



LEAGUE OF WOMEN VOTERS OF SAN DIEGO COUNTY

February 29, 2016 Statement by the League of Women Voters of San Diego County

To: San Diego County Planning & Development Services

Re: GPA 12-004; SCH NO. 2012081082; FOREST CONSERVATION INITIATIVE (FCI)
LANDS GENERAL PLAN AMENDMENT (GPA)

The League of Women Voters supports principles of compact growth, enforcement of fire-safe development, and identifying and safeguarding valuable agricultural land, a limited but renewable resource. We promote conservation and preservation of critical natural resources, including habitat, open space and farmland. Our Land Use position supports minimizing urban sprawl and maintaining established patterns of growth and community identity within an area by allowing self-determination in community planning and decision making. We review major development projects which have regional impacts, including environmental analysis, for consistency with the comprehensive plan and regional infrastructure plan. Land use decisions should relate to and protect the overall quality of the environment while minimizing additional motor vehicle traffic.

When the 2003 Cedar fire and the 2007 fires ravaged San Diego County, we knew that the back country would never be the same in our lifetime. Now, we are faced with another looming disaster—a man-made disaster. If the County allows increased density and leapfrog development in our last remaining wilderness area, then the diversity of wildlife in the county will be in jeopardy. Key wildlife corridors will be fragmented. At least 20 plant and animal species will be at risk of extinction.

We need zoning regulations that prevent a substantial increase in density. Based on our LWV principles, the proposed auto-based sprawl development consisting of thousands of new housing units in our national forest is unacceptable. Areas, such as Alpine, would suffer from inappropriate subdivision into residential estates rather than preserving its rural characteristics and qualities.

Please retain the integrity of the General Plan by preventing the subdivision of intact habitat, farmland and our watershed. These subdivisions would burden taxpayers with the costs of providing services and roads to distant areas while endangering more properties and citizens with limited water supplies, inevitable wildfires, and greenhouse gas emissions.

Your draft SEIR identifies significant environmental impacts associated with wildfire hazards, biological resources, air quality, aesthetics, agricultural resources, traffic & transportation, hydrology & water quality, mineral resources, noise and utilities. These impacts concern us.

The League of Women Voters of San Diego County urges you to abide by the minimum 40-acre parcel limit established by the Forest Conservation Initiative, which two-thirds of the voters overwhelming passed over 20 years ago. Furthermore, please adhere to the principles and guidelines of the recently adopted General Plan and prevent auto-based sprawl. Please protect what remains of our Cleveland National Forest.

Thank you very much for your consideration.

Jeanne Brown, President
LWV San Diego

Joson Feathers, Registered Civil Engineer
Natural Resources Director
LWV San Diego County

Cathy Greene
Steering Committee Member
LWV North County San Diego



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Department of
Agriculture

Forest
Service

Cleveland National Forest

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File Code: 1560
Date: February 29, 2016

Mark Wardlaw, Director
San Diego County Planning and Development Services
ATTN: FCI Lands General Plan Amendment
5510 Overland Avenue, Suite 310
San Diego, California 92123

Dear Mr. Wardlaw,

The Cleveland National Forest appreciates the opportunity to comment on the potential impacts of the proposed General Plan Amendment for the former Forest Conservation Initiative (FCI) lands. We also appreciate the consideration given to our input by San Diego County Supervisors and staff throughout this process, including the designation of a Special Study Area in Eastern Alpine. The Forest's comments herein include comments previously submitted during the scoping period, as well as comments on both the initial and re-circulated Draft Supplemental Environmental Impact Reports (SEIRs).

Altogether, we remain concerned about the potential environmental and public health and safety impacts that would be associated with increases in population density on former FCI lands, and we find that these impacts are neither adequately disclosed in the Draft SEIR nor consistent with the objectives of the County of San Diego General Plan. Our review of the re-circulated Draft SEIR has revealed that no responses were provided to our comments on the initial Draft SEIR, nor did they result in changes to the analysis. It is also worth noting that the areas of the Cleveland National Forest proposed for recommended wilderness status at the time of our previous comments were granted this highest level of agency protection in October 2014.

We find that the best way to protect both the environment and public health and safety in the vicinity of the FCI lands, including the Cleveland National Forest, would be to select the Environmentally Superior Modified FCI Condition Alternative. In addition, we request provisions that development on private lands will not rely on the Cleveland National Forest for infrastructure or vegetation management needs and that impacts to the Cleveland National Forest from such development will be avoided, minimized, or mitigated.

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 and public health and safety issues associated with increasing population density within and adjacent to the Cleveland National Forest. Next, issues particular to specific mapped areas of the plan are addressed. Finally, comments specific to the SEIR are addressed at the end of this letter.



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Comments Addressing all FCI Lands

The rapidly increasing population of Southern California, the growing level of development adjacent to the Cleveland National Forest, and the resulting effects on the National Forest System (NFS) lands 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, 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 when wildland fires occur nearby 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 defensible space to protect homes from wildfire. Instead, we now request that private lands be required to serve these purposes for future subdivisions through the blanket incorporation of self-sufficiency for new development projects on FCI lands. 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 NFS 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 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 motorized 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 or recommended 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 higher 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.

Comments Specific to Particular Locations

- **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 in this area 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 Modified FCI Condition Alternative would best prevent the environmental and public health and safety impacts described above. More detailed information about these and other concerns are available in an attached letter to the County Board of Supervisors dated June 20, 2014.
- **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 lands zoned as recommended wilderness.
- **Descanso CPA.** The Forest encourages the County to retain the lower density RL-80 zoning. The northern part of the Descanso CPA abuts two areas zoned as recommended wilderness. 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.

- **Pine Valley CPA.** The Forest encourages the County to retain the lower density RL-80 zoning. 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 designated 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. Retaining the current density limit 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 and is zoned as recommended wilderness.
- **Pendleton – De Luz CPA.** The Forest recommends reducing the allowable density to RL-80 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 RL-80 zoning in the North Mountain CPA and encourages the county to retain this zoning through the planning process. We are uncertain of the proposed density for the triangular parcel on the north side of Warner Springs, which abuts the Caliente recommended wilderness. Reducing the density for this parcel to the RL-80 zoning would better buffer the recommended wilderness area from adjacent land uses.

Comments on the Draft Supplemental Environmental Impact Report

The Draft SEIR should clearly make the case that the objectives presented in Chapter 1.3, as drawn from the County of San Diego General Plan, are met by the Proposed Project. In our view, the document fails to demonstrate that the Proposed Project meets the majority of the objectives and instead includes evidence that objectives will not be met. Other than stakeholder participation, the only objective that the Proposed Project could meet is the first one listed – “Support a reasonable share of projected regional population growth;” – and we feel that it fails to meet even this objective, because the failure to meet the remainder of the objectives renders the share of growth unreasonable. The Proposed Project clearly conflicts with 6 of the 10 objectives, as the rationale beneath each objective below demonstrates:

- Promote sustainability by locating new development near existing infrastructure, services, and jobs.
 - Remote parcels within and adjacent to the Cleveland National Forest are far from infrastructure, services, and jobs.
- Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County’s character and ecological importance.
 - Increased development on remote parcels within and adjacent to the Cleveland National Forest threatens many of the 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.
 - Remote parcels within and adjacent to the Cleveland National Forest experience severe risk of wildland fire incursion.
- Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns.
 - Remote parcels within and adjacent to the Cleveland National Forest are accessible only by passenger vehicle and road access is substandard for general residential use.
- Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.
 - Remote parcels within and adjacent to the Cleveland National Forest would not be environmentally sustainable for numerous reasons cited throughout this letter, and the development and access would increase greenhouse gas emissions that contribute to climate change.
- Minimize public costs of infrastructure and services and correlate their timing with new development.
 - Remote parcels within and adjacent to the Cleveland National Forest would maximize public costs of infrastructure and services.

The assumption is made throughout the analysis of potential impacts that “regulations, implementation programs, and mitigation measures from the General Plan Update EIR” will result in impacts that fall below the threshold of significance. This assumption is flawed in that it fails to recognize the irretrievable losses to natural and cultural resources involved when subdividing new areas of an already densely populated region. The Draft SEIR presents numerous plans and projects considered in evaluating cumulative impacts, but it fails to include the impacts of the past development of San Diego County, as represented by the existing condition of the region. When viewed through this lens, further increases of population density in remote areas of the County will necessarily have significant impacts, regardless of “regulations, implementation programs, and mitigation measures.” The scope of the cumulative impacts section needs to be broadened to include development that has occurred up to the current time.

While the Draft SEIR considers many topics, it fails to offer the level of detail that would be needed to evaluate the environmental impacts of its alternatives. We feel that as a result of the vague nature of the analysis presented, environmental and public health and safety impacts have not been sufficiently analyzed or disclosed. Examples of these deficiencies are provided below by topic.

Biological Resources

With regard to description of the impacts of the FCI Lands project on biological resources, there is no description of the actual impacts, as no inventory, identification, or evaluation of such resources has been completed and the actual impacts are unknown. Instead, there is only a general discussion of potential project impacts on general plant and wildlife species. These are assumed to be significant and unavoidable for special status species, riparian habitat, and wildlife movement corridors (Table S-2). However, there is no identification of effects on individual species even though the project will adversely affect or is likely to adversely affect a number of federally-listed species including Arroyo Toad, California Gnatcatcher, and San Diego Thornmint as well as candidate species for listing such as Hermes Copper butterfly. The proposed alternatives will also adversely affect many of our Regional Forester’s list of Sensitive Species through direct mortality and habitat loss and fragmentation, creating difficulties for conserving their populations on NFS lands. The blanket approach taken by the Draft SEIR does not adequately describe and disclose effects on these species, effectively leaving this analysis to later piecemeal analyses that will be done for individual projects. This does not allow for meaningful protection and conservation of these species across broader areas and is therefore inconsistent with the purpose and intent of CEQA.

Given the lack of detail in the SEIR, it is not possible to perform a meaningful comparison of the effects of the different alternatives. The analysis does not provide enough information to determine which alternative would best conserve key resources.

Cultural and Paleontological Resources

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR address the issues to be resolved, which includes the choices among alternatives and whether or how to mitigate significant impacts. As stated in the Draft FCI Lands SEIR, the major issues to be resolved regarding the project include decisions by the Lead Agency as to whether or not the Draft SEIR adequately describes the environmental impacts, whether the recommended mitigation measures identified for the Proposed Project should be adopted or modified, or if additional mitigation measures should be required.

In regard to adequate description of the impacts of the FCI Lands project on historic or archaeological resources, there is no description of the actual impacts, as no inventory, identification, or evaluation of such resources has been completed and the actual impacts are unknown. Instead, there is only a general discussion of potential project impacts, which are assumed in advance to be less than significant through the implementation of various policies and mitigation measures contained in the General Plan Update.

Table S-2, "Summary of Project Impacts" and various sections of the Draft FCI Lands SEIR contain information indicating that implementation of the Proposed Project would result in new development that would have the potential to result in substantial adverse changes to the significance of historical resources and cause a substantial adverse change in the significance of archaeological resources, including the destruction or disturbance of archaeological sites that contain or have the potential to contain information important to history or prehistory. However, with the application of various policies and mitigation measures, impacts to historic and archaeological resources are assumed to be "less than significant." It is unclear from the analysis that cultural resources will actually be protected by such policies and measures to the extent that they would not be significantly affected by the Proposed Project.

In Section 2.5 "Cultural Resources" of Table S-3 and various other sections of the Draft SEIR contain information indicating that the "Modified FCI Condition" alternative is likely to result in less impacts to historical and archaeological resources when compared to Proposed Project, and that implementation of the "No Project" alternative is likely to result in greater impacts when compared to the Proposed Project. However, under the mitigation process proposed in the Draft SEIR, impacts to historic and archaeological resources would be "less than significant" with the implementation of mitigation measures for the Proposed, Modified, and No Action alternatives. This assumption is based on the assumption in advance that historic and archaeological resources are distributed evenly throughout the FCI lands. Depending on the actual distribution of these resources within the FCI lands, the differences in potential impacts between the implementation of the Proposed, Modified, and No Action alternatives could be substantially different than those assumed in the Draft SEIR. The only real difference between the implementation of any one of these three scenarios would be the potential for significant impacts, not actual impacts, assuming the implementation of policies and mitigation measures always result in "less than significant"

impacts. As a result, the comparison of these three scenarios is of no actual quantitative or qualitative value for the purposes of identifying an “Environmentally Superior” course of action.

Page 12 of the “County Cultural Guidelines” states that “Determining what is an important cultural resource worth preserving [sic] is a subjective and interpretive process; therefore, it is useful to utilize a standard assessment approach to evaluate cultural resources. In order to evaluate cultural resources, a comprehensive assessment must be conducted, including measuring the resource against the State CEQA Guidelines provisions and criteria established by the National Register of Historic Places, the California Register of Historical Resources, and the San Diego County Local Register of Historical Resources, and the Resource Protection Ordinance as well as assessing the integrity of the resource.” Without any actual assessment or evaluation of historic and archaeological resources within the FCI Lands project area, there is no quantitative or qualitative basis for comparing the various courses of action, selecting an “Environmentally Superior” alternative, determining whether the recommended mitigation measures identified for the Proposed Project should be adopted or modified, or determining if additional mitigation measures should be required for this project, as the Draft FCI Lands SEIR does not adequately describe the impacts of the Proposed Project on historic and archaeological resources.

Hazards and Hazardous Materials

The section that deals with Wildland Fire (2.6.3.7) concludes that the Proposed Project would have significant impacts related to wildland fire, while suggesting that regulations, implementation programs, and mitigation measures would reduce those impacts. In the Mitigation Measures section (2.6.4.7), several mitigation measures are deemed infeasible that would dramatically reduce losses of homes and lives through restricting development in areas with more than a moderate fire hazard or requiring extensive fuel modification around development. Instead, the analysis determines that “one of the primary objectives of the project which is to accommodate a reasonable amount of growth” renders these mitigation measures infeasible. Apart from the fact that this conclusion disregards the remainder of project objectives, it also suggests that it is more valuable to allow growth in high and very high fire hazard areas than to protect those homes and people from the very hazards that the mitigation measures were designed to prevent. The end result of increasing population density on the former FCI lands will be greater losses of lives and property to recurrent wildland fire.

On a related note, the sections that Deal with Emergency Response and Evacuation Plans (2.6.3.6 and 2.6.4.6) conclude that significant impacts will be avoided through regulations, implementation programs, and mitigation measures. Three of the four measures presented, however, do not reflect the reality of the roads that would provide access to many of the FCI lands. These roads generally lack an interconnected road network, multiple ingress and egress routes, and suitability for use as rural roads serving residential subdivisions. The hazards of unsuitable escape routes resulting from these conditions along with the above-mentioned

permission to develop in areas with high to very high fire hazards makes the likelihood even greater that implementation of the Proposed Project would lead to tragic losses of life and property.

Land Use

Given that the FCI lands are by definition in close proximity to the Cleveland National Forest, it is surprising to find no mention of our Land Management Plan in Section 2.8.3.2, which considers “Conflicts with Land Use Plans, Policies, and Regulations.” As described in the beginning of this letter, increasing population density on FCI Lands would lead to numerous environmental and public health and safety issues on the Cleveland National Forest, as described in our 2005 Land Management Plan, and would accelerate problems that our Plan directs us to remedy. As a result, we call into question the determination that project impacts with regard to land use plans, policies, or regulations would be below a level of significance. The conflict of this project with our Land Management Plan should be investigated and disclosed as part of this analysis.

Nowhere is the disconnect between this project and our Land Management Plan greater than where the FCI lands are adjacent to or within designated or recommended wilderness areas. There is no mention of designated or recommended wilderness on the Cleveland National Forest. As such, there is no basis provided for evaluating the potential for the project to impact wilderness areas adjacent to FCI Lands. Potential project impacts on the wilderness resource could be significant and unavoidable, although it is not possible to perform a meaningful comparison of the effects of the different alternatives due to the lack of mention of wilderness in the Draft SEIR.

Section 2(c) of the Wilderness Act of 1964 (Public Law 88-577) defines wilderness: “A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation...”

In summary, the key elements of wilderness include its natural state (biological and other natural processes operating unimpaired, uninhibited, and unchanged by humans), opportunities for solitude and primitive recreation opportunities, undeveloped character, and untrammelled (unmanaged) nature.

Increased density and development near or adjacent to designated or recommended wilderness areas would likely adversely affect the wilderness resource in a number of ways. Increased population in the County, particularly in rural areas, may result in increased use of wilderness, therefore impacting opportunities for solitude and primitive recreation opportunities. The visual impact of subdivisions on the wilderness user is also due consideration. Development in the vicinity of wilderness increases the likelihood that non-native, invasive species would be introduced into wilderness, thereby disrupting natural processes within the wilderness. Development upstream within watersheds shared by wilderness increases the likelihood of impaired water quality or decreased stream flows in wilderness due to runoff, impoundments, and/or groundwater use. Similarly, development adjacent to wilderness increases the likelihood that landowners build trespass structures, roads, or trails in wilderness, or use motorized or mechanized equipment in wilderness, thereby impacting its undeveloped character. Finally, increased development and density near wilderness increases the likelihood that fire management activities would impact the wilderness resource during wildfire events, which impacts the natural and untrammeled characteristics of wilderness.

Recreation

While the SEIR presents a very broad analysis of the effects of the project on recreation facilities, it does not contain any discussion or analysis of recreation activities in undeveloped, backcountry areas accessed by trail or cross-country travel. Increased recreation in undeveloped, backcountry areas can have substantial adverse effects on the environment, including litter, graffiti, impaired water quality, erosion, increased risk of wildfire, and various impacts to vegetation, wildlife, and cultural resources.

Increased population in the County would likely lead to an increase in recreation in both developed facilities and undeveloped, backcountry areas. While this increased use could have beneficial recreational impacts, the SEIR should include an analysis of environmental impacts that result from recreation in undeveloped backcountry areas, as it does for developed facilities.

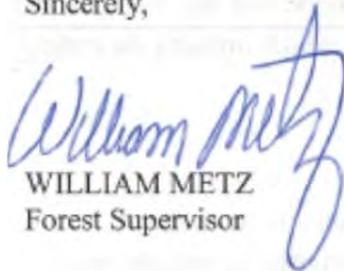
Conclusion

We appreciate the development and consideration of the Modified FCI Condition (Environmentally Superior) Alternative as described in Chapter 4.1. From our perspective, the sacrifice of 28% of the residential dwelling units of the Proposed Project would be worth the resultant protection of resource conditions and reduction of wildfire risk to communities and would best achieve the objectives of the General Plan. Moreover, the areas where the lower densities would be located, as specified in the Modified FCI Condition Alternative, are precisely the areas where resource and wildfire concerns are greatest. As a result, we strongly support the adoption of the Modified FCI Condition Alternative rather than the Proposed Project. In addition, we request provisions that development on private lands will not rely on the Cleveland

National Forest for infrastructure or vegetation management needs and that impacts to the Cleveland National Forest from such development will be avoided, minimized, or mitigated.

To conclude, we appreciate the consideration that you have given to our past concerns about this project and hope that you give similar consideration to our concerns about the re-circulated Draft SEIR. We are very interested in working with the County of San Diego to achieve the objectives of the project that address environmental sustainability and risk avoidance. Thank you for the opportunity to comment on the potential impacts of the Proposed Project for the former FCI lands in the unincorporated areas of San Diego County. If you have any questions about these comments, please contact Jeff Heys, Forest Planner, at (858) 674-2959.

Sincerely,



WILLIAM METZ
Forest Supervisor



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Date: June 20, 2014

Board of Supervisors
San Diego County
1600 Pacific Highway
San Diego, CA 92101

Dear Supervisors,

This letter regards the Forest Conservation Initiative (FCI) Lands General Plan Amendment scheduled for a land use map decision at your upcoming Board of Supervisors meeting on June 25th, 2014. We appreciate the consideration that San Diego County Planning and Development Services staff have given to our concerns about impacts to the Cleveland National Forest throughout the planning process. For detailed comments on the project's Draft Supplemental Environmental Impact Report (SEIR), please refer to our letter dated March 18th, 2013.

The Forest Conservation Initiative was approved by the voters of San Diego County because "(t)remendous development pressures in San Diego County are resulting in the rapid fragmentation and destruction of the Cleveland National Forest... The Cleveland National Forest is one of the largest expanses of undisturbed, natural open space in Southern California and as such is valuable as a watershed, agricultural area, and recreational area for the citizens of San Diego County... The unique resources of the Cleveland National Forest are of such significance that development on parcels within the Forest must be restricted." Over the two decades since its passage, the development pressures on the Cleveland National Forest have only grown, while the unique resources of the Cleveland National Forest have become even more vulnerable.

The Cleveland National Forest Land Management Plan identifies three primary management challenges – urbanization, fire, and wildlife and plants – which are interconnected and would be exacerbated by increased development on the FCI Lands. We understand that the County's current zoning status is far denser than the FCI allowed and that alternatives may therefore reduce development density by comparison. For clarity, the term "increased development" is used throughout this letter to refer to the construction, additional residents, and associated activity that is likely to result from the subdivision of lands relative to their former restriction of one dwelling unit per 40 acres.



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Urbanization

Watershed protection for San Diego was the primary purpose for the establishment of the Cleveland National Forest. Increased development of the FCI Lands would reduce the Forest's water supply and quality due to increased road density, ground disturbance, impervious surfaces, groundwater withdrawals, and pollution. Not only would this affect San Diego's water supply, it would also degrade habitats dependent upon the Forest's water resources.

Increased development of the FCI Lands would also lead to management challenges for the Cleveland National Forest. Boundary issues including marking, encroachment, and unauthorized uses would increase, resulting in resource damage and increased costs for surveys, enforcement, litigation, and restoration. Infrastructure needs, such as water systems, energy delivery, or road widening, are often expected of Cleveland National Forest lands but result in impacts and preclude other uses of an area. Where FCI Lands are adjacent to Congressionally-designated or agency-recommended Wilderness areas, increased development would degrade the wilderness character for which they were protected and increase the challenges of wilderness management.

Fire

Increased development of the FCI Lands would present many challenges to fire managers with respect to the threat and prevention of wildland fire. San Diego County has a long history of large, devastating wildfires that have resulted in significant losses of structures, natural resources, and even human lives. A higher density of development than currently exists on FCI Lands would create more Wildland/Urban Interface area which would be at risk of loss or damage due to wildland fire. Recent research in San Diego County (Syphard et al. 2013) indicates that "leapfrog" development – i.e. isolated clusters of development surrounded by undeveloped land, as is the case for the FCI Lands – is predicted to have the highest fire risk to the largest proportion of structures, while "expansion" or "infill" development are predicted to have lower risk. To summarize, increased development of FCI Lands could potentially lead to increased losses of structures, natural resources, and even human lives.

Increased development of the FCI Lands would require additional firefighting personnel and resources to address structure protection issues during wildland fire events. This would increase fire suppression costs significantly for the responsible agencies to upwards of \$1M per day for large fires, while also putting more firefighters at risk. The need for structure protection can also divert resources away from a focus on putting out the fire. The lack of available water to aid fire suppression activities is another concern for increased development on FCI lands. Additional fire suppression and support resources would be required to address these issues even in the event of small wildland fires near FCI Lands.

Increasing the number of structures and residents on FCI Lands would lead to an increase in the number of human-caused fires. Well over 90% of all wildland fires in southern California are

human-caused. Due to the increased risk of human-caused fires, a significant investment in increased fire prevention activities would need to be made. This would include community fire prevention education programs, residential wildland fire safety hazard inspections, and residential burn permit inspections. The Cleveland National Forest does not currently have the staffing or budget capability to support this extra workload in our Direct Protection Areas.

Increased development on FCI Lands will create a need and want by residents for increased hazardous fuels reduction projects to protect structures in their vicinity. The Cleveland National Forest does not currently have the staff or financial capacity to accommodate additional fuels reduction projects for new developments, which would also render Forest lands less valuable for other uses and resources.

A higher population on FCI Lands would result in increased and significant difficulties for fire and law enforcement personnel relative to the evacuation of residents in rural or remote subdivisions. We consider the current road systems in and adjacent to FCI Lands to be of insufficient capacity to safely meet the needs of a large-scale evacuation in the event of a wildland fire. This would lead to increased safety issues associated with the egress of residents and ingress of responding fire and law enforcement personnel and equipment.

For any new developments on FCI Lands, it is critical that a minimum setback of 100 feet, and more in certain cases, be required for the construction of any structures adjacent to Cleveland National Forest lands in all areas. Defensible space for structures should be required, developed, and maintained solely on private land and should be the responsibility of property owners. The need for defensible space can extend beyond the minimum of 100 feet, especially along canyon rims and steep slopes.

Finally, it is worth noting that the Draft SEIR for this General Plan Update found that “implementation of the proposed Project would result in significant and unavoidable direct and cumulative impacts related to wildland fires.” This refers specifically to “exposing people or structures to a significant risk of loss, injury, or death involving wildland fires,” which would occur despite the implementation of mitigation measures. The acknowledgement of significant impacts relative to wildland fires suggests a transfer of fire risk from San Diego County to firefighting entities and future residents of FCI Lands.

Wildlife and Plants

Not only is San Diego County the most biodiverse county in the United States, this biodiversity is also among the most threatened nationwide. While the Cleveland National Forest is often viewed as a species refuge, this role would be compromised by increased development of FCI Lands due to habitat loss and fragmentation, introduction and spread of invasive species, and increased wildfire for ecosystems already threatened by overly frequent fire. These impacts could contribute to species extirpation as well as additional listings under the Endangered

Species Act. In the Alpine area, for example, the Hermes Copper Butterfly was added in 2011 to the list of candidate species for Endangered Species Act protection and would be further threatened by increased development. A scientific literature review by the Conservation Biology Institute (2005) for San Diego County found that biodiversity impacts for a range of species are discernable at the density of one dwelling unit per 40 acres and become progressively greater with increasing density.

Alternatives

The term “buffer” and its appropriate zoning became a focus of the San Diego County Planning Commission meetings in late 2013 regarding this General Plan Amendment for the Forest Conservation Initiative Lands. For the purposes of managing the Cleveland National Forest, the greater the minimum lot size of adjacent lands, the more effective the buffer they provide in terms of preventing resource impacts. As a result, we support the Environmentally Superior alternative analyzed in the Draft SEIR, since it would have the least impact on the Cleveland National Forest and the least fire risk. We also believe that this alternative would be most consistent with the following San Diego County General Plan Objectives: 1) promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County’s character and ecological importance, and 2) ensure that development accounts for physical constraints and the natural hazards of the land.

Regarding the Staff Recommendation, we find that County staff have carefully balanced our concerns against community desires for growth. While its resource impacts to the Cleveland National Forest and fire risk would be greater than the Environmentally Superior alternative, lower densities for remote areas and along the Forest boundary would help to curtail impacts and fire risk. The Planning Commission Recommendation would impact the Cleveland National Forest to a greater degree than the Staff Recommendation, and the associated resource damage and fire risk would be substantial, particularly in the Alpine Planning Area.

Specific Areas

In the vicinity of Alpine Planning Areas of Consideration AL-3, 5, 6, 7, 8, and 11, management of Cleveland National Forest lands is already challenging due to the complex land ownership pattern. This would make habitat fragmentation even more likely to lead to losses of species diversity, and development effects would be magnified. The complex arrangement would also enable fires to spread more readily among the FCI Lands across vegetated Cleveland National Forest lands, as was recently seen with the Bernardo Fire.

The Interstate 8 travel corridor has a markedly high wildland fire occurrence history that would be problematic for increased development due to its close geographic relationship and increased fire threat to these lands. Moreover, much of the area proposed for increased development lies within or adjacent to the Sweetwater Canyon, which is oriented in a north-east by south-west

direction. This is particularly problematic from a wildland fire standpoint as the canyon funnels Santa Ana winds from the east/north-east as well as prevailing winds from the west/south-west, while the steep terrain enables fire to climb out of the canyon. There is considerable fire history in the area, including the Laguna, Viejas, and Cedar Fires, and some of the FCI Lands have burned as many as five times in the past 90 years.

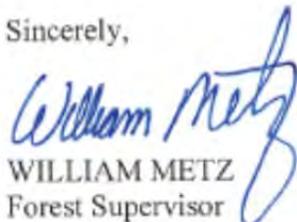
The Pine Creek and Horsethief canyons and Wilderness lands to the east of AL-8 are similarly aligned with both Santa Ana and prevailing winds. Cleveland National Forest lands with heavy fuel loads in this vicinity make it particularly hazardous from a fire suppression standpoint. For all of the FCI Lands in the Alpine Planning Area, we consider the existing two-lane roads that funnel traffic to be insufficient for the widespread evacuations that would be needed for more residents in the event of a wildland fire. This situation would therefore complicate both ingress and egress, compromising public safety.

The Staff Recommendation would lead to resource impacts to the Cleveland National Forest and increased fire risk in the Alpine Planning Area, but not to the degree of the Planning Commission Recommendation. It is worth noting that even under the Staff Recommendation, the number of homes in the Alpine Planning Area could more than double the potential under FCI restrictions (2,910 versus 1,392, respectively), and so it is imperative that any development that occurs incorporate the greatest protections possible against wildfire and resource impacts.

Cuyamaca Planning Area of Consideration CU-1 and Jamul Planning Area of Consideration JD-1 lie among the most remote areas of the Cleveland National Forest. The parcels in CU-1 fall within the proposed Eagle Peak Recommended Wilderness area, which is in the final stage of adoption. Those in JD-1 lie between two existing Wildernesses, Pine Creek and Hauser, and are generally accessed by a narrow road that passes through Pine Creek Wilderness. Increasing the number of residents in such remote areas would affect the adjacent wilderness character, add to fire risk and other management challenges, and introduce new impacts to relatively intact lands. The minimum density (RL-80) recommended by Staff would minimize these impacts.

Thank you for considering our concerns and the importance of the Cleveland National Forest to San Diego County as you prepare for your decision about the fate of the FCI Lands. Please direct any questions about this matter to Jeff Heys, Forest Planner, at (858) 674-2959.

Sincerely,


WILLIAM METZ
Forest Supervisor

References

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Syphard, A.D., A. Bar Massada, V. Butsic, and J.E. Keeley. 2013. Land use planning and wildfire: development policies influence future probability of housing loss. PLoS ONE 8(8): e71708. doi:10.1371/journal.pone.0071708.

California Native Plant Society

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February 29, 2016

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RE: Forest Conservation Initiative Lands (FCI) General Plan Amendment

Dear Mr. Citrano,

Thank you for the opportunity to comment on the Forest Conservation Initiative Lands (FCI) General Plan Amendment (GPA). The San Diego Chapter of the California Native Plant Society (CNPSSD) works to protect California's native plant heritage and natural ecology to preserve precious and often threatened resources for future generations. We work closely with decision-makers, scientists, and local planners to advocate for well informed and environmentally friendly policies, regulations and land management practices.

In general, we support the Environmentally Superior Modified FCI Condition Alternative. Our reason is that we believe the County generally underestimates the real impacts of climate change and extended drought. While we advocate for native plants and plant communities, we are also San Diegans, and putting people and plants in dangerous situations should be avoided. In this case, dangers include things like fire, for people living on the wildland-urban interface. Dangers include extended droughts, and their follow-on effects on groundwater uptake, reduced ability to fight fires due to reduced reservoirs, and extended drought causing people to abandon properties and move, as happened in the Dust Bowl. They also include the dangers of floods, especially when heavy rain falls on a drought-stricken landscape. For all these reasons, we urge the County to be conservative in its growth. Like it or not, growth in this County is a multivariate calculus that involves the long-term availability of water, power, and food. Growth is no more inevitable here than it was in Detroit or the Yucatan of the Classic Maya. We should be thoughtful about how we encourage people to put down roots here.

We also have comments on the FCI's handling of plants, plant communities, and greenhouse gases.



Dedicated to the preservation of California native flora

In regard to native plant species, our concerns and suggestions are as follows:

- Plant species need to be able to move to adapt to climate change. In past periods of climate change, as during the last ice age, native plant species survived by migrating, just as animals survived by migrating. Wildlife corridors should be designed so that native plants can migrate (by means of seeds) too. Basically, this means that plants need places to grow near wildlife corridors, that urban chokepoints (like concreted wildlife undercrossings) should be avoided where possible, corridors should not be part of brush management zones (since plants often do not survive being "brush managed"), habitat for pollinators and seed dispersers should be prioritized, and spraying of pesticides should be minimized or banned around critical corridors, so that plants can flower, be visited by healthy pollinators, set seed, and those seeds can spread. We suggest these ideas be incorporated into the Biology mitigation language.
- The GPA should clarify, both in the biology section (2.04) and especially the hazards section (2.06, p. 2.6-23 and elsewhere) that "flammable vegetation" is not synonymous with native plants. Research by CNPSSD chapter member Greg Rubin¹ strongly suggests that native plants in the landscaping are *less* flammable than non-native landscape plants like rosemary, lantana, and eucalyptus. We urge the County to make this explicit, in order to break the unthinking prejudice caused by outdated ideas that landscaping with native species is dangerous to people due to the risk of "brush" fires. Properly designed and maintained native landscaping is extremely safe, and we want people to be able to use it.
- We also strongly suggest that the County coordinate with local fire districts, the County Fire Authority, and CAL-FIRE, to determine whether the wildfire section in the document is up-to-date. We are hearing that major changes are being proposed (possibly to shift strategy from wide-scale clearances to fire-safe landscaping to protect live and property). *If* such changes are underway, the FCI GPA should mirror them, rather than using outdated guidance.
- Brush management zones should not be included in conservation areas. Too often, development goes up to property lines, and adjacent conservation areas are expected to bear the brunt of brush management to protect the new development, even when this impacts conservation goals. Buildings should be set back from the wildland-urban interface, so that the brush management areas are completely within the property boundary; . brush management should not be forced onto natural conservation areas because "managing" the brush reduces the value of the habitat. We suggest that Hazards Policy S-41 be amended to include language to this effect.

The current draft is incomplete with regards to vegetation impacts. While it lists the acres of habitat that will be impacted, Table 2.4-1 needs three more columns. First, we need to see how many acres of that habitat are within the proposed FCI footprint. Second, we need to see how many of those acres are available for mitigation, and third, we need to see the mitigation ratio for each vegetation type, and ideally the total amount of acres that would need to be mitigated for each vegetation impact. Thus, we can determine which vegetation impacts the County can mitigate for using current or future mitigation banks, and which are significant, unavoidable

¹ Rubin, Greg and Lucy Warren. 2013. *The California Native Landscape: The Homeowner's Design Guide to Restoring Its Beauty and Balance*. Timber Press.

impacts that cannot be mitigated. This information is critical to land use decisions going forward, and the FCI GPA is an ideal document in which to house this information.

Additionally, the County needs to help support monitoring of wildlands, especially wetlands, for new pests, pathogens, parasites, and invasive plants. Currently, this function is performed by a tiny staff of state agriculture specialists, contractors, personnel from various groups, and volunteers. Given the damage caused by newly spreading pests like the polyphagous shot-hole borer, which attacks many wetland trees *and* avocados and landscaping trees, the County needs to get involved in supporting efforts to detect, monitor, and control these problems, as existing efforts are inadequate. We suggest that language to that effect be included both in the Biology section (2.04) and in the Hazard section (2.06), and we are happy to work with staff on wording, if desired.

With regard to global climate change, we have the following concerns and suggestions:

- As CNPS was a co-plaintiff in the *Center for Biological Diversity et al. vs. California Department of Fish and Wildlife and Newhall Land and Farming Company* case ("Newhall Ranch"), we have to note that this case must be included in any analysis of climate change impacts, as it restricts what both the County and applicants may do. Specifically, the County's use of "900 metric tons carbon dioxide equivalent per year (MT CO₂e/year) screening level to determine the need for additional analysis of GHG [greenhouse gas] emissions from a project," (p. 2.15-11) is not explicitly allowed under the ruling, and it may well face a future court challenge. This is additionally true, because, per the County's 2015 *Recommended Approach to Addressing Climate Change in CEQA Documents*, it is allowable to "amortize" GHG emissions over a fifty year period. In practice, this means that projects that emit up to 45,000 MT CO₂ the year they are built are proposed to have insignificant greenhouse gas impacts, because their emissions are amortized over 50 years and therefore considered to be (wrongly) insignificant in the year they are actually emitted. We strongly urge the County to reconsider both its numerical threshold and especially amortizing emissions that will occur in a known year, to insure that this policy is consistent with the Newhall Ranch ruling. This is an observation, not a threat. The County needs to insure that its guidelines can pass foreseeable legal challenges, so that project permits will not be invalidated by legal challenges to the way the County advises that greenhouse gas emissions are handled. Complying with the Newhall Ranch ruling is essential going forward.
- The County has missed one major source of CO₂ emissions: cement manufacture. The manufacture of one MT of conventional Portland cement emits between 0.9 and 1.1 MT of CO₂, and concrete can be up to 40% cement, although proportions vary substantially. **The County needs to include cement emissions in assessing impacts.** Methods for assessing emissions from cement production are available from the IPCC² and many other sources. One benefit of considering cement emissions is that the industry is trying to decrease cement emissions. Accounting for them is one way to encourage adoption of materials that emit less (or even absorb!) greenhouse gases.

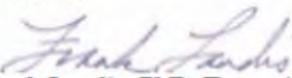
² Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories. 2001. <http://www.ipcc-nggip.iges.or.jp/public/gp/english/>. Especially section 3.1.

- We strongly urge the County to abandon the 50 year amortization concept for greenhouse gas emissions. The critical threshold is 2°C warming on average global temperatures, and absent a major transformation of global civilization, we will pass that threshold in something like 20 years, not 50. At that point, the County faces major challenges. These include, in no particular order, loss of Colorado River water due to reservoir levels falling below intake pipes, loss of electrical power from Colorado River dams for the same reason, decreased water from California sources due to expected decade-long droughts (as we appear to be in now), major die-offs in agricultural crops, major die-offs of plants at the hotter ends of their geographic ranges, smaller and less predictable food supplies, and quite possible major human emigrations as San Diego becomes less hospitable.

Unfortunately, many major developers and many planning groups view the transformation to a decarbonized society as a threat to their way of life, rather than as a wonderful business opportunity to get rich saving the world, while building a livable future through invention, design, public engagement, and innovation. While changing peoples' world-view is beyond the scope of any planning document, we hope that the County can embrace the future and the need to transform, rather than endlessly tinkering with increasingly outdated 20th Century notions of planned sprawl that are increasingly maladaptive in our changing world. This is not to say that the FCI GPA should be thrown out, but we hope that the people involved in it can be encouraged to embrace both present reality and future challenges, rather than trying to replicate the worn-out plans of the past.

Thank you for the opportunity to comment on the FCI GPA. If you have any questions, comments, or concerns, please contact Frank Landis at 310-883-8569 (cell) or conservation@cnpsd.org. Please keep us informed of all future announcements, meetings, and documents related to this project.

Sincerely,


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February 29, 2016

Via Electronic Mail Only

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Re: Forest Conservation Initiative Lands General Plan Amendment
Recirculated Draft Supplemental Environmental Impact Report

Dear Mr. Citrano:

We submit this letter on behalf of the Cleveland National Forest Foundation ("CNFF"), which promotes sustainable regional land use planning in order to stem the tide of urban encroachment into San Diego's backcountry. On behalf of CNFF, we submit these comments on the Recirculated Draft Supplemental Environmental Impact Report ("RDSEIR") for the Forest Conservation Initiative General Plan Amendment ("Project" or "FCI Amendment"). For all the reasons set forth below, it is our opinion that the RDSEIR does not comply with the requirements of the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 *et seq.*) and CEQA Guidelines (California Code of Regulations, title 14 section 15000 *et seq.*).

I. Introduction

The Forest Conservation Initiative is a voter approved initiative that required 72,000 acres of backcountry lands within the Cleveland National Forest to be designated with minimum lot sizes of 40 acres. Since the sunset date of the FCI Initiative, CNFF and Save Our Forest and Ranchlands ("SOFAR") have submitted comments to the County on previous iterations of this EIR that pointed out the documents' inadequacies. Unfortunately, this document perpetuates many of its predecessors flaws, particularly its

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failure to adequately analyze and mitigate the Project's severe climate impacts and its treatment of alternatives to the proposed Project.

The proposed Project, in effect, expands the Village land use designations (formerly known as "country town" designations) outside of the established boundaries for the Village areas. Implementation of the Project will allow development to further encroach into stressed, fragile ecosystems within the Cleveland National Forest. This encroachment is not justified, especially given that the RDSEIR itself identifies the Modified FCI Condition alternative as reducing encroachment into forest areas and as environmentally superior. See RDSEIR at S-7 and 4-2. We see no reason why the County should be considering the proposed Project when there is clearly an environmentally superior option. New development can and should be accommodated inside the Village designated areas so that open space and forest land values can be preserved.

As previously submitted, CNFF requests that the County create a "forest" designator overlay district that would apply to all lands regardless of parcel size within the FCI planning area. See September 16, 2014 letter from SMW to B. Citrano and M. Fogg, attached as Exhibit A. As you know, CNFF supports minimum parcel sizes of at least 40 (or 80) acres outside country towns (villages) to protect forest values. The "forest" designator would serve as a "red flag" for landowners that seek to develop or subdivide properties in excess of the adopted FCI Amendment land use designations. The "forest" designator is fully consistent with the San Diego County Guiding Principles and would specifically reinforce Guiding Principles 2 (compact development within Village boundaries), 3 (vitalize existing communities), 4 (habitat protection), 5 (wildfire risk), 6 (promote public transportation), 7 (reduce greenhouse gas emissions), 8 (preserve agriculture), and 9 (reduce infrastructure costs).

This Project will have long-term consequences for the residents of San Diego County's backcountry and for the ecological health of the Cleveland National Forest. Those consequences include permanent loss of open space, increased edge effects, significant increases in traffic congestion, and increased air pollution and greenhouse gas emissions ("GHG"). Yet, this RDSEIR fails to adequately analyze and mitigate these significant impacts. Moreover, prolonged drought conditions have exacerbated limited water supplies in the backcountry. Despite these changed circumstances, the RDSEIR relies on the General Plan EIR's analysis of water supply impacts and fails to analyze current conditions.

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II. The RDSEIR Fails to Adequately Analyze or Mitigate Climate Change Impacts.

The FCI Amendment would accommodate 6,245 new units at build-out, which would significantly increase the population in San Diego's backcountry. RDSEIR at 1-15. It is therefore unsurprising that the RDSEIR concludes that the Project will have a significant effect on climate change. RDSEIR at 2.15-16 and 2.15-20. With this significance determination comes CEQA's mandate to adopt feasible mitigation measures that would reduce or avoid the impact. CEQA Guidelines § 15126.3(a)(I); see also *Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683,724 ("The EIR also must describe feasible measures that could minimize significant impacts."). Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." *Berkeley Keep Jets Over the Bay Comm. v. Bd. of Port Comm'rs* (2001) 91 Cal.App. rh 1344,1354 (quoting Pub. Res. Code § 21002). Accordingly, CEQA requires lead agencies to identify and analyze all feasible mitigation, even if this mitigation will not reduce the impact to a level of insignificance. CEQA Guidelines Section 15126.4(a)(I) (A) (discussion of mitigation "shall identify mitigation measures for each significant environmental effect identified in the EIR").

Here, the RDSEIR's analysis of the Project's impacts on climate change fails to meet the requirements of CEQA because it fails to propose feasible mitigation measures to reduce the Project's significant impacts on climate change. Instead, the RDSEIR states that there are no feasible mitigation measures beyond the General Plan policies already identified. RDSEIR 2.15-16 and 2.15-17. This is simply not true. Because the Project's GHG emissions will cause a significant impact, the RDSEIR must analyze, and the County must adopt, *all* feasible mitigation to reduce those impacts.

The RDSEIR concedes that the Project "would generate a substantial amount of emissions over baseline conditions." RDSEIR at 2.15-14. The RDSEIR reveals that GHG emissions at build-out will increase to 178,534 million metric tons of carbon dioxide equivalent (MMT CO₂e) annually. The RDSEIR also concedes that the proposed Project "would not meet the GHG standard necessary to comply with the 2020 statewide GHG emissions target" and "it is likely that the Project would not feasibly attain future GHG reductions needed to avoid the most severe climate impacts." RDSEIR at 2.15-17. Yet, despite the shocking increase in GHG emissions, and acknowledgement that implementation of the Project would mean that GHG targets will not be met, the RDSEIR fails to identify *any* feasible measures to reduce emissions beyond policies already in place. RDSEIR at 2.15-16 and 2.15-17.

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Instead the RDSEIR implies that the County is excused from requiring more measures to reduce the Project's GHG emissions because the GHG emissions reduction goals are only achievable if state and federal authorities adopt new regulations and new technologies are developed. *Id.* However, the California Air Resources Board's ("CARB") updated Climate Change Scoping Plan relies on local government actions to "plan and build communities to reduce vehicular GHG emissions and provide more transportation options" as a key strategy to reduce the state's GHG emissions from transportation systems—which comprise a full 36 percent of total state emissions. Exhibit B, at p. 46. CARB also notes that "[t]he success of efforts to reduce GHG emissions within other economic or resource sectors such as water, energy, and transportation will be greatly improved by a transition to more sustainable land use practices in the years ahead." *Id.* at 104. Given CARB's reliance on local GHG reduction efforts, the RDSEIR may not conclude, as it does, that the ability of the proposed Project to achieve goals beyond 2020 is out of the County's control. RDSEIR at 2.15-16. *See Sierra Club v. Cnty. of San Diego*, (2015) 231 Cal.App.4th 1152, 1168 ("without local measures the requirements of Assembly Bill No. 32 will not be met"). Accordingly, the County may not avoid mitigating for Project's significant impacts related to GHG emissions. The RDSEIR must be revised to include feasible mitigations (such as requiring project-specific reductions) that result in a demonstrable reduction in emissions.

The RDSEIR dismisses potential mitigations by claiming that they are infeasible. However, the RDSEIR fails to provide evidence for these claims. For example, the RDSEIR states that mitigation requiring project-specific reduction percentages would be infeasible in part because the required reductions "would add development costs and requirements, which *could potentially* make development, although allowed by the Land Use Map, infeasible." RDSEIR at 2.15-28 and 29; emphasis added. The RDSEIR provides no evidence to support this statement. It includes no feasibility studies or cost-benefit analyses indicating that implementing such requirements would in fact be infeasible.

Next, the RDSEIR states that effective mitigation to reduce GHG emissions to a less than significant level for horizon years of 2030 and 2050 would need to be implemented for *all* projects, which would not be feasible. RDSEIR at 2.15-29; emphasis added. But this statement too is unsupported. First, as stated above, CEQA requires lead agencies to employ all feasible mitigation measures that would lessen impacts even if the impacts are not reduced to less-than-significant levels. CEQA Guidelines § 15091(a)(1); *see also id.* § 15126.2(b) (requiring an EIR to discuss "any significant impacts, including those which can be mitigated but not reduced to a level of insignificance." "A mitigation measure may reduce or minimize a significant impact without avoiding the impact

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entirely.”¹ Stephen Kostka & Michael Zischke, *Practice Under the California Environmental Quality Act* § 14.6 (2d ed. 2008). Second, the RDSEIR provides no basis for its statement that mitigation would need to be implemented for all projects, including ministerial actions. *Id.* While requiring identical mitigation for all projects may be preferable from a policy standpoint, the County may certainly impose different forms of mitigation for different types of development. In fact, such an approach makes sense in particular here, when protection of the County’s most precious resource, the Cleveland National Forest, is at stake.

The RDSEIR points to the fact that the County is undertaking the preparation of a Climate Action Plan (CAP) that will address long-term GHG emissions County-wide. RDSEIR at 2.15-29. The RDSEIR implies that because the CAP will address future impacts related to GHG emissions, this EIR’s failure to do so is excused. *Id.* First, it is unclear why the County is moving forward with this General Plan Amendment prior to preparation of a revised CAP. Given that the Project will result in substantial increases in GHG emissions, the County should postpone consideration of this Project until a CAP is prepared that identifies feasible measures that result in meaningful emissions reductions on FCI lands and beyond. However, in the absence of a CAP, the County should consider other measures to reduce GHG emissions. For example, The County could impose a moratorium on the development of FCI lands until a CAP is adopted. The County could impose 80-acre minimum parcel sizes outside the Village designated areas and direct more dense development to the more urbanized villages. Alternatively, the County could implement interim policies that apply to development on FCI lands until a CAP is adopted. Given the changed circumstances of prolonged drought conditions, limited water supplies, and increased wildfire risk, the County has every reason to give serious consideration to these mitigation measures.

Furthermore, the County has not demonstrated that the General Plan Measures the RDSEIR relies on can be enforced or will result in necessary emissions reductions, in violation of CEQA’s requirements for enforceable and efficacious mitigation measures. Mitigation measures proposed in an EIR must be “fully enforceable” through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). The RDSEIR relies on a number of General Plan policies and measures to mitigate significant environmental impacts. *See*, for example, RDSEIR at 2.15-21-2.15-23. Many of these General Plan policies and programs are vague, optional, directory, or otherwise unenforceable.

For example, the RDSEIR relies on General Plan Policy COS-20.2, which calls future preparation of a “program to monitor GHG emissions” as mitigation for any potential impacts related to GHG emissions. RDSEIR at 2.15-21. Because the RDSEIR

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fails to provide enforceable measures and performance criteria for the proposed measure, there is no assurance the climate change impacts would be mitigated at all. *See Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011.

In another example, the RDSEIR relies on Mitigation Measure CC-1.1 which calls on the County to update the County Green Building Program to increase its effectiveness. RDSEIR at 2.15-22. But the RDSEIR fails to provide specific information on what elements of the program would be updated and how the update would result in reduced GHG emissions.

Similarly, Mitigation Measure CC-1.3 directs the County to “work with SANDAG to achieve regional goals in reducing GHG emissions associated with land use and transportation.” *Id.* This measure is vague and unenforceable and fails to describe in any detail regarding specific changes to land use and transportation programs or performance criteria for the measure to ensure it will result in reduced emissions.

A general plan’s goals and policies are necessarily general and aspirational. The City may rely on such policies to mitigate environmental impacts under CEQA, however, only if they will be implemented through specific implementation programs that represent a firm, enforceable commitment to mitigate. *See Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors* (2001) 91 Cal. App. 4th 342, 358 (citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal. App. 4th 351, 377). CEQA requires that mitigation measures actually be implemented—not merely adopted and then disregarded. *Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173, 1186-87 ; *Fed’n of Hillside & Canyon Ass’ns v. City of Los Angeles*(2000) 83 Cal. App. 4th 1252, 1261 .

Here, the RDSEIR’s vague, unenforceable, and noncommittal policies and programs (and policies for which no implementation programs are identified) allow the County to decide to take no action and thus fail to mitigate impacts. As a result, the RDSEIR cannot ensure that the policies relied on will in fact be implemented to mitigate the Project’s impacts. Therefore they cannot serve as CEQA mitigation. *See Anderson First*, 130 Cal. App. 4th at 1186-87.

A recirculated EIR must propose feasible, enforceable mitigation measures that quantify their effects on GHG emissions. Until the County does so, the EIR for this Project will be legally inadequate.

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III. The RDSEIR's "No Project" Alternative Continues to Present a False and Misleading Baseline.

Despite overwhelming authority to the contrary (*see* Exhibit A), the RDSEIR clings to its position that, upon the expiration of FCI, the land use designations reverted back to their pre-FCI designations. The "No Project" alternative, the RDSEIR concludes, would result in an onslaught of development and a slew of additional significant environmental impacts. RDSEIR at 4-4 and Table 4-4 at p. 4-97. The RDSEIR's analysis is not only legally incorrect—it is blatantly deceptive and designed to make the project and the EIR's alternatives look like compromise positions. They are not; the EIR must be revised to reflect the FCI condition, which is the true "No Project" alternative.

As explained in prior comment letters from CNFF to the County, there is nothing in the text of the FCI or the applicable statutes and case law that suggests that the land uses "reverted back" to pre-FCI designations on January 1, 2011. To the extent the County claims otherwise means it took a discretionary action to amend the General Plan without complying with CEQA. Therefore, the RDSEIR's alternatives analysis will remain legally inadequate until such time as the County prepares a revised EIR that properly describes and evaluates the No Project alternative as retaining FCI land use designations.

Finally, the County's theory that the pre-FCI land use designations will be reinstated after FCI's sunset undermines the long-term purpose of land use planning and sound planning principles. General plans do not terminate when they reach their scheduled horizon year. *See* Gov't Code § 65300 *et seq.* FCI's land use designations will simply continue until such time, if ever, that the County adopts new designations.

In sum, the RDSEIR's alternatives analysis is incomplete and misleading. When it is corrected, the County must recirculate the EIR so that the public can see and comment on the new analysis.

IV. The RDSEIR Continues the Drafts' Failure to Provide Adequate Analysis of Alternatives.

As we previously submitted to the County, CNFF commissioned an infill study to determine whether the County's anticipated growth in the backcountry could be accommodated in the cities. *See* Exhibit C "An Alternative Development Scenario for San Diego County", CNFF, July 2010. The answer is a resounding yes. However, the County pays short-shrift to this alternative. The County did not dispute the Infill's Study

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conclusion but instead faults it for being out-of-scope since the County is re-designating only the FCI lands. RDSEIR at 4-16. This conclusion is wrong. Under CEQA the County may not segment the Project in such a way as to render certain potentially feasible alternatives infeasible; such a result violates CEQA's rules against piecemealing.

While the RDSEIR concedes that a City-Centered Alternative would reduce impacts on natural and agricultural resources, aesthetics, air quality, noise and traffic it prematurely dismisses that alternative without providing evidentiary support for its conclusion. RDSEIR at 4-15. Rather than conduct the analysis to determine the impacts resulting from this alternative, the RDSEIR dismisses further analysis of the City-Centered Alternative partially on the basis that such an alternative "would potentially result in greater impacts to air quality, traffic, and noise from increased construction and development in proximity to sensitive receptors...." *Id.* This conclusion is not based on any analysis and is not supported by evidence.

Moreover, the County misunderstands our point. The Infill Study demonstrates that the City-Centered Alternative is feasible since it shows that growth can and should be accommodated in the cities, not in the Forest. Such an alternative would reduce impacts related to land use, provision of public utilities and services, transportation, climate change, loss of habitat and biodiversity, loss of agricultural lands, water supply and water quality. We reiterate the request set forth by CNFF and SOFAR that the revised environmental document should further develop an Infill Alternative that embraces a forward-looking plan for land uses on FCI lands, designed to protect the environment and maintain quality of life for those living and working in the County.

V. The RDSEIR Fails to Analyze the Project's Energy Impacts

CEQA requires agencies to analyze whether their projects will result in the wasteful or inefficient use of energy. Pub. Res. Code § 21100(b)(3); CEQA Guidelines, Appdx. F. "Under CEQA, an EIR is 'fatally defective' when it fails 'to include a detailed statement setting forth the mitigation measures proposed to reduce wasteful, inefficient, and unnecessary consumption of energy.'" *Cal. Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 209 (quoting *People v. County of Kern* (1976) 62 Cal.App.3d 761, 774). In order to demonstrate that a project will not result in the wasteful use of energy, agencies must show that the project has decreased per capita energy consumption, decreased reliance on fossil fuel use and increased reliance on renewable energy sources. *Id.* The RDSEIR fails entirely to include this analysis. A revised EIR must analyze the Project's impacts on use of energy and identify feasible measures to reduce energy usage.

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VI. Conclusion

Thank you for your consideration of these comments. We respectfully request that no further consideration be given to the Project as proposed until an EIR is prepared that fully complies with CEQA. The voters spoke loudly when they overwhelmingly approved FCI in 1991: The Cleveland National Forest is our County's legacy. We sincerely hope that you will hear the call to protect it.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Catherine C. Engberg

Carmen J. Borg, AICP
Urban Planner

List of Exhibits

- Exhibit A Letter from SMW to B. Citrano and M. Fogg (September 16, 2014)
- Exhibit B Climate Change Scoping Plan (May 2014)
- Exhibit C An Alternative Development Scenario for San Diego County (July 2010)

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September 16, 2014

Via E-Mail and U.S. Mail

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Re: FCI Amendment - Follow-up from September 4, 2014 meeting

Dear Bob and Mindy:

We write to thank you for meeting with Cleveland National Forest Foundation representatives on September 4, 2014 to discuss the Forest Conservation Initiative (FCI) Amendment. We found that we agree on a number of issues regarding resource constraints and planning objectives for the Cleveland National Forest. As we discussed, numerous factors—including the need to plan for limited water supply, wildfire risk, and habitat protection—prompted San Diego County voters to overwhelmingly adopt FCI in 1993. Add today’s pressing challenge of climate change, and FCI’s policies are all the more relevant in 2014.

Our September 4 discussion focused on two key issues. First, CNFF urges the County to reinforce these key policies regarding water supply, wildfire risk, habitat protection and climate change by adopting an overlay “forest” designator, as detailed below. Second, CNFF continues to dispute the County’s description of the land use planning status quo, specifically the County’s conclusion that FCI’s land use designations “reverted back” on January 1, 2011 to their pre-FCI densities. We therefore urge the County to analyze the “FCI Condition” as the “No Project” alternative in the Revised Draft SEIR for the FCI Amendment.

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Forest Designator

CNFF requests that the County create a “forest” designator overlay district that would apply to all lands regardless of parcel size within the FCI planning area. As you know, CNFF supports minimum parcel sizes of 40 (or 80) acres outside country towns (villages) to protect forest values. The “forest” designator would serve as a “red flag” for landowners that seek to develop or subdivide properties in excess of the adopted FCI Amendment land use designations. The “forest” designator is fully consistent with the San Diego County Guiding Principles and would specifically reinforce Guiding Principles 2 (compact development within Village boundaries), 3 (vitalize existing communities), 4 (habitat protection), 5 (wildfire risk), 6 (promote public transportation), 7 (reduce greenhouse gas emissions), 8 (preserve agriculture), and 9 (reduce infrastructure costs).

While there are numerous ways to craft such a “forest” designator, we recommend that the County require that the following findings be made before land could be subdivided or developed in a manner inconsistent with any adopted FCI Amendment:

1. The project has adequate water supply by virtue of the property being within or annexed to appropriate service districts. *See* Guiding Principle #2 and 9.
2. Approval of the project would not exacerbate wildfire risk. *See* Guiding Principle #5.
3. The proposed use and density are compatible with the environmental resources of the Cleveland National Forest and will not adversely affect the stability of land use patterns in the area. *See* Guiding Principles # 2 and 4.
4. The project would employ “carbon neutral” principles, including integrating passive design strategies, specifying energy efficient HVAC systems, lighting and appliances; and installing on-site renewable energy. *See* Guiding Principle #7.
5. The approval will not constitute part of, or encourage, a piece-meal conversion of a larger Cleveland National Forest area to residential or other non-open space uses. *See* Guiding Principles # 2 and 3.

In short, the FCI Amendment must be viewed first and foremost as a Forest Plan. We urge the County to develop a “forest” designator to reinforce the importance of

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the Cleveland National Forest to the County's environmental and economic well-being and to reinforce its adopted General Plan Guiding Principles.

As a resource, we attach a description of the "forest" designation from Sierra County's General Plan. *See* Attachment 1. This designation protects forest lands through large minimum parcel sizes and policies to prohibit incompatible uses. Sierra County wisely applies its large parcel zoning where warranted by resource constraints and environmental values, even though smaller lots may exist. The Sierra County General Plan and Zoning Code implement policies to ensure that smaller lots are declared legal nonconforming. *See* Attachment 1 (General Plan policies 28 and 29); Attachment 2, Sierra County Code § 15.40 (Non-conformance).

In addition, we attach relevant portions of the City of Portland's Environmental Protection Zone ordinance. *See* Attachment 3. The "EPZ" overlay zone provides the highest level of protection to the most important resources and functional values. These resources and functional values are identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area.

DEIR No Project Alternative

As you know, FCI was passed by two-thirds of County voters in 1993. It adopted 40-acre minimum parcel size for all private in-holdings within the Cleveland National Forest and remained in effect until December 31, 2010. The County takes the position that on January 1, 2011, all FCI lands reverted to their pre-FCI designations. According to the June 25, 2014 staff report for the FCI Amendment, the difference between these two land use regimes is staggering. The "Pre-FCI" buildout is 16,203 units, compared to 4,260 units under FCI.

As we discussed, CNFF urges the County to analyze the FCI Condition as the No Project alternative in the Revised Draft SEIR. We understand that County Counsel has shifted responsibilities among its deputies on issues involving FCI. As background, we therefore attach CNFF's prior letters explaining our legal position. *See* Attachments 4, 5, and 6 (letters dated March 18, 2013, December 7, 2010, March 12, 2009). To summarize, CNFF's legal conclusion is based on the following:

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1. Plain text and legislative history.

FCI expressly “repealed” the pre-FCI land use designations that would have allowed, under the County’s recent tally, 16,203 units at buildout. It provides no mechanism for reinstatement of these old designations. FCI’s legislative history confirms this reading. Voters (even those against the measure) thought that FCI “wiped out” the pre-FCI land use designations.

2. General plans are forward-looking, not backward-looking.

General plans guide future development; they never revert to earlier land use designations. For example, when a court invalidates a general plan, the Planning and Zoning Law provides the remedy, which is to suspend the local government’s development approval authority—not to revive a pre-existing general plan. *See* Gov. Code section 63755; *see also Harroman v. Town of Tiburon* (1991) 235 Cal. App. 3d 388 (development that is inconsistent with draft general plan update may not proceed regardless of its consistency with outdated existing general plan). The same is true with respect to “outdated” housing elements—the old housing element never springs back. Instead, the jurisdiction loses its authority to disapprove low-income housing. *See* Gov. Code § 65589.5(d) (Anti-NIMBY law); *see also San Mateo Coastal Landowners’ Association v. County of San Mateo* (1995) 38 Cal. App. 4th 523, 544-45 (County’s failure to update its Housing Element in conformity with statutory timetable did not automatically invalidate the Housing Element general plan of which the Housing Element was a part).

3. Government Code section 9611 is inapposite.

The County appears to take the position that Government Code section 9611, which applies to state statutes, applies to local general plans. It does not. Section 9611 provides for revival of a prior state statute when the Legislature replaces the prior statute with a temporary statute. It has never been applied to find revival of a local measure, much less a (forward-looking) General Plan land use map. *Cf. MHC Financing Ltd. v. City of Santee* (2005) 125 Cal. App. 4th 1372, 1382 n.7 (dicta expressing skepticism that section 9611 has any application to zoning ordinances). The County’s rote application of Government Code section 9611 also ignores the Election Code provisions governing initiatives. These sections bolster CNFF’s position that FCI’s sunset clause merely removed the voter approval requirement, but did not contemplate revival of pre-FCI land use designations.

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As a practical matter, it appears that the County could analyze the FCI Condition without substantial additional work. The County has determined FCI's buildout potential (4,260 units). Moreover, according to the February 2013 Draft SEIR for the FCI Amendment, the County already prepared much of the analysis in the EIR for the County General Plan Update. *See* Draft SEIR at 1-8 (GPU's traffic analysis assumed FCI condition) and 1-9 (FCI buildout assumed at 4,108 units, which is awfully close to 4,260 units).

In summary, we welcome continued dialogue with County staff and decisionmakers regarding the FCI Amendment. Do not hesitate to contact me or any other CNFF representative present at the meeting to continue the discussion.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Catherine C. Engberg

cc: Bill Witt, Deputy County Counsel

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May 2014



First Update to the
**Climate Change
Scoping Plan**

BUILDING ON THE FRAMEWORK
PURSUANT TO AB 32
*THE CALIFORNIA GLOBAL WARMING
SOLUTIONS ACT OF 2006*