyond. After-the-fact security would not be consistent with what I understand to be the intent of CEQA. Uncovering archeological finds, furthermore, on such a large scale - simul ously or progressively - implies an enormous, concerte

CAROLINE AVALOS
SEPTEMBER 9, 1992

1. Comment noted. At this point in the long-range planning process, it is not possible to devise or present site-specific or impact-specific mitigation plans for each potentially affected site, including the McGowan Site. When each site has been adequately and professionally tested in the future during SPA Plan development and when possible project-specific impacts are known, then the environmental review of those impacts, in conjunction with impacts to other resources, will address the issue. At that time, specific mitigation plans will be developed for both direct and indirect impacts, including increased access to the site by local residents. Mitigation plans will be included for direct and indirect impacts, such as disturbance by local residents and protection from artifact gatherers.

These mitigation plans will be consistent with existing County of San Diego and City of Chula Vista guidelines with an emphasis first on preservation of significant resources. The determination of which type of mitigation is approrpiate will be made by the lead agency as part of its environmental review of each SPA Plan. If preservation is recommended, appropriate actions will be taken to ensure preservation and stabilization of the site(s) to minimize damage from natural forces, vandals, and inadvertent or accidental impairment. Several strategies may be used

effort requiring experts in the areas of excavation, identification, cataloguing, and preservation. It is not clear in the EIR how this would be justified and what mitigation would be allowed in each case. How would the various concerns be reconciled to the satisfaction of CEQA requirements for intensive, systematic survey and evaluation, followed by possible recovery, curation, and storage of artifacts? I assume that disturbing these sites has to be justified convincingly. Relocation of the site or building on it do not seem to be acceptable according to my sense of CEQA, and since all of the many alternatives are in the planning stages, such intrusion into the significant areas could be avoided.

(1)

Open space or constructed parks are vulnerable to marauders or the merely curious. Again, accessibility is the problem. More deliberate removal of finds would be the inevitable result of grading for construction. The intense land use for the New Town Plan on the Otay property would develop 186 out of 213 sites so far identified (3.4-24). On this same page, it adds that 43 out of 49 historic sites would be developed and lost under the same plan. The low density alternative destroys 16 fewer sites. The turn-of-the-century Otay Ranch Buildings Complex is slated for construction on all plans encompassed by the EIR. The plans under consideration should provide for alternatives to such destruction. They do not.

Again, CEQA requires that those sites determined to be "important resources" should be considered for site avoidance in open space or capping, excavation, or a combination of these measures (3.4-34). Page 3.4-37 declares, "All prehistoric sites are considered important and significant resources for planning purposes." I therefore suggest to you that this EIR does not adequately address these general acheological, historical, educational, scientific, and cultural concerns. It is obvious that plans and measures to mitigate are vague or nonexistent and inappropriate to the handling of these vulnerable and fragile resources. I request that you extend the public comment and consideration period for reasons of this complex issue, in order to grasp the details of the situation at hand and to allow for contingencies. Combined with the other questions raised in other elements of the EIR, the public will surely need more time to review this document.

Thank you for your attention to this matter.

Sincerely,

Carolyn Avalos

Carolyn Avalos
Member, San Diego County
Board of Directors
Endangered Habitats League

cc: San Diego County Board of Supervisors
Chula Vista City Council

including capping the site with soil, fencing, installation of subsurface meshing, and landscaping. If data recovery through excavation is proposed as mitigation, excavation will require a research design and appropriate review of its adequacy. However, such approach is not consistent with the RPO. All field work, analysis, and report preparation will be reviewed by the lead agency and by peer review and will be consistent with local and state professional standards.

copy for your file - and for discussion at 9-16-92 workshop.

September 13, 1992

Dr. Richard Wright
County of San Diego
Planning Commission
5201 Ruffin Rd., Suite B
San Diego, CA 92123-1666

SUBJECT: Written comments and questions for the Commissioners at the Joint Workshop on Sept. 16, 1992.

Commissioner Wright:

The agenda for the Joint San Diego County / City of Chula Vista Planning Commission Workshop to be held on Wednesday evening, September 16, 1992 includes several items of interest to me. Unfortunately, there is a conflict with our regular Valle de Oro Community Planning Group meeting and I will be unable to attend the workshop to make my comments in person. With this note, I would convey to you some of my concerns hoping that you and others will be able to address them on the record. I will obtain a copy of the minutes of the Workshop as soon as one is available.

Agenda Item III: Public Comment

Several issues have come to my attention during the initial review of the DEIR for the Otay Ranch Project. Some are procedural in nature, some are informational, and some fall into a category of rumor control. I would like to receive clarification on these matters - for the record.

Issue: "Lead Agency".

I.7-1

(1) Review of the DEIR informs me for the first time that no part of the Otay Ranch Project is within either the city limits or the "sphere of influence" of Chula Vista. The following citations of the state CEQA Guidelines and portions of the Public Resource Code provide for the determination of the "Lead Agency" for the purpose of preparing the environmental documentation.

Section 15367 of the Guidelines

"Lead Agency" means the public agency which has the principle responsibility for carrying out or approving a project.

1. Comment noted. Refer to response number 2 to Sweetwater Community Planning Group describing the MOU between Chula Vista and the County of San Diego regarding lead agency status.

Section 15051 of the Guidelines - Criteria for Identifying the Lead Agency.

(b) If the project is to be carried out by a nongovernmental person or entity, the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.

(2) Where a city prezones an area, the city will be the appropriate Lead Agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the prezoning. The Local Agency Formation Commission shall act as a Responsible Agency.

(1) (c) Where more than one public agency equally meet the criteria in subsection (b), the agency which will act first on the project in question shall be the Lead Agency.

(d) Where provisions of subsections (a), (b), and (c) leave two or more public agencies with substantial claim to be the Lead Agency, the public agencies may by agreement designate an agency as the Lead Agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.

I7-2

Section 21067, Public Resources Code

"Lead Agency" means the public agency which has the principle responsibility for carrying out or approving a project which may have a significant effect upon the environment.

Questions:
Given the above Guidelines and Code sections, by what authority did the County delegate the responsibility of Lead Agency to the City of Chula Vista? The MOU dated August 1, 1989 acknowledges the abnormal arrangement without justifying it. What "studies" are underway by LAFCO regarding this project area?

Issue: "Tiering" of the EIR and the proposed GPA.

Several Sections of the State CEQA Guidelines address the matter of "tiered" EIRs:

Section 15385 of the state Guidelines

"TIERING" refers to the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. Tiering is appropriate when the sequence of EIRs is:

a) From a general plan, policy, or program EIR to a program, plan, or policy EIR of lessor scope or to a site-specific EIR.

b) From an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. Tiering in such cases is appropriate when it helps the Lead Agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

Section 21083.3 of the Public Resource Code

(a) If a parcel has been zoned to accommodate a particular density of residential development or has been designated in a community plan to accommodate a particular density of residential development and an environmental impact report was certified for that zoning or planning action, the application of this division to the approval of any subdivision map or other project that is consistent with the zoning or community plan shall be limited to effects upon the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report. If a residential development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division to the approval of that residential development project shall be limited to effects on the environment which were not addressed as significant effects in the prior environmental impact report. Nothing in this section affects any requirement to analyze potentially significant offsite impacts and cumulative impacts of the project not discussed in the prior environmental impact report with respect to the general plan.Section 15152. Tiering(c) Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project would be located.

Discussion:
This section recognizes that the approval of many projects will move through a series of separate public agency decisions, going from approval of a general plan, to approval of an intermediate plan or zoning, and finally to approval of a specific development proposal. Each of these approvals is subject to the CEQA process.

Question:
I am hearing this week that the 300 page EIR for a proposed General Plan Amendment will be made available to members of the public on or about September 22, 1992 for a 30 day review period. How can this sequence of events be squared with state CEQA Guidelines regarding a tiered project EIR being appropriate in cases where the proposed project is consistent with an existing

(2)

2. The Program EIR has evaluated the proposed General Development Plan/ Subregional Plan and the required General Plan Amendments (GPAs); no additional environmental review is necessary for the GPA's. GPA comments can be received after the EIR process and comments can be made at the public hearing in early 1993.

(2) General Plan? Are we now expected to review and comment on a proposed GPA EIR at the same time we are wading through the enormous DEIR on Otay Ranch? Is this feasible? Reasonable?

(3) Issue: Additional alternatives to the project.

I am told there have been informal offerings of an additional alternative to the proposal. This "alternative" is said to have been prepared and "completed" late in the day on Sept. 9, 1992.

Question:
Will this be presented to members of the public for formal review? What exactly is this "alternative" being called by members of the Project Team? How will this matter affect the period of public review of the DEIR on the proposed project?

(4) Issue: More information available on Wildlife Corridors.

I am told that an updated version of the Wildlife Corridor Study became available early in September. I have not received it and formally request that I be sent a copy.

Question:
How does the over 30 day delay in this information getting to members of the public affect the period for public review of the environmental documents?

(5) Issue: Clarification of what body will actually make the decision to extend the period of public review - or not to extend it.

I am challenging the legitimacy of the City of Chula Vista as "Lead Agency" on this project. Some have suggested that the Chula Vista Planning Commission will make the decision regarding extension of the public review period. If the City of Chula Vista intends to continue as Lead Agency, can we assume that the Chula Vista City Council will make the call? At what public meeting? I am asking for formal notice and an agenda.

Issue: Clarification of legal "indemnification".

At the Joint Workshop of the City of Chula Vista and the County of San Diego where the determination was made for a 60 day review, a matter of legal responsibility in matters of environmental documentation arose. The Chula Vista City Attorney assured the County Board of Supervisors that the City of Chula Vista was responsible and that Baldwin Co. would "indemnify" the City. The Supervisors asked for, and seemed to receive, the same "indemnification" from the Baldwin Co. representatives present.

3. No additional alternatives will be evaluated in the Final Program EIR since the project alternatives presented in the report represent the full range of environmental impacts of site development. If an alternative is selected that has not been examined in the EIR, that alternative will be analyzed to determine if future environmental review is required.

4. The Otay Ranch Wildlife Corridor Study (Ogden 1992b)was distributed with the Final Program EIR. This report includes both phases of the study. Refer to response to comment number 7 of this letter which describes the two phases of the Wildlife Corridor Study.

5. The comment does not address the adequacy of the Draft Program EIR; no additional response can be made.

Question:
What is the specific nature and extent of such "indemnification"? Should Baldwin Co. somehow abandon the project or be forced into some type of bankruptcy, how will such "indemnification" be affected?

Issue: Unpaid bills rumored.

It is rumored that some of the required environmental studies and fieldwork have been unfunded or payment has been withheld. Is this true? What specific cases can be made public? Does this affect the status of the proposal?

Agenda Item IV. B. Public Comment of the DEIR

My comments at this stage must be general in nature. I am preparing detailed written comments for review and response and will submit them at a later date.

Being forced to assume a 60 day period for review has altered what could (should) have been a careful and reasoned review into a rushed and rather frantic attempt in some cases to cover the bases. The review period must be extended - and not merely 15 days at a time. It is crucial that this enormous and future determining project receive adequate review by members of the public and by the responsible decision-making agencies.

Here, I reintroduce my letter dated July 23, 1992 (attached) re determination of adequate period for public review and I add an additional citation of the state CEQA Guidelines pertaining to the length of the usual Summary in an EIR.

Section 15123. Summary
(c) The summary should normally not exceed 15 pages.

The Summary section in the DEIR for Otay Ranch runs to 21 pages.

As an additional justification for time extension, I point out that numerous studies and papers are cited and incorporated by reference into the body of the DEIR. There must be a fair opportunity for the public and the decision-makers to review these supporting materials and to comment on their adequacy and relevance.

(6) Since the project depends on approval of a General Plan Amendment, and CEQA Guidelines require the EIR to address the issue of consistency with the existing General Plan provisions, how can the public or the decision-makers involved make a fair assessment of this project until a General Plan Amendment is

I.7-5

6. The General Plan Amendments proposed for Otay Ranch have been evaluated for each of the pertinent issue areas. For example, the land use and landform alteration analyses evaluated project compatibility with the adjacent offsite properties in terms of land use and visual character, development intensity, view obstruction, lot size and zoning. The indirect effects of reclassifying and widening certain roadway

(6) fully processed, reviewed, and implemented? A General Plan Amendment should not be viewed as a mere detail within the Baldwin proposal.

I am requesting that the time period for public review be suspended during consideration of the EIR for the General Plan Amendment and that the length of public review be reconsidered when the final decision has been made on that GPA.

(7) I will submit detailed comments on the DEIR at a future date, in the meanwhile, as an example of its inadequacy, I point to supporting data and determination of wildlife corridors for the mountain lion population on the project site. I am told that proposals for radio tracking and full study were submitted to the Project Team by resource agencies and that these proposals were turned down. Is this true? What specific mountain lion studies have been done? Where can I find the science? Do two recent sightings of "mountain lion sign" constitute a study? How are these "corridors" determined in the absence of such science?

In the Appendix A-3, Felis concolor (Mountain Lion) is given no apparent status : --/--/--. Is it the position of the Project Team that Mountain Lions enjoy no protection?

Boiled down, my comments at this point are: there must be more time allowed for full review and there must be a proper sequencing of these proposals.

Agenda Item V.

I support the request by the South County Environmental Working Group for complete documentation in the administrative record of any and all correspondence between and among all public agencies and the proponents of this project regarding this project and formation of task forces and teams to work on it.

I continue to follow this project closely and will look to the administrative record for answers to my questions.

Sincerely,

Daniel Tarr
11524 Fuerte Farms Rd.
El Cajon, CA 92020
619 588-4863

cc: State Office of Planning and Research, Members of the San Diego County Board of Supervisors, Chula Vista City Council members, Otay Ranch Project Team, Chair of the Chula Vista City Planning Commission, South County Environmental Working Group.

segments offsite as proposed in amendments to the circulation elements were evaluated in the traffic and circulation section of the New Town Plan (Table 3.10-9). Additionally, the transportation analysis compared each of the project alternatives with the Composite General Plans Alternative to identify the effects of adopting the proposed land use plans (or amended land use elements of the General Plans).

7. Identification of wildlife corridors on Otay Ranch was done as the first phase of the wildlife corridor study. A second phase of the study was conducted on a wildlife movement system constrained by development in the Miramar/Peñasquitos Canyon area. This second phase identifies corridor constraints and provides the basis for recommendations on effective corridor design on Otay Ranch. Currently, only the portion of the first phase of the study concentrating on the Otay River Parcel is available (Ogden 1992, report number 20, in the Otay Ranch Technical Reports, Volume IV, Biology). The complete corridor study document describes scientific methods and results for both phases of the study. It is in draft form and is currently undergoing review. The corridor study makes specific recommendations for Otay Ranch corridors which are incorporated into the Final Program EIR (see Sections 3.3.1.5, 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, and 4.9.4.2).

The wildlife corridor study plan was reviewed and approved by state and federal resource agencies prior to implementation of the corridor study. The mountain lion *(Felis concolor)* was a target species of the corridor study. Radiotracking of mountain lion was not part of this study because of cost considerations and because of an ongoing multiple year study of mountain lion in southern Orange County and northern San Diego County. We have been in contract with the researchers of this study in regards to their findings. The reference to only two recent sightings of mountain lion sign is inaccurate. More than two sightings of mountain lion sign were observed throughout the first phase of the study.

Mountain lion do not have legislative protection as a sensitive species (e.g., they are not a CDFG Species of Special Concern or a USFWS candidate species or an endangered or threatened species). This species has very large habitat requirements. There is concern about development impacts on this species especially in terms of habitat loss and fragmentation of populations. For this reason they were included as a target species in the wildlife corridor study.

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HIBIT # 1

...01 Ruffin Road
...go, CA 92123

...AL PLAN

Marcia Jones
370 Andrew Avenue
Leucadia, CA 92024

9/16/92

September 16, 1992

Mr. Anthony J. Lettieri
Otay Ranch Project
315 Fourth Avenue, Suite A
Chula Vista, CA 919106

Re: OTAY RANCH DRAFT PROGRAM EIR

Dear Mr. Lettieri:

The purpose of this letter is to provide you with my comments on the Draft Environmental Impact Review of the Otay Ranch development proposal by Baldwin Company.

(1) I am particularly concerned about water-related issues. Initially, in the context of our scarcity of water here in San Diego County, where is the water going to come from to supply the development of these three properties?

(2) Once the water is made available, where will it go and in what condition?

(3) In the water resources and water quality element, I see that three geologic formations have low permeability: Linda Vista, Sweetwater, and alluvial deposits. All are found either along the Otay River Valley - near or in the flood plain by the looks of the maps - and in areas of the Proctor Valley parcel where development is planned.

I notice in the Wilson Engineering section (volume III) of the Otay Ranch Technical Reports, on the latter property there will be constructed a "world-class" golf course overlooking Lower Otay Reservoir. Such a project would surely cause large-scale removal of vegetation and runoff, while adding untold quantities of herbicides and pesticides to the drainage system. On the former property, residences, a university, and commercial/industrial development - all linked by highways, including an eight-lane 125 - will add to impermeability and polluted water runoff.

(4) On the San Isidro parcel, 5,200 "low-density estates" will contribute their share of lawn chemicals and petroleum-based pollutants, as well as solvents, detergents, heavy metals and other contaminants cited on page 3.9-4 of the DEIR.

(5) Page 143 (volume VI) of the Technical Reports say, "The quality of ground water can also be influenced by the project." This statement covers a multitude of possibilities and is not useful in clarifying the problems that loom over this project. Unfortunately, this seems to be the rule throughout the document.

MARCIA JONES
SEPTEMBER 16, 1992

1. The project would be serviced by imported water; no ground water is proposed to be used for this project. The Otay Water District is the preferred water provider; however, the determination of which water jurisdiction will serve a particular SPA will be determined prior to the approval of the SPA. The project applicant will be required to obtain a "will serve" letter from the appropriate water purveyor to ensure that an adequate water supply will be available to serve the SPA concurrent with need; this requirement is outlined in Section 3.13.1.3 of the Draft and Final Program EIR.

2. Specific details on the water distribution system will be developed in accordance with the requirements of the appropriate water jurisdiction at the SPA level. Clearly, the water to be delivered must meet all federal and state drinking water standards as defined by the Maximum Contaminant Levels (MCLs) in Title 22 of the California Code of Regulations, Division 4, Chapter 15, and in the U.S. EPA, National Primary Drinking Regulations.

3. This Program EIR addresses the surface water impacts of the overall proposed project (see Section 3.9.2). As stated in the impacts section, the increased total surface water runoff, increased sedimentation, and increased urban pollution are all potentially significant impacts. However, these impacts can be eliminated by applying the appropriate mitigation measures as outlined in the document. The specific land uses outlined in the letter have the potential to generate additional runoff containing pesticides, herbicides, and other urban contaminants. However, mitigations measures such as siltation, filtration, soakway and energy dissipation basins and other elements of an Urban Runoff Protection System can mitigate the impacts. The permitting process concerning storm water quality (NPDES) will ensure storm water pollution prevention plans are developed, implemented and monitored.

4. Comment noted. Refer to response number 3 of this letter.

5. An evaluation of potential impacts to ground-water quality is provided in the Water Resources and Water Quality impact sections of the Draft Program EIR.

(6) On page 3.9-16 of the DEIR, it says that the increased runoff caused by the project "could affect water quality in the groundwater and surface water systems." It goes on to say that the ground water wouldn't really be affected "due to the filtering of pollutants during percolation and the poor groundwater quality under existing conditions." Why does this paragraph address the problem then dismiss one aspect while offering no explanation nor solution to the other? Why is there no estimate of the degree of degradation of water quality foreseeable in any aspect of the planned development?

(7) To return to the previously mentioned geologic formations, as well as the manmade surfaces that will appear - as much as 57 percent i the Otay Ranch area alone (3.9-16), we know there is going to be increased runoff and sedimentation. How much is not made clear. Why do I not find adequate mention of degree or a more realistic approach to the problem?

(8) On page 3.9-16, the EIR states that recharge to the aquifer would decrease in the uplands, but the "principal aquifer" in the Otay River Valley would remain unaffected because there would not be enough urbanization there. Why are we not being informed of the overall effect that major development on any of the three parcels will create - not only in the immediate areas but also downstream and out to the ocean? It seems impossible to me that so many water-related problems will be negligible or nonexistent. Sedimentation will affect the Otay River Valley from above and surrounding areas, as well as increased water volume and contamination by runoff from all upland or contiguously developed areas. It also allows that there may be an increase in the aquifer, presumably of low-grade or polluted water, but how would the quality be managed or mitigated?

(9) Why does this document appear to contradict itself by expressing concern over the quality and quantity of storm runoff entering the Upper and Lower Otay Lakes reservoirs from the Dulzura subunit (3.9-2)? Why concern for the reservoir and not what will drain into an already far-too-degraded South Bay? Is it not obvious that not only are the 15 million gallons per day at risk for the City of San Diego but also the coastal water of the entire South Bay and beyond?

(10) In connection with discharge (3.9-12), VTN Southwest claims that peak surface water discharge into the Otay River would not "significantly increase," but it would do so to several tributaries, whose soils and slopes promote naturally rapid runoff. "Hence, the difference in peak discharge between existing and developed conditions would be slight. The total discharge would increase due to the increase in impervious surfaces and could cause impacts related to the total volume of water."

Why is this concept contradictory and vague? It is crucial to plan for both flood control and sedimentation. It is equally

6. The degree of impact to ground-water quality is minimal due to the natural filtration during percolation. However, the potential impacts to surface water quality could be significant as stated in the Draft Program EIR document. However, incorporation of the proper mitigation measures would alleviate the impacts. The function of an EIR is to identify impacts and to then identify proper mitigations to reduce or elimiante impacts.

7. In order to properly quantify runoff and increased sedimentation, very specific project plans are needed to be analyzed. Density, location, and infrastructure must be known before such impacts can be finally analyzed and mitigation proposed. This document, however, sets forth the standards which must be met by future projects within Otay Ranch. As noted in Section 3.9.3, these analyses will be conducted on the SPA Plan level when all the land use and grading data are available. At this stage, the impacts due to sedimentation and increased surface water volume are deemed potentially significant.

8. The overall development will cause increased sedimentation and increased urban pollution; and increase the total amount of runoff to reach the downstream river valley. However, the mitigations outlined in the Final Program EIR address these impacts and increase the total amount of runoff to reach the downstream river valley.

9. Special attention was given to the discussion of the potential water quality of the Otay Lakes based on their use as public water supply. A significant portion of the project drains into the Otay Lakes, and the proposed water quality protection plans for these water bodies will have a significant effect in mitigation of the total surface water impacts. The Draft Program EIR also discusses potential impacts to the surface water that will not drain into the lakes. All the stormwater runoff will be subject to the regulations of NPDES. Refer to response to comment number 3 in this letter.

10. The discussion of total discharge and peak discharge is not contradictory. These are separate issues. The VTN Southwest hydrologic modeling results present in the report (1989) indicate that the peak discharge in the main drainage, Otay River, would not significantly increase. Peak discharge is calculated for an assessment of

(10) important to anticipate street runoff from impermeable surfaces that would enter into reservoirs, groundwater supplies, and the bay. On a scale this large, it is essential to consider the enormity of the change being brought on the areas in terms of the drainage system alone. I do not see that this has been adequately done.

(11) Why on page 3.9-17 is construction discussed for the floodplain "fringe"? Where are the buffer zones and what purpose do they serve, if they exist? Are they in compliance with San Diego County and City of Chula Vista requirements restricting the uses of floodplains? They should be free of "retaining structures (e.g., dike, etc.)" (3.9-16). Building should be kept out of floodplains and buffers unless existing structures are threatened and should not encroach on the floodplain nor cause damage to "sensitive habitat lands," as stated in the Resource Protection Ordinance of San Diego County.

(12) On page 3.9-14, open channels are promised "where possible." What is the exact meaning of that phrase? Does this imply culverting to cross a drainage with a road that should instead be raised? Does the amount of money required make the sounder choice impossible?

(13) Finally, on the same page, "The primary impacts related to the drainage system would be erosion and siltation." That is not true. The major impact would be degradation of surface and ground water, as well as of the riparian habitat as a result of unspecified but massive intrusion into the area and manipulation of the entire ecosystem. Discharge of runoff creates an enormous problem at all points in the drainage system. With a 57 percent impervious surface - or any other appreciable amount that would certainly accompany the proposed development - diversion of runoff into the open channels required by San Diego County would change the plant and animal life in those systems dramatically. Why is this not addressed in the DEIR? Runoff and flow frequency destroy native vegetation along with fish, birds, and other life forms dependent on the former ecological balance. Why do I not see more influence of the Resource Protection Ordinance? Why is there no mention of the havoc this massive construction and human activities would cause? Where is the mitigation described for this?

In the light of these and related issues, I request that you extend the public comment period to enable the public to analyze this document properly and responsibly. Thank you for your consideration.

Sincerely,

Marcia Jones
Member, Endangered Habitats League

MJ:ca

inundation impacts. Peak discharge is essentially the maximum volume of the runoff during a storm. Urbanization (and the increase in impervious surfaces) could cause the tributary basins to Otay Ranch to peak earlier, thus the main channel would not receive cumulative storm runoff simultaneously, as under existing conditions. Total discharge is related to the total volume of flow for the duration of the storm, and incudes the peak flows. Total discharge is a function of soil type and land use (impervious surface). As impervious surface area increases so does the total volume of runoff. Total discharge impacts the total amount of sediment removed, urban surface water pollution, and the total volume of water downstream.

As stated in the Draft Program EIR, the potential significant impacts include total discharge, surface water quality due to increased sedimentation, and increased urban runoff pollution and increased surface water velocities.

11. Comment noted. Refer to response number 10 above. All the County of San Diego and City of Chula Vista requirements and restrictions concerning floodplains shall be adhered to by the developer; see Section 3.9.3 of the Draft Program EIR.

12. Channels are to be left natural wherever possible to prevent further impacts of channelization. An open channel is defined as a non-enclosed channel.

13. Comment noted. Refer to response number 10 above.

RECEIVED
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28 September 1992

Anthony J. Lettieri, Otay Project Planning Office
Mayor Tim Nader, City of Chula Vista
Clerk of the Chula Vista Planning Commission (Please distribute to all members)
George Bailey, Chairman, San Diego County Board of Supervisors
Clerk of the San Diego County Planning Commission (Please distribute to members)

RE: Otay Ranch Project Environmental Impact Report Prepared by Ogden

Gentlepersons:

As I have conducted excavations at the Otay ranch for ten years with my students from Southwesteern College, I have been asked by several interested parties to comment on the environmental report prepared by Ogden.

I feel qualified to comment esentially on the specific site which we were in the process of excavating although I have walked along the river valley and know that there are many sites in the area.

I9-1

The site we excavated as a project for archaeology for Southwestern College is referred to in Ogden's report as SDI 11,369 (also as SDi 11,376/W2391 and also by the Recon numbers of OR-70 and OR-79 and by CSUSD F:5:1).

We feel quite certain that this site is the Old Village Site of Otay, a large habitation site which was abandoned about the time of Spanish contact. It is an extremely important site since the quantity of artifacts numbers in the tens of thousands. We found hearths, lithic scatters, huge quantities of all types of prehistoric stone, bone and shell tools and ornaments including a steatite fetish. We also found a sweathouse,and were unable to (1) determine the size of it because of Baldwin's refusal to allow us onto the site after they bought the property.

The proper continued excavation of this site is critical to our understanding of the prehistoric cultural history of this area. We excavated less than 10% of the site.

In the Impact Report the site is referred to as being planned for open space:Table 4.2.5.1., Table 4.3..5.1.,Table 4.4.5.1., Table 4.5.5.1.,Table 4.6.5.1., Table 4.7.5.1., but, in Table 4.9.5.1. F/OS meaning Freeway/Open Space. I am appalled that there is even a hint that the site might be destroyed to put in a freeway.

(2) In Table 3.4-1:Previous Cultural Resource Studies That Have Resulted in the Recordation of Sites, my Preliminary Report of 1977 on the excavation is not mentioned, although it was referred to several times in the report..

(3) Since I am not sure exactly what is meant by Open Space, my comments would be that I would hope that the site would be thoroughly investigated, the excavation of the

SOUTHWESTERN COLLEGE
CHARLOTTE MCGOWAN
SEPTEMBER 28, 1992

1. The eventual route of the 125 Freeway will not be under the control of the local agencies nor be involved in the CEQA process involved with the planning of this project. The State of California (Caltrans) will be the principal agency planning the freeway.

2. The 1977 McGowan report was not included in Table 3.4-1 because that table only lists reports of surveys or that included surveys that recorded sites, not excavation reports.

3. At this point in the long-range planning process it is not possible to devise or present site-specific or impact-specific mitigation plans for each potentially affected site including the McGowan Site. At the time of processing of each Specific Plan Amendment (SPA), each site will be adequately and professionally tested, and/or otherwise evaluated, and when possible project specific impacts are known, then the environmental review of those impacts, in conjunction with impacts to other resources, will be addressed and specific mitigation plans as applicable to specific resources will be developed. These mitigation plans will be consistent with existing County of San Diego and City of Chula Vista guidelines with an emphasis first on preservation of significant resources. If preservation is recommended, appropriate actions will be taken to ensure preservation and stabilization of a site or sites to minimize damage from natural forces, vandals, and inadvertent or accidental impairment. Several strategies may be used including capping the soil with soil, fencing, installation of subsurface meshing, and landscaping. If data recovery through excavation is proposed as mitigation, excavation will require a research design and appropriate review of its adequacy. However, this approach is not consistent with the RPO in provisions. All field work, analysis, and report preparation will be reviewed by the Lead Agency and by peer review and will be consistent with local and state professional standards.

(3) sweathouse continued to determine the size of the feature and the extent of the site itself be determined if it is not possible to set it aside from development.

(4) There is some talk of the establishment of a park somewhere on the Otay River in the area of the site. I think this would be a very good idea. It could also have as a part of the display the site itself. Southwestern College, where the artifacts which were taken from the site, are at the present time stored,2 would be willing to talk about the transfer of the thousands (really tens of thousands) of artifacts to a permanent site such as a museum with the proper funds for and security for the curation of the collection. The collection is well maintained, well documented , and well preserved. I would like to know that it was in a permanent home when I retire which I plan to do within the next few years.

Please consider carefully, before you allow the destruction of this most important site, without doubt it is the most important site so far excavated this far south and west in San Diego County.

Charlotte McGowan, Professor
Anthropology/Archaeology
Southwestern College
Chula Vista, CA 91910

I.9-2

4. An interpretive center has been proposed in conjunction with the development planned for Otay Ranch. The location has not as yet been determined. The recommendation that such a center be an element of the mitigation program for the project has been an element of the Resource Management Plan from early inception and would serve as a viable mitigating measure because it would make the resources recovered from data recovery programs available for interpretation and enjoyment by the local residents and the community as a whole. This center was envisioned, however, only as a means by which the results of archaeological as well as other environmental studies on Otay Ranch could be shared with the local community. It was not envisioned as the final storage and curation facility for all of the materials generated from testing and data recovery programs conducted.

Given the quantity and types of artifacts that could be generated through excavation and analysis of hundreds of sites throughout the various future projects, it is important that the collections be permanently stored and interpreted together. To this end, and because it is unlikely that any existing institution, such as the Museum of Man or San Diego State University, can, or will be able to, store and curate such an immense collection, a regional facility or repository for the storage and curation of recovered archaeological materials will need to be established. Without proper storage, curation, and accessibility to scholars, and to the public, mitigation of impacts is not ensured and so planning and provision for future curation and storage facilities should begin now. Funding for a regional repository, it is assumed, would be derived from several sources including one-time fees that would normally be paid by the developer to such a curatorial facility for storage and curation of artifacts recovered from testing and data recovery programs, from regionally funded programs to achieve mitigation on projects, and possibly also from grants and in-kind funding. Appropriate jurisdictional agencies will eventually define the extent or area that a "regional" repository would serve, but the magnitude of the Otay Ranch Project indicates that planning must begin and provision be made for the potential volume of materials and data that will be generated by the development of this large tract of land.

2885 Echo Valley Road
Jamul, CA 91935
October 2, 1992

Mr. George Bailey
Supervisor, Second District
County Board of Supervisors
1600 Pacific Highway
San Diego, CA 92101

OCT

Dear Mr. Bailey,

I-10-1

(1) I live in the Procter Valley section of Jamul. My house is within a quarter-mile of the proposed Otay Ranch project. Any build-out on the Eastern portion of Procter Valley Road by Baldwin could have a serious impact on our community character. Therefore, I feel my needs should be protected by your office.

(2) It disturbs me that Lead Agency Status has been given to the Chula Vista City Council. They are on record as stating that their community will be most impacted. I disagree. They are also on record as responding to Chula Vista residents preferentially, and that is unfair. From my vantage point, I have been abandoned by your office.

(3) First of all, there is an effort to shift the area of jurisdiction of the Jamul Planning Group further South, leaving Jamul residents in Procter Valley surrounded by development unsympathetic to our needs. Second, I was informed by a Baldwin employee that they intend to bring sewers as far East as possible, which will encourage higher density development. The next Regional Plan could clearly make Jamul as far less desireable place to live.

I feel the City Council of Chula Vista is not interested in preserving my community. Neither is Baldwin. I believe it is time you stood up for your constituents.

Thank you for your time.

Sincerely,

Jay A. Haron

c.c: T. Nader
B. Bilbray
D. Reed
D. Jacob
J. Doyle

Mr Reed,
Please include in comment on Otay Ranch EIR - I'm commenting on the Process ...

JAY A. HARON
OCTOBER 2, 1992

1. Comment noted. The Draft Program EIR discusses the conflicts that the project has with County policies regarding the preservation of rural character of the Jamul area and identifies the impact as significant and unmitigable in Section 3.1.4. By analyzing the project's consistency with County policies, the Draft Program EIR has addressed the project in light of the allowable effects permitted by County policy.

2. Comment noted. Refer to response to comment number 2 in letter from Sweetwater Community Planning Group (dated September 15, 1992) regarding designation of the lead agency for the Otay Ranch Program EIR.

I.11-1

22 Sept 1992

Dear Mr. Letterie -

We had a lot of time to look over the Otay Ranch EIR, and I have concerns about several things, two of which I see address in this letter -

(1) Air quality: Some of the steps proposed to lessen air pollution seem sound, but according to the analysis of significance, 6.13.4, there will, even after mitigation, be serious degradation of air quality -

(2) Water: I did not find answered in this where the water will come from to supply 150,000 more people.

FAY MCQUEEN
SEPTEMBER 22, 1992

1. Even after mitigation of mobile and stationary source emissions, the project's cumulative impact on air quality would remain significant. Comment is noted.

2. The discussion on regional water supply has been expanded in the Final Program EIR (refer to Section 3.13.1).

This project is so large, and will so seriously impact so many and so much that I urge very careful review of the EIR and the time to do it. Please extend the time period -

I.11-2

Thank you -

Fay McQueen
Box 663
Julian, Ca -
92036

October 6, 1992

Douglas D. Reid
Otay Ranch Project Office
315 Fourth Ave Suite A
Chula Vista, CA 91910

I have attempted to review the draft EIR for Otay Ranch. Due to the length of the document I have only been able to review the biology section. I would like an extension to the review period to be granted so that I can review the sections which will affect the quality of my life on a day to day basis- the air pollution, water quality, and traffic sections.

I find the biology section of this draft EIR flawed. Enough so that I am unable to accurately determine the impacts of the proposed development. I do not find the report to be sufficient. A list of comments and questions follow.

(1) 1. The plant data is based on point of occurrence data (see page 3.3-79). Since "the points do not necessarily reflect population size or individuals and in some cases may be correlated with the level of survey effort", I cannot determine if CEQA guidelines are being followed. If one point of occurrence represents one individual of Acanthomintha and another point of occurrence represents 100 individuals of Acanthomintha, the situation is far different if the effected point of occurrence is the one individual. I could not in good conscience make development decisions on the data as presented. Numbers of individuals or population density estimates are needed. Is point of occurrence data accepted by the City of Chula Vista, the County of San Diego, or by CEQA requirements?

(2) 2. Page 3.3-75 states that impact acreage due to roadways, water and sewer systems are not included in tables 3.3-5 and 3.3-6 showing the reduction of sensitive habitat. As far as I can tell these impacts are not included in evaluation of individual sensitive species. Are they? The discussion states that these impacts may be significant. Can an estimate of these impacts be included in the draft EIR since it is an important component in the decision making process on the effects of this project? Some of the alternatives may have differing levels of impact.

(3) 3. The Summary of Impacts and Mitigation Measures, Sensitive Wildlife Species Table 3.3-7 does not include any numbers for: any bat, jackrabbits, mice, woodrats, plovers, curlews, long-eared owls, short-eared owls, southwesten willow fylcatchers, CA horned larks, southern CA rufous-crowned sparrows, Streptocephalus woottoni, Quino checkerspots, Branchinecta sandiegensis, Harbison's dun skippers, Hermes coppers, Thorne's hairstreaks, arroyo toads, CA red-legged frogs, Southwestern pond turtles, S.D. banded geckos, Coastal rosy boas, S.D. mountain kingsnakes, Coast patch-nosed snakes,or red diamond rattlesnakes. Many of these species are listed as potentially highly immpacted

I.12-1

CINDY BURRASCANO
OCTOBER 6, 1992

1. Refer to response number 25 in letter from the California Native Plant Society, 10/6/92.

2. Refer to the Analysis of Open Space Design Section 3.3.2.5 for a general analysis of infrastructure impacts including impacts to high priority wildlife species. Refer to text changes in Section 3.3.2.5 in the Final Program EIR regarding analysis of road impacts to sensitive plant species.

3. The supporting habitats for these invertebrate, reptile, amphibian, and small mammal species on Otay Ranch have been identified and delineated. On Otay Ranch the majority of these habitats are considered sensitive or are in rugged, steep, and remote areas which are not suitable for development. The deduction was that evaluation of primary habitats would give an assessment of potential impacts to these species at the program level. This is a similar logic to that employed in the Multiple Species Conservation Program (MSCP) and Natural Communities Conservation Program (NCCP) which evaluate representative species, target species, or umbrella species. Typically, many of the species lacking in baseline data are difficult to detect or identify without specialized surveys. For these reasons, impact evaluations are often tied in with an assessment of umbrella habitats (e.g., aquatic habitats and southwestern pond turtle *(Clemmys marmorata pallida)* and two-striped garter snake *(Thamnophis hammondii)*; vernal pools and fairy shrimp species; coastal sage scrub and San Diego horned lizard *(Phrynosoma coronatum blainvillei)* and orange-throated whiptail *(Cnemidophorus hyperythrus)*). Due to the large area, duration of the project (estimated buildout over 30 to 50 years), and costs of surveys, it was considered reasonable at the Program EIR level to evaluate impacts to hard-to-detect animal species through impacts to primary habitats. More specific surveys and studies are required at the SPA Plan level (see Tables 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2) when there will also be more detailed project information (e.g., infrastructure and road alignments). Because buildout will occur over such a long time period, focused surveys prior to each phase of development will more accurately reflect the distribution and abundance of sensitive species at the time of development.

Because habitat for invertebrates, reptiles, amphibians, and small mammals was fully surveyed, focused surveys or special studies for invertebrates, reptiles, amphibians, and small mammals were deemed to be redundant at the programmatic level. In other words, this EIR has assumed the presence of certain species because of the occurrence of their habitat. Biologists familiar with the study area made determinations about which habitats and which species should be studied. Such determinations are consistent with the County's Biological Survey Guidelines. Lack of distribution and abundance information in a number of areas was initially identified by the Otay Ranch Biological Subcommittee and subsequently presented in data gap documents (see Otay Ranch Technical Reports, Volume IV, Biology). Data gap documents were requested to provide information in addition to that provided by baseline surveys for preparation of the Program EIR. Additional data gaps will be filled in the Phase II Resource Management Plan and at the Specific Plan EIR level (Tables 3.3-7, 4.2.4-5, and 4.9.4-2) as part of required ongoing studies. The Otay Ranch Biology Subcommittee had over 40 meetings between 1989 and 1991 in which biological resource issues were discussed (see Section 3.3.1.1 of the Draft Program EIR). Representatives from the United States Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), San Diego County, other local agencies, and consulting firms associated with the Otay Ranch Project attended these meetings on a regular basis. The subcommittee determined that existing baseline data were sufficient to proceed with a program level EIR.

Another factor adding to the difficulty of obtaining baseline information on wildlife is that the list of sensitive animals species is in a continual state of flux. Since the first checkprint of the Program EIR was produced in August 1991, there have been over 37 state or federal changes or proposed changes in sensitivity status for animals which could occur in the Otay Ranch Project area. Twenty-eight species gained USFWS Candidacy or CDFG Species of Special Concern status during this period. Of these 28 species, 22 had no prior state or federal sensitivity status and had to be incorporated into the Draft Program EIR late in the process. The USFWS emphasizes the monitoring of species for which available scientific information indicates imminent threat. The Otay Ranch Biological Subcommittee identified such species during its review of the data base and required that these data gaps be filled. In addition, the USFWS has listed a large number of candidate species (Category 2). These species are described as follows (Fed. Reg. 56(225):5880):

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum Preservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Invertebrates						
Riverside Fairy Shrimp *Streptocephalus woottoni*	PFE	Vernal pool	Require redesign to avoid impacts to occupied habitat. Require a 100-foot buffer around preserved vernal and associated watersheds. Enhance or restore vernal pool habitat to mitigate indirect impacts.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid impacts, prepare and implement a mitigation plan for indirect impacts. Develop and implement a management plan for this species.	100% or HCP/ MSCP	Preserve vernal pools and associated watersheds.
San Diego fairy shrimp *Branchinecta sandiegoensis*	PPE	Vernal pool	Require redesign to avoid impacts to occupied habitat. Enhance or restore vernal pool habitat to mitigate indirect impacts.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid impacts, prepare and implement a mitigation plan for indirect impacts. Develop and implement a management plan for this species.	100% or HCP/ MSCP	Preserve vernal pools and associated watersheds.
Harbison's Dun Skipper *Euphyes vestris harbisoni*	C2, PPE	Intermittent drainages, southern live oak riparian forest, and chaparral. Larval host- *Carex spissa*	Preserve southern live oak riparian habitat in open space, mitigate indirect impacts through habitat enhancement (e.g. introduction of larval host where feasible).	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid impacts, prepare and implement a mitigation plan for indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100% or HCP/ MSCP	Preserve southern live oak riparian forest and wetlands. Retain in open space; rugged and inaccessible drainages and chaparral habitat unsuitable for development.
Herme's copper *Lycaena hermes*	C2, PPE	Southern mixed chaparral and coastal sage scrub with larval host plant- *Rhamnus crocea.*	Require redesign to avoid and reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts. Develop and implement a management plan for this species if it occurs onsite.	100% or HCP/ MSCP	Preserve coastal sage scrub habitats. Retain in open space; chaparral habitats in rugged, inaccessible, or steep terrain unsuitable for development.
Thorne's hairstreak *Mitoura thornei*	C2, PPE	Avoid impacts to Tecate Cypress. Restricted to Tecate cypress stands on Otay Mountain. Larval host is Tecate Cypress.	Require redesign to avoid and reduce impacts to occupied habitat. Prevent wildfire destruction of Tecate Cypress stands (restrict off-road vehicles, campfires, and prohibit shooting of guns).	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts. Prepare and implement a fire control plan which maintains Tecate cypress stands. Develop and implement a management plan for this species if it occurs onsite.	100% or HCP/ MSCP	Preserve Tecate cypress habitat.

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minim. eservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Quino checkerspot *Euphydryas editha quino*	C2, PPE	Vernal pools, open coastal sage scrub, host- *Plantago species*.	Require redesign to avoid impacts to occupied habitat. Enhance or restore vernal pool habitat to mitigate indirect impacts.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid impacts, prepare and implement a mitigation plan for indirect impacts. habitat. Develop an enhancement plan for vernal pool habitat which could involve the introduction of larval host into vernal pools where feasible and appropriate. Develop and implement a management plan for this species if it occurs onsite.	100% or HCP/ MSCP	Preserve coastal sage scrub and vernal pool habitats.
Reptiles and Amphibians						
Western spadefoot toad *Scaphiopus hammondii*	CSC	Often found in sandy or gravelly, semi-arid areas associated with washes, rivers, alkaline flats, floodplains, and mesas. Require ephemeral or slow moving pools (e.g., vernal pools or freshwater marsh) for reproduction. Burrows in ground for much of the year, often in upland habitats.	Require redesign to avoid or reduce impacts to occupied habitat. Must retain connectivity between ephemeral water sources and uplands (e.g., vernal pools and associated grasslands or coastal sage scrub used for burrowing). Avoid building roads between breeding habitat and upland areas. Management plan developed at Specific Plan Level should include provisions for managing introduced predators (e.g., bullfrogs), prohibiting off-road vehicle activity in occupied habitat, and restrictions on pesticide spraying near occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts. Prepare and implement a management plan for this species.	80% or MSCP	Preserve vernal pools, associated watersheds, and immediately adjacent grassland and coastal sage scrub habitats. Key resource areas are identified and recommended for preservation in the Draft Environmental Impact Report. These areas include vernal pool habitats contiguous with adjacent upland habitats.
Arroyo southwestern toad *Bufo microscaphus californicus*	CSC, C2	Drainages, washes, riverbanks, and streams with alluvial fans, or sandy banks. In more arid areas associated with loose gravelly streambeds. Often associated with riparian fringes (especially willows, cottonwoods, and sycamores). Requires permanent or semi-permanent water source for breeding.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80% or MSCP	Preserve wetland, riparian, and coastal sage scrub habitats. Retain in open space; rugged, remote, and steep drainages unsuitable for development.
California red-legged frog *Rana aurora draytonii*	CSC, C1, PPE	Prefers permanent slow moving water; ponds, reservoirs, lakes, pools in streams, and marshes, with substantial vegetative cover over the water. Requires a water depth of at least 3 feet. Will disperse after rains into woods and meadows up to an estimated 100 meters from water.	Require redesign to avoid impacts to occupied habitat. Enhance or restore riparian and aquatic habitats to mitigate indirect impacts. Enhancement or restoration should occur prior to impacting occupied habitat. Management plan developed at Specific Plan Level shall include provisions for predator control (e.g., introduced bass and bullfrogs).	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid impacts, prepare and implement a mitigation plan for indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100% or HCP/ MSCP	Preserve wetland, riparian, and aquatic habitats. Key Resource Areas are identified and recommended for preservation in the Draft Environmental Impact Report. These areas include riparian, wetland, and aquatic habitats contiguous with surrounding habitats (which could be used for dispersing).

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum Preservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Southwestern pond turtle *Clemmys marmorata pallida*	CSC, C1, PPE	Permanent water sources in a variety of habitats; ponds, lakes, reservoirs, streams, marshes, and rivers. Water should be at least 3 feet deep. Requires basking sites (logs, rocks), vegetative cover (25-50% over water), and sandy banks or suitable upland habitats for nesting (buries eggs in soil at least 10 cm deep).	Require redesign to avoid impacts to occupied habitat. Enhance or restore riparian and aquatic habitats to mitigate for indirect impacts. Enhancement or restoration should occur prior to impacting occupied habitat. Must retain connectivity of upland habitats adjacent to occupied riparian and aquatic habitats. Management plan developed at Specific Plan Level shall include provisions for predator control (e.g., introduced bass and bullfrogs).	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid impacts, prepare and implement a mitigation plan for indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100% or HCP/ MSCP	Preserve wetland, riparian, and aquatic habitats. Key Resource Areas are identified and recommended for preservation in the Draft Environmental Impact Report. These areas include riparian, wetland, and aquatic habitats contiguous with surrounding habitats (which could be uses for nesting).
San Diego banded gecko *Coleonyx variegatus abbotti*	C2	Arid habitats (often near sandy flats or washes). Along coastal slope found in granite outcrops or rocky hillsides in coastal sage scrub and chaparral habitats.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80%	Preserve coastal sage scrub habitats. Retain in open space; rocky hillsides and chaparral habitats in rugged, remote, or steep terrain unsuitable for development.
San Diego horned lizard *Phrynosoma coronatum blainvillei*	CSC, C2	Coastal sage scrub, open chaparral, and sandy flat areas. Found on mesas, ravines, and hillsides. At higher elevations can occur in open woodlands. Requires sandy soils, leaf litter, and harvester ant nests.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80% or MSCP	Preserve coastal sage scrub habitats. Retain in open space; chaparral habitats and sandy washes in rugged, inaccessible, or steep terrain unsuitable for development.
Sandstone night lizard *Xantusia henshawi gracilis*	CSC	Inhabits a variety of desert, chaparral, scrub, and woodland habitats. Requires granite or sandstone rock outcrops where it occurs in crevices. Often found in cooler areas such as in rock outcrops on north facing slopes.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80%	Preserve coastal sage scrub and woodland habitats. Retain in open space; rock outcrops in steep, inaccessible, or rugged terrain unsuitable for development.
Coronado skink *Eumeces skiltonianus interparietalis*	CSC, C2	Variety of habitats: grasslands, open chaparral, woodlands, and coastal sage scrub. Prefers open areas within habitats and is often associated with rocky or moist microhabitats. Requires leaf litter, rocks, or logs for cover.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80%	Preserve grassland, coastal sage scrub, southern live oak riparian forest, and coast live oak woodland habitats. Retain in open space; chaparral habitats in rugged, inaccessible, or steep terrain unsuitable for development.

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum [illegible]vation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Orange-throated whiptail *Cnemidophorus hyperythrus*	CSC, C2	Found primarily in coastal sage scrub habitats with 50% shrub cover. Can also be found in open weedy areas, road cuts, edges of riparian areas, and open chaparral habitats. Occurs on hillsides, ravines, mesas, and sandy washes. Prefers habitats that have not burned in the last five years, which provide rocks, sand, and leaf litter, and which support high densities of subterranean termites (e.g., Reticulatermes hesperus).	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80% or MSCP	Preserve coastal sage scrub and riparian habitats. Retain in open space; washes, drainages, and chaparral habitats in rugged, inaccessible, or steep terrain unsuitable for development.
Coastal western whiptail *Cnemidophorus tigris multiscutatus*	C2	Variety of habitats: coastal sage scrub, chaparral, woodlands, and riparian edges. Often associated with sandy washes.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80%	Preserve coastal sage scrub, woodland, and riparian habitats. Retain in open space; sandy washes and chaparral habitats in rugged, remote, or steep terrain unsuitable for development.
Silvery legless lizard *Anniella pulchra pulchra*	CSC	Found in a variety of open habitats with sparse cover: beaches, chaparral, coastal sage scrub, woodlands, and streamside edges. Often associated with bush lupine. Requires sand, loose soil or leaf litter for burrowing.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80%	Preserve coastal sage scrub and woodland habitats. Retain in open space; sandy washes, drainages, and chaparral habitats in rugged, inaccessible, or steep terrain unsuitable for development.
Coastal rosy boa *Lichanura trivirgata roseofusca*	C2	Coastal sage scrub and chaparral habitats. Strongly associated with rocks and boulders. Often found on hillsides, in canyons, often near springs or streams, and in washes.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80%	Preserve coastal sage scrub habitats. Retain in open space; chaparral habitats, canyons, washes, and rocky hillsides in rugged, inaccessible, or steep terrain unsuitable for development.
San Diego ringneck snake *Diadophis punctatus similis*	C2	Woodland, chaparral, grassland and streamside habitat. Found in moister microhabitats. Require decaying logs, rocks, and debris for cover.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80%	Preserve woodland, grassland, wetland, and riparian habitats. Retain in open space; rugged, remote, or steep drainages unsuitable for development.

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum Preservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Coast patch-nosed snake *Salvadora hexalepis virgultea*	CSC, C2	Grassland, chaparral, coastal sage scrub, and agricultural habitats. Associated with sandy or rocky areas.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80%	Preserve coastal sage scrub and grassland habitats. Retain in open space; chaparral habitats in rocky, rugged, inaccessible, or steep terrain unsuitable for development.
San Diego mountain kingsnake *Lampropeltis zonata pulchra*	CSC, C2	Coniferous woodland and chaparral habitats at high elevations (e.g. Palomar, Laguna, and Cuyamaca Mountains). Require boulders for communal dens.	Require redesign to avoid impacts to occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid impacts to occupied habitat. Prepare and implement a mitigation plan for indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100%	Preserve Tecate Cypress habitat. Retain in open space; chaparral habitats in rocky, rugged, inaccessible, or steep terrain unsuitable for development.
Two-striped garter snake *Thamnophis hammondii*	C2	Aquatic and riparian habitats: streams, rivers, brackish coastal marshes, ponds, and lakes. Prefers rocky streams with protected pools.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80%	Preserve riparian, wetland, and aquatic habitats.
Northern red diamond rattlesnake *Crotalus ruber ruber*	CSC, C2	Coastal sage scrub, chaparral, and open woodland habitats. Often found near rocks or dense vegetation which provide cover.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to the greatest extent feasible to avoid or reduce impacts, prepare and implement a mitigation plan for unavoidable impacts.	80%	Preserve coastal sage scrub habitats. Retain in open space; chaparral habitats, canyons, washes, and rocky hillsides in rugged, inaccessible, or steep terrain unsuitable for development.

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum Preservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Birds						
Osprey *Pandion haliaetus*	CSC	Occurs along coast and at inland lakes. Few individuals observed in winter at Otay Lakes.	No mitigation; impacts not significant due to low densities of this species onsite.			
Northern harrier *Circus cyaneus*	CSC	Grasslands, marshes, agricultural fields, and coastal sage scrub.	Not mitigable under most plans. Redesign to preserve key raptor nesting and foraging habitats. Enhance foraging and nesting habitats to mitigate for unavoidable and indirect impacts.	Develop and implement a management plan for this species.	100% of Breeding Population and 80% of Non-Breeding Population or MSCP	Preserve wetland, grassland, and coastal sage scrub habitats. Otay Ranch Raptor Management Study recommends key raptor resource areas which should be preserved.
Sharp-shinned hawk *Accipiter striatus*	CSC	Winters in woodlands and open habitats which support some trees.	No mitigation; impacts not significant due to low densities of this species onsite.			
Cooper's hawk *Accipiter cooperii*	CSC	Resident in oak woodland and riparian habitats. Also forage in coastal sage scrub, chaparral, and edge areas.	Not mitigable under most plans. Redesign to preserve key raptor nesting and foraging habitats. Enhance foraging and nesting habitats to mitigate for unavoidable and indirect impacts.	Develop and implement a management plan for this species.	80% or MSCP	Preserve southern live oak riparian forest, coast live oak woodland, riparian, and coastal sage scrub habitats. Retain in open space; chaparral habitats in remote and unaccessible areas unsuitable for development. Otay Ranch Raptor Management Study recommends key raptor resource areas which should be preserved.
Ferruginous hawk *Buteo regalis*	CSC, C2	Winters in large blocks of open grasslands and agricultural habitats.	No mitigation; impacts not significant due to low densities of this species onsite.			
Golden eagle *Aquila chrysaetos*	CSC	Nests on cliffs and in large rock outcrops on rugged, steep slopes. Also nests in large oaks or sycamores. Forages in grasslands, open coastal sage scrub, and agriculture fields.	Not mitigable under most plans. Redesign to preserve key raptor nesting and foraging habitats. Enhance foraging and nesting habitats to mitigate for unavoidable and indirect impacts.	Develop and implement a management plan for this species.	100% of Breeding Habitat and Associated Key Foraging Habitat or MSCP	Preserve grassland and coastal sage scrub habitats. Retain in open space; rocky outcrops and cliffs in rugged, inaccessible, and steep terrain unsuitable for development. Otay Ranch Raptor Management Study recommends key raptor resource areas which should be preserved.
Merlin *Falco columbarius*	CSC	Winters in grassland and agricultural habitats.	No mitigation; impacts not significant due to low densities of this species onsite.			
Prairie falcon *Falco mexicanus*	CSC	Winters in grassland, agricultural, and open coastal scrub habitat.	No mitigation; impacts not significant due to low densities of this species onsite.			

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum Preservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Mountain plover *Charadrius montanus*	CSC, C2	Localized winter visitor to bare, plowed, agricultural fields.	No mitigation; impacts not significant due to low densities of this species onsite.			
Long-billed curlew *Numenius americanus*	CSC, C2	Tidal mudflats and salt marshes are preferred habitat. Also use agricultural fields.	No mitigation; impacts not significant due to low densities of this species onsite.			
Burrowing owl *Speotyto cunicularia*	CSC	Open grassland, agricultural, coastal dune, and extremely open coastal sage scrub habitats.	Redesign to preserve occupied habitat. Preserve potential habitat through mitigation for other sensitive raptors.	Develop and implement a management plan for this species.	100% or MSCP	Preserve grassland habitat. Otay Ranch Raptor Management Study recommends key raptor resource areas which should be preserved.
Long-eared owl *Asio otus*	CSC	Primarily riparian woodland, oak woodlands coniferous forest, and chaparral habitats.	Redesign to preserve occupied habitat. Preserve potential habitat through mitigation for other sensitive raptors.	Develop and implement a management plan for this species.	100%	Preserve riparian, southern live oak riparian forest, coast live oak woodland, and Tecate cypress habitats. Otay Ranch Raptor Management Study recommends key raptor resource areas which should be preserved.
Short-eared owl *Asio flammeus*	CSC	Winter visitor to salt marshes, open grassland, and agricultural habitats.	No mitigation; impacts not significant due to lack of individuals observed onsite.			
Southwestern willow flycatcher *Empidonax traillii extimus*	SE, C1	Willow thickets in riparian woodland.	Require redesign to avoid impacts to occupied habitat. Enhance or restore riparian habitats to mitigate for indirect impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid impacts, prepare and implement a mitigation plan for indirect impacts. Where feasible implement mitigation in conjunction with mitigation for other species. Develop and implement a management plan for this species if it occurs onsite.	100% or HCP/ MSCP	Preserve riparian habitats.
California horned lark *Eremophila alpestris actia*	C2	Ocean shores, bare ground, disturbed areas with low herbaceous plants, grasslands, and open agricultural habitats.	Mitigation for grassland areas used by raptors would mitigate for this species.		80%	Preserve grassland habitats.

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum Preservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Cactus wren *Campylorhynchus brunneicapillus*	CSC, C2, PE	Maritime succulent scrub.	Impacts are unmitigable for all the alternatives except the Environmental Alternative. Require project redesign to avoid impacts. Mitigate impacts from road construction and indirect impacts from development through habitat restoration and enhancement Enhancement or restoration shall occur prior to impacting occupied habitat. Avoid construction during breeding season. Require buffers between preserved habitat and development.	Re-survey at SPA Level to obtain current location data. Assess impacts from road construction and adjacent development, prepare and implement a mitigation plan. Include noise, habitat fragmentation, human disturbance, predation, parasitism, and any other potential impacts in plan. Develop and implement a management plan for this species.	100% or HCP/ MSCP	Preserve maritime succulent scrub. Areas recommended for preservation for this species are listed in the Environmental Impact Report (Sensitive Wildlife Mitigation Tables; 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2). 4.9.4-2)
California gnatcatcher *Polioptila californica*	CSC, C2, PE	Coastal sage scrub and maritime succulent scrub habitats.	Impacts are unmitigable for all the alternatives except the Environmental Alternative. Require project redesign to avoid impacts. Mitigate impacts from road construction and indirect impacts from development through habitat restoration and enhancement Enhancement or restoration shall occur prior to impacting occupied habitat. Avoid construction during breeding season. Require buffers between preserved habitat and development.	Re-survey at SPA Level to obtain current location data. Assess impacts from road construction and adjacent development, prepare and implement a mitigation plan. Include noise, habitat fragmentation, human disturbance, predation, parasitism, and any other potential impacts in plan. Develop and implement a management plan for this species.	100% or HCP/ MSCP	Preserve coastal sage scrub and maritime succulent scrub habitats. Areas recommended for preservation for this species are listed in the Environmental Impact Report (Sensitive Wildlife Mitigation Tables; 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2).
Loggerhead shrike *Lanius ludovicianus*	C2	Grassland, agricultural, and other open habitats with scattered bushes or low trees for nesting and perching.	Mitigation for grassland areas used by raptors would mitigate for this species.		80%	Preserve grassland habitats. Other habitats contiguous with preserved grassland such as woodland and scrub edges would provide nesting habitat for this species.
Least Bell's vireo *Vireo bellii pusillus*	SE, FE	Restricted to breeding in willow riparian woodland.	Impacts are unmitigable for the New Town Plan. Require project redesign to avoid impacts. Mitigate impacts from road construction and indirect impacts from development through habitat restoration and enhancement Enhancement or restoration shall occur prior to impacting occupied habitat. Avoid construction during breeding season. Require buffers between preserved habitat and development.	Re-survey at SPA Level to obtain current location data. Assess impacts from road construction and adjacent development, prepare and implement a mitigation plan. Include noise, habitat fragmentation, human disturbance, predation, parasitism, and any other potential impacts in plan. Develop and implement a management plan for this species.	100% or HCP/ MSCP	Preserve riparian (willow) woodlands.

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum Preservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Yellow warbler *Dendroica petechia*	CSC	Restricted to breeding in riparian woodland, migrates through other woodlands.	Require redesign to avoid impacts where feasible. Enhance or restore riparian habitats to mitigate for indirect or unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid or reduce impacts, prepare and implement a mitigation plan for direct and indirect impacts.	80%	Preserve riparian habitats.
Yellow-breasted chat *Icteria virens*	CSC	Restricted to breeding in riparian woodland, migrates through other woodlands.	Require redesign to avoid impacts where feasible. Enhance or restore riparian habitats to mitigate for indirect or unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid or reduce impacts, prepare and implement a mitigation plan for direct and indirect impacts.	80%	Preserve riparian habitats.
Southern California rufous-crowned sparrow *Aimophila ruficeps*	C2	Coastal sage scrub and lower elevation chaparral habitats. Prefer steep, often exposed slopes, with rock outcrops, and sparse shrub cover.	Mitigation for California gnatcatcher would mitigate for this species (preservation of key coastal scrub areas listed in gnatcatcher mitigation).		80% or MSCP	Preserve coastal sage scrub habitats. Retain in open space; steep, rocky slopes, and chaparral habitats in rugged and inaccessible areas unsuitable for development.
Bell's Sage sparrow *Amphispiza belli belli*	C2	Occurs on coastal slopes in large tracts (> 1000 acres) of undisturbed coastal sage scrub and chaparral habitats.	Mitigation for California gnatcatcher would mitigate for this species (preservation of key coastal scrub areas listed in gnatcatcher mitigation).		80%	Preserve coastal sage scrub habitats. Retain in open space; steep, rocky slopes, and chaparral habitats in rugged and inaccessible areas unsuitable for development.
Tricolored blackbird *Agelaius tricolor*	PE, C2	Nests in large colonies in freshwater marsh, and forages in open habitats: agricultural fields, grasslands, and lakeshores.	Redesign to avoid impacts to breeding habitat. Mitigate for indirect impacts from road construction through habitat enhancement and restoration and buffers. Enhancement or restoration should occur prior to impacting occupied habitat. Mitigation for grassland raptor habitat would also mitigate foraging habitat for this species, however not to a level below significance.	Survey breeding habitat and assess direct and indirect impacts from road construction. Prepare and implement a mitigation plan. Develop and implement a management plan.	100% or HCP/ MSCP	Preserve riparian, wetland, and grassland habitats.

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum Preservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Mammals						
California leaf-nosed bat *Macrotus californicus*	CSC, C2	Primarily occurs in desert habitats. Forages over flats and washes. Roosts in rugged terrain in mines and caves. (Two historic sightings (pre-1940's) in San Ysidro Mountains and active roost at Barrett Junction in 1970's.) Probably disappeared from coastal areas.	Redesign to avoid impacts to bat roosts or important foraging areas, incorporate potential and active roosts and foraging areas in Management Preserve, design bridges and overpasses to promote potential use as roost sites, limit human disturbance at roosts.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100% of Roosting Habitat	Preserve coastal sage scrub, riparian, and grassland habitats. Retain in open space; rugged, steep, rocky slopes, cliffs, and inaccessible chaparral habitats unsuitable for development.
Townsend's big-eared bat *Plecotus townsendii*	CSC, C2	Variety of habitats: desert habitats, woodlands, grasslands, and scrub. Prefers mesic micro-habitats. Roosts in caves, lava tubes, mines, buildings, and other man-made structures. (Declined since 1930's. Historically, roosted on Otay Mountain, records of sightings at Dulzura. In 1970's active roosts at Barrett Junction but, no sightings from Otay Ranch.)	Redesign to avoid impacts to bat roosts or important foraging areas, incorporate potential and active roosts and foraging areas in Management Preserve, design bridges and overpasses to promote potential use as roost sites, limit human disturbance at roosts.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100% of Roosting Habitat	Preserve coastal sage scrub, riparian, woodland, and grassland habitats. Retain in open space; rugged, steep, rocky slopes, cliffs, and inaccessible chaparral habitats unsuitable for development.
Pallid bat *Antrozous pallidus pacificus*	CSC	Occurs in wide variety of lowland habitats: grasslands, shrublands, woodlands, and mixed conifer forests. Prefers dry areas with rocky areas for roosting. Roosts in crevices, caves, mines, buildings, and under bridges. (Historic roost in Otay River Parcel, and multiple occurrences in Dulzura. Occurrence in 1970's north of Otay Ranch between National City and Chula Vista, other sightings far to north and east of Otay Ranch.)	Redesign to avoid impacts to bat roosts or important foraging areas, incorporate potential and active roosts and foraging areas in Management Preserve, design bridges and overpasses to promote potential use as roost sites, limit human disturbance at roosts.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100% of Roosting Habitat	Preserve coastal sage scrub, riparian, woodland, and grassland habitats. Retain in open space; rugged, steep, rocky slopes, cliffs, and inaccessible chaparral habitats unsuitable for development.
California mastiff bat *Eumops perotis californicus*	CSC, C2	Occurs in open arid areas with rocky cliffs. Often associated with chaparral and live oaks. Roosts in rock crevices and occasionally in buildings. Forages a great distance from roosts in a variety of habitats. (Historical roost on Otay Ranch southeast of the Lower Otay Lakes Dam. Multiple historic records from Dulzura and Barrett Junction. No records of colonies since 1940's.)	Redesign to avoid impacts to bat roosts or important foraging areas, incorporate potential and active roosts and foraging areas in Management Preserve, design bridges and overpasses to promote potential use as roost sites, limit human disturbance at roosts.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100% of Roosting Habitat	Preserve coastal sage scrub, riparian, oak woodland and grassland habitats. Retain in open space; rugged, steep, rocky slopes, cliffs, and inaccessible chaparral habitats unsuitable for development.

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum Preservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
San Diego black-tailed jackrabbit *Lepus californicus bennetti*	C2	Occurs in open or semi-open habitats: coastal sage scrub, chaparral, grassland and agriculture edges, and mountain meadows.	Mitigation for California gnatcatcher would mitigate for this species (preservation of key coastal scrub areas listed in gnatcatcher mitigation).		80%	Preserve coastal sage scrub and grassland habitats.
Pacific little pocket mouse *Perognathus longimembris pacificus*	CSC, C2	Inhabits narrow coastal plains from Tia Juana Estuary north to Los Angeles County. Requires fine, alluvial soils.	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts.	100% or MSCP	Preserve sandy wash habitats in Otay River Valley through preservation of riparian habitat (Otay River Valley Key Resource Area).
Northwestern San Diego pocket mouse *Chaetodipus fallax*	C2	Occurs in open, arid habitats often associated with yucca. Found in coastal sage scrub, chaparral, annual grasslands, and desert habitats. (Records from Dulzura, Jacumba, Tia Juana River Valley, and other areas to north.)	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts.	80%	Preserve coastal sage scrub and grassland habitats. Retain in open space; rugged,and remote chaparral habitat unsuitable for development.
Dulzura California pocket mouse *Chaetodipus californicus femoralis*	C2	Found in variety of habitats: chaparral, coastal sage scrub, annual grassland, and woodlands. Prefers interface of chaparral and grassland habitats. (Records from Dulzura, Dehesa, Campo, and areas to north.)	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts.	80%	Preserve coastal sage scrub, woodland, and grassland habitats. Retain in open space; rugged, remote chaparral habitats unsuitable for development.
Southern grasshopper mouse *Onychomys torridus ramona*	C2	This subspecies occurs primarily in coastal sage scrub and chaparral habitats on western pacific slopes. Has large home range. (Records from Dulzura, Tia Juana River Valley, San Diego, Jacumba, and areas to the north.)	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts.	80%	Preserve coastal sage scrub. Retain in open space; rugged, remote drainages, and chaparral habitats unsuitable for development.

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimu: rvation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
San Diego desert woodrat *Neotoma lepida intermedia*	C2	Occurs primarily in coastal sage scrub, maritime succulent scrub, and chaparral habitats. Associated with cholla, prickly pear, and other cacti and rock outcrops. (Records from Proctor Valley, Otay River parcel, Tia Juana River Valley, Jacumba, Jamul, Dulzura, and areas to the north.)	Require redesign to avoid or reduce impacts to occupied habitat. Where feasible, implement mitigation in conjunction with mitigation for other species. Enhance or restore habitat to mitigate unavoidable impacts. Enhancement or restoration shall occur prior to impacting occupied habitat.	Survey appropriate habitat, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts.	80%	Preserve coastal sage scrub and maritime succulent scrub habitats. Retain in open space; drainages, outcrops, steep, rocky slopes, and chaparral habitats unsuitable for development.
American badger *Taxidea taxus*	CSC	Occurs primarily in open, level habitats such as grassland, agricultural areas and open coastal sage scrub. Requires friable soils for burrowing.	Impacts not considered significant due to detection of only one burrow onsite. Territories are large so that a low density would be expected onsite.			
<u>Species With a Very Low Probability for Occurring Onsite Except as Vagrants.</u>						
Least bittern *Ixobrychus exilis*	CSC	Restricted to large brackish and freshwater marshes in coastal lowland.	No mitigation; impacts not significant due to lack of suitable habitat onsite.			
Bald eagle *Haliaeetus leucocephalus*	SE, FE	Winter at inland lakes in county.	No mitigation; impacts not significant due to lack of individuals onsite.			
Peregrine falcon *Falco peregrinus*	SE, FE	Occurs only rarely at inland lakes during the winter. In San Diego County primarily found along the coast.	No mitigation; impacts not significant due to lack of individuals onsite.			
Mexican long-tongued bat *Choeronycteris mexicana*	CSC, C2	Occurs in desert habitats, primarily deep, rugged, and moist canyons. Roosts in caves, buildings, and mines. Feeds on pollen and nectar from succulents (e.g. Agave). Fall vagrant from the south. (Historic invasion in 1940's account for most of San Diego records, most occurred in urban San Diego, none on Otay, closest was National City.)	Redesign to avoid impacts to bat roosts or important foraging areas, incorporate potential and active roosts and foraging areas in Management Preserve, design bridges and overpasses to promote potential use as roost sites, limit human disturbance at roosts.	Search for this bat during surveys for other bats more likely to occur onsite. If this species is found onsite, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100% of Roosting Habitat	Unlikely to occur onsite as rare in county. Preserve coastal sage scrub, riparian, and grassland habitats. Retain in open space; rugged, steep, rocky slopes, cliffs, and inaccessible chaparral habitats unsuitable for development.

Table 6. Sensitive Wildlife Habitat Affinities, Required Measures to Reduce Impacts, Minimum Preservation Standards, and Recommended Preservation of Umbrella Habitats

Species	Sensitivity Status*	Habitat Affinities	Measures Required in the Program Level EIR to Reduce Impacts Below Significance	Measures Required at the Specific Plan Level to Reduce Impacts	Minimum Preservation Standards**	Preservation of Sensitive Umbrella Habitats and Retention in Open Space of Other Habitats Unsuitable for Development***
Spotted bat *Euderma maculatum*	CSC, C2	Often occurs in arid desert or open pine forests in rocky terrain. Roosts in caves and crevices in cliffs. Forages over water and washes. Very rare and little is known about this bat. (Vagrant in San Diego County. There is only a single historic record for this species in San Diego County in the La Mesa area.)	Redesign to avoid impacts to bat roosts or important foraging areas, incorporate potential and active roosts and foraging areas in Management Preserve, design bridges and overpasses to promote potential use as roost sites, limit human disturbance at roosts.	Search for this bat during surveys for other bats more likely to occur onsite. If this species is found onsite, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100% of Roosting Habitat	Unlikely to occur onsite as very rare in county. Preserve coastal sage scrub, riparian, and grassland habitats. Retain in open space; rugged, steep, rocky slopes, cliffs, and inaccessible chaparral habitats unsuitable for development.
Pocketed free-tailed bat *Nyctinomops femorosacca*	CSC	Rare in desert habitats in California (at northern edge of range). Roosts in rock crevices in cliffs. (No records from coastal San Diego, records from Palm Canyon, Borrego Valley, and Suncrest.)	Not appropriate as does not reported from project area, occurs in desert.			
Big free-tailed bat *Nyctinomops macrotis*	CSC	Widely scattered distribution (post-breeding wanderer), vagrant in San Diego County. Inhabits rugged, wooded mountainous areas and could breed in southern California. Roosts in crevices high in cliffs or in rock outcrops. (Three specimens from urban San Diego, no records from Otay Ranch area.)	Redesign to avoid impacts to bat roosts or important foraging areas, incorporate potential and active roosts and foraging areas in Management Preserve, design bridges and overpasses to promote potential use as roost sites, limit human disturbance at roosts.	Search for this bat during surveys for other bats more likely to occur onsite. If this species is found onsite, assess direct and indirect impacts, redesign to avoid direct impacts, prepare and implement a mitigation plan for unavoidable indirect impacts. Develop and implement a management plan for this species if it occurs onsite.	100% of Roosting Habitat	Unlikely to occur onsite except as a vagrant. Preserve coastal sage scrub, riparian, woodland, and grassland habitats. Retain in open space; rugged, steep, rocky slopes, cliffs, and inaccessible chaparral habitats unsuitable for development.

* Sensitivity Status Codes:

C1 = Category 1 federal listing
C2 = Category 2 federal listing
CSC = California Department of Fish and Game Species of Special Concern
FE= Federally listed as an endangered species
PFE = Taxa proposed for listing as threatened or endangered by United States Fish and Wildlife Service
PSE = Taxa proposed for listing as threatened or endangered by California Department of Fish and Game
PPE = Petition for listing as endangered or threatened species is in preparation or has been submitted to United States Fish and Wildlife Service
SE = California Department of Fish and Game listed endangered species
ST = California Department of Fish and Game listed threatened species

** For First Priority Species, standards apply to the preservation of occupied habitat and individuals.
First Priority Species are federal and/or state-listed threatened or endangered species. This category also includes those species petitioned for federal and/or state-listed threatened or endangered status.
For Second Priority Species, standards apply to the preservation of occupied habitat (e.g. roost sites for bats, vernal pools and associated watersheds for vernal pool species, nest sites and key foraging habitats for raptors).
Second Priority Species are those which are federal candidates or California Department of Game Species of Special Concern.

*** Other habitat areas retained in open space are assumed unsuitable for development because of topography, slope, and other factors. Chaparral habitats make up almost 12 percent of the total habitat acreage (~23,086 acres) occurring on Otay Ranch. Under the New Town Plan which impacts more habitat than the other alternatives, approximately 32 percent of chaparral habitats are impacted. The remaining 68 percent of chaparral habitats are retained in open space and provide wildlife habitat.

"The Service emphasizes that these taxa are not being proposed for listing by this notice, and that there are no current plans for such proposals unless additional supporting information becomes available. Further biological research and field study usually will be necessary to ascertain the status of taxa in this category. It is likely that many will be found not to warrant listing, either because they are not threatened or endangered or because they do not qualify as species under the definitions in the Act. The Service hopes that this notice will encourage necessary research on vulnerability, taxonomy, and/or threats for these taxa." The Draft Program EIR requires focused surveys for these species at the SPA Plan Level as the buildout of Otay Ranch proceeds. Additionally, the EIR imposes mitigation requiring the preservation of certain percentages of habitats and species. Accelerated field studies could be required if the status of any of these species changes. The proliferation of sensitive species in the Otay Ranch Project area undoubtedly will continue over the 30- to 50-year buildout. Surveys prior to each SPA Plan development will more accurately target those species which are considered sensitive at that point in time, thus allowing for the formulation of mitigation in addition to that mitigation required by this EIR.

Another consideration is that it is not reasonable or financially feasible to require detailed surveys for the program level EIR which need to be repeated at the SPA Plan level. The general nature of the development plan, with a lack of specific planning detail and large scale mapping at the program level, requires further evaluation of impacts at the SPA Plan level. At the program level, issues and potential impacts to sensitive animals were identified and recommended for further study (Tables 3.3-7, 4.2.4-5, and 4.9.4-2). It is important to note that project redesign was frequently recommended to reduce or avoid impacts at the SPA Plan level. Preservation standards are required in the Final Program EIR and also in the Resource Management Plan (see also Table 1 below). If major project redesign were required to reduce or avoid impacts but was not feasible or did not meet the goals of the development plan, then the impact was considered unmitigable for that species (see Sections 3.3.4, 4.2.4.3, 4.3.4.3, 4.4.4.3, 4.5.4.3, 4.6.4.3, 4.7.4.3, and 4.9.4.3). This type of evaluation will also be conducted at the SPA Plan level.

Table 6 provides information for each sensitive animal species which could occur in the Otay Ranch Project area. The table presents habitat affinities, recommended measures to reduce impacts at the program level, requirements for ongoing study

and reduction of impacts at the SPA Plan level, minimum preservation standards, and umbrella habitats associated with each sensitive species. Abundance and distribution information was used in the Draft Program EIR (Tables 3.3-7, 4.2.4-5, and 4.9.4-2) for those species for which it was available. This information was used in quantitatively assessing impacts and recommending mitigation to avoid or reduce impacts. An overall categorization of impacts to habitats supporting sensitive animal species is also presented in the Draft Program EIR (Tables 3.3-7, 4.2.4-5, and 4.9.4-2). This evaluation was based on habitat affinities (presented in Table 6) and delineated impacts to habitats (Tables 3.3-5, 4.2.4-1, 4.7.4-1, and 4.9.4-1).

Regional and local records were used in evaluating the potential for various sensitive species to occur within the Otay Ranch Project area. For some species, evaluation of habitat impacts is the basis for determining potential impacts at the program level. Conversely, the preservation of sensitive umbrella habitats recommended by the Draft Program EIR (see Sections 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, and 4.9.4.2) and retention of non-sensitive, undevelopable habitats in open space forms the basis for preservation of each of these species at this level of analysis. Minimum standards for preservation are based on preserving occupied habitat and in some cases on preserving individual animals. These standards are primarily based on the same rationale used to determine the significance of impacts in the Draft Program EIR (see Section 3.3.2.4). Requirements for ongoing studies, further assessment of impacts, and preparation of mitigation at the SPA level are given in Table 6 and are also based on recommendations in the Draft Program EIR (Tables 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2).

The use of a designation like "potentially significant" reflects the extent of available data, the feasibility of the implementation of the mitigation measures, and the level of detail of the project data (e.g., 1" - 1000' scale mapping). The significance of impacts to biological resources from each development plan reflects a worst-case approach in the Draft Program EIR. Analysis of Significance sections (3.3.4, 4.2.4.3, 4.3.4.3, 4.5.4.3, 4.6.4.3, and 4.9.4.3) have been revised in the Final Program EIR for potentially significant wildlife species to reflect this worst-case approach in terms of determining significance and mitigability of impacts. Detailed

by this project. This section does not seem sufficient to use for decision making. Can the reccommended surveys be done as part of the EIR, not as an afterthought? Can the table be altered to show percentages and numbers on the impacted habitat (acreage) and survey data? Is potentially significant an adequate designation for an EIR?

4. The arroyo toad is a canidate species. This species is declining noticeably in most historical localities within the United States. The data on this species is needed in the EIR to be able to evaluate this project. The text states (page 3.3-99) that development in the Otay River Valley, the Otay River Park, and the Proctor Valley and San Ysidro parcels could impact this species. Can the EIR be considered adequate without this information? If the toad is not present the design of the project can differ from a project designed with this species present.

5. I found no cumulative impact report. Is there one I overlooked?

6. Corridor information does not match the maps.

7. The section on Second Priority Species page 3.3-99 has numerous name errors. In 1978 Collins et al published Standard Common and Current Scientific Names for North American Amphibians and Reptiles. This circular is the accepted name source. Corrections are: the Arroyo toad (Bufo microscaphus californicus), San Diego horned lizard (Phrynosoma coronatum blainvillii), coastal whiptail, red diamond rattlesnake, and San Diego banded gecko (Coleonyx variegatus abbotti). Since there is no data on these species for this project, it is hard to evaluate if the data is accurate. Can data be provided in draft for evaluation?

8. It is unclear to me why the text on page 3.3-100 states that the CA red-legged frog and the southwestern pond turtle have low potential for impact if the few acres of aquatic habitat and freshwater marsh are developed. If the aquatic habitat is developed, isn't this a significant impact on these species?

9. Why does the text on the Second Priority Species not discuss on a species by species basis the effects of habitat loss under the proposed development? There is no discussion on the indirect impacts such as noise, light, changes in food abundance or predator density.

10. Why is Johnson Canyon not included as a wildlife corridor? There is animal movement along this canyon.

11. The text does not discuss the fact that raptor loss is not mitigable. It does discuss the consequence of this.

12. Is the tri-colored blackbird a canidate species and if so why is there not discussion of impacts on this species in the text?

studies are required at the SPA Plan level to determine the significance of potential impacts.

4. Refer to response number 3 in this letter. The arroyo southwestern toad (*Bufo microscaphus californicus*) is a species which became a federal candidate species within the last year during the period in which the Draft Program EIR was being written. There is not a lot of detailed distribution and abundance information on this species, which is why it was evaluated on the basis of impacts to its habitat. Further surveys, assessment of impacts, and preparation of mitigation are required at the SPA Plan level when more detailed planning information is available (Tables 3.3-7 and 4.2.4-5). Note that the most likely habitat onsite is the Otay River Valley, a highly disturbed habitat. Park plans and roadway crossing information are lacking; thus, a detailed analysis must be deferred until a later date.

5. The cumulative impact analysis can be found in Section 6.5 of the Draft Program EIR.

6. Comment is not specific enough to determine where any discrepancies in corridor information and maps occur. The complete first and second phases of the draft corridor study are included with the Final Program EIR. Refer to response number 7 in letter from Daniel Tarr, 9/13/92. This document explains in detail the corridors and their alignments. Corridor information in the Draft Program EIR is summarized from the Otay Ranch Wildlife Corridor Study (Ogden 1992b). Some text revisions are being made to discussions of corridors in the Final Program EIR (see Wildlife Corridor Text in Sections 3.3.1.5, 3.3.2.5, 3.3.3, 4.2.4, 4.3.4, 4.4.4, 4.5.4, 4.6.4, 4.7.4, and 4.9.4).

7. Nomenclature in the Program EIR follows that adopted by the CDFG (1991). The following are accepted authorities: Reptiles and amphibians: Stebbins 1985 and Jennings 1988: birds: American Ornithologist's Union (AOU 1957, 1982, 1983, 1984, 1985, 1987, and 1989); and mammals: Jones et al. 1982, 1983, and 1986. This conforms in most cases with the nomenclature adopted by the previous Biological Survey Reports on Otay Ranch (RECON 1991 and MBA 1989). Refer to response number 3 in this letter.

8. Comment noted. Refer to text changes in Section 3.3.2.4 of the Final Program EIR.

9. The Draft Program EIR gives a brief analysis of the impacts from habitat loss for each sensitive animal species (Section 3.3.2.4). Species inhabiting the same type of habitat are grouped together in the discussion of impacts to avoid redundancy and in order to reduce the length of the document. Refer to Table 6 in response number 3 in this letter for a more detailed listing of habitat requirements for each sensitive animal species. Refer to text changes in Section 3.3.2.4 for a discussion of indirect impacts to wildlife from development.

10. Unlike O'Neal Canyon, which is a regional corridor linking Otay River Valley to the San Ysidro Mountains, Johnson Canyon is a tributary to the Otay River Valley which does not connect up with a large block of habitat. A corridor must effectively link two or more patches of habitat for which connectivity is required and must do so without excessive risk of directing animals to where mortality may be high (Ogden 1992b). At its southern edge, Johnson Canyon becomes open and shallow with little topographic or vegetative cover. It is constrained by development and agriculture to the south, west, and east. It may serve as a local corridor for animals inhabiting adjacent areas but could be a corridor cul-de-sac for dispersing animals. Johnson Canyon could direct dispersing animals out of the Otay River Valley into inappropriate non-native habitats with no cover (e.g., wheat fields).

11. The Draft Program EIR text describes regional raptor losses as significant and unmitigable in the following Mitigation and Analysis of Significance sections: 3.3.3, 3.3.4, 4.2.4.3, 4.3.4.3, 4.4.4.3, 4.6.4.3, and 4.9.4.3, and tables: 3.3-7, 4.2.4-5, and 4.10-1. The mitigation sections for some of the other alternatives will be revised to emphasize that impacts are unmitigable; refer to text changes in Sections 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, and 4.9.4.2.

12. There is a discussion of impacts to the tricolored blackbird under the major alternatives (see Sections 3.3.2.4, 4.2.4.1, and 4.7.4.1; see also Tables 3.3-7, 4.2.4-5, and 4.7.4-3). The tricolored blackbird was petitioned for listing as an endangered species with CDFG just prior to the time that the Draft Program EIR went out for review. This is referred to in a footnote on page 3.3-49 of the Draft

(13) 13. Table 3.3-6 (page 3.3-78) has totals that do not include vernal pools under wetlands. Are vernal pool numbers included elsewhere in the table and can they be identified?

(14) 14. Table 3.3-6 includes Tamarisk scrub as a sensitive habitat. Is this accurate?

(15) 15. Are water runoff and erosion addressed for their impacts on sensitive plant species? Are values included in the tables for this type of impact from development?

(16) 16. One out of seven points of occurrence of Southern Mountain Misery will be effected by the New Town Plan. This is not 6% (see page 3.3-85).

(17) 17. The impact to Western Dichondra is not considered significant (see page 3.3-86). The level of impact is not stated but it is above the 60% CEQA level. What is the level and isn't it significant since it is above the upper value for a Fourth Priority Species according to CEQA?

(18) 18. Coulter's Matilija Poppy will have 64% of occurrences effected (see page 3.3-86). Where does the 64% come from and isn't this above CEQA guidelines? The flexibility is in the 40 to 60%, not in numbers that are above this range of impact.

(19) 19. The New Town Plan does not meet RMP standards for 7 of 9 state and federally listed plants (see page 3.3-121), 17 List 1B or List 2 CNPS plants, 9 CNPS List 4 plants, 3 state and federally listed birds, 11 canidate wildlife species and perhaps 19 additional canidate wildlife species, wildlife corridors, and impacts on habitats for 8 habitats. The plan does not seem feasible.

(20) 20. Acanthomintha mitigation suggests two alternatives. Project redesign is the only assured means of preserving the species. The text refers to restoration work in Sabre Springs done for this species. The Sabre Springs population is threatened by invasive non-natives. Any attempts to propagate this species requires longer than a 5 year monitoring program (10 years would be sufficient). It is also unclear where the population could be moved without effecting other habitats.

(21) 21. Mitigation of vernal pool plants is suggested in Table 3.3-11 (page 3.3-129) but vernal pool habitat is listed as being unmitigable. How do these two pieces of information fit? Can vernal pools be created? The last report I heard suggested limited success with restoration.

(22) 22. The New Town Plan has unmitigable impacts on Coastal Cactus Wren, Least Bell's Vireo, S.D. horned lizard, Northern harrier, Black-shouldered kite, Cooper's hawk, Golden Eagle, and Otay Mesa Mint. Is approval of this project in violation of State and Federal law?

Program EIR. The tricolored blackbird is now considered a first priority species under the sensitive animal priority categories described in the Program EIR (Section 3.3.2.4). As a result, a discussion of impacts, mitigation, and an analysis of significance will be provided for this species for all of the qualitatively assessed alternatives (see Sections 4.3.4, 4.4.4, 4.5.4, 4.6.4, and 4.9.4).

13. Vernal pool habitat acreages are included in the table as 179 acres of existing habitat and 128 acres of habitat to be impacted. These acreages are not added to the total acreage for the Ranch because they overlap with upland habitat types, e.g., Diegan coastal sage scrub and non-native grassland, and the same acreages would be counted twice. Refer to the footnote in Table 3.3-6 of the Draft Program EIR for further clarification and definition of vernal pool habitat.

14. Tamarisk scrub is considered a sensitive habitat because it is a wetland habitat. It has low value in terms of native flora and fauna; however, its sensitivity is as prime wetland restoration acreage and as jurisdictional habitat under state and federal laws.

15. Potential indirect impacts from hydrological alterations are addressed for sensitive plant species with seasonal stream habitat affinities. Refer to Sections 3.3.2.3 and 3.3.3 in the Draft Program EIR. Refer also to text changes regarding mitigation requirements for indirect impacts to sensitive plant species in Section 3.3.3 in the Final Program EIR. Indirect impacts can not be quantified and, therefore, are not included in the impact tables.

16. The text should read "Just 1 out of 17 point occurrences (6 percent) would be impacted by development." The text has been corrected in the Final Program EIR.

17. Sixty-two percent of the point occurrences of western dichondra would be impacted by the New Town Plan (refer to Appendix A-7). This species occurs from San Bernardino County to northern Baja California and is frequently reported in burned chaparral and coastal scrub habitats. The populations on Otay Ranch are not considered regionally significant. Refer to Table 3.3-6.1 in the Final Program EIR for species specific standards developed for the Otay Ranch EIR analysis.

18. Impacts to Coulter's Matilija poppy are considered significant at this level of review. Refer to text changes in Section 3.3.2 and 3.3.3 in the Final Program EIR.

19. Comment noted. In the Analysis of Significance, Section 3.3.4 of the Draft Program EIR, this plan is not acceptable, as it results in numerous significant unmitigable impacts to biological resources.

20. Project redesign to preserve the largest population of San Diego thorn-mint is required; refer to Table 3.3-11 in the Draft Program EIR. Mitigation for unavoidable impacts to the small population should include introduction of seed to appropriate soils onsite, but should not rely on introduction of clay soils. Existing populations of thorn-mint at the Sabre Springs site have been invaded by non-native weedy species in the past, but the cover of non-native species does not appear to have increased as a result of mitigation activities. Problems with the Wild Animal Park and Black Mountain Road mitigation sites stem from their reliance on imported soils. Movement of clay soils from the impacted populations has resulted in ongoing erosion and heavy invasion of non-native species. Future thorn-mint transplantation should occur only in clay soils appropriate for this species and should not involve transplantation of soils. Refer to text changes in Table 3.3-11 in the Final Program EIR. Introduction of San Diego thorn-mint into appropriate clay lens habitat is not expected to adversely affect other native plant populations.

21. Impacts from the New Town Plan to both vernal pool habitat and sensitive vernal pool plant species are considered significant and unmitigable because major project redesign would be required. Refer to the Analysis of Significance, Section 3.3.4 of the Draft Program EIR. The approach of the vernal pool mitigation program is restoration of degraded vernal pool habitat rather than creation. Refer to text changes in Section 3.3.3 of the Final Program EIR.

22. Aside from the federally endangered least Bell's vireo, the remaining sensitive wildlife species could be legally impacted by an approved project with approved mitigation. Federal law protects the taking of least Bell's vireo and any other endangered species.

(23) 23. Are impacts of the water distribution system included in impact analysis? See page 3.3-103.

(24) 24. The Resevior protection system will effect resource areas. Shouldn't this report include some analysis?

(25) 25. Bicycling is left off of the passive recreational opportunities listed for regional parks on page 3.3-104.

(26) 26. The impacts of the Conference Center listed on page 3.3-105 are not adequately explained.

(27) 27. The impacts of the University Site listed on page 3.3-105 are not adequately explained.

(28) 28. Mitigation for Monardella (see page 3.3-130) does not sufficiently stress the need to control changes in hydrology before they occur. Twelve out of thirteen populations of Monardella have been lost in Lopez Canyon (part of the Los Penasquitos Open Space Preserve) due to development at the rim of the canyon upstream and the addition of a bridge.

(29) 29. The Phase 1 Progress Plan does not meet RMP requirements for sensitive habitats (coastal sage scrub, woodland, wetlands, and vernal pools), sensitive plants (5 state and federally listed species, 12 CNPS List 1B or 2, 5 CNPS List 3 or 4 species), 3 state and federal listed birds, 28 canidate species, and wildlife corridors. Impacts to Otay tarweed, Otay Mesa-mint, S.D. goldenstar, Snake cholla, coastal cactus wren, CA gnatcatcher, Northern harrier, Golden eagle, raptors, and Diegan coastal sage scrub, Maritime succulent scrub, vernal pools, Valley needlegrass grassland, and alkali meadows are not mitigable. This alternative does not seem adequate. Requires redesign.

(30) 30. The Fourth Alternative contains unmitigable impacts on Diegan coastal sage scrub, Maritime succulent scrub, Valley Needlegrass grassland, Alkali meadow, Otay tarweed, S.D. goldenstar, Snake cholla, Coastal cactus wren, CA gnatcatcher, and raptor populations. This alternative does not seem adequate. Requires redesign.

(31) 31. The Existing General Plans Alternative states that redesign of the project would be necessary because of the impacts and requirements of mitigation. This alternative does not seem adequate.

(32) 32. The Low Density Alternative has significant impacts on sensitive species and would require project redesign. Unmitigable impacts include Diegan coastal sage scrub, Maritime sage scrub, Valley Needlegrass, alkali meadow, Otay tarweed, S.D. goldenstar, Snake cholla, Coastal cactus wren, CA gnatcatcher, and raptors. This alternative does not seem adequate.

(33) 33. The Environmental Alternative has significant impacts but they are all mitigable. This would be an acceptable alternative

23. A more detailed evaluation of impacts from infrastructure is not possible at this level of analysis. See response number 55 of the South County Environmental Working Group letter, 10/7/92.

24. A more detailed evaluation of impacts from infrastructure is not possible at this level of analysis. See response number 55 of the South County Environmental Working Group letter, 10/7/92.

25. Comment noted. It is acknowledged that bicycling will occur along parkways, paths and roadways leading to the passive open space system.

26. Additional information on the biological resources present within the area of the proposed conference center was requested by the Otay Ranch Task Force Biological Subcommittee and is included in Technical Report Number 18 (Responses to Data Gaps, Dudek 1991).

27. Development of the University is presumed to impact all of Salt Creek Canyon, either directly or indirectly, and this is reflected in the impact acreages of Table 3.3-5. There are no plans by which more detailed analysis could be completed for the University.

28. Refer to text changes in Section 3.3.3 of the Final Program EIR regarding mitigation for indirect impacts to willowy monardella.

29. Comment noted.

30. Comment noted.

31. Comment noted.

32. Comment noted.

33. Comment noted.

(33) for development of Otay Ranch with the mitigation measures.

I would like more time to be able to review the alternatives to the extent that I reviewed the New Town Plan and for reviewing other sections of the draft EIR. I would like to receive any other drafts and/or the final EIR to review when they are available. Please notify me of meetings and/or documents effecting this project. I cannot attend meetings held during the day but would still like to know what is happening when on this project.

Sincerely,

Cindy Burrascano

Cindy Burrascano
771 Lori Lane
Chula Vista, CA 91910
471-5767

I.12-23

October 12, 1992

TO: Doug Reid, Environmental Coordinator
City of Chula Vista

OCT 12

FROM: Peter Watry
81 Second Avenue
Chula Vista, CA 91910

SUBJECT: Comments on the Draft E.I.R. for OTAY RANCH

The Growth Management Oversight Commission's 1991 Report dated August 1, 1992 states the following: "The Air Pollution Control District has recently adopted a revised Air Quality Plan, which sets a goal of 3% *reduction* in air emissions annually to the year 2000, and 1% *reduction* annually thereafter."

(1) Page 3.11-7 of the Draft E.I.R. for Otay Ranch states: "The results reported in Table 3.11-3 show that the proposed project would incrementally *increase* the pollution to the regional airshed. Any increase in PM_{10} emissions and O_3 precursor emissions (ROC and NO_x) constitutes a significant adverse impact because San Diego County is already a non-attainment area for O_3 and PM_{10}."

Pages 6-41 and -42, commenting on the cumulative impacts of related projects, states: "Construction, vehicular, and stationary source emissions from the projects contained within the cumulative impact area for Otay Ranch would incrementally contribute to the San Diego air basin's *inability* to attain federal and state air quality standards for O_3. Each project would also contribute additional SO_x, PM_{10}, and CO to the airshed.

(2) . . . Despite the implementation of trip reduction and conservation measures, significant impacts on local and regional air quality conditions are likley to occur, as all incremental additions of pollutants affect the region's ability to achieve compliance with state and fedeal standards. . . . Although the proposed project represents a relatively small change in the regional air pollutant background, the cumulative effect of development projects in the region is one which contributes significantly to the *degradation* of the county's air quality."

(continued on the next page)

I.13-1

PETER WATRY
OCTOBER 12, 1992

1. The APCD's goal is to ensure that ambient concentrations of pollutants do not exceed acceptable levels for the air basin as a whole. San Diego County is in attainment for federal NAAQS except for O_3 and is non-attainment for State AAQS for O_3, 1-hour NO_2, and PM_{10}. It should be noted that APCD has jurisdiction only over the activities of stationary sources in the air basin; it typically does not regulate temporary construction-related emissions and vehicle emissions (as contrasted with ongoing operations-related emissions). The APCD is attempting to achieve attainment by regulating the sources as a whole through programs in the future.

QUESTION: How does one reconcile the legal necessity to *reduce* air pollution with the statement that Otay Ranch will *increase* air pollution? Will some other project in San Diego County be decreased in order to allow Otay Ranch to proceed? Will the A.P.C.D. "forgive" air pollution in the South Bay because so much comes from Tijuana and Mexican cars driving in the South Bay? Is the pollution in the South Bay to be exempted from the new regulations referred to above? Where is the *reduction* in air pollution going to come from to offset the *increase* in air pollution as outlined in the Otay Ranch Draft E.I.R.? (2)

2. The APCD considers the South Bay the same way it considers all other areas in the County. The amount of pollution traceable to cars which are not subject to the state's inspection and maintenance (I&M) Program has been found to be much smaller than the cars regulated under the I&M programs. The upwind impacts of areas outside San Diego County have been studied, and it was found that under certain conditions pollution from the Los Angeles area adversely affects the air in San Diego. Similar impacts due to Tijuana have not been found, although the issue is under study. Such impacts depend on meteorology rather than on anthropogenic activities.

The APCD Regional Air Quality Strategy (RAQS) is a set of regulations and programs designed to improve air quality in the air basin as a whole. This will entail further regulations on all sources in the next few years. The measures in the San Diego RAQS are designed to address emissions from the air basin as a whole. The mitigation measures are designed to minimize the impact of the project's emissions to the regional air quality.

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DEPARTMENT OF BIOLOGY, C-016 LA JOLLA, CALIFORNIA 92093
FAX (619) 534-7108

October 15, 1992

Tony Lettieri
Otay Ranch Project
315 4th Ave. Suite A
Chula Vista, CA 91910

I.14-1

Dear Mr. Lettieri,

You will find enclosed a statement which I would like to be placed in the public record as comments on the draft EIR for the Otay Ranch Project. Thank you very much for your time and assistance.

Sincerely,

Ray Radtkey

UNIVERSITY OF CALIFORNIA, SAN DIEGO
RAY RADTKEY
OCTOBER 15, 1992

Ray Radtkey
4463 Maryland St.
San Diego, CA 92116

I am a post-doctoral researcher in biology at the University of Cal, San Diego. A portion of my recently completed dissertation deals with the population dynamics of Edith's checkerspot butterfly (*Euphydryas editha*) so I feel it appropriate to comment on the status of the Quino checkerspot (*Euphydryas editha quino*) on the area proposed for development under the Otay Ranch Project.

(1) On pages 3.3-36 and 3.3-43 references were made to the "historical distribution" of the Quino checkerspot and the fact that it has not been recorded on site since 1980. In 1980 the butterfly was reported in vernal pool habitats from all three planning parcels but this fact is omitted from the table on page A-3-1. It is very likely that there have been no records since then because no one has looked. My colleagues and I have been in close contact with those in the scientific community who specialize on this species and there has been no recent attempt at finding these butterflies by qualified individuals. The chance of a non-expert finding these butterflies would be nearly zero because of the extremely short flight-season (2-3 weeks, not 4-8). Also host-plants (*Plantago insularis* and *Plantago erecta*) must be carefully searched for larvae which again would be difficult for the non-specialist to identify if he or she were lucky enough to find any.

(2) Regarding statements that successive drought years may have already driven these animals extinct, this is merely a guess with no scientific merit. These butterflies have diapausing mechanisms to deal with this unpredictable problem. Diapausing for 5-7 years means that if conditions are unfavorable larvae will not develop into butterflies for years until conditions improve. Diapausing larvae would be virtually impossible for *anyone* to find.

The above comments motivate several questions that require response before closing the issue on the current status of *Euphydryas editha quino* on areas proposed for development under the Otay Ranch Project:

(3) 1. How many surveys have been conducted for *Euphydryas editha quino* since 1980 and what are the specific dates?

(4) 2. By whom were the surveys conducted since 1980 and what are their qualifications?

(5) 3. Were the surveys conducted as a general survey for all animals present or were they aimed at specifically finding the butterflies?

I.14-2

1. The Appendix Table A-3 includes only current occurrence and distribution data collected during biological resource surveys (RECON 1991 and MBA 1989), and during more recent (1991 and 1992) raptor and wildlife corridor studies on Otay Ranch (Ogden 1992 reports number 20 and 21 in the Otay Ranch Technical Reports, Volume IV, Biology). Sensitive species occurrence and distribution information is discussed in the text (Section 3.3.1.5). Historic and pre-1988 records of sensitive animals occurring onsite or in the vicinity of the Otay Ranch Project area are discussed in the text in this section. This is the same format used for other sensitive wildlife species (e.g., southwestern willow flycatcher (*Empidonax traillii extimus*), California mastiff bat (*Eumops perotis californicus*), and northwestern San Diego pocket mouse (*Chaetodipus fallax*)). The sensitive butterflies text mentions the presence of the Quino checkerspot *(Euphydryas editha quino)* onsite in 1980: this discussion is based on the data gap document covering sensitive butterflies (Dudek and Associates 1991, in the Otay Ranch Technical Reports, Volume IV, Biology). In addition, known distribution locations and potential habitat on Otay Ranch for sensitive butterflies are presented in Figures A-4a-c (in the Otay Ranch Draft Program EIR Appendices).

2. The Draft Program EIR does not state that successive drought years may have already driven this species extinct. Page 3.3-36 states that "Quino checkerspot may be locally extirpated due to habitat conversion and degradation...." Page 3.3-43 of the Draft Program EIR states that "in addition to habitat loss, drought conditions and unique metapopulation dynamics may have contributed to a decline of this species." These statements are based on the data gap document covering sensitive butterflies (Dudek and Associates 1991, in the Otay Ranch Technical Reports, Volume IV, Biology). This report was prepared by John W. Brown, Ph.D. This latter statement (page 3.3-43) will be referenced to the data gap document to avoid confusion over the source of this information.

3-8. A report on additional surveys since 1980 has not been provided to Ogden for analysis or inclusion in this Program EIR. Refer to response number 4 in letter from Marie Simovich, 9/13/92.

4. Were individual host-plants checked for larvae and egg-masses? (6)

5. Were surveys completed shortly after spring rainfall thus increasing chances of finding adults and larvae? (7)

6. What are the present distributions and densities of the host-plants (*Plantago insularis* and *Plantago erecta*)? (8)

If the responses to the above questions indicate a lack of data an adequate survey is needed by individuals able to identify host-plants, adult butterflies and larvae. The surveys need to be conducted once a week for the entire *potential* flight season in all *potential* population sites. To verify extinction surveys should be conducted every year until the butterflies have not been found for 5 consecutive years. These baseline data are necessary before any proposed impact can be assessed. Proposed mitigation measures should be completed prior to approval of the final version of the *Program Environmental Impact Report Otay Ranch*. (9)

Thank you very much for your consideration.

9. Regarding the lack of baseline data, assessment of impacts, and preparation of mitigation, refer to response number 3 in the Cindy Burrascano letter of 10/6/92.

October 15, 1992

OCT . 6

Douglas D. Reid
Environmental Review Coordinator
Otay Ranch Project Planning Office
315 Fourth Avenue - Suite A
Chula Vista, CA 91910

DRAFT ENVIRONMENTAL IMPACT REPORT - OTAY RANCH PROJECT

Concerns/Inadequacies

I.15-1

- Border Environment Plan
- La Paz Agreement of 1983
- Chula Vista as Lead Agency

(1) Because the Otay Ranch project's southern boundary lies two miles north of the US/Mexican border, compliance with the Border Environment Plan and the La Paz Agreement should be addressed. Is a copy of the DEIR available in the Spanish language?

As a citizen of Jamul, I feel that I and my neighbors (including those south of the border and in the Sweetwater area) have no representation with the Chula Vista City Council as Lead Agency. Indeed, we have been chastised by Councilmembers for not participating in the planning process for the last 4 years and have been given an inadequate DEIR review period. Does CEQA require the review process to begin before the publication of the EIR????

Carolyn

CAROLYN Z. O'PATRY
13880 Sage Mountain Lane
Jamul CA 91935

CAROLYN Z. O'PATRY
OCTOBER 15, 1992

1. The LaPaz Agreement of 1983 (also known as the 1983 Border Environmental Agreement) outlined procedures for establishing technical "annexes" under which specific projects are carried out. To date, there are five such annexes as listed below:

   - Annex I: Provides for the construction and operation of Tijuana/San Diego wastewater treatment facilities.
   - Annex II: Authorizes the establishment of the Inland Joint Response Team (JRT) to respond to accidental spills of oil and hazardous substances in the border area.
   - Annex III: Establishes procedures governing the transboundary shipment of hazardous wastes and hazardous substances.
   - Annex IV: Requires copper smelters in the border area to comply with certain emissions limits.
   - Annex V: Provides for an assessment of the causes of, and solutions to, air quality problems in sister cities in the border area.

   None of the five annexes created by the 1983 Border Environmental Agreement would be affected by the Otay Ranch project.

   The Border Environment Plan, officially entitled the Integrated Environmental Plan for the Mexican-U.S. Border Area, was adopted by the U.S. Environmental Protection Agency and the Secretaria de Desarrollo Urbasno Y Ecologia (SEDUE) in 1992, and is considered to be a "First Stage" planning effort (1992-1994). Its goal is "to provide for the long-term protection of human health and natural ecosystems along the border between Mexico and the United States" (USEPA and SEDUE 1992). The plan has four objectives:

   - To strengthen enforcement of existing laws;

- To reduce pollution through new initiatives;
- To increase cooperative planning, training, and education; and
- To improve understanding of the border environment.

Of the issue areas addressed by the Plan (i.e., air, soil, water quality and hazardous waste), the only issue area that Otay Ranch would affect in terms of the international environment is the airshed, which is shared by both the Tijuana and San Diego areas. Although shared air quality effects are an area of potential study under Annex V, no conclusive work has been conducted to date. No portions of Plan implementation would be adversely affected by the Otay Ranch project.

The Draft and Final Program EIR have not been printed in Spanish.

William Tuchscher
Chula Vista City Planning Commission
276 Fourth Avenue
Chula Vista, CA 91910

RECEIVED
OCT 14 1992
PLANNING

October 13, 1992

Dear Mr. Tuchscher:

After reading the DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OTAY RANCH PROJECT, I feel I can without question state that the document is completely unsatisfactory. It is unsatisfactory because it is incomplete, dated, and presents illegal alternatives.

It is incomplete because it does not answer vital questions:

(1) 1. What will be the impacts on historic and prehistoric resources? The DEIR repeatedly states that these impacts are unknown.

(2) 2. The source of needed water is unknown. According to the DRAFT EIR, "One half of the land is within the Otay Water District which is currently experiencing water shortage." (3.13-17) The DEIR further states that "Further analysis is necessary to determine the magnitude of the impacts and to identify measures appropriate to mitigate significant effects." (4.9.10-1) Moreover, at present residents in the Otay Water District are paying significantly more for their water than residents in the rest of the city. Last month my water bill (which is monthly, not bimonthly) from the Otay Water District was twice that of my gas and electric bill! More residents demanding service from an already over-burdened system will compound the problem. The Otay Water District is the least likely company to be able to provide more water for more residents.

(3) The DEIR is out-dated. It was begun before and apparently igores the crisis which has occurred with Califonia schools. In the last two years, millions of dollars have been withheld from California schools; teachers have been dismissed; teachers' salaries have been reduced (even teachers in San Diego); schools construction has been halted. Yet the DEIR talks about building between six and 32 new schools. Further it states that one-third of the $378.6 million for school construction will come from state funds. There is no longer any hope of these state funds; Governor Wilson says that the financial deficit is here to stay. Moreover nowhere in the DEIR does the issue of teachers' salaries get addressed. If schools can somehow be financed, where will the money to pay its teachers come from? Not Sacramento!

The DEIR makes it clear that most alternatives are illegal:

(4) 1. Pollution: "Soils contaminated with petroleum hydrocarbons and pesticides have been identified in the area...the potential exists for exposure to contaminated materials in excess of the

I-161

ADRIEN MYERS
OCTOBER 13, 1992

1. At this point in the long-range planning process, final specific planning for each area of the Ranch has not been accomplished and the total number of sites and their locations have not been determined. Consequently, it is not possible to devise or present site-specific or impact-specific mitigation plans for each potentially affected site. At the time of processing of the first Specific Plan Amendment (SPA), the remainder of the property will be surveyed and the total number of sites on the property will be determined. As each SPA Plan is processed, each site will then be adequately and professionally tested, and/or otherwise evaluated, and when possible project specific impacts are known, then the environmental review of those impacts, in conjunction with impacts to other resources, will be addressed and specific mitigation plans as applicable to specific resources will be developed.

2. Approximately 70 percent of the Otay Ranch project area is within the OWD. While the OWD is currently experiencing a water delivery shortage, the shortage is expected to be resolved when the new CWA pipeline 4E11 is completed in 1994. In addition, other planned improvements to the MWD and CWA delivery and storage system will enable the OWD to fulfill its water service Master Plan (draft 1992) and provide water service to the proposed project through the year 2030. As the reliability of water supply from the MWD improves, the cost for water from the MWD is likely to increase, as it has in the past. These increases will take place whether or not the Otay Ranch Project is built.

3. The proposed project will be required to mitigated impacts to school facilities in accordance with state and applicable local regulations. Please refer to response number 2 from the Jamul-Dulzura Union School District letter, 10/6/92.

State of California standards." (4.7.15-1)

2. Damage to the Least Bell's vereo. This bird is a state and federally listed endangered species. "Any net loss of individuals or occupied habitat is not allowable for this species." (4.9.4-9)

3. Noise levels created by the project would exceed 60 dBA CNEL standard.

4. Air quality: "Project emissions...would add to existing violations of federal and state zone standards." (1-9).

(4) Although not illegal, it does not make sense to negatively impact:

1. Sensitive uplands, wetlands, and vernal pool habitat

2. Fifty wildlife species

3. Seven state-listed endangered plant species

4. The coastal cactus wren and the California gnatcatcher

5. Traffic on road segments and intersections

6. Existing county and Chula Vista city plans and policies.

According to the DEIR all six of these will have "significant, unmitigable impact."

The DRAFT EIR is unacceptible. A new one must be prepared which is complete, updated, and presents only legal choices.

Sincerely,

Adrien Myers

Adrien Myers
1890 Ithaca Street
Chula Vista, CA 91913

I.16-2

4. Comments are noted. The alternatives presented in the Draft Program EIR are not illegal, they represent the range of project alternatives as described in the response number 1 of the Endangered Habitats League letter. Significant unmitigable impacts vary depending on which alternative is being considered. In many cases, once project details are available many of the impacts could be avoided during the SPA planning process or additional mitigation measures will be proposed during subsequent environmental review of the SPA Plans to reduce the impacts to below a level of significance. The exception is air quality impacts which are unmitigable.

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FAX: (916) 752-1449

STORER HALL
DAVIS, CALIFORNIA 95616-8755

October 12, 1992

Tony Lettieri
Otay Ranch Project
315 4th Ave., Suite A
Chula Vista, CA 91910

Dear Mr. Lettieri,

I feel that it is a ridiculous situation and completely irresponsible for the Public Review Period to be potentially ended today for the Otay Ranch Project. It is clear from the multitude of letters requesting an extension, and the Planning Commissions recommendations for an extension, that there are other forces in play here. I feel that as a registered Chula Vista voter I am not being allowed the time that I need to give this proposal an adequate review. If the review period is ended today, I feel that a grave injustice is being done. If there are circumstances that require the City to bypass/halt the review period then as a registered voter must be allowed to know them. I also feel that it is ridiculous the Otay Ranch to send out a notice dated September 25, 1992 to announce the City Council meeting of October 6, and the Planning Commission hearing of October 7, late so that it was not received until the afternoon of October 7th. Anything mailed first class from Chula Vista to Chula Vista would not take twelve days to be received. I hope I am mistaken but I feel this was sent out late so that fewer people would be informed of the process that is taking place in time to have their voices heard.

I17-1

As you can see I feel that I am being betrayed by this process and I feel the City may have much explaining to do.

Along with being a citizen of Chula Vista, I am a Zoology Graduate Student of the University of California, at Davis. I am qualified to give review on reptiles, amphibians, small mammals, vernal pool fauna, and biology in general. I have done professional field work of the EIR level for six years and field work in this region for thirteen years. I have experie on the Otay Ranch Project site and region along Proctor Valle

UNIVERSITY OF CALIFORNIA, DEPARTMENT OF ZOOLOGY
ROBERT N. FISHER
OCTOBER 12, 1992

Road, in Otay Valley downstream from the site, and from above on the San Ysidro Mountains. I have also spent extensive time looking at the site from the surrounding surface roads, in order to get a feeling for the habitats that are represented on the project area. I will now review the sections that I am qualified to, but this review is only a summary because I lack the time (if the review period is ended today) to complete my review, and to review the project in total. I have also carefully reviewed the pertinent technical documents in the Chula Vista Library.

I.17-2

(1) I have been very angered to find out that the Biology technical document "SENSITIVE FAUNAL ELEMENTS OF THE VERNAL POOLS OF OTAY RANCH", by the Biology Department of the University of San Diego, was presented incompletely. I have since received an entire copy of the report and the entire section on *Scaphiopus* was left out. This section clearly states that these toads were found in Salt Creek near Otay Valley in 1989, and this information was left out of the Draft EIR for Otay Ranch. Why was this report presented incompletely? I have also carefully gone through the other pertinent technical documents at the Chula Vista Library, cited in the Draft EIR, and it is apparent from reading them carefully that the amount of field work done for this project through the years was entirely inadequate for the collection of baseline data for vertebrates, and vernal pool fauna from Otay Ranch. The Recon report (revised Feb. 20, 1991), had only 23 field days, 3 night surveys, and one line of small mammal live traps, for all of biology. There was no standardized sampling for bats (using mist nets), or for reptiles and

(2) amphibians. The sampling they did do was clearly inadequate, because of the size of the parcel and the time frame. Most sampling was done over a short period of time, not allowing for seasonal differences in presence and abundance of species on site. Who was the reptile and amphibian expert that they sent in the field? Most of the sensitive vertebrates and vernal pool faunal species on site can only be adequately surveyed by experts. Who were these people? Who was the vernal pool faunal expert? The document "SENSITIVE FAUNAL ELEMENTS OF THE VERNAL POOLS OF OTAY RANCH" only included surveys of two pool systems, who surveyed the rest? When and how was this done? Were wet and dry samples taken? Reptiles and Amphibians are never addressed in the Recon report in text, and there is only Table 3 "Herps Observed" with any indication of what they found. Looking at this table it becomes very clear that no one that knows anything about the local species, especially the sensitive species

(3) worked on this report. If someone did then who? What is their qualifications? The table is wrought with mistakes. They list *Sceloporus graciosus* on site (a USFWS Candidate 2 species) yet anybody remotely familiar with the local reptiles would recognize that this species habitat

1. The report on the western spadefoot toad (*Scaphiopus hammondii*) was inadvertently omitted from the Draft Program EIR technical reports. The western spadefoot toad report will be included with the fairy shrimp report in the Sensitive Farnal Elements of the Vernal Pools of Otay Ranch document (Report number 17, in the Otay Ranch Technical Reports, Volume IV, Biology).

2. In regards to the adequacy of baseline data refer to response number 3 in letter from Cindy Burrascano, 10/6/92.

3. Errors in the technical documents which occur in the Program EIR library are not the purview of the Program EIR. These errors were not compounded within the context of the Draft Program EIR nor did they affect the analyses.

(3) does not occur on site. Then the question arises, what species did they find? This table also lists common names of snakes with the scientific names of other snakes (Common Rattlesnake *Lampropeltis getulus*), a mistake that anyone with a Field Guide could correct. Recon also captured a San Diego Pocket Mouse (*Perognathus fallax*) on site (USFWS Category 2), yet the Draft EIR for Otay Ranch neglects to list this species as present on (4) site. Why was this not listed in the Draft EIR? I hate to be jumping on little points, but the fact is surveys for these animals were not completed at a baseline level, and this data is needed for reptiles, amphibians, small mammals, and vernal pools before any decision can be made on the adequacy of the Draft EIR.

(5) The MBA report serves as the baseline for the Jamul Mountain Parcel and it was done in only 9 days with NO night surveys, NO mammal trapping, and NO standard reptile and amphibian surveys. They report Coronado Skinks (*Eumeces skiltonianus interparietalis*) from the site (USFWS Candidate 2, decline), yet this species is NOT ADDRESSED ANYWHERE IN THE DRAFT EIR FOR OTAY RANCH. Why was this sensitive species not addressed or listed for this site? Anybody with reptile experience would know that this species would be expected almost EVERYWHERE on Otay Ranch, including the agriculture fields. This indicates that whoever wrote (6) the section for reptiles was entirely unfamiliar with the local SENSITIVE species, and we have no way of estimating how widespread mistakes like this may be. They also report *Scaphiopus* from on site and again this record is left off of the Draft EIR. Why was this species missed a second time? This report also documents several other non sensitive species found on site that were also left out of the Draft EIR. Again, this survey effort is entirely inadequate for the collection of baseline data for these species. But at least the species they did find should be included in the Draft EIR.

I.17-3

(7) There is also a report by MBA in the technical documents titled "Potential Impacts to sensitive reptile species", but this report is based on no field work and from reading it, I can tell that a person competent with the local sensitive reptiles did not write it. Who did write this and what was their qualifications to produce such a document?

(8) In the Draft EIR, on page 3.3-44 there is a discussion of the Sensitive Amphibians and Reptiles that could possibly occur on Otay Ranch. This discussion is based on no base line surveys for reptiles and amphibians, but only on anecdotal observations made on site. The species discussed are ONLY A SUBSET OF THE SENSITIVE SPECIES EXPECTED ON SITE. There is no review of the specimens at the San Diego Natural

4. The fact that this species was detected on Otay Ranch was inadvertently omitted from the Draft Program EIR. This omission will be corrected; refer to changes in the text in Section 3.3.1.5 and in Appendix A-3. This species was discussed in Section 3.3.1.5 as potentially occurring onsite. Potential impacts, mitigation, and other measures to reduce impacts, and analysis of significance were evaluated for this species for each of the major alternatives (see Sections 3.3.2.4, 3.3.3, 4.2.4.1, 4.2.4.2, 4.7.4.1, 4.7.4.2, and Tables 3.3-7, 4.2.4-5, 4.7.4-3).

   In regards to the baseline data refer to response number 3 in letter from Cindy Burrascano, 10/6/92.

5. In regards to the baseline data refer to response number 3 in letter from Cindy Burrascano, 10/6/92.

6. As referred to previously in comment number 3 in letter from Cindy Burrascano, 10/6/92; there have been 37 changes in sensitivity status of species which occur or could occur in the Otay Ranch Project area. The Coronado skink (*Eumeces skiltonianus interparietalis*) was not included in the Draft Program EIR although it was listed in a biological survey report (MBA 1989). This species was not considered sensitive when the first checkprint of the Program EIR was produced in August 1991. In November 1991, the United States Fish and Wildlife Service came out with new list of federal candidate species (Fed. Reg. Vol. 56, No. 225: 58804-58836). There were a large number of new species on this list, 19 of which occur or could occur in the Otay Ranch Project area. The Coronado skink was one of these species but was not incorporated into the sensitive species discussions in the Draft Program EIR. This omission will be corrected in the Final Program EIR (see Sections 3.3.1.5, 3.3.2.4, 3.3.3, 4.2.4.1, 4.2.4.2, 4.7.4.1, 4.7.4.2, and Tables 3.3-7, 4.2.4-5, 4.7.4-3). The western spadefoot toad also gained sensitivity status as a California Department of Fish and Game Species of Special Concern during the drafting of the Program EIR. This species was left out of sensitive species discussions in the Draft Program EIR although it was discussed in the Technical Reports (refer to response number 1 in this letter). Discussions on the western spadefoot toad have been included in the Final Program EIR in the sections listed above for the Coronado skink.

It is important to note that there will probably be more species which gain state or federal sensitivity status during the 30- to 50-year projected buildout of the Otay Ranch Project. It has been assumed that ongoing studies and environmental documentation at the SPA Plan level would be necessary to keep current with these changes in status for each phase of development. This is based on CEQA guidelines which require evaluating impacts, and adjusting standards and mitigation to the sensitivity level a species possesses during the development phase at the SPA Plan level. If this sensitivity status were different from the status in the Program EIR, then that particular species would be evaluated at the sensitivity level they possess at the SPA Plan level (an example of this is the California gnatcatcher *(Polioptila californica)*). Text has been added to the Final Program EIR clarifying these assumptions and requirements (see Sections 3.3.1.5, 3.3.2.4, and 3.3.3). In addition, policy 9.5 of the Resource Management Plan requires all SPA Plan level documentation to require site-specific resource studies which reflect changes in state and federal agency status of sensitive plant and wildlife status.

7. Comment noted. The Potential Impacts to Reptile Species on Otay Ranch report (Dudek and Associates 1991) was required as a Data Gap Document by the Otay Ranch Biological Subcommittee. It was reviewed by the subcommittee and accepted into the Otay Ranch Technical Reports, Volume IV, Biology.

(8) History Museum, collected from the site over the last 100 years. This information could be gathered by a phone call to Dr. Greg Pregill, the Curator for Vertebrates. Why was this not done? If this was done then where is the data? The discussion itself is lacking in a biological understanding of the species it is supposed to be addressing. I should go through it line by line but I don't have the time. I will concentrate on a couple parts. Referring to Pacific Pond Turtles and Red Legged Frogs (both USFWS Candidate 1 species showing declines, with petitions for listing as endangered species in progress), the statement is made "There is low potential for their occurrence in the small ponds on Otay Ranch". This (9) statement is false. Who was qualified to make this statement? NOWHERE in the Draft EIR can I find a map that has the localities of the small ponds on it. I got USGS Topographic Maps for the Otay Ranch and I counted 28 water bodies on site and another 27 adjacent to the site, close enough to be impacted significantly by indirect impacts. ALL of these serve as probable localities for these species, and there is a very high probability that these species occur in many of these water bodies. Why was this information not included? Why were all these ponds not surveyed? Baseline data for these species would be adequate when we know which of these waterbodies they occur in. These species are very secretive, and only qualified herpetologists should be surveying for them. The last line on page 3.3-44 states that there are "no sightings of San Diego Banded Gecko" (USFWS Candidate 2) on site, as if they were looked for. Clearly (10) we wouldn't expect any to be found on site without extensive pitfall traps and drift fences, so this shouldn't say they were not sighted, it should read that they were not surveyed for, as it should read for the rest of the reptiles and amphibians. Why were they not surveyed for? They are sensitive species.

On page 3.3-50, there is a discussion of the sensitive mammals. Here again the species addressed are not all the ones that have potential on site, at least 5 other sensitive bats should have been addressed (two are USFWS Candidate 2 species, and all five are DFG Species of Concern). Again, baseline data for the mammals was not collected. Why were these other species left off the list? Why were they not surveyed for? There is no way to get this data without completing trapping studies, and as is admitted on that page "no trapping studies were conducted". Why not? (11) This is how you collect baseline data. Yet in Recon's report one trap line was run and a San Diego Pocket Mouse (see above) was caught. Am I reading the technical reports more carefully that the person who wrote this section? I hope not. Why was this data not included in the Draft EIR? Clearly we need to get qualified mammalogists using standard techniques

8. Refer to response number 6 in this letter for a discussion of omissions to the sensitive reptile discussions in the Draft Program EIR. Refer to response number 3 in letter from Cindy Burrascano, 10/6/92 regarding baseline data. It is important to emphasize that the Biological Technical Reports (RECON 1991 and MBA 1989) followed County Guidelines and that baseline data were considered sufficient by the Otay Ranch Biological Subcommittee to prepare a Program Level EIR. Studies and focused surveys following approved methods are required for many animal species at the SPA Plan level. At the SPA Plan level of analysis, there will be more detailed development plans and the surveys will be more timely, better representing the distribution and abundance of sensitive species at the time of development (which will occur over a 30- to 50-year period).

9. The determination that there is a low probability that red-legged frog (*Rana aurora draytonii)* and southwestern pond turtle *(Clemmys marmorata pallida)* occur onsite is based on currently available information. Information was evaluated concerning habitat preferences, distribution records, and the current understanding of what constitutes high quality or preferred habitat. There is a brief description of habitat preferences and the potential for occurrence for each of these species in the draft Program EIR (Section 3.3.1.5). The potential for the southwestern pond turtle to occur onsite was also discussed in the data gap document on sensitive reptiles (Dudek and Associates 1991). Current data do not show any red-legged frog populations in the vicinity of Otay Ranch (CNDDB 1992). Table 6 in response number 3 in Cindy Burrascano letter (10/6/92) also synthesizes habitat affinities information and gives references for all sources used. Based on these analyses of the available information, it was determined that there was a low potential for these species to occur in the highly degraded aquatic habitats on Otay Ranch. This analysis will not be changed in the Final Program EIR. The Draft Program EIR evaluates potential impacts to the red-legged frog and the southwestern pond turtle through an analysis of impacts to primary habitats in which they could occur. The text will be clarified to indicate that since there is a low potential for occurrence onsite there is therefore a low potential that this species will be impacted. Wetland habitats are recommended for preservation and restoration in the Draft Program EIR. Preservation of these sensitive habitats would reduce the potential for impact to these two species if they occur onsite. Finally, because there is uncertainty concerning the status of these two species onsite, the Draft Program EIR requires further study at the SPA Plan level (See Tables 3.3-7 and 4.2.4.-5). Further study involves surveys for these species in all appropriate water bodies, assessment of impacts, redesign to avoid any impacts, and mitigation for indirect impacts.

10. Comment noted. In regards to the baseline data and herpetological surveys refer to response number 3 in letter from Cindy Burrascano, 10/6/92.

(11) to collect the baseline data for this Draft EIR, so that ONLY then we can PRIORITIZE the habitat on site by it's biological value.

(12) THE CONCLUSION MAPS FOR ONSITE KEY BIOLOGICAL RESOURCES (3.3-52, THROUGH 3.3-54) ARE CREATED WITHOUT BASELINE DATA FOR REPTILES, AMPHIBIANS, OR MAMMALS, AND ARE THEREFORE ENTIRELY INADEQUATE. THE KEY BIOLOGICAL RESOURCE AREAS (3.3-64-3.3-69), WERE DETERMINED WITHOUT DATA FOR REPTILES, AMPHIBIANS, AND MAMMALS AND UNTIL THE ENTIRE SITE IS SURVEYED FOR BASELINE DATA THESE MAPS BIAS OUR ABILITY TO MAKE DECISIONS.

I.17-6

The section on wildlife corridors should cite Bolger et al. (1991), and Pimm et al. (1988), as pertinent references for the extinction of small populations of birds, and the fact that Gnatcatchers will not move between islands of habitat. Why was the scientific data present in these papers not referred to? Before we make decisions about the width of the corridors (what is it based on anyway?), why don't they present data from other local sage scrub corridors (i.e. Rancho del Rey), to show whether or not they even work in the long term? There are isolated stretches of habitat along H street, an isolated patch on along Telegraph on the northwest corner of the Otay Valley Parcel, and along Telegraph north of the road for them to get some data from (surveys to see what birds are left) before we make any major decisions on the project site. The (13) Corridor L4 on Map 3.3-70 is Proctor Valley Road. From my observations along this road, I have noticed that several reptile species are actually utilizing the road as habitat to forage and bask on, including both species of sensitive *Cnemidophorus*. I believe that the UNPAVED Proctor Valley road serves as a corridor and as such SHOULD NOT BE PAVED. Page 3.3-71 (4th paragraph) "Roads should not be built within or adjacent to wildlife corridors,....., because noise and lights from passing vehicles discourages use of the corridors by the local species." This statement leaves out the fact that vehicles also directly affect wildlife by hitting animals foraging along, basking on, sleeping on, nesting on, or crossing the road (Knutson, 1987; Storer, 1925; Dodd et al., 1989; Langton, 1989). If roads have to be built through a corridor, then there are ways to prevent the carnage by elevating it, using bridges, using solid fencing, and using tunnels under the road, but these are by no means an option to first planning avoidance (Langton, 1989). How do they plan on building the roads and what preventative measures are going to be taken for small vertebrates? What data are they going to collect beforehand? How are these going to be monitored and maintained?

MITIGATION:

11. Only those sensitive bat species which were assessed as having a reasonable potential for occurring as residents onsite were included in the sensitive species lists (e.g., California leaf-nosed bat *(Macrotus californicus)*, Townsend's big-eared bat *(Plecotus townsendii)*, and California mastiff bat *(Eumops perotis californicus))*. Using this criteria, the pallid bat *(Antrozous pallidus pacificus)* is the only sensitive bat species which could have been in the Draft Program EIR, but was omitted. For habitat affinities and distributional records for sensitive bats, refer to Table 6 in response number 3 in letter from Cindy Burrascano (10/6/92). The pallid bat is a species which gained sensitivity status as a California Department of Fish and Game Species of Special Concern during the preparation period of the Draft Program EIR. This species will be discussed in the Final Program EIR (see Sections 3.3.1.5, 3.3.2.4, 3.3.3, 4.2.4.1, 4.2.4.2, 4.7.4.1, 4.7.4.2, Tables 3.3-7, 4.2.4-5, 4.7.4-3, and Appendix A).

In regards to the baseline data and mammal surveys, refer to response number 3 in letter from Cindy Burrascano, 10/6/92. Refer to response number 4 in this letter for a discussion of the San Diego pocket mouse onsite.

12. In regards to the baseline data, refer to response number 3 in letter from Cindy Burrascano, 10/6/92. It is important to note that the key resource areas cover a large portion of the sensitive habitats onsite. Many of the sensitive animals species on Otay Ranch occur or would be expected to occur in these sensitive habitats (see Table 6 in response 3 of Cindy Burrascano letter). These key resource areas also include concentrations of sensitive animal and plant species for which there is extensive baseline data. As with the Multiple Species Conservation Program (MSCP) and the Natural Community Conservation Program (NCCP), these sensitive species act as umbrella species for other sensitive wildlife. The Draft Program EIR recommends preservation of large blocks of natural open space which include these key resource areas (see Sections 3.3.2.5, 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, and 4.9.4.2).

13. The Draft Program EIR gives a synopsis of the information included in the Otay Ranch Wildlife Corridor Study (Ogden 1992b). For a description of the study and when it will be available for review, refer to responses to comments number 4 and 7 in letter from Daniel Tarr, 9/13/92. The wildlife corridor study cites Bolger et al. 1991 as well as a number of other applicable references. The study also discusses pertinent results and findings from other wildlife corridor studies and combines this information with the results of the three-phase study. Based on this available data, recommendations were made concerning corridor routes, widths, lengths, adjacent land uses and a number of other issues. The Draft Program EIR refers to the corridor study and briefly presents those conclusions which are important in evaluating the different development plans. As more information becomes available on corridor design and the dispersal capabilities of different target animal species, changes could be made to these recommendations at the SPA Plan level of analysis. It is expected that over the 30- to 50-year buildout, there will be more information available from studies of corridors and wildlife movement which could apply to the Otay Ranch corridor system. The Final Program EIR text will be revised (3.3.1.5) to mention mortality impacts from roads. In addition, the Draft Program EIR requires that impacts to sensitive small mammals, reptiles, and amphibians be identified and measures be undertaken to reduce any impacts (see Tables 3.3-7, 4.2.4-1, and 4.7.4-3). Text in these tables will be expanded to require evaluation of road impacts.

Reduction of sensitive animals, table 3.3-7:

(14) On page 3.3-87, Priority One species are defined with 0% allowable loss. On page 3.3-90 the California Gnatcatcher is listed as a priority one species yet it says only 80% of the individuals and habitat needs to be retained, this is clearly wrong. It should say NO NET LOSS OF INDIVIDUALS OR HABITAT. *Streptocephalus woottoni*, and Quino checkerspot should also say NO NET LOSS OF INDIVIDUALS OR HABITAT. Almost all the rest of the mitigations measures for invertebrates, reptiles, amphibians and mammals say that they need to conduct focused studies for those species, then assess impacts, and if they are found to be significant then redesign the development plan to mitigate for these impacts. What does this mean? This is not mitigation for a huge development, this is a design to collect the baseline data needed to be able to review this Draft EIR. **THESE STUDIES MUST BE COMPLETED BEFORE WE CAN REVIEW THIS DOCUMENT. THIS DOCUMENT IS ENTIRELY INADEQUATE WITHOUT THIS DATA.** When and how are they planning to do these studies? Who is going to do them? What if we have several more years of drought? How will the studies be modified? Furthermore the lists of sensitive species for invertebrates, reptiles, amphibians, and mammals in this table are incorrect (i.e. add Coronado Skink, Granite Night Lizard, *Choeronycteris mexicana, Euderma maculatum, Antrozous pallidus, Nyctinomops femorosaccus, Nyctinomops macrotis* (all of these are either USFWS Category 2, or California Species of Concern). Why were these species excluded? The entire discussion (3.3-99-3.3-102) of impacts to invertebrates, amphibians, reptiles, and mammals is inadequate, and will be so until we are presented with baseline data for these species. Then we can determine what further studies we may need to complete to bring the impacts to below significance. Again in this section they need to correct the species lists to include ALL sensitive species that may occur on site.

(15)

POLICIES:

(16) On page 3.3-113, Objective 1 is to identify sensitive and significant biological resources that require protection and/or management. This is supposed to be by policy 1.1, which is "use existing resource data to identify key resource areas". The existing resource data is almost entirely inadequate for the purpose of identifying key resource areas. This data can be used to identify some areas but many other areas exist but none of the resources that occur there have been surveyed for (at a baseline level). Before we can refine policies we must obtain the

14. Text in Tables 3.3-7, 4.2.4-5, 4.7.4-3, and 4.9.4-2 will be revised to indicate standards of 100 percent preservation or HCP/MSCP standards for all first priority wildlife species. Minimum preservation standards will be incorporated into the Final Program EIR for all sensitive wildlife species (refer to Section 3.3.3). Also refer to response 3 in letter from Cindy Burrascano (10/6/92) concerning baseline data, measures required to reduce impacts, minimum preservation standards, and preservation of umbrella habitats.

15. Refer to responses 6 and 11 in this letter. Sandstone night lizard *(Xantusia henshawi gracilis)* will be included in the Final Program EIR in Sections 3.3.1.5, 3.3.2.4, 3.3.3, 4.2.4.1, 4.2.4.2, 4.7.4.1, 4.7.4.2, 4.9.4.1, 4.9.4.2 and Tables 3.3-7, 4.2.4-5 and 4.9.4-3.

The following four sensitive bat species; Mexican long-tongued bat *(Choeronycteris mexicana)*, spotted bat *(Euderma maculatum)*, pocketed free-tailed bat *(Nyctinomops femorosacca)*, and big free-tailed bat *(Nyctinomops macrotis)* are considered vagrants west of the desert in San Diego County and were not included in the draft Program EIR. Studies involving mist netting bats and surveying for roosts have been conducted in San Diego County (Westec 1977). These studies have either not detected the following species in coastal San Diego County or only on a rare basis. These four bat species have also not been detected in the Otay Ranch Project area. Following is a summary of habitat and distribution information for these four bat species. Refer to Table 6 in response number 3 of Cindy Burrascano letter, 10/6/92 for more detailed habitat affinities and distribution records. Pocketed free-tailed bat occurs in desert habitats and the only San Diego County records are from the Anza Borrego Desert. The spotted bat is perhaps one of the rarest of all North American mammals and usually occurs in desert or open pine forest habitats. There is only one record for this species in the La Mesa area of San Diego County. The big free-tailed bat is considered a vagrant in San Diego County and possibly a resident of rugged wooded mountain areas. There are records for this species from the urban San Diego area. The Mexican long-tongued bat is usually found in desert habitats where it feeds on nectar from succulents. It is considered a fall vagrant from the south and there have been a few short-term fall invasions (e.g., 1940's and 1991) into urban San Diego. Distribution and natural history information is limited for some of these bats. If during the course of surveys for other bat species (see Table 3.3-7 and 4.2.4-5) either of these four species are discovered, they will be addressed at the SPA Plan level (refer to the second part of response number 6 of this letter).

Refer to response number 3 in letter from Cindy Burrascano (10/6/92) concerning baseline data, measures required to reduce impacts, minimum preservation standards, and preservation of umbrella habitats.

necessary baseline data to make the necessary decisions on what areas are biologically important. Objective 9 is provide a regulatory framework for future permitting, and policy 9.8 guidelines must indicate where the setback values came from. These values are underestimates of what is necessary for the maintenance of these species/habitats for "perpetuity". These guidelines need to be refined and SCIENTIFIC DATA MUST BE USED TO PRODUCE BIOLOGICALLY RELEVANT SETBACKS. Why was this information not included? For example a setback of 200 feet for Gnatcatchers will not be enough distance to protect them from house cats and dogs. Where did this value come from? On page 3.3-116, 2.9 states preservation of a minimum of 95% vernal pool habitat. This is illegal by San Diego law and must be changed to say preservation of 100% vernal pool habitat. Page 3.3-117, 2.10 survey ALL WETLANDS by qualified individuals for sensitive species before any take of wetlands occurs. 3.1-3.7, there are no scientifically established methods for the restoration of most of these kinds of habitats, therefore restoration **MUST NOT BE USED AS MITIGATION FOR PRIMARY HABITATS.** If restoration is planned then where is the scientific proof that it has worked? Page 3.3-119, section 2.8 these goals cannot be met with the current biological database for the project area. It lacks baseline data for too many sensitive species to be used as a guideline. Conduct baseline surveys before policy decisions are made. Section 2.5 Standard, maintain 100% of Gnatcatchers (see above).

(16)

Section 3.3.4, can not be completed for invertebrates, reptiles, amphibians, or mammals until baseline data are collected for the ***entire*** project area. Only then can significance of impact be determined. When are these studies going to be completed for the entire site?

(17)

The Draft EIR fails to determine offsite impacts due to development. These would include modifications of upstream habitats on the downstream system, for example Otay Valley offsite. Will the water quality flowing out of Otay Valley be lessened than it was previously? Will the quantity of water change? There are multitudes of offsite significant impacts that are not addressed, how will they be addressed? When? What studies are going to be completed to address offsite impacts? Pacific Pond Turtles may move 2 kilometers to lay their eggs, and the Draft EIR states that one was seen in Upper Otay Lake. Will two kilometers be maintained around the lake to protect possible nesting sites? What will be done to not impact the population?

(18)

Biological Surveys for collecting Baseline Data for reptiles, amphibians, and small mammals

16. Refer to response number 3 in letter from Cindy Burrascano (10/6/92) concerning baseline data. Also refer to response number 12 of this letter in regards to key resource areas. Regarding setbacks, the draft Resource Management Plan provides guidelines for reasonable setbacks. These may be increased at the SPA Plan level based on noise studies, other design issues, or new biological data regarding the sensitivity of sensitive species. Adjacency issues are dealt with in the wildlife corridor study also. It is noted that the Resource Management Plan requires "edge plans" (Policy 7.1) for all Specific Plan developments around the perimeter of the preserve. Fuel modification zones may be part of this edge. In all cases, however, the edge and the required fuel modification zones are within the development area, not in the preserve.

Regarding vernal pools - It is unclear what San Diego law is being violated. The City of San Diego Resource Protection Ordinance (RPO) does not apply to the project area. The Resource Management Plan replaces the County's RPO requirement. The California Environmental Quality Act (CEQA) does apply as well as no net loss mitigation policies of the resource agencies.

Regarding restoration of wetlands, restoration of wetlands is being utilized as mitigation only after avoidance and minimization of wetland impacts has been accomplished. Any such restoration plans will require review by the resource agencies (Policy 9.5 of the Resource Management Plan) and in many places will require United States Army Corps of Engineering permits or California Department of Fish and Game permits. Resource agencies regard disturbed wetlands as significant resource areas based on their potential for restoration (e.g., Otay River Valley). There are many ongoing wetland studies which should bring workable solutions, techniques, and methodologies to future restoration and enhancement projects on Otay Ranch over the long buildout period.

Regarding baseline data - refer to response number 3 in letter from Cindy Burrascano, 10/6/92.

17. Refer to response number 3 in letter from Cindy Burrascano (10/6/92) concerning baseline data.

18. The Draft Program EIR evaluated changes in flooding, surface water flow rates, and water quality. In addition, a preliminary drainage studies were prepared by VTN (1989) and Wilson Engineering (1989) to address lake water quality. A reservoir protection system has been proposed by the project applicant. The basic

goal of the system is to prohibit any change in water quality downstream from the reservoirs. In other words, no net degradation downstream in Otay River Valley. A more detailed hydrologic analysis of offsite impacts on surface water quality will be conducted once grading and development plans are made available during the SPA Plan stage.

Upper Otay Lake is City of San Diego owned and will remain as natural open space. Adjacent buffering will be added at the SPA Plan level. Refer to response number 16 in this letter regarding setbacks and Resource Management Plan "edge plans."

The only way to collect presence/absence data for baseline studies of reptiles, amphibians, and mammals, is to use a combination of trap arrays that utilize small mammal traps, pit fall traps, funnel traps, drift (19) fences, mist nets (for bats), and time constrained searches. These are all STANDARD techniques for collecting baseline data. There are approximately 36 sensitive species of these groups and ALL of these have to be equally sampled across the project area. How, when and who is going to do these surveys?

I will now go through each group to indicate how surveys should be done to collect baseline data for this level of review (Corn and Bury, 1990; Welsh, 1986; Campbell and Christman, 1982; Krzysik, 1985). The surveyors must have permits from the California Department of Fish and Game to legally complete these surveys.

Amphibians:

Red Legged Frog- ALL aquatic habitats on site and even those adjacent to the site need to be surveyed by an EXPERT qualified to work with this species at night for adults and during the day for tadpoles. **Each individual habitat** needs to be surveyed at least THREE times during the season, during the day and at night. Who will do these surveys? How will they do them and when?

Southwestern Toads, and Spadefoot Toads- They should be sampled using the same methodology as the Red legged Frog, with the addition of (20) pit traps and drift fences in the terrestrial habitats surrounding the aquatic sites, and the traps should be set from the beginning of the winter rains through June, depending on weather. These fences should be placed by an expert qualified to work with these species, and the surveys should be done by someone with that level of experience also. Who will do these surveys? How will they do them and when?

Reptiles:

Southwestern Pond Turtle- ALL aquatic habitats on site should be surveyed by an expert qualified to work with this species, at least three times over the course of the season. Any ponds that are too large or too turbid to sample by hand and with a snorkel, should be trapped. Again this should be done by an expert. This species is extremely wary, and **only a few dozen people** are qualified to complete surveys for it. Once the presence/absence data is collected, then nesting sites have to be

19. Refer to changes in the Final Program EIR text in Sections 3.3.3, 4.2.4.2, 4.7.4.2, and 4.9.4.2. Mitigation and future study requirements are expanded upon and discussed in detail in these sections.

20. Comments noted. Specification of survey procedures and methods will be determined at the SPA Plan level and will be based on approved methods. Surveys will be conducted by qualified biologists at the appropriate time of the year (refer to comment number 19 in this letter).

determined at the next level of review. We know from the literature that these turtles can walk overland in excess of 2 kilometers to lay their eggs, so these sites have to be determined and protected along with the aquatic habitats in order to sustain this species for "perpetuity". This is baseline data needed for this level of project review. Who will do these surveys? How will they do them and when?

San Diego Banded Gecko, Orange-Throated Whiptail, Coastal Western Whiptail, San Diego Horned Lizard, Silvery Legless Lizard, Coronado Skink, and San Diego Ringneck Snake- All of these species should be surveyed for using drift fence arrays with pit fall traps for all habitat types on site. Some combination of these species will be found on all habitats on site, including untilled agriculture fields. The trap arrays should be set up for every 25-100 acres of habitat that needs to be surveyed. These should be built before February and followed through the entire spring season (June) to collect baseline data for this group of species. This trapping should be augmented with time constrained searches for these species as well, in all suitable habitats. **The Orange-Throated Whiptail also needs to be surveyed following the NCCP Process Guidelines set out for that species.** I have used pit traps successfully for that species in Otay Valley, adjacent to the project site in 1987 (work done for the City of Chula Vista under contract to MBA). Who will do these surveys? How will they do them and when?

I.17-12

(20)

Northern Red Diamond Rattlesnake, Coastal Rosy Boa, San Diego Mountain Kingsnake, Two-Striped Garter Snake, California Lyre Snake, and Coast Patch-nosed Snake- All of these species must be sampled using snake funnel traps in conjunction with the drift fence arrays described above. These should be set by experts qualified to work with these species in the appropriate habitats. Since there are three species of rattlesnakes that occur onsite, only EXPERTS should be checking the traps, for safety. Time constrained searches should also be completed for these species, including night surveys for the nocturnal species. Who will do these surveys? How will they do them and when?

Granite Night Lizards, and Granite Spiny Lizards- These two species are extreme habitat specialists and should be surveyed for during the day and at night by experts qualified to work with these species. These surveys should also take place in spring. Who will do these surveys? How will they do them and when?

Mammals:

California Leaf-nosed Bat, Townsend's Big-eared Bat, California Mastiff Bat, *Choeronycteris mexicana, Euderma maculatum, Antrozous pallidus, Nyctinomops femorosaccus,* and *Nyctinomops macrotis*- All these bat species must be surveyed for by EXPERTS qualified to work with these species. They must use mistnets in likely roosting habitats and across corridors that the bats may be using to feed along. These surveys must be done at NIGHT, and many times over the season, as some bats are migratory. Also they should be put across aquatic habitats that may be used for drinking. Who will do these surveys? How will they do them and when?

(20) **Pacific Little Pocket Mouse, Northwestern San Diego Pocket Mouse, Dulzura California Pocket Mouse, Southern Grasshopper Mouse, and San Diego Desert Woodrat-** ALL these species must be trapped for using small mammal live traps in arrays and grids in all likely habitat on site. This trapping has to be done by an expert so that the species are correctly identified. Gridlines or arrays should be used for every 25-100 acres of the same type of habitat. EVERY habitat onsite must be surveyed, ESPECIALLY the **AGRICULTURE FIELDS**. Trapping should take place several times over the course of the spring to account for differences in abundance over the season. Who will do these surveys? How will they do them and when?

Ringtail, American Badger, San Diego Black-tailed Jackrabbit- These species must be surveyed for using large mammal traps in adequate habitats, again this work must be done by experts. They can also be searched for at day and night using time constrained searches. Again agriculture fields must not be ignored, but surveyed before any planning decisions can be made. Who will do these surveys? How will they do them and when?

(21) That is a brief summary of how to collect the **MINIMUM DATA** that must be included in the Draft Project EIR in order to make decisions about how to prioritize the land, and to identify the key biological resources. Clearly this Draft EIR is lacking this information and thus **MUST NOT BE ADOPTED UNTIL THIS INFORMATION CAN BE REVIEWED**. This data collection is not excessive or exhaustive but is standard for collecting **BASELINE BIOLOGICAL INFORMATION FOR ALL SENSITIVE SPECIES**. When will this data be available for review? The follow up specific planning EIR's that will be needed will require **QUANTITATIVE DATA** for these same species, through mark and recapture studies (etc.), and that data will then be used to come up with specific mitigation plans. I would

21. Comment noted.

like to be involved in the further review process, and I would like to give review on the specific and general studies when they are completed. Will you involve me in that process?

The Question of NCCP enrollment- Currently the Baldwin Co. (Otay Ranch) is enrolled in the NCCP for 23,000 acres total (Statement of Michael A. Mantell, Undersecretary for Resources, before California Fish and Game Commission, Bishop, California, June 19, 1992). As such there are 4 statements that they have agreed to (NCCP Enrollment Agreement). The second statement indicates that the land-owner must survey their enrollment land using specific guidelines set up by the Scientific Review Panel. I have not seen these surveys. Were they completed? If so then why were they not included? The third statement under c. indicates that the land owner must provide the Program EIR for review by the NCCP, including mitigation measures, alternatives, etc. I have talked with Dr. Michael Gilpin, Professor, University of California, San Diego, of the Scientific Review Panel (SRP), and he indicated to me that he was entirely unaware of the Draft Program EIR for Otay Ranch. Was the SRP informed about this, and were they sent copies of the Draft EIR for review? The enrollment **clearly** indicates that this must be done. Was it? Where are their comments? (22)

Thank you for you consideration. I again would like to add that this is by no means an exhaustive review of the Draft EIR, and that many of the issues that I bring up I would like to address further. But basically my bottom line is this document cannot be approved **WITHOUT** adequate **BASELINE BIOLOGICAL DATA**, and the time to review that data.

Thank You.

Sincerely,

Robert N. Fisher

Robert N. Fisher
701-11 East Shore Terrace
Chula Vista, CA 91913

I.17-14

22. Refer to response number 2 in letter from United States Fish and Wildlife Service, 10/8/92.

References:

Bolger, D., Alberts, A. and M. Soule. 1991. Occurrence patterns in habitat fragments: sampling, extinction, and nested species subsets. Amer. Nat. 137:155-166.

Campbell, H. and S. Christman. 1982. Field Techniques for herpetofaunal community analysis. In: Scott, N., ed. Herpetological Communities. Wildlife Res. Rep. 13. Washington, DC: US Department of the Interior, Fish and Wildlife Service: 193-200.

Corn, P. and R. Bury. 1990. Sampling methods for terrestrial amphibians and reptiles. Gen. Tech. Rep. PNW-GTR-256. Portland, OR: US Department of Agriculture, Forest Service, Pacific Northwest Research Station. 34p.

Dodd, K., Enge, K. and J. Stuart. 1989. Reptiles on highways in North-Central Alabama, USA. J. Herp. 23:197-200.

Knutson, R. 1987. Flattened Fauna Ten Speed Press, Berkeley, California.

Krzysik, A. 1985. Ecological assessment of the effects of army training activities on a desert ecosystem: National Training Center, Fort Irwin, California. Technical Report N-85/13. US Army Corps. of Engineers.

Langton, T. 1989. Amphibians and roads. ACO Polymer Products Ltd. England.

Pimm, S., Jones, H. and J. Diamond. 1988. On the risk of extinction. Amer. Nat. 132:757-785.

Storer, T. 1925. Univ. Calif. Publ. Zool., 27.

Welsh, H. 1987. Monitoring herpetofauna in woodland habitats of Northwestern California and Southwestern Oregon: A comprehensive strategy. Gen. Tech. Rep. PSW-100. Berkeley, CA Pacific Southwest Forest and Range Experiment Station, Forest Service, US Department of Agriculture.

October 19, 1992

Tony Lettieri
Otay Ranch Project
315 4th Ave., Suite A
Chula Vista, CA 91910

Robert Fisher
701-11 East Shore Terrace
Chula Vista, CA 95616

Thank you for allowing me to give a statement. I am a Zoologist from the University of California at Davis. I have given statements previously at two Planning Commision Hearings. I will address one issue specifically tonight. That is the United States Fish and Wildlife Service notice of petition finding in the Federal Register Volume 57 Number 193 pages 45761 through 45762. On January 29, 1992 the petition was officially recieved. This petition specified endangered species status for the Western Pond Turtle (*Clemmys marmorata pallida*) and California Red-legged Frog (*Rana aurora draytonii*) in Southern California. These species are presently USFWS Category 1 species. The Federal Register states, and I quote "The service finds that the petition presents substantial information indicating that listing of the wetern pond turtle and the California red-legged frog may be warranted. This decision is based on scientific and commercial information contained in the petition and on information otherwise available to the Service at this time."

I-117-16

There were no specific surveys completed for either of these species by a qualified herpetologist on the Otay Ranch Project area. In my estimation by looking at USGS Topographic maps of the Project area there are 28 waterbodies on site and another 27 adjacent to the site, close enough to be significantly impacted by this project. All of these ponds and the streams in the area must be surveyed for these species. I have enclosed a rough map with these ponds on it. The Draft EIR addresses these two species by stating, and I quote "There is low potential for their occurence in the small ponds on Otay Ranch." Where is the data to support that statement? Before this or any Draft Program EIR can be approved for the Otay Ranch Project area, baseline data must be presented for these two species as well as all other sensitive species on site and within the area of offsite impacts.

Again thank you for allowing me to briefly review this massive document

TO: MARK MONTEJO
JAMUL DULZURA COMMUNITY PLANNING GROUP

FROM: JANET MULDER

RE: BALDWIN (OTAY RANCH) EIR - WATER & WATER QUALITY

CONCERNS:

(1) 1. An issue not addressed in the EIR is the cumulative effects this project will have on the water in our County. If water quantity availability is a finite factor, as it seems to be today, then approval of this project through CWA would divert water from already approved land use development levels in our area. In other words, the water supplied to this project could automatically preclude the development in our area to its already approved limits. Remember, the entire San Ysidro parcel and a portion of the Proctor Valley parcel is outside of any water district and currently is not provided water service by any agency (3.13-6)

2. Several issues are raised in the EIR including
   a. Possible degration of ground water as there are already higher than federal standard criteria of TDS and chloride concentrations (3.9-3)
   b. In general, development should... not be allowed within the 100-year floodplain...encroachment on floodplains and floodways could create a potentially significant impact. (3.9-12)
   c. Impact on surface water quality would potentially be significant....the salt balance as a result of urbanization would increase significantly. (3.9-14)

3. Proposed mitigation includes:
   a. Preparation of accurate detailed hydrologic and hydraulic studies by qualified hydrologist at SPA level to consider: (3.9-16)
      1. Detailed site-specific floodplain/floodway...to insure that encroachment of the floodway is avoided...plus detailed design study for each bridge and culvert.
      2. Construction of required detention basins.
      3. Bridges and culverts designed and constructed to withstand 100-year flood.

(2) NEED TO ADDRESS OFF-SITE POSSIBLE PROBLEMS

   b. Impacts associated with change in water velocities...including demonstrating that erosion and sedimentation would be avoided through design features.(3.9-16,17)
      1. Protect all embankments and slopes.
      2. Energy dissipation devices to prevent erosion.
      3. Siltation basins constructed.

   c. Water Quality problems mitigation - dry weather system to collect all dry weather urban runoff and 25% of rain runoff, plus a water monitoring program...and a detailed stormwater quality study. (3.9-17)

   d. Decreases in recharge to the aquifer partially mitigated by utilizing unlined natural channels and unlined siltation basins...study of manmade recharge systems...that will adhere to standards on aquifer recharge. (3.9-17)

   e. Urban Runoff Master Plan - addressing issues on pagew 3.9-18)

I.18-1

JANET MULDER
OCTOBER 19, 1992

1. Cumulative water impacts are discussed in Section 6 of the Draft Program EIR. The use of water by the Otay Ranch Project would not affect development in other areas of the County. For areas outside of the MWD, new water supplies will have to be developed. For areas within the MWD, water supply will be required to be available from MWD prior to development. The Draft Program EIR acknowledges the fact that the entire San Ysidro parcel and portions of the Proctor Valley parcel are currently outside of any water district.

2. Comment noted. This text was taken directly from Section 3.13.1.1, Groundwater Supply, of the Draft Program EIR.

(2) 4. At this level of analysis, impacts to ground-water and surface water resources and quality are considered significant.(3.9-18)

(3) 5. The region's groundwater basins are adequate to meet water demand for rural development.they are insufficient to support a metropolitan population. 3.13-14)

(4) 6. Currently, strict regulations against the degradation of ground-water supplies...make use of the reclaimed water problematic. (3.13-15)

(5) 7. There is no guarantee that an adequate supply will be available within southern California. (3.13-17)

(6) 8. Because of...limitations on density and generally poor water quality in the western portions of the project area outside of the CWA, development as proposed would be infeasible without annexation. (3.13-19) See point #1 above.

(7) 9. Proposed mitigation includes getting a "will serve letter" and a Water Master Plan

(8) 10. Sanitation District jurisdictional alternative has not been chosen to date, and this is a significant impact,(3.13-26) as the Otay Water District has no capacity, and City of San Diego is overtaxed already.

(9) 11. Wastewater treatment alternative has not yet been chosen and impacts are considered to be significant (3.13-29) with a Sewer Master Plan to be developed which would be most growth inducing in the Proctor Valley area.

3. Comment noted. This conclusion was taken directly from Section 3.13.1.1, Reclaimed Water, of the Draft Program EIR.

4. Comment noted. This conclusion was taken directly from Section 3.13.1.2 of the Draft Program EIR.

5. Comment noted. This conclusion was taken directly from Section 3.13.1.2 of the Draft Program EIR.

6. Comment noted.

7. Comment noted. This water supply mitigation was taken directly from Section 3.13.1.3 of the Draft Program EIR.

8. Comment noted. The Otay Water District has been identified in the Final Program EIR as the preferred water alternative. The OWD's existing water delivery shortage is expected to be resolved when the new CWA pipeline 4EII, which is currently under construction, is completed.

9. The comment that a wastewater treatment alternative has not yet been chosen is noted. As noted in this comment, extension of sewer service to the Proctor Valley area may induce growth as discussed in Section 7 of the Draft Program EIR.

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RECEIVED
OCT - 8

September 30, 1992

Anthony J. Lettieri
Otay Ranch Project
315 4th Ave., Suite A
Chula Vista, CA 91910

Dear Mr. Lettieri:

I.19-1

(1) I am writing to call your attention to several specific points in the E.I.R. for the Otay Ranch Project which indicate that this report is grievously incomplete. My comments are directed toward those sections of the report which refer to the vernal pool fairy shrimp, Streptocephalus woottoni and Branchinecta sandiegoensis (N.B. This is the correct, currently accepted spelling of the species name. It used to be spelled "sandiegensis.)

I am a Ph.D. graduate student at the University of California at Davis. I have been studying vernal pool branchiopods (Branchiopoda is the Class which includes fairy shrimp, tadpole shrimp, clam shrimp, and cladocerans) for three years. I have extensive field experience with the vernal pool habitat and vernal pool shrimp, and I am familiar with the two species in question.

(2) On page 3.3-36, the report recognizes the potential endangered status and historic presence of S. woottoni and B. sandiegoensis at the Otay Ranch site. Also, the presence of vernal pool habitat on all three parcels of the Project (Otay River, Proctor Valley, and San Ysidro) is stated on page 3.3-51. Based upon this known information, it is clear that in order for the Project E.I.R. to be complete, it must include baseline data and impact considerations for these two species and their habitat on all three Project parcels. However, nowhere in this report do such baseline data or impact considerations appear. In fact, on page 3.3-99 it is stated that this Project "represents a potentially significant impact to two species of fairy shrimp; Streptocephalus woottoni and Branchinecta sandiegensis. Information on the distribution and abundance of these species in Otay Ranch vernal pools is required to determine the significance of impacts from development." Therefore, this E.I.R. cannot be viewed as complete and adequate with respect to these fairy shrimp species, and probably many other vernal pool invertebrates as well.

(3) In order to collect the baseline data which are necessary, all vernal pools and swales on the Project site must be accurately delineated and then surveyed for the presence or absence of the fairy shrimp species in question. Surveying must include a dry season soil analysis for the presence of fairy shrimp eggs in each of the pools, and at least one wet season sampling series. These surveys should be conducted by researchers currently working on fairy shrimp and experienced in these sampling methods. The dry soil analysis involves collecting soil from pool bottoms, sieving in the lab, identifying to genus any eggs that are found, and hatching them for species identification. A wet season sampling series consists of visits to all pools on a biweekly

UNIVERSITY OF CALIFORNIA, CENTER FOR POPULATION BIOLOGY
JAMIE L. KING
SEPTEMBER 30, 1992

1. Comment noted. The name has been corrected throughout the Program EIR and in Appendix A-3.

2. Vernal pool invertebrate species were assumed to occur in all vernal pool habitats on Otay Ranch. At the programmatic level, potential impacts to fairy shrimp were evaluated based on impacts to vernal pool habitat rather than on the distribution of vernal pool invertebrates within specific pools. This worst case analysis assumes that there are impacts to fairy shrimp in any alternative which impacts vernal pool habitat. This type of analysis was used for other species for which there is limited distribution information (refer to response number 3 in the Cindy Burrascano letter of 10/6/92). Preservation of vernal pool habitat, associated watersheds, and buffer zones should avoid most impacts. The Draft Program EIR recommends preservation of all vernal pool groups which are not severely disturbed (Section 3.3.3) and requires redesign to avoid impacts to vernal pools and associated watersheds (see Sections 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, and 4.9.4.2). The Draft Program EIR also requires surveying vernal pool habitat for sensitive fairy shrimp at the SPA Plan level when there is more detailed information on the exact location of development, infrastructure, and roads (Tables 3.3-7, 4.2.4-5, and 4.9.4-2). Refer to text changes in Tables 3.3-7, 4.2.4-5, and 4.9.4-2 that clarify and expand measures to reduce impacts to vernal pool fairy shrimp species. Impacts to other vernal pool invertebrates which become sensitive over the long-term buildout of the Otay Ranch Project will also be assessed at the SPA Plan level and measures will be taken to avoid or mitigate any impacts (refer to response number 3 in the Cindy Burrascano letter of 10/6/92).

(every two weeks) basis, beginning when the pools first begin to hold more than one inch of water and continuing until pools dry up at the end of the season. In years of especially low precipitation some pools may not fill; surveys conducted in such dry years cannot be considered complete, and should be repeated during subsequent seasons of normal precipitation. During wet season visits pools should be checked for the presence of fairy shrimp using a dip net and/or small aquarium nets, as the size of the pool and growth of the shrimp dictate. Voucher specimens should be taken from pools in which the shrimp are found (I strongly suggest that vouchering protocols of an authority, such as the San Diego Natural History Museum, be followed, and that the vouchers be donated to such an institution once they have served their purpose to the Project). It is desirable to obtain six to ten (6-10) sexually mature individuals of each sex from pools in which they are present, but collections should never cause a significant decline in population size. In cases of low population density, collections of one or two (1-2) sexually mature individuals of each sex are appropriate. (3)

Some comments are necessary in response to the proposed mitigation measures for the two fairy shrimp species which are summarized on page 3.3-91 of the Project E.I.R. Measures 13 states "Conduct a focused study of distribution and abundance of these species within vernal pool habitat on Otay Ranch. Assess impacts." This is clearly not a statement which should be included as a mitigation measure, but rather should have already been done and included in this report. Measures 14a and 14b refer to "highly occupied pools". Such statements are absolutely ridiculous, and indicate a complete lack of understanding of the biology and ecology of these organisms. Measures 14c-f include plans to create new, or enhance existing, vernal pools for on-site mitigation. It must be understood that there are currently no acceptable methods for either recreating vernal pools or mitigating for their loss. The only reports of successful pool creation projects of which I am aware that include the consideration of fairy shrimp populations are generally poorly controlled, completely lacking in long-term monitoring, and do not appear in the peer-reviewed scientific literature. Nowhere in the literature is there a documented success in pool creation specifically addressing vernal pool fairy shrimp populations. Additionally, the two species in question are considered to be habitat specialists and pool enhancement/creation has never even been attempted, much less accepted as a mitigation measure, for them. From an unbiased, scientific perspective, pool enhancement/creation is simply currently not a viable mitigation alternative to protecting these species in their remaining natural habitat. (4)

If I may provide you with any more information on this matter, please don't hesitate to contact me.

Sincerely,

Jamie L. King

Jamie L. King

cc: Richard Brusca, San Diego Natural History Museum
Larry Eng, California Dept. of Fish & Game
Patricia Gerrodette, Sierra Club
Nancy Gilbert, U.S. Fish & Wildlife Service
Chris Nagano, U.S. Fish & Wildlife Service
Nancy Nikolai, South County Environmental Working Group
Marie Simovich, University of San Diego

I.19-2

3. Comment noted.

4. Refer to changes in Tables 3.3-7, 4.2.4-5, and 4.9.4-2 and Sections 3.3.3, 4.2.4.2, 4.3.4.2, 4.4.4.2, 4.5.4.2, 4.6.4.2, 4.7.4.2, and 4.9.4.2 in the Final Program EIR. Also refer to Table 6 in response number 3 in the Cindy Burrascano letter of 10/6/92.

SDSU

DEPARTMENT OF BIOLOGY
COLLEGE OF SCIENCES
SAN DIEGO STATE UNIVERSITY
SAN DIEGO CA 92182-0057

(619) 594-6767

October 19, 1992

Mr. Douglas Reid
Otay Ranch Project Planning Office
315 4th Avenue, Suite A
Chula Vista, CA 91910

Dear Mr. Reid:

I am writing to comment on the DEIR for the Otay Ranch Project.I am limiting myself to overall comments on vernal pools, *Acanthomintha ilicifolia* and the concept of habitat creation or restoration as mitigation, because the document was too lengthy to review within the allowed review period and contained many inconsistencies and ambiguities.

I-20-1

I would recommend that all the vernal pools on the property be preserved. In my 1986 survey of San Diego County's vernal pools done for the California Department of Fish and Game, I concluded that 93 percent of the estimated original watershed acres had been destroyed up to that year. Since that time, many additional pools have been lost and a small number of pools have been newly mapped, as surveys have become more numerous and intense. These numbers clearly indicate that loss of vernal pool habitat to development has been disproportionately greater than for most other natural habitats. Compromises have already been made in the past, with the resource the clear loser. The size of this project means that it can still go forward even if all the pools are protected.

(1) Not only does the extensive habitat loss argue for preservation of all the pools, but research done here and in other areas of California indicates that vernal pool soils, inundation regimes and suites of species vary not only from region to region, but on a local and micro scale as well. Holland and Dains (1990) provide examples from Merced and Placer Counties.

The enclosed table indicates how within San Diego County, soil type and elevation are strongly correlated with different groups of vernal pool species. The coastal mesas differ from each other, as do two of the inland valleys. All are quite different from the mountains. Proctor Valley would most likely be different from San Marcos and Ramona. Even when we look at two populations of the same species, there is evidence that various areas have differentiated genetically. A case can be cited from my current research (1992). Seeds of *Downingia cuspidata* were collected from populations on Miramar Mounds National Natural Landmark and in Ramona. Seeds of another species in the same genus (*Downingia concolor* ssp. *brevior*) were collected from Cuyamaca Rancho State Park. The seeds of all three populations were germinated in a common

SAN DIEGO STATE UNIVERSITY, DEPT. OF BIOLOGY
ELLEN T. BAUDER
OCTOBER 19, 1992

1. The Final Program EIR sets preservation standards for vernal pool habitat consistent with the MSCP standards (refer to Section 3.3.3). A minimum of 98 to 100 percent of acreage of extant vernal pool habitat must be preserved. The allowed 2 percent impact may not occur within large or high value vernal pool complexes. High value vernal pool complexes are defined in the EIR as those that contain sensitive species, a unique or diverse assemblage of species, or that occur within a mosaic of other identified sensitive habitats. It is acknowledged that variation in soil type and elevation can contribute to differences in floral composition of vernal pools; for this reason the diversity of vernal pools shall be preserved regardless of size of the individual vernal pool complexes.

environment (growth chambers) at two different temperatures. It is clear that the Ramona population is distinct from the Landmark population (although the same taxonomic unit), and is better adapted to germinate at cooler temperatures.

Other evidence for small scale differences comes from data I have taken on water retention and vegetation in vernal pools in the Miramar/Tierrasanta area for 5 years (12 pools)(Bauder 1987) and 11 years (10 pools)(unpublished). Each pool (1) is unique in the rigorous sense of the word: no two pools behave the same way within or between years. The presence or absence of particular species is closely tied to the inundation regime, and the frequency when a species is present is likewise affected. Pools differ in the amount of precipitation necessary to fill, the fluctuation in water depth, the number of times soil is exposed in a given year, the total number of days inundated each year, the longest uninterrupted period of inundation, and the pattern of filling over years.

I am also concerned about a species that is often closely associated with vernal pools: *Acanthomintha ilicifolia*. This species is, like vernal pool species, a (2) habitat specialist and occurs exclusively on clay soils. Its overall numbers are probably very low, because even where *Acanthomintha* does occur there are few individuals. Oberbauer (1991)) identifies it as one of the most restricted clay soil endemics. All of the populations of this species should likewise be protected.

Finally, I recommend against mitigation by habitat creation for 3 reasons: 1) It is not a substitute for the "real thing". That is why habitat creation is contrary to the official policy of the Botanical Society of America (1990) and the Canadian Botanical Association (Fahselt 1988), and according to the BSA "... should be considered as the least desirable alternative" (Botanical Society of America 1990). 2) The track record for created vernal pools is not a good one. They show little propensity for being self-sustaining through the wide range of weather conditions (3) experienced in southern California (California Department of Fish and Game 1989; Zedler 1987; Zedler and Black 1988;Zedler 1989; Black and Zedler 1988, 1989b, c; Scheidlinger 1988). Plant populations in artificial pools would not, at this point, pass the standards applied to animals for minimum viable populations (95 % probability of surviving for 100 years) (Harris, et al. 1987). There have been attempts to seed *Acanthomintha* into artificial habitats. What have been the results? Finally, 3) if mitigation by creation is not a success, what then? The habitat has been lost and the resource, already extremely limited, has been diminished. There would have been no mitigation for environmental damage and none possible.

A complete list of references cited in this letter will be sent upon request.

Sincerely,

Ellen T. Bauder, PhD

2. The Draft Program EIR requires preservation of the large population of San Diego thorn-mint at the southern end of the Jamul Mountains block (refer to Section 3.3.3). This is one of the largest known populations of this species with approximately 10,000 plants estimated to occur there in 1990. Approximately 30 plants are located one-half mile to the north. Preservation of the smaller occurrence of thorn-mint is recommended as a first priority, but is not required if preservation is infeasible. This group is located at the confluence of two seasonal streams and its long-term protection would require a large area of open space. It is located within the central area of a proposed village. Refer to Section 3.3.3 of the Final Program EIR for mitigation requirements for San Diego thorn-mint.

3. Comment noted. Staff concurs that habitat restoration/creation is not a substitute for preservation of intact habitat and should be used as mitigation only when avoidance is not possible. Refer to revised text in Section 3.3.3 in the Final Program EIR regarding restoration of disturbed vernal pool habitat and San Diego thorn-mint mitigation. San Diego thorn-mint mitigation efforts to date do not project a likelihood of long-term viability (ERCE 1991, 1992). Problems with the Wild Animal Park and Black Mountain Road mitigation sites stem from their reliance on imported soils. Movement of clay soils from the impacted populations has resulted in ongoing erosion and heavy invasion of non-native species. Future thorn-mint transplantation should occur only in clay soils appropriate for this species (not already occupied by thorn-mint to preserve genetic integrity) and should not involve transplantation of soils. Mitigation by habitat restoration and sensitive species introductions includes a required 2-3 year pilot program, a subsequent maintenance and monitoring program for a minimum of 5-8 years, and attainment of success criteria before impacts to sensitive resources can occur. If success criteria are not met, preservation of the original resource or acquisition and preservation of appropriate resource areas offsite will be required.

	Coastal Mesas		Inland Valleys		Mountains
	Kearny	Otay	San Marcos	Ramona	Cuyamaca
Elevation	150 m	150 m	160 m	425 m	1400 m
Soil types *	RE	H, S	PL, LF H?, LI?	PL, BO, RA BON-FALL	LA
Impervious layer(s)#	HP + CL	CL	CL	CL	CL
Vegetation matrix^	CHAP	CSS MSS	GRA	GRA	GRA
Species					
Blennosperma nanum var. nanum					X
Boisduvalia glabella		X		X	
Callitriche longipedunculata	X	X	X	X	
Callitriche verna					X
Downingia concolor ssp. brevior					X
Downingia cuspidata	X		X	X	
Eryngium aristulatum ssp. parishii	X	X	X		
Limnanthes gracilis ssp. parishii					X
Pogogyne abramsii	X				
Pogogyne nudiuscula		X			

* BO= BOSANKO, BON-FALL= BONSALL-FALLBROOK, H= HUERHUERO, LF= LAS FLORES, LI= LINNE, LA= LOAMY ALLUVIAL, PL= PLACENTIA RA= RAMONA, RE= REDDING, ST= STOCKPEN

HP= HARDPAN, CL= CLAY

^ CHAP=CHAPARRAL, CSS= COASTAL SAGE SCRUB, GRA= GRASSLAND, MSS= MARITIME SUCCULENT SCRUB

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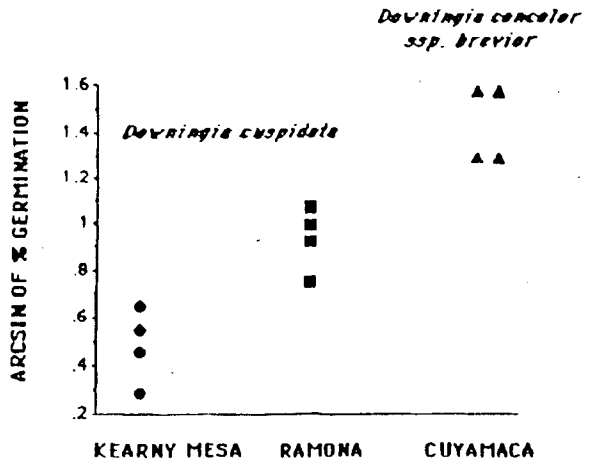

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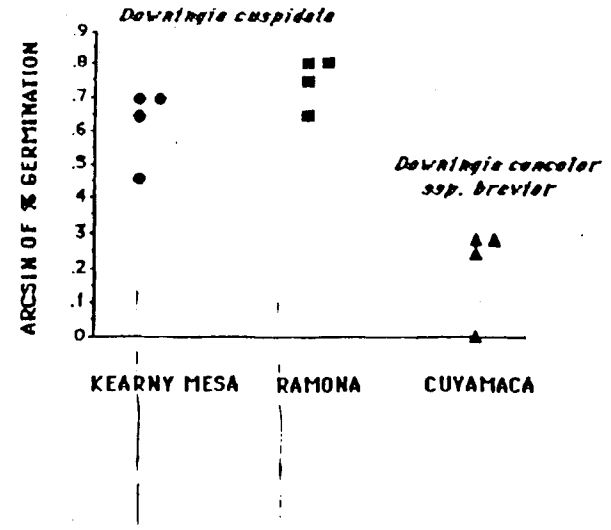

19 October 1992

Chula Vista Planning Commission
276 Fourth Avenue
Chula Vista, California 91910

Re: OTAY RANCH DEIR

Planning Commission Members:

I.21-1

The DEIR has totally ignored the adverse impacts to the Sweetwater Valley a portion of which is in your city of Chula Vista. The valley has already been bifurcated by 54 and freeway 805 and if 125 is built on the proposed Proctor Valley Road alignment, this will be the third bifurcation. How much must a community endure?

(1) The proposed widening of surface streets to four and six lanes throughout the valley and the construction of a huge bridge in the center of the community will create a concrete jungle and destroy the Bonita/Sunnyside area. Sweetwater is already inundated with traffic from Eastlake because of inadequate planning. At the approval stage it was indicated that Eastlake could not proceed past the first phase until there were solutions to the traffic problem. Now, in reality, Eastlake is in phase three and going strong and Sweetwater is the dumping ground for its traffic. Additional work should be done on this DEIR to insure that other communities already established will not be detrimentally effected by this proposed new huge city.

San Diego County Board of Supervisors should have accepted the responsibility of being the "Lead Agency" since this land of Otay Ranch is still in the unincorporated area.

Sincerely,

Gretchen Burkey

Gretchen Burkey
P. O. Box 321
Bonita, Ca. 91908

GRETCHEN BURKEY
OCTOBER 19, 1992

1. The siting and construction of SR-125 falls under the responsibility of the State of California Department of Transportation (Caltrans). However, the Otay Ranch traffic analysis assumed the freeway would be constructed during project buildout. Refer to response number 6 of Thomas Davis' letter dated October 5, 1992 regarding the SR-125.

   An expanded traffic analysis was conducted to evaluate project impacts on adjacent local communities. Refer to responses to letters from the Spring Valley, Valle de Oro and Jamul-Dulzura community planning groups.

City of Chula Vista
Mayor; Tim Nader
Council Members
276 Fourth Avenue
Chula Vista, Ca. 91910

October 19 1992

RE: Otay Ranch Environmental Impact Report, "Lead Agency", Letter from Supervisor; Brian P. Bilbray date October 12, 1992, Letter to the Secretary of Resources, Mr. Douglas Wheeler, 10-13-92

Dear Mayor Nader and Council,

I have attached the letter to the Secretary of Resources, for the reason explained in the letter. I firmly believe that my rights to a fair hearing was taken during the week of the 7th. of October. Again I state as a Legislative Analyst the same loss occured to the Public, and I state this in their behalf.

I request that these comments here be addressed in the Final EIR. Included is the following remarks;

I.22-1

(1) 1- A written certification of the availability of a long term WATER SUPPLY. This shall be from the Local purveyor and the C.W.A./M.W.D.(2). Ref. Cortese Bill A.B.455

(2) 2- That a response to the loss of San Diego County WATER Shed be Mitigated.

(3) 3- How will this project be affected by the recently signed Bill by the Governor S.B. 1559 Re. Annexations ?

(4) 4- There needs to be a certification letter about the degradation of the watershed if this project suceeds to clear the permit process, Mitigation response to the users of the Water RIGHTS to this Watershed, CalAmerican, San Diego City. Need letters of Authorization from these Agencies.

(5) 5- What sought of mitigation is intended with respect to the use of SEWERS ? Who is to build system and pay for it?

(6) 6- Prepare a response to the United States Department of Interior Fish and Wildlife concerns over DALEY Quarry which will also have a determental IMPACT on this area. Letter dated Sept.23,92 MUP.84-108W2; Log#84-19-32. This project in conclusion has asked the County to NOT Certify this Document. My reasoning is that these are Cumulative IMPACTS to a particular area in that Daley states the need for this Quarry for the DEVELOPEMENT of this area (region).

(7) 7- Prepare a mitigation response to the NOISE IMPACTS on Total Buildout of the OTAY RANCH. This analysis has to be concerned not only with Otay Ranch but with the total area surronding the Ranch.

(8) 8- Who will provide the needed Freeway Network (roads) and the access routes needed in the area(regional), not to disconcern itself(report)with the quality of life of others living in the area now, who suffer now?

EUGENE SPROFERA
OCTOBER 19, 1992

1. The Metropolitan Water District and San Diego County Water Authority have indicated that they cannot guarantee water service for the Otay Ranch at this time (refer to the water discussion in Section 3.13. of Final Program EIR). However, each individual SPA plan will be required to obtain a "will serve" letter from the appropriate water purveyor prior to SPA Plan approval. In other words, development will not be allowed unless water is available for long-term use.

2. All watersheds on the Otay Ranch property will be maintained, and none will be "lost" to development. The project will, however, increase total runoff, degrade the surface water quality, and alter the shape of some drainages on the property. The Draft Program EIR contains mitigation measures that must be complied with when SPA Plans are developed to prevent impacts to watersheds on and offsite.

3. No annexation plans have been proposed for the Otay Ranch at this time. The legislation referenced in this comment will be discussed, as necessary, at the time an annexation plan is proposed for review by LAFCO. A supplemental EIR will evaluate the environmental impacts of the proposal as it effects land use, public services, agricultural resources, and other policy-level concerns.

4. There is no regulatory requirement to provide a certification letter regarding the degradation of the watershed. However, the project must obtain a National Pollutant Discharge and Elimination System (NPDES) permit from the Regional Water Quality Control Board prior to construction of any development over 5 acres. Refer to the additional discussion of this permit requirment in the water quality mitigation measures in Section 3.9.3 of the Final Program EIR.

5. As described in the Draft Program EIR, a sewer master plan will be prepared for the entire Otay Ranch prior to approval of the first SPA Plan. The master plan will address, among other items, any required infrastructure improvements and/or expansions required to provide sewer service to the project. When EIRs are prepared to evaluate the SPA Plans, any significant impacts related to the implementation of the sewer system will be mitigated, as necessary. The cost of any new sewer installation and system expansion required to service the project will be the responsibility of the developer.

6. Comment noted. The purpose of the Otay Ranch Program EIR was to evaluate impacts of the proposed project. In accordance with the intent of the report, it is not within the scope of the document to respond to the USFWS concerns over the proposed expansion of the Daley quarry. However, the Daley quarry was considered a related project (per CEQA §15130) in the cumulative analysis prepared for the Otay Ranch and the combined impacts to biological resources were evaluated (refer to Section 6 of the Draft Program EIR).

7. The noise analysis in the Draft Program EIR has considered impacts of total cumulative buildout, since future noise levels were calculated based on traffic volumes predicted for year 2010 and beyond. Therefore, mitigation proposed by the Draft Program EIR (in Section 3.12.3) has considered total buildout noise impacts both on and offsite.

8. Construction of the freeway (i.e., SR-125) is the State's responsibility under Caltrans. Construction of other regional access routes would be phased over the buildout of the project and be funded by Otay Ranch on a "fair share" basis with other development in the area.

(9) 9- How will this project Impact the total AIR Quality of the BASIN , Describe the Basin Size! in relation to t the impact caused?

(10) 10- There is a need to analyze the International Border issues that have a direct concern with this project site, provide that analysis? (ex. Roads, Traffic, Transportation-rail-bus-HSV. etc.)

(11) 11- Provide a review and Mitigation to onsite-offsite Flood Control Facilities, and how these will impact DOWN STREAM communities?.

(12) 12- What type developer AGREEMENTS Will this project have, what type facilities does this project feel it has a Duty to PROVIDE? And any Mitigation facts that are to brought into such agreements in the processing of this LARGE undertaking.

In conclussion I ask these remarks to be honered for the PUBLIC benifit and welfare. and that a full discussion be made avaiable to the Public upon FINAL REVIEW , in print prior to the final acceptance of WHO EVER CERTIFIES the final DOCUMENT.

I futher ask that I be offered all pertinant information that move through the pipeline on this overwhelming project. I ask for this Information in the name of the PUBLIC, and as my TITLE indicates.

Respectfully ,

TITLE: Legislative Analyst #580, REGISTERED at San Diego COUNTY,CA.

Eugene J. Sprofera

Eugene J. Sprofera

3311 Fairway Drive
LaMesa,CA. 91941

Attachment; letter to Secretary of Resources,Mr. Douglas Wheeler contesting LEAD AGENCY, (CHULA VISTA) October13,92

C/C; Brian P. Bilbray; Supervisor, 1st. District
George Bailey; Chairman of the Board Supervisors
Other Board Members (3)

9. The San Diego Air Basin is defined by the San Diego County lines. The Draft Program EIR estimates the project's contribution to pollutant emissions due to mobile and stationary sources in Section 3.11. Refer to Tables 3.11-8, 4.2.12-5, and 4.7.12-5 that summarize the total pollutant emissions for the three alternatives evaluated in detail in the report.

10. International border issues are discussed in the responses to Carolyn O'Patry's comment letter (10/15/92) on the Draft Program EIR.

11. No flood control facilities have been proposed at this time. Information on flood control will be developed when specific information on development features is made available at the SPA Plan level. The water resources evaluation in the Draft Program EIR contains mitigation measures related to inundation (i.e., flooding) impacts. Detailed hydrologic studies are required at the SPA Plan level to address the downstream flow issue.

12. The project will be required to fund and construct all infrastructure needs of providing public services to the development.

SDSU

DEPARTMENT OF BIOLOGY
COLLEGE OF SCIENCES
SAN DIEGO STATE UNIVERSITY
SAN DIEGO CA 92182-0057

(619) 594-6767

OCT - -

October 1, 1992

To whom it may concern,

My name is Mark Dodero, I am currently working on a Master's degree in Systematic Botany at San Diego State University. As a native San Diegan of 34 years, growing up in southern San Diego County, I have seen the long term effects of development on the flora and fauna of this region. I have had a deep interest in biology since my early childhood. Roaming the canyons of the county (including the Otay Mesa-Proctor Valley area) has allowed me to develop an understanding and appreciation of the special habitat requirements of animals and plants that inhabit this region. Over the years, I have watched as canyon after canyon has become isolated by development, with the inevitable decline in species diversity. This decline has not been limited to a single species or class, it has affected everything from Black-shouldered Kites, cactus wrens, California gnatcatchers, burrowing owls, and bobcats, to San Diego Horned Lizards, Orange-throated whiptails, various snakes and even butterflies. Though many of these canyons still have suitable habitat for sensitive species, the fact that they have been isolated from other areas of appropriate habitat, has resulted in a significant drop in species diversity. The detrimental effects of habitat fragmentation have been well documented (Soule' et al. *Conservation Biology* vol. 2, no. 1 1988). Elimination of large predators such as coyotes disrupts the ecosystem, causing an increase in small predators (including domestic cats). Over time, these smaller predators eliminate bird and reptile species such as the California gnatcatcher and San Diego horned lizard. Retaining wildlife corridors and buffer zones for animal movement is absolutely essential to the longterm viability of populations, and the maintainance of natural predator-prey interactions, including top predators such as Golden eagles and Mountain lions.

In 1991, ten state and federal agencies signed a Memorandum of Understanding (MOU) to conserve California's biological diversity (Hoshovsky *Fremontia* vol. 20, no. 1 1992). This agreement laid the groundwork for the development of an ecosystem approach to biological conservation. Past conservation efforts have most often focused on the preservation of individual species and this approach has not worked. According to California Fish and Game's 1990 annual report on Significant Natural Areas (SNAs), the Otay Ranch is the site of no less than 10 SNAs including, but not limited to, areas of vernal pools, California gnatcatcher

I.23-1

SAN DIEGO STATE UNIVERSITY, DEPARTMENT OF BIOLOGY
MARK W. DODERO
OCTOBER 1, 1992

and cactus wren habitat, Tecate cypress forests, and other rare plant habitat such a maritime succulent scrub. Maritime succulent scrub vegetation is found no where else in the United States except southern San Diego County and is in need of protection. It is obvious from reading the Fish and Game report, the DEIR, and from many visits to the area over the years, that the Otay Ranch area is a biological jewel unrivaled in coastal southern San Diego County. This underscores the importance of developing a well designed, integrated, series of habitat reserves with adequate buffer zones to maintain the biological diversity of the area. The Otay Ranch property gives us all a unique opportunity to work together to develop a plan that can accomodate both people and wildlife.

From reading the DEIR, it is readily apparent that all of the Project Alternatives except the Environmental Alternative are unacceptable and unrealistic from a biological resource standpoint. The numerous significant and unmitigable impacts to coastal sage and maritime succulent scrub, wetlands, vernal pools, Cypress Forest, Oak woodlands and priority rare plant species would ensure the loss of many populations of sensitive animal and plant species and could ultimately lead to the extinction of the Otay Mesa-mint (*Pogogyne nudiuscula*). The permanent loss of wildlife corridors as projected for the New Town Plan and Phase I Plan would lead to a drastic decline in species diversity in the newly isolated canyons, a fate seen all too often in coastal San Diego County.

In summary as proposed under the Environmental Alternative, all significant wildlife corridors should remain open to ensure that animals have the ability to move freely between canyons. Adequate buffer zones should be left around wildlife habitat to reduce disturbance and to prevent trampling of sensitive plant species. Establishing habitat reserves will give the many sensitive species present on Otay Ranch a greater chance of long-term survival. Thank you for your attention.

Sincerely,

Mark W. Dodero

Mark W. Dodero

1. Comment noted. The Analysis of Significance sections for each alternative outline the significant, unmitigable impacts to sensitive biological resources. The environmental alternative is the only alternative for which all impacts can be fully mitigated.

DEPARTMENT OF BIOLOGY
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PHONE: (619) 594-7827
INTERNET: smcmilla%sunstroke@sdsu.edu

(619) 594-6767

OCT - 6

5 October 1992

Douglas D. Reid
Otay Ranch Project Planning Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Dear Mr. Reid:

My name is Scott McMillan and I am a graduate student at San Diego State University working on the taxonomy, phylogeny, and biogeography of the genus *Pogogyne*. I have been working on the genus for two years and have spent the last two seasons attempting to locate all remaining localities of *Pogogyne nudiuscula*. Because of this, I feel that I am qualified to comment on the status of *Pogogyne nudiuscula*, and the impact this project will have on the species.

In the past, *Pogogyne nudiuscula* has only been known to occur on Otay Mesa and in Valle del las Palmas, Mexico. Over the last year I have come up with good evidence that the population in Mexico is a distinct species, and I am in the process of describing it as such. This means that the only place in the world that *Pogogyne nudiuscula* is found is on Otay Mesa and if the populations of *Pogogyne nudiuscula* on Otay Mesa are destroyed, then the species will no longer exist.

On page 3.3-81 of the Draft Environmental Impact Report (DEIR) for the Otay Ranch General Development Plan, it states that *Pogogyne nudiuscula* would be lost from the largest populations (J-23, J-24, and J-25) on Otay Mesa. It also states that the species would be retained in the majority of the J-30 complex on Otay Mesa, but possibly threatened by proposed development along the the southern perimeter near the J-30 pools. Finally it states that the number of vernal pools with *Pogogyne nudiuscula* that would be developed is 80 out of 97 pools, or 82 percent. As far as *Pogogyne nudiuscula* is concerned, the J-25 pools are far more important than the J-23 and J-24 pools, and the J-23 and J-24 pools are far more important than the J-29 and J-30 pools. In a rough estimate, I would say that over 90 percent of *Pogogyne nudiuscula* located within the boundaries of this project are located in the J-25 pools. So, with the destruction of 82 percent of the vernal pools, there will be more than 90 percent destruction of the species found within the boundaries of the project. If this occurs, the population in the J-29 and J-30 pools will have incredibly low numbers, will have very low genetic diversity, and will be very isolated from the only population outside the project. Once this happens, the J-29 and J-30 pools are likely to disappear completely.

In my opinion, the only feasible alternative to the proposed plan is to either eliminate all development being currently proposed, or to change the sites of development. If development is to take place, it should not be on the J-23, J-24, or J-25 pools, because these pools represent the majority of *Pogogyne nudiuscula* found within this project's boundaries. Development on the J-29 and J-30 pools would be far less damaging as far as *Pogogyne nudiuscula* is concerned.

If you have any questions concerning my comments, please feel free to contact me. Thank you for your attention.

Sincerely,

Scott McMillan

Scott McMillan

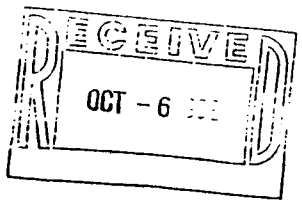
I.24-1

(1)

SAN DIEGO STATE UNIVERSITY, DEPARTMENT OF BIOLOGY
SCOTT MCMILLAN
OCTOBER 5, 1992

1. The Draft Program EIR requires preservation of 100 percent of the Otay mesa-mint populations on Otay Ranch (refer to Tables 3.3-11 and 4.2.4-9). The New Town Plan would impose heavy impacts on the Otay mesa-mint populations; this impact is considered unmitigable. The Phase I Progress Plan would impact one vernal pool with Otay mesa-mint; minor project redesign to include this pool in the preserve is required. All of the other six alternatives would preserve 100 percent of the Otay mesa-mint.

2885 Echo Valley Road
Jamul, CA 91935
October 5, 1992



Otay Project Planning Office
Mr. Douglas Reed
315 4th Ave. Suite A.
Chula Vista, CA 91910

Re: Comments on Otay Ranch Environmental Impact Report

Dear Mr. Reed,

I live in Procter Valley, very close to the Nortern border of the Procter Valley Parcel. My comments will focus on the impacts that will directly effect my neighbors and my family. As a biologist, I will also point out impacts to the wildlife and as a resident, to the degradation of my quality of life. I will keep my comments confined to broad issues since, I hope, you were planning to have more detailed analysis in subsequent site-specific documents.

First, I must comment that despite its massive size, your EIR lacks substance. Although problems such as available water, urban runoff, and police protection are described, solutions are not. It seems reasonable that you would not undertake this project without many of these unknowns being addressed. I would like to see your EIR resubmitted, for a reasonable review period, with substantial analysis of these concerns.

I.25-1

(1) I do not believe a credible overview of environmental impacts would be complete without a thorough map of wildlife corridors. The EIR only contains a single map, with very little detail, for the entire Procter Valley parcel. I live near the northern border, and suspect that the number of raptors in the area were underestimated. I also feel your maps are misleading, in general, because they fail to distinguish between individual animals (or plants) and larger numbers in a small area. There needs to be a way to quantify which areas have breeding pairs of animals and which have single individuals. You

(2) have virtually ignored endangered reptiles. I feel surveys by a qualified herpetologist are necessary for an environmental review.

(3) Also, it is appropriate to have composite maps that correlate sightings with your corridors. If the sightings do not support the location of your corridors, the corridors are not properly sited. Also, your overlay maps are misleading. You typically overlay sensitive habitat maps with either early phases of building or more environmentally friendly plan alternatives. You should use your New Town Plan, if you feel it is a good plan.

JAY HARON
OCTOBER 5, 1992

1. The wildlife corridor figure (Figure 3.3-7) shows regional and major local corridors which were identified in a two-phase corridor study on Otay Ranch. The first portion of the first phase of the wildlife corridor study (Ogden 1992) appears in the Otay Ranch Technical Reports, Volume IV, Biology. The second part of the first phase identified the San Ysidro and Proctor Valley corridors. There is also a second phase of the corridor study which involved studying an offsite constrained wildlife corridor system to provide specific design recommendations for corridors on Otay Ranch. The first and second phases of this study have been combined into one document the Otay Ranch Wildlife Corridor Study (1992b) which will be distributed with the Final Program EIR. More detailed corridor maps and recommendations for corridor design are presented in this wildlife corridor study document.

   The number of raptors estimated for Otay Ranch is based on a one year raptor study conducted in 1991 and 1992. The Otay Ranch Raptor Management Study (Ogden 1992a) is presented in the Otay Ranch Technical Reports, Volume IV, Biology. Refer to this study for details on methods, results, and recommendations concerning raptors which have been incorporated into the Program EIR.

   For an explanation of animal point of occurrence data, refer to response number 12 in the California Department of Fish and Game letter of 10/5/92. For plant point of occurrence data refer to response to comment number 25 in the California Native Plant Society letter of 10/6/92.

2. Sensitive reptile species have been discussed for the major alternatives in the Draft Program EIR (see Sections 3.3.1.5, 3.3.2.4, 3.3.3, 3.3.4, 4.2.4.1, 4.2.4.2, 4.2.4.3, 4.7.4.1, and 4.7.4.2.) Regarding reptile data and surveys refer to response number 3 in the Cindy Burrascano letter of 10/6/92.

3. Regarding wildlife corridors, refer to response number 1 in this letter.

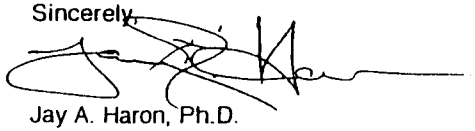
   Overlays of development on sensitive resources are presented for each of the qualified alternatives (New Town, Phase I-Progress Plan, and the Environmental

Your corridor plan also does not correlate with those of surrounding plans. I was informed by an Otay representative that a major wildlife corridor that bisects the Hidden Valley Estates project adjascent to the Procter Valley parcel will not connect to Otay's corridor system. He said that the corridor was of "low quality". After speaking with Southwest Diversified, it appears that both Otay's and their corridor studies were performed by Ogden Engineering, and they are contradictory. The County biologists support this corridor extending to the Sweetwater reservoir. This illustrates the need for the County to be the lead organization for management of the Otay Ranch open space, because we cannot expect consistent information from the developer. (4)

I would also like to express my outrage with Baldwin's agricultural uses of the Procter Valley Parcel. The cattle have purposes other than raising revinue, which must be minimal. They have grazed the Coastal Sage Scrub so that Baldwin can classify it as all "disturbed" CSS. Also, it keeps tresspassers out, which assures the locals cannot claim any of the land for trails and keeps environmentalists from challenging the claims of the developers. Last, Baldwin has insisted on running barbed wire fence to the edge of Procter Valley Road, even though that ignores the full size of the road easement. It endangers runners, bicyclists, or equestrians who want to use Procter Valley Road. It also eliminates any safe road shoulder, making the road more dangerous for motorists. This has been mentioned to Baldwin on several occasions, but they choose to keep it there. Baldwin has not proven to be a very good neighbor in the past. The locals should be apprehensive about living with Otay Ranch. (5)

Last, I wish to state that the environmental review process for this project has been a travesty. The idea that the review process started before the publication of the EIR, and so a short review period for this 1000+ page document is appropriate, is unjustifiable. The granting of lead agency status to the Chula Vista City Council by the County has left my neighbors and myself without representation. I feel that the City Council, County authorities, and the developer have not worked responsibly. Perhaps you should start over, with a desire to include the proper documentation, review period, lead agency, and community input. It would lead to a better development.

Sincerely,



Jay A. Haron, Ph.D.

Alternative) in Appendix A of the Draft Program EIR (Figures A-9-1a-f, A-9-2a-f, A-9-3a-f, A-9-4a-c, A-9-5a-c, A-9-6a-c, A-9-7, A-9-8, A-9-9, A-9-10a-c, A-9-11a-c, and A-9-12a-c).

4. The wildlife corridor discussed as part of the Hidden Valley Estates project provides for east and west continuity of open space in the Hidden Valley Estates Project area. All of the proposed alternatives provide, to varying degrees, a wildlife corridor in the northern Proctor Valley area which would connect the Jamul Mountains with the San Miguel Mountains. More specifically, the alternatives provide for wildlife movement between Proctor Valley and the western portion of Hidden Valley Estates. The Otay Ranch Wildlife Corridor Study (1992b) also identifies a local (L3) corridor connecting the Jamul Mountains with Proctor Valley. Regarding the role of the County as lead agency, refer to response number 2 in letter from John Hammond of the Sweetwter Community Planning Group (9/15/92).

5. Comment noted.

City of Chula Vista *(found throughout letter)
276 FOURTH Avenue OCTOBER 5 1992
Chula Vista, Ca. 91910 THIS COPY FOR COUNTY OF SAN DIEGO B/S and P/C Commission

RE: Otay Ranch (Project)
" COMMENTS OF CONCERNS by SPROFERA EUGENE"

EUGENE SPROFERA
OCTOBER 5, 1992

City Council, CHULA VISTA;

It is with great pleasure that I comment on this project"OTAY RANCH". I have viewed and reasoned with this vauge conception for some time (years) now. My reasoning of thoughts bring some strong conclusions, that this project is now becoming UNREASONABLE to deal with. UNREAS-ONABLE to the word ENVIRONMENTAL. And UNREASONABLE to the large group of the PUBLIC that has to deal with the every day problems of ;
TRAFFIC - AIR POLLUTION - CRIME - JAILS - COURTS - SCHOOLS - UNIVERSITIES - MONEY,DOLLARS - WATER,RIGHTS - PARK,RECREATION - POLITICAL,SHORTFALLS,UNABLE TO PROVIDE SERVICES,CUTBACKS - These are a few without boreing you with more , I am sure your minds have just flashed across many,not written here.

Having attended (some) many meetings on this project during its move-ment of years. This time element gives me many perspectives that are left out of the EIR papers on this project. I will comment what I feel have been ignored/overlooked, disreguarded, and for what ever reason not exposed for PUBLIC REVIEW. I subject any EIR for OTAY RANCH to this review. As of now I FIND THIS EIR INADEQUATE, under CEQA. A comment that is considered "FEASIBLE" (21061.1.,CEQA) is my reason to futher comment. This section of CEQA. goes on to state; "MEANS , Capable of being accomplished in a sucessful manner within a reasonable period of time, TAKING INTO ACCOUNT, ECONOMIC, ENVIRONMENTAL, SOCIAL, AND TECHNOLOGICAL FACTORS".

I make known that other RESPONSIBLE AGENCIES have not responded to this project in a manner that could bring some good logics to the PUBLIC REVIEWING this project (document). Examples of these concerns are; water, potable-landscaping-reuse/reclaimation ; Flooding,urban-ization,pollutions (sole source) ; Watershed, polluting by urbanization pesticides,degradeation by chemicals oils , this is a natural resources that is not though of in this project discussions up to now. Protection of a watershed falls under the broad concept of watershed management. WATERSHED MANAGEMENT IS THE PROTECTION,CONSERVATION, AND THE WISE USE OF THE NATURAL RESOURCES WITH IN A DRAINAGE BASIN aimed at keeping the soil mantle in place and making water available in a manner which best serves human requirements. while watershed managers must be concerned with activities in a drainage basin . It is quite evident that the planners of this project and the EIR,skiped right on by this important aspect BEST MANAGEMENT PRACTICES understood by Engineers and PROFESSIONAL PEOPLE, or at least should be ,to have a well meaning EIR PROCESS. At this point in my remarks I cite again CEQA. Act, under Chapter 3. Guidelines , ARTICAL 2. General Responsibilities 15020, this section states that clearly; " The lead Agency shall not knowingly release a

It is noted now: That a FLAW is evident in allowing Chula Vista, City,California to be the LEAD AGENCY. I cite here CEQA. "Statutes",Chapter 2.5 DEFINITIONS "ENVIRONMENT" 21060.5. - It is said " this is a project beyond the confinds of the City of CHULA VISTA ,CALIFORNIA, It is REGIONAL, AND should be the concerns of San Diego County".

CITY OF CHULA VISTA
276 Fourth Avenue
Chula Vista, CA 91910
OTAY RANCH GENERAL PLAN
GPA 90-04 (County of San Diego)
MEETING: John Planning
EXHIBIT #

COUNTY OF SAN DIEGO
5201 Ruffin Road
San Diego, CA 92123

I-26-1

deficient document hoping that the public comments will correct defects in the document." I comment with another point that being the discussion . This section makes a point that an agency is responsible for its own compliance with CEQA. The word SHALL in CEQA. 15005,Terminology, is a mandatory ELEMENT , and public agencies are REQUIRED TO FOLLOW!!!.

I make it known that nothing other than the RIGHTS OF THE PUBLIC will be accepted now. (CEQA. Section 15151, Standards of Adequacy . and once again I quote CEQA, Section 15151;"The Courts Have looked not for perfection but for Adequacy , Completeness, and a GOOD FAITH EFFORT AT FULL DISCLOSURE". This I feel has not been the case so far in this EXPOSE. And why I comment in such an exacting way.

Artical 10. , 15141. Page limits , should usualy be 150 pages , complexed ones 300 pages (less). This pertains to size of DOCUMENTS of EIRs . I had requested one at a Joint Hearing of County,P/C. and C/V P/C. at public release time,still I have not received one, I have seen others of,in the hands of other people. (ITS LARGE)

Areas of unmitigable concerns are ;

Water use	Schools	Border Impacts
FloodControl	all Grades	Immigration
Watershed/Conservation	Police	Border Patrol
Air pollutions	Fire	Customs
Point Source	Highway Patrol	Roads
Pollutions/Runoff	Loss of Govt.	Transportation
Loss of wild life	Services	TRAINS
Habitat	Librarys	AIRLINES
Birds,animals,aquatic	Jails	FREIGHT
Flyway No. So. Flights	Courts	AUTO- RIGHTS
	Aging	
	Welfare	

Their is no Discussion that appears to DEVELOPERS AGREEMENTS. There is no infastructure in place TODAY 1992 that can support the 50,000 PLUS town so far described.

Other concerns are BORDER CROSSINGS in plans now (NAFTA) , In-flux of a population in an area that today suffers from ENVIRONMENTAL DAMAGES. To name a few; ROADS - TRAFFIC - TRANSPORTATION - AIR QUALITY - WATER -LACK OF RAIN - Economic Base, BUSINESS -PARKS/RECREATION - ETC. ETC. ETC. on and on. This impact can and will bring about a paramount loss to the ENVIRONS that appear on this area today.

BRIEF POINTS OF THE CONCERNS MENTIONED SO FAR.

WATER:

The area described in the discussions and EIR is NOW,a WATERSHED,it is used to supplement a rather large metropolitan city with water in an arid local setting. For this I see no viable way to mitigate and protect the public rights that are served by this right to maintain a WATERSHED. This watershed has been in existance for many numbers of years, it is used to collect,transfer,and store water that is in short supply in SAN DIEGO COUNTY REGION. For this reason it can not be left out of this PROJECT EIRs or Discussion. I Quote a saying that is part of a "Unique and Complex

(1)

I.26-2

Cont.
System of water rights". It should also be noted that WATER RIGHTS are PROPERTY RIGHTS,and as with all property, there are steps that need to be taken to protect that property, even if that property is, other persons properties.!!!, OUR WATER RIGHTS. It is stated here that this size project could infact have a damage type effect on this resource. The issue I am speaking of is ; The potential significant IMPACT to the Quality of the City of San Diego's UPPER AND LOWER OTAY RESERVOIRS. It also needs the TRANSMISSION System to function, and the loss of collectable water during times of runoff. The CUMULATIVE IMPACTS of PROPOSED, FUTURE development within this WATERSEED will be SIGNIFICANT. The potential loss of the rights to the water Quality is of the utmost importance in this project EIR and Discussions. (1)

FLOOD/CONTROL- HYDROLOGY/WATER QUALITY :
While these subject are different they have a corralation to the latter, water quality, and therefore can not be seperated for discussion here. A phrase known to some is "BEST MANAGEMENT PRACTICES" seems to fit,at this time. This project speaks nowhere about a first stage PROTECTION SYSTEM, or whether it the project is concerned about one. This is a MUST, and is called for. (2)

Air Pollution:
One of the major concerns now it seems is the need for automobile transportation and the need to get people out of their cars. Air pollution has grown in recent years . yet this project shows the need to expand in size , quantity, population, BULK and other word to describe best that this plan is above all good planning worth. its concept is wracked with just the thoughts that we the PUBLIC NEED JUST THIS SOUGHT OF THING. because the land is just there, and there is no water to farm so therefore just pave it over with a NEWTOWN that will hide the looks of this vast BACKCOUNTRY area. BRING MORE POLLUTION BY ALLOWING MORE FIREPLACES etc. etc. etc. (3)

Loss of WILDLIFE;
The Biodiversity of this vast area will be lost forever birds, animals,aquatic etc. will be displaced forever by this large developement. REMEMBER BIRDS ,ANIMALS DONT WRITE CONCERNS ABOUT E.I.R.S If they could what do you think they would say, I comment"Get out of here you are ruining my HABITAT". Open your minds and think about what is being said, by more than,this writer. (4)

CATCHALL:
This paragraph states it best , for the many things that have not been mentioned in this comment letter. Dont judge this EIR by just the comments here but on what is said by every one that has a right to what is there now. One must realize that every thing that is strained has a BREAKING POINT, and this has got to be about the END.

In summary of this COMMENTING LETTER :

A- The City of Chula Vista is Challanged as to their RIGHT to be the Lead Agency (section 15051, Findings (a2)-(c). It is also recognized that the City of Chula Vista Must consider the LIABILITY associated with others rights. All of this being prior to the Annexation Proceeding (LAFCO). Included in this citation is a section of CEQA that Shines on High15051 (b),also 15051 (1)

1. The Draft Program EIR contains a project-specific and cumulative discussion on water under Sections 3.9 and 3.13. It is acknowledged that additional description is needed on the water availability; therefore, the Final Program EIR has been supplemented to provide more text on this issues. With respect to water quality, a reservoir protection system has been conceptually proposed to prohibit the degradation of surface water quality in Upper and Lower Otay Lakes. The City of San Diego is responsible for the management of this resource (due to ownership obligations) and will review the more detailed reservoir protection system once development is proposed upstream (i.e., in the watershed) of the lakes.

2. Comment noted. The Environmental Health Coalition letter contains an extensive list of Best Management Practices pertaining to surface water quality. The mitigation in Section 3.9 has incorporated some of the suggested measures for implementation in subsequent development plans. Refer to the responses to the Environmental Health Coalition letter.

3. The Draft Program EIR recommended additional design measures that could further minimize air emissions attributed to Otay Ranch. Despite these measures, the project would contribute pollutants to a region that currently exceeds adopted air quality standards. Therefore, the EIR concludes that significant unmitigated impacts would occur.

4. Comment noted. Refer to responses to letters from the U.S. Fish and Wildlife Service and California Department of Fish and Game who are responsible for protecting biological resources.

* It is with clarity that there is a possiable DISPUTE in the LEAD AGENCY at this time (for the public rights) A filing with the Office might be in order to best serve the REGION population that exist today . I ask , Should an agency be the LEAD AGENCY that has no jurisdiction on Groundwater,Watershed, Roads, Regional Traffic, Water, Air Quality,Police that is not in there jurisdiction NOW, this is Highway Patrol,Sheriff, Border Patrol,District Attorney, Health Services to name a few?This project Otay ranch could change your total population fron 138,000 (1992) to over double that figure with the new town plan of 149,810 (and this is an approximate number). A number just received from San Dag (just got off the Phone) January 1992. The number of Chula Vista is From the office of the City Manager just minutes ago . SanDags # is 141,778 the differance is 3,778 these # change while we type;(lookout).

For these reasons I can not accept this DRAFT EIR AS ACCEPTABLE, it lacks Substantial Facts, is Incomplete in knowledge, it appears to serve a special intrest group and for that reason is why some of the information has been left out.waiting for the public to call, mentioned on page 1 last sentenance. (CEQA 15020) This Project does not meet the criteria listed in section 15022 PUBLIC AGENCIES IMPLEMENTING PROCEDURES. Number (a)(6) of that section is challanged also.

* I at this time ask formally for all papers that transpire with the movement of this project By The City of CHULA VISTA. In the past I have not received the DEIR. But thats OK its now in writing here. If this letter is to intricate to understand, please inform the writer and we can go over it to better understand the LAWS THAT I FEEL ARE NECESSARY TO COMPLY WITH.

Finally this says it all Chapter 1. Policy ,Section 21000. of the STATUTES --- " that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached"--- this SUBSECTION (d).

respectfully,
Eugene J. Sprofera
TITLE: Legislative Analyst #580, Registered at San Diego County, CA.

Eugene J. Sprofera

3311Fairway Drive
LaMESA , CA. 91941

NOTE: This Letter Does Not Exempt the COUNTY of SAN DIEGO FROM ITS OBLIGATIONS In THE PROCESSING OF THIS PROJECT, OTAY RANCH

PLEASE INCLUDE IN FULL IN PUBLIC RESPONSES. I await your DECISION AND WRITTEN RESPONSE. THANKS

C/C: CO.S.D. BOARD OF SUPERVISORS
City of San Diego, Mr. Milon Mills
San Diego County Water Authority, Lester Snow

P.5 Oct 7 92 at PC/PC Joint MEETING
An ADDENDUM letter will be presented on Oct 12 1992
joint meeting CH/VS PC & Council

October 19, 1992

Tony Lettlerl
Otay Ranch Project
315 4th Ave , Suite A
Chula Vista, CA 91910

Robert Fisher
701-11 East Shore Terrace
Chula Vista, CA 95616

Thank you for allowing me to give a statement I am a Zoologist from the University of California at Davis. I have given statements previously at two Planning Commision Hearings. I will address one issue specifically tonight. That is the United States Fish and Wildlife Service notice of petition finding in the Federal Register Volume 57 Number 193 pages 45761 through 45762. On January 29, 1992 the petition was officially recieved. This petition specified endangered species status for the Western Pond Turtle (*Clemmys marmorata pallida*) and California Red legged Frog (*Rana aurora draytonii*) in Southern California. These species are presently USFWS Catogory 1 species. The Federal Register states, and I quote "The service finds that the petition presents substantial information indicating that listing of the wetern pond turtle and the California red-legged frog may be warranted. This decision is based on scientific and commercial information contained in the petition and on information otherwise available to the Service at this time." (1)

There were no specific surveys completed for either of these species by a qualified herpetologist on the Otay Ranch Project area. In my estimation by looking at USGS Topographic maps of the Project area there are 28 waterbodies on site and another 27 adjacent to the site, close enough to be significantly impacted by this project. All of these ponds and the streams in the area must be surveyed for these species. I have enclosed a rough map with these ponds on it. The Draft EIR addresses these two species by stating, and I quote "There is low potential for their occurence in the small ponds on Otay Ranch." Where is the data to support that statement? Before this or any Draft Program EIR can be approved for the Otay Ranch Project area, baseline data must be presented for these two species as well as all other sensitive species on site and within the area of offsite impacts. (2)

Again thank you for allowing me to briefly review this massive document.

I.27-1

ROBERT N. FISHER
OCTOBER 19, 1992

1. Comment noted.

2. Refer to response number 9 in letter from Robert N. Fisher, 10/12/92.

like to be involved in the further review process, and I would like to give review on the specific and general studies when they are completed. Will you involve me in that process?

The Question of NCCP enrollment- Currently the Baldwin Co. (Otay Ranch) is enrolled in the NCCP for 23,000 acres total (Statement of Michael A. Mantell, Undersecretary for Resources, before California Fish and Game Commission, Bishop, California, June 19, 1992). As such there are 4 statements that they have agreed to (NCCP Enrollment Agreement) The second statement indicates that the land-owner must survey their enrollment land using specific guidelines set up by the Scientific Review Panel. I have not seen these surveys. Were they completed? If so then why were they not included? The third statement under c indicates that the land owner must provide the Program EIR for review by the NCCP, including mitigation measures, alternatives, etc. I have talked with Dr. Michael Gilpin, Professor, University of California, San Diego, of the Scientific Review Panel (SRP), and he indicated to me that he was entirely unaware of the Draft Program EIR for Otay Ranch. Was the SRP informed about this, and were they sent copies of the Draft EIR for review? The enrollment **clearly** indicates that this must be done. Was it? Where are their comments?

I.27-2

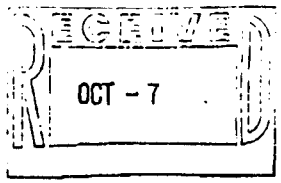
Thank you for you consideration. I again would like to add that this is by no means an exhaustive review of the Draft EIR, and that many of the issues that I bring up I would like to address further but basically my bottom line is this document cannot be approved **WITHOUT** adequate **BASELINE BIOLOGICAL DATA**, and the time to review that data.

Thank You.

Sincerely,

Robert N. Fisher
701-11 East Shore Terrace
Chula Vista, CA 91913

SAN MIGUEL MOUNTAIN
SWEETWATER RESERVOIR
PROCTOR VALLEY
CALLAHAN MOUNTAIN
MOTHER MIGUEL MOUNTAIN
UPPER OTAY LAKE
JAMUL MOUNTAIN
JAMUL CREEK
CEDAR CANYON
LITTLE CEDAR CANYON
SYCAMORE CANYON
HIKER SPRINGS
OTAY MOUNTAIN
LOWER OTAY LAKE
SAN YSIDRO FOOTHILLS
SAND MOUNTAINS
O'NEIL CANYON
RANCH HOUSE
SALT CREEK
TELEGRAPH CANYON
WOLF CANYON
OTAY RIVER VALLEY
JOHNSON CANYON
OTAY MESA
ROCK MOUNTAIN



October 7, 1992

TO: Chula Vista Planning Commission
San Diego County Planning Commission

FROM: Peter J. Watry, Jr.
81 Second Avenue
Chula Vista, CA. 91910

PETER WATRY
OCTOBER 7, 1992

I.28-1

SUBJECT: Comments on E.I.R. 90-01 for OTAY RANCH

1. Water availability to the Otay Ranch site
2. The new alignment for "TwinPort" runway
3. New scope and "mission" for Appropriate Technologies II

Water Availability to Otay Ranch

The Draft E.I.R. for Otay Ranch does not address the potential problem of water-availabiltiy to this large project. The Draft E.I.R. only discusses the "plumbing" of the project -- the size and number of pipes, storage tanks, and so forth that will be necessary. It does not discuss where the water is coming from to put into the pipes. To quote the letter from LAFCO concerning this E.I.R. dated September 10, 1992: "The EIR analysis is extremely deficient in its discussion of the long term availability of imported water. . . .The water section focuses much of the analysis on technical and engineering requirements for water delivery and storage, and ignores the broader regional policy and jurisdictional issues."

At least 90% or more of the developed portions of Otay Ranch will be in the Otay Water District (OWD). The OWD has some unique problems -- it is literally and figuratively at the end of the pipe in California. The Otay Water District has no sources of water of its own -- it is entirely dependent on the aquaduct sources of water, water piped in from northern California or from the Colorado River.

I.28-2

OWD is a member of the San Diego County Water Authority (CWA). Until 1989 all members of CWA had a "preferential entitlement" to so much of CWA's water. This entitlement was based on a formula using assessed valuations and so forth. If "push came to shove," in terms of water availability, then each member District of CWA was entitled to a certain share of the available water. The Otay Water District *always* used *more* than their "preferential entitlement." They could do this because other Districts, such as Sweetwater and San Diego, which had reservoirs and their own sources of water, always used *less* than their "preferential entitlements." In 1989 the CWA amended its Act to a very vague goal of: "so that the available suplies are allocated among its member agencies for the greatest public interest and benefit." Whatever that means in the future, it does not alter the historical fact that the Otay Water District always used more than their "preferential entitlement" under the old system.

(1)

The San Diego County Water Authority, in turn, is a member of the Metropolitan Water District of Southern California (MWD). In that system, too, each member District has a "preferential right" to so much of MWD's available water based on some formula. The San Diego County Water Authority has for a long time used more than its "preferential right" of water in the MWD. That has been possible because the City of Los Angeles has always used less than its "prerefential right" because Los Angeles has its own aquaduct source of water from the Owens Valley. However, in recent years several court decisions have been going against Los Angeles and so they are now taking less water from Owens Valley and more from the MWD. Currently, the San Diego Country Water Authority has a "preferential right" to 12.2% of MWD water but is using 24.8% of MWD's water. So far the MWD has never invoked preferential rights as a basis for ·ailment of water deliveries.

' further "dark cloud" on Otay Water District's horizon is the fact that for the last the MWD has been using huge amounts of water from the Colorado River ·o Arizona. Back in the 1920s, when the original agreement was drawn up ·stern states were going to share the Colorado River's water, California ·ssions and reserved a very large share for itself. In the 1950s, the ·d and in 1964 the Supreme Court ruled in Arizona's favor and as of

1985, Arizona was entitled to about half of California's existing share. Since 1985, Arizona has been taking a larger and larger share of their new entitlement, but the MWD has been allowed to use the "Arizona share" that they were not using.

Attached is a letter from MWD dated September 10, 1992. It states that Arizona is now taking 66% of their entitlement, and by 1996 they expect to be taking 100% of their entitlement. California has been allowed to use the Arizona share that they were not taking in the years since 1985. In terms of quantities, Arizona is entitled to 2.8 million acre-feet, and they are now taking water at the rate of 1.86 million acre-feet. That means they have .94 million (940,000) acre-feet of additional water yet to take.

940,000 acre-feet is the equivalent of about 30 Otay Lakes Reservoirs full of water. That is how much water MWD will be losing annually after the next four years or so compared to what they are receving now.

(1) These potential problems seem so monumental for Otay Water District, and therefore for the Otay Ranch project, that of course the E.I.R. should address them.

The Otay Ranch "Issue Paper - Water Availability" dated October 17, 1990, at least addressed the subject of water availability -- even if it was a wierd observation. The Issue Paper pointed out that the Otay Ranch plan would use 4% of the San Diego County Water Authority's current water allocations. But not to worry! If San Diego grows as expected, it would use only 3%. Perhaps if San Diego grows much more than expected, Otay Ranch will only use 2% -- problem solved away to a level of insignificance, apparently!

The key question that the E.I.R. should answer is:

If (when) "push comes to shove," how will the Otay Water District be treated? Will all the other Districts in CWA have to cut down so that OWD can have an equal share? Do Districts like Sweetwater and San Diego have to forego their aquaduct water because they have water sources of their own? Or will just the other customers in OWD have to bear the burden of OWD's shortage?

LAFCO listed ***seven questions*** in their letter of September 10 (page 7) that should be answered *now*. I agree and second the motion -- all seven questions are key questions to be answered on behalf of the citizens of San Diego County who may have to bear the burden of the development of Otay Ranch.

(2) I also agree with LAFCO when they state: "The EIR proposes to address the issue of water availability at the SPA level. However, LAFCO staff believes that the programmatic structure of this process demands that policy and regional issues be addressed at the first level of analysis. The proper time to provide a complete analysis of regional water limitations is in this initial programmatic document, not at a project specific level of assessment."

The "environmental impact" of future water scarcities is perhaps the most important impact that will accrue to the future residents of Otay Ranch -- the E.I.R. should not be allowed to just ignore it.

1. The text has been expanded to include a comprehensive discussion of regional water supply. Please refer to Section 3.13.1.1 of the Final Program EIR. Development of the Otay Ranch Project would not have an effect on the allocation of water to other CWA agencies. The completion of CWA pipeline 4E11, which will more than double the water service capacity to the South County area, is expected to solve the OWD's existing water delivery problem.

2. With respect to the seven questions outlined inthe LAFCO letter, please refer to response to comments prepared for that letter. It has been determined that OWD is the preferred water distribution provider for the proposed project; this is stated in Section 3.13.1.2 of the Final Program EIR. Further environmental review of this issue will still be required prior to approval of the first SPA Plan.

MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Office of the General Manager

Peter J. Watry Jr.
81 Second Avenue
Chula Vista, CA 91910

September 10, 1992

I.28-4

Mr. Watry Jr.:

Thank you for your comments regarding our publication, and in your continued interest in California's water issues.

I believe I have the answers to your questions. During the past 12 months ending June 30, Arizona has used 1.85 million acre-feet of it 2.8 million acre-foot entitlement of Colorado River water. This amounts to 66 percent. For the past calendar year, the Central Arizona Project took deliveries on 1.86 million acre-feet.

The CAP is expected to increase deliveries to 2.5 million acre-feet in 1993; 2.56 million acre-feet in 1994; 2.76 million acre-feet in 1995; and 2.8 million acre-feet in 1996. This represents the state's full entitlement of Colorado River water.

Should you have additional questions, please feel free to let us know. Thank you for your interest in water issues.

Sincerely,

Joseph Pomento
Senior Public Affairs Representative

International Airport on Otay Mesa

The E.I.R. on page 3.12-7 states: "The TwinPort concept is undergoing detailed feasibility analysis and is not a certainty at this time; noise contours for the airport are not available." In fact, some recent events have made this statement obsolete. Some basic decisions have now been made and approximate noise contours are available.

Sometime ago the San Diego City Council sponsored a study by themselves and the FAA into the feasibility of an international airport on Otay Mesa, adjacent to the border and parallel to Rodriquez Field in Tijuana. The popular name for this is "TwinPorts." Phase IA of the Study has been completed, and Phase IB was approved and funded by the S. D. City Council on September 14, 1992.

The conclusion of Phase IA is very important to the Otay Ranch E.I.R.: "The results of this analysis indicate that a 12,000 ft. runway oriented on a *110/290 degree magnenc heading* is feasible from an obstruction (TERPS) standpoint. There is a potential for CAT III ILS approaches in east to west traffic flows and it may be possible to develop a runway on the Mexican side that will compliment the U.S. runway." In other words, the mountains to the east precluded a runway parallel to Rodriquez if they wanted Category III instrument-landing capabilities. A runway on a 110/290 degree magnetic heading is the ONLY runway now being studied in Phase IB.

The Rodriquez Field runway is approximately on a 90/270 degree magnetic heading. So this means that the runway alignment has been turned about 20° to the north-west. In its present location near the border, that would mean that the approaches to Rodriquez Field and to the American field would *crisscross* if the American runway were placed right next to the border.

I.28-5

(3) The only drawing I have to indicate what all this might look like is the one attached that comes from page 45 of the "San Diego Air Carrier Airport Site Selection Study" published in December 1989 by SANDAG. This Study studied five configurations in San Diego County in some detail, two of which were on Otay Mesa. The one called "Otay Mesa Alternative A" is the one attached. I recently asked Jack Koeper of SANDAG what heading was assumed of the main 12,000 foot runway shown. Mr. Koeper replied emphatically that no heading was assumed -- that those drawings for just drawn to be representative of what a north-west, south-east runway might look like.

However, there are two known reference points on the map. The U.S.-Mexico border has approximately a 265 degree magnetic heading, and Rodriquez Field has approximately a 270 degree magnetic heading. Using a simple protractor, the 12,000 foot main runway can be seen to have about a 290-295 degree magnetic heading. So Otay Mesa Alternative A is as good a representation that I have as to the only runway now being studied in Phase IB of the San Diego-FAA study.

The second map attached is from page 96 of that same 1989 SANDAG study, and it shows the potential noise contours of Otay Mesa Alternative A runways. As can be seen, the 60 CNEL noise countour reaches almost to Telegraph Canyon Road to the north and covers a significant portion of the western parcel of Otay Ranch.

Since the bulk of the potential development of Otay Ranch is planned for the western parcel, a "TwinPort" runway on a 290 degree magnetic heading can be seen to present very serious environmental impacts to the planning of Otay Ranch. The E.I.R. for Otay Ranch must evalutate these impacts.

How would the noise contours of a 290 degree magnetic heading runway on Otay Mesa affect the design of Otay Ranch? Would industrial development be substituted for residential develop in the impacted zones? Would the street design or trolley route be affected?

3. Comment noted. Based on a recent conversation with Peter Soderquist, City of San Diego Airports Director, the noise contours that have been prepared for an international airport along the United States and Mexico border are considered to be preliminary. No decision has been made regarding runway location, orientation or heading. Due to the preliminary nature of the available information, Otay Ranch GDP/SRP design considerations have not taken into account an international airport. Should the airport issue become finalized in the future, appropriate consideration of the noise and land use issues will be accounted for during the SPA Plan development.

FIGURE 5
OTAY MESA SITE SKETCH
ALTERNATIVE A

45

FIGURE 23
OTAY MESA
ALTERNATIVE A
NOISE CONTOURS

Airport noise contours shown on this sketch are
altered and preliminary and are subject to revision
in subsequent master planning studies.

Map not to scale

Appropriate Technologies II

The E.I.R. on page 3.14-1 only mentions Appropriate Technologies II. In fact, recent developments have significantly changed the "mission" and scope of this firm's business and these new facts will impact Otay Ranch.

In the early 1980s the firm now known as Appropriate Technologies II (AppTech II)was established near the landfill site on Maxwell Road to the north of Otay Valley Road. It was to handle toxic and hazardous materials and the original intent was "that the facility was to be used for storage only and for materials generated solely within San Diego County."

As time went by, however, AppTech II began *treating* toxic and hazardous materials even though they did not have a permit to do so. Their lease was on County land, and there was some effort to get them to find another site. But by 1990 they had not found another site and the County renewed their lease. Along with that, AppTech II applied to the State of California and to the United States government for permission to treat toxic and hazardous wastes.

In May 1992, the E.P.A.s of both the State of California and the United States granted them a Permit. The Permit says in part: "The facility is an off-site hazardous waste storage and treatment facility which receives both bulk and containerized wastes. . . . The facility generally accepts all liquid and solid hazardous wastes except TSCA-regulated PCBs, explosives, radioactive materials, and infectious wastes." And they can now receive toxic and hazardous wastes from all of California, other western states, and Mexico.

The following list from the Permit indicates the general categories and amounts of hazardous wastes that AppTech II can accept and treat annually:

Waste	Annual Quantity
Acids	45,000 Tons
Caustics	45,000 Tons
Cyanide	45,000 Tons
Solvents	45,000 Tons
Hydrogen Chloride Gas	1,200 Cubic Feet
Aspestos	45,000 Tons
Hydrocarbon-Contaminated Soils	45,000 Tons
Paints	10 million Gallons

In the last several years, they have had at least two accidents that involved the hazardous release of lethal chlorine gas and fumes. An E.P.A. report noted that "AppTech II has a history of recurrent drum labeling violations." Twice in the last few years "large amounts of hazardous chemicals were stolen from the facility." It is noted that there are only two other facilities in the state of California that treat cyanide wastes -- one in Kings County in northern California and one in Imperial County.

This facility is located just west of the western parcel of Otay Ranch. The principal development of Otay Ranch will be downwind of the facility. And the most obvious route to truck in wastes from almost all locations except Mexico will be to come down SR 125 and then take Otay Valley Road to the facility -- right through the middle of Otay Ranch.

I.28-8

4. The transport of hazardous waste on State Route 125 and thus through Otay Ranch to access the industrial areas both on Otay Ranch itself as well as offsite in other parts of Otay Mesa and eastern Chula Vista will be subject to existing local, state and federal laws regarding the transport of hazardous materials. In addition, the EIR on State Route 125 will have to address this issue. The Final Program EIR on Otay Ranch has, however, been revised in Section 3.1.4.3, Mitigation Measure.

The need for emergency evacuation routes and other emergency facilities shall be determined at the SPA level based not only on the presence of offsite industrial

The approval of this new facility for treating toxic and hazardous wastes is very important to the Otay Ranch E.I.R., and the E.I.R. should discuss the environmental impacts from the operation of this facility and of the accidents that will occur from time to time from this operation. Such impacts will probably also affect the design of the western parcel of Otay Ranch and of SR 125 to combat and neutralize the spills that are bound to occur.

(4)

How does the presence of this toxic and hazardous material treatment facility affect the design of the western parcel of Otay Ranch? How will it affect the design of SR 125? Will emergency evacuation routes need to be designed? Will additional emergency facilities be required?

OCT

Thomas A. Davis
1657 Gotham Street
Chula Vista, CA 91913

October 5, 1992

Otay Ranch Project Office
315 Fourth Avenue, Suite A
Chula Vista, CA 91910

Re: Draft Environmental Impact Report, Otay Ranch, July 1992.

To Whom it May Concern:

As an interested citizen and resident of the City of Chula Vista, I wish to submit comments on the Draft environmental Impact Report (DEIR) for the Otay Ranch project.

General

I.29-1

(1) Comment #1. The DEIR offers no balanced treatment of the project as it relates to the social and economic impact it will have on the entire city of Chula Vista. In addition,

(2) the principle assumption of the DEIR is that the project will be approved, in the main, by the governmental entities that have jurisdiction over the area proposed for development, and that rejection of the project for any reason was not considered. The elimination of the option to reject the project represents a major fault in the DEIR, primarily because no proof is offered that there is an adequate supply of water available to support the project's requirements. There is also a strong inference in the DEIR that a majority of the citizens of Chula Vista support the project, and that they have participated in the development of the DEIR document. The participation, in fact, was only by by a small number of hand-picked individuals that have never examined the overall project, and were given no authority to do anything more that make "suggestions" (this participation only "rubber stamped" the developers proposals). Under no circumstances does this token participation represent the views of the majority of city's residents.

(3) Comment #2. Is not proven that the project will provide long-term benefits for the social wellbeing of the city. There is no reasoned argument presented that describes the effects, and benefits, of increasing the population density to the levels suggested by the DEIR, or any of the so called alternative plans. There are unmitigatible and irreversible effects described in areas such as land use, land form

THOMAS DAVIS
OCTOBER 5, 1992

1. The purpose of the Draft Program EIR was to evaluate the project with respect to the environmental implications of adopting the GDP/SRP. Social and economic impacts of the project are presented in the Statement of Overriding Considerations that will be considered along with project approval.

2. The Draft Program EIR considered the No Project Alternative, in accordance with CEQA §15126(d), as an alternative to adopting the New Town Plan or any of the other project alternatives. For the purposes of the Draft Program EIR, the No Project Alternative assumed that no development would occur on the ranch and that all existing activities, e.g., agriculture, would continue. It is the local decision-makers', City Council and Board of Supervisors, responsibility to determine which project alternative is selected for adoption; however, the Final Program EIR provides information on the environmental impacts of not adopting the project or approving any alternative within the range of alterantives presented in the report. The issue of water availability has been addressed as a text change in Section 3.13 of the Final Program EIR.

This comment does not reference any text or figures that would indicate that the EIR is biased in favor of the project. The report was prepared under direct contract to the City with each draft reviewed by City and County staff for adequacy and completeness. The project applicant was not capable of incorporating biased text without their knowledge.

alteration, biology, cultural resources, agricultural resources, air quality, and noise that will forever have a negative effect on the city and the region. In smaller projects, the social and cultural impacts might be somewhat less difficult to identify and assess. In the proposed project, the negative impact on such frangible features cannot be dismissed simply as "unavoidable", and the project allowed to proceed. The DEIR is basically flawed in not adequately dealing with provisions for social and environmental protection for the City ot Chula Vista and the region. (3)

Specific comments

Land Use, Planning and Zoning - Section 3.1, and all alternative plans. The DEIR indicates that there are inconsistencies between the proposed plan and the land use policies and zoning of the General Plans of the City of Chula Vista and San Diego County, the County's Subregional Plan and Regional Land Use element. The proposed mitigation is to change these plans to suit the proposed plan. There is no argument or proof given that supports or explains the reasons for changing the existing plans, other that the change will make the project possible. (4)

The project developer is not a simple land owner trying to make the best possible use of his historical land holdings. The project developer is engaged in land speculation on a gigantic scale. All citizens and residents of the region will be significantly and forever affected by this proposed project. In order that the citizens and voters of the city and county acknowledge the potential impact of this proposed project, a change in the city or regional planning documents should be allowed only after a majority of the citizens approve a change in these documents through the ballot process.

Landform Alteration/Aesthetics - Section 3.2, and all alternative plans. The singular argument presented to justify changing or destroying, forever, landforms, uplands, wetlands, vernal pool habitats, and a long list of wildlife and plants, is that it is the inevitable result of proceeding with the project. The DEIR is basically flawed in that there are no arguments presented, or developed, for a "no project" decision to prevent the unmitigable impacts from occurring at all. One of the basic purposes of the EIR process is to provide the various decision-making bodies (Planning Commissions of the City of Chula Vista and the County, Chula Vista City Council and the San Diego Board of Supervisors) with all of the available data that effects the impact of the project on the population and the environment. (5)

3. Comment noted. Refer to response number 1 in this letter. It should be recognized that urban development could occur on the Otay Ranch under the existing General Plans without approval of any of the proposals evaluated in the Final Program EIR. However, in order to reduce, eliminate, or avoid the environmental effects of the Otay Ranch development, the Final Program EIR contains mitigation measures that, when implemented, could avoid the anticipated impacts of the project in the future. All efforts to minimize the project effects on natural resources will be made during the SPA planning phase. Regardless of which project within the range of alternatives is adopted, unavoidable effects would occur.

4. The proposed General Plan Amendments (GPAs) would bring the project into consistency with the City and County plans. However, the GPAs must be consistent with the overall goals of those jurisdictions. The environmental impacts of adopting new land use plans, roadway classifications and resources policies have been evaluated in the Draft Program EIR. If the Otay Ranch GPAs would result in significant environmental or policy impacts, mitigation measures have been proposed to mitigate the effects. In the case where measures would only partially mitigate an impact and significant effects would still occur, the decision-makers must balance the environmental effects of the proposed GPAs with the social and economic benefits during the approval of the project. For example, under the land use analysis of the New Town Plan (Section 3.1 of the Draft Program EIR), a significant land use policy impact was identified in Proctor Valley where the proposed land use plan would be inconsistent with the Jamul Country Town policies of the County established to maintain the rural atmosphere. Despite mitigation involving buffering and transitional treatments, the impact would remain significant.

5. Comment noted. Refer to response numbers 1 through 3 in this letter.

Since only the views and information that are favorable to (5) the proposed project developer are contained in the DEIR, data for decision makers is automatically and fatally biased and skewed, compromising the value of the DEIR.

Transportation Circulation and Access. - Section 3.10, and all alternative plans. In any form, the key transportation link that is essential to the success of the project is for the construction of SR 125 as a roadway of between ten and twelve lanes, and multiple interchanges (5). No existing plan or funding exists for construction of SR 125 that will accommodate the assumptions made in the DEIR. The California State transportation budget projections contains no construction funds for this route out to and beyond the year (6) 2015. There is no indication that even if a major alteration in the allocation of highway funds did come about, that the requirements described in the DEIR would be funded by the state. The only other known option for construction of SR 125 involves a private company that proposes to build a toll road on the SR 125 right-of-way. The tentative plans disclosed to the public describing the configuration of the proposed toll road indicate that it would provide no where near the required capacity or access necessary to support the proposed project. In addition, the DEIR fails to adequately explain how, or when, extensions of SR 125, beyond the immediate area of the project, would be phased or funded so that the anticipated flow of traffic could reach distant destinations.

As described in the DEIR, all surface streets that currently exist in the areas of Chula Vista (East H Street, Telegraph Canyon Road, Otay Lakes Road, Bonita Road, East Orange Avenue, Naples, Palomar, and Main Street, and others) adjoining the proposed project must be widened by at least one lane in each direction. The effect widening these roads and streets, and the cost of acquiring additional (7) rights-of-way have not been identified or developed. For example: All of the existing roads and streets have curbs, landscaping, drainage sewers, sidewalks, street lighting and traffic signals that would be disrupted by the expanded road and street requirements of the proposed project. The cost of this work is not adequately developed in the DEIR, a critical consideration that may make the proposed project prohibitively expensive for the developer or the taxpayers. Additionally, the colossal visual and noise impacts of four, six and eight lane surface roads on residential areas through which these roads and streets pass, is ignored. The widening (8) of Otay Lakes Road is representative of this adverse impact. Southwestern College would be required to give up 30 feet of frontage over the entire length of their property on Otay Lakes Road, essentially destroying the appearance of the

6. The Draft Program EIR traffic studies contemplate buildout of the Southbay subregion on a timetable of more than 50 years in the future. The studies recognize that SR-125 is an essential component of a complete transportation system within the Southbay subregion. However, approval of the alignment and construction timetable for SR-125 rests within the powers of the State; thus, they are not discretionary acts contemplated by the Draft EIR. The Draft EIR recognizes that funding the facility is currently an issue that may be resolved in one of several different methods. Under some of these scenarios, the facility may be privately funded as a toll road or through developer fees. For the purposes of the program level Draft EIR, it is sufficient to identify the potential impacts of not providing a freeway in the corridor and to recommend mitigation in the form of requiring that development of the Ranch be phased in such a fashion that such development not create unacceptable levels of congestion on the surface road system. Thus, future SPA EIRs could not assume SR-125 to be in existence until such a facility could be assured.

7. The Otay Ranch project will be responsible for funding its "fair share" of the roadway improvements necessary to achieve acceptable levels of service (refer to EIR Appendix B). Other new projects in the area would also contribute, as appropriate. Currently, the City of Chula Vista has a mechanism in place to identify system needs and collect sufficient funds from developers in Eastern Chula Vista to complete roadway improvement projects identified in the adopted Circulation Element of the General Plan. This mechanism referred to as the Transportation Phasing Plan (TPP) update and the Development Impact Fee (DIF) program would be expected to include all additional Circulation Element facilities associated with the approval of the Otay Ranch project. The cost and construction requirements of widening certain roadways would be considered at the SPA Plan level.

8. The potential visual and noise effects anticipated under the proposed offsite roadway widenings are discussed on a constraints level in Table 3.10-9 in the Draft Program EIR. The Otay Lakes Road expansion would only add a 12-foot wide travel lane along the frontage of Southwestern College.

College entrance. Similarly, a large portion of the lawns at Bonita Vista High School and Bonita Vista Junior High School would be lost. The impact on the residents of homes along Otay Lakes Road, and other streets similarly affected, would be unacceptable.

(8)

Air Quality/Noise - Sections 3.11 and 3.12 and all alternative plans. The DEIR makes voluminous reference to a long list of city, county, state, and federal air quality and noise regulations, ordinances, standards and levels. In many places the DEIR, the specific regulation that this proposed project would violate (e.g. excessive emissions from automobiles, state and federal air quality standards, and standard maximum decibel levels) is identified, but the presumption is that the regulations, ordnances and standards will be ignored - completely. The official abrogation of responsibility to protect air quality and noise standards for the citizens is not explained in the DEIR. A straight forward statement of the reasons for ignoring city, state and federal regulations and ordinances in the areas of air quality and noise standards should be drawn up and signed by public officials responsible for approving this proposed project before further action is undertaken.

(9)

Public Services and Utilities - Section 3.14 and all alternative plans.

Water Availability and Supply. The primary retail water supplier for the proposed project is the Otay Water District. The Otay Water District has no control over the sources of water supply to this region, or the system that delivers water to the region from the distant sources. The district merely distributes water to local commercial, public and residential users. Water availability, therefore, is directly limited to the quantity that can be delivered by the water wholesalers. The County Water Authority, the local regional water wholesaler, delivers water through one large diameter pipeline (five pipelines supply San Diego County with water, but only one of these supplies the area of the proposed project. A second pipeline is under construction for the south bay region, but this is to supply only untreated water to water districts that have storage and treatment facilities, which Otay Water District does not have. The second pipeline will have no effect on the total water supply to the proposed project).

(10)

The major water distributor for the state, south of the Los Angeles basin, is the Metropolitan Water District of Los Angeles. The Metropolitan Water District has three principal sources of water: the Owens Valley, the Colorado River and the California State Water Project - and all water from these sources have rigid allocations assigned. Because of

9. The Draft Program EIR does not presume that the air quality and noise regulations would be ignored. Every project must abide by the adopted agency regulations in place at the time the project is approved. In fact, the regulations referenced in the comment were used as significance criteria in the EIR impact analysis. Thus, if Otay Ranch would violate any of the regulations, a significant impact was identified in the Draft Program EIR.

10. The Final Program EIR has been expanded to include a discussion of State and regional water supply. The discussion includes the problem with future water reliability, the existing drought conditions, and solutions being actively pursued by the MWD, CWA, and local jurisdictions. The MWD is currently trying to increase its available water supply through a variety of projects outlined in its Regional Urban Water Management Plan for the Metropolitan Water District of Southern California (1990). As stated in the Final Program EIR (Section 3.13.1.2),. OWD has adequate capacity to serve existing needs and is planning to serve the portions of the project that fall within its jurisdiction. With improvements to the MWD and CWA system, OWD would be able to fulfill its Water Service Master Plan (draft 1992) and serve Otay Ranch through the year 2030. The mitigation measures outlined in the EIR would mitigate impacts identified at a programmatic level of analysis to below a level of significance. Additional and more specific mitigation measures with respect to this issue will be developed during the Sphere of Influence study and at the Spa Plan level prior to any development occurring on Otay Ranch.

riparian control of water sources recognized in this state, and the system of water distribution through pipelines and aqueducts controlled by independent water agencies, the amount of water available to the Otay Water District is finite, and less that the requirements of the proposed project by a significant quantity (the District, for example, is already required by the County Water Authority to reduce water consumption by ten percent from the base year 1989). No significant additional sources of supply or delivery systems is anticipated in the foreseeable future.

The limits on the regional water supply are well known to the City of Chula Vista (who turned off the once landmark fountain in front of city hall to "save" water) and the Inter Agency Task Force (who has offices in a building where an ornamental fountain was also turned off to "save" water). The developer of the proposed project, contrarily, seems unaware of the existance or extent of the situation. Despite the known limitations of the water supply, the wording of the DEIR considers that if the developer of the proposed project simply drafts a "Water Master Plan", the "impacts" of the water requirements of the proposed project will be reduced below the "level of significance".

There is no realistic option or recourse that will produce more water to support the requirements of this proposed project. To think that a paper Water Master Plan will accomplish this feat is the purest fantasy. The County of San Diego, the City of Chula Vista, and the Inter Agency Task Force are responsible for the critical issue of the water requirements for the proposed project, not the Otay Water District. The shortfall in water availability is already known, and no plan for local water storage or new distribution systems within the area of the proposed project will alter the lack of an identified source of water. Therefore, The DEIR is basically flawed in not identifying the critical and controlling effect that the lack of an adequate water supply will have on the proposed project.

Waste Water and Sewer Service. Chula Vista has the only excess sewerage capacity in the San Diego Metropolitan Sewer District. This excess capacity will not, however, cover the additional flow generated by the proposed project. It appears that the DEIR fails to define the true waste water disposal requirements of the proposed project.

Integrated Waste Management. The south bay land fill in Otay Valley will reach permit limits by about the end of this century (eight years), or earlier if other residential and commercial development projects the City of Chula Vista and the City of San Diego intend to go forward with on Otay Mesa. New land fill sites are extremely difficult to get approved, and no new regional sites seem likely to be opened before the regional land fill reaches capacity. It is,

I29-5

The preparation of a water Master Plan is required to ensure an adequate supply of water and infrastructure prior to the development of the first and all subsequent SPAs within Otay Ranch. The Draft Program EIR acknowledges the water availability problem and states "there is no guarantee that an adequate water supply will be available in the future within southern California..." (refer to Section 3.13.1.1 of the Final Program EIR).

11. Otay Ranch total sewage generation ranges from 16.8 mgd to 44 mgd for average daily flows depending on the alternative. As stated in Section 3.13.2.3 of the Draft Program EIR, impacts can only be mitigated to below a level of significance if adequate sewer service, including wastewater collection, transmission, and treatment facilities are provided. This is true for all of the alternatives analyzed in the EIR.

12. Please refer to response to comment number 1 from the County of San Diego Department of Public Works dated September 15, 1992.

(12) therefore, unlikely that the waste generated by the proposed project can be met, indicating that the DEIR inaccurately deals with waste disposal.

Police and Fire Protection. The DEIR does not consider the out-year personnel costs of providing police and fire protection for the area of the proposed project. The cumulative impact of forever paying the personnel costs of the (13) increased number of police and firemen will have an impact on the city's tax rates. The additional annual personal costs will amount to millions of dollars that will have to be supported by the general fund. Overlooking the significant fiscal impact of out-year personnel costs represents a major flaw in the DEIR.

Parks, Recreation, and Open Space. The DEIR presents an unclear picture as to whether areas listed as parks will be public or private. The distinction must be made since it will have an impact on future applications for compensating increases in density by the developer. It also appears that a proposed golf course site is considered a "park", an unacceptable condition. The DEIR seems not to mention how (14) the proposed project will affect the Lower Otay Lakes County Park. While this park is currently not open, there seems to be evidence that there are plans to keep this park in operation in the future. The DEIR does not make clear how this park, and other existing park and recreation areas around the Lower Otay Lakes reservoir will be effected by the proposed project, other than the air park which will be bought, destroyed and turned into profit-making land by the developer.

Electricity and Gas. During the years 1969 through 1973 there was a world-wide energy crisis. The extent reached by this energy crisis led to the City of Chula Vista and Cal-Trans turning out a portion of freeway and street lights to "save" energy. Other measures were instituted at all levels of government that affected every member of the population in order to save energy - turning down household thermostats in winter and setting air conditioning settings up in the summer were products of this campaign. It is amazing that now there seems to be no concern about the availability of (15) adequate energy sources at all, and that doubling or tripling the potential electric and natural gas requirements of Chula Vista as a result of this proposed project, is no problem. It is appropriate that the true energy situation be determined before too much faith is placed in the ability of SDG&E and the western power grid to reliably supply electricity to the region for the next fifty or seventy five years.

This is well into the time-frame in which fossil fuel resources are predicted to be exhausted. Since there have beer ɔ nuclear power plants completed in the western United

13. The Otay Ranch project will be required to mitigate impacts to police and fire protection in accordance with the adopted requirements of the appropriate jurisdiction(s). At buildout, there will be a net positive impact that will provide for police/fire and other governmental services. Prior to buildout, a reserve fund program will be established to correct any fiscal deficiencies and maintain these services.

14. The project applicant will be required to provide regional, local, and community parks in accordance with the adopted standards of the appropriate jurisdiction(s). Any parks necessary to meet the parkland standards of each jurisdiction are required to be dedicated and accessible to the public.

15. SDG&E has stated that the Otay Ranch development will be accommodated; please refer to Section 3.13.10.2 of the Draft Program EIR.

States in over fifteen years, no new plants are even in the planning stages (to say nothing of the permitting process), and new coal-fired plants are equally unlikely to be added (15) to the power grid, the predicted decline in oil reserves seem certain to reduce the availability of electric power to Southern California. If this supposition is accurate, the proposed project will accelerate and directly contribute to the social and economic decline of the region, and result in untold hardship on the population.

The DEIR for the proposed Otay Ranch project is fundamentally flawed in the areas of:

- A balanced analysis of the benefits of the project.
- Lack of participation by the citizens of Chula Vista.
- The irreversible effects on the environment. (16)
- Adequate traffic circulation.
- Provisions for adequate air quality.
- Noise reduction.
- Water supply.
- Sewerage disposal.
- Solid waste disposal.
- Police and fire protection.
- Park land.
- Electric power.

The document should be rejected and the project subjected to a more rigorous and unbiased analysis.

Sincerely,

Thomas A. Davis

Copy to:
Ms. Lari Sheehon, Deputy Chief Administrative Officer,
San Diego County Admnistrative Center
1600 Pacific Highway
San Diego, CA 92101

16. Comment noted. These issues have been evaluated and responded to throughout the Final Program EIR.

Public Hearing Transcripts

EXTRACT - Joint County/Chula Vista Planning Commission
Public Hearing/Workshop - September 16, 1992

DRAFT

COMMISSIONERS PRESENT: City of San Diego: Chair Casillas, Commissioners Carson, Deeker, Martin and Tachscher

County of San Diego: Chair Wright, Commissioners Brown, Ferraro, Kastelic, Sweetzer and Leichtfuss

PUBLIC HEARING: DRAFT ENVIRONMENTAL IMPACT REPORT (CITY OF CHULA VISTA EIR-90-01, COUNTY OF SAN DIEGO LOG NO. 89-14-98, SCH NO. 89010154

This being the time and the place as advertised, the public hearing was opened.

B. Public Comment on the DEIR

HT.1-1

Dan Silver, 1422 N. Sweetzer #401, Los Angeles, CA 90069. I represent the Endangered Habitat League, a coalition of 36 Southern California conservation groups, dedicated to land use solutions. Our purpose is the protection of viable ecosystems through proper planning. Otay Ranch is a test case. The Ranch forms the cornerstone of the South County Multiple Species Preserve System to which both Chula Vista and the County of San Diego have committed by their membership in the Clean Water Program, MSCP and the State of California and NCCP. If the resources of Otay Ranch are not protected, these larger goals will vanish. Our goals in reviewing this EIR is simply to realize the intent of the Environmental Quality Act. That is, to identify the most environmentally sound yet economically feasible project. Unfortunately, our preliminary analysis shows that this severely plotted document does not serve that basic and essential function. Its inadequacies are many and we will later provide written comments. We also need an additional 60 days to comment and we protest the current rush to judgment. At this point, we can point to two major and critical deficiencies. First, the range of alternatives presented is grossly inadequate. There is little difference between most of the alternatives in terms of footprint, scope of development, adverse environmental impacts and in proposed mitigations. Reflecting this similarity, the (1) reader is repeatedly cross-referenced from one alternative to the other and for all except the Environmental Alternative impacts to the most sensitive coastal sage scrub species are all significant and unmitigable. There is also a huge gap between the several uniform choices and the Environmental Alternative which we consider to be an unrealistic, strong end proposal and not one

1. Comment noted. Refer to response number 1 of the Endangered Habitats League letter regarding the development and selection of the project alternatives.

HT1-2

(1) single option presented to you, with the possible exception of the Environmental Alternative is found to satisfy the requirements of the project's own Resource Management Plan. Also, after reading this EIR, the decision makers simply do not know whether any alternative meets the regional conservation needs of the NCCP or MSCP. With 23,000 acres of flexibility and much degraded land we have truly been cheated of alternatives which are financially (2) viable and meet resource protection needs. Yet, that is exactly what the CEQA process aspires to and what CEQA requires. We urge you to prepare additional alternatives, perhaps major modifications in Phase II, and circulate these for additional review. Our Group may be presenting its own suggestions at a later hearing.

(3) The second major inadequacy is the insufficient and cursory disclosure of cumulative impacts. The biological chain of impacts cover only six pages. Yet, this is the most crucial part. The EIR substitutes a superficial statistical table for a reasoned, meaningful analysis and sets no standards or criteria. If you were looking for a clear, meaningful analysis of how a particular alternative impacts a potential multi-species preserve system when considered along with other developments, you will not find it in this document. Furthermore, the minimal discussion of mitigations is full of conclusionary statements not backed up by analysis and is plagued by vague words such as "potentially" and "partially." While we believe that our mutual goals may be achievable, this document has a long way to go before being legally adequate and a long way to go before it produces an alternative for your consideration which both the community and the natural resources deserve. Thank you.

Nancy Nicolai, 364 Elkwood Ave., Imperial Beach, CA 91932. I am a member of the South County Environmental Working Group and I am also an ecologist. While there was a lot of good field work (4) conducted for the preparation of this EIR, I found that the document and its Resource Management Plan is inadequate and deficient in those biological issues I have been able to review so far. I am unable to review this document adequately in the time that I have been given. I will not be able to finish my review within 60 days. I support the concept that our communities can plan and preserve habitats to preclude listing species as endangered. This concept is at the heart of California's Natural Community Conservation Plan, or NCCP, and it has been endorsed by the President a couple of days ago. I understand that the City of Chula Vista and the County of San Diego enrolled in this plan. Baldwin's Otay Ranch is clearly a test case for the NCCP process. If we fail on a project the size and importance of Otay Ranch, the U.S. Fish and Wildlife Service and State of California will wonder how the NCCP can work and who would want to join the NCCP

2. Refer to response number 2 in letter from United States Fish and Wildlife Service, 10/8/92.

   Refer also to response number 2 in letter from Endangered Habitats League, 9/23/92.

3. Refer to responses number 6 and 9 in letter from Endangered Habitats League, 9/23/92.

4. Comment noted. No additional response can be made.

if it can't work here. It can work here. There is room to plan on the project site. There is no deterioration in the habitat and ecosystem functioning on site like there is on so many project sites where endangered species are concerned. There are plenty of opportunities to connect important biological resources (5) to open spaces off the site. However, the project as proposed and most of its alternatives do not promote the NCCP. It can work if we use vision rather than go through another planning process for yet another development plan. This is a vital time to show how a visionary project can work. Part of the vision I anticipated for this project was the accomplishment of the natural areas preserve that is biologically driven. Preserves better than the REPRO Guidelines and should take REPRO's place. Unfortunately, the Otay Ranch preserve does not do this mainly because there is no guarantee that a preserve will be set aside (6) with the passage of the EIR. We need to see solid evidence that guarantees the existence of the preserve when the EIR is passed. I suggest that we have enough biological information to date to create the basic outline of the preserve and its connections and these areas should be set aside in perpetuity. In addition, guaranteeing the existence of the preserve ought to include practical ways to set aside the monies for the infrastructure of the preserve. Finally, the EIR should with the project and all its alternatives, except the Environmental Alternative, sig- (7) nificantly impact nearly all sensitive habitats and sensitive species. We have been hearing about that ad infinitum this evening. These resources will remain significantly impacted because they are inadequately mitigated. The project and its alternatives do not conform to the standards of the RMP and do not set aside a preserve designed by the RMP. This project has the potential to become a star but I can only conclude that there is little faith in creating a preserve on Otay Ranch and in protecting environmental resources. Use the information we have and conduct a little bit more research. We must leave no stone upturned to find means for economic stability and environmental health. I also understand that there is a Wildlife Corridor Study that became available September first and I was wondering if I could have a copy of that? Thank you.

Pat Parris, 3154 Juniper Street, San Diego, CA 92104. I am a member of the South County Environmental Working Group. My appearance today is in regard to my August 19, 1992 request for documentation of the Otay Ranch EIR processing period. Because I did not receive a response within 10 days of my request as required pursuant to Government Code 6255, I telephoned Deputy (8) City Attorney D. Richard Rudolf, on September 10, to enquire as to a response. The following is my recollection of Mr. Rudolf's concluding remarks regarding my request for documentation. That the documents requested must be identified with more specificity

HT.1-3

5. Refer to response number 2 in letter from United States Fish and Wildlife Service, 10/8/92.

6. See response number 2 in letter from Endangered Habitats League 9/23/92. Funding of the RMP is discussed in Policy 5.10 and is and element of the Phase 2 RMP which must be completed prior to the first SPA.

7. See response number 2 in letter from Endangered Habitats League, 9/23/92.

8. This comment does not address the adequacy of the Program EIR; no additional response can be made.

HT.1-4

and to contact Mr. Lettieri to see if arrangements can be made regarding my request. If arrangements are made, not to impede staff in my request for documents. The following supplement to my original request of August 19 is in response to Mr. Rudolf's request for greater specificity of the documents. That all documentation from the date of Baldwin's application for the development of Otay Ranch to the filing of the Draft EIR be provided. To further qualify the adequacy of the identification of the documents in question, the definition of public record is (8) any writings containing information pertaining to the conduct of the public business prepared on, usually attained by any State or local agency regardless of physical form or characteristic that is pursuant to the Public Records Act. The intent of the California Environmental Quality Act concords with the Public Records Act. CEQA's Policy Statement essentially provides that it is a duty of every citizen and every governmental entity to take all action necessary to enhance the environmental quality of this State. Pursuant to the California Public Records Act access to information concerning the conduct of the people's business is the fundamental and necessary right of every person in this State. So I would like a decision as to these documents being provided to me. Mr. Rudolf was supposed to come forward today.

Chair We may have a response later in the evening. It is on the agenda.

Ms. Parris All right. Thank you.

Carolyn O'Patry, 1380 Space Mountain Lane, Jamul, CA 91935. I am here as a citizen of Jamul, a member of Chaparral Green and a member of the South County Environmental Working Group. I have a few questions if it's appropriate to answer them tonight or whatever. Which agency will be making the decision about the extension of time to review the EIR, will it be you the Commission?

Chair We can make a recommendation.

Ms. O'Patry If you can let us know who will be making that decision and when? And then there was the question about the lead agency, Chula Vista being chosen as the lead (9) agency. The EIR doesn't seem to address this annexation of the Otay Ranch property. The rumor is that 10,000 acres will be annexed and, I think, Anne addressed the prezoning - we would like to know if that is going to happen and where? You said the City of Chula Vista would approve that but not by resolution?

Ms. Ewing By ordinance.

9. A discussion of the lead agency selection is provided in response number 2 of the Sweetwater Community Planning Group letter, while the annexation issue is discussed in responses to comments numbers 1 and 4 in the letter from LAFCO.

Ms. O'Patry Okay. Thank you.

Tricia Gerrodette, 11142 Caminito Vista Pacifica, San Diego, CA 92131. I am here as Chair to the Land Use Committee for the Sierra Club, San Diego Chapter, and I would like to express my disappointment that the applicant found and acknowledges that there are problems with his New Town Plan but that he did not then amend that Plan for EIR purposes. I found this the most frustrating and confusing EIR that I have ever had to deal with. I think because of the lack of a fixed target. Since the New Town Plan is admitted to have flaws and not be the best possible proposal, how are we to respond to possible impacts of this proposal? If the proposal changes as it almost must, how relevant would our comments be and how adequate can the EIR be? I think we must have a realistic project before we can have an adequate EIR. Thank you. (10)

Carolyn Avalos, 605 Hygeia Ave., Leucadia, CA 92024. I am a member of the San Diego County Board of Directors for the Endangered Habitats League. I previously lived in Tecate for several years. I continue to own property in that area. I have reviewed parts of the EIR and one particular element of concern to me is the water resources and water quality element. Briefly, in the County's Resource Protection Ordinance, Article I, it states that it will protect sensitive lands to prevent their degradation and loss. Wetlands are named as "environmentally sensitive lands." This Ordinance requires that resource protection studies for such areas as the drainage system throughout the three properties. I have not been able to obtain this study, however, what I see in the EIR is disturbingly inadequate. In Article IV of the Ordinance regarding development criteria, it says, "grading, grubbing, clearing or other activity or use damaging the sensitive habitat lands shall be prohibited." It goes on to say that, "all feasible measures necessary to protect and preserve the sensitive land are required as a condition of permit approval." Yet, I repeatedly read in the EIR, as, for instance, on page 3.9-16, that increased run-off could "affect water quality in the ground water and surface water system." That is a masterpiece of understatement. Sedimentation, a witch's brew of run-off contamination, increased or decreased flows in the drainage system because of human activity and, finally, pollution of the already heavily taxed coastal waters will certainly occur. Our riparian network are the circulatory system of the land and the ultimate wildlife corridors and guardians of habitat and they need to be given much more consideration than what I can find in the EIR. They are merely treated as conductors of run-off which will apparently increase due to the addition of up to 57% impermeable surfaces. In conclusion, such massive intrusions into and manipulation of the existing ecosystem not only will cause (11)

HT.1-5

10. The New Town Plan represents the applicant's proposed development scenario for the Otay Ranch Project. The purpose of the Program EIR is to analyze a range of alternatives to the proposed plan and to recommend measures to mitigate significant impacts. Accordingly, by quantifying the impacts of the New Town Plan, Environmental Alternative, and Phase I-Progress Plan, the Program EIR provides the reader with a comparative description of the impacts of adopting the high, medium, or low range of project alternatives. Refer to Table 4.10-1 for a summary of the impacts of the alternatives. Refer also to response number 1 of Endangered Habitats League letter regarding the range of alternatives.

11. It is stated in the Program EIR that the potential increases in total runoff, sediment loads, and urban contaminant loading are significant impacts. Mitigation measures to avoid and or lessen the impacts have been proposed. Further studies have been recommended at the SPA Plan level to indicate site-specific hydrologic impacts and the appropriate mitigations in accordance with the requirements of the U.S. EPA and the State Water Resources Control Board (see Section 3.93 of the EIR). In all cases, environmentally sensitive lands will be protected and avoided.

immediate change in the habitat and wildlife patterns but will also ensure on-going degradation. Thank you.

Caroline Coulston,, 141-B South El Camino Real, Ste 111, Encinitas, CA, 92021. I am an attorney and I have been retained by South County Environmental Working Group with regard to this project. The South County Environmental Working Group is presently reviewing the Otay Ranch EIR. We are very concerned because we will not be able to adequately review this intimidatingly large document by the October 7, 1992 deadline. Nonetheless, we can already tell that the document is inadequate in a variety of ways. I think, most importantly, because it is not a comprehensive document at this time. There are numerous references to outstanding documents including a Wildlife Corridor Study which we have not received. The informal conversations with staff have indicated that there will be a staff recommendations alternative presented to the Planning Commission and this will force the public and the decision makers to review these documents in isolation. I wish to disagree with Mr. Reid's characterization of a programmatic EIR as requiring less analysis than a tentative map EIR. All environmental documents pertaining to later parts of the project will incorporate by reference all the material found in this EIR. Therefore, this EIR must provide an ecologically sound basis and it must be adequate. Anne Ewing mentioned the prezoning and annexation by the City of Chula Vista, however, it is completely unclear whether Chula Vista has applied for annexation or how much of the project will be annexed if application approved. CEQA and State Law on this matter provide that lead agency status should be the public agency with principle responsibility for carrying out or approving a project. If prezoning has been done by the City of Chula Vista or if annexation has been applied for, then it will be the appropriate lead agency. But, since we have been unable to review the entire document to date, we have not been able to determine any language which indicates either prezoning by Chula Vista or annexation application. This person questions Chula Vista's status as lead agency. The EIR is confusing and complex. The South County Environmental Working Group is requesting that you extend the public review period until, at least, December 7, 1992.

(12)

Julie Dillon, 416 University Ave., San Diego, CA. Good evening, members of the Commission. I am representing the Helix Land Company which owns 480 acres in the San Ysidro area next to Otay Ranch. As I mentioned to you, a few weeks ago, at one of your workshops, we are doing some preliminary planning now of this 480 acres and we just wish to ensure that the EIR before you provides enough information for the land uses surrounding this property and also the public facility needs to our property line. (Thank you, Tony, there is the 480 acres.) We also question if we can

(13)

HT.1-6

12. Refer to response number 7 in letter from Daniel Tarr, 9/13/92, regarding the Wildlife Corridor Report; the Phase II study is available for review with the Final Program EIR. Annexation will be completed prior to submittal of first SPA. In terms of the potential annexation of Otay Ranch property by the City of Chula Vista, refer to responses to the LAFCO letter (response numbers 1 and 8).

13. The comment does not address the adequacy of the Draft Program EIR; no additional response can be made.

(13) plan everything around us without having an idea of what's going on on our property. So we have begun doing some preliminary studies, something like this (sketch of area map displayed). We don't have anything yet to submit to you but what we are doing now is going through the preliminary information - the slope constraints, biology and other considerations to come up with a land plan and we would welcome working with the Project Team staff to share our preliminary thoughts and plans. Thank you.

HTL.7

Robert Fisher, 701-11 E. Shore Terrace, Chula Vista, CA 91913.
I am a biologist from the University of California at Davis and I am qualified with reptiles, amphibians and small animals and vernal pools. I would like to address those issues as part of the biology that has been done. I have done professional work of EIR level for six years and field work in this region for thirteen years. I have experience on-site along Proctor Valley Road

a. which is the only place I have been able to access and data I've seen which I would estimate - I would expect to be base line data of herps is entirely misrepresented in the EIR and the EIR is inadequate at that level. That is just driving down Proctor Valley Road without moving off the road. The species lists in

b. the EIR for sensitive species are not consistent between the Draft EIR and the Appendix and the documents that are used to create the EIR. Each document has its own species list of sensitive species and what species occur on- or off-site and there is no consistency and as several species presences are not included in the Draft EIR but were listed in the documents that were created and included into the Draft EIR, the studies that were previously by the Baldwin Company, and it formed the basis for

(14) the biology of the Draft EIR. I feel that with regard to herps and small animals - with regard to reptiles, amphibians and small animals, the surveys taken were inadequate to collect base line

c. data for the Draft programmed EIR. Only 32 days of survey work was done between the two biological surveys that the Baldwin Company had contracted and those 32 days form the basis of the base line data for biology for the site which to determine what the distribution of sensitive species on-site are to set the base on the base line level. To get adequate base line data for the reptiles, amphibians and small animals, just sensitive species on site, would take no less than 150 days of field work based on my estimate with my experience. Good biological data was only present for high-profile species in the EIR, the gnatcatcher,

d. cactus wren and the Least Bell's vireo. No other sensitive species are addressed at that level and all of them have different levels of sensitivity that are either equivalent or below those profile species and they should all be addressed at the same level of base line on biological data. Therefore, this data is needed - this base line data is needed before significance can

e. be identified for these species. NCCP guidelines are not fol-

14a. Refer to response 3 in letter from Cindy Burrascano, 10/6/92.

b. Refer to response number 6 in letter from Robert N. Fisher, 10/12/92.

c. See response number 3 in letter from Cindy Burrascano, 10/6/92.

d. Refer to response number 3 in letter from Cindy Burrascano, 10/6/92.

Other sensitive species are addressed at a level similar to the discussion of the California gnatcatcher *(Polioptila californica)* and cactus wren *(Campylorhynchus brunneicapillus)* in the Draft Program EIR. An in-depth one year study was conducted of raptors on Otay Ranch (Ogden 1992a) with a relatively detailed discussion of different sensitive raptor species. Among the sensitive raptors discussed were Cooper's hawk *(Accipiter cooperii)*, northern harrier *(Circus cyaneus)*, golden eagle *(Aquila chrysaetos)*, prairie falcon *(Falco mexicanus)*, merlin *(Falco columbarius)*, ferruginous hawk *(Buteo regalis)*, osprey *(Pandion haliaetus)*, and burrowing owl *(Spytyto cunicularia)*.

e. This Draft Program EIR is ahead of the NCCP process, and fieldwork was completed prior to the formulation of NCCP survey guidelines for orange-throated whiptail *(Cnemidophorus hyperythrus beldingi)* and San Diego horned lizard *(Phrynosoma coronatum blainvillei)*. However, future surveys required at the SPA level should follow those guidelines to be adequate. The mitigation text has been revised (Tables 3.3-7, 4.2.4-5, and 4.9.4-2) in the Final Program EIR to reflect this requirement.

lowed for surveying orange-throated whiptails my impression is they were followed for the gnatcatcher and for the cactus wren, and the orange-throated whiptail is the other species in the NCCP's guidelines that wasn't adequately surveyed for... by the guidelines. Low priority sites that are identified in the Draft EIR which are agriculture land and then the far eastern end of the site... of the San Ysidro site may have significant impacts to several sensitive reptiles and animals that are not addressed. f. These animals were not surveyed for on this site. Again, gnatcatchers and other things were surveyed for on the site and they weren't found but other species of less high-profile probably occur throughout that site and they were not addressed.

(14)

Chair — Mr. Fisher, will you answer a question, please? (Yes) Mr. Ferraro

Ferraro — Would you identify some of the animals that were on-site that were not mentioned in the EIR.

Fisher — Yes. The western skink, the Coronado skink, is on the Federal registry. It is a C-2 species and shows decline and it was found in the RECON - no, it's not in there -in the MBA Report, in the 1989 report, that they used to g. be present on-site and it was never followed through on in the Draft EIR. The spade-footed toad is another one that was found on-site by MBA as well as other things that were not followed through. So, using those reports, they should have picked up those, I mean, I looked through those reports and they're still present on site. Thank you.

HT.1-8

Michael Beck, P.O. Box 841, Julian, CA 92036. I am a member of the South County Environmental Working Group. I would like to reiterate some of the things that have been said already since I am one of the later speakers. With respect - specifically with respect to the data from the EIR, since you undoubtedly have been reviewing it, you are familiar with the use of qualifying language throughout; vague references and statements that if you're reading to read the EIR perhaps can be acceptable, but if you're reading it to analyze the EIR and compare the alternatives presented within the EIR, it essentially eliminates any kind of quantitative comparison. I have a few examples that I will read out but that is, in terms of its adequacy, one of most obvious and immediate things that is evident. The EIR almost reads as if it is a document that has been developed separately from the RAMP and the RAMP, as language in the EIR states, is supposed to be the County's equivalent of the Resource Protection Ordinance and, yet, there are no specific quantitative references to the amounts - to the amounts of plants, animals, significant biological resources that are preserved and it is very difficult to imagine

(15)

(16)

f. See response number 3 in letter from Cindy Burrascano, 10/6/92.

g. Refer to responses to comments number 4 and 6 in letter from Robert N. Fisher, 10/12/92.

15. Comment noted. Refer to response number 1 to the Endangered Habitats League letter than describes the range of project alternatives quantitatively evaluated in the Program EIR. Table 4.1-2 in the Draft Program EIR provides a comparative summary of the key components of the project alternatives, while Table 4.10-1 summarizes the conclusions for each impact identified in the analysis of the alternatives.

16. See response number 1 in letter from Michael Beck, 9/13/92.

how you can apply an ordinance strength to something that essentially is subjective interpretation. It is essentially impossible. One of the other most significant elements that is evident in the EIR is the statement that refers to it in association with the NCCP, the MSCP and other regional programs to establish a preserve system. Now, coincidentally or otherwise, the MSCP is in Phase II now, the mapping phase. They've done their inventory phase which in one respect is equivalent to the (16) work that has been done on this EIR. The EIR and the MSCP people say that these two projects should be coordinated and yet, in fact, they are not done by the same biological consultant even and, yet, there is no coordination. The EIR states that there should be coordination and Otay Ranch will undoubtedly be the most significant part - the most significant element to a South County regional preserve system and, yet, there is no coordination. We don't even know if they are using the same criteria. We don't know how they're analyzing the various alternatives or whether they are and how they would fit into a regional preserve system. So, how are we to judge what - for you or any of the decision makers to judge what makes the most sense in terms of the most significant question? To give one more example, since I'm running out of time, about the language as one is reading the EIR or analyzing it. Assuming that someone is analyzing it and not just reading it, Section 3.9-14 is a section that is in the Water Section and has to do with the changing surface water flow rates. This was just two days ago I was reading this, and I read it and I read it and something's wrong here and, maybe you can clarify it for me. They are talking about the increase in impermeable - the increase in surface water flow due to the impermeable surface area that will obviously result from development and, within that section, they talked about the minor tributaries that are found on the property and how they will be impacted evidently and obviously. Now, the minor tributaries as well as the major river system are natural wildlife corridors so the statement implied is these would be affected. They also make a very definite statement, and it's again obvious, that there will be an increase in erosion and siltation. Presumably, this (17) would be equivalent to whatever the increase in flow is. The New Town Plan is 57% increase in permeable areas so it is very significant. Yet, in this section it says - in the mitigation section response to this it says that, "studies will show an increase in erosion siltation and that this problem" - the problem will be addressed by studies and the studies would take place after the specific plan level, after the EIR is certified and, at that point, where before in the EIR they made a statement that we would leave the tributaries open where possible (again, those qualifiers) the hydrologist can, after the fact, after the EIR is certified, determine which ones will need to be channelized and, essentially, has carte blanche to say every one of them

HT.1-9

17. Please refer to response numbers 2 and 3 of the letter from Michael Beck dated September 13, 1992.

because, right here it says after the fact someone can decide what the erosion siltation problem is. There is no way for us to analyze the impacts of his relative to any of the alternatives that are presented. So, I would also, of course, like to ask for an extension of time to review this. Those of us who have been working on it and honestly diligently working on it find we do not have enough time to do analysis. Maybe to read it but to analyze it. Thank you. (17)

James Mayberry, 987 Loma View, Chula Vista, CA 91910. I would like to point out what I see as a conceptual flaw in this EIR which, in fairness to its authors, may not have been part of their assignment so to speak. The treatment of - First of all, let me say that it would seem to me to have been made clear by the table that was shown that if the Baldwin New Town is approved as proposed, that this area as far as being any kind of habitat for wildlife is history. That, even under the so-called Environmental Alternative, that there is not really going to be much left over. That being the case, it seems to me that the decision that revolves around to this - do you recognize or do you not recognize the uniqueness of this parcel of land? Southern California has grown the way that cancer grows since the end of World War II, let's say to pick a point. Places like Otay Lakes are not common. Now, the EIR speaks of the No-Action Alternative in terms of it being simply a state of inertness or repose and I would take issue with that characterization of the alternative because there are going to be needs of this community that would be met by the No-Action Alternative that are not addressed, to my knowledge, in the EIR. Specifically, there is the question of whether the Lake will be needed in the future as a water storage site. In other words, will the Lake have to get bigger in order to hold the water for all of the people who continue this trend of cancer-like growth in this area? Second of all, there is the question of how does the destruction of this wildlife habitat fit into the larger picture? Some of the species, as has been said here already, are already facing extinction. If this habitat is destroyed for a species which are not now facing extinction, the destruction of this habitat could very readily lead to the danger of their future extinction. If that doesn't play a part in this process, then, I think, you should say so. But, from our review, the EIR doesn't say anything about that. Thank you. (18) (19)

Jim Bell, 2923 E. Spruce St., San Diego, CA, 92104. I've got a little display that I want to show you. I am an ecological designer and I was part of the Interjurisdictional Task Force, wrote a report on the Otay Ranch Project called, "Ecologically Integrated Planning: A Case Study - Otay Ranch: Maximizing Economic Sustainability" which has been updated and I brought some updated copies for you to have. Basically, what I did here was

18. The Environmental Alternative retains significant open space acreage and impacts 14.6 percent of the sensitive upland habitats. All significant impacts are considered mitigable under this alternative.

It should be noted in general response to the comment regarding the No Project alternative that the Draft Program EIR identifies it as the only alternative that would not have a significant and unmitigable change in the open space character of the site (see Table 4.10-1).

19. A discussion of regional water availability has been included in the Final Program EIR in Section 3.13.1. While it is true that additional water storage and service will be needed in the future, the enlargement of the Otay Lakes, which are owned by the City of San Diego, have not been the subject of serious consideration. Most of the region relies on imported water and uses reservoirs primarily for emergency water storage (for example, prolonged drought or a sudden discontinuance of imported water). The County Water Authority is currently conducting a siting study to address additional water storage reservoir sites. However, the Otay Lakes are not being considered as options.

get a map of the agricultural soils in the form of an overlay and the - (unrolls map)

Chair — Can you hold on a minute, please, while we get our stuff here? Got it?

Bell — I took a look at the EIR too and it is pretty confusing. One of the reasons why it is confusing is there is no way to correlate all the different information that is being dealt with. What I'm basically calling for is we need some transparent overlays to show where the agricultural soils are, where the habitats are, where hazards are, where these wildlife corridors are going to be in conjunction with all these other resources to really be able to analyze it to see whether it makes sense. As I did this agricultural soils map I found that, for the most part, the sites that the Baldwin Corporation has picked are not that great agriculturally. Mostly they are #7 and #8 agricultural soils which is sort-of at the lower end of the scale. But, without that overlay, there is no way to really tell. There is some Class 4 soils that are pretty good quality that would be impacted, not a whole lot. But, I think, we really need to know what we are losing and we need a form of presentation so we can tell really what's going on. I don't think that's really - that has happened in the first place. In the copy of the report you have there, there is a section called, "Ecologically Integrated Planning" and that was actually added to the original document that was accepted by the Interjurisdictional Task Force. But it basically called for a way of mapping the site that would map the whole drainage system to begin with so we could see not only the project but proposed projects (which was brought up in terms of the other site that someone spoke about a few minutes ago) and we can see the whole drainage basin in its entirety so we can tell about the water flows and so forth. One of the maps that is shown in the back has the drainage basins outlined. I've been in this field since 1974. When I was involved with the Interjurisdictional Task Force I said, "Well, you want me to give you and ecological evaluation? I can't do that with the available resources. Without some kind of mapping available so we can see different resources and hazards and so forth, in synergy, there is no way to tell whether if the plan makes good sense or not. It may very well make good sense but there is no way to tell with the information as we have it now as it is presented." Thank you.

HT.1-11

(20)

Adrien Myers, 1890 Ithaca St., Chula Vista, CA 91913.

(21) I had an opportunity to go through the EIR and find it basically incomplete. It has not answered some very vital considerations. One is that it says something like the impacts of historic and

20. During the preparation of the Draft Program EIR impact analysis, a Geographic Information System (GIS) was utilized to display the area resources and electronically overlay the development footprints of the various alternatives to illustrate and quantify project impacts. The results of this overlay process are presented in the accompanying discussions of agricultural resource loss. The Resource Sensitivity Analysis conducted prior to the development of the project alternatives considered the distribution of agricultural land; therefore, development has avoided those agricultural resources explicitly protected by applicable regulations. The generalized approach to the EIR analysis is appropriate based on the programmatic approach of the document. As stated in the mitigation measures, site-specific drainage and geotechnical studies will be conducted at later stages of the project, i.e., SPA and tentative map levels, in compliance with County of San Diego and City of Chula Vista engineering standards.

21. Without selection of a specific plan or construction plans, it is not possible to be more specific regarding potential impacts to cultural resource sites at this time. However, each specific plan will require a cultural resource study and evaluation to include an inventory, testing, and assessment of site significance for each cultural

(21) prehistoric resources are unknown. I think we need to know that first. Another is the overall water issue. It says, "further analysis is necessary to determine the magnitude of the impact (22) and to identify measures appropriate to mitigate significant effects. Well, I guess that says we need further analysis, it clearly says that in its own EIR. A third issue, I think is very dear to my heart, being a teacher for the last 25 years, is the matter of schools. To build some 6 to 32 new schools seems to me extraordinary. The money for these schools is supposed to come from the developer, from the Mello-Roos Assessment District and from the State funds. There are no State funds for schools. (23) Since the EIR has been completed our State has become embroiled in a very large turmoil as far as school funds are concerned. The EIR never mentions where the salaries for these teachers for these 32 schools will ever come from. I am very concerned that is an inappropriate choice to make to say there would be from 6 to 32 new schools when there are no funds to build those schools or pay those teachers. Thank you.

Marcia Jones, 370 Andrew Ave., Leucadia, CA 92024. Ms. Jones submitted a letter, dated September 16, 1992, for the record. This letter addressed concerns about water-related issues in the EIR.

Chair I am going to call a five minute recess and we'll come back and continue with Item IV. Make that 10 minutes.

RECESS: 7:06 to 7:23 p.m.

The meeting was reconvened at 7:23 p.m.

C. Planning Commissions comments on DEIR

The Chair asked for comments from the members of the Planning Commissioners on the Draft EIR for staff.

Wright I guess I would like to raise the question that we covered at a previous meeting and that had to do with the discussion of the adequacy of water availability and I would refer you to the LAFCO letter, I think everyone got a copy of that, that letter of September 10, 1992. In that letter the author touched on many of the points that we had talked about previously but went into them in a lot better detail. I guess my question is to staff, somebody on staff who could respond to the LAFCO letter, or do you feel it is necessary to respond to that at this time?

Reid Mr. Chair. We will, of course, be responding to all letters including the one from LAFCO and, in that case, in much detail. Probably, I think, we could

HT1-12

resource within a given project area. The location, type, and importance of each resource will then be evaluated based on the type of action planned, i.e. roads, schools, housing, open space, parks, and appropriate mitigating measures will be developed following local guidelines, as presented in the Final Program EIR and associated technical reports. Mitigation can typically be achieved through avoiding and preserving the site or by conducting an archaeological/historical excavation and analysis. The EIR addresses circumstances requiring avoidance in Section 3.4.3.1. The decision as to avoidance or data recovery will be made by the lead agency as part of the environmental review performed on each SPA Plan.

22. Comment noted. Further analysis will take place during subsequent environmental review.

23. As discussed in the Draft Program EIR, a master plan for school facilities will be prepared by the project applicant in close coordination with the affected school districts. The funding of school facilities must be addressed and confirmed in accordance with school district procedures for new development prior to the approval of the first SPA Plan within Otay Ranch. The master plan will also discuss siting and phasing of school facilities. Funding for the operation of schools, including teachers' salaries, is not the responsibility of the project developer, rather the responsibility of the State of California.

get a response back to you by your next Commission meeting, if you'ld like, or at the time of the Final EIR.

Wright I thought it was staff's position when we talked about this before, that this sort of issues - a lot of the water issues could be dealt with at the specific plan level. Is that still staff's position or am I misstating what I thought was...? Or does staff have a position on that?

Lettieri The Commission has requested that of staff, I think there were a number of referrals back to staff and one dealt with water, with availability, and we have been working with the CWA to come up with additional information to respond to that, however, we have not gone through the LAFCO letter. I think what Doug Reid is stating is that for the purposes of the EIR we will do that and try to bring back a response on October 7. If not, certainly with the Final EIR.

Chair Commissioner Wright.

HT.1-13

Wright Okay, so the response is still in an evolutionary stage of being developed. Okay. I just wanted to make the comment that I agreed with much of what I read in the letter and it really does seem to me that the EIR is woefully inadequate when it comes to the regional water issues and the questions about regional water supply and the role of this project in the regional picture. I'll drop it at that point. (24)

Chair Commissioner Ferraro.

Ferraro I have some concerns about the EIR. First of all with a broad brush paint...a broad brush which I paint with. I'm concerned about some items in the EIR that have been put off until a specific plan amendment (or some other device which will have to be initiated) and that these items that are being put off are significant items that need to be addressed in the EIR now because of the policy-making nature. One of them (along with Chairman Wright) I am concerned about is that we have a fuller discussion regarding water. Where is it going to come from? What is the impact going to be on other agencies? How the San Diego Water Authority is going to obtain water? I think that is one of the items that should be more thoroughly discussed and not be held over for a SPA. (25)

I am concerned about the jurisdictions. I would like to have more designation of who is going to operate in the areas where these developments are going to take place and whether or not, and what are their capacities to handle the responsibilities? For example, is the Otay Lakes area going to be in the County or (26)

24. Please refer to response number 6 in the LAFCO letter.

25. Please refer to response number 6 in the LAFCO letter.

26. Comment noted. Refer to the responses to the LAFCO letter regarding annexation-related issues. The GDP will provide policies, guidelines, and standards for development of Otay Ranch under the jurisdiction of the City of Chula Vista, while the Subregional Plan will serve the same purpose for implementing the project on unincorporated lands. A range of public service options are presented in Section 3.13 of the Program EIR; until annexation boundaries are identified by LAFCO service area boundaries remain undefined. The environmental impacts of annexation will be evaluated in a supplement to the Program EIR.

is it going to be in the City of Chula Vista? If it's going to be in the County, what does that mean for existing County policy? If it's going to be in Chula Vista, what does that mean in terms of what the existing Chula Vista regulations are? I don't think it should be put off until that area starts coming under an SPA. I think that specified jurisdictions should be identified and impacts regarding their administration, how they are going to (26) administer...? For example, last time, we talked about the Fire Protection Facilities. We had a Public Facility Plan in which we were asking questions about the fire protection agency. However we did not get involved into who was going to conduct those fire protection facilities? What agency was going to be responsible? Was it Chula Vista? Was it rural fire department? What is a separate fire department? What was their response time? How many engines? I think we need more specific data to be in this EIR rather than waiting again for an SPA.

I think we should be talking more specifically about sewers. I would like to see some additional data about specifics. About how we are going to handle the sewers. Who is going to handle (27) the sewers? The EIR calls attention to (perhaps) San Diego, calls attention to some other agency that is going to handle the sewers. But, I would like to have some specifics, some identification and the impacts of that identification. I would like to defer my comments until, maybe, later on again. I have some additional comments.

HT.1-14

Chair Commissioner Leichtfuss

Leichtfuss Thank you, Mr. Chairman. I don't know whether to ask the County Counsel (we call our County Counsel our Attorney, I don't mean the Council per se) or the City Attorney or who to ask but we deal, in the County, a little differently with the Draft EIR and what would be the process right now? Would we making suggestions for inclusions of things such as Wright and Ferraro have? Is that how you handle it? Because if we are, I have a number of items that I would like to see a little more work done on this Draft EIR after listening to testimony.

Rudolf Mr. Chairman, since I am the City's Legal Agency, I think I can respond to that. The purpose of this portion of the Agenda is for comments from the Commissioners. In our process we have the public hearing, get the public input and then ask for comments and directions from the Commissioners. In this particular instance, the recommendation will be for continuance to still another meeting where there will be another option for further public input and further comments from you. Obviously, our preference would be to the extent that you had a chance to go through and arrive at some

27. Section 3.13 of the Draft Program EIR discusses the extension of sewer service to the Otay Ranch, including sewer service options available to the project. As noted in the mitigation measures, Sewer Master Plan will be prepared in the future during the SPA Plan phase which will determine facility locations, size and treatment responsibilities. In addition, the Sphere of Influence Study on the Otay River parcel will further address this issue prior to approval of the first SPA Plan.

comments, to give us direction tonight.

Leichtfuss May I continue? (Chair - Go ahead.) These are the items. (1) The "university site" that it be looked at, as I referenced before, for different uses. (2) I don't know who to deal with the verbiage that was brought up several times by members of the audience. But I, too, found the verbiage vague in the fact that it was difficult to make a specific determination. So the verbiage was a problem as far as not being very specific so that I could draw conclusions. (3) The issue of annexation, to have that looked into further, and the prezoning. (4) The water that Commissioner Wright mentioned. (5) The species list, to make sure that is consistent. (6) The regional preserve system. I felt that should be addressed more specifically in the Draft EIR. (7) There was a good question brought up as far as the No-Action Alternative and the Lake. It struck a real chord with myself coming from North County. We are in the process of, perhaps, increasing Lake Wolford and that has been causing a lot of problems in that area. It would be a lot easier to deal with any Lake expansion in the Draft EIR. (8) If the Draft EIR could address a little more specifically what I call the "building blocks of extinction" for the preservation of species. In other words, how one impacts the other. (9) The mapping of the drainage basin and soils I thought was another important item. Thank you.

Chair Commissioner Decker.

Decker I suppose I go next or I could defer to someone else. My comments are very short. I would like to, first of all, commend the public for their thoughtful and insightful comments. They covered far more area than I would have covered but they covered the area that I had included. I would like to bring your attention to the No-Project Alternative. It is treated as a null case the way I see it in here. But, in reality it seems to me that the No-Project does have positive and negative impacts. I would like to see that examined a little bit more. Because obviously something is going to happen if we don't do anything and we need to understand what those are. Even if we don't ever select that alternative, we need to understand those a little more than just no impact at all. I'm sure there are some impacts if we think about it carefully. I thought to use the Lake as an example: the species degradation, the area itself is not getting better, if it's getting better or getting worse, doing something. If you don't do anything at all, it's still going to have some impact - if we don't have a project at all. So, I'd like to see what those are. So we can at least look at that as a viable possible alternative as opposed to the null case.

HT.1-15

(28)

28. As described in Section 4.8.1, the No Project Alternative is the preclusion of development on the Otay Ranch property. Under the No Project Alternative, all existing activities are assumed to remain on the property. Certainly, indirect impacts are anticipated onsite as surrounding properties are developed; however, in terms of onsite impacts, the Draft Program EIR evaluates the implications of this alternative for each issue area.

Chair Mr. Kreitzer

Kreitzer Mr. Chairman. I would like to address water again. Richard Wright, I think, covered that pretty well, but I also did notice very much that there is nothing addressing the sources of water. If you just take the figures from the EIR here of an average of 600 gallons/day/dwelling and take the New Town Project, you are talking about 30 million gallons of water/day. That doesn't include commercial or industrial of the Parks' or anything else use of water. Or take the Project Team Alternative, which comes to about half of it, you are still talking about 14-1/2 to 15 million gallons of water/day. Is that going to have to come out of other people's allotment? Does that mean it comes out of the City of San Diego...comes out of the City of Chula Vista? There's only so much water. How far can we stretch it? How much can we ask people to conserve so we continue this kind of growth? That has to be addressed.

(29)

Mr. Decker, your commenting on the No-Project Alternative is important too because we need to know what will happen to this land if it is going to be built, how it's going to be built if this project does not happen. Then, we have the same kind of issue going on in the urban reserve in the north part of the City right now. If we don't build now with the current framework plan, then what's going to happen? We're going to have 10-acre ranchettes out there and that kind of thing. It is important, I agree. I have no idea what happens down here, that never even been discussed. That is something that should be touched upon. What is the potential if this doesn't happen?

(30)

Overall - can I say another thing? I know we have gotten letters here from the Sweetwater Community Planning Group asking for an extension on this to November 15th. This is a huge document to really...to digest. You can't digest it all but go through and read and then go back later on and find there are questions you have and so forth. I really think we do need to have more time on this. I have a personal problem in that I'm going to away all of October and I'm going to miss the next meeting. I hate to miss it but I know you can't make a decision on one person but I do think, for the public's sake too we need more time on it.

Chair Mr. Kreitzer, we will handle that under Item VI. Commissioner Carson.

Carson I also have been very impressed with the quality of the public opinion and your input tonight and I was probably most impressed by Jim Bell. The reason I was impressed by Jim Bell was because it comes down to what I need as an individual. I need those visuals. I need to see those

HT.1-16

29. Please refer to response number 6 in the LAFCO letter.

30. A review of the Composite General Plans Alternative analysis in Section 4.5 of the Draft Program EIR provides the reader with a discussion of the environmental effects of not adopting any of the specific development alternatives proposed for Otay Ranch. This alternative contrasts with the Composite General Plans Alternative, whereby adopted land use plans would be implemented on the subject property without any General Plan Amendments. Refer to response number 28 to Mr. Decker's comments.

overlays and that was something, I think, I requested at our last meeting and you said would be coming. I think it needs to come very timely for us to be able to see it and I sense from the public that they also want to be able to put every key in every hole where it belongs so we can actually see where we are headed for.

Everything that has been covered today that you are requesting, I am in 100% agreement with except I have one other question or one other request for organization. Because this is such a massive project and in order to do justice to it I feel that (and I'm not going to talk about the extension, that's another thing, okay). What I want to address is the fact that - in our next public hearing that we earmark the key things that are going to take up the majority of our time. If we want to talk about the biological resources, then have a presentation on biological resources so the public can give input back as to what they have heard from the developer. If we want to talk about air quality or sewers or water or anything, prioritize the things we are going to come up and give to us so that I can be a better organized Commissioner listening to the input and feel that I have done the project justice. Equally, the public, I think, can feel that they have had their input on every one of those agendas. So we have a table of contents assigned that tells each one of the important things that we are covering. I would like to see those taken almost step by step and prioritized. If there is something low on the end, we feel there is something very, very minor - then leave it at the very tail end. That is my personal opinion and I just feel it is a matter of organization. That is how I need to operate whether or nor anyone else would need to or not. That's how I feel. Thank you.

Chair Commissioner Wright

Wright I wanted to wait until the other Commissioners have had a chance but I did have a couple of points that I wanted to cover. I'll wait.

Chair Commissioner Kastelic

Kastelic I don't really have much to add to what the Commissioners have said but I do have a question about the Planning Commission for Chula Vista and what your decision-making powers at this point since we do it a little bit differently in the County. The decision that you make or propose to have made at the next meeting, is that to close public testimony and just decide that issues have been discussed or opportunity has been given to the public to participate and at that point it would be closed? Is that the sole decision that you make at that point?

Chair Perhaps Tony or Rich could address that but I don't believe we are at that point yet. I think there are some intervening things that will occur between now and then for us to give a finite answer to that.

Kastelic Whether you make the decision next week or not, I just want to understand your process.

Lettieri I believe Mr. Reid, the Environmental Review Coordinator, should respond to that. (Thank you.)

Reid The basic procedure is that during the public hearing we take testimony on the adequacy of the EIR, get guidance from the Planning Commission, close the public hearing which closes the public review period. Then we go back and prepare the Final EIR which is brought back to the Planning Commission to ensure that all the responses are adequate and any modification to the text of the EIR that were requested have been made.

Kastelic The question I have is, if your Planning Commission determines that the period for public input is not adequate, is that your sole responsibility? I notice on the Agenda coming up is "Comments to the Board and City Council", so your decision is advisory to your City Council on whether or not this public review is adequate?

Lettieri To the Chair. The City of Chula Vista's local CEQA Guidelines give authority to the Planning Commission to extend public review.

Kastelic So it rests with the Planning Commission to make that decision - the Chula Vista Planning Commission?

Lettieri Yes. (Okay, thank you.)

Wright Could I just add to that? See, we are strictly advisory to our Board of Supervisors on that point.

Kastelic We don't make any determinations in the County.

Wright No, but we can make recommendations. No, that's correct, in this instance we can make recommendations to our Board.

Kastelic Right. But it would be held up if the Chula Vista Planning Commission determined that the time has

been inadequate just by the very fact that we couldn't move ahead as a Joint Commission. I'm just trying to understand the politics here, I guess.

Chair Commissioner Wright.

Wright I'd like to get to a couple of points. Commissioner Carson, your point is good about having data presented in more informative fashion. The interesting thing about it is that we don't need to go back to (I don't want to call Mr. Bell's efforts less than sophisticated, I think that they are pretty good) except we do have all of this data in digital form. We are in a position where we can crank out all sorts of combinations of different factors. All we have to do is ask for what we want. It's a lot easier to get that kind of information than to laboriously produce a series of overlays and, not denigrating Mr. Bell's efforts, I think they are pretty good, it is just that it is kind of silly for us not to take advantage of the fact that this data is in good form and we just need to tell staff what we want and that data can be presented as information then.

HT.1-19

The other thing I wanted to ask the Commissioners how they felt about this when they heard the presentation. Let me just check my notes. Mr. Silver, I think it was Mr. Silver and some others too, made some comments about the range of alternatives. The notion that, here we have the New Town Alternative over here, over on this end of the scale we have, say, the Environmental Alterative or (I'm still thinking about the No-Project Alternative and the implications for that and how we need to deal with that) and then, it seems as though (in my way of thinking about it) that most of the other alternatives fall - if you divide the kind of a scale in half - most of the other alternatives seem to fall more toward the New Town Alternative. And I'm just wondering whether that's an adequate range - well, the range is there - the New Town all the way to the Environmental but, I'm wondering about the distribution of alternatives throughout that range and whether you feel that is adequate or what we have been given is adequate?

(31)

I also have a sense that the New Town Plan is just kind of a straw sitting there and it's supposed to be knocked down and then we deal with these other alternatives and I think the public is having some problems (and I'm having problems) dealing with the fact that the project is the New Town Alternative when it probably should be some other alternative. I know at some point in time you have to pick a project. But, it seems like this project has evolved to a point over several years where the New Town Project is, maybe, somewhat dated. There has been a lot of new thinking that's gone on and a lot of new data, and yet we seem to

31. Comments noted. Refer to response number 1 of the LAFCO letter and response number 10 in this transcript regarding the selection of the project alternatives, the intent of the No Project Alternative, and the usefulness of the Composite General Plan Alternative for comparisons. For the reader's reference, Table 4.1-2 in the Draft Program EIR provides a comparative summary of the key components of the project alternatives, while Table 4.10-1 summarizes the conclusions for each impact identified in the analysis of the alternatives. The New Town Plan was analyzed as the "proposed project" because it represents the land use plan proposed by the applicant.

(31) be hanging on to that New Town Alternative as the project. I don't know. I have some uneasiness about that. I don't know how the rest of you feel about it. I'd appreciate any comments you might have.

Chair Mr. Decker

Decker Mr. Chair, I would like to comment on this. I would note that Mr. Lettieri mentioned this somewhat earlier in our process that we aren't limited to one of the specific alternatives. We can actually form a hybrid of any or all of the alternatives or anything we feel is useful or necessary. So, I want to leave that in everyone's mind. Don't feel obligated to pick one of the nine. If there are good parts of one you want or bad parts or things like that, we can hybrid one, one we like. We certainly have enough time to do that.

Chair Commissioner Leichtfuss

Leichtfuss I would like to comment. I think that a list, as mentioned, would be excellent because I have felt a small amount of frustration with every meeting writing down some crucial things but not having a vehicle to get back to them. So, I would really like to entertain the idea of doing something like that. As far as we were just talking about with the alternatives, I agree with both of the Commissioners. Commissioner Wright, I was looking on page B-4 and noting the number of (32) dwelling units and it does seem that there is a big gap and as far as lower alternatives, there appear to be three versus the other five rather grader alternatives. I agree with the Chula Vista Commissioner that we can hybridize these. I don't know if we have to come up with any more but I think it is important to note, during this public meeting, that these are not our only alternatives. Thank you.

Chair Commissioner Kastelic

Kastelic I was just going to comment on what Commissioner Leichtfuss was saying. If we hybridize one of the alternatives, I believe that it would require further environmental analysis of that hybridized option. Is that correct?

Lettieri To the Chair. Depending on the hybrid, we would have to go back and make a recommendation as to whether or not it would require a supplemental EIR and bring it back to the Commission.

Kastelic I just wanted to make that clear. Thank you.

Chair Commissioner Ferraro

HT.1-20

32. Comment noted. See also response number 10 in this transcript.

Chair Commissioner Ferraro

Ferraro Mr. Chairman, along the lines of alternatives. I feel a little put upon making so many decisions on probably one of the largest projects in the State of California in such a short period of time. Would it be feasible to just, say, (a generic question) would it be feasible to have a workshop session where rather than being programmed as we are with the staff presentation, we can just talk about alternatives? As we have had special sessions for field trips? I'll just lay it out, you don't have to respond to me now. The thing is - I would like to spend more time discussing alternatives rather than the short period of time that we are being allocated.

Next, I would like to see the young zoologist's comments, Mr. Richard Fisher's comments, be addressed when we have another meeting regarding the EIR regarding his comments about what was left out.

HT.1-21

(33) And, lastly, I would like to see some additional information regarding schools. I don't know a lot about State law but I do understand that planning agencies can take into account the adequacy of schools in considering projects. Therefore, I would like to know how this area is going to served by schools? When the schools are going to be built? Which jurisdiction is going to build those schools? What capacity they have, etc., etc.? Thank you.

Chair Commissioner Leichtfuss

Leichtfuss Mr. Chairman, one last question. Would it be more advantageous for the Commissioners to ask for, perhaps, another alternative during the Draft EIR process or to wait and discuss that further down the road. My only...I just have a problem that in the past with the County sometimes it just gets lost in the enormous amount of public testimony and then the time constraints, the pressure becomes so great that it just gets rushed along and we don't often get the opportunity to get another alternative. I just would like your input on that.

Chair If I can respond to that. I suppose that we can ask staff to provide whatever data or information we ask them and if part of that request is for alternative "x" or "y" or whatever in some fashion or form, I guess they will provide it to us. They've got the building blocks and I think they can put it together. Commissioner Martin.

Martin Mr. Chairman. We might want to think about, before we get another alternative and another and

33. Please refer to response number 23 in this transcript.

another, there are 14 issues in the EIR. Maybe I'm supporting what Commissioner Carson said but if we could find out what do we want in the biological part, what we want in the water, what we want in this, then from that, the genesis of that document in the EIR, then from that they could come up with a plan that would seem to be acceptable. Not to degrade any of the work already done because all of that is going to be the very basis information and it seems to be all there. If this information is accurate that we've gotten in the EIR. If that is another question, then the only way it can really come out is if we study each one of the segmentally, I would think.

Chair Commissioner Wright

Wright I think that's a good approach. It is clear that somehow we have to evolve. If we're unhappy with all of the alternatives, that will, I suppose, evolve out of our discussions and out of that will evolve some kind of an alternative, possibly. The question is at what point should that happen? I get the sense that it might be better for that to happen after a lot more discussion as we get more deeply into the project. I don't think we are in a very good position to do that at this point and I'm not so sure, Commissioner Ferraro, and I don't disagree with you on a need for a workshop where we sit around a table and say what we think is good and what we think is bad, but I'm not so sure that we can just do that in one workshop fairly on. Maybe that is something that has to happen down the line. I don't know. It's overwhelming.

Chair Well, we can do what we want. We can schedule a workshop if we feel we need it. One of my responses to Commissioner Ferraro's plan and comments is that as to those specific items that we don't understand as well as others, we have access to all the technical papers. We have access to all the data that has been developed and we can make ourselves available of all of that. I haven't been to their office but I'm going to be there because there are a number of things I am very concerned about. I'm really concerned about that traffic thing. I'm concerned about the impact that development south of the Border is going to have on this thing. I am concerned about the number of river crossings, I don't think that's been addressed to my satisfaction. I am really concerned about the wildlife corridors, what impact...one of them is 500 yards wide would make versus one that is 300 yards and so on? I guess we'll be having a very difficult set of variables and we may not know what impact changing one variable has on another. We have discussed this a little bit, one of the Commissioners and I, and maybe there is no easy way to do that. I think we will just, sort of, have to stumble through it and work it out. In time, I think we will put something together that we all feel

HT.1-22

will be the preferred position or the preferred alternative. As to timing, I sure wouldn't want to venture a guess when that will take place because we all work at different levels and different speeds, absorb at different levels and, I think, we're in for some interesting discussions.

Chair Mr. Tuchscher

Tuchscher Mr. Chairman. It is my understanding that the important thing in analyzing this EIR is that it covers the full range that we have discussed, the No-Project Alternative and the New Town Plan and that all the elements are addressed accurately within that range. But it is not, it is my understanding and perhaps staff can comment on this, it is not up to us to come up with that hybrid we discussed for approval prior to acceptance of the EIR, if we can get to that stage. That after acceptance, then we will have the general plan process - all the processes that were discussed here - those approval processes to get down to the specific land use issues and come up with that hybrid. That would then follow, or the focus EIR would then follow with that. We have a project here in Chula Vista, the Mid-Bayfront Project which has done just that. It is not as if there was no precedent for that.

Chair Any additional comments from staff? Commissioner Kastelic.

Kastelic During testimony several people brought up several concerns and other people had questions or comments that required, in my mind, an answer from staff. My question is, will the verbal testimony be answered in written form or should these people write their questions down in order to get a written answer?

Reid Mr. Chairman. There will be a transcript of all the public hearings and the Final EIR with appropriate responses to the questions and issues raised.

Chair Commissioner Tuchscher

Tuchscher Mr. Chair, could I make a couple more comments, just real briefly. I agree with Commissioner Carson's comments relative to organization and also relative to the visuals. I have found myself flipping back and forth between maps. I have calluses because I have been flipping back and forth between maps so many times. I would love to see overlays. Visually, it would be easier for me to understand and I think there are many members of the public that would appreciate that as well.

Relative to the No-Project Alternative, if that is looked at as Mr. Decker suggested in greater detail, I think there certainly are positives and certainly are negatives to that No-Project Alternative that should be investigated; such as, circulation and Interstate 125 and these types of elements. I agree with Mr. Decker on that issue as well. Thank you.

Chair If there are no more questions of staff, then we will continue this public hearing to the meeting of October 7, 1992 at 5:00 p.m. here in this building.

EXTRACT - Joint County/Chula Vista Planning Commission
Public Hearing/Workshop - October 7, 1992

COMMISSIONERS PRESENT

City of Chula Vista: Chair Casillas, Commissioners Carson, Decker, Fuller, Martin, Ray and Tuchscher

County of San Diego: Chair Wright, Commissioners Brown, Ferraro and Kastelic

IV. CONTINUED PUBLIC HEARING (FROM JOINT MEETING OF SEPTEMBER 16, 1992)

An inquiry was made as to why the meeting was not televised. The reply was that the reason was unknown because Ace Video had been informed of all the meeting dates.

Environmental Review Coordinator Reid said he would read into the record the letters of comment on the DEIR that had been received since the packet was mailed. Nothing received today would be included.

1. Charlotte McGowan, Southwestern College, dated 9/28/92, received 10/2/92.
2. City of San Diego Engineering and Development Department, dated 9/30/92, received 10/2/92.
3. Jay A. Haron, dated 10/2/92, received 10/5/92.
4. The California Native Plant Society, dated and received 10/6/92.
5. Sweetwater Union High School District, dated 10/4/92, received 10/5/92 with various attachment of previous correspondence.

6,7. (2 letters) Wilson Engineering, both dated 10/1/92 and received in same envelope on 10/5/92. The second one lacks a "received" stamp on it.

8. Thomas A. Davis, dated and received 10/5/92.
9. Environmental Health Coalition, dated 10/6/92 and received 10/6/92 by FAX.
10. Adrien Myers, dated 10/5/92, received 10/6/92.
11. Urban Systems Associates, dated and received 10/6/92.
12. Sweetwater Authority, dated 10/2/92 and received 10/6/92.
13. Jay A. Haron, dated 10/5/92, received 10/6/92.
14. Mark W. Dodero, dated 10/1/92, received 10/6/92.
15. Scott McMillan, dated 10/5/92, received 10/6/92.
16. Pacific Southwest Biological Services, dated and received 10/6/92.

It was noted that staff members from Ogden Environmental were present to comment on the contents of the DEIR.

Commissioner Ferraro asked how the letters received after September 16 were being acknowledged publicly? He was

informed that they were in the Commissioners' packets and are part of the record.

Mr. Lettieri informed the Commission that every attempt would be made to respond to all of these comments by the October 29 meeting and then, depending on the type and extent of the comments, should the public review period close on October 19 staff would make an update to the Commission on how they are proceeding with Ogden on responses to those comments as well. The responses have to be very diligently handled and the Commission will be kept apprized.

A. Public Comments on the DEIR

Eugene Sprofera, 3311 Fairway Drive, La Mesa, CA 91941. I am speaking as a Legislative Analyst which is something a lot of people don't understand but I make a pretty good job out of it being retired into it. I bring tonight before the City Planning Commission and the County Planning Commission (so I'll leave two letters). I'd just like to be brief in saying that I attended last night's hearing and last night's hearing and what happened tonight at this hearing is not in the paperwork that I already put together. So, I indicate that I will send an addendum letter to this that I want incorporated into this because of the brevity of time. We got into an attack of the public's right by attorneys. I will make that known now because I intend to move further with this thing because this is awful what is going on in Chula Vista. It's awful what's going on at the County. The same night the lady talked about, September 24, the Board of Supervisors saw fit to make the agreement with the City of Chula Vista. What is going on that the public can't find out? What is wrong with the Otay Ranch being up front and fair with us and telling us what they plan to do. What they plan to do is submerge us in one of the worst things that's stated. It's all here. I need to sign the one letter and I will turn them over to your clerk. I will be as brief as possible. I'm sick of this thing right now and I'm going to make it known all the way through this thing that this is the worst tragedy that has happened in San Diego County by "one of the biggest corporations, Baldwin Company". (Mr. Sprofera submitted a letter to the City Council, dated 10/5/92, with copies for each of the Commissions.)

Robert Fisher for Ray Radtkey, 4463 Maryland St., San Diego, CA 92116. Mr. Fisher said he would refrain until October 12 to read Dr. Radtkey's letter because of the present confusion.

HT.2-3

Robert Fisher, 701-11 East Shore Terrace, Chula Vista, CA 91913. I would like to first state that I never received anything from Mr. Lettieri. I was supposed to before this meeting. I was supposed to receive an Agenda. That was never received by me. I never received anything in the mail. Again, I have a lot of comments. I would like to speak briefly after Ogden's presentation addressing, for a few minutes, some of the issues that they are addressing which I brought up previously. If that's okay by the Commission. Then I would like to speak for a moment right now and then I'll refrain from other comments until the 12th.

First, I'll begin that I'm a Zoologist from the University of California at Davis. It's very hard for me to be here evenings. It would be easier for me to do things by mail but I feel my presence is needed. I previously addressed the Board and my comments are in the public record. I would like to add a few comments right now about data, the biological data.

(1) First, I talked to Greg Pregill of the San Diego Natural History Museum. He is the Curator for Vertebrate Zoology. I asked him if he had any natural history specimens from the Otay Ranch Project Area, all three parcels. He indicated that they have many specimens from the parcel..from the project area. Many specimens including things that are sensitive species that should be documented on the maps that we have in the EIR. He said they have specimens that go back 100 years, that have a big data base there. He also indicated that no one has requested a listing of these specimens from that institution. It is a local institution and any reasonable biologist would first consult with that institution before they did field work testing; to figure out how to modify their field studies. This indicates this data was not included in the DEIR. It's obvious that it is not. This data should serve as a base line and be consulted before the work is done.

(2) I have another issue which is very disturbing. It's a letter that is in your packet of letters that were received since the 16th; the letter from Marie Simovich from USD, and it is regarding her document that is in the Technical Documents, that is part of the eleven volume series. Her document is cited in the EIR as a wonderful document. When I saw the document in the Technical Documents, I was appalled. I couldn't believe that Marie could write so badly. It was only two or three pages long and it didn't make any sense. So I asked her, I said, "Can I have a copy of your document?" She gave me the document. It's long. It makes sense. It's not a small three-page thing that doesn't make

1. Please refer to response number 8 of the letter from Robert Fisher dated October 12, 1992.

2. See response number 1 of the letter from Robert Fisher, 10/12/92.

any sense. They have misquoted it. It's not intact. They have not included the document, the entire document. They have pulled pages out. I think that is appalling and, again, it reflects.. This is data they are using to base the EIR on. This doesn't address the issues or the data that is needed, that they don't have access to; that they didn't collect. And that, again, is the field data that needs to be done. Anyway I will address more specific issues on the 12th. Thank you. If possible, I would like to speak again at the end after the presentation on wildlife.

(2)

James Mayberry, 987 Loma View, Chula Vista, CA 91910. I hate to tell you this but I feel that someone should because this is a perspective that you ought to have in the remainder of your proceedings here. You folks here are history as far as having any meaningful impact in this process. What has happened is like this. A guy says, "Give me your money or I'll shoot you. But, if you give me your money, I won't shoot you and later I'll say that you gave me your money by consent." That is what the City Council has done to you. The process of receiving and evaluating public comments on this report is inseparable from passing on the merits of the report itself. The City Council, last night, (I watched the entire mess) spoke not an entire word about why this function should be transferred from you to them. The rationale that has been suggested so far boils down to things like, "Well, we were going to do it anyway. It's merely ministerial. There is a lot of confusion and, besides, we have the authority anyway." Those things sound an awful lot like lies because if they weren't lies, there would be good reasons for this action to have been taken, wouldn't there? None of these reasons were articulated at last night's meeting.

What you have is the biggest project in the history of this community and here's another thing I'll have to make clear for you. The City Council intends for public comment to end at the next meeting. The Resolution that they passed gives them the authority to bring down the gavel that you thought you had the authority to do at the very next meeting. That's the end and there is nothing that you can do about it. That was the purport of the Resolution last night and that is the clear legal meaning of the Resolution that was adopted last night. Therefore, from now on, everything that you folks do, all the time that you put in from now on, plus all the time that you have already put in is something that can simply be undone by the City Council at any time. I think the question is; why did they feel that they need that power prior to the running of the course which you, the Joint Commissioners, had already put in the motion for

HT.2-4

receiving and evaluating the public comments. If consensus is what they seek, then why is it that power is what they took? I just think that you folks ought to keep this in mind as these proceedings proceed because there is a very real possibility that this is all for show. Thank you.

(The following three public comments were actually made later in the meeting but are placed here for Agenda clarity.)

Adrien Myers, 1890 Ithaca, Chula Vista, CA 91913. I'm very, very concerned about the Draft EIR which I took the opportunity to read this summer while I was vacationing as a teacher. I feel that the EIR is incomplete. It does not answer vital questions. One is, what is going to happen to (3) the historic and prehistoric resources? The DEIR repeatedly states that these impacts are unknown. I think we need to know that. It is my understanding that there are vital resources there.

Also, the problem of water is just not addressed effectively. The DEIR says that 1/2 of the land is in the Otay (4) Water District which is currently experiencing water shortages. I'm quoting from the EIR. It also says, "Further analysis is necessary to determine the magnitude of the impacts and to identify measures appropriate to mitigate significant effects." We need those further analyses before anything can be decided.

Also, the DEIR was prepared before California went into its fiscal chaos. As a teacher I know fully well that over the last two years millions of dollars are lost to the school in salaries, in construction and in everything along that line. (5) Governor Wilson says that this is here to stay and is not just a momentary thing. So, to think about building six to thirty-two new schools and ask the State to come up with 1/3 of the revenue for those schools seems extraordinary at a time like this. We need to write a DEIR based on the present, not on three or four years ago when, perhaps, that money was there; it isn't any longer.

Also, I find it astounding that it can come right out and say, "Well, if you do this, it's going to be illegal", and it does. It's illegal because there are soils contaminated with petroleum hydrocarbons and pesticides that would be (6) unearthed if you began to develop. Also the damage to the Least Bell Vireo is illegal. It is a bird that is on the State and Federally listed endangered species and from the DEIR (I'm quoting), "Any net loss of individuals or occupied habitat is not allowable for this species." The noise levels created by this project would be illegal. It would

HT.2-5

3. Please refer to response number 1 to the letter from Adrian Meyers dated October 13, 1992.

4. Please refer to response number 2 to the letter from Adrian Meyers dated October 13, 1992.

5. Please refer to response number 3 to the letter from Adrian Meyers dated October 13, 1992.

6. Please refer to response number 4 to the letter from Adrian Meyers dated October 13, 1992.

exceed 60 dBA CNEL Standard. Air quality produced with project emissions would be illegal. It would add to the existing violations of Federal and State Standards - violations of those Standards. Although it is not illegal, it makes no sense to me to negatively impact sensitive uplands, wetlands and vernal pool habitat, 50 wildlife species, seven State listed endangered plant species, the coastal cactus wren, the California gnatcatcher, traffic on the road segments and intersections and existing County and City plans and policies. All of this that I am quoting comes right out of the EIR which, to me, is clearly unacceptable. It is incomplete, outdated and talks about illegalities. (6)

Teresa Aland, 1433 Nacion, Chula Vista, CA. I didn't get here in time to fill out a slip. I have been participating in the Citizen Committees. I have been participating in our community as far as recycling. I participated in the Citizen Committee for the Year 2000. I mean, I have been participating in the quality of life for Chula Vista that we all want. Now that the Otay Ranch is part of Chula Vista we feel it is necessary to take preventative measures. A lot of the impacts that the EIR references are significant impacts but nothing is ever done to prevent that significant impact. That is what I still see in this EIR. I have been making my suggestions all along, particularly I think you may recall, I said I am interested in solid waste management and recycling. I submitted several recommendations on these Citizen Committees to address those integrated waste management plans and they have not been referenced even though the EIR does reference setting aside lands to do composting. They are not setting aside with ordinances or regulations or references to the General Plan Amendment as yet. Supposedly, they will come in the subdivision in a tentative map. As I said, they are not detailed in the DEIR at this time. Those are my concerns for the future that they should be specific at this point and then planned into the subdivisional and the specific use plans. Thank you. (7)

Peter Watry, 81 Second Avenue, Chula Vista, CA. Thank you, Mr. Chairman. I am speaking on behalf of CROSSROADS. There are three items in particular that we wish to point out that the EIR leaves out or didn't discuss very much. One is the water availability to this site. As you know, most all of the development sites are in the Otay Water District and the Otay Water District entirely depends upon the aqueduct. Unlike Sweetwater and San Diego, it has no reservoirs. There was one time in the last 18 months when we were down to one day's supply when the pipe broke down. Now the Otay Water District is part of the County Water Authority and it used to be, up to a couple of years ago, that every member of the County Water Authority had a preferential entitle- (8)

HT.2-6

7. The Draft Program EIR includes a Proposed Mitigation section under the analysis of each issue area. Subsequent environmental review is required during the Sphere of Influence study as well as for each SPA Plan proposed within Otay Ranch. Specific and detailed mitigation measures will be developed at this time.

The Draft Program EIR requires that an Integrated Waste Management Plan be prepared by the project applicant prior to the approval of the first SPA.

8. Please refer to response number 1 to the letter from Peter Watry dated October 7, 1992.

HT.2-7

ment; so much based on assessed valuation. Every year for the last 15 years, Otay Water District always used more than their preferential entitlement allowed them to. They could do that because other districts like San Diego and Sweetwater used less because they had their reservoirs. San Diego, in turn, is part of the Met, the Metropolitan Water District of Southern California, and, that too, is organized on the basis of preferential rights. San Diego, at least for the last 10 years, has used more of their preferential right because Los Angeles uses less of theirs because they have their own aqueduct. In recent years, Los Angeles has been losing more and more into Owens Valley and so Los Angeles has been taking more from the aqueduct and less from Owens Valley.

(8) On top of all that, you know, we lose more and more water to Arizona. As you know, as of 1985, Arizona was entitled to 1/2 of the water that we were using from the Colorado River. They weren't ready to take it all and so they have been taking it gradually. As they have been taking it, Southern California have been allowed to use the part that they haven't been using. I wrote a letter to the Met and asked where we stand right now. They said that right now Arizona is taking 66% of the water and by 1996 they will take all of it. That 24% amounts to 940,000 acre feet of water. So, right today, Southern California is getting 940,000 acre feet of water that we won't be getting yearly for another four years. That includes the theory that Otay Lakes is full of water. So that's by how much we will be losing water to Arizona in another four years. Otay is literally at the end of the pipe line, figuratively and literally, in California. I think that should be addressed.

(9) You also got a letter from LAFCO that stressed these very same concerns that the EIR only talked of plumbing, it doesn't talk to water availability. Those questions should be addressed.

(10) The second thing I would like to point out to you are two other things that have happened since the EIR was written. One of them has to do with the airport on the Otay Mesa. You have all heard TwinPorts and you have probably seen pictures of it. The TwinPorts picture you've seen, is a parallel runway, parallel to Rodriguez, and kind of pointing east-west. If they had built that it probably wouldn't have bothered Otay Ranch. But that's been changed. I have here a report on Phase I of that Study that the FAA has been doing. It was completed in August, 1992 and this is the report of Phase IA and now they have begun Phase IB which was approved on September 14, last month. The main result of the Phase IA is that they can not have the east-west

9. Please refer to response number 2 to the letter from Peter Watry dated October 7, 1992.

10. Please refer to response number 3 to the letter from Peter Watry dated October 7, 1992.

runway. It has to be at least on a 290 degree magnetic heading which moves around to the northwest. The only runway now being studied is one on a 290 degree magnetic heading. In this report, they don't show a picture but, if I may, I would like to show you the only picture I have that will show you about what it looks like. (Mr. Watry used the overhead projector to display the drawing.)

In 1989, SANDAG did a study of the airports around San Diego County and they came up with five detailed configurations. There were two on Otay Mesa. One was called Otay Mesa Alternative A. The 12,000 foot runway, the one I have circled in red, that's the main runway. I told Jack Koeper, last week, who works for SANDAG, and I asked him what heading was that 12,000 foot runway on. He was insistent that it was not on any particular heading, they just had drawn it for comparative purpose. There are two lines on it that give us a good reference. The Mexican/US Border is roughly (10) on a bearing of 265 magnetic heading. Rodriguez Field at the bottom is roughly on a heading of 270 magnetic heading. Take a simple protractor and lay it on that 12,000 foot runway and it is about 290 to 295 magnetic heading. So that is now the only airport that is now being studied. In the back part of this report they also did a noise contour analysis. (Overhead projector used.) This is the noise contour analysis they did for Alternative A. You can see the 60 decibel reaches almost to Telegraph Canyon Road and you see it impinges on Otay Ranch in the western part of Otay Ranch. That is the only runway now being studied by FAA and San Diego City Council. I think, now with that change, that should be included in the EIR. Noise contours are known that will change the design of Otay Ranch, that means that you will probably put industrial under the air path instead of residential or maybe swap for something. The EIR should address that. It is now a known. The EIR comments that nothing is known at the time the EIR was written (which is probably true) but it is known now.

The last thing I would like to bring to your attention is something called Appropriate Technologies II and that is mentioned in the EIR. Since the EIR has written there have been two significant changes in Appropriate Technologies II, in scope and in mission. Appropriate Technologies II was (11) formed about 10 years ago, is on Otay Mesa near the landfill site. It was originally formed 10 years ago to transport and store toxic waste from around San Diego County. As the 1980s went by, it began to treat the waste. Not just transfer and store them, but to treat them. There was some concern about that and in 1990, their lease was up on County land. When 1990 came along they couldn't find another site so the County has renewed their lease. Since that time,

HT.2-8

11. Please refer to response number 4 to the letter from Peter Watry dated October 7, 1992.

Appropriate Technologies has now applied to the EPA of California and the United States for permission to treat toxic and hazardous waste and they got the permit as of May this year. They got the permit to do this. The permit reads in part, "The facilities on all site hazardous waste storage and treatment facility which receives both bulk and containerized waste, the facility generally accepts all liquid and solid hazardous waste except TSEA regulated PCBs, explosives, organized materials and infectious waste." They can now received toxic and hazardous waste from the rest of California, the western states and Mexico. The permit also lists what they are allowed to handle a year: acid, 45,000 (11) tons; caustics, 45,000 tons; cyanide, 45,000 tons; solvent, 45,000 tons; hydrogen chloride gas, 1,200 cubic feet; asbestos, 45,000 tons; hydrocarbon contaminated soils, 45,000 tons; paints, 10 million gallons. Now, I won't go through the rest of this, the written report, the accidents they've had and so forth, they've all had accidents. Now, where this facility is located, the way to get there, except for Mexico, all the other ways to get there to haul stuff in would be down 125 to the right at Otay Valley Road and that would take you right it. That goes right through the middle of Otay Ranch. So, this is a significant change in Appropriate Technologies II and I think it should be included in the EIR because that, too, should affect the design of Otay Ranch, evacuation route and so forth. So, those three things should be included. Thank you, Mr. Chairman.

Lettieri Mr. Chairman, we will need a copy of the first overhead.

Watry I gave that - it's in the - I gave her a copy of it.

Decker Mr. Chairman. (Yes) Mr. Watry, in your studies, your investigations - did you find out what Appropriate Technologies did with the material after they neutralized it? I assume they are neutralizing it.

Watry I really don't know. I would imagine..I don't know the chemistry of it..it sounds like they tried to neutralized it and then, I suppose, it would go to the dump. It's right next to the dump.

Decker I would just make this comment, you don't have to respond to it. You can't neutralize asbestos.

Watry Pursuant to the permit, what they do with it is beyond my science.

Chair — Does anyone else wish to address the Commission? May we have the Planning Commissioners' comments on the DEIR.

B. Planning Commissions Comments on the DEIR

Chair — Commissioner Tuchscher

Tuchscher — I would just like to make what I hope is a brief comment. I don't think we should lose perspective of what we are here to do and that is to take a good hard look at this document and make sure it is very thorough. I know we all take that very seriously but this is a broad brush document. There will be, I can't even speculate how much, opportunity for future public input as this project gets more specific and is developed out into specific plan areas which will be significantly smaller portions. There will be additional environmental impact reports. There will be maps down to the subdivision map and project level. This project is far from done and I just think we should keep that in perspective and we will have an opportunity for many, many years - 50 perhaps - to continue the public input as this project is developed.

Decker — I have a couple of comments, questions actually, on page 2-16. I kind of lost motivation after this Resolution but this is something I did before the Resolution and I'm interested in it. On page 2-16, up at the top of the page, it says, "This site (it is talking about the University site) was selected based on a minimum acreage requirement of a four-year institution." How do we expect the University of California to locate on "minimal acreage"? I point that out as a comment but I am concerned about that phraseology. It wouldn't make me rush down there and jump right into an agreement.

(12)

Chair — Would you hold your question, Commissioner Decker, we have one more comment.

(Adrien Myers - Taken out of sequence. See page 5.)

(Teresa Aland - Taken out of sequence. See page 6.)

Chair — Now, Mr. Decker.

Decker — Do I have to restate my concern about the phraseology for the four-year institutions?

Chair — I think you did an adequate job.

12. Please refer to response number 4 of the letter from Michael Beck dated September 13, 1992.

Decker Then I want to move on to another little thing that I have in here that I have a tab on. I am on page 2-21 and we are talking about sewer service, Public Facilities Element. "A sewer service plan is also presented with the New Town Plan..." It didn't make any comment about a projected Border sewer facility which, I (13) think we all understand in South Bay, is being bandied about as a real, honest-to-gosh possibility to take care of the Tijuana, the overflow and expansion in South Bay because we may well be coming to the maximum on the Point Loma outfall. It will certainly come about within the time period of the development of this project which is 30 to 50 years and I think it ought to be considered in here; at least mentioned.

I'm on page 2-25 and I would point out to anyone who is listening and Mr. Tuchscher specifically, 2.6.1 - Project Approvals - "These approvals will determine the maximum number of units to be developed on the Otay Ranch. Additional approvals include zone classification..." What I am (14) pointing out here is that these approvals will give us maximum numbers and we are going back to maximum numbers again and it is my experience that we have a fight to go down from maximum numbers if, in fact, we find some time in the future that we would like to depart from those numbers. It is just something that's been my experience.

Down at the bottom of the page, I would like to have someone explain to me, if you would, the next to the bottom paragraph, the last sentence. It says, "At the time of annex- (15) ation, a General Plan Amendment will be filed to amend the Subregional Plan boundaries to remove the annexed areas." I am a person of reasonable intellect and I can't figure that out. Could someone explain that or, at least, try to amplify it a little bit? I'm not sure what that means.

Lettieri I'm sorry, I was writing notes. Could you repeat that?

Decker It's on page 2-25 and says.. I would probably have to read the whole paragraph but.. "At the time of annexation, a General Plan Amendment will be filed to amend the Subregional Plan boundaries to remove the annexed areas." I read that paragraph several times and I still did not understand that.

Lettieri That relates to the County Subregional Plan. Both the County and the City are adopting.. are considering general plan amendments for the property. The County is considering a subregional plan designation and the City a general development plan and general plan amendment. As property..if property is annexed into the City of

13. The referenced boarder sewer facility is speculative at this time and was therefore not considered in the Draft Program EIR. If this project actually comes on line in the future, appropriate consideration of the facility will be accounted for during the SPA Plan development.

14. Comment noted.

15. The City of Chula Vista and the County of San Diego are considering general plan amendments for the property. The City is considering a general development plan designation and a general plan amendment and the County is considering a subregional plan designation. If property is annexed into the City of Chula Vista, these properties would then be pulled out of the County's subregional plan.

Chula Vista, as those properties annex to the City of Chula Vista they would be pulled out of the County's Subregional Plan.

Decker Okay. You might consider cleaning that up. Using that phraseology may be was confusing to other folk.

Ray Mr. Decker, may I just trail that for one second before we lose that thought? Does that necessarily mean that the entire area, if it were annexed, would not annex at one time and instead would go in regions?

Lettieri Yes, that's probably more likely because LAFCO requires the need for public services before an area can annex.

Ferraro On this annexation, the way I look at what LAFCO has written in their response to the EIR, and the way I look at the maps that show the sphere of influence, all of the commercial, the industrial, the resort features of all of the plans are going to be in the City of Chula Vista and all of the residential, single-family residential in various densities will remain in the County. Is that a true statement?

Lettieri To the Chair. You probably should not make that assumption. We will be making a recommendation to the Commission and then subsequently to the Board and Council on an agreement to process a sphere amendment for the City of Chula Vista and that will be presented to the Commissions in November. The City of Chula Vista is required to update its sphere..the original sphere was, I believe, adopted in 1985..would update the sphere on a five year basis and it's a couple of years past due. The City and the County are jointly working with LAFCO to make a recommendation on that sphere. So we should not assume that all the urban areas and the commercial will go into the City and the rest will stay in the County. Part of that will depend on the Service Revenue Plan or the Fiscal Impact Analysis.

Ferraro What I'm concerned about if that October 12 is my last time to have any input into this EIR, then these decisions will be made when I am not sitting as a body and I will never have an opportunity to look in terms of the various alternatives as to what their urban impact is concerned and as to what the impact is going to be on the rural areas. If I do this in November, I will never have an opportunity to get my comments put into the EIR.

This project certainly has a dramatic impact on rural San Diego.

Lettieri My understanding of the process and I'll turn this over to Doug Reid if I can't handle it. My understanding of what is going on right now, the political side, is that the Planning Commission is being asked to comment during the public review period on the DEIR. You will subsequently see a Final EIR (FEIR) which, I think, the County usually sees. Usually the County does not even participate in this process where you see a draft EIR and there are public review comments being made directly to you. That is the typical City process. You will see a FEIR before you when you see the project itself. You will be required to make that recommendation and look to see whether the EIR is adequate as far as you're concerned and compare that to the staff recommendations.

Ferraro Let me tell you my frustration. If one of the answers to the EIR is that this EIR is going to be an ongoing situation and there are going to be various projects, there is going to be a continuing of the EIR. If the answer to my concern about this project on rural San Diego is that it is going to be done at some future date, then I, as a Commissioner never get a complete picture. I never get a handle on the totality of the project. It's being fragmented on me in such a manner, I am never able to make a policy decision on what the impact of this is really going to be. I'm afraid I'm being precluded.

Lettieri To the Chair. If I understand the question, you have to be comfortable that the decision that you are making subsequently on the project is adequately addressed in the EIR. The issue of delaying or deferring decisions is not, for a general plan amendment and a general development plan and subregional plan, the EIR has to address that level, it's not something that is deferred later on. The SPA, the tentative map, there will be supplemental EIRs done for those. Let me deal specifically with LAFCO's letter and you'll get specific responses. This EIR is not intended to handle the sphere of influence amendment. The MOU clearly states that the land use decision will be made and the jurisdictions will not muddy the waters with jurisdictional issues at this time. The land use decision will be made and, at the same time, the sphere of influence amendment will be considered but that will be processed separately later on. So, it is fully intended that a supplemental EIR will be done with the sphere amendment.

Ferraro I agree with you, Tony, and that's a good response to what I said. But, through the EIR is this (I really don't fully understand it) concept of the urban limit line. The majority of this project lies on the other side of the urban limit line and, certainly, this project has urbanity written all over it. If the majority of this project is on the other side of the urban limit line and urbanity is written all over the project, I'm concerned about what is going to be happening in the unincorporated areas.

Lettieri To the Chair. The County Commission unlike the City Commission, the County has a regional category that deals with an urban limit line. You have to make that threshold decision whether or not you feel it is appropriate and where it is appropriate to move that urban limit line.

Ferraro Thank you. I will have other questions later on.

Decker I have to ask a question at this point. If the City Council chooses to take over this EIR process, then any supplemental EIRs will not come before this Commission but go straight to the City Council. Is that true or not?

Lettieri No, the way the Resolution was written it's on a case-by-case basis.

Rudolf That's correct. It would not necessarily affect any future action at all. It is on a case-by-case basis.

Decker But a supplemental EIR is just a supplement to this one and if they take over this EIR process, would they not also automatically take over a supplemental EIR?

Rudolf Not necessarily. It depends on the circumstances at that time.

Ferraro Tony, in Mr. Silver's Endangered Habitat League comment, on page 2, in the middle of that page. Tell me what you think Mr. Silver is saying here. He's saying that, "Conspicuously absent from the range of alternatives is an alternative which clearly meets the goals of the project's own Resource Management Plan."

Lettieri You will hear, tonight, a presentation on the Resource Management Plan that is a critical

element in the protection of resources on the property. It has objectives, depending on the species and habitat, that are supposed to be adhered to. It is a draft. Obviously this Commission needs to make a recommendation on it and the Board and Council need to approve it. But, it does reach thresholds. Many of the alternatives - there are nine alternatives - I'm pretty sure that the Composite General Plan, the Environmental Alternative comply with that Resource Management Plan. I don't have a case-by-case analysis but I know that the Phase I Plan has certain deficiencies depending on the resources and the Phase II does as well.

Ferraro — How can I, as a Commissioner, assure myself that all of the alternatives meet the Resource Management Plan.

Lettieri — All of the alternatives will not meet. For example, the New Town Plan, the Baldwin application would not meet the goals, objectives and policies.

Ferraro — Can you supply me separately or the entire group of us collectively with some sort of a document that tells me which of the alternatives meet the Resource Management Plan and which ones do not?

Lettieri — Yes. We will be distributing the RMP tonight; making a short presentation on it under the Workshop Session and then for the first meeting in November you will have comprehensive staff report, recommendations with an analysis of all of the components including the RMP and whether or not the staff recommendation meets the RMP.

Ferraro — To the Chair. If October 12 is the last time, which incidentally corresponds with Christopher Columbus day, the discovery of America.. If October 12 is the last time for us to have any input that means we will never have an opportunity to discuss the water availability problem because the way the Agenda is written for our next and last meeting, October 9, the only item on that Agenda is transportation. If we are only going to be allowed to discuss those items that are on the Agenda, I think that Agenda for Friday should be changed to include, what I consider to be a vital subject, and that is the water availability problem.

Taylor — To the Chair. I have a comment I would like to address to my Commissioner that would

be appropriate at this time. I just want to be sure that you are not under any confusion as to your legal authority. There is no deadline like October 12 as to the County Planning Commissioners' opportunity to have input as far as the validity of the EIR. You could continue the hearings until next June if you'd like. It is the public review period which is different from the Commission review.

Lettieri Since this is a public hearing, I would like to get that answer from the City Attorney as well. It is my understanding that we are talking about public review at this point. But, when the FEIR comes back to the Commission, the City Planning Commission makes a recommendation on that FEIR to the City Council. Is that correct or not?

Rudolf To the Chair. When the FEIR comes back, the action will be to the City Planning Commission to certify. The request will be to certify it is completed in accordance with CEQA. It won't be in the form of a recommendation, they will certify or not.

Casillas That's an iffy proposition. You are assuming that the City Council is going to be successful in negotiating some kind of agreement with the Commission.

Rudolf That is only in regard to closure of the public review period. Tony's question was addressed to - regardless of when the public review period is closed - at some point it will be closed and at some point the process will continue on to bring back a FEIR. All the comments will be in, the responses to the comments will be prepared and a document will be presented to you in the form of a proposed FEIR on which you are required to make a determination.

Casillas That's only if the City decides they need not take authority on themselves to do the public hearing and the certification and the whole thing. They can do it on the 12th or any time they want. Isn't that what the Resolution says?

Rudolf No, Mr. Chairman, it doesn't. All it addresses is the closure of the public review period. It doesn't talk about processing of the FEIR after that. It only talks about the closure of the public review period.

Ferraro That means that the Water Authority..San Diego Water Authority could not testify at

our hearing.. If after October 12 we had a workshop session involving water availability, that means the San Diego Water Authority could not testify at that hearing?

Taylor To the Chair. That would not be my opinion. I think the public can freely testify at all the hearings on the project itself. If some of the issues they happen to bring up deal with environmental issues, I think those are legitimately related to the project. They will not be considered to be part of the public review and be treated with the formality of being entitled to a written response from the County, or in this case, the City.

Lettieri Just to inform the Commission and I will hand out the schedule tonight, the water availability subject, since you have referred it to staff, is on your October 23 Agenda. I'll hand out a detailed schedule.

Fuller I have a question to follow up on the issue of who has the authority to close the environmental review or to certify. As I read the Resolution, page 26.9, down to the end of that second paragraph. They have lined out the words "Planning Commission" wherever it is referred to and substituted "hearing body", meaning whichever body the Council or the Planning Commission is allowed to be the hearing body. It says, "The hearing body shall review the recommendation of the consultant and the Environmental Review Coordinator, the FEIR and all public input and review any comments from other agencies or City Departments. If the hearing body finds the report has been prepared in accordance with the requirements of these procedures and (garbled) CEQA and all applicable State Laws, it shall by resolutions so certify and the EIR shall become final." We are not necessarily, by Resolution, the hearing body. The Council is if they so choose, as I read this. Then, in the final part it says, "If the hearing body is the Planning Commission, etc..." That means that we're not, up to that point.

Rudolf I stand corrected. You are correct in that the last portion of that if the Council elects not just to set the date but to exercise the power of the hearing body that would become effective and they, under that last sentence, would end up being the ones who certified the EIR not the Planning Commission as usual. It also would allow for the Council just to set the date to close it and you would continue to be the hearing body and you would be the one to certify the EIR. The rest of that staff report from the Attorney discusses these possible outcomes. One is just set the date and business as usual - you conduct

the public hearing, you close the public hearing within the confines of that date - then you would be the hearing body and you would certify. Where they would take and establish themselves as the hearing body, establish the closing date, then they would be the certifying body.

Kastelic Following up on that question, I would like a copy of the document that I don't have yet. I thought that State Law (maybe our Counsel can answer this question) does not always require a Planning Commission to hear General Plan Amendments as we are hearing, but if a Planning Commission is set up, then by State Law aren't they required to comment on this? What is your opinion on what you have just heard? Isn't that circumventing State Law?

Taylor Commissioner Kastelic is familiar with the advice that we have given in connection with the County's role. Everything stated is accurate in terms of what a County General Plan Amendment procedure involves. It goes through the Planning Commission. It is required to go through the Planning Commission. The City of Chula Vista.. Are you a Charter City? (Yes.) So they, under their Charter authority, have authority to do some deviation from what the normal State requirements are. Generally speaking, for a City the State does set up the same kind of a procedure with the hearing by the Planning Commission and then the City Council. I don't know whether they deviate from that here; it sounds like they follow that. I think there is a difference between a hearing on the project itself and a hearing on the environmental review so, maybe..

Kastelic I'm talking about the project..

Taylor I don't know that Mr. Rudolf was saying that the City Planning Commission would be omitted from the process on the project itself. I don't think he was saying that.

Wright May I just follow up? If the City Council takes over the environmental review, does the County Planning Commission then meet with the City Council because, I assume then that the City Planning Commission is out of the loop. What happens in that kind of situation.

Taylor I think you could structure several alternatives. It might be you could meet separately. I think you, individually, the County Planning Commission has the right to consider and thoroughly satisfy itself on all these environmental issues, and continue to make recommendations and requests regarding the environ-

mental documents. If you want to do that jointly with whoever is the City's appropriate agency, that's wonderful.

Wright In the spirit of cooperation it would seem like we should.

Kastelic So, in your opinion then, the County Planning Commission is required to comment on the FEIR, either accept it or reject it.

Taylor Yes.

Wright I just have a few comments. I'm going to hold most of my comments and questions until we get into the DEIR in more detail. Most of my question or concerns are about details. I have literally dozens of them. But, I think I was struck by the comment that the gentleman who is sitting in the middle of the room on my right made earlier and that is, "The public review and the EIR are inseparable processes." I know, for myself, I really do depend, even on small projects, I depend on public review to help me focus in on certain kinds of issues. There are some things that even after eight years that you can overlook. It also helps, I think, to make the process more efficient. I learn a lot through that process. I don't see how we can easily separate public review and the evaluation of the EIR and we are trying to do that in a very artificial sense. To close our public review so soon, it seems to me, makes it very difficult for me as a Commissioner and I assume the other Commissioners feel the same way, to do a thorough job of evaluating the EIR.

The second point I would like to make is that this project has been underway for three or four years and, I must say, in the early stages of the project I was really impressed with the degree of public participation and the great length that Baldwin went through to involve the public. I was just astounded at what was going on. It just seemed to me that was a most unusual process. I had never seen anything like it before. That's part of the background of where I am coming from; the past history of substantial public participation. Then we have also seen legal counsels go to great efforts to make sure we have clean proceedings. Even going so far to make it difficult for me to even talk in a van when we were driving around. Legal Counsel kept telling me to keep my mouth shut and "wait until we all get out of the van and we can all talk and everybody can hear what you're saying." They went to great lengths to make sure that everything was above board so that the public was fully involved. That's another part of the background to which I'm coming in my comments.

Now, I guess, I'm asking myself, "Why in the heck are we moving so quickly in this phase of the project when it has taken so long just to get to this point?" We have a DEIR, a humongous draft EIR. I suppose over the past eight years, I've looked at 150, 200 EIRs and, I think, I can go through them fairly well. But, I haven't made my way through this EIR yet. I keep going back and forth between different documents and so I try to put myself in the place of the public. Somebody that hasn't seen a lot of EIRs and, I must say, I just don't know how anybody can get through that EIR in the time that it has so far. It seems to me that -- we are getting close to doing something very nice, I think, or it could be really crummy. Why don't we, at this point, begin or continue to use some common sense? What's the big rush all at once? Common sense and some good judgment will continue to keep a good quality record so that we don't get bogged down at later times.

I guess, I would like to recommend to the Chula Vista City Council in the strongest way possible that they give us a few more days; 30 days if not 60 days. We need more time. I need more time. Thank you.

HT.2-20

Ray I am the least experienced member of the Joint Group and I was given 15 days less of whatever time than any of the other Commissioners. I certainly appreciate your comment. However, sitting here we are beating our heads against the wall about something that is basically in place that we are not going to do anything about. I would just urge that we get back to the discussion that we should be having which is on the specifics of the EIR and address what we can, and try and solve what we can and get the questions raised that need to be addressed. I fully urge the members of the County Commission to come to the meeting on Monday, the 12th, and echo their sentiments there because I think that is the only place where we are going to have anything to say that may or may not change the outcome of the Council's decision.

Fuller I would just like to comment, Mr. Chairman, I know that we have strayed far afield here tonight from comments on the DEIR, I think, as Commissioner Ray has said. I think it is important for the public to know and I feel obligated to share with you because, as Chairman at the time of the Planning Commission along with Chairman Wright, we took a great deal of time to plan out this process with our staff. I want the public to be aware that it was not a Planning Staff, the Joint Staff, or even the Project Manager that - I want you to be aware that we took a lot of time in planning the process, how it would

happen - because this is the first time a project has ever been looked at and planned jointly by a City and the County. We looked forward eagerly. We knew there would be some roadblocks, stumbling blocks, because we have different jurisdictions and different rules for different jurisdictions but we were excited to, at least, make it work. I feel saddened now that, not by any action of our combined staff, but by the decision of the City Council they have taken some of the fire out of our work and our responsibility. I am going to still continue to study the EIR but I really feel discouraged that I will not be able to be at the meeting on the 9th nor on the 12th. I will be out of town. I will put my opinions and personal feelings in writing to the Council but I just want the public to know that we didn't expect to have this type of roadblock thrown in our path.

Kastelic I do have a couple of questions since at the last two joint meetings I have asked for a copy of the Wildlife Corridor Study and I still haven't received it. I notice there is a Phase I and Phase II. Is Phase II available yet or when will it be available?

Lettieri To the Chair. The Phase I Wildlife Corridor Study is in one of the technical appendices in the EIR, the draft study. The Final Wildlife Corridor Study was reviewed by staff this week and we are working with Ogden to finalize it so you will have it within the next two weeks.

Kastelic Is that part of the DEIR?

Lettieri No, it is not.

Kastelic It's a technical appendices to the DEIR?

Lettieri Oh, the draft is a technical appendices, that's correct.

Kastelic And that document isn't even available yet?

Lettieri The Draft Wildlife Corridor Study is in the technical appendices of the DEIR today.

Kastelic But the Phase II portion? What is it you're talking about that is not available yet?

Lettieri What the Draft Wildlife Corridor Study states (and I'll turn this over to Anne Ewing if I can't answer this) - what it states is it defines all of the local and regional wildlife corridors as they exist today.

It describes the setting and what may need to be done to preserve those corridors. What the Final Wildlife Corridor Study does is give specific recommendations on widths of corridors and specific locations, so it is a refinement based on additional study. In the Resource Management Plan it was never intended that the Final Study would be done at this time. But, based on your Commissions' request as well as the request of both the City and the County Management Staff, that study has been sped up and it should be out in the next two weeks.

Kastelic Okay. I thought we wanted it to be part of the DEIR, at least the document. That was my understanding. You mentioned that the Resource Management Plan is available tonight?

Lettieri The Draft Resource Management Plan is included again as a technical appendices in the DEIR but we do have copies tonight.

Kastelic When was that available or has it been available all along?

Lettieri It has been available all along, since July 31.

Lettieri Mr. Chairman. I would like to respond to Mr. Wright's comment that he was going to defer his comments on the EIR to a later time. As far as the Agenda is concerned, this is the time to do that as Item V is a workshop on Habitat and Species Protection Approach to the Otay Ranch. So, if you do have additional comments, I wanted to make sure you knew this was the time.

Wright Most of the comments would involve discussions of the EIR and after the public review period I assume. I'm still learning from the letters that are coming in as part of the public review process.

Casillas We will take a 15 minute break and should be back at 7:20 p.m.

BREAK: 7:06 to 7:27 p.m.

The meeting reconvened at 7:28

Casillas We are going to back up just a bit given that we really haven't closed the public comment

period and we have one more speaker. Mr. Watry.

(Peter Watry - Taken out of sequence, see page 6.)

Lettieri When the Commission is completed with their comments on the EIR I would like to ask that we briefly discuss the schedule because you are going to be asked to continue this hearing to a date, I'm assuming October 9, which is Friday. It is also my understanding that, at least, three City Commissioners will not be able to attend that meeting. Unfortunately, I don't have the names of those Commissioners. I want to make sure there is a quorum for that meeting, especially the City Commission, if you would be continuing the EIR hearing to that date.

Chair Which Commissioners will not be there? Commissioner Martin will not be there.

Fuller I will not be there.

Decker I may not be there as well. I have to be in El Segundo in the afternoon and can't get back until the 5:30 airplane.

Lettieri Since there definitely will not be a quorum, I would suggest that you simply continue the hearing, we cancel the meeting on the 9th since it is an EIR meeting, and have the Joint City Council/Planning Commission Workshop/Hearing on the 12th. That the City Planning Commission continue to that date and the County Planning Commission continue the Joint Hearing to the 23rd, which is your next date.

Chair We need now to close the public comment, not the hearing..but the public comment for now. We will continue public comments at the meeting of October 12.

Wright Mr. Chairman, before we close the public comments, it's hard for me to tell from the schedule what is going to be happening in the way of future Joint meetings, I would like to defer to Commissioner Ferraro for a motion that reflects the County Planning Commission's position on the public review process.

Ferraro In conformance with what we were talking about earlier at this meeting regarding the situation, I would like to make a motion on the part of the County to reaffirm our original decision to ask for delay to

allow additional public comments and the delay should be for a period of 60 days.

Wright I just wanted to speak to that briefly. We are simply reaffirming through that motion a position we have expressed before and it is appropriate that we expressed that at this time. I would also like to suggest to Mr. Ferraro that the motion include a provision that the sense of the motion be conveyed to the Chula Vista City Council at their joint meeting of the Chula Vista Planning Commission.

Ferraro I agree to that add on.

MSUC (Ferraro/Kastelic) 4-0 with Commissioners Kreitzer and Leichtfuss absent, to reaffirm the County Planning Commission's original decision to ask for a delay to allow additional public comments, that delay to be for a period of 60 days and this motion be conveyed to the City Council at their joint meeting with the City Planning Commission on October 12, 1992.

Chair We need a motion to close the public comments for tonight..as recommended by Council.

Rudolf Mr. Chairman. I just wanted to recommend that you make a formal motion to continue the consideration of public comment on the EIR to the meeting of the 12th.

MSUC (Decker/Martin) 6-0 to continue consideration of public comment to the meeting of October 12, 1992.

Chair We will continue now comments by the Commissioners on the DEIR. If we have no further comments this evening, then we will go to Item IV.

Lettieri Mr. Chairman. For the benefit of the public, we will post in front of this Chambers and the County DPLU that the meeting on the 9th is cancelled for lack of a quorum.

EXTRACT - PLANNING COMMISSION MEETING OF
OCTOBER 12, 1992

COMMISSIONERS PRESENT	Chair Casillas, Commissioners Carson, Decker, Martin and Ray
ABSENT	Commissioner Fuller

The meeting reconvened at 8:14 p.m.

The Chair asked Counsel Rudolf what the MOU said in terms of the whether or not the County Planning Commission should be a participant at this meeting to receive public testimony. Mr. Rudolf suggested that the Planning Commission hold their noticed public hearing, take any input from the public and since both video and tape recordings are being made of the proceedings, ensure that they be made available for the County so that with regard to the public record for the CEQA Proceedings, both Commissions have access to all the same information.

Commissioner Carson said that since the County had voted, last week, that they wanted to extend the public hearing period 120 days, how was that affected by what had been done tonight? Mr. Rudolf said that in light of the Board's action and the Chula Vista Planning Commission's action tonight that the County Commission would reconsider their posture and make their own decision on how they wish to proceed. His assumption was that if the decision was to continue in a cooperative planning process that they would dovetail with Chula Vista's process and the rest of the schedule as prepared by the Project Staff. They would, however, be legally free to hold public hearings on the EIR, but it is hoped they would not do so.

3. PUBLIC HEARING - CONSIDERATION OF THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE OTAY RANCH GENERAL PLAN AMENDMENTS AND GENERAL DEVELOPMENT PLAN/SUBREGIONAL PLAN (SCH #89010154). - Continued from meeting of October 7, 1992

Malcolm Gettmann, 8763 Spring Canyon Dr., Spring Valley, CA 91977, Chair of the Spring Valley Community Planning Group, that is part of the County of San Diego. Unfortunately, because of the way the process goes here, once you get to the Specific Plan Amendment we will not receive any notice information regarding potential environmental impacts on Spring Valley, Rancho San Diego, Casa de Oro, those areas, so it is critical at this point that we get the information, request accurate information from the developer here. Just in a preliminary review of this docu-

nent, which is the largest document any of us have ever seen in recent history, and knowing that it takes several hours to read through just to grasp some of the basic comments therein, we did notice some real critical problems with regard to traffic.

(1) The project assumes a western alignment of SR 125. Now, that is great and we all know that you have to make a basic assumption in order to create any kind of model. However, there is a move afoot to change the alignment of SR 125 to an eastern alignment that goes east of the reservoir. Without making any comments about that specifically, it does have a significant impact on the volume of traffic that is diverted onto surface streets in the City of Chula Vista in addition to those streets to the north. One thing that we did notice which reads specifically with this project is it, absent any alternative except the No Project Alternative, the streets in Spring Valley mysteriously go to Level of Service E. Going through the documentation we have not been able to ascertain why the numbers don't add up. We've gone back to staff at the Otay Ranch Project and asked them to come forward to our meeting. Our next meeting is tomorrow evening and you are all invited to attend. However, it does appear that we are now under a shorter time frame and that we may be pressed to hold additional special meetings in order to accommodate this constantly changing deadline as to the close of public testimony.

One thing I would ask as a potential remedy to this is that during any of the Specific Plan Amendments, it would be required of the developer to notice all surrounding communities as originally described and affected in the original document. That, I would hope, would address the issues of whether or not the communities of Spring Valley, La Mesa, in fact, the City of El Cajon are impacted by this simply because of the size and mass of this project.

Another issue that cones up is the central issue itself of the adequacy of the document. There are some challenges to, at least, the environmental aspect specifically with regard to biology. It is almost impossible to make determinations or recommendations as to certain environmental issues; i.e., the gnatcatcher without knowing what Fish and Wildlife Service is ultimately going to do. The level of mitigation required certainly varies according to the mandates and status of that bird. We would hope that you would allow those groups outside the City of Chula Vista who were not included in the original participation of the Otay Ranch plan sufficient time to complete this. It appears that we are under a deadline of the 19th as a final date to get the public hearing testimony that is required by statute to be included in the document. Any other comments received after that date, as you are aware, there is no statutory requirement that they be included or even considered as part of the

HT.3-2

1. Comment noted. Response numbers 3 through 5 in the Spring Valley Community Planning Group letter dated October 17, 1992.

2. The No Project Alternative was modeled utilizing Series 7 background data outside of the study area for the San Diego County region. This Series 7 regional database reflects Year 2010 forecast; Series 6, the previous regional land use database reflected the forecast for Year 2005. The only Otay Ranch Project Alternative which was modeled utilizing Series 6 data was the New Town Plan, original submittal as it was modeled in 1990, prior to Series 7. All other alternatives were tested with the Southbay Combined Travel Forecast transportation model utilizing the Series 7 regional database as the most recent source of accumulative growth in the County available at the time each alternative was evaluated. This modification of regional background growth forecast from Year 2005 to Year 2010 reflects increased growth potential in the region of San Diego County located immediately north of the study area boundary for the Southbay (State Route 54 and State Route 94). This increased growth potential associated with Series 7 for Year 2010 does result in higher cumulative traffic activity on the facilities within the Spring Valley Community Planning area.

3. For each subsequent SPA Plan EIR, an Notice of Preparation (NOP) will be circulated by the lead agency for 30-days, per CEQA Section 15082(a), to solicit comments and concerns regarding the proposed SPA. Through that process, the surrounding communities will be notified of up-coming projects and will be capable of providing comments on their concerns.

4. See response number 1 in letter from Sweetwater Community Planning Group, 10/12/92.

document. They may be received and responded to by your staff or the appropriate staff.

I think you acted in what you believe to be good faith. I'm sorry to see it truly looked and has the perception of being a pure political sell-out to the rest of the communities that encompass the East County and South Bay. I would hope that you reconsider your motion at the next meeting to extend the time and would act accordingly. We will come back hopefully within the time frame that we are going to assume, just for safety's sake, is actually before midnight of the 18th - seeing as I am not clear as to what time on the 19th that this public hearing will close. That is still an open question. I don't believe you realize that you left it that vague to the public, but you did. We will have, at least, some initial comments into the document so that they will be considered as part of the document. I will make myself available to answer any questions that you have regarding any particular issue as it may affect the northern communities in Spring Valley, Ranch San Diego, Casa de Oro, those communities.

Chair — Thank you, Mr. Gettmann. Any questions of Mr. Gettmann?

Decker — Mr. Chairman, I have a question of staff. Are you using close of business on the 19th as the official date?

Rudolf — Yes, Mr. Chairman, in the absence of any specificity in the motion. It was close the public review period on the 19th. Obviously, you can't act on something you haven't received, so it should be received by the close of business which will be 5:00 p.m. in Chula Vista; received.

Martin — Mr. Chairman. Can we be assured that this Group does get the information that they haven't got.. Is that right? You didn't get information on time?

Gettmann — The volumes - we originally requested a significant number of volumes to cover the process. We hoped by having a large number of the volumes itself, it would allow for a faster review period. We negotiated down to four sets, two complete sets with all the appendices, to work with. You have to understand that I hurt myself lifting these documents and sorting through them. As long as I have been doing this, when they told me there were four sets and would be "delivered to your house or on your doorstep". I still did not comprehend the fact that it was going to be blocking my doorstep and that I would have to physically move them before entering my home.

This is no small project for those who volunteer their time. We got the information a week later than we had anticipated but it will still take us probably another two weeks before we finish reading all the appendices and making all the comparisons of where there are omissions, technical omissions in the data. Remember, for the most part, the groups are volunteers and we do have other full-time commitments. Those groups that are elected bodies elsewhere also have other mandated issues to deal with.

Jan Buddingh, Jr., 1363 Santa Cruz Ct., CV 91910. My concern here, even though I'm a Chula Vista resident and have lived in Chula Vista and my parents have grown up in Chula Vista, I've grown up in Chula Vista and I'm now raising my family in Chula Vista, is more on a regional scale. My problems with the DEIR, as I see it, is that it is insufficient with respect to the depth that it goes into. It is a massive project. It is the first of its kind in the County. It is probably the only one of its kind that has been proposed for Southern California in the last several years.

HT 3-4

My concern with that basically goes to the issue of water availability. The DEIR basically says it will be something that we'll leave to the SPA level. This is a document that is supposed to envelop the whole project on a regional basis. It completely fails to do that. It passes things off onto the SPA level, things that should be addressed and need to be addressed on a regional basis, not just the City of Chula Vista but the entire County of San Diego and basically with respect to the water issue for all of Southern California. The question is, where is the water going to come from for this brand new city that we are going to plop right down in the middle of Otay Mesa? It is a serious question. It is a question that needs to be addressed on a regional basis. It is a question that needs to be addressed in this EIR not in a SPA level EIR. It applies to the County as a whole. The DEIR, as it now, says that upon approval of the Public County Water Authority that there will be sufficient water, they can go ahead with the project. Why can't we do the study right now? Why can't we figure out where the water is going to come from? Since the Baldwin Company developed Irvine, they had a significant amount of water that was available when Irvine was developed that is not here now; i.e., a significant portion of the Colorado River water that has been cut off to us.

(5)

The EIR needs to assess the availability of water on a Statewide basis because we import most of our water. People say we are in a drought right now. The EIR needs to address, are we in a drought or have we really overtaxed all available sources of water? If that is true, then what does the EIR have to do? It has to look at the alternatives. What alternatives are there? There are no alternatives in the EIR or the DEIR as it now stands. Are we going to get more rain? Are we going to have

5. Please refer to response number 6 of the LAFCO letter dated September 10, 1992.

rainmakers to out there? I don't think we are going to do that. Can we buy water from other States? That is a good question but that's the big unknown. What about desalinization? Is that really the only way we can actually get new water here? What are (5) those costs going to be? What are those environmental impacts going to be? We are not just talking environmental impacts of new pipes bringing water from the coast, we are talking about environmental impacts to locate such a plant. We are talking about environmental impacts to generate the power necessary to run such a plant.

We are talking about the very diverse situations that affect the entire region and ultimately, as a citizen of Chula Vista, affect the quality of life in Chula Vista. I have heard our City Council expound on the quality of life and the need to leave this quality of life to our issue and their children and our grandchildren. Let's do that. Let's look at it now. It benefits the Baldwin Company for them to have to look at this source right now too. If they are going to have 120,000 people living out there, where is the water going to come from? Why lead them down the Primrose Path if they are not going to be able to obtain the water this time? The regional aspect to the water also carries over into a lot of the other issues that you have heard about; the biological problems, the biological concerns. It's not just (6) Otay Ranch. It's the entire southern San Diego County that is impacted by this. We have a vast bio-ecosystem that extends all the way from the Bay to the Arizona border that is, basically, rural, undeveloped land east of Otay Lakes. There is obviously no adequate mitigation discussed in the EIR.

(7) Basically, I would like for the Council to also address the issues of growth inducement. What are the regional impacts of that? Has growth inducement adequately been assessed? I don't think so. Visual alteration, alteration of view sheds, with respect to the current citizens of Chula Vista. Telegraph Canyon (8) Road, the visual alteration of that view shed that hasn't been addressed in any of the alternatives. Thank you.

Daniel Tarr, 11524 Fuerte Farms Pl., El Cajon, representing the Valle de Oro Community Planning Group, in the County, you know, just like past your back yard here. I am trying to contain my frustration, let's call it. I will make some comments and, in a way, I'm also frustrated that members of your City Council have not paid us the courtesy to stick around and see how we might react to what went on earlier. Unfortunately, that means I'll be addressing my comments here for the record but I really feel like I have to do it now rather than write it. I don't know if some of the people from the audience earlier who made comments are still around but I hope they would listen as well. I see I have about two minutes. I'm out of my jurisdiction here. Frankly, that's part of my frustration.

HT.3-5

6. Extensive habitat and species-specific mitigation was incorporated into the Draft Program EIR. Additional upgrading of mitigation programs was incorporated throughout the Final EIR.

7. Growth inducement is addressed in Section 7 of the Draft Program EIR. The analysis evaluates the effects of extending roadways and public services on offsite or adjacent properties.

8. Viewshed alteration along Telegraph Canyon Road is addressed in the landform alteration/aesthetics analysis, Sections 3.2, 4.2.3, 4.3.3., 4.4.3, 4.5.3, 4.6.3, 4.7.3, and 4.8.3 of the Draft Program EIR.

I hear two reasons given for why this has to be speeded up. Well, maybe three. One was, "We have an indemnification from the Baldwin Company that says October 19th." The other reason was, "Hey, we want to grab control of this property because we don't want the County doing something here that we don't like." The third reason was maybe, "The holidays are coming." That's not good enough. I don't think it meets the law.

When people stand up here and say and suggest and say, "Where were you for the last four years? Where were you on Wednesday nights?" Frankly, that insults me very deeply and the Group that I am part of. We are volunteer, mostly elected members. Some are appointed when a vacancy comes up. We give our time to plan our community and try to participate and for people to come up here and lay this kind of garbage in front of the Council and your Planning Commission is deeply offensive.

When Councilman Malcolm explains what public review means under CEQA, he's dead wrong. If the people think he was right, they need to go back and read their CEQA Law. CEQA means the public review period is for getting remarks responded to in writing, so that they can be incorporated into the document. That's not going to happen after the 19th. Anybody who thinks it is, is kidding themselves. You will get a written response from somebody's staff, but it's not going to be part of the document. We talked about various requirements and SPA Plan requirements. Now, isn't a developer also required, in your City, to keep their accounts up to speed? I'm told that in the County, if someone falls behind in their deposit accounts, it's suspended; processing is suspended. I think there are some real problems with that aspect of this whole situation as well.

Unfortunately again, I guess I'm speaking for the record because he's not here, when Councilman Malcolm tells us how simple it is to review this document..Is he reading this document? How many people..I didn't hear anybody here..everybody says, "We don't have all these volumes." They're all surprised to see how big a stack this is. For somebody to sit and tell me that by the 19th, I have an adequate amount of time to deal with all this material..I'm sorry, that's wacky.

I'll be happy to discuss with Councilman Malcolm, or anyone else, a material strategy for reducing the need for landfills in anybody's back yard. Let's talk about that kind of visionary stuff! Instead, we are hearing, "Oh, it's our back yard, we are going to protect it. We are going to grab it away from the County so they don't do something in our yard that we don't like." And then, Councilman Moore says, "Well, you know, we are talking about money, jobs, tax base to the City." Excuse me! I don't think that's a legitimate reason for rushing this process

HT.3-6

past a legal review. It's just not! In a way, I'm glad he said that on the record. I mean, we had..one Supervisor had some input here tonight by sort of a proxy process. You know, let me say this again, this is my back yard. This is County jurisdiction we are talking about. It's not in the Sphere of Influence of Chula Vista or the City Limits of Chula Vista. We are completely disenfranchised here. Let's talk back yards.

And when people say, like Councilman Malcolm did, that developers are experiencing financial problems. Everybody in the room who is not experiencing financial problems, raise your hand. Excuse me, are we now going to become a lending institution to help people who fall behind in their deposit accounts, help them process their projects? That's a great program! Maybe that's a business partnership we can do for everybody. That's great! And has there been an appraisal of this second trust deed that you are holding on your note, lately? I mean, we're talking about falling real estate values.

So, finally, there's a question..well, not finally, actually.. I didn't hear, and I'm trying to understand for my Group so we can participate in this process..I did not hear in all of this resolution and motion passing, who's going to certify this EIR? Is it going to be the Planning Commission, or is it going to be the Council? That's still an open question. I couldn't make it out. Maybe somebody can answer that, I don't know..but, you know, it's a mystery.

And, you know, talk about all the time we are spending on the public review process. Yeah, that's frustrating and it's a waste of time, perhaps, in some people's eyes. But, you know what, if back on July 30, somebody had said, "Look, we are going to have 120 days. Everybody relax. Do a good job. Let's get together and we'll have the stuff." We have been constantly kept off balance. I think I've appeared in front of you and in front of everybody else to say that over and over again. We never knew from one week to the next how much time there was going to be or when what going to be the last day. It's really appalling.

(9) And the notion that everything will be dealt with at the SPA level, I have two words for that -- Rancho San Diego. Now, maybe in the City of Chula Vista people don't quite know what the significance of that is, but you can't leave it all to the SPA level. There are many people..I'm not going to repeat what they said.. There are issues that have to be dealt with at this level, they cannot be deferred - and that's in CEQA! I think it will be in our comments so if somebody wants to dig out what section it is, there are things that cannot be ignored and by closing this period on the 19th, you are going to prevent people from pointing that out. It's going to flaw your process.

HT.3-7

9. Comment noted. Refer to response number 3 of the Caroline Coulson letter dated September 11, 1992.

And this notion, and again, I'm sorry that Councilman Rindone is not here, to say that, "We want to move to a more sophisticated level of planning." Is that why we have been sitting here? Is that what we are being put through? A more sophisticated level of planning so "we can get down and dirty", I heard him say. No, this is not more sophisticated. This is an old fashioned process we are experiencing and it's offensive. I'm just from the County. I'm just some guy from your back yard out here and, to me, I guess the best way I can put it is - this smells like an east wind to me and I live just west of a chicken ranch. Thank you. I'm sorry.

Ray Mr. Chairman, let me comment at this point. (Sure.)

Ray Mr. Tarr, I fully appreciate your comment because, believe me, everybody on this Commission has, at some point or another on this project, felt the same frustrations. You made three comments here that I just want to make a counter to, if you will. The County, in case you didn't know, the developer is also delinquent with the County, not just the City. I do believe that the SPA level will be an adequate place to address some of the issues. There are other things that are in the current EIR that are probably going to remain unmitigable and that is unfortunate. But, I believe personally, that is the place to attack the majority of these problems. Your comment about, "You're just in our back yard. You're just our neighbor"; that's exactly the way this City feels about the County of San Diego. "We're just the guys down south."

Tarr With your fence around my yard!

Decker Mr. Chairman, I have one comment to make. It is, and always has been, the policy of this City that the City Council certifies the EIR. The Planning Commission does not certify EIRs. It either "recommends certification" or "do not recommend certification", one way or the other. It will always be the City Council. (Thank you.)

Chair We have a split of authority here. Mr. Rudolf.

Rudolf Mr. Chairman. The resolutions we prepare for you when the project finally comes before you are to certify that you have read and considered the FEIR and that it has been prepared in accordance with CEQA. Both the Planning Commission and the Council certify the EIR.

Decker Well, as I recall - we just recommended, but that's all right.

Carson I just wanted to be sure we had the timer on. (I think we had it on most of the time.)

Tuchscher Mr. Chairman, can I also make a comment? (Yes.) We didn't have an opening statement this meeting so, just so the audience knows, we also are volunteers working hard for our community.

Decker And get paid the same amount you volunteers get too.

Dave Gazin, 1053 Loring St., San Diego, CA 92109, representing the Zero Population Growth. I am their Treasurer. I have been interested in the Otay Project which has recently has come to my attention. I have been lugging around the eleven volumes since they came out about the first of September. I have been reading them somewhat too. They're not very readable. Has anyone tried to read these things? They're pretty bad and the consensus from the people I've been talking with is that the quality of work is very poor. It's hard to understand, insufficient basically. It doesn't even meet the CEQA Guidelines in many areas.

HT.3-9

My Group is concerned with growth in sort of a bigger picture since we have concerns about the environment, as you can well imagine. Our feeling is the planet is being rapidly despoiled. We've got all kind of problems, deforestation, loss of top soil, lack of clean water and the planet's eroding environmentally. It's being nickeled and dimed to death. The Otay Project, its growth.. Expansive growth is a major problem today. We have to reconsider the point of all of it. Is it really improving the quality of our lives, the growth and development? Look at Los Angeles, it has grown and grown and grown and now it's a nightmare. People are leaving out there. It should have stopped growing, maybe 30 years ago, 20 years ago. So, it's no longer a nice place. Who would want to live in Los Angeles now? It's not viable any more. We need to, maybe, keep a perspective on these development projects.

(10) I would like to point out in terms of the EIR reports, that there really isn't a big picture presented even as far as it tries to. There is no cumulative analysis of all the different effects, environmental effects combined; that is, the traffic, the noise, the loss of wildlife, the water. Its intention through CEQA is to address those things but it really doesn't present a good overall cumulative analysis of what's going on with it. I won't go on any longer. In close, I would like to thank Joe and Tom for their statement about democratic participation, keeping these hearings open for public input. It's heartening to hear that the democratic spirit is alive in some people. Thank you very much.

10. The cumulative impact analysis is contained in Section 6 of the Draft Program EIR. Refer to response number 10 of Dan Silver letter dated September 23, 1992.

Carson Mr. Chairman, before he sits down I would like to ask him a question. Since we do have the democratic spirit open in all of these things to be addressed that you are asking. You mentioned that there were lots of things, maybe you didn't say lots, you said there were a number of things that do not comply with CEQA. Would you be able to give us those so that - because if you name those, we have to give you a reply back.

Gazin Well, I'll tell you, Joanne, again, I haven't had enough time to read the whole thing and really analyze it. If I were a paid staff member somewhere, I could do that. When I said that I was basing that on my own examination which is briefly, skimming it essentially, and with talking with other people who have attacked other sections of it and their conclusions so far to that point. It was no means a comprehensive statement but from a preliminary analysis that we can glean so far that this seems to be a pretty poor document.

Carson Would it be possible for you to ask the people you talked to that if they have those items pinpointed, that they put them in writing because it is important that we address those issues. Just because, remember, the Final EIR may not be certified. We have to answer to every item that is brought up and so if we speak in generalities, then they can speak in generalities.

Gazin Yes, Joanne, I thought to talk specifically. I think Dan has some specifics things in mind. Again, it is a big, massive document, it is very poorly written and, time is the factor. I've got a lot of other obligations. I don't have a lot of time to study and.. I'd love to be able to formally prepare a complete, formal analysis bound in gold leaf and all that, it would be great, but I don't have the time or the money to really.. But, I'll help you as far as I can. (Thank you, very much) Thank you.

Mark Montijo, 1875 Honey Springs Road, Jamul, 91925. I'm here representing the Jamul-Dulzura Community Planning Group. It is true that at the General Plan Amendment level the document for the PEIR is, of its own nature, more general than will be expected at SPA level or at project level. There are a number of things that need to be looked at and I would hope would get your specific attention though at this time. The mitigation for broad-scale community impacts - I heard the previous speaker talking about water for one, for example.

(11) It may be appropriate at SPA level to determine specifically where the water is coming from rather than at this time. However, in approving the general land uses at this time at the level they are being proposed, we are assuming that there will be

HT.3-10

11. Please refer to response number 10 of the letter from Tom Davis dated October 5, 1992.

water coming in from an unknown source at this time. What the EIR needs to address at this time is the alternative that no additional water is available. We don't know where it is coming (11) from, that may be one of the possibilities. If we approve these land uses then, this project for implementing of programs for individual parts of it will be competing with existingly approved land uses across the County for a limited existing pot of water. This needs to be addressed as part of the EIR at this level.

I would like to address several specific areas in the Jamul area that you folks might not be as familiar with which do not appear to be appropriately addressed yet in the EIR. I refer to traffic issues on Otay Lakes Road between the east end of the Lake and Highway 94. A large portion of the Baldwin project and San Ysidro Parcel will be utilizing that road to either access Highway 94 or come down toward SR 125 in the Chula Vista region. (12) The normal method of improving that section of road would be as property owners who actually own the frontage on Otay Lakes Roads as they developed, the road would be improved. Right now, the Daley Corporation, the Daley family owns the majority of that as an agricultural preserve. There is no anticipated development on that frontage for the foreseeable future. Therefore, it needs to be addressed at this time how the development of Baldwin will impact that road and how the funding will be available and possible environmental impacts for increasing the access to that road.

Highway 94 is another area which has not been specifically addressed. Some portions of the San Ysidro Parcel will access (13) Highway 94 out near Dulzura and that has not been specifically noted. The Proctor Valley Road where it accesses Highway 94 also has not been addressed. The assumption has been that traffic would be largely routed through Millar Ranch Road, which currently is not on the circulation element, and is, I understand, proposed to be included in the circulation element but, at least, (14) one alternative should be shown for the project as if that does not occur. As if existing conditions for circulation remain, then how will this project impact development of the area. Thank you.

Tricia Gerrodette, 11142 Caminoto Vista Pacifica, San Diego. I am the Chair for the Land Use Committee for the Sierra Club. I share Daniel Tarr's outrage although I don't think I will be able to express it as eloquently. I'm afraid the people I would like to address this to have left. For instance, Councilman Malcolm claims that the EIR is well prepared, however, he has not listened to so many of the public comments as you have and that is the whole point of this public comment period. It's to reveal flaws in the adequacy of the EIR. We are not dealing with the adequacy of the project, what it will or will not accomplish. That's why we have not been involved in the past three to four

HT.3-11

12. The classification of Otay Lakes Road as a six-lane prime facility, from State Route 125 (SR-125) to the eastern edge of the Otay reservoirs, transitioning to a four-lane major from that point east to connect with State Route 94 (SR-94), will involve the construction of a high grade facility with significantly different characteristics than the existing section of SR-94 currently in operation. The improvement of this facility will be a function of future transportation phasing analyses to be conducted by the City of Chula Vista and the County of San Diego. These transportation phasing analyses will project the need for improvements to this facility prior to the consideration of development plans for portions of the San Ysidro parcel and the Proctor Valley parcel, which would load directly onto this facility. In addition to the Transportation Phasing Plans, Specific Plan Area (SPA) level review of proposed development projects on the Otay Ranch project would also involve the determination of the need to improve sections of Otay Lakes Road in the area of the project, based on the amount of project traffic activity forecasted to utilize this facility. Thus, as a condition of development of individual villages or SPA plans on the Otay Ranch project, improvements to this roadway would be required prior to the release of occupancy permits for that phase of development.

13. The comment indicates a concern over access from the San Ysidro parcel and the upper Proctor Valley parcel to SR-94. Again, this issue of local access from individual parcels of the Otay Ranch will be addressed at the SPA level of analysis. If access to SR-94 cannot actually be achieved as assumed for this program level EIR, project and cumulative traffic impacts would need to be reassessed at the time when the SPA plans and subsequent Environmental Impact Reports are being reviewed and processed through the County of San Diego.

14. Comment noted. Refer to response to comment number 24 of Jamul-Dulzura Community Planning Group letter.

years as those other good citizens have been. I applaud them for that involvement. However, we are dealing with the adequacy of the impact and that's what the EIR is about. We could not be involved in responding to that until we received the EIR. That's why we do not feel that the 60 or 70 or 80 days is adequate.

I have some questions about supplemental EIRs being allowed to refer back to programmed EIRs or do they have to supply their own data? We keep being reassured that the EIRs for SPAs will pick up missing data and go into more details. But I am concerned that they will just cite the programmed EIR. I will put those in written form.

I would like to reassure Commissioner Carson that the people who have left will still have comments. They have chosen not to remain and put them on the record now. They have probably gone home to improve them as we have another week.

We have responses from herpetologists and zoologists indicating inadequacy of sampling and surveying which will not be resolved by responses to comments in the next month, which is all we will get before the Final EIR. Those comments will be finalized by us and submitted by October 19 and I, personally, will now go home and work on mine. Thank you.

HT.3-12

Chair Is there anyone else wishing to address the Commission?

Eugene J. Sprofera, 5311 Fairway Drive, La Mesa, CA 91941. I would like to address the Board in this regard. I think I heard from your Vice Mayor very well and from a few of the people on the Board and the Planning Commission that you are really concerned about Chula Vista. I think that is great. I think it is honorable. But, also you have something else that you must worry about and that's a guy like me. I don't say that to make you alarmed, annoyed or be sitting where you might think I'm going to throw a fist. No, I would like to tell you something about the Cleveland National Forest that you people haven't even considered. It's where your water comes from. And, how do I know that? I just read Sweetwater Authority's letter and the Sweetwater Authority states very clearly that, "The Sweetwater Authority is the water purveyor in the South Bay Area of San Diego County serving National City, Chula Vista and portions of Bonita." I think these are important, in that the EIR has a misconception in it, I came by that by the letter that was given to you that Dr. Wright asked for, from Baldwin Company, their engineer. He states right in there that in the urban runoff in the water quality in the Otay Reservoir.. And, really, he only talks about what he wants to talk about and he doesn't talk simplistically to you people to make you realize that water is

(15)

15. Please refer to response number 6 of the LAFCO letter dated September 10, 1992.

the most short subject in the area. He states in the third line why, "...poor water quality due to algae bloom."

On the very next day, which was Thursday, I called Leonard Wilson, who has the same name as the engineer that did this..his name was Wilson Engineering..Dexter. He talks about the Dulzura conduit which is how you get some of your water. While you're sitting here and I heard Mr. Malcolm say it..if he is not interested in me out there, then I wonder are you really interested in your citizens? Because, that's where your water comes from. And you must be concerned, not about this little town, because it is a little town when you take it in relation to San Francisco, New York, Phoenix or whatever you want to.. But, this bothers me and it bothers me greatly that everything that I read that has been sent to you so far.. (15)

Another letter from Sweetwater Authority, that letter states, "if you want to join us, yeah, you can come into the fold but it's going to cost you $159 million" to let the developer have water out there. Now you talk about indemnification! If you get slapped with a suit from the people that live in San Diego, and we are talking about <u>our</u> $159 million worth of water that would be transferred to you, we want to have something to say.

HT.3-13

Then when I come here I get really riled up that you people don't really want from us outside because the lady stood here and talked about us and all she could say was, "I worked four years for this project." Well, ladies and gentlemen, let me tell you. I worked more than four years on all the projects in San Diego County to bring about a reasonable thought and the reasonable thought is why CEQA was enacted in the first place is to stop foolishness. Don't sit here and pass this through and say, "When we get here, we'll worry about it." Because that is what happened in the Johnstown Flood. If anybody knows anything or read anything about the Johnstown Flood, the guy kept saying, "Well, let's just wait and let's just wait" and the storm kept coming and the storm kept coming. When the ground up there couldn't hold it, it just let loose and took out all of Johnstown.

Now, I might be a little bit startling because I have a few years age and I come from the East Coast but I want to tell you the famous words that I predict: New York City cannot correct its course and I could take 400 square blocks of New York City and demolish it and build everything that you would want to be nice, and, I guarantee you, I haven't changed New York. I don't think I need to tell you too much more. I think I've said enough and that's why I speak for the public. That's why I took that issue when I retired to become a public servant. I do it of my own. Nobody pays me for it. I'm down here as what you are donating my time, but, by God, I'm going to tell you when you get done with Chula Vista and 55,000 more homes - if you guys are still alive,

you might say, "I'm getting the hell out of here too." Thank you.

Chair At this point, I ask the Commission to share your desires to continue the public comments at another meeting. Our next meeting can be any day we want to make it to hear public input or not. What is the pleasure of the Commission? City Counsel, if we set a date certain for another meeting then it's all right to invite the Planning Commission of the County under the Memorandum of Agreement.

Rudolf Yes, Mr. Chairman, if you do that I suggest you do. My understanding is that you don't have another scheduled meeting the 23rd and the close of the public review period is the 19th. So, my suggestion is that if you are inclined to have another public hearing by the Commission or Commissions on or before the 19th that you continue tonight's public hearing for public input on the EIR to that date and time certain. If you are satisfied that you have exhausted reasonably the oral presentation, the public input and you want the balance of the public comments to come in writing, you can close the public hearing tonight and allow that to come in writing before the close of business on the 19th. Those are your options.

Martin Mr. Chairman. I seem to have run out of days. I would like to have another public hearing but, unfortunately, my nights are all filled up until Friday night, the 16th. I'd like to make a motion that we have another public hearing on the 16th. The 19? If we can extend the closing time of business, would that be..

Ray My concern is that if we close the public review period at 5:00 on Monday, it's kind of moot for us to have a public hearing on Monday night. Can we extend the deadline until..

Rudolf If you choose to hold a public hearing that day.

MSUC (Martin/Decker) 6-0, Fuller absent, to continue the public hearing to receive public comments on the DEIR to Monday, October 19, 1992.

AMENDED MOTION

MSUC (Martin/Carson) 6-0, Fuller absent, to continue the public hearing to receive public comments on the DEIR to Monday, October 19, 1992 at 6:00 p.m. in the Council Chambers.

MSUC (Decker/Carson) 6-0, Fuller absent, that henceforth we notice all the communities currently on the original DEIR for any subsequent action involving the Otay Ranch.

HT.3-14

Chula Vista Planning Commission
Public Hearing/Workshop Meeting of 10/19/92

COMMISSIONERS PRESENT: Chair Decker, Commissioners Carson, Fuller, Martin, Ray and Tuchscher

ABSENT: None

III PUBLIC HEARING: CONSIDERATION OF THE DRAFT PROGRAM ENVIRONMENT IMPACT REPORT FOR THE OTAY RANCH GENERAL PLAN AMENDMENTS AND GENERAL DEVELOPMENT PLAN/SUBREGIONAL PLAN (SCH #89010154) - Continued from meeting of 10/12/29

The Chair said the public comments on the Draft Programmed EIR would now be continued.

HT.4-1

(1) Gretchen Burkey, P.O. Box 321, Bonita, CA 91903. The DEIR has totally ignored the adverse impacts to the Sweetwater Valley a portion of which is in your City of Chula Vista. The valley has already been bifurcated by 54 and freeway 805 and if 125 is built on the proposed Proctor Valley Road alignment, this will be the third bifurcation. How much must a community endure?

(2) The proposed widening of surface streets to four and six lanes throughout the valley and the construction of a huge bridge in the center of the community will create a concrete jungle and destroy the Bonita/Sunnyside area. Sweetwater is already inundated with traffic from EastLake because of inadequate planning. At the approval stage it was indicated that EastLake could not proceed past the first phase until there were solutions to the traffic problem. Now, in reality, EastLake is in Phase 3 and going strong and Sweetwater is the dumping group of its traffic. Additional work should be done on this DEIR to ensure that other communities already established will not be detrimentally affected by this proposed new huge city.

(3) San Diego County Board of Supervisors should have accepted the responsibility of being the "Lead Agency" since this land of Otay Ranch is still in the unincorporated area.

(A copy of the letter, dated 10/19/92, was submitted to the Secretary for the record.)

Eugene J. Sprofera, 3311 Fairway Drive, La Mesa, CA 91941. I addressed this letter tonight to the Council and I would like to read it into the records because from the meetings of the past, you people are following the Council rather than the other way around. It might be my reason to address the Council.

I have attached the letter to the Secretary of Resources for the reason explained in the letter. I firmly believe that my rights to a fair hearing was taken during the week of the 7th of Octo-

1. Please refer to response number 1 of the letter from Gretchen Burkey dated October 19, 1992.

2. Please refer to response number 1 of the letter from Gretchen Burkey dated October 19, 1992.

3. Comment noted. Please refer to response number 2 of John Hammond's letter dated September 15, 1992.

ber. Again, I state as a Legislative Analyst, the same loss occurred to the Public and I state this in their behalf.

I request that these comments here be addressed in the Final EIR. Included is the following remarks:

HT.4-2

(4) 1. A written certification of the availability of a long-term water supply. This shall be from the local purveyor and the C.W.A./M.W.D. (2). Ref. Cortese Bill, A.B. 455

(5) 2. That a response to the loss of San Diego County watershed be mitigated.

(6) 3. How will this project be affected by the recently signed Bill by the Governor, SB 1559, regarding Annexations?

(7) 4. There needs to be a certification letter about the degradation of the watershed if this project succeeds to clear the permit process, Mitigation response to the users of the water rights to this watershed, CalAmerican/San Diego City. Need letters of authorization from these agencies.

(8) 5. What sort of mitigation is intended with respect to the use of severs? Who is to build system and pay for it?

(9) 6. Prepare a response to the United States Department of Interior Fish and Wildlife concerns over Daley Quarry which will also have a detrimental impact on this area. Letter, dated September 23, 1992, MUP.84-108W2; Log #84-19-32. This project in conclusion has asked the County to not certify this document. My reasoning is that these are cumulative impacts to a particular area in that Daley states the need for this quarry for the development of this area (region).

(10) 7. Prepare a mitigation response to the noise impacts on Total Buildout of the Otay Ranch. This analysis has to be concerned not only with Otay Ranch but with the total area surrounding the Ranch.

(11) 8. Who will provide the needed freeway network (roads) and the access routes needed in the area (regional) not to disconcert itself (report) with the quality of life of others living in the area now, who suffer now?

(12) 9. How will this project impact the total air quality of the basin? Describe the basin size in relation to the impact caused.

(13) 10. There is a need to analyze the International Border issues that have a direct concern with this project site. Provide

4. Please refer to response number 1 of the letter from Eugene Sprofera dated October 19, 1992.

5. Please refer to response number 2 of the letter from Eugene Sprofera dated October 19, 1992.

6. Please refer to response number 3 of the letter from Eugene Sprofera dated October 19, 1992.

7. Please refer to response number 4 of the letter from Eugene Sprofera dated October 19, 1992.

8. Please refer to response number 5 of the letter from Eugene Sprofera dated October 19, 1992.

9. Please refer to response number 6 of the letter from Eugene Sprofera dated October 19, 1992.

10. Please refer to response number 7 of the letter from Eugene Sprofera dated October 19, 1992.

11. Please refer to response number 8 of the letter from Eugene Sprofera dated October 19, 1992.

12. Please refer to response number 9 of the letter from Eugene Sprofera dated October 19, 1992.

13. Please refer to response number 10 of the letter from Eugene Sprofera dated October 19, 1992.

(13) that analysis. (ex: roads, traffic, transportation rail/bus/RSV, etc.)

(14) 11. Provide a review and mitigation to onsite/offsite flood control facilities and how these will impact downstream communities.

(15) 12. What type developer agreements will this project have? What type facilities does this project feel it has a duty to provide? Any mitigation facts that are to be brought into such agreements in the processing of the large undertaking.

In conclusion, I ask these remarks to be honored for the public benefit and welfare and that a full discussion be made available to the public upon final review, in print prior to the final acceptance of whoever certifies the final document.

I further ask that I be offered all pertinent information that moves through the pipeline on this overwhelming project. I ask for this information in the name of the public and as my title indicates. Legislative Analyst #580, Registered at San Diego County, California.

A copy was sent to Brian Dilbray, George Bailey and the other Board members and there is a letter attached to the State. I went on Thursday to the Secretary of Resource with a letter stating that there is a dispute. I think I heard it very clear tonight. The dispute must be settled by the Secretary of Resource which is part of CEQA's operation. Thank you.

Chair — I suspect your point is well taken and it must be resolved at some point in time. Thank you Mr. Sprofera.

(16) Daniel Tarr, 11524 Fuerte Farms Rd., El Cajon, CA. 92020. Mr. Chairman and Members of the Planning Commission, I represent the Valle de Oro Community Planning Group and, I guess, I made my speech last week so I'll be very brief. We are submitting our draft comments in an incomplete and unfinished form and under protest so that should be part of the record. I think that the communication from our County Planning Commission is pretty clear and underscores what I have been relaying to this body and every other body that our Planning Group really feels there has been confusion and lack of clarity on how the public is supposed to participate in this review.

Having said that I will just underscore, perhaps, one recommendation in the light of the communication from the Planning Commission. We are recommending that the Memorandum of Understanding (MOU) that gave Chula Vista Lead Agency should be immediately rescinded and we view that as a critical part of this EIR review

HT.4-3

14. Please refer to response number 11 of the letter from Eugene Sprofera dated October 19, 1992.

15. Please refer to response number 12 of the letter from Eugene Sprofera dated October 19, 1992.

16. Please refer to response number 1 of the letter from the Valle de Oro Community Planning Group dated October 19, 1992,

(16) that is happening..or not happening. So, that's the only highlight I'll pull out and I'll not take any more of your time now.

Chair — Before you leave, Mr. Tarr. I want to ask staff if Mr. Tarr's group chooses to amend their comments, is that possible after this is closed? In other words, their formal comments can go in, can they amend the comments? Usually there is a possibility to amend comments in something you submit even after you submitted it.

Reid — Mr. Chairman, we wouldn't have any duty to respond to any comments received after the closing of the public hearing and public review period, however, I believe at its last meeting, it was the wish of the Commission that we do that in an informal manner outside the realm of the EIR.

Chair — Is that reasonable within the law, Mr. City Attorney? That they wouldn't have to respond to amendments to the comments?

Rudolf — Technically that's absolutely correct and that was the commitment of staff and the Council. That although they would not be responded...because they would not be legally required to be responded to in the CEQA document, they, nevertheless, would be responded to. As was previously pointed out it really is a moot issue because you obviously heard from the County Planning Commission that they intend to take those kinds of comments and use that as a yardstick on whether they are prepared to certify the validity of the final document anyway.

Tarr — Mr. Chairman, if I may. I think this is precisely the point I'm trying to make. We are not going to accept the position that our comments, at someone's discretion, may or may not be dealt with. The point is, that if this is closed tonight, that's it in terms of including it in the FEIR. Now what the Planning Commission of the County may or may not do, as long as this MOU exists, we have been told directly at some of these meetings that Chula Vista is the Lead Agency and will certify this EIR. Respectfully, I hope the Planning Commissioners at the County can find a way to impact this process. Thank you. (Thank you, Mr. Tarr.)

Chair — Mayor Pro Tem Marti Goethe.

Mayor Pro Tem Marti Goethe, Imperial Beach. I am here tonight as a representative of the Coalition for Planning Reform. That is Group which has submitted you a letter and you probably have not had a chance to see it. It was a very thick packet. It only came to you tonight. I would like to start, first of all, by correcting an error for the record which is on page 2, under "2. Public Review Period" and refers to those immediately affected by

the project including the Jamul/Dulzura Planning Group, Valle de Oro Planning Group, Sweetwater Planning Group, Spring Valley Planning Group and the City of Imperial Beach. That is an error. the City of Imperial Beach did not take any formal position. I submitted the letter as a Member of CPR and so have others and I think that was where the error was made.

The Coalition for Planning Reform is a non-partisan, grassroots foundation formed by citizens who are concerned by the lack of responsible, local and regional planning in San Diego County. Our goal is to preserve and enhance natural resources and the quality of life in San Diego County through planning which emphasizes the caring capacity of the region and the establishment of variously long-term zoning commitments. That's by way of introducing a little bit who we are.

We believe that the San Diego County Board of Supervisors improperly abandoned its land use decision-making responsibilities when it signed the MOU with the City of Chula Vista making the City the Lead Agency. The City is a particularly poor choice of Lead Agency. It does not meet CEQA criteria for Lead Agency status. The MOU admits the Otay Ranch is not within the Sphere of Influence of the City, the City does not have responsibility for supervising or approving the project as a whole. The City is not carrying out the project. The City has not filed to annex the project, in fact, under current State Law, the annexation is impossible. (17)

CPR demands the recision of the MOU. The unincorporated areas rely on the Board to protect their interest. As an Advisory Body only, the Board cannot have ultimately meaningful impact on the decision-makers. This has already been evidenced by the failure on the part of the City of Chula Vista to heed the advice of the Board and the Planning Commission concerning the matter of the public review period. CPR hereby reiterates its comment asking for an extension of the public review period and thanks you for your vote this evening to recommend to the City Council. Citizens from all over the South Bay have repeatedly asked the public to give an adequate period of time, such as a total of 120 days, in which to review the 4,000 pages of EIR and appendices. Nevertheless, the period will be closed after only 55 days. When the City Council set the original deadline for the public review period it did so in violation of its own environmental guidelines which specifically gave the City Planning Commission the power.

In September, the Planning Commission unanimously voted to extend that period, however, staff gave the peculiar impression that the public could not be adequately noticed of the change. Therefore, implementation was delayed and only after public comment on what the City's own internal guidelines did on the procedural inconsistency, did the City Council make a post op decision to change

17. Please refer to response number 1 of the letter from the Coalition for Planning Reform dated October 19, 1992.

those guidelines to give the Council the decision-making powers on EIRs including this one. This piece-meal and confusing manner of determining the length of the review period is inappropriate. CEQA specifically provides that in special circumstances such as this, the public review period may exceed 90 days.

(18) The essential use of available water is not adequately addressed in the EIR. (And I'm skipping a little bit, it's a long letter.) This region already suffers from lack of water that analysis assumes that the project will be supported by reclaimed water, yet, no reclaimed water project exists. It is premature to certify a project of this magnitude without providing water. The regional cost to make water available to the project is not addressed.

(19) The EIR fails to adequately analyze other immediate and cumulative infrastructure costs to the entire region including impacts on regional schools, waste and air. No mention is made of environmental effects over the Border. The public has suggested economically and environmentally feasible alternatives to adequately mitigate all these impacts, however, none have been implemented. (I'm going to try and shorten this so I don't take a whole lot more of your time.)

HT.4-6

The Board accepted a portion of the project property to secure a deed of trust on a promissory note and a contingent promissory note on the deficit. This processing fee security agreement effectively makes the Board a partner in the project. By this linking of interest to that of the applicant, the Board has surrendered all independence and cannot remain an impartial decision-making body. Some similar questions relate to the impartiality of the City in accepting second trust deeds on three model homes in the Carmel Valley area. To recover those costs, the City is dependent on the success of the project and it cannot either remain impartial. Unless Baldwin's deposit account is now current, CPR demands both the County and the City deem Baldwin in default. The special treatment Baldwin has received by the City and County amounts to immense and flagrant violation of public trust and CPR is angered by this example of failure on the part of those entrusted with the duty to protect the region. Thank you. (Thank you, Ms. Goethe.)

Chair Tricia Gerrodette.

Tricia Gerrodette, 11142 Caminoto Vista Pacifica, San Diego. I am here as Chair of the Land Use Committee for the Sierra Club. I have two letters to enter into the record. I will not read either one. The first is from me on behalf of the Sierra Club. The other one is from Robert Fisher, a zoologist and herpetologist from UC Davis who has addressed you in the past regarding his concerns about missing information on herps. It came to me

18. Please refer to response number 4 of the letter from the Coalition for Planning Reform dated October 19, 1992.

19. Please refer to response number 5 of the letter from the Coalition for Planning Reform dated October 19, 1992.

late this afternoon in a FAX. The FAX machine ran out of paper and the final page is missing. There is not much on the final page, I think it contained a closing paragraph and his name and signature. I can either handwrite that explanation in or I can obtain it tomorrow and somehow or other get it you to be in the official record. Does anyone wish to take a position on what I should do?

Decker — Can we make an exception in this one case if the final page were missing?

Rudolf — Yes, Mr. Chairman. We will treat it as a clerical omission and the submitter will be asked to provide the final page.

Gerrodette — And to whom should I give it?

Rudolf — Doug Reid. (Thank you.)

(Ms. Gerrodette submitted the two letters dated October 19 and October 12 respectively.)

HT.4-7

Ramon A. Ymzon, 5732 Sweetwater Road, Bonita. Thank you for letting me address you, Mr. Chairman, Ladies and Gentlemen. It is my position that the DEIR does not provide a community-by-community impact study of the Otay Ranch development at full buildout. This development represents a unique situation by its sheer size and location. I have here with me a map and I compared size of the Otay Lakes development and that of San Francisco. I think from here you can see they are not too different, in fact, I think the Otay Ranch is a little larger. But there is a unique difference, San Francisco has three different accesses. It can go north, it can go east, it can go south. But anybody in the Otay Ranch development will only have to go north if they want to go anywhere in the County or anywhere in the United States. This presents a very negative problem in our case and no effort was made to explain the uniqueness of this development. (20)

The development of Otay Ranch Community as planned would require an incomprehensible damage to neighboring communities that lie immediately to the north as their population traverses northward, which is there only way. They are not going any other places.

Bonita is one such community that shall be so impacted. It is in danger of disappearing as a contiguous and viable community when the intended plan is carried out to widen to six lanes or more, Bonita Road, Otay Valley Road, Sweetwater Road and possibly SR-125 any portion of which if it is laid on the western section would definitely ring the death knoll of that community.

20. Please refer to response number 1 of the letter from Ramon A. Yazon dated October 18, 1992.

Chula Vista Planning Commission
Public Hearing/Workshop Meeting of 10/19/92

In the not too distant past, Bonita already lost part of its western section with the construction of I-805. It also lost part of its northern section when SR-54 was constructed. The pleas that came to you before your Commission of this proud and historic community to survive...the pleas have fallen upon deaf ears and insensitive officials and a final blow is being threatened.

Unfortunately, too many communities risk suffering the same fate if the community of Bonita is allowed to be destroyed. And it will be a certainty if all these streets are widened. The highways become the boundaries of the established new communities and Bonita will not be any more because there will be such tiny slivers it will no longer be a community. (20)

Unfortunately, those adjacent communities who have not taken into consideration the impact of three-quarters of a million additional vehicles that the Otay Ranch development shall generate at full buildout, shall wake up to a nightmare far worse than L.A. has.

It is, therefore, my request that a community-by-community impact report be submitted and then categorized in a way...arranged in the order of severity upon the communities involved.

It is further requested...and I further request that the period for public review be extended another 120 days to allow further public comments.

HT.4-8

Finally, I request that you, our elected officials, LAFCO and every other reviewing authority begin to recognize this unique problem and prevent developers from destroying or severely degrading the quality of life of established communities in the process of developing new ones. It is just like getting rid of parents as soon as they become teenagers. Are we ready for that? I hope not. Thank you very much. (Thank you, Mr. Ymzon.)

(A letter, dated 10/18/92, was submitted.)

Chair Harriet Taylor.

Harriet Taylor, 3142 Orchard Hill Road, Bonita, CA. In the Otay Ranch General Development Plan nothing has been discussed in regard to the impact on the Sweetwater Valley. We are not even mentioned in this document until it discusses the location of the County Animal Shelter. Believe me, there is more to the Valley than the Animal Shelter. The traffic plan does not even consider the Sweetwater Valley area. You are paving us over and there will not be any positive impact to our area. The quiet, rural lifestyle that we value so greatly will cease to exist. There is even one staff individual working on this project that freely (21)

21. Please refer to response number 1 of the letter from the Sweetwater Community Planning Group dated October 12, 1992.

admits she's never seen the Sweetwater Valley area. How can you plan a traffic impact through an area when you have never been in that area.

(21) There is one item I would like to bring to your attention that is in the Otay Ranch General Development Plan, Chapter I, page 5, "Guiding Principles," and I quote, "The Plan will protect the character of the existing communities such as Jamul, Bulsura and Chula Vista." Well, what about us?

I also request that the review period be extended and the traffic plan certainly reconsidered. Thank you. (Thank you, Ms. Taylor.)

Chair Norma Sullivan

Norma Sullivan, 5355 Scripps, San Diego, CA 92122. I am Chair of the San Diego Audubon Society...Chair of the Conservation Committee of the San Diego Audubon Society. We finally got a copy of the many pieces of the EIR but we frankly find it very disappointing. It's so huge and so complicated to read, and yet there are very critical documents that aren't there. First of all, the Resource Management Plan, which arrived at my house last week. Now, as I understand it, this is a very critical part of the DEIR. I don't understand how we can really evaluate the DEIR without the Resource Management Plan. Now, we find...that, by the way is about 2-1/2 inches thick to add to the... Now, we find the map they're really working on most seriously is contained in another document which we got today, the General Development Plan. And there we can find the map that is the most serious. That one is 2-inches thick and we received it just tonight. So, putting this all together, it's very difficult.

Furthermore, the thing we are most interested in, the Wildlife Corridor, is barely discussed in the document and that, of course, is what we are most interested in. Also missing, any consideration of the other mapping and habitat protection plans that we have going. The Clean Water Program has a huge mapping plan. The County has a huge mapping and preservation plan with three County departments participating and, of course, the State, has the NCCP to which this program has been enrolled. And, yet, we see nothing about it. Those efforts are working together.
(22) Their aim is to keep the rich habitat we have here in San Diego County, unlike Orange County or Los Angeles County.
There is a possibility of a huge horseshoe of ecologically, healthy habitat starting at Camp Pendleton, connecting to the Santa Rosa plateau in the Riverside Conservation Plan, coming down and east through Jamul Valley, San Dieguito River Park, the Cleveland National Forest south through County parkland to Otay Mesa, Otay Ranch, as you know, the BLM has two wilderness study areas on Otay Mountain connecting to the Otay River Valley,

HT.4.9

22. Please refer to response numbers 1 and 3 of the letter from the San Diego Audubon Society dated October 19, 1992.

which, in turn, would connect with the Tijuana River Valley and the proposed South Bay Wildlife Refuge.

This is the kind of habitat necessary to protect bio diversity and to prevent more species from going on the endangered list. The fragmentation of habitat we've had with "business as usual" has led to one species after another. I hope you can have, as I do, a picture of that great horseshoe through the entire County that would not only protect the lives of the creatures but think of the recreation and open space and the aesthetic experience available to all the citizens of all the counties. (22)

We, too, agree that the County should not have given up responsibility for this project and for these reasons. As I said, I was very disappointed because somehow I was led to believe that there would be cooperation with these other mapping projects. Also, there is a North County wildlife mapping effort going on. All of these should be combined. The Otay Ranch constitutes one of the largest key areas of sensitive habitat. So, we are very disappointed that it is just not there in the EIR.

All the alternatives are pretty much the same as far as the natural resources go except the Environmental Alternative and, even it would destroy most of the wildlife corridors. So it's not much of an environmental alternative. We are pretty unhappy. (23) We agree about the unrealistic view of water...water resources for this project. We really have difficulty with the confusion. Now, the Palomar Audubon has done a nice, clear chart comparing the alternatives and what kind of damage they do. It's unfortunate somebody unpaid has to sit and form that chart. That chart wasn't available clearly stated in the DEIR, but it is not. Of course, we need more time but we, also, can't imagine your considering certifying this document when so many huge pieces of it are just simply missing and the goals of the NCCP to preserve habitat, to prevent more listing are barely considered in the document and the project. Thank you very much. (Thank you.)

HT.4-10

Chair John Hammond.

John Hammond, 3012 Anderson St., Bonita. I am here as the Chairperson of the Sweetwater Community Planning Group. I spoke last week to you and I won't go over that ground. I basically commented on the unrealistic approach to solving the traffic problems in Otay Ranch by directing them toward Bonita and really paving us over. There doesn't seem to be any attempt to solve those problems in Chula Vista.

I wanted to raise an issue. I've heard a lot. I heard the Mayor-pro-tem talk about how gracious he was going to be and extend the opportunity for us to throw out our comments although they wouldn't be responded to in the EIR. I would like to quote

23. Please refer to response number 2 of the letter from the San Diego Audubon Society dated October 19, 1992.

from the notice of public hearing that was put out by Doug Reid. "This is a notice of public review of the draft environmental review report (DEIR) of Otay Ranch, general development plan...etc., etc." Near the end of that, in fact, the last paragraph, it says...and this is an interesting legal question, "If you wish to challenge the actions of the City of Chula Vista or the County of San Diego on the DEIR in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Otay Ranch Project Planning office at, or prior to the public hearings, or at the public hearings described in this notice."

(24) Now, I'm not a legal person but it sounds to me like that as soon as these public hearings close and you don't take any more public comment, we no longer have any legal standing regardless of how many informal comments are responded to and all that sort of thing. I feel there's a lot of problems, of course, I suspect that there have been so many points raised by so many different people...I've been following all the points that have been turned in to this point, including those that we did...that there are probably not going to be any points untouched. But, nevertheless, in spite of all these comments about, "Yes, we're going to continue to accept your comments," and everything, I don't believe from this noticing here that there is any legal standing that one can expect to have in Court later. So why bother. Thank you.

HT.4-11

Chair Thank you Mr. Hammond. I wouldn't even begin to venture an opinion on that. Although I suspect I could give one. I have an opinion on a lot of things.

Mr. Taylor and Ms. Kastelic, I assume you don't want to speak any longer? All right.

That's the end of the public...Is there anyone who hasn't submitted a form to speak? Michael Roark.

Michael J. Roark, 3645 Proctor Valley Road, Bonita, CA 91902. I came primarily to speak on the 7:00 Agenda, Items 2, 3 and 5. My comments are in regard to the request of a reasonable time for the region to review the documents that have been submitted to the public. The obviously... The DEIR, as you have heard numerous times, is in fact a regional document and does, in fact, affect a large region of this area. To exclude members of the region that are directly affected by this project without an appropriate time to review and put complex comments in reasonable and sensible comments before you is an injustice to the system. We do need to have this input to make intelligent and proper decisions. You do need to have a reasonable time to digest them and read them and make those decisions yourself because you are an independent free-thinking body and you are faced with that

24. **Comment noted. No additional response can be made.**

decision. In fairness to the region, in fairness to the citizens of this community and by this community I mean the South Bay, Spring Valley and all those who are more directly affected and yes, the City and the Group that has planned this particular... worked on the special planning for this particular area, there are other impacts that have not been addressed initially in the EIR that, given the proper time and comment, we'll probably have some good, competent, well-thought-out and professional analysis of those issues including the impact you have on the elements of traffic, the impact you have on the elements of the surrounding community, where 125 and the other elements will go.

The Sweetwater Planning Group, that I happened to be attending last week was handed for the first time the development plan, the General Development Plan. It is primarily that document that the EIR is supposed to analyze and to give them that document in addition to the EIR and expect them to have an opportunity to make reasonable and intelligent comments is obviously flying in the face of common sense.

So, I urge you as you have previously indicated in previous discussions and common sense that you wish to give at least 60 days, I think more like 90 days is even a very tight schedule. But you will avoid litigation in my opinion. You will have better planning. That's what it's all about and that's what your job is. You will have a better understanding of the regional impacts of what this project has on the region than narrow it down to just what you have before you today. So, I urge you to continue it and continue receiving these comments. Thank you.

HT.4-12

Chair — Thank you, Mr. Roark. I think you did speak one word that hits the nail on the head...independent.

Chair — Yes, sir, please state your name and address for the record.

Paul Soch, 2039 Lake Ridge Circle #101, CV, 91913. I would just like to make a couple of comments tonight. I'm a native Chula Vistan, one of the few around that I know of, at least. For years, I have spent a lot of time out in the Otay Lakes area. At a time when I was a kid, I used to do a lot of fishing and camping, bicycling in the area. There is an awful lot of life that I got to enjoy when I was out in that area. It seems that the wildlife disappears today. Some of the things I'm missing are the tri-colored blackbirds, the American scrub jays, red-tailed hawks...beautiful birds that soar high and screeches. It really makes you feel free in that area. Even things people really don't care for...tarantulas, snakes. I see these kind of wildlife disappearing with the encroachment of development in that area. I've taken a look at the maps here and I can see that there is an awful lot of high density area, residences planned.

That scares me. I see the wildlife corridors disappearing, something I enjoyed as a kid and someday I hope my kids will enjoy, this area.

Another point I'd like to list is...I spent a couple of years in Orange County, three or four years ago, and I know what gridlock is all about. Traffic was horrendous. I've seen the freeways and the side streets become so combined that you could not go anywhere. It would take half an hour or 45 minutes to get to work for a 5-mile trip. I would hate to see that come to this area where people from EastLake or the eastern area by Otay Lakes, it would take 1-1/2 hours to get to downtown San Diego. I don't feel that Bonita, "H" Street, Telegraph Canyon and 125 will satisfy the number of trips that will go to suffice the area as far as traffic requirements.

I'm asking for an extension of further public comments so the Council and Planning Commission can have a chance to determine the needs of that community. Thank you.

A letter from Patricia Parris of the South County Environmental Working Group to the Project Office, the City Council and the Assistant City Attorney, dated 10/10,92, was given to the Secretary for the record.

A letter from Adrien Myers addressed to Commissioner Tuchscher, dated 10/13/92, was given by the Commissioner to the Secretary for the record.

No one else wishing to speak, the public comment period was closed.

Planning Commission comments on the [illegible]

Ray — Mr. Chairman, I had a clarification question I need to ask. Are the comments made at this point forwarded to the Council normally?

Chair — They become part of the record and the record goes to the Council.

Lettieri — It has been our policy, to date, to make all the hearings available to the City Council and Board of Supervisors.

Ray — What is "make available to them"?

Lettieri — We give them exact copies including the transcript?

HT.4-13

Ray They do not have to take upon themselves to go look for it, it is handed to them and they can choose to read it or not? (Yes.)

Chair Do the Commissioners have comments to make on the DEIR. If not, I suspect that it's "speak now or forever hold your peace."

Ray Before we get to another motion, I would like to make a comment on the draft itself. There are two issues which I still have major concerns with, as I do with any of the larger developments going on now. Those deal with water and traffic. The traffic is, in my opinion, not adequately addressed because, as I said before, the inclusion of SR 125 as a (25) mitigation circumstance is not anything that we can, at this point, count on and say is a mitigation because we don't know if it's going to be there.

The water availability basically for the same reasons, we have experienced drought in the last decade, it is not over and (26) nothing is going to improve at this point based on what I have read in the EIR in any of the measures they are proposing unless we have something drastic happen as an "act of God" that we have no way of foreseeing.

Tuchscher Just for purposes of the public and trying to address some of their concerns relative to the Resource Management Plan and General Development Plan as well as the other documents that were mentioned here this evening. We are not hearing those tonight and there will be opportunity for input to those documents as I understand it. (That's correct) I certainly welcome those comments as I know that the Commission does. We need your help in evaluating those and we look forward to your review and comments on those documents.

Lettieri Just let me clarify one comment that I just made. The Resource Management Plan is a part of the EIR. It is, I believe, Chapter V, and it was included in the document. It was stated earlier that it was not. Therefore, if a person has a comment on that Chapter since it is part of the EIR that needs to be made now. However, the RMP is also a plan that will be separately adopted and if any member of the public...just like the General Development Plan, if any member of the public wants to make comments on that and suggest changes, your Commission as well as the County Planning Commission will be asked to adopt that separately. I wanted to clarify that it is part of the EIR and, therefore, any comments made on the RMP are appropriate at this time.

Tuchscher And there will be public hearings relative to that document, correct? (Yes.)

25. Please refer to response number 3 to the letter from Thomas Davis dated October 5, 1992.

26. Please refer to response number 6 of the LAFCO letter dated September 10, 1992.

Carson My questions deal with the future dates, workshop hearing dates that I would like you to comment on so the public would know what is coming up. Along with that, I'm trying to go back into my memory and search when we have heard about a project that had two hearings on a project before the FEIR was approved. I notice on your schedule we have two project hearing dates and then we finally look at the FEIR project hearing. Or am I misreading your agenda?

Lettieri To the Chair. No, the schedule that I handed out this evening is a schedule that we need to discuss after the public review issue is settled. That basically deals with setting up an additional six public hearing dates that the County Planning Commission has now reserved on their schedule and I need to find out whether or not that can be reserved on your schedule as well. Those will be hearing dates in December and we added those dates based on the public's and Commission's concern that adequate time be given to airing out the issues on the FEIR, something Commissioner Carson brought up at the last meeting. The exact purpose of those hearings, however, staff will be meeting with Council as well as other staff members this week to present a final schedule and a work program to this Commission and the County Planning Commission based on your decision tonight. We have not revised it, we have added dates but we haven't revised the actual work program and the purpose of the hearings.

The next two workshops are set. On October 23, we will be focussing on the transportation approach for the Otay Ranch and on October 29, we will be focussing specifically on water availability. The intent of those workshops will be to address the Commission referrals to date on those two issues.

However, where it says on November 4 that we would actually be starting project hearings, again that will be dependent on your action tonight as well as staff reviewing the new public comments that we received tonight...that we had bound up for tonight plus the comments we have just received and we will report back to your Commission on October 29 whether or not we can meet the schedule as presently depicted.

Carson Coming back here for just a minute. In looking at the two workshops, the one is this week, the one next week so that's one week down the road... The 4th is two weeks away, right? And the 12th will be three weeks away and the 18th, according to your schedule has the FEIR. So what you're saying is that there is a possibility, depending upon what we do tonight, which I thought was already put in cement what we were doing tonight made by a motion that we had last week that we had closed the review period? You have confused me from the stand-

point that my request was to go through Bob Leiter to the City Council as to whether or 21 days to look at that FEIR in the light of what you just commented about the additional materials. I have been looking at this as people have been speaking, not to be disrespectful to them, but to try to find their letter and to identify the person with the letter and things of that sort. There is a lot of material here that is going to take me awhile to go back over and look at your answers to their comments to make sure that has been answered and properly addressed.

Leiter — Mr. Chairman, if I might comment on the specific request from the Commission to schedule the final public hearings to occur 21 days after the FEIR is received by the Commission. That was presented to the Otay Ranch Executive Committee, this morning at their regular meeting. That is the Executive Staff for both the City and the County. They felt that it was important that both the City and County Planning Commission address that issue. We plan to bring that forward on your agenda this Friday. The recommendations of both Commissions be brought to the City Council and the Board at a future Joint Meeting because when you get into scheduling your actual public hearings on the project, you will be looking at scheduling of joint meetings with the City and County Planning Commission. But we have responded to your request and will be taking it forward to the Council and the Board at the appropriate date.

Carson — All right, I'm still confused. So, if the County has an open period and we've closed the period, we're going to go ahead and look at the project with their period open and our period closed?

Leiter — That's a new wrinkle that we just became aware of this evening. Quite honestly, as far as how the County Planning Commission will be treating the EIR versus the City, I don't think we can really respond to that specific issue. We will try before your Joint Meeting on Friday to get clarification on that to see if we can get some concurrence between the City and the County Commission on how to proceed. But, the point is with regard to your request last week on the 21 days, we are going to bring that forward and we are going to get Council and Board direction on that.

Carson — I appreciate that, what I'm trying to get to is why are we having two public hearings before we look at the FEIR? (Two <u>project</u> hearings.) Excuse me, two project hearings. Have I said "public hearings" all the time and that's why it's confusing? I stand corrected. After teaching all day, you can say anything.

Lettieri — Again, if you could just use this as dates that are reserved on your calendar for now. We will

bring forward, not this Friday but next Friday the 29th, a revised schedule that, depending on... I am making an assumption that you are going to close public review tonight. If you do, we have to look at these and see how long it is going to take us to respond. If it takes us...presently, we think we can respond by the 9th of November. If we respond by the 9th of November, then we have the FEIR to your Commission on the 18th, that's what this is based on. I'm not sure we can make the 9th of November based on what we received tonight. I need to look at that, meet with Council and come up with a schedule that the City and the County both understand and accept and then we'll present it to the Planning Commission.

Carson — So, to restate. These are only dates that I am supposed to keep my calendar open for just in case.

Lettieri — Yes, and forget the purpose at this point because for the next two meetings on transportation and water availability those are just reserved dates.

Carson — Those two are solid. Thank you.

Fuller — Yes, I would like to follow up on some of the questions and comments we have heard from Commissioner Carson. Since I was not at the last meeting, I am confused this evening because it was my understanding from what I heard and what I read in the papers that the Commission took action to agree with the City Council's request to close the public review period tonight and there was a vote taken. So now I'm hearing that...the comments "if we close the public hearing tonight." Do we have any options? Are we going to have the opportunity to take another vote on whether or not we want to close the review period?

Lettieri — My understanding from Mr. Reid is that action was taken and I'm in error. My focus should have been on the public comments.

Fuller — Apparently, the public who is here tonight were not aware that this action had already been taken when they were asking us to extend the review period. We don't have that option is what I am saying.

Ray — I believe, the City Attorney may correct me on this. I believe we still have the option to have another motion to reopen the public review period and extend it if we so chose tonight, which would open another ball game to everybody. But, I think, until it is actually closed at the end of this hearing, we would probably still have the right to make that motion, would we not?

Rudolf Mr. Chairman, my understanding is that while I was out of the room you closed the public hearing and under the rules when you close the public hearing on the DEIR, you close the public comment period. That's what all that discussion about amending your rules was all about. So, my understanding is, a few minutes ago you took action to close the public hearing; that closed the public review period. That is consistent with your motion the last time you met. I understand that the question...your point was you always can make a motion to reconsider and so from a technical, Parliamentarian point of view, this Commission, tonight, could make a motion to reconsider and reverse itself.

Ray I won't stand on ceremony but it is more than just a technical, Parliamentary type motion if we chose to do that. I'm getting a little upset here because the last two or three weeks I have felt extremely uncomfortable with this entire fiasco. It is not the responsibility of this Commission to be put in the position that we have been put in. Both the County and the City have put us in this position...and the County Planning Commission. Nobody on this Commission appreciates it, likes it or is comfortable with it. But we still have the duty to do that we think is best in the interest of the City, given the circumstances that have befallen us. I apologize to the other Commissioners but it is much more to me than just a technical ability that I have to reopen that public review period if I so choose. I really don't know which way we should go on this. I know I'm not comfortable looking at the options that will befall us either way we go with this. So, to this point and up to the point of the closure of the meeting, is that not the last time that we would have an option to reopen the review period?

Rudolf Mr. Chairman, the motion to reconsider is appropriate at any meeting and what you have done so far is to follow through on your prior motion and close the public review period by closing the public hearing with regard to this item. At any point during tonight's meeting with regard to this meeting, which is the Adjourned Joint Meeting of October 12, you can move to reconsider. Thank you.

Decker Being the Chairman I get to speak last. I just want to make a couple of comments before we move on. When I brought that gavel down, I felt a little bit like Judas Iscariot except I didn't get any 40 pieces of silver. I don't think it is right but there is little we can do, we are no longer an independent Commission. We had our arms bent a little bit last time we met and we have to go that way. If we want to continue hearing this document, then we kind of have to go along with it and that's all we can do. We can do what we can do and that's it! We can't do any more. I really apologize to you all

but that's all we can do. We're in a really bad spot. I guess, the proverbial "caught between a rock and a hard place" is about the size of it. In any case, I would move for a motion to... (Mr. Chairman...)

Oh, I'm sorry, Mr. Martin. I did not include you. You have been sitting over there so patiently...forgive me.

Martin Just smoldering away. I'm kind of frustrated too. We're independent. We can make our own minds up. We can do what we want to do. We have a system in place. But the system broke down somehow by an intervention. Now, we're told, "go ahead and do it." Well, I want to go on the record that there are two things I can't do. I can't quit and I can't be somebody's "yes" man. The fact of the matter is the Planning Commission met with the County Planning Commission and we voted, I voted at least, to extend the time for review. What the interesting part is...my quandary is, I kind of like this EIR. I've wrestled this sucker every weekend. It's got some good things in it. It's attacking things. It's argumentive. There are a number of things that are wrong with it but I'm working my way through it. But, I need professional help. I need guidance. I need to argue with people in my own mind who present things. If we're going to cut that off as we are evidently, then I feel cheated in my educational process. So, if the vote tonight was for the DEIR, let me tell you, I can't vote for it as it is now, simply because I haven't had enough time to look through it and educate myself totally in its entire package. Thank you, Mr. Chairman.