APPENDIX B

Notice of Preparation / Public Comments Received

October 2015

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ERIC GIBSON
INTERIM DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

NOTICE OF PREPARATION DOCUMENTATION

DATE: August 30, 2012

PROJECT NAME: FOREST CONSERVATION INITIATIVE LANDS GENERAL PLAN AMENDMENT

PROJECT NUMBER(S): GPA 12-004

PROJECT APPLICANT: County of San Diego

ENV. REVIEW NUMBER: N/A

PROJECT DESCRIPTION:

The proposed project is a General Plan Amendment (GPA) to the San Diego County General Plan, previously adopted on August 3, 2011. The project will result in revision of the existing General Plan land use designation on a number of private parcels totaling approximately 75,000 acres within the unincorporated areas of the County, and will amend the Jamul/Dulzura and North Mountain Subregional Plans. The project will also involve an amendment to the County Zoning Ordinance to ensure that the zoning of the affected parcels is consistent with the proposed land use designations.

<u>Forest Conservation Initiative Lands</u>

Primarily, this GPA will change the land use designations for lands that were subject to the Forest Conservation Initiative (FCI) in and around the Cleveland National Forest and within the following community planning areas (CPAs) and subregional planning areas (Subregions):

- Alpine CPA
- Central Mountain Subregion (including the communities of Cuyamaca, Descanso, and Pine Valley)
- Desert Subregion
- Jamul/Dulzura Subregion

- Julian CPA,
- Mountain Empire Subregion (including the community of Campo/Lake Morena)
- North Mountain Subregion (including Palomar Mountain)
- Pendleton/De Luz CPA
- Ramona CPA

Both the Existing and Draft (Proposed) General Plan Land Use Distribution Maps for these areas are available at http://www.sdcounty.ca.gov/dplu/advance/FCI.html.

In the Existing General Plan Land Use Distribution Maps for the CPAs and Subregions listed above, the former FCI lands are shown with a black hatch; for the Draft (Proposed) Land Use Distribution Maps, they are outlined in red.

The FCI was a voter-approved initiative which required that approximately 75,000 acres of private lands within the Cleveland National Forest in San Diego County have a minimum lot size of 40 acres. The FCI was originally approved in 1993 and expired on December 31, 2010. The land use map changes that occurred under the General Plan Update (approved in August of 2011) excluded FCI lands. When the FCI expired, the areas affected by the FCI reverted to the land use designations in effect before the FCI was enacted. As a result, the General Plan Update land use designations and the Guiding Principles and Policies are not consistent with those currently applied to the former FCI lands.

To correct these inconsistencies, the County Department of Planning and Land Use is preparing a GPA to appropriately re-designate these lands to be consistent with the Guiding Principles and Policies of the adopted General Plan Update. The Guiding Principles are described in Chapter 2, Vision and Guiding Principles, of the General Plan Update, beginning on page 2-6 (refer to: http://www.sdcounty.ca.gov/dplu/gpupdate/docs/GP/Cover_Intro_Vision.pdf).

Other Land Use Designation Changes

The proposed project would also change the land use designations for a limited number of private parcels in the communities of Alpine, Cuyamaca, Julian, and Campo/Lake Morena, totaling approximately 400 acres that are adjacent to some of the former FCI lands. This action is intended to ensure that these lands are designated in a manner consistent with the changes proposed for the former FCI lands. These proposed non-FCI land use designation changes are shown with a yellow hatch on the Draft (Proposed) Land Use Distribution Maps for the communities of Alpine, Cuyamaca, Julian, and Campo/Lake Morena.

Subregional Plan Amendments

Amendments are proposed to the Jamul/Dulzura and North Mountain Subregional Plans, as follows:

- Jamul/Dulzura - Increase the minimum lot size allowed for lands designated Semi-Rural 1 (SR-1), from one-half to one acre. The proposed change is shown at the following link:

  http://www.sdcounty.ca.gov/dplu/advance/docs/FCI/Jamul_CP_Proposed_Amendment_2-13-12.pdf

- North Mountain - Add an overlay and associated goal and policies for Multi-Use Communications Structures. The text and figure showing this overlay are available at the following link:

  http://www.sdcounty.ca.gov/dplu/advance/docs/FCI/N_Mt_Palomar_CP_amendment_08-29-12.pdf

PROJECT LOCATION:

The project encompasses approximately 75,300 acres of unincorporated lands in and around the Cleveland National Forest within the County of San Diego.

PROBABLE ENVIRONMENTAL EFFECTS:

The County has determined that a Supplement to the General Plan Update Program Environmental Impact Report (PEIR) will be required for the proposed GPA. The General Plan Update PEIR is available at
http://www.sdcounty.ca.gov/dplu/gpupdate/environmental.html

Section 15163 of the CEQA Guidelines states that a Supplement to an EIR may be prepared if:

1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR; and,
2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

The Supplemental EIR will be prepared in accordance with the requirements of CEQA Statutes and Guidelines. The Supplemental EIR will focus on the primary effects that can be expected to follow from adoption of the proposed GPA. Based on the County's preliminary analysis of the project, the following environmental issues will be examined in the Supplemental EIR, pursuant to CEQA Guidelines Section 15162:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Cultural/Paleontological Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Mineral Resources
- Noise
- Public Services
- Recreation
- Transportation/Traffic

- Hydrology/Water Quality
- Utilities and Service Systems

Those environmental issues that were determined to have a "Less than Significant Impact" in the General Plan Update PEIR will not require reanalysis in the FCI Lands GPA Supplemental EIR. This is because the impacts associated with the proposed project are anticipated to be equal to or lesser than what was evaluated in the General Plan Update PEIR. In many cases, a determination of "Less than Significant Impact" was reached in the General Plan Update PEIR because there were sufficient local, state, and/or federal regulatory processes in place that addressed the environmental issue. It is expected that these same regulatory processes would address potentially significant environmental effects associated with the FCI Lands GPA. The issue areas that were found to have a "Less than Significant Impact" in the PEIR include:

- Geology and Soils
- Population and Housing
- Conflicts with Air Quality Plans
- Objectionable Odors
- Conflicts with Biological Policies, Ordinances
- Conflicts with HCPs, NCCPs
- Transport, Use, Disposal Hazardous Materials
- Accidental Release of Hazardous Materials Hazards to Schools
- Existing Hazardous Sites
- Vectors
- Conflicts with Land Use Plans, Policies, Regulations
- Conflicts with Solid Waste Regulations

PUBLIC SCOPING MEETING:
Consistent with Section 21083.9 of the CEQA Statutes, a public scoping meeting will be held to solicit comments on the Supplemental EIR. This meeting will be held on **September 17, 2012 at 6:00 p.m.** in the County of San Diego Department of Planning and Land Use Hearing Room, located at 5201 Ruffin Road, Suite B, San Diego, California, 92123.

QUESTIONS OR COMMENTS:
Any questions or comments regarding preparation of the FCI Lands GPA Supplemental EIR can be directed to Ms. Mindy Fogg, County of San Diego Department of Planning and Land Use, 5201 Ruffin Road, Suite B, San Diego, California, 92123-1666; via phone at (858) 694-3831; or, via email at mindy.fogg@sdcounty.ca.gov.

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Notice of Preparation

August 31, 2012

To: Reviewing Agencies

Re: Forest Conservation Initiative Lands General Plan Amendment
SCH# 2012081082

Attached for your review and comment is the Notice of Preparation (NOP) for the Forest Conservation Initiative Lands General Plan Amendment draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Mindy Fogg
San Diego County
5201 Ruffin Road, Suite B
San Diego, CA 92123

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2012081082
Project Title Forest Conservation Initiative Lands General Plan Amendment
Lead Agency San Diego County

Type NOP Notice of Preparation

Description The project is a GPA and rezone to revise land use designations on a number of private parcels totaling approximately 75,000 acres within the unincorporated areas of the County, and will amend the Jamul/Dulzura and North Mountain Subregional Plans. Primarily, this GPA will change the land use designations for lands that were subject to the Forest Conservation Initiative (FCI) in and around the cleveland National Forest and within the following community planning areas (CPAs) and subregional planning areas (Subregions): Alpine CPA, Central Mountain Subregion (including the communities of Cuyamaca, Descanso, and Pine Valley), Desert Subregion, Jamul/Dulzura Subregion, Julian CPA, Mountain Empier Subregion (including the community of Campo/Lake Morena), North Mountain Subregion, (including Palomar Mountain), Pendleton/De La Cruz CPA, Ramona CPA.

Lead Agency Contact

Name Mindy Fogg
Agency San Diego County
Phone (858) 694-3831 **Fax**
email
Address 5201 Ruffin Road, Suite B
City San Diego **State** CA **Zip** 92123

Project Location

County San Diego
City
Region
Cross Streets
Lat / Long
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 67, 79, 94, 125
Airports Multiple
Railways
Waterways Multiple
Schools Multiple
Land Use Various - applies Countywide

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Forest Land/Fire Hazard; Minerals; Noise; Public Services; Recreation/Parks; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects

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Reviewing Agencies Resources Agency; Department of Conservation; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Department of Fish and Game, Region 5; State Lands Commission; Native American Heritage Commission; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 9

Date Received 08/31/2012 **Start of Review** 08/31/2012 **End of Review** 10/01/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.

NOP Distribution List

County: SBP [illegible]

SCH# 2012081082

Resources Agency

- [x] Resources Agency
  Nadell Gayou
- [ ] Dept. of Boating & Waterways
  Nicole Wong
- [ ] California Coastal Commission
  Elizabeth A. Fuchs
- [ ] Colorado River Board
  Gerald R. Zimmerman
- [x] Dept. of Conservation
  Elizabeth Carpenter
- [ ] California Energy Commission
  Eric Knight
- [x] Cal Fire
  Dan Foster
- [ ] Central Valley Flood Protection Board
  James Herota
- [x] Office of Historic Preservation
  Ron Parsons
- [x] Dept of Parks & Recreation
  Environmental Stewardship Section
- [ ] California Department of Resources, Recycling & Recovery
  Sue O'Leary
- [ ] S.F. Bay Conservation & Dev't. Comm.
  Steve McAdam
- [x] Dept. of Water Resources Resources Agency
  Nadell Gayou

Fish and Game

- [ ] Depart. of Fish & Game
  Scott Flint
  Environmental Services Division
- [ ] Fish & Game Region 1
  Donald Koch
- [ ] Fish & Game Region 1E
  Laurie Harnsberger
- [ ] Fish & Game Region 2
  Jeff Drongesen
- [ ] Fish & Game Region 3
  Charles Armor
- [ ] Fish & Game Region 4
  Julie Vance
- [x] Fish & Game Region 5
  Leslie Newton-Reed
  Habitat Conservation Program
- [ ] Fish & Game Region 6
  Gabrina Gatchel
  Habitat Conservation Program
- [ ] Fish & Game Region 6 I/M
  Brad Henderson
  Inyo/Mono, Habitat Conservation Program
- [ ] Dept. of Fish & Game M
  George Isaac
  Marine Region

Other Departments

- [ ] Food & Agriculture
  Sandra Schubert
  Dept. of Food and Agriculture
- [ ] Depart. of General Services
  Public School Construction
- [ ] Dept. of General Services
  Anna Garbeff
  Environmental Services Section
- [ ] Dept. of Public Health
  Jeffery Worth
  Dept. of Health/Drinking Water
- [ ] Delta Stewardship Council
  Kevan Samsam

Independent Commissions,Boards

- [ ] Delta Protection Commission
  Michael Machado
- [x] Cal EMA (Emergency Management Agency)
  Dennis Castrillo
- [x] Native American Heritage Comm.
  Debbie Treadway
- [ ] Public Utilities Commission
  Leo Wong
- [ ] Santa Monica Bay Restoration
  Guangyu Wang
- [x] State Lands Commission
  Jennifer Deleong
- [ ] Tahoe Regional Planning Agency (TRPA)
  Cherry Jacques

Business, Trans & Housing

- [ ] Caltrans - Division of Aeronautics
  Philip Crimmins
- [ ] Caltrans - Planning
  Terri Pencovic
- [x] California Highway Patrol
  Suzann Ikeuchi
  Office of Special Projects
- [ ] Housing & Community Development
  CEQA Coordinator
  Housing Policy Division

Dept. of Transportation

- [ ] Caltrans, District 1
  Rex Jackman
- [ ] Caltrans, District 2
  Marcelino Gonzalez
- [ ] Caltrans, District 3
  Gary Arnold
- [ ] Caltrans, District 4
  Erik Alm
- [ ] Caltrans, District 5
  David Murray
- [ ] Caltrans, District 6
  Michael Navarro
- [ ] Caltrans, District 7
  Dianna Watson
- [ ] Caltrans, District 8
  Dan Kopulsky
- [ ] Caltrans, District 9
  Gayle Rosander
- [ ] Caltrans, District 10
  Tom Dumas
- [x] Caltrans, District 11
  Jacob Armstrong
- [ ] Caltrans, District 12
  Marlon Regisford

Cal EPA

Air Resources Board

- [ ] Airport/Energy Projects
  Jim Lerner
- [ ] Transportation Projects
  Douglas Ito
- [ ] Industrial Projects
  Mike Tollstrup
- [ ] State Water Resources Control Board
  Regional Programs Unit
  Division of Financial Assistance
- [ ] State Water Resources Control Board
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [ ] State Water Resouces Control Board
  Phil Crader
  Division of Water Rights
- [ ] Dept. of Toxic Substances Control
  CEQA Tracking Center
- [ ] Department of Pesticide Regulation
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] RWQCB 1
  Cathleen Hudson
  North Coast Region (1)
- [ ] RWQCB 2
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [ ] RWQCB 3
  Central Coast Region (3)
- [ ] RWQCB 4
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] RWQCB 5S
  Central Valley Region (5)
- [ ] RWQCB 5F
  Central Valley Region (5)
  Fresno Branch Office
- [ ] RWQCB 5R
  Central Valley Region (5)
  Redding Branch Office
- [ ] RWQCB 6
  Lahontan Region (6)
- [ ] RWQCB 6V
  Lahontan Region (6)
  Victorville Branch Office
- [ ] RWQCB 7
  Colorado River Basin Region (7)
- [ ] RWQCB 8
  Santa Ana Region (8)
- [x] RWQCB 9
  San Diego Region (9)

- [ ] Other _____
  _____
  _____

- [ ] _____
  Conservancy

Last Updated 8/14/2012

United States Department of Agriculture
Forest Service
Cleveland National Forest
SO
10845 Rancho Bernardo Rd.
Suite 200
San Diego, CA 92127-2107
(858) 673-6180
(858) 673-6192 FAX
(800) 735-2922 CRS

File Code: 1560
Date: September 28, 2012

Eric Gibson
Director, Department of Planning and Land Use
San Diego County
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Mr. Gibson:

The Cleveland National Forest appreciates the opportunity to comment on the potential environmental impacts of the General Plan Amendment for the former Forest Conservation Initiative (FCI) lands. The Forest's comments were developed from our recent meeting with San Diego County staff and review of the proposed land use maps. We will begin by highlighting key issues and management challenges related to urbanization that were described in detail in our 2005 Forest Land Management Plan. These issues are common to all former FCI lands and are central to the potential environmental issues associated with increasing population density within and adjacent to the Cleveland National Forest. In addition, issues particular to specific mapped areas of the plan are addressed at the end of this letter. Altogether, we are concerned about the potential environmental impacts that would be associated with the increases in population density on former FCI lands as depicted in the draft land use maps available for review.

The rapidly increasing population of Southern California, the growing level of development adjacent to the National Forest, and the resulting effects on the National Forest present some of our main management challenges. Higher density development in more remote areas leads to more Wildland/Urban Interface area that is at risk of and in need of protection from wildland fire. The combination of increased development and the need to protect these developed areas from fire and other natural events, such as flooding, will put increasing pressure on National Forest managers to alter landscape character to accommodate these uses. In the case of fire, these suppression efforts to protect communities can lead to the buildup of fuels and eventually to higher severity, more damaging fires than would occur naturally. Furthermore, increasing the number of homes in an area increases the likelihood of human-caused fires, which can increase fire frequency to levels that harm ecosystems, wildlife, and waterways. Finally, we have concerns about the potential difficulty of evacuating people from remote subdivisions in the event of wildland fire on the Cleveland National Forest.

Urban development also puts pressure on public lands to provide urban support facilities (i.e. infrastructure) through special-use authorizations as private land options for development are

exhausted. In the past, subdivisions have been established with the expectation that adjacent National Forest land can accommodate necessary water tanks, utilities, and fire perimeters (i.e. defensible space). Instead, we request that private lands be required to serve these purposes for future subdivisions. Along the same lines, where water delivery systems are not in place, the installation of wells for household use will lower the groundwater table beneath adjacent National Forest lands, thereby degrading habitats for native plant and animal species. To avoid these impacts, we request that water delivery systems be established before enabling increased density on former FCI lands.

Road access presents several primary issues associated with increasing population density within or adjacent to the National Forest. The narrow, winding National Forest road system was built in the 1930s to support fire protection and does not meet typical County access standards. Moreover, the greater the population density of an area, the wider a suitable road would need to be. The National Forest roads generally lack rights-of-way where they cross private lands, which would need to be obtained in order to widen them or convey utilities. Furthermore, any improvements to Forest or County roads on the National Forest would require substantial planning and environmental compliance to be borne by project proponents, if permitted. Widening roads, building new roads, and increasing traffic to accommodate increasing population density in remote County areas would negatively impact plants and animals in a variety of ways, including direct mortality and habitat loss and fragmentation, and would also increase erosion and sedimentation of waterways.

Increased interface between developed private lands and National Forest boundaries also increases boundary management challenges including addressing occupancy trespass, clearly posting boundaries, and retaining clear title to National Forest System (NFS) land. For example, in re-marking forest boundary after the 2007 fires, we discovered major encroachments adjacent to some subdivisions.

Another challenge associated with urbanization is the complex problem of National Forest access. For example, traditional points of public and administrative access to the National Forest have been lost as private land is subdivided. New landowners are often reluctant to accommodate access across their land. At the same time, residents living adjacent to the National Forests want convenient access, often resulting in the development of unplanned roads and trails. Unauthorized off-highway vehicle use occurs and tends to be more of a management challenge on National Forest lands near private developments. As an example, illegal motor vehicle use of the Pacific Crest Trail has been reported from the Lake Morena area in the midst of the federally designated Hauser Wilderness.

Population growth within and surrounding the National Forests will probably be the single largest impact on National Forest recreation management in the foreseeable future. This growth has pushed urban development closer to and within the National Forest, in some cases directly adjacent to National Forest boundaries. Where NFS lands are or will be the boundary to this

development, there will be pressure on these adjacent lands to provide diverse kinds of recreation. Higher density development would be expected to increase this pressure. Recreation on the National Forest is managed according to Recreation Opportunity Spectrum (ROS) to provide choices for people to recreate in settings that vary from urban to primitive. In general, the Forest Service would prefer zoning on adjacent private lands to be complementary with the land use zone and ROS on the NFS land. For example, where there is interface between private lands and NFS lands within a designated Wilderness area or Inventoried Roadless Area, lower density County zoning would be the more complementary. Solitude, an increasingly rare opportunity, is a desirable feature in Wilderness, but would be difficult or impossible to retain in the face of the increasing population and high density development.

Extensive habitat conservation planning efforts led by local government and conservation organizations have identified the need to maintain an inter-connected network of undeveloped areas or landscape linkages, which retain specific habitats and allow for maintenance of biodiversity and wildlife movement across the landscape and led to development of several multi-species habitat conservation plans. National Forest System lands are a core element of this natural open space network and will play an increasingly important role as additional habitat fragmentation occurs on surrounding private lands. Fragmentation is the breaking up of contiguous blocks of habitat by urban development features into progressively smaller patches that are increasingly isolated from one another and of less value for conservation. Higher density zoning allows for a higher level of development and, accordingly, fragmentation. Habitat loss and fragmentation are the leading causes of species extinctions, and the Cleveland National Forest has many populations of federally-listed threatened and endangered species that could be affected by increasing population density on former FCI lands. Meanwhile, invasive species generally enter new areas through human activity in those areas, and so increasing population density would result in the introduction of new infestations that would damage Forest resources and be costly to manage.

To address all of the issues listed above, the Cleveland National Forest requests that the lowest density land use designations be granted to all of the former FCI lands in San Diego County.

The following comments on the proposed FCI land use plan apply to the specific area noted:

- **Alpine Community Planning Area (CPA).** The Forest is concerned about the density increases proposed for areas at the eastern end of Alpine, both south and north of Interstate 8. Road and water systems should be planned before enabling such increases, and the severe risk of fires starting along the freeway corridor and blowing westward into these areas should be addressed. In addition, Viejas Mountain was designated a Critical Biological Area of the National Forest by our Land Management Plan due to its unique botanical resources. The dense developments proposed for its perimeter and northeast of the Viejas Reservation, shown in yellow (SR-1) on the proposed maps, would be unlikely to effectively buffer this sensitive area from the impacts of residential development. This

zoning also appears to be inconsistent with similar areas on the west side of Viejas Mountain, which are designated as RL-40.

- **Jamul CPA – Skye Valley Ranch.** The Forest would recommend continuing the RL-80 zoning on these parcels. The bridge over Pine Creek near Barrett Honor Camp is insufficient for any traffic, even in an emergency, and will not be improved or replaced since it falls within the Pine Creek Wilderness. Additionally, these parcels border two existing federally designated wilderness areas (Pine Creek Wilderness and Hauser Wilderness) and are completely surrounded by NFS lands. Further improvement of infrastructure to this area, such as utilities and road access, required for a smaller lot size zoning would have a negative impact on wilderness values, increase the need for fuels treatments, and raise potential for the issues and impacts described above.

- **Areas west of Cuyamaca CPA.** The Forest supports RL-80 zoning for parcels adjacent to the Cuyamaca CPA along Boulder Creek Road. These parcels are located in a very undeveloped and fire prone part of the Cleveland National Forest and are adjacent to Inventoried Roadless Areas (IRAs) that are proposed for Wilderness status in the Southern California National Forests Land Management Plan Amendment project.

- **Descanso CPA.** The Forest supports the mix of zoning as mapped for the Descanso planning area and encourages the County to retain the lower density RL-80 zoning that is currently proposed. The northern part of the Descanso CPA abuts two IRAs (Sill Hill and No Name) that are proposed for Wilderness status in the Southern California National Forests Land Management Plan Amendment project. Also adjacent to the north Descanso CPA is the King Creek Research Natural Area, which contains a rare population of Cuyamaca cypress, a Forest Service sensitive species. All of the King Creek stands burned in a fire in 1950 and most of the area re-burned in the 2003 Cedar Fire. Post-Cedar Fire regeneration is expected to be adequate to repopulate the stands because trees were old enough to have substantial cone banks at the time of the fire; however, it is important to protect the stand from overly frequent fire especially at this vulnerable time. For these reasons, the Forest supports a minimum of RL-40 adjacent to these IRAs and research natural area on the NFS land.

- **Pine Valley CPA.** The Forest supports the current extent of RL-80 zoning proposed for the Pine Valley CPA in the Draft Land Use Plan. This area contains many of the highest recreational and scenic values to be found on the Cleveland National Forest. Parcels in this CPA south of Interstate 8 are directly adjacent to the federally designated Pine Creek Wilderness. Parcels along Sunrise Highway are adjacent to the Mount Laguna National Recreation Area. The Forest also supports maintaining the proposed RL-40 zoning adjacent to Buckman Springs Road because the NFS land to the east is zoned as Back Country Non-Motorized, which is the most restrictive zoning other than Recommended Wilderness and Existing Wilderness. In addition, the Pacific Crest Trail, a 2,650-mile

national scenic trail that runs from Mexico to Canada through California, Oregon and Washington, traverses this area before moving onto the National Forest. The low density proposed would help maintain the recreational and scenic values.

- **Central Mountain CPA.** We recommend RL-80 zoning for parcels in the Central Mountain CPA where RL-40 zoning in the adjacent Julian CPA was extended into parcels within the Cleveland National Forest. This recommendation affects two contiguous parcels that are adjacent to the Upper San Diego River Canyon. The Upper San Diego River is an area of rugged topography and high fire danger. In addition, this undeveloped area is proposed for Wilderness status in the Southern California National Forests Land Management Plan Amendment project.

- **Pendleton – De Luz CPA.** The Forest recommends reducing the allowable density to RL-80 for RL-40 in areas surrounded by NFS lands in the Pendleton - De Luz CPA. These parcels are directly adjacent to the federally designated San Mateo Canyon Wilderness area. The parcels on Miller Mountain contain unique botanical resources and would require major road improvements across NFS lands if developed.

- **North Mountain CPAs.** The Forest supports the current extent of RL-80 zoning in the North Mountain CPA and encourages the county to retain this zoning through the planning process.

Thank you for the opportunity to comment on the potential environmental impacts of the proposed land use zoning for the former FCI lands in the unincorporated areas of San Diego County. If you have any questions about these comments, please contact Gloria Silva, Forest Resources and Planning Staff Officer, at (858) 524-0136.

Sincerely,

William Metz

WILLIAM METZ
Forest Supervisor

cc: Gloria Silva

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

September 6, 2012

Ms. Mindy Fogg, Environmental Planner
County of San Diego Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: SCH#2012081082; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the **"Forest Conservation Initiative Lands General Plan Amendment);"** located in mostly rural areas of San Diego County, California.

Dear Ms. Fogg:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is also subject to California Government Code Section 65352.3 *et seq.*

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts
San Diego County
September 6, 2012

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619-443-0681

Iipay Nation of Santa Ysabel
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(760) 765-0320 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
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gparada@lapostacasino.
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619-478-2125

Sycuan Band of the Kumeyaay Nation
Daniel Tucker, Chairperson
5459 Sycuan Road Diegueno/Kumeyaay
El Cajon , CA 92019
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

Manzanita Band of Kumeyaay Nation
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(619) 766-4957 Fax

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(619) 445-3810
(619) 445-5337 Fax

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PO Box 365 Diegueno
Valley Center, CA 92082
allenl@sanpasqualband.com
(760) 749-3200
(760) 749-3876 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road Diegueno/Kumeyaay
Alpine , CA 92001
(619) 445-0385

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This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012081082; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Forest Conservation Initiave Lands General Plan Amendment; located throughout San Diego County, California in rural areas.

Native American Contacts
San Diego County
September 6, 2012

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(619) 478-5818 Fax

Jamul Indian Village
Raymond Hunter, Chairperson
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jamulrez@sctdv.net
(619) 669-4785
(619) 669-48178 - Fax

Los Coyotes Band of Mission Indians
Shane Chapparosa, Chairman
P.O. Box 189 Cahuilla
Warner , CA 92086
(760) 782-0711
(760) 782-2701 - FAX

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
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Santa Ysabel, CA 92070
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(760) 782-9092 Fax

Pala Band of Mission Indians
Historic Preservation Office/Shasta Gaughen
35008 Pala Temecula Road, Luiseno
Pala , CA 92059 Cupeno
PMB 50
(760) 891-3515
sgaughen@palatribe.com
(760) 742-3189 Fax

Pauma & Yuima Reservation
Randall Majel, Chairperson
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Pauma Valley CA 92061
paumareservation@aol.com
(760) 742-1289
(760) 742-3422 Fax

Pechanga Band of Mission Indians
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(951) 770-8100
pmacarro@pechanga-nsn.
gov
(951) 506-9491 Fax

Rincon Band of Mission Indians
Vincent Whipple, Tribal Historic Preationv. Officer
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twolfe@rincontribe.org
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(760) 297-2639 Fax

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Native American Contacts
San Diego County
September 6, 2012

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
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Pine Valley , CA 91962
(619) 709-4207

San Pasqual Band of Indians
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Valley Center, CA 92082 Diegueno
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council@sanpasqualtribe.org
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(760) 747-8568 Fax

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(619) 443-0681 FAX

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Native American Contacts
San Diego County
September 6, 2012

San Luis Rey Band of Mission Indians
Cultural Department
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Vista , CA 92081 — Cupeno
760-724-8505

760-724-2172 - fax

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cjlinton73@aol.com

Kumeyaay Diegueno Land Conservancy
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El Cajon , CA 91919
guassacl@onebox.com
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(619) 659-1008 - Office
kimbactad@gmail.com

Inter-Tribal Cultural Resource Protection Council
Frank Brown, Coordinator
240 Brown Road — Diegueno/Kumeyaay
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Kumeyaay Cultural Repatriation Committee
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(KCRC is a Colation of 12
Kumeyaay Governments

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PECHANGA CULTURAL RESOURCES

Temecula Band of Luiseño Mission Indians

Post Office. Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

Chairperson:
Germaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Evie Gerber
Darlene Miranda
Bridgett Barcello Maxwell
Aurelia Marruffo
Richard B. Scearce, III

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

September 28, 2012

VIA E-MAIL and USPS

Ms. Mindy Fogg
County of San Diego
Planning and Land Use
5510 Overland Avenue, Ste 100
San Diego, CA 92123-1666

Re: Pechanga Tribe Comments on the Notice of Preparation (NOP) for a Supplemental Environmental Impact Report for General Plan Amendment (GPA) 12-004, Forest Conservation Initiative (FCI) Lands

Dear Ms. Fogg:

Thank you for inviting us to submit comments on the Notice of Preparation for the above named General Plan Amendment (GPA) as requested in your letter of August 30, 2012. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project").

Please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

The Tribe submits these comments concerning the Project's potential impacts to cultural resources in conjunction with the environmental review of the Project. The Tribe thanks the County for beginning SB18 consultation and meeting with the Tribe on September 26, 2012. Pursuant to the information shared in that meeting, we have prepared the following comments and concerns outlined below.

THE COUNTY OF SAN DIEGO MUST INCLUDE INVOLVEMENT OF AND CONSULTATION WITH THE PECHANGA TRIBE IN ITS ENVIRONMENTAL REVIEW PROCESS

It has been the intent of the Federal Government[1] and the State of California[2] that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. It is undisputed that portions of the Project lie within the Pechanga Tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that the County of San Diego consult with the Tribe to guarantee an adequate knowledge base to appropriately evaluate the Project's effects, as well as to generate adequate mitigation measures.

Because a General Plan Amendment is required for this Project, the Lead Agency must consult with the Pechanga Tribe pursuant to a State law entitled Traditional Tribal Cultural Places (also known as SB 18; Cal. Govt. C. § 65352.3). The purpose of consultation is to identify Native American sacred places and geographical areas which could potentially yield sacred places, identifying proper means of treatment and management of such places, and to ensure the protection and preservation of such places through agreed upon mitigation (Cal. Govt. C. 65352.3; SB18, Chapter 905, Section 1(4)(b)(3)). All consultations shall be government-to-government, meaning they shall be directly between the Tribe and the Lead Agency, seeking agreement where feasible (Cal. Govt. C. § 65352.4; SB18, Chapter 905, Section 1(4)(b)(3)). Lastly, any information conveyed to the Lead Agency shall be confidential in terms of the specific identity, location, character and use of sacred places and associated features and objects, and is not subject to public disclosure pursuant the California Public Records Act (Cal. Govt. C. 6254(r)).

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe asserts that the Luiseño territory extends southward from western Riverside County into the northeast corner of San Diego County and is part of the Tribe's aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), and an extensive Luiseño artifact record in the vicinity of the Project. Regarding this Project, the Tribe is especially concerned about the North Mountain

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[1] See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments and Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments.

[2] See California Public Resource Code §5097.9 et seq.; California Government Code §§65351,65352,65352.3 and 65352.4

Subregion (including Palomar Mountain) and Pendleton/de Luz CPA areas (hereinafter "Areas of Concern").

The Pechanga Tribe's knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history and ethno-history; and through recorded ethnographic and linguistic accounts. Of the many anthropologists and historians who have presented boundaries of the Luiseño traditional territory, none have excluded at least some portions of this area from their descriptions (Sparkman 1908; Kroeber 1925; White 1963; Harvey 1974; Oxendine 1983; Smith and Freers 1994). Current territory boundaries as placed by the Pechanga Tribe are based upon communications by our elders and these ethnographic and anthropological descriptions. Although historic accounts and anthropological and linguistic theories are important in determining traditional Luiseño territory, the Tribe asserts that the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions.

Luiseno history begins with the creation of all things at *'exva Temeeku;* which is located within the northern portion of the Project area, and dispersing out to all corners of creation (what is today known as Luiseno territory). *Exva* describes a "place of sand" and *Temeeku* literally means "sky place." Temecula derives its etymology from this meeting place, where the Santa Margarita River, Temecula Creek and Pechanga Creek converge into the Santa Margarita River and flow onto the Pacific Ocean. While these terms indicate a specific place, it is important to note that many locational terms refer to a much larger area and often incorporate many square miles of land. This location is where our Origin Story and ancestral songs say *Túukumit* (Father Sky) and *Tamáayawut* (Earth Mother) created the world. Their children were known as the first people or *Kaamalam,* which were all the creatures: trees, rocks, fog, deer, bear, birds and humans.

Our creation songs state that it was at Temecula that the first human, *Wuyóot,* lived, fed and taught the people and here that he became sick. Many Luiseno songs relate the tale of the people taking the dying *Wuyóot* to the many hot springs, including Murrieta Hot Springs *(Churúukunuknu Šákiwuna)* and those at Lake Elsinore (*'iténgvu Wumówmu),* where he died. He was cremated at *'exva Temeeku.* This creation account is for all Luiseño and it is this account that provides us the locations to where we have always lived. The Temecula people, who were evicted and moved to the Pechanga Reservation, are now known as the Pechanga Band of Luiseno Mission Indians (the Pechanga Tribe).

Many traditions and stories are passed from generation to generation by songs. One of the Luiseno songs recounts the travels of the people to Elsinore after a great flood (DuBois 1908). From here, they again spread out to the north, south, east and west. Three songs, called *Monívol,* are songs of the places and landmarks that were destinations of the Luiseno ancestors. They describe the exact route of the Temecula (Pechanga) people and the landmarks made by each to claim title to places in their migrations (DuBois 1908:110). Another well known story is

that of Nahachish, who traveled from Temecula around the perimeter of Palomar Mountain, naming places as he went. These examples illustrate a direct correlation between the oral tradition and the physical place; proving the importance of songs and stories as a valid source of information outside of the published anthropological data.

Tóota yixélval (rock art) is also an important element in the determination of Luiseño territorial boundaries. *Tóota yixélval* can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Riverside and Northern San Diego Counties are home to red-pigmented pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man, as the San Luis Rey style. The San Luis Rey style incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs. Tribal historians and photographs inform us that some design elements are reminiscent of Luiseño ground paintings. A few of these design elements, particularly the flower motifs, the net/chain and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

An additional type of *tóota yixélval*, identified by archaeologists also as rock art or petroglyphs, are cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground indentations, or cupules. Additionally, according to historian Constance DuBois:

> When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed (1908:158).

The proposed General Plan Amendment boundaries encompass multiple village and habitation areas as well as numerous *tóota yixélval* and domestic activity areas. The Tribe knows that culturally significant resources will be impacted by future development proposed within the GPA and requests that the County take into account both known and unknown resources when determining the most appropriate designations for the land.

Our songs and stories, as well as academic works and recorded archaeological/cultural sites, demonstrate that the Luiseño people who occupied the Project area are ancestors of the present-day Pechanga Band of Luiseño Indians, and as such, Pechanga is the appropriate culturally affiliated tribe for projects that impact this geographic area.

The Tribe welcomes the opportunity to meet with the County of San Diego to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction.

PROJECT IMPACTS TO CULTURAL RESOURCES AND RECOMMENDATIONS IN PREPARING THE SEIR

The Tribe understands that the proposed GPA will be used as a planning tool by the County for the various regions that are impacted and that no development is proposed at this time. However, the two identified Areas of Concern that will be impacted by the proposed GPA are located in *highly sensitive* regions of Luiseño territory and the Tribe knows that the possibility for recovering cultural resources during any ground-disturbing activities is high. The Tribe has over thirty-five (35) years of experience working with various types of construction projects throughout its territory. The combination of this knowledge and experience, along with the knowledge of the culturally-sensitive areas and oral tradition, is what the Tribe relies on to make fairly accurate predictions regarding the likelihood of subsurface resources in a particular location.

The Tribe believes this culturally sensitive area has been used by the Luiseño since time immemorial. There is an unbroken, consistent archaeological and oral record of use in this area since before European settlers, through the various Mission, Rancho and later time periods to modern use today. The Tribe knows that cultural sites within the two Areas of Concern are connected to a larger network of extensively used village complexes/habitation areas that extend for many miles in every direction. As such, zoning designations created or modified during this GPA could have the potential to negatively impact cultural resources.

The Pechanga Band is not opposed to this General Plan Amendment. The Tribe's primary concerns stem from the proposed impacts on Native American cultural resources that may occur during future developments under the new zoning and land use designations proposed by the GPA.[3] The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work. These cultural resources have already been documented as existing within the GPA boundaries and the Tribe believes that additional cultural items, including human remains, will likely be identified during future development of these parcels.

The Tribe has reviewed the NOP and the County of San Diego's General Plan policies applicable to Open Space and Cultural Resources. Due to the sensitive nature of cultural resources, the size of the two Areas of Concern and the multiple cultural resources recorded within these areas, it is not possible to list all the resources in this letter. However, the Tribe has

[3] Please note that the Tribe's position on the GPA should not be construed as the Tribe's position on future projects.

briefly discussed our concerns with the County during our consultation meeting. As was indicated, the Tribe knows of named Luiseño places and village complexes within the Areas of Concern. However, the Tribe does have specific recommendations for edits to the existing policies and will be submitting these to the County as preparation of the SEIR progresses.

As a result of the information provided in the NOP notice and from our consultation meeting, the Tribe is concerned with the auditory and visual impacts, cumulative impacts and the growth-related or long-term impacts that any future proposed projects may have on the resources within the Areas of Concern. These issues should be more adequately addressed in the SEIR as explained below.

Auditory and Visual Impacts

The Tribe knows that there are numerous cultural resources, including village sites and sacred places within the parcels of the two Areas of Concern. Future development of these parcels may directly and/or indirectly create visual and auditory impacts to these resources. This can include impacts to the natural beauty of the area and/or the natural quietness of the area. Because of the size, complexity and impact development may have on the surrounding landscape, visual and auditory impacts to cultural resources should be thoroughly evaluated within the final document.

Cumulative Impacts

Cumulative impacts are also a major concern for the Tribe. The destruction of any "individual" cultural resource is detrimental to the whole cultural landscape and serves to further destroy the Tribe's traditional ancestral places. Unfortunately, most of the traditional ancestral places of the Tribe are on private and public lands which are constantly threatened by development. The Tribe is not anti-development; however, we increasingly struggle with lead agencies to protect and preserve our invaluable resources which continue to be destroyed and impacted on nearly a daily basis. Improper recordation and analysis of features within a larger community or habitation context allows for the piecemealing of sites and which can result in improper eligibility determinations which leads ultimately to damage or destruction. While the Tribe is aware that not all sites and cultural resources can be saved during development, it is important to acknowledge in project documentation that these are not renewable resources and thus the impairment or destruction of any site or resource IS a cumulative impact.

Additionally, development often brings the influx of vehicles which will increase air pollution. The smog and other pollutants build up on boulder outcrops. Very little research has been conducted to determine the effects of air pollutants on boulder outcrops and rock art; however, the Tribe knows that the constant exposure will erode the delicate pigments left on the rocks. This kind of indirect and cumulative impact needs to be addressed in more detail in the final document. We know that resources sensitive to these kinds of exposures are present within

and around the Areas of Concern. The document would be inadequate if it fails to assess and address these kinds of impacts.

Growth-Related Impacts

Finally, the Tribe is concerned about growth-related impacts to this area and their effects on cultural resources. We know that infrastructure development brings more residential and commercial development. Development brings people, and if people are not educated or aware of the importance of cultural resources, the resources will suffer through vandalism, looting, graffiti or destruction. As stated above, there are numerous cultural resources that would be impacted by future developments. Based upon the current archaeological methodology, there is a high probability that these sites will to be subjected to site-by-site analysis and not viewed in their proper context.

CONTINUED TRIBAL INVOLVEMENT

The Tribe requests to be involved in the Project, to continue SB18 consultation and to participate with the County in developing proposed language for preservation and protection of cultural resources in the Areas of Concern as well as assisting in developing new or revised policies as necessary. Even though the GPA itself does not anticipate ground-disturbing activities, the Tribe would like to note that for future developments, provisions for inadvertent discoveries of cultural resources must be required as appropriate mitigation measures (CEQA Guidelines §15064.5). These measures must also address the inadvertent discoveries of human remains.

The Pechanga Tribe will itself engage in further assessment of the GPA Areas of Concern, in consultation with tribal elders, to identify more specific information about this culturally sensitive area. The Tribe understands that a Supplemental Environmental Impact Report still must be prepared. The Tribe requests that the County work directly with the Tribe to thoroughly evaluate and assess potential impacts within the North Mountain Subregion and Pendleton/De Luz GPA areas, including any potential off-site impacts. Moreover, the Tribe possesses necessary information about the archaeological and cultural sensitivity that archaeological surveys alone will not reveal, and should be consulted with at the earliest possible stage of the environmental review for future proposed development projects within the Areas of Concern to assist in identifying, preserving and mitigating any cultural resources impacts. In the event that archaeological surveys and/or studies are prepared for the development of the Supplemental EIR, the Tribe requests to be included on all site visits and surveys to assist the Project Archaeologist in fully assessing impacts to cultural resources.

Because the proposed GPA does not itself require ground-disturbing activities and it is not appropriate to develop mitigation measures at this time, please note that mitigation for individual projects proposed under the new land use/zoning designations will be required through the CEQA process. The Supplemental EIR should note that mitigation measures for

future projects should be prepared in consultation with the Pechanga Tribe. In addition, the Tribe requests that the County contact and consult with the appropriate Native American Tribes for the other subregions/parcels as identified in the proposed GPA since there are cultural resources located in these areas as well.

The Pechanga Tribe looks forward to working together and continuing consultation with the County of San Diego in protecting the invaluable Pechanga cultural resources found in the GPA areas. Please contact me at 951-770-8113 if you have any concerns about our comments. Thank you.

Sincerely,

Anna Hoom
for

Tuba Ebru Ozdil
Planner

Cc Pechanga Office of the General Counsel
Brenda Tomaras, Tomaras & Ogas
Bob Citrano, San Diego County Planning

Fogg, Mindy

From: Greg Fox [greg.fox@alpine-plan.org]
Sent: Friday, September 28, 2012 12:23 PM
To: Fogg, Mindy; Greg Fox
Cc: Jennifer Martinez; zinfann@cox.net
Subject: Important item from the Alpine Community Planning Group
Attachments: APG_September2012_agenda.doc

Hello Mindy,

Last night at the Alpine Community Planning Group meeting, a presentation was made by Sharon Haven (see attached agenda), to include specific properties properties that were previously in the FCI lands into a reclassification from RL40 to RL-20.

Moved by Jim Archer, seconded by Sharmin Self: That the properties of owners Beale, Ervin, Hinkle and Howe (assessor parcel numbers are below) be considered with the request from Mary Kay Borchard for a reclassification to RL-20, said request having been passed and added to FCI Amendment properties in the July meeting.

This item garnered 11 yes votes, 1 no vote, 3 absent. Therefore, this recommendation passed.

Rationale: that additional properties provide 'connectivity' and water availability to the area and, when considered as a group, are immediately adjacent to much smaller lots.

Howe property: APN 524-040-03; 524-040-02; 523-160-02
Beale property: APN 523-100-29; 523-160-02; 523-100-15
Ervin property: APN 523-200-39; 523-200-37; 523-200-35; 523-200-14
Hinkle property: APN 523-150-10; 524-031-19

Please confirm receipt of this email!

Thank you,

Greg Fox Jr., Chairman
Alpine Community Planning Group
P.O. Box 819
Alpine, CA 91903
619-840-9400
Greg.Fox@Alpine-Plan.org

Agenda

County of San Diego - Alpine Community Planning Group

P.O. Box 819
Alpine, CA 91903-0819
Alpine-plan.org

(Amended 9-19-12)

NOTICE OF REGULAR MEETING

Thursday, September 27, 2012, 6:00 P.M.
Alpine Community Center
1830 Alpine Boulevard, Alpine, CA 91901

I. **Call to Order**

II. **Invocation / Pledge of Allegiance**

III. **Roll Call of Members**

Jim Archer	Roger Garay	Lou Russo
George Barnett	Cory Kill	Richard Saldano
Jim Easterling	Travis Lyon	Sharmin Self
Robie Faulkner	Jennifer Martinez	Kippy Thomas
Greg Fox	Mike Milligan	Vacant #14

IV. **Approval of Minutes / Correspondence / Announcements**

1. **August 23, 2012 Minutes**

2. **APG Statement:**
   The Alpine Community Planning Group was formed for the purpose of advising and assisting the Director of Planning, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the preparation, amendment and implementation of community and sub regional plans. The Alpine Community Planning Group is only an advisory body.

3. **Open Discussion**
   Any member of the public may address the group on topics pertaining to planning, zoning and land use which does not appear elsewhere on this agenda. Upon recognition by the Chairman, each speaker will be allowed up to three minutes to speak (organized/special presentations up to fifteen minutes). There can be limited discussion with no vote on any issue(s) so presented until such time as proper public notice is given prior to such discussion and vote.

4. **Prioritization of this Meetings Agenda Items**

V. Group Business

1. Give the Oath of Office for Seat #14. **Action**

2. County of San Diego would like input and feedback on the DRAFT County of San Diego– Alpine Design Review Checklist. This can be found at: http://www.sdcounty.ca.gov/dplu/. **Discussion and Action**

3. Jim Archer will discuss the Parks and Recreation Subcommittee recommendations to have the County of San Diego purchase parcel 403-190-85-00 at 1311 Arnold Way, Alpine. **Discussion and Action**

4. Sharmin Self will discuss the Public Facilities Subcommittee recommendations to have the sewer lines annexed to the County of San Diego Sanitation District for Chevron and Lazy A Ranch Site (proposed High School location). **Discussion and Action**

5. The Planning Group needs to make a recommendation to have a representative on the Alpine Design Review Board (Seat #5). Currently, Kippy Thomas is the representative from the Planning Group that holds Seat #5 on the Alpine Design Review Board. **Discussion and Action**

VI. Organized / Special Presentations:

1. Michael Long, County of San Diego, will be making a presentation to update the progress of the drain line work to be completed in the Village Core of Alpine (on Alpine Blvd., between Tavern Rd. and South Grade Rd.). **Presentation only.**

2. A representative from M&M Telecom will be making a presentation to the Alpine Community Planning Group, on an already approved and recommended cell site for AT&T. This cell tower project for AT&T was previously approved by our Planning Group during the January 27, 2011 meeting. This is Major Use Permit P10-040, located at 21659 Japatul Road in the Alpine Community Planning area. The County has requested this come before us again due to the changes in design plans of the cell tower tree. They will be bringing photo sims to satisfy the previous condition that accompanied the Planning Group's recommendation to the County. **Presentation, discussion and action.**

3. Bruce Smith, will make a presentation regarding an administrative permit to add a 2nd dwelling unit. The permit number is 3000-12-021 (AD12-021) ADMINISTRATIVE PERMIT (2ND DWELLING UNIT) for the property located at 3104 E. Victoria Drive, Alpine. **Presentation, discussion and action.**

4. Don Parent, Community Affairs for SDG&E will be coming to the planning group to make a brief presentation regarding their request to the County to extend

their permit to have their operations on Tom Dykes property for another two years. The operations yard is currently off North Tavern Road and behind Valero Gas Station (West side). **Presentation, discussion and action.**

5. A representative or Mr. Joe Navarro will be making a presentation regarding a recommendation for improvements to the property at 321 Alpine Trails Road : 3000-12-029 (AD12-029) ADMINISTRATIVE PERMIT (FENCE, WALL, GATES & ENTRY STRUCTURES). **Presentation, discussion and action.**

6. Sharon Haven will be making a presentation regarding Land Use Designations that were requested from landowners in the Japatul Valley area asking to have their lands included in the FCI Amendment. Their request is for reclassification to RL-20. **Presentation, discussion and action.**

7. The community is asking the Alpine Community Planning Group to lend its support to the land use options for an Alpine High School. The site that was approved by vote and recommended to the County of San Diego is the land previously known as the Lazy A Ranch, East of Honey Hill Road on Alpine Blvd. – whether it is ultimately to be built by the Grossmont Union High School District or the Alpine Unified School District – by expressing in writing its support for the Unification Resolution unanimously approved by the Alpine Union School Board on August 16, 2012. **Presentation, discussion and action.**

VII. Consent Calendar

1. Circulation

i. Discussion and Vote: None

2. Design & Review

i. Discussion and Vote: None

3. Communications

i. Discussion and Vote: None

4. Private Actions

i. Discussion and Vote: None
ii. Discussion and Vote: None
iii. Discussion and Vote: None

5. Public Facilities, Services & Major Public Policy

i. Discussion and Recommendations (Vote): None

6. Trails & Conservation

i. Discussion and Vote: None

7. Parks & Recreation

i. Discussion & Vote: None

8. Subcommittee Reports (Including Alpine Design Review Board)

a.	Private Actions	Richard Saldano
b.	Trails & Conservation	Travis Lyon
c.	Parks & Recreation	Jim Archer
d.	Public Facilities, Services & Major Public Policy	Sharmin Self
e.	Circulation	Cory Kill
f.	Communication	Lou Russo
g.	Alpine Design Review Board	Kippy Thomas

9. Officers Reports

a.	Chairman	Greg Fox
b.	Vice Chairman	Jim Easterling
c.	Secretary	Jennifer Martinez

VIIII. Open Discussion 2 (Only if Necessary)

Any member of the public may address the group on topics pertaining to planning, zoning and land use which does not appear elsewhere on this agenda. Upon recognition by the Chairman, each speaker will be allowed up to three minutes to speak (organized/special presentations up to fifteen minutes). There can be limited discussion with no vote on any issue(s) so presented until such time as proper public notice is given prior to such discussion and vote.

10. Request for Agenda Items for Upcoming Agendas

a. All requested Agenda Items must be to the Planning Group Chair by the 2nd Thursday of each month.

11. Approval of Expenses / Expenditures

a. None

12. Announcement of Sub-Committee Meetings

a. To Be Determined (TBD)

13. Announcement of Next Meeting

a. Thursday, October 25, 2012 @ 6:00 P.M.

14. Adjournment of Meeting

The Nature Conservancy
Protecting nature. Preserving life.™

The Nature Conservancy
San Diego Field Office
402 West Broadway, Suite 1350
San Diego, CA 92101

Tel: (619) 209-5830
Fax : (619) 702-7621

nature.org
nature.org/california

September 21, 2012

Mindy Fogg
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123

RE: Notice of Preparation for the Forest Conservation Initiative (FCI) Lands General Plan Amendment (GPA)

Dear Ms. Fogg:

The Nature Conservancy (Conservancy) appreciates the opportunity to comment on the Forest Conservation Initiative (FCI) Lands General Plan Amendment (GPA) Notice of Preparation (NOP). The proposed project is a General Plan Amendment (GPA) to the San Diego County General Plan, previously adopted on August 3, 2011. The project will result in revision of the existing General Plan land use designation on a number of private parcels totaling approximately 75,000 acres within the unincorporated areas of the County, and will amend the Jamul/Dulzura and North Mountain Subregional Plans. The project will also involve an amendment to the County Zoning Ordinance to ensure that the zoning of the affected parcels is consistent with the proposed land use designations.

The FCI was a voter-approved initiative which required that approximately 75,000 acres of private lands within the Cleveland National Forest in San Diego County have a minimum lot size of 40 acres. The FCI was originally approved in 1993 and expired on December 31, 2010. The land use map changes that occurred under the General Plan Update (approved in August of 2011) excluded FCI lands. When the FCI expired, the areas affected by the FCI reverted to the land use designations in effect before the FCI was enacted. As a result, the General Plan Update land use designations and the Guiding Principles and Policies are not consistent with those currently applied to the former FCI lands.

It is our expectation that the amendment will fully conform to all the Guiding Principles of the General Plan.

To correct these inconsistencies, the County Department of Planning and Land Use is preparing a GPA to appropriately re-designate these lands to be consistent with the Guiding Principles and Policies of the adopted General Plan Update. A number of the Guiding Principles have a direct effect on maintaining the natural resource values of the former FCI lands:

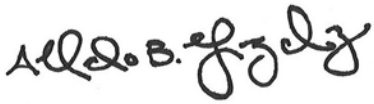
- Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development;
- Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance;
- Ensure that development accounts for physical constraints and the natural hazards of the land;
- Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change; and
- Minimize public costs of infrastructure and services and correlate their timing with new development.

As noted above, the intent was to zone parcels at a 40-acre minimum size – reflecting their rural setting – and that zoning should be the norm for these properties absent unique circumstances. The former forest inholding lands are generally not close to public infrastructure or services, have high ecological value, and are in high fire risk zones. In keeping with the intent of the FCI and the Guiding Principles cited above, the GPA zoning (minimum parcel size) should be consistent with the lowest zoning tiers in the Land Use Element. Subsequent changes to the General Plan to accommodate necessary population growth and development should not occur in these parcels, but should remain within the existing Village or Semi-Rural zoned areas.

We believe the May 2012 Draft Land Use Maps maps, if adopted through the GPA, would result in inappropriate development within important rural lands and could have significant impacts to, among other environmental issues, the following: biological resources, air quality, greenhouse gas emissions, water quality and hydrology, and agricultural and forest resources.

Thank you for considering our concerns and recommendations regarding the FCI Lands Amendment. Please contact Bill Tippets, San Diego Project Director (btippets@tnc.org or 619-209-5830 x 14408), if you wish to follow-up on our comments.

Sincerely,



Alfredo Gonzalez
Director, South Coast and Deserts Region

CC: Bill Tippets

From: Dan Silver [mailto:dsilverla@me.com]
Sent: Wednesday, September 19, 2012 11:50 AM
To: Fogg, Mindy
Cc: Citrano, Robert; Farace, Joseph; Grunow, Richard; Murphy, Jeff
Subject: Forest Conservation Initiative (FCI) Lands General Plan Amendment (GPA)

September 19, 2012

BY ELECTRONIC MAIL ONLY

Mindy Fogg
Dept of Planning and Land Use
5201 Ruffin Rd Suite B
San Diego, CA 92123

RE: Notice of Preparation for the Forest Conservation Initiative (FCI) Lands General Plan Amendment (GPA)

Dear Ms Fogg:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on the Forest Conservation Initiative (FCI) Lands General Plan Amendment (GPA) NOP. It is our expectation that the amendment will fully conform to the Guiding Principles of the General Plan and its objectives of *reducing* fire hazard, impacts to habitat, and infrastructure and service costs.

Forest inholdings are generally remote locations, removed from urban services and urban infrastructure, with high ecological integrity and high fire risk, Therefore, intensities of use (as reflected in assigned densities) should be at the *lowest* levels the Land Use Element allows, consistent with underlying parcelization. In other words, the number of potential new parcels should rarely increase above the baseline number of parcels, and then only in locations already substantially committed to such parcelization, so as to avoid "spot zoning." Mere adjacency to areas of existing higher density, or proximity to a roadway, is *not* sufficient rationale for up-planning. The needs to reduce fire hazard, preserve the environmental, and reduce service costs remain paramount. The current General Plan's limits of estate, semi-rural, and village development should be respected. Absent a demonstrable objective need to increase the housing capacity of the General Plan, there should be *no* expansion of Village or Semi-Rural densities into the former FCI lands. A density of 1:40 or less dense should be the default unless unique circumstances compel otherwise.

After reviewing maps produced by the Community Planning Groups (CPGs) and labelled as "May 2012 Draft Land Use Maps" on the DPLU FCI documents page, we are concerned over potential inconsistencies with the General Plan and its objectives. These mainly involve areas given a 1:10 density when 1:20 (or occasionally less) is more appropriate. SR-10 will inevitably produce a high degree of habitat fragmentation and habitat loss, especially considering the mandatory vegetation clearing – often acres – around each structure.

Alpine: The area of 1:10 south of Abrams Ridge should change to 1:20. South of the Commercial district and south of Old Ranch are three large blocks of unparcelized land that should be 1:40 or 1:80 rather than 1:10. In the area of Fusco, Burdoaks, Old Ranch and

Granite Vista there should be a 1:20 density rather than 1:10. Note: This last area may be in Descanso. Note: There are two "Old Ranch" roads in different parts of the map.

Lake Moreno/Campo: The "square" immediately south of the town center, labelled SR-10, should be RL-20.

Descanso: The area around Verna Road should be 1:20 rather than 1:10. The area around Old Ranch, South Forty, Campbell Ranch, and Granite Vista should be 1:20 rather than 1:10. South of the Commercial district and south of Old Ranch are three large blocks of unparcelized land that should be 1:40 or 1:80. (Note: This last area may be in Alpine.)

North Mountain: On the inset map, lands northeast of the village should be RL-20 or RL-40 rather than SR-10.

Please let me know if the areas described above are not readily identifiable.

In conclusion, the "May 2012 Draft Land Use Maps" maps contain unwarranted expansion of estate and ranchette parcelization. In the context of the DEIR, the May 2012 Draft Land Use Maps should be considered an alternative with greater impacts than the proposed project, which should better conform to the General Plan.

It is our privilege to work with DPLU toward a successful FCI Lands Amendment. Also, it would be appreciated if you could acknowledge receipt of these comments by a reply to this message.

Yours truly,
Dan

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
www.ehleague.org

Fogg, Mindy

From: Nicole [nicolemcdonough@cox.net]
Sent: Monday, September 24, 2012 3:15 PM
To: Fogg, Mindy
Subject: EIR for Willows Rd.

Hello Mindy,

It was nice meeting you last Monday. Thank you for making yourself available for information and public comment.

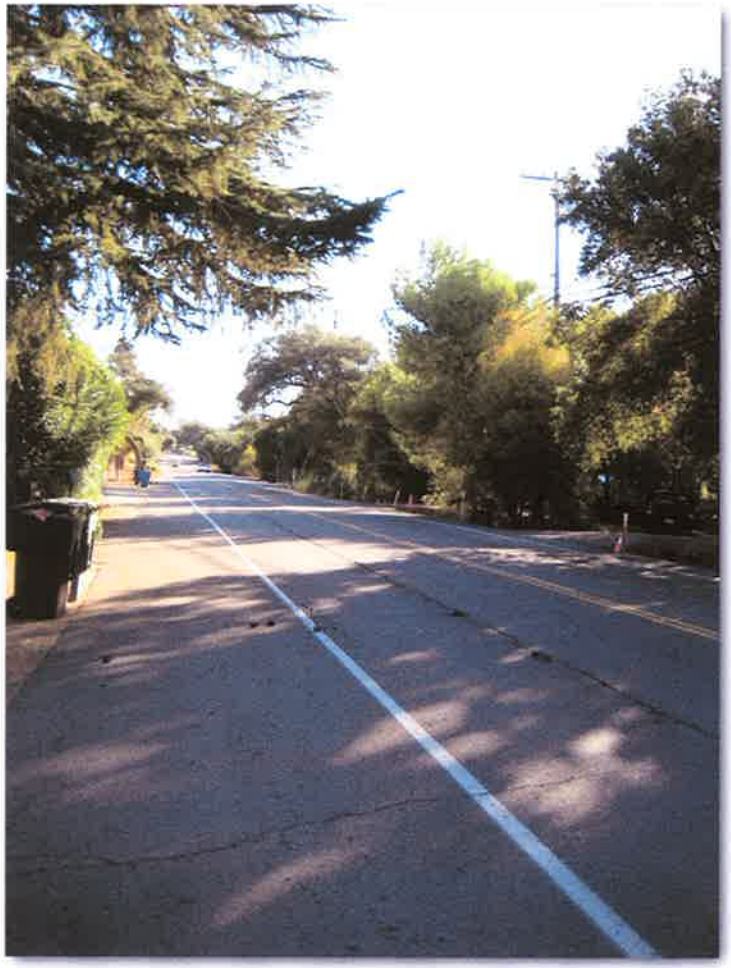
I gave you the maps on Monday but I just wanted to write you and express my concerns about the suggested commercial zoning at 4135 Willows Road, Alpine(404-073-09-00). The landowner and her representative were very persistent and managed to get this designation requested without the knowledge of the neighborhood. Once we discovered this we fought very hard to get the designation removed as it does not fit this area. Despite our best efforts, the designation was left on the final recommendation from the planning group. The planning group members told us they left the designation on the map because they needed to "pacify"(their words) the landowner, but not to worry because the county would most likely remove it because of the major environmental issues. We are hoping that this indeed will be the case and will stay involved with hopes that this major issue will be resolved.

As you can see on the maps Viejas Creek runs directly through the property in question. This creek flows year round and we are very concerned that commercial development will destroy it and this neighborhood. Although we do deal with a lot of traffic on our street, we are currently working with Viejas to get that problem fixed once and for all. The absence of traffic will make our neighborhood a wonderful place to live thanks in large part to it's rural setting surrounded by lots of trees and lush vegetation.

I am happy to help in any way I can. I am hoping to get a hold of some overlay maps, if I do I will forward them to you.

Thank you so much,
Nicole McDonough

Willows Rd.- Alpine, CA



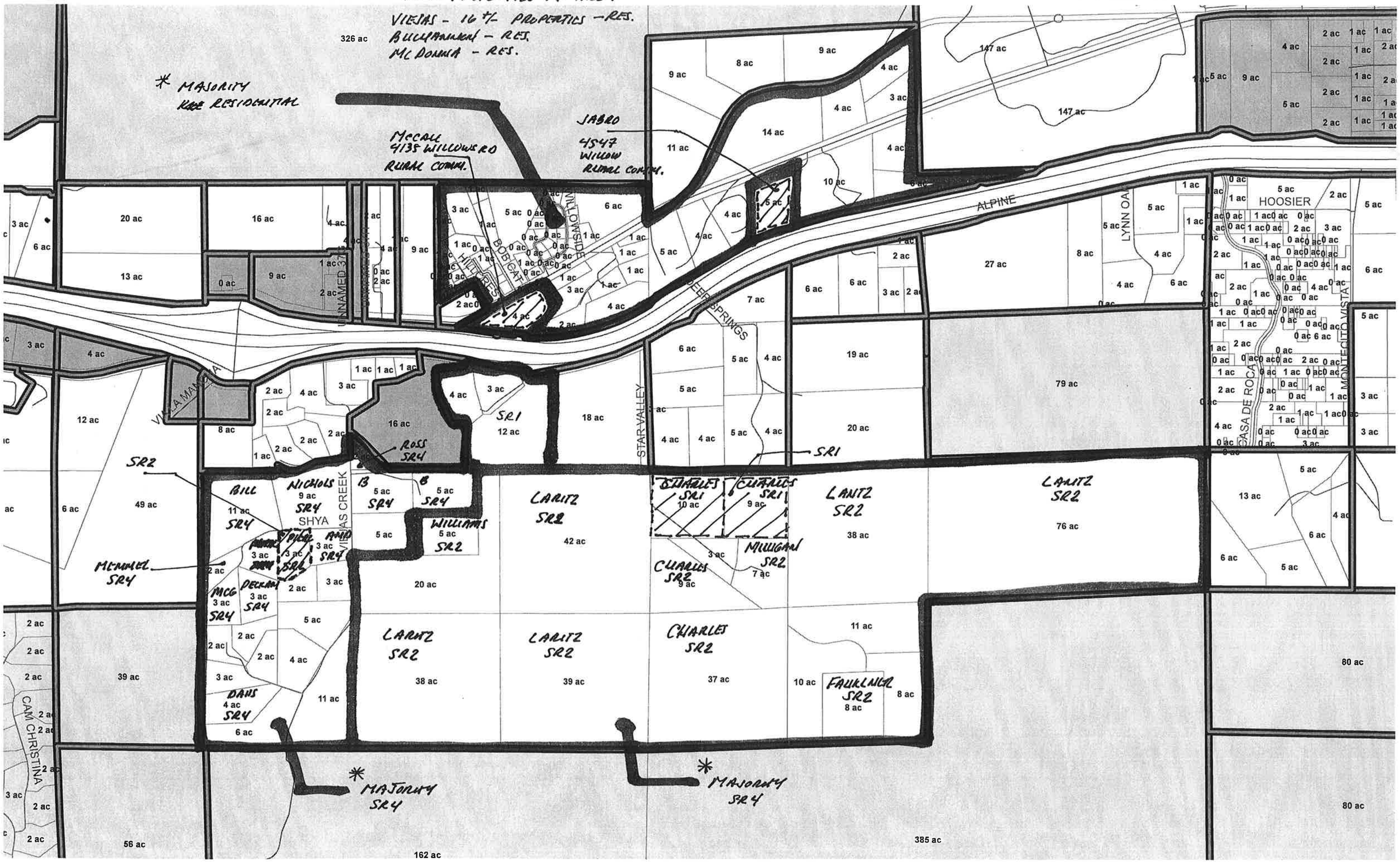
Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

FCI PROPOSED MAP FROM PUBLIC MEETING ON 4-25-12



Ms. Fogg

As the FCI lands in Alpine are being decided in regards to the re-zoning and classification I am concerned about the actual impact large residential development will have on the surrounding area. After a thorough review of the current General plan, the Alpine Community Plan and the proposed Form Based Community Plan all of these plan strictly outline the numerous environmental issues that restrict future development in the area between west willows and east willows on the south side of I-8.

1. The area currently does not have the required services (Water, Sewer, Communications and Utility services) to support large scale development. Which will have a significant financial impact on the Community of Alpine to deliver and provide services for large scale development as explained in the Guiding Principal 9.

2. Alpine Blvd is currently a two lane road that does not meet the Road Standards for increased volume with large scale development as specified in LU-1.5 Goals and Policies.

3. LU-1.2 Specifically states that "Leap Frog Development" does not conform to any of the above listed plans.

4. Most of the area that was put into the FCI to begin with was land considered to be Conservation and Open Space as with development strictly regulated to maintain the open space atmosphere as specified in LU-6.3 of the Goals and Principals.

5. The area between west willow and east willow on the south side of I-8 has significant terrain restrictions such as watershed run off, hills and slopes.

In closing I would like to bring your attention that a few individuals in the community and a few on the Alpine Planning Group feel the need to heavily develop this area to increase local population only to support the proposed High School. Earlier this year the residents joined together to determine the parcel size as per the guide lines in the General Plan and Community Plan. I feel confident the staff at the County Department Planning and Land Use has significantly researched all areas the E.I.R. with the documented information available, to produce a balanced and supported General Plan and Community Plan, even though this is no documented evidence of the Alpine Community Plan being reviewed or revised by the Alpine Planning Group.

Randy Rusch

September 27, 2012

Mindy Fogg
Planner / Biologist
Department of Planning and Land Use

Dear Mindy,

At the July 26, 2012 meeting of the Alpine Community Planning Group three properties in the Japatul Valley area of Alpine were recommended to the county for reclassification to RL-20 through the FCI Amendment process. They were the Warren Recabaren property, the Dyer property and the Borchard property.

These properties were quite distinct from one another geographically, although each had something in their favor to support the reclassification.

Although the FCI Amendment process in Alpine had almost a year in public review, the Japatul Valley property owners were repeatedly told "Not yet. We're not looking at your area yet". So, when, it was clear that the Alpine Blvd./Willows Road area was coming to an end, and there was talk that we had to finish because submittal to the environmental review process was already way behind, Mary Kay Borchard seemed to realize that there was not going to be a specific time devoted to consideration of the Japatul Valley; and so she wrote a letter which was read at the public comment period of the April Public Action / Facilities subcommittee asking that lands in the Japatul Valley be addressed.

With only the regular agenda as advertisement, the 3 above-mentioned properties were discussed at the May meeting and approval was recommended to the Full Board. The Agenda was too full for June, and so the item was taken up in July, much overshadowed by community uproar over a liquor license for a 7/11 at a very unpopular location. Still, the 3 properties were quickly passed.

My recital of these facts is only to illustrate that property owners coming into the process now, and requesting change, had very little opportunity to input their requests into the process.

I was asked in early September to represent several property owners immediately adjacent to the Borchard holding, and one property owner

whose 475 acres borders on Larry Lane and the Japatul Valley Estates development. They are requesting change in classification to RL-20.

As previously stated, the Borchard property (APN 523-100-28) was one of the 3 Japatul Valley properties approved by the ACPG for submittal into the FCI Amendment process in July. The attached Map shows the inclusion of properties immediately adjacent to the Borchard property which create a confluence of environmentally attractive options:

(1) The addition of the Beale property (APN 523-100-29; 523-100-13; and 523-160-02), whose wells collectively pump over 500 gallons per minute, lend permanence to the Borchard testimony that they are able to keep a 20,000 gallon tank filled with water at all times for emergencies;

(2) The addition of the Ervin property (APN 523-200-39; 523-200-37; 523-200-35; and 523-200-14) provides immediate proximity to already developed 8 acre (and even smaller) property divisions, so there would be no instance of “leap frog” development.

(3) The addition of the Hinkle property (APN 523-150-10 and 524-031-19) provides “connectivity” because the southern frontage of the 225 acre holding fronts on the Japatul Spur. Thus, the development of 20 acre parcels would enable the connection of Japatul Lane, which currently dead ends into the Borchard property at exactly a mile, to connect with the Japatul Spur, giving more options in times of distress.

The David and Terry Howe property (APN 524-040-03; 524-040-02; and 523-160-02) which exists on both sides of Japatul Valley Road is immediately adjacent to very small lot development along their whole northern boundary and western boundary. They have excellent access to Japatul Valley road, and development of 20 acre parcels in this area could facilitate connectivity for some of the more remote small lot parcels.

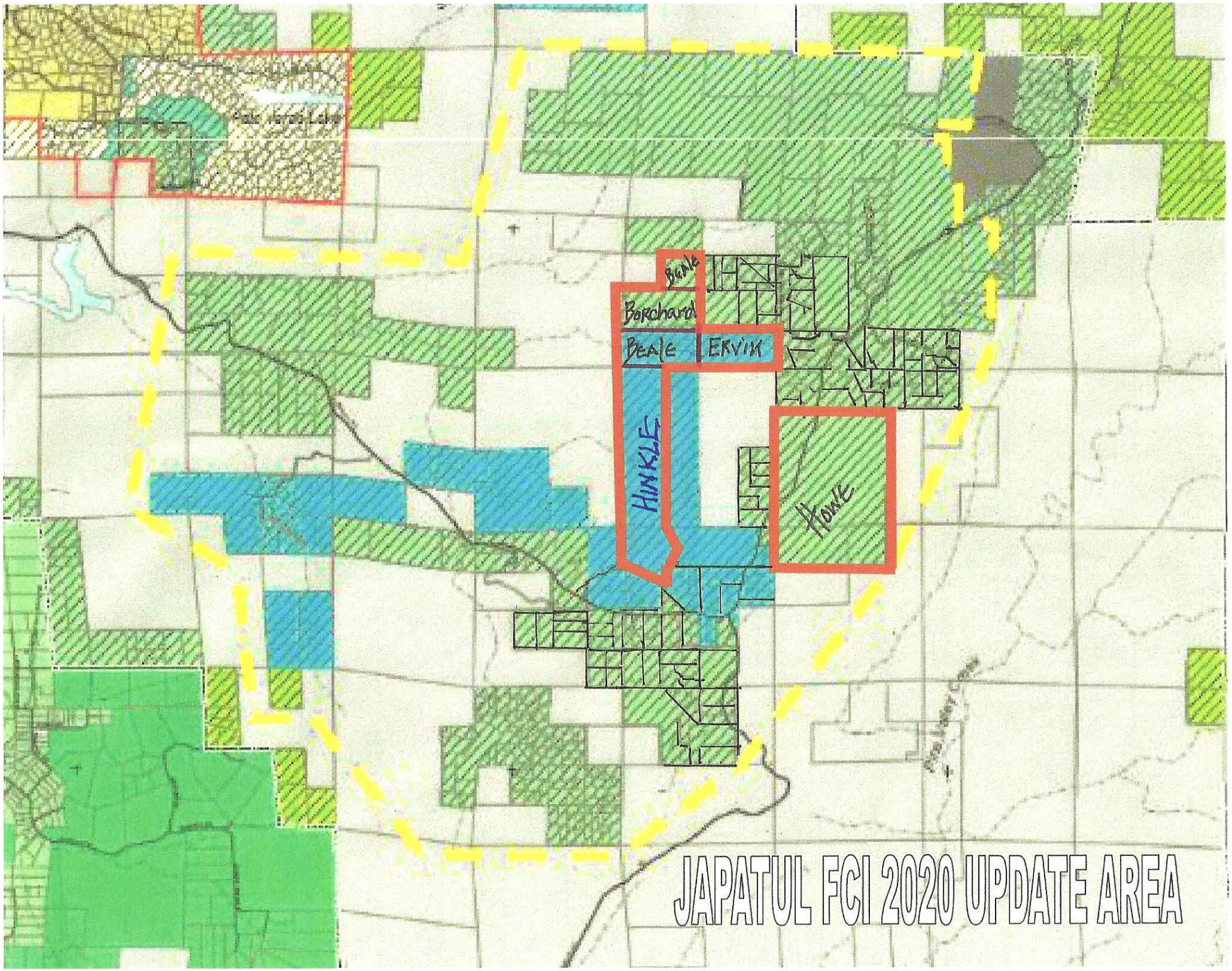
All the above properties have rolling terrain with very little in the way of biologically sensitive habitat or steep slopes. The attached map also shows the proximity of small lot development to the requesting properties.

At the Alpine Community Planning Group on September 27, 2012, the group voted 11 – 1 to request the county to consider these properties

for the RL-20 classification through the FCI Amendment process. It was thoroughly discussed, and they believe that the advantages in connectivity, as well as the abundance of water at this part of the Valley area mitigate in favor of the slightly more dense reclassification. I have been assured that you will receive the actual motion from the Chair today.

I look forward to discussing this further at the appropriate time. Please do not hesitate to call me with any questions you might have: (619) 985-5665.

Sharon Haven


Pak Horse Lake
Beale
Borchard
Beale
Ervik
Hinkle
Howe
JAPATUL FCI 2020 UPDATE AREA

COURTNEY ANN COYLE
ATTORNEY AT LAW

HELD-PALMER HOUSE
1609 SOLEDAD AVENUE
LA JOLLA, CA USA 92037-3817

TELEPHONE: 858-454-8687 E-MAIL: COURTCOYLE@AOL.COM FACSIMILE: 858-454-8493

Bob Citrano, Staff Contact
County of San Diego - General Plan
5201 Ruffin Road, Suite B
San Diego, CA 92123

By Confirmed Fax 858.694.2485 & Mail
September 28, 2012

Re: County of San Diego –Scoping for Forest Conservation Initiative General Plan Amendment (GPA 12-004) and County Zoning Ordinance Amendment, Notice of Preparation for a Supplemental EIR: Lucas Ranch

Dear Mr. Citrano:

I write on behalf of Carmen Lucas, Kwaaymii Laguna Band of Indians, and an owner of the Lucas Ranch located within the Pine Valley Planning area. This letter supplements the dialogue my client has had over the last eleven years with DPLU management and staff, the Planning Commission and the Board of Supervisors regarding the proposed land use designations affecting the Lucas Ranch.

Through this letter, we again confirm that the appropriate Plan density for this unique property is no less than 1 unit per 40 acres. The Pine Valley Planning Group and the Board of Supervisors have already considered and confirmed the appropriate General Plan density of Rural Lands 40 (RL-40) for this unique property with a unique history (APN 337-220-01/337-170-02). (See, for example, attached letter from Devon Muto, Chief, Advance Planning Division, to Courtney Ann Coyle, September 24, 2010).

The effect of the governing 1947 Congressional Act entitled "An Act Authorizing and directing the Secretary of Interior to issue a patent in fee to the surviving members of the Laguna Band of Mission Indians of California," is a legal constraint. Each of the Plan amendments and EIR analyses and alternatives for the proposed action must be of no less density to ensure consistency with the terms of the Act and CEQA Guidelines Section 15364.

Please provide my office with any and all hearing notices and draft and final environmental documents related to the proposed action. Thank you for your continued courtesy and consideration. Should the County have any questions on our comments, please do not hesitate to contact me.

(signature page below)

Very truly yours,

Courtney Ann Coyle
Attorney at Law

Attachment

Cc: Dianne Jacob, County Supervisor
Vern Denham, Chair, Pine Valley Planning Group
Mindy Fogg, County DPLU
Dixie Switzer, County Liaison
Carmen Lucas

County
GP2020

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

September 24, 2010

Courtney Anne Coyle
Kwaaymii Laguna Band of Indians
Held-Palmer House
1609 Soledad Avenue
La Jolla, CA 92037-3817

RE: County of San Diego General Plan Update; Environmental Log No.: 02-ZA-001; State Clearinghouse Number 2002111067 - Transmittal of Responses to Agency Comments on the Draft Program Environmental Impact Report

Dear Ms. Coyle:

In accordance with the California Environmental Quality Act [Public Resources Code Section 21092.5 subd. (a)], the County of San Diego has enclosed a copy of the draft responses to your agency's comments on the subject Draft EIR.

We appreciate your comments and would like to continue our discussions on your comments to ensure that your concerns are addressed. Please contact Mindy Fogg, Project EIR Coordinator at (858) 694-3831 or by e-mail at mindy.fogg@sdcounty.ca.gov to arrange a time to discuss our responses and review any questions that you may have.

This project is planned for public hearing by the County Board of Supervisors on October 20, 2010. Hearings take place at 1600 Pacific Highway, Room 310, San Diego, California 92101 and general proceedings begin at 9:00 am. This project could be heard at anytime subsequent to hearing initiation.

Sincerely,

Devon Muto, Chief
Advanced Planning Division

DM:mf

Attachments

Kwaaymii Comment Letter on General Plan Update dated August 31, 2009
Draft Responses to Kwaaymii Comments, September 2010

cc: Bob Citrano, Planning Manager, DPLU, M.S. O650
Mindy Fogg, EIR Coordinator, DPLU, M.S. O650

COURTNEY ANN COYLE
ATTORNEY AT LAW

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TELEPHONE: 858-454-8687 E-MAIL: COURTCOYLE@AOL.COM FACSIMILE: 858-454-8493

Devon Muto, Project Manager
County of San Diego General Plan
5201 Ruffin Road, Suite B
San Diego, CA 92123

By Confirmed Fax 858.694.2485 & Mail
August 31, 2009

Re: County of San Diego – Draft EIR and Draft General Plan, July 1, 2009

Dear Mr. Muto:

T3-1. I write on behalf of Carmen Lucas, Kwaaymii Laguna Band of Indians and an owner of the Lucas Ranch located within the Pine Valley Planning area. This letter supplements the dialogue my client has had over the last eight years with DPLU management and staff, the Planning Commission and the Board of Supervisors regarding: 1) the treatment of tribal cultural resources in general and 2) the proposed land use designations affecting the Lucas Ranch in particular. Accordingly, we timely submit the following comments on the Draft EIR and General Plan dated July 1, 2009:

I. Cultural Resource Issues

T3-2. In general, over the years, my client and my office have provided substantial comments, suggestions and revisions to the General Plan as well as to County Guidelines and policies. We carry forward each of those comments to the extent that they have not yet been incorporated and implemented by the County.

T3-3. More specifically, we expect that appropriate revisions will be made to the General Plan, EIR and Draft Implementation Plan as discussed at the July 29, 2009 meeting between us and County staff including, but not limited to, that reflected in the Meeting Record.

II. Lucas Ranch Land Use Designation Issue

T3-4. Second, we again confirm that the appropriate Plan density for this unique property is 1 unit per 40 acres. The Board of Supervisors considered and confirmed the issue of the General Plan 2020 proposed density for the Lucas Ranch as a referral in 2003. From what has already been provided to the County over the last eight years

T3-4. cont. relative to these parcels in the General Plan, the Lucas Ranch is a property with a unique history and ultimately had been recognized as such in the referral to the Board.

T3-5. We understand that three of the four General Plan Update land use alternatives (Referral, Hybrid and Draft Land Use) correctly designate the property as Rural Lands 40. However, we were surprised to discover that the Environmentally Superior Alternative shows a different designation, one of Rural Lands 80, for the Lucas Ranch. My client was not consulted on the Environmentally Superior Alternative.

T3-6. The effect of the governing 1947 Congressional Act entitled "An Act Authorizing and directing the Secretary of Interior to issue a patent in fee to the surviving members of the Laguna Band of Mission Indians of California," is a legal constraint that should appear across each of the Plan and EIR alternatives in the Final EIR, including the Environmentally Superior Alternative. As presented in the Draft EIR, this alternative does not take in account the effect of this Act of Congress and appears inconsistent with it.

T3-7. Accordingly, it is our informed belief that this alternative is not feasible as presented. State CEQA Guidelines list the term "legal" to the list of factors to take into account to determine the feasibility of an alternative. 14 Cal Code Regs Section 15364. We respectfully request this discrete mapping oversight be corrected without delay to avoid unnecessary confusion and the potential for legal error.

T3-8. Thank you for your courtesy and cooperation and for considering our comments. Should the County have any questions on our comments and concerns, please do not hesitate to contact me. We look forward to reviewing the County's response to comments.

Very truly yours,

Courtney Ann Coyle
Attorney at Law

Cc: Dianne Jacob, County Supervisor
Vern Denham, Chair Pine Valley Planning Group
Bob Citrano, County DPLU
Gail Wright, County DPLU
Carmen Lucas

Proposed Response to Public Agency Comments on the County of San Diego General Plan Update Draft Environmental Impact Report

Responses to Letter T 3, Kwaaymii Laguna Band of Indians

T3-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

T3-2 The County acknowledges this comment. Many of the suggestions and comments made by Ms. Coyle have been incorporated into the various General Plan Update documents

T3-3 The County has revised the Implementation Section of the General Plan Update pursuant to comments discussed at the July 29, 2009 meeting. Comments related to the Guidelines for Determining Significance: Cultural Resources were noted at that meeting to be included in subsequent updates to the guidelines, which are not a part of the General Plan Update documents.

T3-4 The comment is acknowledged. The County recognizes the Lucas Ranch as a property with a unique history.

T3-5 The County agrees with this comment that three of the four DEIR land use alternatives designate the subject property as RL-40, or one dwelling unit per 40 acres. The fact that the Environmentally Superior Alternative has a land use designation of RL-80 (one dwelling unit per 80 acres) was discussed at the July 29, 2009 meeting with the commenter and property owner and it was noted that the Pine Valley Planning Group supported that alternative. In response to a suggestion by the County, the property owner Carmen Lucas met with the Pine Valley Community Planning Group and they have since endorsed her request for an RL-40 designation on her property. It should be noted that these designations for the property will not be considered when adopting the General Plan Update land use map because the Lucas Ranch property is subject to the Forest Conservation Initiative (FCI). Any changes to existing General Plan land use designation for this property can only occur after December 31, 2010, when the FCI expires and the General Plan land use map is amended to include those parcels.

T3-6 This comment notes that the 1947 Congressional Act resulted in a patent in fee to surviving members of the Laguna Band of Mission Indians that would require the Lucas Ranch to be subdivided into five parcels, which would require a density of no less than RL-40. The County appreciates this information. As noted above in response to comment T3-5, the property is subject to the FCI and, therefore, will not be re-designated until after December 31, 2010. The information in this comment will be included in the documents for consideration by the Board of Supervisors at that time when the land use map is amended to include the property.

T3-7 Please refer to response to comment T3-5 above. No changes to the DEIR are necessary since all FCI lands shall remain unchanged until after December 31, 2010.

T3-8 This comment provides concluding remarks for which a response is not required.

ANNE S. FEGE, PH.D., M.B.A.
12934 TEXANA STREET
SAN DIEGO, CA 92129-3620
PHONE 858-472-1293, EMAIL AFEGE@AOL.COM

September 22, 2012

Ms. Mindy Fogg
Department of Planning and Land Use, County of San Diego
5201 Ruffin Rd Suite B
San Diego, CA 92123

RE: Notice of Preparation for the Forest Conservation Initiative (FCI) Lands General Plan Amendment (GPA)

Dear Ms Fogg:

Thank you for the opportunity to comment on the Forest Conservation Initiative (FCI) Lands General Plan Amendment Notice of Preparation. As I was Forest Supervisor of the Cleveland National Forest at the time this initiative was passed, I recognize the positive results from keeping large land parcels within the Forest and retaining habitat, watershed, and recreational values of the Forest lands near the private parcels.

Intensities of use (densities) should be at the lowest levels the Land Use Element allows, consistent with any developments already approved. This will reduce impacts in these parcels within the Cleveland National Forest boundaries, as these lands are generally remote, far from urban services and urban infrastructure, with high ecological integrity, and subject to wildfires. Smaller parcels result in much greater habitat loss and fragmentation, as more of the native vegetation is lost when it is cut down to reduce wildfire risks around each structure.

This Amendment should be prepared to achieve the following:

- Fully conform to the Guiding Principles of the General Plan.
- Result in no additional fire hazard, impacts to habitat, and infrastructure and service costs.
- Keep the boundaries of Village or Semi-Rural areas outside of the FCI lands.
- Keep the lower densities even if parcels are near areas higher density areas or near roads.
- Designate density of 1:40 or less dense, unless there are unusual conditions relating to public health and safety.

Thank you for this opportunity to comment on this Amendment to the General Plan.

Sincerely,

Anne S. Fege

Anne S. Fege, Ph.D., M.B.A.
Retired Forest Supervisor, Cleveland National Forest
Adjunct Professor, Department of Biology, San Diego State University

cc: Supervisors Dianne Jacob, Pam Slater-Price, Ron Roberts, Greg Cox, and Bill Horn