

**COUNTY OF SAN DIEGO DEPARTMENT OF PUBLIC WORKS
PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)
PUBLIC REVIEW RESPONSES TO COMMENTS**

PROJECT NAME: San Luis Rey River Park Master Plan, SCH#2006051074

PUBLIC REVIEW PERIOD: February 15, 2008 – April 1, 2008

**A. LETTER FROM GOVERNOR'S OFFICE OF PLANNING AND RESEARCH,
STATE CLEARINGHOUSE DATED**

A-1 The comment is acknowledged and will be included in the record of the project for review and consideration by the appropriate decision makers. The County received the comment letter from the Native American Heritage Commission which is addressed in Comments B1 – B7.

B. LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION DATED MARCH 3, 2008

- B-1: As discussed in Section 2.4.1.3 of the draft PEIR, a record search was completed for an approximate 1-mile radius from the 3,600 acre core study area. The 1,600 acre proposed San Luis Rey River Park is included within the record search area. The archival research revealed that a total of 84 cultural resources investigations had been reported which resulted in 46 known archaeological and historical resources. Of these 46 cultural sites, 41 are prehistoric sites, 2 are historic, 2 contain both historic and prehistoric components and 1 is undescribed. The draft PEIR acknowledges that the implementation of the proposed project could result in impacts to historic and archaeological resources that have not been identified. Furthermore, mitigation Measure M-CR-1a and M-CR-2b requires the preparation of a Cultural Resources Report to evaluate the specific locations of Park Facilities prior to the approval of construction plans.
- B-2 As discussed in Section 2.4.2.2 recorded sites are known to occur within the proposed park boundary. Some preliminary surveys were conducted of potential Tier A sites but because the exact location of Tier A sites has not been established ground survey results were not part of the draft PEIR analysis. The draft PEIR concluded that grading, ground disturbance or Park operation may have the potential for an adverse effect on undiscovered surface or subsurface archaeological resources at or adjacent to Tier A and Tier B site as discussed in impact CR-1. Mitigation measures M-CR-1a and M-CR-2b provide for site specific archeological resource surveys when specific development sites have been determined.
- B-3 As mentioned in Section 2.4.1.3, the County submitted a letter to the Native American Heritage Commission requesting a sacred lands search. In addition, the County contacted the Native American contacts provided by the Commission to get their input on the potential project impacts. The responses received were incorporated into the draft PEIR by the County.
- B-4 The County concurs with your comment. As discussed in Section 2.4.5 the County proposes measures to avoid unanticipated impacts to potential cultural resource including M-CR-2d-2h. These measures include a County certified archaeologist and a Native American monitor onsite during all ground-disturbing construction activities. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of discovered cultural resources. Avoidance is the preferred treatment option. For those resources that can't be avoided, the archaeologist, in consultation with County staff archaeologist and the Native American monitor, shall determine the significance of the discovered resources. For significant cultural resources, a Data Recovery Program shall be developed. The results of the data recovery will be documented in a report. In the event that

previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated according to Department of Interior Standards (Federal Regulation 36 CFR Part 79) and in consultation with the affiliated Native Americans entities.

- B-5 As discussed in Section 2.4.5 the draft PEIR includes mitigation measures if human remains are inadvertently found during ground disturbing activities M-CR-3. If remains are discovered the provisions of the California Public Resources Code Section 5097 and HSC Section 7050.5 will be implemented. The County will work with the appropriate Native Americans as identified by the Native American Heritage Commission (NAHC). By adhering to the aforementioned laws and regulations, the County ensures that all human remains and burial items will be appropriately treated with dignity as designated by the NAHC.
- B-6 Please see response to comment B-5.
- B-7 The County concurs with your comment. All Tier A site, Tier B site, new trail routes, and trail bridges shall be designed to avoid all cultural sites as described in M-CR-2a. Specific avoidance measures will be developed on a site specific basis in consultation with a qualified archaeologist and appropriate Native American entity.

C. JOINT LETTER FROM US FISH & WILDLIFE SERVICE AND CALIFORNIA DEPARTMENT OF FISH & GAME DATED MARCH 27, 2008

- C-1 As discussed in the draft PEIR, the programmatic analysis focused on the proposed 1,600 acres of preserve lands and creating 40-acres of active recreation as described in the Master Plan. However, the specific preserve and active recreation boundaries are subject to change in the future and are contingent on factors such as the presence of willing sellers. If specific properties containing upland habitat become available for purchase that would meet the goals and objectives of the proposed project the County would be open to including these properties in the overall Preserve. At this time the project proposes to preserve 1600 acres as noted in the project description.
- C-2 As discussed in the draft PEIR, the programmatic analysis focused on the proposed 1,600 acres of preserve lands and creating 40-acres of active recreation as described in the Master Plan. The 40 acres of active (Tier A) recreation sites along an 8.5 miles stretch of the San Luis Rey River is proposed to better serve the surrounding communities of Oceanside, Fallbrook, and Bonsall. Currently there is a general deficit of public active recreation fields in the North County region. The existing fields in the area are over-used and degraded forcing leagues to eliminate their programs or travel significant distance to play their games due to lack of available home fields. Park programming took into account community needs, access points, traffic circulation, and population densities. Clustering of the facilities in one or two larger locations would make it infeasible for the project to accommodate the recreational needs for all nearby communities. It should be noted that the proposed park boundary and the exact locations of Tier A sites (as well as Tier B sites, trails, etc.) are unknown at this time and are contingent on factors such as the presence of willing sellers.
- C-3 One of the objectives of the project is to provide active recreational opportunities for nearby communities with a specific ultimate goal of providing 40-acres of active Tier A programming distributed between five Tier A park sites. Community input played a large role in the development of the Master Plan and the overall Park programming. Based on the community input it was determined that 40 acres of active recreational facilities distributed throughout the park would satisfy the recreational needs of the surrounding communities. It should be noted that the exact location, size and numbers of the Tier A sites are not defined and are contingent on the presence of willing sellers.
- C-4 The County concurs that the project site contains suitable habitat for the arroyo toad and that they have been previously observed within the project area. The Biological Section of the draft PEIR identifies and discusses potential impacts to the arroyo toad and associated upland habitat, including BI-2, BI-4, and B-5. The document identifies mitigation measures to reduce these potential impacts to a level below significance. The final location of Tier A sites is subject to change

and is contingent on the identified siting criteria and the presence of willing sellers. Mitigation measure M-BI-2a, M-BI-4a and M-BI-5a requires a project-level Biological Resources Report be prepared to evaluate the specific locations selected for Tier A and Tier B facilities, trails, and restoration areas; to identify potential significant impacts; and to recommend appropriate mitigation that will be incorporated into the project. M-BI-2a, M-BI-4a and M-BI-5a will allow County project planners to avoid or minimize potential impacts to the maximum extent practicable.

- C-5 The draft PEIR acknowledges the presence of critical habitat for vireo, flycatcher, and gnatcatcher within the project area as shown on Figure 2.3.4 and discussed in Section 2.3.1.3. Mitigation measure M-BI-1a requires a project-level Biological Resources Report to be prepared to evaluate the specific locations selected for Tier A facilities, Tier B facilities, trails, and restoration areas, to identify potential direct and indirect significant impacts including impacts to critical habitat, and to recommend appropriate mitigation that will be incorporated into the project. It is anticipated that mitigation for impacts associated with the proposed project would occur within the proposed park and therefore would be in the same unit of critical habitat that was impacted.
- C-6 The County concurs with your comment. Section 1.5.1, Page 1-9, the Matrix of Project Approvals have been revised to include the possible need for a California Endangered Species Act (CESA) incidental take permit under “Subsequent Park Implementation Projects.”
- C-7 The draft PEIR acknowledges that while the project site is not within an adopted NCCP, it is within the proposed North County MSCP Subarea planning area, which is currently being prepared. Therefore, the analysis in the draft PEIR does not rely on this draft plan because it has not been adopted. The planning and conservation principles considered for the NCMSCP have been incorporated into the project design.
- C-8 The County concurs with your comment. Mitigation measure M-BI-4a requires a project-level Biological Resources Report to be prepared to evaluate the specific locations selected for Tier A facilities, Tier B facilities, trails, and restoration area; to identify potential direct and indirect significant impacts. The report will be prepared in accordance to County of San Diego Guidelines and will take into account site specific conditions when determining both direct and indirect impacts. Therefore if necessary the biological report will increase the buffer distance based on specific species and site conditions when determining impacts associated with specific Park construction activities. The report will also recommend appropriate mitigation measures that will be incorporated into the project for the specific site conditions in accordance with the draft PEIR.
- C-9 The level of analysis requested in regards to the proposed restoration/creation activities cannot be completed at this time as the location of specific sites have

not been selected. This analysis will be completed as outlined in Mitigation Measures M-BI-1a when specific areas for restoration and/or creation have been selected. This report will clearly identify the areas suitable for restoration and creation and will provide a detailed discussion of what activities will occur in each area. Such activities may include but are not limited to exotic species removal, planting and reseeding with native species, limited grading, closing of unauthorized trails, and fencing of sensitive areas.

- C-10 Specific information on the ultimate location and design of the trails is not known at this time. The proposed trail network is intended to implement to the extent possible the County of San Diego Trails Master Plan which identifies a need for two trails through the proposed project's segment of the San Luis Rey River corridor, one north of the river and the other to the south. Exact locations of the trails will be established in subsequent detailed design phases. These precise locations will be the product of detailed site surveys, biological resource inventories, coordination with the landowners and further coordination with other park element and trail access locations. On-going management/maintenance activities within the park (including for the trail system), will be addressed in the Resource Management Plan that is required per mitigation measure M-BI-3b.

As discussed in M-BI-1a, a Biological Resources Report will be prepared when multi-use trails/ trail segments are selected and would include a description of the proposed trail design, plan to close and restore unauthorized trails and effects of on sensitive biological resources.

- C-11 Detailed information on the design of the proposed trail system is unknown at this time; however, there is a possibility that some trails or trail segments would be ADA compatible. Mitigation measure M-BI-1a requires a project-level Biological Resources Report to be prepared to evaluate the Tier A facilities, Tier B facilities, trails, and restoration area; to identify potential significant impacts, and to recommend appropriate mitigation that will be incorporated into the project. This measure would ensure that the significant environmental effects of the proposed trail would be fully analyzed.
- C-12 As noted in Section 3.1.3.2 of the draft PEIR, all Park development would be required to comply with the County of San Diego Grading Ordinance and would be required to complete a site-specific drainage plan for the development. This drainage plan would include hydrology and hydraulic calculations for the site and identify any changes to drainage resulting from the Park development. All park projects would be required to comply with the County of San Diego Watershed Protection, Storm Water Management, and Discharge Control Ordinance, and to install permanent BMPs to control runoff and protect water quality and hydrology of the area.
- C-13 The thresholds used in Chapter 2.3 Biological Resources are taken directly from the State CEQA Guidelines, Appendix G, which does not specifically contain a

threshold, related to State wetland regulations. However, while a specific section entitled State wetland regulations is not included in the draft PEIR, an analysis of potential impacts to resources under the jurisdiction of the CDFG is included in the draft PEIR. Specifically, pages 2.3-8 and 2.3-10 (respectively) state that natural communities under the jurisdiction of the CDFG could be directly and indirect affected by the project including CDFG wetland and streambed. In addition, the Matrix of Project Approvals on page 1-9 acknowledges that subsequent park implementation projects could require a Streambed Alteration Agreement from CDFG in accordance with State Fish and Game Code 1600.

- C-14 A discussion of the details of the Resource Management Plan to be prepared is too speculative at this time as specific sites for Park development and the ultimate boundaries of the Park are unknown at this time. The Resource Management plan will be developed using the County's guidelines regarding the preparation of Resource Management Plans. In general the plan will include the purpose, implementation information including responsibilities and financial information, information on the property, the description of the biological resources on site emphasizing the overall biological value, and the management elements, goals and associated tasks. The plan will be developed once the initial acquisition of the site and specific site development planning has occurred and before construction of these activities begins. The County will include the recommended features as discussed in the comment into the proposed Resource Management Plan including providing a cost estimate for managing the park. The plan will be provided to the wildlife agencies for review and comment prior to finalizing the document.
- C-15 Your comment is noted. Development of research topics is out of the scope of this project.
- C-16 Your comment is noted. Creation of guidelines for private development projects is out the scope of this project.
- C-17 Table 2.3.6 does not reference the need to conduct focused protocol surveys as noted in the comment. Table 2.3.7 has been revised to state that focused protocol surveys will need to be conducted for the identified species for specific Tier A sites, Tier B sites, trail/trail bridge locations, and restoration sites.
- C-18i-vi The Draft PEIR acknowledges that proposed park development could result in impacts to the arroyo toad and listed bird species and therefore proposes measures to mitigate these potential impacts as described in Section 2.3.2.1. However, the Draft PEIR also acknowledges that future implementation of park projects would require consultation under the Federal and/or State Endangered Species Acts and that ultimate mitigation measures for listed species would be determined in consultation with the USFWS and/or CDFG. Therefore, the requested revisions to Table 2.3.7 are not necessary.

- C-18vii Table 2.3.7 has been revised to indicate that the nesting season for southwestern willow flycatcher is May 1 – September 15 and that the nesting season for least Bell's vireo is March 15 – September 15.
- C-18viii Table 2.3.7 has been revised to state that for Stephens' kangaroo rat, "If development or clearing of habitat cannot be avoided, mitigation of nonnative grassland habitat will occur at a minimum ratio of 2:1."
- C-19i As noted in the draft PEIR, the proposed park project is exempt from RPO. While a 2:1 mitigation ratio for wetlands is identified in Table 2.3.8 and is considered to be appropriate, the PEIR acknowledges that impacts to wetlands would require permits/approvals from USACE, CDFG, and/or RWQCB. The County would comply with all permit conditions, including any increased mitigation ratio.
- C-19ii Table 2.3.8 has been revised to reflect that coastal sage scrub will be mitigated at a minimum ratio of 2:1.
- C-19iii A footnote has been added to Table 2.3.8 to indicate that non-native/disturbed uplands containing suitable arroyo toad upland aestivation habitat would require mitigation at a ratio of 1:1.

**D. LETTER FROM THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL
DATED MARCH 28, 2008**

D-1 As discussed in Chapter 2.5 of the draft PEIR, the project site was not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, several sites in the vicinity of the project were listed on databases compiled pursuant to Government Code Section 65962.5. Based on the review of the list it was determined that there is a low likelihood that these facilities present a significant hazard to the public or the environment at the current time. Therefore the draft PEIR concluded that presence of sites on the database near the proposed project would create a less than significant impact to the public or the environment.

As also discussed in the draft PEIR, Tier A, Tier B, and multi-use trail uses proposed for development may be located in areas that are currently zoned for agricultural uses and/or currently under agricultural production. The draft PEIR identifies mitigation measures to eliminate potential exposure of hazards that could be associated with residual chemicals from past agricultural use or illegal dumping in active or passive recreational areas. M-HZ-1a-b specify that the construction contracts planned Park facilities will specify that any debris discovered within the proposed Tier A, Tier B, or trail system during construction that could be potentially classified as hazardous shall be removed and disposed of in compliance with regulatory guidelines. In addition, these contracts shall specify that if other possible contamination sources, such as underground facilities, buried debris, stained or odorous soils, or waste containers are encountered during construction, appropriate investigation shall be performed and any contaminated materials shall be disposed of according to regulatory guidelines. The County of San Diego Department of Environmental Health would have regulatory oversight over this project.

D-2 The County concurs with your comment. Please refer to Response to Comment D-1. Please also note that the project does not propose development of future residential uses but is the adoption of a master plan that establishes a framework for the creation of the San Luis Rey River Valley Park, which incorporates passive and active recreational amenities for the local communities, as well as an extensive habitat preserve system with a multi-use trail system to serve a larger regional area.

D-3 Please refer to Response to Comment D-1 regarding the procedures identified in the PEIR for the investigation and disposal of potential hazardous waste that may be encountered on the site during construction of planned improvements. All required environmental investigations, sampling and/or remediation would be overseen by the County Department of Environmental Health and/or the Regional Water Quality Control Board. It is too speculative at this time to include the findings and sampling results from any required hazardous waste cleanup in the PEIR. This information will be made available if such cleanup is necessary.

- D-4 The comment is acknowledged and will be included in the record of the project for review and consideration by the appropriate decision makers. Additional environmental review will be necessary once specific development sites are selected within the entire park project boundary. This environmental review may require hazmat investigations. Please also refer to Response to Comment D-1.
- D-5 The comment is acknowledged and will be included in the record of the project for review and consideration by the appropriate decision makers. Based upon the database search the project site does not qualify as a "Border Zone Property".
- D-6 The County concurs with your comment. Please see Response to Comment D-1 that discusses the proposed Mitigation Measure M-HZ-1a-1b.
- D-7 As discussed in the draft PEIR the project will not generate any hazardous waste during its operation.
- D-8 As discussed the draft PEIR, the project does not propose the storage, onsite treatment, or onsite disposal of hazardous waste.
- D-9 As discussed the draft PEIR, the project will not involve any hazardous waste treatment processes.
- D-10 As discussed the draft PEIR, the project does not propose the discharge of wastewater to the storm drain and therefore a waste discharge permit is not needed.
- D-11 The County concurs with your comment. All soils will be tested prior to the disposal in the landfill.
- D-12 As discussed in Chapter 2.5 of the draft PEIR, no hazardous or contaminated sites were identified within the project site and therefore, it is not anticipated that soil or groundwater contamination will occur during construction of the Park improvements planned. No demolition activities related to project implementation have been identified. In addition, please see Response to Comment D-1.
- D-13 As discussed the draft PEIR, the project does not anticipate demolition activities.
- D-14 The contact person's email address was provided in the Notice of Availability that was included with the draft PEIR.

E. LETTER FROM THE DEPARTMENT OF TRANSPORTATION, DISTRICT 11, DATED APRIL 4, 2008

E-1 As discussed in Section 1.2 of the draft PEIR for the San Luis Rey River Park Master Plan project, the County Department of Parks and Recreation (DPR) has been working with Caltrans on developing a cooperative agreement related to the expansion of SR-76 and development of the San Luis Rey River Park project. Since public review of the draft PEIR, DPR continues to work on the cooperative agreement with Caltrans that will define how opportunities for access to and from the future State Route 76 will be developed for potential active recreation sites within the San Luis Rey River Park project area. The intent of this part of the agreement is that once an active recreation site is acquired by the County, negotiations will commence with Caltrans and access to and from the site provided as part of Caltrans State Route 76 widening and realignment project.

E-2 As discussed in Section 2.8 of the draft PEIR, the specific location of Tier A sites, the types of uses that would be developed on each, and the schedule for Tier A site development are unknown at this time. Therefore, the volume of traffic generated by each use and its affect on specific elements of the circulation system cannot be determined.

The draft PEIR includes mitigation measures that require that a Traffic Impact Report be prepared to assess potential impacts on the local circulation system in the project area, including SR-76, and to identify appropriate mitigation for identified impacts prior to the approval of construction plans of a Tier A facility. The County will coordinate with Caltrans during the preparation of the Traffic Impact Report to ensure that appropriate mitigation for impacts to SR-76 are identified and implemented.

E-3 The comment is acknowledged and will be included in the record for review and consideration by the appropriate decision makers. In accordance with mitigation measures M-TR-1, a project level Traffic Impact Report will be prepared to identify any potential impacts and require mitigation measures to ensure that the project has a less than significant impact on the environment. The Traffic Impact Report will include the analysis referenced in the comment.

E4 The County concurs with your comment. Please refer to Response to Comment E-2.

E-5 As discussed in Response to Comment E-2, prior to the approval of construction plans for Tier A sites, a Traffic Impact Report will be prepared to assess potential impacts on the local circulation system in the project area and identify appropriate mitigation for identified impacts. Mitigation measures to state facilities will be compatible with Caltrans concepts.

- E-6 In accordance with mitigation measures M-TR-1, a project level Traffic Impact Report will be prepared to identify any potential impacts and recommend mitigation measures to eliminate or reduce the level of impact. Development of the specific Tier A location cannot be completed until all required mitigation measures have been implemented. This will ensure that roadway segments and intersections remain at an acceptable LOS.
- E-7 The specific locations of Tier A sites are unknown at this time. Once specific locations are selected, additional project-level environmental review would be conducted, which would address all potential environmental impacts associated with the proposed project, including issues related to lighting and hazards. The County will ensure that all lighting (including reflected sunlight) within this project is placed and/or shielded so as not to be a hazardous to vehicles traveling on SR-76.
- E-8 The comment is acknowledged and will be included in the record for review and consideration by the appropriate decision makers.
- E-9 The comment is acknowledged and will be included in the record of the project for review and consideration by the appropriate decision makers. As discussed in Section 1.2.2 of draft PEIR, it is the County's intent to avoid purchasing any Park land within the anticipated right-of-way of the SR-76 project, and the County will continue to coordinate with Caltrans regarding ultimate design of the Park. In addition, it is too speculative at this time to determine whether or not road improvements to State facilities will be required. Necessary, future road improvements will be determined when the location of the park facilities has been finalized. Therefore, at this time it is not anticipated that an encroachment permit will be needed from Caltrans. However in the event that an encroachment is needed, the County will work with Caltrans to ensure that all the requirements are met before improvements can occur. In addition, the Matrix of Project Approvals on page 1-9 acknowledges that this project will require permits and approval from appropriate regulatory and resource agencies.
- E-10 This comment is acknowledged and will be included in the record of the project for review and consideration by the appropriate decision maker. This comment does not raise a CEQA issue.
- E-11 As discussed in Response to Comment E-9, it is not anticipated that an encroachment permit from Caltrans would be required for the proposed park.
- E-12 It appears that the commenter meant to refer to Section 21081.7 of the Public Resources Code which requires the submission to Caltrans of "traffic information from the reporting or monitoring program." A copy of the document will be provided to Caltrans following the approval of the project.

**F. LETTER FROM THE SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY,
INC. DATED MARCH 15, 2008**

- F-1 The comment is acknowledged and will be included in the record of the project for review and consideration by the appropriate decision makers.

G. LETTER FROM SOBOBA BAND OF LUISENO INDIANS DATED FEBRUARY 21, 2008

- G-1 The comment is acknowledged and will be included in the record for review and consideration by the appropriate decision makers.
- G-2 The County concurs with your comment. The mitigation measures outlined in Section 2.4.5 discusses on going consultation with Native American tribes including having a Native American present during all subsequent site specific surveys and construction. In addition as discussed in Section 2.4.1.3 the County will consult with local Native American tribes throughout the development of this project to elicit input and ensure that concerns are addressed.
- G-3 The County concurs. Copies of archaeological and/or cultural resource documentation will be provided to the Soboba Band of Luiseno Indians as part of the project's consultation.

H. LETTER FROM PALA BAND OF MISSION INDIANS DATED FEBRUARY 21, 2008

- H-1 The County concurs with your comment. The County will consult with local Native American tribes throughout the development process of this project. The County will keep the Pala Tribe informed as the project progresses and will keep the Tribe on our project update contact list. Any reports of investigations and/or any documentation that might be generated regarding previous reports or newly discovered cultural sites will be provided to the Pala Tribe as requested.
- H-2 Site specific archaeological resources surveys shall be conducted prior to the construction of Tier A sites, Tier B sites, and trail alignments. The County will make arrangements to visit the Cupa Cultural Center on the Pala Indian Reservation to review holding of the Cultural Register. The County appreciates your offer to assist in summarizing the resource base within proximity to the project area.
- H-3 The County concurs. The County will provide updated project information to the Pala Band of Mission Indians for review and comment if project boundaries are altered beyond the current proposed limits
- H-4 As discussed in Section 2.4.5, the County proposes to have a Native American monitor on site during site surveys and during all ground disturbing activities. The County appreciates Pala's offer to help identify qualified monitors.

I. LETTER FROM CALIFORNIA INDIAN LEGAL SERVICES DATED APRIL 1, 2008

- I-1 The County disagrees with your comment. One of the main objectives of the project is to preserve the most significant elements of the San Luis Rey River Valley's cultural and historical heritage. The draft PEIR outlines numerous mitigation measures to help avoid or minimize impacts on cultural resources that may be encountered within the project area.

The County did consider the Tribe's concerns and requests. As part of the draft PEIR process, a Native American consultant program was established. Overall program level mitigation measures as discussed in the document were developed to address the comments and concerns raised during the consultation process. As this document is a program level analysis, specific issues may be more appropriately addressed at the project level as this project moves forward.

- I-2 The County concurs with your comment and will be included in the record for review and consideration by the appropriate decision makers

- I-3 The County agrees with Band's concerns about protecting the unique and irreplaceable cultural resources that may potentially be affected by the proposed project. The objective of the project as described in Chapter 1 is to preserve the most significant elements of the San Luis Rey River Valley's cultural and historical heritage. However the County disagrees with the Tribe's characterization of the mitigation measures in the draft PEIR. The mitigation measures were designed to address the concerns raised during the consultation by tribal members during the development of the document.

- I-4 The draft PEIR provides numerous mitigation measures if cultural resources are discovered during ground disturbing activities associated with project development. All Tier A, Tier B, new trail routes and trail bridges shall be designed to avoid all cultural sites. In the event of a discovery of an important archaeological resource, avoidance shall be the preferred treatment option. If avoidance is not possible, the resource shall be evaluated for its significance in consultation with a Native American representative. In addition a data recovery program should be developed to include any input from a Native American cultural representative. California Public Resources Code and the Health Section 5097 and Health Safety Code 7050.0 provide provisions if human remains are found during ground disturbing activities. If the remains are determined to be Native American the County will contact the Native American Heritage Commission (Commission) to identify the Most Likely Descendent (MLD). Since the Band has a MLD on file with the commission the County will then work with the Band regarding the proper disposition of the remains.

- I-5 The County intends to design its project components to avoid all cultural sites. Avoidance measures will be developed in consultation with Native American

entities. This will ensure that the County is avoiding all resources known to occur within the area. Mitigation measures M-CR-2e through M-CR-2h discuss the situation when a discovery of unknown important archeological resources occurs during project construction. All steps were designed to avoid significant impacts to important resources in accordance with CEQA.

- I-6 The draft PEIR evaluates the project at a Program level. The exact location of the Tier A sites, Tier B sites, and multiuse trails are unknown at this time. As described in the draft PEIR, these facilities shall be designed to avoid disturbance to cultural resources within the project area to the maximum extent practicable. Specific avoidance measures would be developed in consultation with a qualified archaeologists and appropriate Native American entities.

As stated in the draft PEIR in Section 2.4-6, the County received a letter from San Luis Rey Band of Mission Indians on this project during the early phases of the preparation of the draft PEIR and considered those comments during the preparation of the document. The draft PEIR states that specific issues would be addressed at the project level. Furthermore the County held a meeting was held in October 2006 in which a representative of the San Luis Rey Band of Mission Indians attended. A copy of the program level cultural resources evaluation was provided to the tribe prior to the meeting.

Since the specific locations of the Tier A and Tier B facilities and trails have not been established, site specific cultural studies have not been prepared and therefore were not available to provide to the Band during the draft PEIR review process. In accordance with mitigation measures M-CR-2c site specific archaeological resource survey will be conducted once the location of the development areas has been identified. Surveys and resource analysis will be conducted by a County qualified archeologist in consultation with a Native American representative. Furthermore, a Native American will be present during all ground disturbing activities. The County intends to provide copies of these reports to the Band prior to the finalization of construction plans. The County is unclear with what is meant by "establishing an emergency fund." The County wishes to discuss this request with the Tribe in order to understand their request. In addition, the County is willing to consider the execution of an excavation agreement with the Band even though this is not an established County policy. However the County feels that the intent of the agreement has been included in the mitigation measures outlined in the draft PEIR.

- I-7 The County concurs with your comment. The draft PEIR evaluates the project at a Program level. The exact location of the Tier A sites, Tier B sites, and multiuse trails are unknown at this time. In accordance with mitigation measure M-CR-2a, Park facilities will be designed to avoid all cultural sites. When specific developments sites are finalized, a site specific archaeological resource survey shall be conducted. Once the survey is completed the County will be able to

design the facility to avoid resources to the maximum extent practicable. This includes relocating or redesigning specific features of the site.

- I-8 All Park facilities shall be designed to avoid all cultural sites including any important sacred sites. As stated in M-CR-3, if any unanticipated human remains are discovered during ground disturbing monitoring, the County will implement the provision of the California Public Resources Code Section 5097 and the Health and Safety Code Section 7050.5. There is no plan by the County to destroy any important or sacred sites that may be on the property slated for Park development. All mitigation measures have been designed to avoid and minimize any impacts that may occur.
- I-9 The County concurs with your comment. In accordance with mitigation measure M-CR-2a, Park facilities will be designed to avoid all cultural sites. Specifically, applicable avoidance measures would be designed in consultation with a qualified archaeologist and appropriate Native American entity. Avoidance strategies would be developed on a site specific basis and would include but not limited to redesign or relocation of development facilities, realignment of trails, capping site areas with sterile fill, restricting access through fencing or other means, or incorporating the site into the green spaces and open spaces associated with the San Luis Rey River Park. Restricting access to areas would serve the same function as a conservation easement without the County formally conveying an easement to itself.
- I-10 Mitigation Measure CR-1a and CR-2b does not include a meeting. The measures states that prior to the approval of a construction plan a Cultural Resource Report meeting the guidelines outlined in the County of San Diego Guidelines for Determining Significance and Report Format and Content Guidelines shall be prepared to evaluate site specific development locations. All reports prepared in association with the project will be provided to the Band for review and comment.
- I-11 The County has no intention of excluding Band members or any other Native American representatives from participating in site surveys. The mitigation measure has been revised to state that "A Native American monitor will be present during site surveys."
- I-12 During the preparation of the draft PEIR, the County was contacted by various Native American tribes requesting Native American presence during site surveys and ground disturbing activities. It is the County's policy to hire only one Native American Monitor for public projects. Therefore the County did not call out a single tribe in the mitigation measures and leaves it up to the tribes to decide who should be present. The County welcomes the Bands participation in this project.

- I-13 The County concurs with your comment. Mitigation measure M-CR-2d will be revised to include Native American participation during the development of the site specific monitoring and data recovery plan. In addition, the measure will be revised to state that a Native American monitor shall be present during ground disturbing activities and as outlined in the prepared monitoring and data recovery plan.
- I-14 Please see response to comment I-12.
- I-15 Please see response to comment I-12.
- I-16 Mitigation measure M-CR-2g states that the site-specific research design document shall include input from Native American cultural representatives. In efforts not to exclude any specific tribe from working with the County on this project, a specific reference to the Band will not be included. The mitigation measure will be revised to state that, "All ground disturbance activities associated with the data recovery shall be monitored by a Native American."
- I-17 Various Native American tribes have contacted the County in regards to this project. Therefore it would be unfair for the County to single out one tribe when consulting on the educational and interpretative value of a cultural resource. Therefore the mitigation measure will be revised to state, "Any archaeological resources within 100 feet of Park facilities shall be evaluated for educational and interpretive value in consultation with local Native American entities." The County will take all requests under consideration. In addition, the measure will be revised to include the opportunity for tribes to provide information about the tribal groups using interpretative plaques or other media within the Park boundaries.
- I-18 Health and Safety Code 7050.5, Public Resources Code 5091.98 and Section 15064.5 (d) of the California Code of Regulations mandate procedures to be followed in the event of the accidental discovery of any human remains in a location other than a dedicated cemetery. Mitigation measure M-CR-3 is intended to implement those procedures should accidental remains be located during the development of the proposed project. These procedures will ensure that the remains will be treated with dignity and respect and include consultation with a Most Likely Descendent if the remains are determined to be Native American. Consultation with Native Americans also includes developing the best course of action for the treatment of the remains. In addition, the County is willing to consider the execution of an excavation agreement with the Band even though this is not an established County policy. However the County feels that the intent of the agreement has been included in the mitigation measures outlined in the draft PEIR.

The mitigation measure will be revised to state that Tier A sites, Tier B sites, and trail routes will be designed to avoid areas with the potential to unearth human

remains. In the unlikely event of discovery of human remains the provisions as currently described will be implemented.

- I-19 The draft PEIR addresses the project at a program level since the location of specific development sites is not known at this time. In Section 2.4.1.3, Native American Consultation subsection of the draft PEIR states that specific issues will be addressed at the project level which includes the pre-excavation agreement previously suggested by the Band. The County feels that all the requests provided in the provisions of the agreement are included in the mitigation measures outlines in the draft PEIR. For example the Band requests in their pre-excavation agreement that all significant and sacred sites if found during development shall be avoided. Mitigation measure M-CR-2a requires the implementation of avoidance strategies. Furthermore the agreement asks for Native American monitors to be from the Band and compensated for their time. Since the County received requests from other tribes to assist in surveys and monitoring for this project, the County doesn't feel it is appropriate to single out just the San Luis Rey Band of Mission Indians in the document. The County will work with any tribe that has interest in this project. It is County policy to pay for the presence of one Native American monitor at a project site.
- I-20 The County appreciates your comment. It will be included in the record of the project for consideration by the appropriate decision makers. The County looks forward to working with the Band on this and future projects.

J. LETTER FROM CALIFORNIA CONSTRUCTION AND INDUSTRIAL MATERIALS ASSOCIATION DATED MARCH 31, 2008

- J-1 The County concurs that San Luis Rey River valley could hold a large reserve of high-quality sand and gravel resources. Furthermore, the County concurs that the potential exists that many of the areas classified as MRZ-3 could potentially be classified as an MRZ-2 resource. The draft PEIR is a program-level document designed to give an overview of the proposal to develop a park with an extensive preserve component in the San Luis Rey River valley. In doing so, it presents an assessment of sand and gravel extraction resources in the valley and unequivocally states that those resources are important on a local and regional level, and that if they would be precluded from use, the result would be a significant impact that could not be mitigated. While a quantitative analysis of the type presented in this letter may add weight to that conclusion, it does not change the conclusion. The evaluation in the draft PEIR is valid and works at the same program level as the assessment of other resources in the document.
- J-2 The facts presented by CIMA are not disputed and, as noted in the previous response, this comment reinforces the evaluation of impacts to mineral resources of commercial value addressed on pages 2.2-8 through 2.2-10 in the PEIR.
- J-3 The figure is numbered correctly. The references in the text have been corrected in the Final PEIR. The location of Rosemary's Mountain Quarry has also been corrected in the Final PEIR.

The seriousness of the impact of the proposed park on mineral resources is indicated by the draft PEIR's finding that the impact is one of only two (the other is on agriculture) that would be significant and unmitigable. This is the most severe finding possible in a California Environmental Quality Act document.

Figure 2.2.1 shows mines in the project area and a concentration of sand and gravel operations in the park itself. As the draft PEIR states (see pages 2.2-8 and 2.2-9), the closed mines indicate the presence of sand and gravel resources in the river valley, whether or not those mines are still producing.

Figure 2.2.1 also shows the location of gem and clay mines. These facilities were shown on the map because during public review of the Notice of Preparation a comment letter was received from the Fallbrook Gem and Mineral Society. In the letter the commenter states that geological history of the project site could be linked to the history of mining in the area. Therefore all past mining activities were included in the figure.

- J-4 Public review for the draft PEIR began in February of 2008 and was in preparation for an extensive period prior to that date. The Final PEIR will be updated to include the information on Rosemary's Mountain; however, the

information that the mine is now operating does not change the analysis and conclusions of the PEIR.

- J-5 As stated in response to comment J-3, the presence of six mines, even if currently closed, indicates the potential for sand and gravel production in the river valley. As stated in the draft PEIR on page 2.2-8, “The project would preclude renewed or *new* production in a significant length of the San Luis Rey River valley. . .”. This comment agrees with the conclusions of the draft PEIR.
- J-6 The San Luis Rey River Park Master Plan establishes a framework for the creation of the park. The adoption of the Master Plan will not result in a change in land use designations or zoning with the project boundary pursuant to the San Diego County General Plan or zoning ordinance. The County plans to only acquire lands from willing sellers for the establishment of the park. The adoption of the Master Plan will not preclude land owners from obtaining land use entitlements in accordance with County land use policies including the ability to extract resources on lands that aren’t incorporated in to the Park.
- J-7 The County concurs with your comment. The EIR states that no active mines remain in this stretch of the river valley but the County acknowledges that future mines may be established.
- J-8 As the draft PEIR states (see pages 2.2-8 and 2.2-9), the closed mines indicate the presence of sand and gravel resources in the river valley, whether or not those mines are still producing. The aggregate, sand, and gravel mining sites shown inside the proposed boundary of the park are functional to the analysis in the draft PEIR.

Figure 2.2.2 shows the location of the mines in relation to the cumulative projects within the study area. Each project is depicted on the map by a number, and information on the corresponding numbers is listed in Table 1.1 as discussed in Section 1.7. The analysis concluded that together with other projects in the study area the San Luis Rey River Park Project will result in a significant cumulative impact to mineral resources. The impact is associated with the fact that other development projects in the area are also incompatible uses with mining and would preclude the extraction of valuable resources, therefore causing a reduction in the availability of the resources. The loss of the resources from the Park project together with the loss from other projects would result in a significant impact. Therefore it is not necessary to revise the cumulative impact analysis in the PEIR.

- J-9 While this comment suggests joint use would be a viable alternative, the County is not aware of any studies on the effects of historic mining in the valley on biological resources or any other evidence showing the compatibility of these two activities.

A joint-use alternative would not meet the basic objectives of the proposed project. As described in Section 1.1, the project was designed to enhance the open space values of the San Luis Rey River valley and to enhance and preserve the San Luis Rey River valley's biological and ecological resources. These objectives will be met by incorporating a Preserve to protect sensitive resources. The Preserve would contain the most sensitive habitats in the valley consisting of wetland, riparian-related, and upland habitats. Mineral extraction would not be compatible with the protection of biological resources. As stated in the Section 2.2.2.4 of the draft PEIR: "Any future operation of mines within or adjacent to the Preserve could have direct and indirect impacts on the biological functioning of the Preserve by generating noise, human activity, operation of heavy equipment, access for trucks, and other factors that could affect biological resources within the Preserve." In addition, the project's goal is to provide active recreational opportunities for nearby communities. Active recreation and mineral extraction activities are not compatible uses and the facilities would not be available for the Fallbrook, Bonsall, and Oceanside communities where they are most needed.

- J-10 The County acknowledges your comment. As described in Section 2.2.5 of the draft PEIR, without the project abandoning its preservation goals, impacts to mineral resources would remain unavoidable. The creation of a plan for the protection of mineral resources is not an issue appropriate for a program-level PEIR for park development. The request will be forwarded to those at the County who are responsible for making policy level decisions.
- J-11 The comment's claim that the project will cause a substantial increase in greenhouse gas (GHG) emissions is speculative. No evidence was provided to support the statement that "locally produced aggregate resources are noted to reduce GHGs by up to 70%." Since there are no active mines in the portion of the river valley proposed as part of the park, no GHGs are now being produced in that area from mining. There is a reasonable likelihood that any operation within the boundaries of the proposed park would produce more, not less, GHGs within those boundaries than the Proposed Park project. In addition the development of the park would not preclude local mineral extraction upstream or downstream from those boundaries or in other aggregate rich areas of the county.

The overall amount of GHG emissions that would result from construction and operation of the proposed project would not be cumulatively considerable given the project's less intense nature as a master plan for a park project consisting of active and passive recreation uses, a multi-use trail system and an open space preserve. The project's incorporation of several design features will further assist in the reduction of GHG emissions, including, but not limited to, compliance with Title 24 building codes and use of drought resistance landscaping. In addition, the proposed restoration within the open space preserve will include the planting of native species that will provide for additional CO₂ uptake. Furthermore, future

actions taken under state law, including requirements for lower carbon-content in motor vehicles fuels, improved vehicle mileage standards, and an increased share of renewable energy in electricity generation are anticipated to further reduce GHG emissions from the project.

K. LETTER FROM SELTZER, CAPLAN, MCMAHON, VITEK ON BEHALF OF PARDEE HOMES DATED APRIL 1, 2008

- K-1 The comment is acknowledged and will be included in the record of the project for review and consideration by the appropriate decision makers.
- K-2 Thank you for your comments. As discussed in Section 1.7 of the PEIR, the map of project sites was identified through a records search of County Department and Land Use (DPLU) databases and in cooperation with DPLU staff. The figure will be revised in the final PEIR. However, this change to Figure 1-4 does not change the analysis in the draft PEIR.
- K-3 The Meadowwood Project was inadvertently left off Figure 1-4 in the draft PEIR. However it was included in the summary table 1.1 and was included in the cumulative analysis for the project. The table will be revised in the final PEIR. However, this change to Table 1.1 does not change the analysis in the draft PEIR. Table 1.1 will be revised to reflect the correct project description. These changes will not result in a change in the conclusions drawn in the draft PEIR as the correct project description information was used in the analysis.

L. EMAIL FROM DUMONTE AND JOAN VOIGT DATED MARCH 20, 2008

- L-1 The County appreciates your comment. We apologize that no one was available to answer audience questions and concerns. The County held a public meeting on March 4th to answer any public comments on the project and draft PEIR.
- L-2 State Route (SR) 76 is being designed and constructed by Caltrans which includes the decision on the ultimate alignment of the proposed road. As discussed in Section 1.2.2 of the draft PEIR, the County continues to work to ensure success of both the SR 76 project and the San Luis Rey River Park Master Plan Project. It is the County's intent to avoid purchasing any Park land within the anticipated right-of-way of the SR-76 project, and the County will continue to coordinate with Caltrans regarding ultimate design of the Park.
- L-3 The County appreciates your comment. The exact location of the proposed Tier A sites is not known at this time. Properties would only be acquired from willing sellers. In section 1.2.1, the draft PEIR describes the siting criteria used for locating Tier A facilities. The Tier A facility drawings shown in the Master Plan, Appendix A to the draft PEIR, are conceptual designs at this time. As part of the County's ongoing discussions with Caltrans, future Park access from SR76 and trail connections across or under the highway is currently being addressed. The County will consider your recommendations for the site along Gird Road when specific development plans are being prepared.

M. EMAIL FROM GERALD WALSON DATED MARCH 21, 2008

- M-1 The draft PEIR evaluated the environmental impacts associated with the implementation of the San Luis Rey River Park Master Plan. The document acknowledges that the San Luis Rey River Basin is part of an extensive regional habitat linkage and wildlife corridor as described in Section 2.3.1.4. The project area provides movement and suitable nesting, foraging and dispersal areas for wildlife species. The area provides connections to open space located on the Marine Corps Base Camp Pendleton, the Cleveland National Forest, Lake Henshaw watershed, and the Pala, Puma, and La Jolla Tribal lands to the east. However plans to preserve and protect the entire length of the River Basin are out of the scope of this draft PEIR.

The project proposes the preservation of 1600 acres of habitat within the San Luis Rey River Basin. Mitigation measure M-BI-1a requires a project-level Biological Resources Report be prepared to evaluate the specific locations selected for Tier A and Tier B facilities, trails, and restoration areas; to identify potential significant impacts; including addressing the potential impacts to wildlife corridors and to recommend appropriate mitigation.

- M-2 As discussed in, Section 2.3.1.4 of the draft PEIR the proposed Park is part of an extensive regional habitat linkage including Lake Henshaw and the Pala, Pauma and La Jolla tribal lands to the east and lands to the west toward the ocean. At this time the draft PEIR only focuses on the proposed project within the 8.5 mile project boundary. There are no discussions at this time to expand the project boundaries beyond the current limits.

N. LETTER FROM CHARLES AND HELENA TILLOTSON DATED FEBRUARY 18, 2008

N-1 The comment is acknowledged and will be included in the record of the project for review and consideration by the appropriate decision makers.

N-2 As discussed in the draft PEIR, the proposed project is the adoption of the San Luis Rey River Park Master Plan (Master Plan) for the development of a park in the San Luis Rey River valley. The proposed Master Plan establishes a framework for the creation of the park incorporating passive and active recreational amenities for the Fallbrook and Bonsall community, as well as an extensive habitat preserve with a multi-use trail system to serve a larger regional area.

In accordance with the conclusions in the draft PEIR all significant environmental effects caused by the implementation of the proposed project would be mitigated to a level below significance except for Agricultural Resources and Mineral Resources. The County disagrees with the assertion that the project would result in impacts that can't be mitigated to a level below significance for traffic/transportation, hazardous emissions, noise, and public services. In addition, cumulative impacts associated with these resources can also be mitigated to a level below significance.

As described in Section 2.8.2, a generalized trip generation for the Tier A sites was determined based on the SANDAG's "Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region". It was determined that the Tier A facilities best matched the "City Park" classification in the guide. Therefore the total estimated volume of traffic generated by the development of the Park was determined to be 2,000 ADT. However because the location of the Tier A sites, and the types of uses that would be developed on each, and the schedule for development is unknown at this time it is too speculative to determine the effect of traffic generated by this project. Therefore, the draft PEIR includes mitigation measures requiring that a Traffic Impact Report be prepared to assess potential impacts on the local circulation system in the project area, including SR-76, and to identify appropriate mitigation for identified impacts prior to the approval of construction plans of a Tier A facility. In addition the Traffic Impact Report will look at the impact of the proposed project together with traffic generated from cumulative projects on the surrounding road network.

As described in Section 3.1.2.2, it was determined that based on the 2,000 ADT, the proposed project's future traffic conditions would not lead to any exceedances of federal or California ambient air quality standards for CO as the traffic would be distributed over the entire length of the project area. Furthermore in Section 3.1.2.3, it was determined that CO emissions associated with Park traffic and cumulative project traffic would not result in a significant impact.

As described in Section 2.6.2.2, the project may result in operational impacts from noise. Mitigation measures M-NO-2, M-NO-3, and M-NO-4 would ensure that dog parks, parking lots, or playing fields respectively within the park would be located at a sufficient distance from off-site residential uses and from on- and off-site habitat for noise sensitive species to allow attenuation by distance to levels that would meet County standards for those uses. With the implementation of the mitigation measures the impacts would be reduced to a less than significant impact. In addition, as described in Section 2.6.3, the project would result in a cumulative noise impact if construction of active use sites were to occur at the same time and within 500 feet of another project under construction. Mitigation measure M-NO-5 would identify the location of any sensitive noise receptors adjacent to the construction sites and would provide appropriate mitigation including physical barriers to reduce noise levels to the standards within the County Noise Ordinance.

Furthermore as described in Section 2.7.2.1, 2.7.2.2, 2.7.2.3, and 2.7.2.4 it was determined that there were adequate public services including school, police, fire and water and sewer respectively for the proposed project. This analysis was based on the discussions with the representatives from each public service. In addition, as described in Section 2.7.3, the project in combination with cumulative projects would not have an impact on schools, fire and police protection, and water and sewer service.

O. LETTER FROM VICTOR AND MONICA AVEDIAN DATED JUNE 6, 2006

- O-1 The County appreciates your comments. Your properties APN 126-140-20, 126-170-27, 120-130-06 and 126-170-04 are not included in the boundaries of the proposed project and therefore are not considered for inclusion as part of the River Park.