

**Attachment D-1
Environmental Findings**

DRAFT
**Decision and Explanation Regarding Recirculation
of the
Draft Supplemental Environmental Impact Report
for the
Forest Conservation Initiative Lands
General Plan Amendment**

DRAFT

**DRAFT DECISION AND EXPLANATION REGARDING RECIRCULATION
OF THE DRAFT ENVIRONMENTAL IMPACT REPORT
Forest Conservation Initiative (FCI) Lands
General Plan Amendment (GPA) SCH # 2012081082**

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15088.5(a), the County of San Diego is required to recirculate a Draft Environmental Impact Report (EIR) when significant new information is added to the Draft EIR after public review of the Draft EIR, but before certification. "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. "Significant new information" can include:

- 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 others previously analyzed would clearly lessen the 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.

BACKGROUND: The Draft Supplemental Environmental Impact Report (SEIR) was first circulated for public review from February 1, 2013 to March 18, 2013 (a 45-day review period). All interested persons and organizations had an opportunity during this time to submit their written comments on the Draft SEIR to the County of San Diego. In response to comments received from the circulation of the Draft SEIR and direction provided by the County Board of Supervisors at a hearing on June 25, 2014, several additions or changes were made to the proposed FCI Lands GPA project description and analysis.

Revisions to the proposed Project resulted in the identification of new or different significant environmental impacts since the Draft SEIR was circulated in 2013 to some resource areas. These include: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Hazards (wildland fires), Hydrology and Water Quality, Mineral Resources, Noise, Public Services, Transportation and Traffic, Utilities and Service Systems, and Climate Change.

Due to those additions and changes made to the Draft SEIR, the County decided to recirculate the Draft SEIR for the FCI Lands GPA project. Pursuant to CEQA Guidelines Section 15088.5(f)(1), interested members of the public and agencies were required to submit new comments on the Recirculated Draft SEIR.

The Recirculated Draft SEIR was recirculated on January 14, 2016 for a 45-day public review. The County received numerous comments, some of which stated that the County should add more information to the Draft EIR. Responses to all comments received during the public review period were prepared and are included in Volume II of the Final SEIR.

In response to the comments, the County made changes to several sections of the Draft SEIR. All modifications were evaluated to determine whether new or more severe impacts were

identified, or whether feasible mitigation or avoidance measures were identified but rejected. Subsequent to the Planning Commission and Board of Supervisors hearings, the County also added an amendment to the SEIR to describe the Recommended Project, which is the Alpine Alternative Land Use Map alternative analyzed in the 2016 Draft SEIR. The Recommended Project has less environmental impacts when compared to the proposed Project that was analyzed in the 2016 Draft SEIR and is the Project alternative presented to the decision makers for consideration.

DECISION: The Board of Supervisors has reviewed the changes made to the Draft SEIR following public review, and determines that no “significant new information” has been added and therefore, recirculation of the Draft SEIR is not required. The following provides an explanation of the modifications made to the Draft SEIR.

EXPLANATION: The changes to the Draft SEIR subsequent to the public review period are shown in strike-out in Volume I of the Final SEIR and a complete summary of changes is included within Volume II of the Final SEIR. While an exhaustive list of changes is not included here, the following provides an explanation of relevant changes to the Project description, the environmental impacts analysis, the mitigation measures. Revisions to the SEIR were made in response to comments made during public review.

Changes to the Project Description of the Proposed Project

In response to comments, the following changes were made to the description of the Proposed Project that was analyzed in the EIR. Changes are shown in strikeout/underlined text.

- Pages 1-13 to 1-14, Table 1-1C, Proposed Project Buildout and Additional Subdivision Potential, has been added a description of the new table has been added as follows:

The full potential buildout that would be allowed under the proposed Project is shown in Table 1-1A (see last column). Table 1-1C shows the potential number of additional residential lots that would be allowed under both the proposed Project and existing General Plan (No Project Alternative). This Table shows that, while the proposed Project would allow 6,245 lots at buildout, only 2,395 of these lots would be in addition to existing lots. This is substantially less potential lots than would be allowed by the existing General Plan, where 15,062 lots would result with full buildout, 11,212 of which would be in addition to existing lots.

- Page 1-44, text describing the AB 52 consultation has been added, as follows:

Assembly Bill 52 was enacted in 2014, with several provisions governing tribal cultural resources and early consultation with tribes. Assembly Bill 52 applies to EIRs for which the notice of preparation is issued after July 1, 2015. The notice of preparation for this EIR was issued in September 2012, so Assembly Bill 52 does not apply to this EIR. Nevertheless, the County elected to conduct consultation consistent with Assembly Bill 52. That consultation was initiated concurrent with the public review of the recirculated Draft SEIR in January 2016. The County consulted with the Viejas and Rincon Native American tribes and provided a status of the Project, emphasized that this project consists of changes to the General Plan and Community Plan and does not include any earth disturbing activities as subsequent discretionary permits will require CEQA review and consultation.

Environmental Analysis Changes

The Final SEIR includes modifications to the analysis of environmental impacts in Chapter 2, Environmental Effects of the Proposed Project, and Chapter 4, Project Alternatives. These

changes are associated with comments received during public review of the Draft SEIR. The complete list of changes is available in Volume II of the Final SEIR. The following notable changes are related to the environmental impacts of the proposed Project and the alternatives.

Section 2.4, Biological Resources

- Page 2.4-3, edits to the paragraph at the top of the page have been made, as follows:

This proposed Project consists of changes to the land use designations over 71,700 acres of land which support special status plant and wildlife species. Similar to the 2011 General Plan, the project would directly or indirectly impact habitats of candidate, sensitive, or special status species. The General Plan Update PEIR included a discussion of each vegetation community in the unincorporated County and the species supported by each vegetation community in Section 2.4.1.2 of the General Plan Update PEIR. Table 2.4-1 (Habitat Impacts by Vegetation Community) quantifies compares the total number of acres of each vegetation community with the number of acres that could be potentially affected by new development under the proposed Project.....

- Page 2.4-3, edits to the paragraph at the top of the page have been made, as follows:

Figures 2.4-1A and 2.4-1B illustrates the location of the vegetation communities within the Project area boundary and estimates of the vegetation impacts are shown in Figure 2.4-2A and 2.4-2B in addition to Table 2.4-1. Also, community level figures of the estimated vegetation impacts are provided as Figures 2.4-5.1 through 2.4-5.13 (Estimated Vegetation Impacts).

- Page 2.4-5, edits to paragraph #4 have been made, as follows:

Rural lands (RL-20, RL-40 and RL-80) are estimated to have five acres of impact per potential dwelling unit. A 25% impact is identified for areas assigned a RL-20 designation, a 12.5% impact for areas assigned a RL-40 designation and a 6% impact for areas assigned RL-80, based on a five-acre per dwelling unit assumption for lands outside the MSCP Area. Within PAMA, the potential impact is 2.5 acres per dwelling unit.

- Page 2.4-5 to 2.4-6, a new paragraph at the bottom of the page has been added, as follows:

Table 2.4-3 (Level of Impact: MSCP Parcels) identifies, by potential level of impact, the number of parcels and acres within the South County, draft North County and in-process East County MSCP. This table shows that of the 53,919 acres within MSCP PAMA and preserves, only 12,547 acres would have any subdivision potential under the proposed Project. Table 2.4-4 (Level of Impact: Parcels Adjacent to Conserved Lands) identifies the potential level of impact to parcels adjacent to conserved lands. This table shows that of the 10,264 acres adjacent to conserved lands and preserves, only 2,628 acres would have any subdivision potential under the proposed Project.

- Page 2.4-8 to 2.4-9, edits to the paragraph at the bottom of the page have been made, as follows:

The proposed Project's direct, indirect and cumulative impacts would be reduced by the same regulations, implementation programs (2011 General Plan goals/policies) and mitigation measures from the General Plan Update PEIR and repeated in Section 2.4.4.4 below. However, implementation of the mitigation measures listed in Section 2.4.4.4 would not reduce these impacts to below a level of significance. Implementation of the MSCP,

~~County of San Diego While the direct and cumulative impacts within the South County MSCP will be mitigated below a level of significance through implementation of the Subarea Plan and the Biological Mitigation Ordinance will provide for mitigation of the direct and cumulative impacts within the Subarea Plan area (southwestern portion of the county). For the northwestern and eastern portions of the county, the North County and East County MSCP Plans have are not yet adopted. As such, any contribution to the cumulative loss of wildlife corridors in the draft North and East County Plan areas would be cumulatively considerable, even after mitigation has been implemented for individual projects. It should be noted; however, that an interim North and East County MSCP Planning Agreement (dated ~~October 29, 2008~~ ~~May 16, 2014~~) is in place between the County, the CDFW, and the USFWS. Among other things, this agreement establishes a process to review interim development within the Planning Areas that will help achieve the preliminary conservation objectives and preserve options for establishing a viable reserve system or equivalent long-term conservation measures, but until those MSCP Plans are completed and approved, the proposed Project would result in significant and unavoidable direct, indirect and cumulative impacts on wildlife corridors and nursery sites.~~

- Pages 2.4-19 to 2.4-20, a column titled "Total Acres" has been added to Table 2.4-1.
- Page 2.4-22, a new table titled "2.4-3 Level of Impact: MSCP Parcels" has been added:
- Page 2.4-22, a new table titled "2.4-4 Level of Impact: Parcels Adjacent to Conserved Lands" has been added:
- Figures 2.4-2A and 2.4-2B have been amended to include potential impacts to East County in-process MSCP Focused Conservation Areas, along with other conserved lands. In addition, the <25% impact category has been expanded into two categories: (1) <12.5% and (2) 25%.
- Figures 2.4-4.1 through 2.4-4.13 have been added that show similar information shown on Figures 2.4-2A and 2.4-2B, but at the community level. In addition, these more detailed maps also show Biological Core Resource Areas and designated wildlife corridors and linkages.

Section 2.5, Cultural Resources

- Page 2.5-14, Mitigation Measure Cul-2.6 has been revised as follows:

Protect significant cultural resources by facilitating the identification and acquisition of important resources through regional coordination with agencies, and institutions, such as the SCIC and consultation with the NAHC and local tribal governments, including SB-18 and AB-52 review, while maintaining the confidentiality of sensitive cultural information.

Section 2.15, Global Climate Change

- Page 2.15-20, the following has been added to the last paragraph:

The applicable mitigation measure that would implement the policy is shown in brackets at the end of each policy.

- Page 2.15-21, the applicable mitigation measure has been added to the end of each policy as shown below:

Policy COS-10.7: Recycling of Debris. Encourage the installation and operation of construction and demolition (C&D) debris recycling facilities as an accessory use at

permitted (or otherwise authorized) mining facilities to increase the supply of available mineral resources. [CC-1.19]

Policy COS-15.1: Design and Construction of New Buildings. Require that new buildings be designed and constructed in accordance with “green building” programs that incorporate techniques and materials that maximize energy efficiency, incorporate the use of sustainable resources and recycled materials, and reduce emissions of GHGs and toxic air contaminants. [CC-1.1]

Policy COS-15.2: Upgrade of Existing Buildings. Promote and, as appropriate, develop standards for the retrofit of existing buildings to incorporate architectural features, heating and cooling, water, energy, and other design elements that improve their environmental sustainability and reduce GHG. [CC-1.9]

Policy COS-15.3: Green Building Programs. Require all new County facilities and the renovation and expansion of existing County buildings to meet identified “green building” programs that demonstrate energy efficiency, energy conservation, and renewable technologies. [CC-1.1, CC-1.16, CC-1.18]

Policy COS 17.1: Reduction of Solid Waste Materials. Reduce greenhouse gas emissions and future landfill capacity needs through reduction, reuse, or recycling of all types of solid waste that is generated. Divert solid waste from landfills in compliance with State law. [CC-1.6, CC-1.17]

Policy COS 17.5: Methane Recapture. Promote efficient methods for methane recapture in landfills and the use of composting facilities and anaerobic digesters and other sustainable strategies to reduce the release of GHG emissions from waste disposal or management sites and to generate additional energy such as electricity. [USS-6-7 in GPU FEIR]

Policy COS-18.2: Energy Generation from Waste. Encourage use of methane sequestration and other sustainable strategies to produce energy and/or reduce GHG emissions from waste disposal or management sites. [CC-1.9]

Policy COS 20.2: GHG Monitoring and Implementation. Establish and maintain a program to monitor GHG emissions attributable to development, transportation, infrastructure, and municipal operations and periodically review the effectiveness of and revise existing programs as necessary to achieve GHG emission reduction objectives. [CC-1.3]

Policy COS 20.4: Public Education. Continue to provide materials and programs that educate and provide technical assistance to the public, development professionals, schools, and other parties regarding the importance and approaches for sustainable development and reduction of GHG emissions. [CC-1.14]

- Page 2.15-25, add the following two sentences to the end of the last paragraph on the page, as follows:

CC-20 requires the County to continue to maintain and monitor inactive solid waste disposal sites to ensure compliance with environmental regulations to minimize GHG emissions. CC-21 requires the County to streamline regulations that encourage the use of alternative energy systems, such as photovoltaics and wind.

Chapter 4.0, Project Alternatives

- Page 4-7, for added clarification a title has been added to the table on this page, as follows:

Comparison of Alternatives to the FCI Condition

- Page 4-15, the following has been added to the end of the second paragraph under “City-Centered Alternative:”

Therefore, the County finds it would be infeasible to consider this alternative given the following:

- The high potential for the additional development to result in increased impacts to air quality, traffic, noise and community character in the cities where it is being added;
and
- The County does not have any land use jurisdiction in the cities to ensure that the additional development would be approved.

Changes to Appendix F, Greenhouse Gas Emissions Calculations

- Page F-4, Table 5 has been added showing projected fuel consumption for each analysis year.

Changes to Mitigation Measures

The minor change was made to Mitigation Measure Cul-2.6, as follows:

- Page 2.5-14, Mitigation Measure Cul-2.6 has been revised, as shown below, to recognize the change in State law since the NOP for this SEIR that requires AB-52 tribal consultation, in addition to SB-18 consultations.

Protect significant cultural resources by facilitating the identification and acquisition of important resources through regional coordination with agencies, and institutions, such as the SCIC and consultation with the NAHC and local tribal governments, including SB-18 and AB-52 review, while maintaining the confidentiality of sensitive cultural information.

CONCLUSION: Modifications to the Draft SEIR for inclusion in the Final SEIR do not constitute “significant new information” as defined in Section 15088.5 of the State CEQA Guidelines. The modifications shown above and provided in SEIR Volumes I and II do not show:

- 1) New significant environmental impacts from the Project or from new mitigation measures;
- 2) A substantial increase in the severity of environmental impacts;
- 3) Feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project, but which the Project proponents decline to adopt; or
- 4) That the Draft SEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The changes merely clarify the information in the Draft SEIR or make minor modifications. The new table provided in Appendix F is derived from information contained in the Draft SEIR (SEIR Appendix F tables on pages F-26 and F-29), which set forth vehicle miles traveled (VMT by fuel type. The information provides clarification regarding the amount of fuel used based on VMT and fuel type, and goes beyond what is required for the programmatic analysis provided in the SEIR.

As such, the County’s decision not to recirculate the SEIR would not deprive the public of a meaningful opportunity to comment on substantial adverse effects or feasible mitigation measures or alternatives. The described revisions in the Final SEIR therefore do not require recirculation.

THIS PAGE INTENTIONALLY LEFT BLANK