

**EXPLANATION OF THE DECISION REGARDING RECIRCULATION OF DRAFT
PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR) FOR THE SAN LUIS REY
RIVER PARK MASTER PLAN,
SCH# 2006051074**

September 24, 2008

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15088.5(a) the County of San Diego is required to recirculate a draft EIR when significant new information is added to the draft EIR after public review of the draft EIR, but before certification. Significant new information can include changes in the project or environmental setting, as well as additional data or other information. New information added to a draft EIR is not significant unless the draft EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including feasible alternatives) that the project's proponents have declined to implement.

BACKGROUND:

The County released the San Luis Rey River Park Master Plan Draft PEIR (Draft PEIR) for public review from February 15, 2008 to April 1, 2008. During public review, the County received 15 letters. The following public agencies and local organizations submitted comment letters on the Draft PEIR: California Native American Heritage Commission, California Department of Toxic Substances Control, California Department of Transportation, California Department of Fish and Game, US Fish and Wildlife Service, San Diego Archaeological Society, Soboba Band of Luiseño Indians, and Pala Band of Mission Indians. Comment letters were also submitted by various individuals. Responses to all comments received during the public review period were prepared and are included in the Final Program Environmental Impact Report (Final PEIR). The "draft" Final PEIR is available for review at the County of San Diego, Department of Public Works, Environmental Services Unit located at 5469 Kearny Villa Road Suite 305 San Diego, California 92123.

DECISION: No "significant new information" has been added to the Draft PEIR since public notice was given of the availability of the Draft PEIR for public review, and, therefore, recirculation of the Draft PEIR is not required.

EXPLANATION: The County of San Diego provides the following explanation of the decision regarding no recirculation:

CEQA Guidelines Section 15088.5 states that new information added to a Draft EIR is not significant unless the Draft EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from the others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Biological Mitigation Measures

In response to a comment received, appropriate mitigation measures for Biological Resources were clarified and/or revised. In addition the revisions required the mitigation measures to be renumbered. These changes do not require the document to be recirculated because they do not result in the identification of any significant new impacts or of a significant increase in the severity of any impact.

Cultural Mitigation Measures

In response to a comment received, appropriate mitigation measures for Archaeological Resources were clarified and/or revised. These changes do not require the document to be recirculated because they do not result in the identification of any significant new impacts or of a significant increase in severity of any impact.

Geological, Hydrology, and Noise Mitigation Measures

Clarification was added to the Geological, Hydrology and Noise mitigation measures to minimize confusion and to clarify general references. These changes do not require the document to be recirculated because they do not result in the identification of any significant new impacts or of a significant increase in severity of any impact.

Addition of Section 2.9

In accordance with CEQA Guidelines Section 15126(c), a discussion of significant irreversible environmental changes which would be caused by the project was included in the Final PEIR as new Section 2.9. This section provides a discussion of the project's irretrievable commitment of nonrenewable resources. The discussion relied on information found in other sections of the document and did not introduce new information. These changes do not require the document to be recirculated because they do not result in the identification of any significant new impacts or of a significant increase in the severity of any impact.

Biological Resource Emphasis Alternative

Additional information was added to the Alternative Section to clarify why the Biological Resource Emphasis Alternative was the environmentally superior alternative. The discussion did not change the conclusion of the Draft PEIR and did not introduce new information. Therefore these changes do not require the document to be recirculated because they do not result in the identification of any significant new impacts or of a significant increase in the severity of any impact.

Other Changes

A number of changes have been made to the Draft PEIR for clarification or amplification purposes, but none of these changes results in a new significant impact or a substantial increase in the severity of an impact.

Comments on the EIR

No comments were received on the Draft PEIR that advised the County to recirculate the Draft PEIR.