

the year.

The surveys were also compressed into a two-week period [3 surveys on three consecutive Tuesdays], which diminishes the chance of observing the gnatcatchers. Why were such directed surveys conducted so late during a dry year? Why were the surveys scheduled in such a compressed time period at the end of the season?

C1d-85, cont.

While reviewing the Attachment 1, Post-Survey Notification of Focused Surveys for Least Bell's Vireo [LBV] for the I-15/395 Master-Planned Community MPA of the RDEIR circulated in July-August 2013, it was noticed that Figures 1, 2, & 3 indicate a much reduced Project area and boundary for the least Bell's vireo survey than is expected for the present Project. This seems to indicate that the survey was completed on a Project site that significantly differs from the present Project. How can the cited survey be appropriate and complete for the present Project?

C1d-86

New, more representative maps showing the present project site have been substituted into those older documents to replace the maps submitted with the DEIR of July-August 2013. When will new surveys be completed on the entire project site? When will those new surveys be available for public review?

The addition of considerable acreage since the May, June, & July 2011 LBV surveys means that the additional areas were not properly or adequately surveyed for least Bell's vireo. Will the applicant re-survey these new areas included in the present Project during the appropriate breeding season and under more optimum conditions? The wetlands that are appropriate habitat for this species extend into the subsequently acquired acreage not represented on the submitted map with the July-August 2014 RDEIR.

C1d-87

Further, the Project boundaries shown to include the survey areas mapped in the Biological Resources Report of the DEIR circulated in July-August 2013 for the coastal California gnatcatcher do not match the present Project boundaries. The survey maps [Figures 1, 2, & 3 of Attachment 2, Post-survey Notification of Focused Survey for Coastal California Gnatcatcher, I-15/395 Master Planned Community MPA] indicate a much reduced Project area and boundary for the gnatcatcher survey than is expected for the present Project. This seems to indicate that the survey was completed on a Project site that significantly differs from the present Project. How can the cited survey be appropriate and complete for the present Project?

The addition of considerable acreage since the July/August 2011 gnatcatcher surveys means that the additional areas were not properly or adequately surveyed for gnatcatchers. Will the applicant re-survey these new areas included in the present Project? When will new, more complete surveys be available for public review?

There is little mention of Stephens Kangaroo Rat [*Dipodomys stephensi*], a federally listed species, in the discussion of field surveys and impacts to listed species. Given that the project site is well within the range of the species, and its presence within the County [particularly north San Diego County] is acknowledged, why were no trapping studies done to determine the extent of its presence? Given that the diurnal surveys, both directed and general, spent an average of 4.9 minutes per acre of project site, how is the County's consultant able to state that none are present? Stephens Kangaroo Rat is nocturnal. The best hope of identifying a population or individuals is with a trap line sampling approach. Of course, complicating the problem is the overlapping range of Merriam's Kangaroo Rat.

C1d-88

C1d-85 (cont.)

Additional surveys for this species would be required as part of other Wildlife Agency approvals. Although the surveys were conducted in early summer, they were well within the breeding season. The current approved survey protocol for the coastal California gnatcatcher requires a minimum of seven days between surveys, which was met by the project surveys. The surveys conducted for the project meet the current Wildlife Agency protocol guidelines; therefore, additional surveys at this time are not required or necessary.

C1d-86

The least Bell's vireo survey was conducted on the project area at the time of the surveys. The survey did not cover all suitable habitats now within the current project area. An updated survey for least Bell's vireo was conducted in 2014 to cover areas not within the project boundary at the time of the initial surveys. The results of these additional surveys were negative. The survey report is included in the FEIR, Appendix G. It is also expected that updated surveys for the least Bell's vireo will be required as part of future Wildlife Agency approvals for the project.

C1d-87

The entire project site has been evaluated for the potential to support sensitive species or their habitat, but only certain areas of the site are considered suitable habitat for certain species such as least Bell's vireo. As indicated above in response C1d-67, surveys were completed for least Bell's vireo in 2014 that cover all areas of the site potentially suitable for this species. The results of these additional surveys were negative. The survey report is included in the FEIR, Appendix G. It is also expected that updated surveys for the least Bell's vireo will be required as part of future Wildlife Agency approvals for the project.

All project areas for potential to serve as coastal California gnatcatcher habitat have been surveyed. Additional 2014 surveys for the coastal California gnatcatcher were not completed because the additional project acreage was not suitable coastal California gnatcatcher habitat. As detailed in response to comment C1d-66, a second survey has not been required by the County but additional surveys for this species would be required as part of other Wildlife Agency approvals.

But, neither species is accounted for with surveys that took place in daylight hours. C1d-88, cont.

Another nocturnal listed species that is not adequately addressed by the field studies is the mountain lion [*Felis concolor*]. The surveys conducted would scarcely be expected to determine the presence of the species given its nocturnal and stealthy habits and the daylight extent of the surveys. Are the County's consultants qualified to ascertain the presence of mountain lion? How does the County deal with the large territory required for a single individual and the potential loss of 608-acres of foraging area to this species? What are the territorial implications of losing 608-acres on-site, especially the drainages to be set aside for open space that will be plagued by edge effects? How has the County determined that the local population [the population in and around the Project site] is insignificant and not worth mentioning? What is the regional population of this species that the County is comparing any loss to? C1d-89

In regard to all nocturnal species such as great horned owls, barn owls, screech owls, pygmy owls, myriad mice, voles, rats, ringtails, raccoons, gray foxes, bobcats, desert woodrats and the crepuscular blacktail jackrabbit, scant attention was paid during the daylight surveys. Why is the County not addressing these species? C1d-90

The Report suggests that although the listed, anticipated species, and others not listed in the Report, would be impacted by habitat loss caused by grading, construction, and human occupation, it finds that the impacts would be:

"...less than significant given the wide ranges of the species and the fact that the project does not contain a regionally significant population of these species."

The County's analysis fails to:

1. Demonstrate with data, or even suggestion, what a regionally significant population for any of the cited species is
2. Does not present, or even estimate, the on-site population density of any of the cited species to allow a comparison of the site to the region
3. And, does not explain how the scope of a species' range can exempt the loss of a local population. The loss of local populations or portions of local populations within a species' range does not affect the notional range of the species necessarily, but does have significance in reducing the regional population of a species within the notional range boundaries. This Project and the other cumulative projects cited are eroding, bit by bit, the regional populations of listed and threatened species, not to mention species still regarded as abundant. At what point will the County judge the erosion to be irreversible, and extirpation inevitable? And, with what data will that judgment be made? Is the County relying on anecdotal offerings from biologists hired by the applicant for the purpose of trying to arrive at conclusions of "no or mitigable significance?" C1d-91

Do the ranges referred to for the cited species include urban as well as undeveloped areas, agricultural as well as natural areas, and what is their extent and density? C1d-92

Within cismontane San Diego County, most habitats and wildlife populations have a mosaic distribution as a result of human occupation and transportation corridors. To what extent has the historical range of all of these species already been severely diminished, making even small, local populations, like those on-site, significant? C1d-93

On what basis was the determination made that on-site populations of the 13 species C1d-94

C1d-88 A focused habitat assessment for the Stephens' kangaroo rat was conducted on the site. This habitat assessment concluded that little to no suitable habitat to support this species is present in the project site due to various factors. The majority of the known historic occurrences of Stephens' kangaroo rat in the vicinity of the project are decades old and for the large part have been extirpated, reducing the likelihood of this species to occur on the site due to the lack of a source of animals.

C1d-89 The Biology Report (FEIR Appendix "G"), based on a site assessment, adequately disclosed that there is a moderate potential for mountain lion to utilized the project site due primarily to availability of prey species on the site. With that disclosure, further surveys were not deemed necessary to disclose the mountain lions potential use of the site. The Biology Report was prepared by a County approved biological consultant. The proposed mitigation will be comprised of similar habitat which would be expected to contain similar prey species and would therefore adequately mitigate any potential impacts to mountain lion and the loss of foraging habitat. To clarify, the project would not impact 608 acres, and 104.1 acres are preserved in permanent biological open space. The Biology Report studied the impacts of the project and the effect to the local and regional populations and habitat, and determined impacts are less than significant with the mitigation described in the FEIR.

C1d-90 Habitat assessments, focused surveys, and evaluations of the potential for occurrence for each of the threatened or endangered listed species referred to in the comment were performed and the results of this analysis included in the Biology Report and summarized in the FEIR. The biological surveys conducted on the property followed the adopted County guidelines and are considered appropriate for the proposed project. The potential for these species to occur on-site is low given the habitats present on the property.

C1d-91 A regionally significant population, as referenced in the FEIR is generally used to describe the fact that the numbers of observed sensitive species on the project site were considered small in comparison to the regional population of the species as understood from scientific literature. For example, some of the species identified on-site are widespread in the region. When comparing a small on-site population to the larger, widespread, and commonly occurring population, the small on-site population would not be described as regionally significant.

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	<p>C1d-91 (cont.) Regarding estimates of on-site population densities, the FEIR documents the results of various biological resource surveys conducted over 31 individual days from 2011 through 2012. The dates and type of survey are documented in Table 1 of Appendix G of the FEIR. The numbers of individual species documented on-site represent the population observed during surveys and are not intended to capture the complete number of individuals that may be present on-site. The FEIR recognizes that the habitats on-site may support additional individuals of the species. A complete population count of the sensitive species on-site is not required because a significant portion of the native habitat on-site would be retained in biological open space which would continue to provide habitat for sensitive species.</p> <p>It is not only range, but also the frequency of occurrence and prevalence of habitat to support the species that is considered when determining the significance of a local population. The County agrees that the loss of local populations can ultimately reduce regional populations of a species; however, species specific significance determinations are made based on the extent of the impact to the species, its habitat, and its frequency of occurrence in the region. Loss of a sensitive species in itself does not represent a significant impact; rather it requires consideration of these various factors.</p> <p>C1d-92 Ranges for species do include all areas and types of habitats within their boundaries. The extent and density of the different types of habitat are not known specifically for each species range. See response to comment C1d-91 above.</p> <p>C1d-93 Historical ranges for every species have likely diminished. Those species that have lost the most historical range and/or the most individuals are those species listed as endangered or threatened by federal and state resource agencies. The draft North County MSCP focuses on the preservation of the larger, higher quality habitat blocks that are considered to contain the largest populations of sensitive species, allowing smaller less viable and fragmented habitat areas that support smaller populations of species outside of these core resource areas to be considered for development. Refer to response to comment C1d-91, above, for additional detail as to how the determination of significance is made.</p>
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LETTER

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	<p>C1d-94 The FEIR conclusions for impacts to sensitive species are based on site specific surveys for sensitive species as documented in Table 1 of Appendix G of the FEIR. Attachments 9 and 11 of Appendix G document the sensitive plant and wildlife species with the potential to occur on-site, their likelihood of occurrence and the factual basis for this determination. Significance conclusions consider their occurrence on-site, the suitability of the on-site habitat to support sensitive species, their relative abundance in the region, and the regional abundance of their preferred habitat. As most of the project site (approximately 76 percent) is marginal habitat (agricultural land, disturbed land, currently developed land) and the sensitive biological resource areas would be preserved on-site and off-site in conservation easements, the project would not result in a significant loss of habitat for the studied species. In addition, of the species with the potential to occur on-site, the FEIR demonstrates that a combination of the preservation of habitats suitable for these species, on-site or within draft PAMA lands, in combination with the abundance of species as documented in scientific literature as described in the Biological Resource Report in section 1.3.1 (Literature Review), would result in less than significant sensitive species impacts.</p> <p>The determination was made using the draft North County MSCP which focuses on the preservation of the larger, higher quality habitat blocks that are considered to contain the largest populations of sensitive species, allowing smaller less viable and fragmented habitat areas that support smaller populations of species outside of these core resource areas to be considered for development. The project site is outside of the draft North County MSCP PAMA areas, which are the most important locations for preservation of habitat and species.</p> <p>The Biological Resources Report relies on the regional MSCP planning efforts within the county and southern California as the basis for the determination of where the highest quality habitats and regionally significant populations of sensitive species occur in relation to the project. Refer to response to comment C1d-91, above, for additional detail as to how the determination of significance is made. For example, under section 3.2.5 Preserve Components for the PAMA, the Draft North County Plan states, "This concept (PAMA) develops the preferred preserve configuration</p>
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Chapter 2: Significant Environmental Effects of the Proposed Project 20

were not consistent with other significant local or regional populations? Where would those significant populations be found within the County?

Given the mosaic distribution of those 13 species within the county and southern California, how does the Report distinguish the Project's on-site populations as being insignificant compared to other off-site populations that may be deemed significant?

There was no data presented that showed any quantitative or qualitative measure of the significance of the on-site population sizes of the 13 species, or their relationship or linkage to nearby off-site populations. The fact of their presence suggests that there is some significance. With the paucity of data presented can we reasonably conclude that 'on-site populations' are not a significant part of a larger, more dispersed regional population?

The edge effect impacts noted by the RDEIR (i.e., noise, lighting, invasive plants, grading encroachments, proximal human presence, etc.) to these 13 sensitive species are stated to:

"... be less than significant considering the number of individuals of each species to remain after implementation of the project would be low."

However, since the Report has not quantified:

1. The existing on-site population densities;
 2. The population density thresholds that are deemed significant;
 3. Or, the expected on-site population densities after construction of the Project.
- How can the Report establish that the impacts are "less than significant?"

Are there data that have not been reported?

Should not the Report have presented an objective basis for the threshold of significance?

The Project would directly impact eucalyptus woodland, orchards, and oak woodlands. This would result in the direct loss of functional nesting habitat for raptors. The Project could also indirectly impact nesting raptors that remain on-site or adjacent to the Project through edge effects, such as close human occupation, noise and lighting.

Further, construction operations also have the potential to disrupt nesting and breeding among raptors. Raptors are protected, as a group, by California Fish and Wildlife codes. The RDEIR suggests that this disruption could be mitigated by scheduling construction outside of raptor breeding season, implementing some sort of noise attenuation measures or conducting surveys to impose construction avoidance measures.

Would the applicant, or the County, seriously consider limiting construction to the August to December portion of the year? What are the limits of effectiveness of the hinted at attenuation measures? And, since phase one of the Project surrounds the principle open space and raptor nesting corridor being proposed for the Project, would the applicant actually limit construction near that nesting area? Or, would the applicant mitigate the mitigation by trying to survey the potential impact out of existence?

Will the blasting component of the grading be timed to avoid nesting periods of raptors?

C1d-94,
cont.

C1d-95

C1d-96

C1d-97

C1d-98

C1d-99

C1d-94 around large contiguous area of habitat, areas supporting important species populations or habitat areas, and important functional linkages and movement corridors between them." The project is not within a high priority area for habitat conservation.

C1d-95 The FEIR includes observed numbers of sensitive species based on observations occurring during the course of numerous site visits occurring on suitable habitat. The dates and type of surveys completed are documented in Table 1 of Appendix G of the FEIR. Refer to Attachments 9 and 11 of Appendix G of the FEIR for a list of sensitive plant and wildlife species, with the potential to occur on-site. These attachments document whether or not the species were observed on-site and in what numbers. The numbers of individuals documented on-site represent the population observed during surveys and are not intended to capture the complete number of individuals that may be present on-site and the FEIR recognizes that habitats on-site may support additional individuals of the species.

The significance of an on-site population is dependent on various factors, further detailed in response to comment C1d-72. It is reasonable to assume that the on-site populations of wildlife would be smaller after the project is built given that there would be less available suitable habitat. However, the report concludes impacts would be less than significant based on the low numbers of species observed on-site in comparison to their regional distribution. Other factors support this conclusion such as the fact that a majority of the site is agricultural land. For example, of the 505 acres to be affected by the project, 425.3 acres – more than 84 percent – are located on land that is currently being used for agriculture, is disturbed, or is already developed. (See Biology Report, Appendix G, Table 8.).

Project thresholds of significance were based on the County Guidelines of Significance – Biological Resources, available for the preparation of CEQA documents as discussed and detailed in the Biological Resources Report in section 3.0 (Special Status Species), Project impacts to the remaining habitat (approximately 79 acres) will be mitigated off-site as necessary, pursuant to ratios established by the County and/or the resource agency with jurisdiction over the impact (e.g., California Department of Fish and Wildlife). (Ibid.) In addition, the site does not provide habitat for all 50 special status species evaluated for the potential to occur. The potential for these

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RESPONSE

	<p>C1d-95 (cont.) special status species to occur on the site was considered in light of the ecological and distributional characteristics for each; only those species that had a reasonably high potential to occur on the site were evaluated in detail.</p> <p>C1d-96 Section 3.2.6 of the Biological Resources Report and FEIR subchapter 2.5 address impacts to nesting and functional foraging habitat for raptors. Although these woodland habitats are not referred to directly by name, these habitats are contained within the native vegetation and agricultural lands discussed. These sections also state that indirect impacts as a result of edge effects may be considered significant. The proposed mitigation measures to avoid direct and indirect impacts to raptors during the breeding season would be implemented through conditions placed on the project that restrict construction activities during the breeding season, if raptor nests are found to be within the impact area. Pre-construction surveys by qualified biologists would be required prior to any clearing or removal of vegetation/trees to ensure that nests are discovered before impacts occur. If active raptor nests are discovered the nest and vegetation within 300–500 feet of it would be avoided until the young have fledged.</p> <p>Nesting raptors, if discovered during construction activities will be protected from edge effects as detailed in the FEIR, subchapter 2.5 and Table 1-3. Restrictions would be a condition of project approval and included in Wildlife Agency permits. If the attenuation measures are properly implemented then their effectiveness is quite high. Finally, the comment regarding the location of Table 1-3 is referencing information from the Draft EIR that was circulated for Public Review in 2013. The Draft REIR circulated for review in 2014 included Table 1-3 on Page 1-52 of Chapter 1.0.</p> <p>C1d-97 Please see response to comment C1d-96 above.</p>
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	<p>C1d-98 All phases of the project would be required to conform to all conditions of approval including those relating to construction restrictions relating to seasonality and time of day. Specifically, prior to any grading or native vegetation clearing during the nesting/breeding season for raptors (roughly from mid-February through mid-July), a “directed” survey shall be conducted to locate active raptor nests, if any. If active raptor nests are present, no grading or removal of habitat will take place within 500 feet of any active nesting sites. The project proponent may seek approval from the Director of PDS if nesting activities cease prior to July 15. Please see also response to comment C1d-96 above.</p> <p>C1d-99 The blasting component of the grading operations would be timed to avoid the raptor nesting period. If an active raptor nest is within 500 feet of a blasting location then the blasting activity would have to occur after the young have fledged. Any blasting that must occur during the raptor breeding season, roughly from mid-February through mid-July, and must comply with the raptor breeding season restrictions if an active nest is discovered within 500 feet of the construction activity. Implementation of the measures designed to avoid impacts to active raptor nests would reduce any impacts on raptors to a level below significant. Please also see, response to comment C1d-98.</p> <p>County Guidelines for Determining Significance as discussed and detailed in the Biological Resources Report in section 3.1 (Guidelines For Determination of Significance) do not require biological mitigation for the conversion of agricultural land. Native habitat areas and grasslands provide the highest quality raptor foraging land and the project would mitigate the loss of these types of habitats. Raptors in the area would adjust their foraging area to include un-disturbed lands surrounding the project site.</p>
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Blasting activities are likely to have a much more dramatic affect on nesting birds at a much greater distance than the apparently less significant rumbling of bulldozers and earthmovers. Despite a lack of data to inform the public on the decibel contours that raptors find irritating enough to preclude breeding, the RDEIR reaches the conclusion that, "raptor nesting impacts would be less than significant. This is incongruent with the information presented. How is this done?"

The RDEIR addresses raptor foraging areas saying,

"Almost all of the on-site habitats are suitable for raptor foraging. The project would directly impact 538.29 acres of the 610.76-acre site [reportedly, it is 608-acres], which is 88% of the raptor foraging habitat on-site. This would result in the direct loss of foraging habitat for raptors. The project could also indirectly impact foraging habitat that remains on-site or adjacent to the project through edge effects..." [Emphasis added]

The RDEIR goes on to say that the impact of the Project to the raptor foraging area is more than 5% of that foraging habitat on-site. And yet, this declared significant impact to 538-acres of forage area would be mitigated by phasing the purchase or designation on-site of mitigation acreage based only on the native vegetation lost to the Project [about 81-acres or 15% of the total], not the agricultural lands to be sacrificed to the Project.

As the RDEIR says, raptors make significant, and productive use of the orchards, vineyards and row crops present on the Project site for foraging. Why would the applicants not have to mitigate the loss of forage area represented by the agricultural lands on-site as well?

Is the applicant saying that raptors, with 608-acres on which to forage, can 'get by' with a small percentage of the present foraging acreage at a new mitigation site somewhere in north San Diego County?

Will the edge effects caused by the presence of the Project on-site (i.e., noise, lighting, proximal human presence, dogs, cats, etc.) render any attempted on-site mitigation of foraging area loss within the planned 102-acres of open space less than significant?

The RDEIR says such edge effects may compromise on-site mitigation. And if that is true, how will such effects be monitored and mitigated once the project is built and no longer under the scrutiny of County inspectors?

And, do these types of edge effects render the planned designated open spaces ineffective for the purposes they are being set aside? Will lapses in monitoring or maintenance render the mitigation areas useless for that purpose without restoration plans in place? Who specifically will be responsible?

The on-site restoration of wetlands may be seen as possible and acceptable mitigation by the applicant and the county, but since the entire 608-acres has been functioning as raptor foraging area heretofore, the idea that any of the 608-acre Project site could be used to mitigate the loss of that same foraging area is an exercise in double-counting.

Table 1-4 in Chapter one of the RDEIR shows the grading quantities by phase to be cut and filled. According to this table, the first two phases will have deficits of fill compared to the amount to be cut in each those phases. Since the applicant claims that more than 4-

C1d-99, cont.

C1d-100

C1d-101

C1d-102

C1d-100 On-site biological open space area and associated buffers will help reduce potential edge effects and provide for the maintenance of local secondary wildlife movement corridors. Potential edge effects to biological open space areas preserved on the site shall be reduced by providing the open space buffers and limited building zone setbacks from the boundaries of the conserved native habitats. These setbacks in conjunction with project design features, such as barriers to dampen noise and restrict encroachment by humans and pets, lighting restrictions (shielding, directing away from open space) and the implementation of Best Management Practices during and after construction will help reduce potential edge effects. Long-term management of the buffers, fences, and signage adjacent to open space areas as approved in the Resource Management Plan shall ensure that these features function to reduce potential edge effects in the future. The FEIR, M-BIO-2, requires preparation of a Resource Management Plan (RMP). As detailed in M-BIO-2, the RMP shall address site preparation, irrigation system requirements, on-site culvert maintenance to allow for wildlife passage, plant palettes, installation procedure, and describe the maintenance and monitoring program for both the establishment of mitigation areas and the enhancement of mitigation areas per the project conceptual wetland revegetation plan (FEIR Appendix G, Attachment 16) or requirements for habitat selection contained in the conceptual resource management plans (FEIR Appendix G, Attachments 17 and 18). The RMP will include success criteria for the creation, restoration, and/or enhancement of native habitats. In addition, the RMP would be required to achieve the following goals:

1. Preserve and manage the open space lands to the benefit of the flora, fauna, and native ecosystem functions reflected in the natural communities occurring within the RMP land.
2. Manage the land for the benefit of sensitive plant and wildlife species and existing natural communities, without substantive efforts to alter or restrict the natural course of habitat development and dynamics.
3. Reduce, control, and where feasible, eradicate non-native, invasive flora and/or fauna known to be detrimental to native species and/or the local ecosystem.
4. Maintain the character and function of certain agricultural areas within the wetland buffer and open space area. (Refer to MM-BIO-2.)

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	<p>C1d-100 (cont.) Implementation of the RMP will be assured by a project condition established by the County that includes assurances that funding will be provided to maintain the RMP as required will ensure that the features designed to reduce edge effects would not compromise on-site mitigation. The RMP will identify the entity that will be responsible for its implementation in perpetuity.</p> <p>C1d-101 The loss of raptor foraging habitat is being mitigated through the avoidance of the habitat within the on-site open space and the purchase and preservation of off-site native habitats. The proposed on-site open space is not counted as mitigation, but rather as impact neutral areas set aside for avoidance of Resource Protection Ordinance (RPO) wetlands. The proposed creation and/or restoration of wetlands are required by the RPO, which requires that all impacts to wetlands include a creation/restoration component.</p>
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Million cubic yards of earth to be moved on the Project site will not require import or export to or from the site, borrowing from future phases will be necessary. Will the applicant adjust the timing and purchase of mitigation acreage to accommodate the borrowing of fill from future phases that will prematurely impact raptor foraging during the earlier phases?

Will that grading activity in future phases adversely affect raptor nesting in the earlier phases as well as the future phase that is to make up the fill deficit?

C1d-102, cont.

Black-tailed jackrabbits were observed on-site. While a 'species of concern', the RDEIR suggests that the impact to this species is less than significant, largely because it is judged [without data] to have a less than significant local population. Finding a black-tailed jackrabbit anywhere in northern San Diego County is becoming exceedingly rare. To suggest insignificance for this species, the authors of the RDEIR should cite census data showing that the individuals observed on the Project site are not the last remaining members of the species in the north county region. It is possible that the population on the Project site is among the last within the region.

C1d-103

It is noted that the Project will be pumping ground water from existing wells on-site. Since the open space riparian woodlands that run nearly the length of the Project and transect it at several points are dependent on adequate ground water to support the oaks, willows and other riparian species, how will the applicant manage the long term ground water levels in the open spaces?

C1d-104

The applicant is proposing to hand off those riparian open spaces to another agency of some sort [still unnamed]. Will that eventual agency share responsibility and authority over the wells that will have a direct impact on the ground water availability for the riparian habitats?

In the event of a drought, will the managing agency be able to restrict ground water pumping for the benefit of the open spaces?

C1d-105

What will be the mechanism of implementing such a restriction?

Will the managing agency have priority on ground water for irrigation to benefit the created and restored wetlands being offered as mitigation for the destruction of other wetland areas after the five-year establishment period?

i.2.2 – Issue 2: Riparian Habitat or Sensitive Natural Community [M-Bio-2]

The RDEIR's analysis of the impacts to riparian habitat or sensitive natural communities concludes that there will be significant impact and recommends that a Resource Management Plan [RMP] be prepared before the issuance of grading permits.

Are there unknown factors that prevent the RMP from being prepared for release along with the RDEIR and related documents beyond a conceptual treatment? So much of what is presented in the Specific Plan for this Project are conceptual or optional choices among several alternatives, that it is difficult to consider a conceptual RMP as anything more than a suggestion.

C1d-106

The wetland restoration and development areas [= open spaces] are biologically surveyed and mapped. Why is the plan not already developed beyond a conceptual state?

C1d-102 If mitigation land to cover the impact area to be graded has not already been purchased, then the applicant would be required to purchase mitigation acreage for the areas to be graded in future phases before the grading in those phases could begin. See, Mitigation Measure M-BIO-1. Implementation of the measures designed to avoid impacts to nesting raptors would reduce any adverse effects on raptor nesting during construction.

C1d-103 The black-tailed jackrabbit is considered a covered species under the regional MSCP planning efforts in southern California. These planning efforts have been designed to preserve large blocks of native habitats used by this species; therefore, allowing for the determination that the small population of this species found on the project site would not be a significant impact. In addition, it is likely that these black-tailed jackrabbits on-site would avoid direct impacts from the project by moving to adjacent undisturbed lands within the biological open space on-site or to off-site areas of habitat. It is doubtful that the black-tailed jackrabbit population on the project site is the last within the region as the species is widespread throughout the southwest and midwestern United States and Mexico as documented in the Jameson and Peeters 2004 report.

C1d-104 As noted in the Hydrogeological Assessment for Lilac Hills Ranch, six existing wells on the property have been pumping groundwater for at least five years with no evidence of groundwater table drawdown. Since the project is not anticipated to result in pumping at rates greater than existing conditions, no significant impact is anticipated. The estimated production of these wells is 191 acre-feet per year. The HOA will own and operate the groundwater wells and would be responsible for any restrictions imposed on groundwater pumping as a result of project approval. As a result, a less than significant impact to groundwater-dependent habitat is anticipated. Should the wells be accepted and used by VCMWD, it would be up to that agency to determine the safe yield and operate the wells in a manner that would not be detrimental to the groundwater basin. The water district would also be responsible for implementing any water use restrictions, as they do today. The goal of the wetland mitigation is to create and restore self-sustaining wetlands that do not rely on supplemental irrigation water. Therefore, the project is not anticipated to impact the long term groundwater levels and there

LETTER

RESPONSE

	<p>C1d-104 (cont.) should not be a need to provide groundwater irrigation to the mitigation areas after the five year establishment period when the wetland restoration areas are expected to be self-sustaining.</p> <p>C1d-105 After the dedication of the open space easement, the wells would continue to be the responsibility of the project HOA. As stated in the FEIR subchapter 3.1.7, the project will continue withdrawal the historical amount of 191 afy of groundwater. As discussed in FEIR subchapter 2.5, the groundwater extraction rates for the project would not exceed the current rates of extraction therefore extraction would not have an impact on the long term ground water levels or wetlands as discussed in response C1d-104. In addition, the proposed application of 700 acre-feet of recycled water, potable water, and groundwater over the site has the potential to increase the groundwater recharge rate over the existing condition, Separately, the HOA could restrict groundwater extraction as a means of preservation in a drought situation to mitigate impacts to the long term groundwater levels . The intention of the 5-year restoration period is to assure the on-going vitality of the wetland areas due to the establishment of the plants root systems and overall increase vitality of the plants. The implementation of the RMP and the increased groundwater recharge would allow the continuing irrigation of the wetland areas. There is no priority system that would require water use to be diverted to open space and wetland areas during drought conditions.</p>
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The applicant has a penchant for putting off the preparation of necessary plans until some time after the Project is approved and out of the reach of the public and the entitlements are awarded. This is like buying a pig in a poke. Is this the standard County policy?

The RDEIR is to relate meaningful, specific information in a way that the public can understand and to which it can respond. Delaying the final development of the RMP until after Project approval hides the resolution of a significant impact from the public until there is much less, if any, chance of commenting meaningfully.

Further, the RDEIR is not clear on what entity will own and manage the proposed open space easements on which important habitat creation or restoration will take place, suggesting the possibility of a private conservancy, the County, or some other experienced entity. Which is it?

How will these easements be financed into the future? The RDEIR is indefinite about endowments or Community Facility District formation or some other finance mechanism. Bonding for infrastructure or biological open spaces and their maintenance should be a pre-requisite for obtaining any building permits.

How will the applicant ensure the financial stability of the open space easements in perpetuity without burdening County taxpayers?

2.5.2.4 Wildlife Movement and Nursery Sites

The analysis of the County regarding animal movement within the Project open space corridors is optimistic. The establishment of paths within the LBZ and a mere 50-feet from the open spaces will add to the indirect edge effects that are a serious concern. Further, dependence on culverts with a diameter of 30-inches or less for a large majority of the under-road crossings will scarcely benefit small mammals and, as the County notes, will not benefit large mammals at all. The widths of the roadways under which the culverts will pass are too wide to provide satisfactory passage, even for small mammals, especially after culverts have been silted. Relegating the large mammals to taking their chances crossing road surfaces in a dense, urban setting is tantamount to a death sentence, which can be witnessed along any number of roads in the urban north county. Large mammals should be given a chance to pass under roadways in culverts sized to accommodate them, 48- to 54-inches.

The County, despite their satisfaction with the designated open spaces proposed, states "The project site does not support nursery sites for wildlife and would have no impact to nursery sites." This leads one to wonder if the proposed open spaces are indeed satisfactory for the purposes they are established? I think the County would agree that riparian habitats, even orchards, are often preferred nesting sites for a variety of birds [woodpeckers, towhees and others]. Those areas also accommodate a significant number of small mammals [mice, wood rats, raccoons, pocket gophers] as well as snakes, lizards, and insects. And, that's not counting the non-riparian native habitat on-site. It is reasonable to expect those kinds of animals are procreating and using those areas as nurseries for their offspring. So, the blanket statement that there are no nursery sites for wildlife supported on the Project is curious. How does the County respond? Has the County a special definition of nursery site that excludes the animals found on-site?

2.5.3 Cumulative Impacts

C1d-106, cont.

C1d-107

C1d-108

C1d-109

C1d-110

C1d-106 It is County practice to require preparation of a Conceptual Resource Management Plan (CRMP) during this planning phase of the project. A CRMP was prepared for the on-site open space and off-site mitigation areas and is included as Attachments 16 and 17 to the Biological Technical Report, Appendix G. These attachments were prepared in accordance with the requirements of the "County of San Diego Report Format and Content Requirements – Conceptual Biological Resources Management Plan" (2010). At this time there are several unknown factors that prevent the preparation of the final resource management plan including the identification of a management entity, and a detailed costs analysis. In addition, the location of the off-site habitat preservation area has not been determined at this time. Once an appropriate habitat area is identified, a biological resource survey will be required to document the condition of the biological resources on-site and evaluate the consistency of these resources with the required mitigation. The details of the CRMP for on-site and off-site areas may be modified when the Final Resource Management Plans (RMPs) are prepared and submitted to the County for approval. The County will review the Final RMPs to ensure that the plans meet the specified purpose and objectives. A description of the mitigation strategies, performance standards and management goals and actions are described in the CRMPs (Attachments 16 and 17) and in M-BIO-2. The existing CRMP contains the details of the information needed to prepare the final resource management plan. Once this information is available, the final resource management plan can be prepared and approved.

C1d-107 The specific resource management entity for the open space areas has not yet been determined, but will likely be a private entity or conservancy type entity.

C1d-108 The easements will be funded by one of the following financial mechanisms: Special District (e.g., Community Facility District), a non-wasting endowment, annual fees, or transfer of ownership to an existing entity for management as outlined in the Conceptual Resource Management Plan. The Final Resource Management Plan would identify the specific financial mechanism to be implemented and the final conditions of approval will identify when the financial mechanism will need to be in place.

The cumulative impacts to which this project is expected to contribute were evaluated on the basis of "past, present, and future projects within the cumulative study area." The cumulative study area is small considering the long distance movement habits of wildlife, especially the larger mammals [which are not particularly addressed in the biology technical study – probably because the field work was mostly done from 8am to 4pm, a time period during which there is less likelihood of spotting crepuscular and nocturnal mammals].

C1d-110, cont.

The 12 study sites are similar to the Project site in that they are developed to some extent and have some agriculture and some native vegetation. However, the largest of the 12 is 24-acres and only two of the 12 are over 20-acres. While useful for a RDEIR comparison, consideration should be given to all the projects undertaken in the past ten years and expected to be undertaken in the next ten years in order to have some meaning. Further, if the cumulative study area were broadened by 1-2 miles in radius to better account for the movements of the largest mammals, the anticipated Miriam Mountain Project would be included with its hundreds of acres and its prospective substantial losses of habitat. Why wasn't Miriam Mountain added to the cumulative impact study area? Is the County concerned about mammals other than those that are listed? Will the County require the applicant to restudy the Project site during crepuscular and nocturnal hours to assess the presence of large and small mammals?

C1d-111

It's worrisome that the cumulative project sites were selected based on other documents and aerial photos rather than surveys on the ground. At the less than 5-minutes per acre rate used on the Project site, it would have taken very little time to survey the 12 cumulative project sites. Why was this not done?

C1d-112

Table 2.5-5 seems rather useless for the purpose of understanding cumulative impacts since the species listed for each site are entirely speculative. We cannot ascertain if there are listed species, other than those speculated to occur, that might have occurred on one or more of them or even if the species in the table occurred on these cumulative project sites. What is the value of such tabular information to the understanding of how the Project and these selected cumulative projects might be impacting the populations of listed or unlisted species collectively within the study area or the entire county?

C1d-113

It is an exercise in distressed logic to conclude on the basis of the fictional 'study' of cumulative impact project sites that the three listed plant species found on the Project site would not suffer significant cumulative impacts. There is no factual basis for making that determination from the highly speculative "information" derived from the MSCP and photo studies. The entire north San Diego County area has the "potential" to have many or all of the species speculated. Apart from allowing the County to check off a box on the requirements for a RDEIR, there is no value to the conclusions presented.

C1d-114

The loss of the listed species on the Project site combined with similar losses occurring on off-site projects does threaten the long-term survival of these species. Every incremental loss of habitat and local populations diminishes the remaining entire population of the listed species [which are recognized to be severely diminished, or limited, just to be put on one of the federal, state or local lists]. It is not death and extirpation by just a single project, such as Lilac Hills Ranch, but death and extirpation by the thousands of projects that have preceded it and those that will follow as well. At this point, especially without the present adoption of the MSCP for north San Diego County, there is no tangible expectation of survival of these species in the north county with the procession of projects like this

C1d-115

C1d-109 Animal movement is discussed in detail in FEIR subchapter 2.5. Specifically, FEIR subchapter 2.5.2.4 finds that while the project would reduce existing blocks of native vegetation, the local wildlife corridors identified on-site are not recognized as important regional linkages in the draft North County MSCP. Nonetheless, no barriers would be created that would isolate portions of the riparian habitat within the local wildlife movement corridors from breeding or foraging habitat, or prevent access to water sources necessary for reproduction. The 50-foot buffers would be in addition to LBZ areas. The buffers and LBZ in combination have been determined to be ample to protect the native habitat from edge effects. In some places the buffers and LBZ provide 100-feet of separation. Additionally, the movement of wildlife would continue through the project site via culverts. The culverts can function as wildlife corridors and are sufficient for small terrestrial animals to avoid crossing over roads. Larger terrestrial animals would not use the smaller culverts; additionally, large mammals that are anticipated to occur infrequently on the site (such as mountain lions) are not generally inclined to use culverts. Avian movement through the site would be minimally affected, as birds would be able to continue to use the riparian woodlands by flying along the habitat corridor and over road crossings. The term nursery sites in this context refers to areas where migratory species use areas along their migration routes for breeding activities. Surveys and habitat assessments for the least Bell's vireo and southwestern willow flycatcher, both migratory avian species with the potential to occur on the site, concluded that these species are not using habitat on the site for breeding purposes. No other migratory species have been identified as having the potential to use habitat on the site for breeding activities. Thus, it was concluded that the project site does not support nursery sites for migratory wildlife and would have no impact to nursery sites.

C1d-110 Cumulative impacts to biological resources are addressed in FEIR subchapter 2.5.3. The selected cumulative project area represents those projects surrounding the project site with similar resources, habitats and within the same watershed and local ecological conditions as a means to analyze potential cumulative loss of these resources. The cumulative impacts analyses were completed in compliance with County Guidelines and the California Environmental Quality Act (CEQA). The FEIR also includes an analysis of consistency with General Plan policies. Refer to subchapter 3.1.4 and in Appendix W of the FEIR for this analysis.

LETTER

RESPONSE

	<p>C1d-111 through C1d-114</p> <p>These comments on the County's approach for cumulative impact analyses are noted. However, the cumulative study area and list of cumulative projects were developed following the CEQA Guidelines and the County EIR preparation guidelines. Specifically, as required by CEQA Guidelines section 15130 (b)(1), the project's discussion of cumulative impacts analyzes "a list of past, present, and probable future projects producing related or cumulative impacts..." The comprehensive list of projects used throughout the FEIR is found in Table 1-6. Those projects specific to cumulative biological impacts are listed in Table 2.5-5 and shown on Figure 2.5-5. Both the study area and the list of projects are considered appropriate for the purposes of the cumulative analysis in the FEIR. The cumulative impact analysis also follows the adopted County policies and relies on the previously prepared biological documents, as field studies of the cumulative projects is outside of the scope of analysis required for the FEIR (CEQA Guidelines section 15130(b)).</p> <p>C1d-115</p> <p>The draft North County MSCP has identified the large blocks of native habitat where the most biological diversity remains in the County. Even without the adoption of the draft North County MSCP, development in these areas would likely be highly restricted because of their previous identification as core biological resource areas, their geographical location which limits potential developable area (e.g., steep hillsides, riparian corridors), and current regulations that are designed to protect these large patches of native habitat from extensive impacts with the idea that development would occur in the least sensitive areas.</p>
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Project.

The notion that the habitat remaining outside of the Project site and the cumulative project sites is substantial and could easily accommodate the displaced populations from these project sites is ludicrous. Birds [like raptors], small and large mammals, and reptiles are more or less territorial with preferred size foraging areas. To suggest that if we take significant acreage away from foraging wildlife they will simply share what is left is naive, or wishful. Loss of habitat more correctly leads to loss of population size.

There is a direct impact to these listed species and others not listed from the loss of habitat on the Project site and there are indirect impacts of proximal human occupation to the habitat that remains and both are significant to the long-term survival of the species. With due respect to the County's code enforcement efforts, little is done to monitor sensitive habitat incursions after construction unless or until a complaint is received. Much of such activity occurs out of sight of the public, so it becomes difficult for even the public to monitor. The Project's conceptual plan to establish an entity to be responsible for policing indirect impacts to biological open spaces provides too few hours for a meaningful or effective program. It is suspected that the cumulative projects have similar less-than-effective plans. So, to draw the conclusion that indirect impacts are less than significant is questionable at best. What assurances can the County provide that conceptual plans for monitoring indirect impacts to remaining habitat on the Project will be effective?

C1d-115, cont.

C1d-116

C1d-117

2.5.5.2 Jurisdictional Waters and Waterways [M-BIO-3 and M-BIO-4]

The RDEIR identifies significant impacts to jurisdictional waters caused by the Project and proposes to mitigate that loss with restoration of degraded wetlands and creation of new wetlands adjacent to the existing wetlands on-site in open space areas.

The arcane formula that establishes how each jurisdiction determines how sacrificed wetlands will be mitigated and to what extent, apparently results in a straw drawing contest, and the agency that presents the longest straw sets the required acreage for mitigation, they are not additive.

The re-vegetation plan presented as M-BIO-4 is not clear regarding its success criteria. That plan requires 80% transplant/container plant survival in year 1. Is the allowance of 20% plant failure in year 1 made up in year 2 with replanting?

Is the required native plant cover percentage in year 2 based on percentage of total plant cover, including non-native species? Or, is it a requirement that 50% of the total surface area must be covered with native species?

Similarly, is the 50% diversity requirement in year 2, diversity of native species versus non-native species? Perhaps a better question is how does one arrive at a percentage of diversity?

And, what is the meaning of the density percentage compared to the cover percentage?

What is the proposed methodology for determining these parameters? Quadrats? Transects? Estimation? The Biological Resources Report is uncertain which would be employed.

C1d-118

C1d-119

C1d-116 It is doubtful that the adjacent off-site habitat areas are saturated with wildlife populations such that there is no room for additional species. These large blocks of habitat can certainly accommodate more wildlife individuals. Species will adapt their territories to the available habitat, for example, those species that are territorial will defend their habitat areas, sending those species immigrating to other unoccupied patches of habitat. Population sizes will equilibrate over time, replacing any initial losses that may occur during the immigration.

C1d-117 The conceptual RMP is prepared to set the minimum standards for the Final Resource Management Plan. The details of the monitoring of the biological open space areas may be modified in the final RMP to help address any inadequacies in the monitoring program. While the final RMP provides the framework for monitoring the effectiveness of the measures designed and implemented to reduce indirect effects on the adjacent biological open space, it is anticipated that adaptive management measures may need to be implemented in the future if indirect effects are not being sufficiently addressed.

C1d-118 These comments on the mitigation formula adopted by the County for impacts to jurisdictional wetlands are noted.

C1d-119 Impacts to riparian habitat and/or sensitive natural communities are mitigated through the preservation of on-site biological open space and the purchase and preservation of native habitats off-site. RMPs are required for these open space areas to ensure their success and provide for long-term management as biological preserves. Regarding success criteria for the RMPs, all yearly goals are calculated as a percentage when the mitigation site is compared with similar values at a reference site. The yearly diversity goal is based on the comparison of native species plant diversity at the mitigation site with the reference site, calculated as a percentage. Density refers to the number of individuals in a given area while cover refers to vegetative canopy cover. If the Year 1 goals for plant cover are not met, then the addition of new container stock in Year 2 would make up the deficit. Natural recruitment may also make up some of the plant loss from year to year. The yearly vegetation cover goals are based entirely on native species only.

LETTER

RESPONSE

	<p>C1d-119 (cont.)</p> <p>M-BIO-4 sets forth the success criteria/performance standards. The specific methodology used to calculate the success goal parameters can be any or a combination of sampling methods (i.e., quadrats, transects, estimation, etc.) and will be decided by the specific restoration monitor chosen. If the success criteria/performance standards are not achieved the applicant will consult with the County to develop appropriate remedial measures. The Conceptual Resource Management Plan has been prepared to the current County standards and is a technical document used by restoration experts.</p> <p>It is anticipated that not all plants installed in the first year of the mitigation effort will survive, therefore, there is an allowance of 20 percent loss. It is anticipated that this level of plant mortality in year 1 will not jeopardize the overall mitigation effort and that natural recruitment, either by seed or vegetative spread, shall compensate for these losses in year 2, if not then additional planting of native container stock shall be required such that the year 2 goals are met.</p> <p>The 50 percent vegetation cover requirement refers only to native plant cover.</p> <p>The diversity requirement is based on a comparison of the diversity of native species at the mitigation site to an approved natural reference site as a percentage of native species present at the reference site versus the mitigation site.</p> <p>The density requirement is based on a comparison of the native species density at the mitigation site to an approved natural reference site as a percentage of native species present at the reference site versus the mitigation site.</p> <p>The methodology used to determine performance criteria are determined by the person doing the measurements, but typically involve a combination of methods. For example, transects can be used to measure vegetation cover and diversity while quadrats can be used to measure density, diversity, and cover.</p>
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Shouldn't this plan be presented in a more complete and understandable form?

C1d-119, cont.

The Report acknowledges that the open space areas within the Project would be largely confined to the drainage courses that the Project will avoid [Biological Resources Report 3.2.8, p. 81]. The Report describes the open space areas as "...narrow and mostly surrounded by development except along the western and southern boundary of the project." The Report also suggests that significant edge effect impacts on the proposed open space areas of the Project would result from increased human access, potential increases in predation/competition on native wildlife from domestic animals, potential increases in invasive plant species or other domestic pests, alterations to natural drainage patterns, potential noise effects and potential effects on wildlife species due to increases in night time lighting. These significant impacts would most affect sensitive riparian birds, but the RDEIR says,

C1d-120

"...habitat quality, functions and values would likely decrease also."

So, shouldn't the Report and RDEIR also conclude that species other than birds [mammals, reptiles, amphibians, etc.] would suffer from the degraded habitat quality and propose mitigations directed at those other species?

Surprisingly, the Report asserts, that a 50-foot buffer around the preserved wetlands in the on-site biological open spaces can mitigate significant edge effects. A 50-foot buffer poses little challenge to domestic animals, children or adults, night lighting, invasive plant species or other domestic pests. Adding fencing and signage is only marginally helpful. How will the applicant ensure the integrity of the preserved wetlands and open space in the face of these significant impacts?

C1d-121

How will the mitigation of these impacts be monitored and adequately enforced?

Why is there no definitive plan described in the RDEIR or the Report that addresses how these preserved wetlands will be secure from the reported threats?

What was the basis for dismissing the significant impacts by simply adopting a 50-foot buffer? Is the County assuming complete compliance by new residents and their children, pets and gardeners? What is the County's record of public compliance with signage and rules for other similar restricted open spaces within the County? What are the penalties and what is the record of the County in prosecuting, either by citation or in court, violations of the rules governing open spaces in private developments?

C1d-122

There will be trails within the limited building zone [LBZ]. How will the LBZ address the edge effects cited?

C1d-123

2.5.5.3 Wildlife Movement and Nursery Sites

The RDEIR says that the impacts to wildlife movement and wildlife nursery sites would be less than significant and no mitigation is required. However, riparian woodland and wetland corridors are the conduits for movement of many animal species. The principal drainage for the Project and its surrounding area runs along the western edge of the Project site with multiple tributary drainages running through the Project in southwesterly directions toward the principal drainage. This drainage system, and its associated

C1d-124

C1d-120 The discussion of potential edge effects on the biological open space habitats would encompass all wildlife species that use those habitats. Project design considerations (e.g., buffers, limited building zones, barriers, etc.) would reduce these potential edge effects and mitigate these effects below a level of significance.

C1d-121 through C1d-123

The reduction in the level of significance for indirect impacts on the biological open space involves more than just the 50-foot buffer. The buffer in combination with the limited building zone, barriers, educational signage, and management of the open space are all factors considered in the determination of significance. In addition to those project features designed to reduce potential edge effects, the open space area would be managed to oversee the effectiveness of these project features in accordance with the Final Resource Management Plan. The open space would be managed by a resource manager whose duties would include the monitoring and enforcement of the potential effects of encroachment into the open space areas.

Attachments 16 and 17 of the Biological Resources Report contain Conceptual Resource Management Plans which describe how the preserved wetland would be managed to reduce any potential indirect edge effects. A Final Resource Management Plan would be prepared that would contain the specifics of the resource management of the biological open space area on-site. Please also see response to comment AI-18.

The LBZ is outside of and in addition to the proposed 50-foot habitat buffer. These two zones create horizontal separation of at least 150 feet to reduce potential edge effects on the preserved habitats. Any trails that traverse LBZs near open space would be appropriately managed and designed with consideration of protection of open space.

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wetlands and riparian woodlands, offers transit corridors for the animals inhabiting the Project site as well as neighboring properties.

However, the Project is proposing culvert pipes under the roads that transect the wetland corridors that will range from 18-inches to 54-inches in diameter. Of the seven riparian crossings, six are proposed to have culverts of 18- to 30-inches diameter. These culverts are too small to allow effective transit by wildlife and will impose barriers to movement or, more likely, funnel wildlife onto the road surfaces where there will be encounters with automobiles. To be effective transit elements under the roads crossing the wetlands and to permit wildlife to avoid crossing the surface of the roads, such culverts should be a minimum of 40- to 54-inches to accommodate larger mammals. As the biology technical report notes, southern mule deer are relatively common and three were seen on-site. Further, animals that are more nocturnal than the deer seen diurnally by Recon, such as gray fox, coyote, striped and spotted skunk, raccoon, bobcat, mountain lion, and long tailed weasel, are more likely to use larger diameter culverts than the small ones proposed [all of these species are known to be in the area and to have ranges that are cited as such by V.H. Burt and R.P. Grossenheider, *Field Guide to the Mammals*, 1964]. What is the basis for proposing smaller culvert pipes? Is it for the convenience and cost-avoidance of the applicant? Bridging should be considered for several of the crossings.

While these corridors have not been 'designated' in the draft MSCP/PAMA plans for the County, they perform the same function in the area of the Project site as the corridors delineated in the MSCP/PAMA plan, only on a more local, or secondary scale. To say that their destruction is less than significant must depend on whether the on-site and nearby off-site populations can be quantified as significant or not. That has not been done. The significance of these on-site corridors remains to be determined.

However, given the scope of the Project, likely any local value of these drainage wetlands as transit corridors will be compromised by the edge effects caused by the Project and the direct impacts caused by road crossings within the Project. What objective assessment has been done to determine the significance of these impacts, if any?

As for nursery sites, of the 13 Group 1 species observed on-site, 6 are reptiles or mammals. The seven bird species would likely nest in the riparian woodland or orchard areas. Why is this not significant? Further, small mammals are likely to favor sites near watercourses for nesting as well. Why did the County dismiss the usefulness of the open spaces and attendant buffer zones, not to mention orchards, as nurseries?

C1d-124, cont.

C1d-125

C1d-126

C1d-127

C1d-128

2.5.5.4 Local Policies, Ordinances, Adopted Plans

The RDEIR suggests that the Project would comply with several County, State and Federal policies and laws relating to biological resources. However, the RDEIR notes that under the Natural Community Conservation Plan [NCCP] for coastal sage scrub [CSS] vegetation, there is no *de minimis* limit for significance. Yet, there is no data to support the conclusion that the 17-acres of CSS to be removed by the Project is insignificant, even in the face of the California Department of Fish and Wildlife's estimate that in the five county southern California region covered by NCCP, approximately 85 to 90 percent of the historically occurring CSS has been extirpated. The RDEIR seems overly casual about designating this 17-acres of CSS as insignificant. And, interestingly, the NCCP plan for San Diego County will be manifested in the still draft MSCP/PAMA.

C1d-124 through C1d-126

See response to comment C1cd-109.

C1d-127 The County of San Diego Guidelines for Determining Significance for Biological Resources defines Native Wildlife Nursery Sites as sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. The project site does not contain any areas that meet this definition. Although 13 Group 1 species were observed on-site, the population estimates based on observations made in the field concluded that the site does not support large numbers of individuals of any of these species. Habitat being preserved in biological open space would continue to support these species.

C1d-128 FEIR subchapters 2.5.2.2 and 2.5.4 both clearly state that impacts to coastal sage scrub habitat would be considered significant. Mitigation for coastal sage scrub impacts would still be required at the designated ratio whether or not the draft MSCP/PAMA is approved. The Draft Habitat Loss Permit contains the necessary findings in support of the habitat loss per the NCCP guidelines in the absence of an adopted MSCP document/plan. All impacts to coastal sage scrub are considered significant and require mitigation with or without the MSCP/PAMA per County and Wildlife Agency requirements. While the loss of small stands of CSS contribute to cumulative losses of this habitat type, the NCCP CSS programs focus on the more important task of preserving larger blocks of CSS habitat that have been shown to be more beneficial for the preservation of CSS and the diverse assemblage of organisms supported by this habitat type. In general, the larger the acreage the more significant the patch becomes, however, other factors such as presence of sensitive species may make smaller patches of habitat significant.

So, what are the ramifications for mitigation if the draft MSCP/PAMA is not approved?

Will there be a significance threshold established in the MSCP/PAMA for CSS if it is approved?

Doesn't the nibbling away of CSS, even when in small stands, inexorably work against the principles of the NCCP CSS program?

At what acreage does a stand of CSS become significant without a delineated animal species observed on-site?

It seems the Project will comply with the Valley Center Community Plan and the San Diego County General Plan only after they have been changed to meet the requirements of the Project. That is a strange form of compliance.

C1d-129

C1d-130

C1d-131

Cumulative Effects

The Report and RDEIR pay little attention to the cumulative effects of the Project on regional biological resources. The Report and RDEIR focus on effects within the boundaries of the Project with little acknowledgement of the ramifications of this Project on the County as a whole or the Valley Center Planning Area. The Report cites 12 projects that were compared and evaluated against the proposed Project. The review asserts that the majority of the impacts generated by this collection of historic, current and planned projects were to agricultural lands, with little to no impacts to native upland or riparian habitats.

C1d-132

Of course, the Report makes that statement with some satisfaction, apparently not realizing that the loss of agricultural land is contrary to one of the County's General Plan Guiding Principles, as well. Further, all twelve of the referenced properties in Table 2.5-5 [p.46] are much smaller than the proposed Project, the largest being 44.2-acres and the smallest 5-acres. All are within a few miles of the proposed Project and all are planning parcels larger than 2-acres, some as large as 4-acres in compliance with the present county General Plan and the Valley Center Community Plan. The proposed Project does not comply with the county's General Plan or the Valley Center Community Plan in this regard.

C1d-133

The comparison doesn't seem an apt one for analyzing regional cumulative effects. If we take San Diego County as the 'region' or even North San Diego County as the region, we should be looking at the historic extent of coastal sage scrub, southern mixed chaparral, southern coast live oak riparian woodland, coast live oak woodland, southern willow scrub, southern willow riparian woodland, and wetlands within that area compared to what exists today. We should then ask to what extent have these vegetation communities been extirpated and to what extent the remaining examples of those communities have significance. Comparing proposed destruction in one project with destruction that has or will result in a handful of other smaller projects isn't an effective measurement of cumulative effects. Will the county examine meaningful cumulative effects within the entire county or, at least, within the northern part of the county?

C1d-134

C1d-129 The mitigation requirement for coastal sage scrub (CSS) will not be affected if the draft MSCP/PAMA is not approved as the CSS habitat provided as mitigation will still be conserved.

All impacts to CSS are considered significant within or outside of the MSCP/PAMA.

The NCCP CSS program is designed to protect the larger blocks of CSS habitat which are most important for the conservation of biological diversity. Thresholds for the loss of CSS have been established for jurisdictions until such time as a habitat conservation plan is approved. These losses are generally approved in areas outside of areas deemed a high priority for conservation.

C1d-130 The County considers all impacts to coastal sage scrub as significant.

C1d-131 The proposed changes to the adopted VCCPG and the General Plan would not result in significant impacts relative to biological resources and hence were determined to be consistent with the goals, policies, and objectives of these plans.

C1d-132 through C1d-134

Cumulative impacts to agricultural and biological resources are addressed in FEIR subchapters 2.4.3 and 2.5.3, respectively. The selected cumulative project area represents those projects surrounding the project site with similar resources, habitats and within the same watershed as a means to analyze potential cumulative loss of these resources. The cumulative impacts analyses were completed in compliance with County Guidelines and the California Environmental Quality Act. The FEIR also includes an analysis of consistency with General Plan policies. Refer to subchapter 3.1.4 and in Appendix W of the FEIR for this analysis.

2.6 CULTURAL RESOURCES

1. The Technical Report (TR) and DEIR address the cultural features individually. In very important ways, It seems to fail to view the Project area overall. DEIR Section **2.6.3 Cumulative Impact Analysis** states:

"the confluences of drainages are often major habitation site locations" and that "the San Luis Rey river valley comprised a major travel corridor and its confluence with Horse Ranch Creek was a focus of prehistoric habitation." It further states, "that Tom-Kav (CA-SDI-682; the Pankey Site) is documented in that area." The DEIR goes on to say that "a similar situation is found at the confluence of Moosa Canyon and the South Fork of Moosa Canyon, near Gopher Canyon. CA-SDI-5072 and associated sites have been suggested as the Luiseño village of Moosa."

The documented presence of artifacts and sites seem to support the richness of the Project site and surrounding areas. The proposed mitigations and preservation procedures appear to be piecemeal for a project as large and transformative as LHR.

If approved with a determination of less than significant impact, would not the Project cause the loss of individual sites with their information, as well as the basic integrity of the cultural significance of the larger area? This could squander the opportunity for future generations to study and appreciate this area and what it could potentially yield.

How does the Project plan to determine if such a large center of civilization existed in the Lilac Hills Ranch (LHR) project area?

How will the Project address further necessary consultation given the size (as well as location) of this Project?

How will piecemeal mitigations and procedures be avoided to assure accurate and complete overall evaluation of the Project?

C1d-135

C1d-136

C1d-137

C1d-138

2. The following is stated in the DEIR (**2.6.5.1 Archaeological Resources M-CR-1**):

"In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery to allow evaluation of potentially significant cultural resources."

What measures will be used to determine the monitor's credentials and objectivity?

Will leading and properly trained tribal members from all local bands of Luiseno native Americans be consulted: 1) to determine who the monitor will be; and 2) when a potential finding is recognized?

How might this broad consultation mechanism be put into place?

These concerns seem particularly relevant in light of the fact that the TR states that this is an area which has the potential for rich archeological findings and that many diverse tribes could have inhabited this and surrounding areas, many with different types of settlements, yet to be discovered.

REIR Changes: The concerns expressed in this section have yet to be addressed. Please do so.

C1d-139

3. **2.6.5.1 Archaeological Resources M-CR-1:**

Prior to approval of a Final Map, the applicant shall implement the data recovery program prepared by Mary Robbins-Wade (Affinis 2013) for site CASDI-20436. The data recovery program shall be

C1d-140

C1d-135 through C1d-138

It is noted that the FEIR subchapter 2.6.3 cultural resource cumulative analysis quoted in this comment differs than what was included in the 2014 FEIR.

The FEIR appropriately analyzed all project impacts together and the FEIR does not piecemeal the project as the comment suggests. Due to the variation between archaeological sites and the CEQA criteria for determining significance, each individual archaeological site must be evaluated for significance individually and, if necessary, mitigation must be developed specifically for each archaeology site. The analysis evaluates the entire site and off-site improvement areas as a whole and, as this comment points out, in the context of the cumulative study area.

As indicated in the FEIR, the project would preserve all known on-site resources that meet the CEQA significance criteria. The FEIR identifies potentially significant impacts to unknown resources and an off-site site CA-SDI-5072 and identifies mitigation (M-CR-2 and M-CR-3) for those potential impacts. The importance of cultural resources under CEQA is tied to the archeological information the resources have. The proposed mitigation includes curating or, as appropriate, repatriating recovered materials. Also, documentation of the sites would be archived at the South Coastal Information Center (SCIC) that serves to make the information available to future researchers, so that associations with other sites and the overall area can be better addressed. As the proposed preservation and project mitigation preserves the archeological resource information for the future, the project's impacts are considered mitigated to below a level of significance.

In the results section of the cultural resources study (Appendix H-1) and FEIR subchapter 2.6.1.5, it was determined that all four of the sites tested were processing locations and that one of the sites also included a temporary habitation component.

It was determined that all four of the sites tested were processing locations and that one of the sites also included a temporary habitation component. Consultation (SB 18) between the applicant, the County, and the Native American community is ongoing and is required as a matter of law. Native American monitoring is required for the project (M-CR-1 to M-CR-3). Consultation with the Luiseño

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RESPONSE

	<p>C1d-135 through C1d-138 (cont.)</p> <p>Native American monitor is required during archaeological monitoring including if cultural resources are identified. If human remains are identified, consultation with the Most Likely Descendant (MLD) would also be required.</p> <p>The FEIR addresses the project as a whole and does not piecemeal the project. As indicated above, a thorough cultural resources survey of the project site that meets industry and County standards was conducted to identify any cultural resources. As such, the integrity of the project site in relation to the larger area would be preserved in the information that was obtained during the study. The FEIR identifies impacts for the entire project and mitigation to reduce potentially significant impacts to below a level of significance.</p> <p>C1d-139 It is noted that M-CR-1 included in the FEIR does not include a data recovery program and instead requires preservation of the portion of CA-SDI-20436 that is considered significant.</p> <p>Monitors must have the education and experience necessary to conduct monitoring and will be under the direction of a Principal Investigator who is on the County's list of Approved Consultants.</p> <p>Several Luiseño tribes have monitoring capabilities with monitors who have experience and training in working with archaeologists and monitoring during earth disturbing activities. The Principal Investigator who conducts the monitoring program would be responsible for overseeing and contracting with appropriate Luiseno Native American monitors. Consultation during earth disturbing activities is incorporated into the conditions of approval. Furthermore, if human remains are identified, consultation with the MLD is required. As indicated above, consultation (SB-18) between the applicant, the County, and the Native American community is ongoing and required by law.</p> <p>The County is in agreement that the area in which the project is located is rich in cultural resources. This is why the FEIR identifies a potentially significant impact to unknown subsurface archeological impacts and requires mitigation that includes monitoring and, as necessary, curation or repatriation of discovered materials.</p>
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implemented prior to the commencement of any grading and/or improvements. All data recovery shall include a Luiseño Native American monitor.

Who will the monitor be and will that monitor be acceptable to at least a majority of the tribes involved and affected?

REIR Changes: The credentials of the Native American Monitor have still to be addressed. Please do so.

4. Under **2.6.1.3 Methods** (DEIR), Appendix H-1. Walking parallel transects spaced 10 meters to 15 meters apart appears to be inadequate under the circumstances. What is the justification for such a 'wide net'?

If review of the justification by the local tribes shows the methodology to be inadequate, describe and submit a more rigorous search methodology.

REIR Changes: The concerns expressed in this section have yet to be addressed. Please do so.

5. Under **2.6.1.4 Records Search Results**:

CA-SDI-4808 was originally recorded during the archaeological survey for the proposed I-15. It was described as a "small milling site, which may be considered a branch of CASDI-4807. CA-SDI-4808 was tested in 1978 to determine site boundaries and evaluate significance. The report concluded that the assemblage appears to be much too limited to make a case for any type of site, which would be distinct from the two villages during San Luis Rey II times. The previous survey concluded that no hypothesis can be made at this time regarding its function during a possible earlier occupation."

The 1978 study is quite old and likely limited. What is the justification for not requiring a more contemporary study that is properly and thoroughly conducted?

If review of the justification by the local tribes shows the study to be inadequate, describe and submit a more rigorous research approach.

A separate village site from those already known and from a different era could be a significant finding. New light would potentially be shed from an up-to-date study.

REIR Changes: The concerns expressed in this section have yet to be addressed. Please do so.

6. **2.6.1.4 Records Search Results**

The TR and DEIR propose to use studies that are nearly 35 years old. Should they be re-examined by today's standards and in the light of additional information?

In addition, local tribes have advanced significantly in American society in terms of: finance, poverty/wealth and education. Many more Native Americans have been schooled in archeology in particular. A more contemporary study, properly and thoroughly conducted would likely yield significantly different results. A prime example of the benefits of a more current study would be to shed some light upon the potential separate village site, apart from those already known.

Isn't it likely that the involvement of more tribes with members who have more sophisticated archeological skills could shed new light upon the current cultural resource picture?

REIR Changes: The concerns expressed in this section have yet to be addressed. Please do so.

C1d-140, cont.

C1d-141

C1d-142

C1d-143

C1d-140 The project mitigation has been revised to require the preservation of CA-SDI-20436 in open space instead of a data recovery program. In general, as addressed above, the Principal Investigator would be responsible for contracting Luiseño monitors through one of the tribal entities with trained monitors. There is no effective mechanism to guarantee that any monitor would be acceptable to all or a majority of the tribes.

C1d-141 This is the standard transect spacing used in archaeological surveys. The archaeologists thoroughly checked bedrock outcrops, cut banks or other exposed soil profiles, and other high-potential areas during the evaluation. No comments have been expressed by the Tribes disagreeing with the methodology that was used.

C1d-142 CA-SDI-5072 was originally recorded in 1977 and was noted as a village site. CA-SDI-4808 was addressed as a previously recorded site in proximity to proposed off-site improvements for the project. It was subsumed under SDI-5072 in 1980. The site is located in an area where trenching for signalization is required and the FEIR identifies a potentially significant impact to this site (Impact CR-3).

If the trenching for the signalization cannot be accommodated within the existing fill layer above the native soils, mitigation M-CR-3 that includes a capping program is required. No further study is required. Archaeological monitoring is required for all off-site improvements as a part of mitigation M-CR-2. See response to comment C1d-135-138, above, regarding the requirements of archaeological monitoring including the identification of unidentified, buried resources.

C1d-143 The records search addresses previous studies to give a background for understanding the current study. A thorough cultural resources survey was conducted for the project, which included Native American consultation (SB 18) and the presence of Luiseño Native American monitors during all fieldwork. All Luiseno Tribes were invited to consultation under SB 18. Only Soboba, Pechanga, Rincon, Pala, and San Luis Rey requested consultation which has been an ongoing throughout the processing of the project. Consultation with Pala has been concluded and consultation is ongoing with all of the other Tribes. Also see response to comment C1d-135-138, above regarding the study.

7. 2.6.1.5 Summary of Survey and Testing Results

"Eight houses within the project site are potentially over 45 years old based on maps and aerial photographs."

Could this area be considered an historic district because of the sheer amount of properties over 49 years old?

How have these types of settlements been treated regarding archeological significance in other circumstances: regionally, in California and in other parts of the United States?

REIR Changes: The concerns expressed in this section have yet to be addressed. Please do so.

Additions to the REIR from the original DEIR

2.6.2.2 Issue 2: Archeological Sites

"The project includes proposed trails that are located in proximity to sensitive cultural resources. In general, existing dense vegetation would keep trail users away from these sites. In order to further discourage trail users from wandering off the trails, the project includes fencing in select areas, barriers to keep out vehicles, and signs noting that users have entered an environmentally sensitive area. Signs would be posted at regular intervals along the trails indicating the presence of environmentally sensitive areas and reminding users to stay on the trail. The signs would not in any way point out the locations of cultural resources.

Pursuant to the Specific Plan Section IV, the project would provide for ongoing monitoring and maintenance of the signage and fencing that would provide ongoing protection of the sensitive cultural resources. With the inclusion of these project features, the proposed trails would have a less than significant impact to known cultural resource sites."

Who will be doing the monitoring? Artifact scavengers are known for their persistence and tenacity. Effective monitoring of a lengthy trail and the maintenance of its signs comes with a cost. How much would this add to the price of a unit and monthly maintenance fees along with other very costly construction and infrastructure expenses? Considering LHR's less than luxurious location, it looks to be pricing itself out of the market, resulting in an unrealistically encumbered large piece of land. On the other hand, ineffective monitoring is less costly, but has the price of endangering important cultural artifacts.

2.7 Hazards and Hazardous Materials

2.7.1.1 Regulatory Setting

Among other federal and state regulations, the County of San Diego's General Plan Safety Element sets goals for safety, particularly as they relate to land uses, planning, hazardous materials, and human safety. Goal S-11 reads:

***Controlled Hazardous Material Exposure.** Limit human and environmental exposure to hazardous materials that pose a threat to human lives or environmental resources.*

Among the policies intended to achieve that goal is Policy S-11.5:

***Development Adjacent to Agricultural Operations.** Require development adjacent to existing agricultural operations in Semi-Rural and Rural Lands to adequately buffer agricultural areas and ensure compliance with relevant safety codes where pesticides or other hazardous materials are used.*

C1d-144

C1d-145

C1d-146

C1d-144 The presence of eight homes within the approximately 600-acre project site does not itself constitute a historic district. To be designated as a historic district, the houses would be required to meet the criteria for listing on the California Register of Historical Resources (see FEIR subchapter 2.6.1.2). When taken individually or collectively, the eight houses on site do not meet the criteria for listing on the California Register. As detailed in the FEIR subchapter 2.6.1.5, seven of the eight houses within the project site that are over 45 years old were built between 1953 and 1964. They are typical post-World War II residential construction, lacking historical or architectural significance taken individually or collectively. The single house that predates 1950 has been substantially remodeled and does not retain the necessary integrity to qualify as a significant resource. In addition, this house is not architecturally or historically significant either individually or as a contributor to a district. The FEIR subchapter 2.6.2.1 was updated to clarify this.

Archaeological monitoring is required by M-CR-2 for all earth disturbing activities, including areas of the project site in which these structures are located.

C1d-145 As indicated in mitigation measure M-CR-2, monitoring would be completed by County-approved archaeologists. The remainder of this comment raises economic, social, or political issues that do not appear to relate to the project's physical impact on the environment, and no further response is required.

C1d-146 Significant impacts associated with agricultural adjacency issues are addressed in FEIR subchapter 2.4. The project identifies significant indirect Impacts AG-2 through AG-15 related to adjacency issues. Mitigation measures M-AG-2 through M-AG-5 are proposed to provide adequate buffering on-site and reduce the potential impacts to below a level of significance. The mitigation buffers on-site residential and other uses from off-site agricultural operations which, in some cases, include pesticide usage. The FEIR was revised to direct the reader to the Agricultural Resources section for a full evaluation of the project's compatibility with off-site agricultural operations including a discussion of adjacency areas and off-site spraying. The project design features combined with the required mitigation is adequate to protect future residences with adjacency issues. For additional information, refer to FEIR subchapter 2.4, Table 1-3 and Global Response: Agricultural Resources, Indirect Impacts.

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Given the density of the proposed Lilac Hills Ranch development [the Project] [from 2.9 to 20+ dwelling units per acre on 608-acres], and given the intimacy of the proposed Project with the existing productive agricultural operations on the thousands of acres that surround it, why is there no discussion of the buffering requirements needed to separate prospective residents of the Project from the on-going spraying of fumigants, pesticides, and fertilizers on agricultural lands that border the Project?

Human safety, in these particular circumstances, would seem to warrant not only a discussion of buffers to existing agricultural operations, but also an actual plan to buffer. Is there a buffering plan?

The present plan appears to ignore buffering of neighboring agricultural operations completely. This Project is replete with sensitive receptors such as schools, parks, homes, a church and a senior assisted living facility. Does the applicant anticipate that the County will impose buffer areas on the surrounding agricultural operations after approval of the Project?

Have the surrounding agricultural operations been notified that their operations may be significantly impacted if buffering is imposed on them rather than the applicant?

Policy S-11.5 seems to put the burden of buffering on the applicant, not the existing agricultural operations. Will this be one of the General Plan policies that will be changed to accommodate the Project at the expense of established agriculture?

A reasonable analysis of the buffering requirement would conclude that buffering surrounding agricultural operations from the Project presents a significant impact to existing agriculture. The applicant's "Analysis of Project Impacts and Determination of Significance," [2.7.2] points to how significant this impact is:

The project would result in a significant impact if it would:
 1. *Hazardous Substance Handling: Create a significant hazard to the public through the use of hazardous substances.*

While the applicant's intention was to discuss the applicant's proposed on-site handling of hazardous materials, that discussion should have also included the issue of buffering the application of pesticides, herbicides, fungicides, amendments and fertilizers by existing agricultural operations. More than one operation adjacent to the Project uses helicopters to apply agricultural chemicals to broad swaths of orchards and fields. Overspray could be an issue if not properly buffered. How will the applicant address this CEQA mandatory finding of significance?

2.7.2.1 Hazardous Substance Handling

In the discussion about hazardous materials in connection with the Wastewater Recycling Facility [WRF], the RDEIR states:

Based on conformance with the described requirements for hazardous materials, the project would result in less than significant impacts related to use of hazardous substances.

It seems to be saying that if all the rules are followed there is little risk of an accidental

C1d-146, cont.

C1d-147

C1d-148

C1d-149

C1d-150

C1d-147 Please see response to comments C1d-146, and Global Response: Agricultural Resources, Indirect Impacts. An agricultural compatibility buffer is proposed for several locations around the perimeter of the project. However this buffering is not imposed on the adjacent landowner's property. All landowners have been provided notice of the proposed project and the EIR public review(s) in accordance with County notification requirements.

C1d-148 An agricultural compatibility buffer is proposed for several locations around the perimeter of the project. However this buffering is not imposed on the adjacent landowner's property. All landowners have been provided notice of the proposed project and the EIR public review(s) in accordance with County notification requirements

C1d-149 Refer to Global Response: Agricultural Resources, Indirect Impacts, and FEIR subchapter 2.4. As suggested by this comment, the FEIR identifies significant indirect impacts related to adjacency issues and identifies appropriate mitigation to reduce these impacts to below a level of significance..

C1d-150 As discussed in the FEIR, subchapter 2.7, the risk of accidental release of chlorine gas is less than significant. The multiple safety measures taken include required inspections by multiple agencies; a Risk Management Plan (RMP) and plant design all ensure that the impact of the location and operation of the Water Reclamation Facility (WRF) is less than significant.

release of a hazardous material like chlorine gas. And yet, there was just such a release at the Escondido water treatment facility last year. That facility was operating under the same strict federal, state, and county controls that are being cited here.

This suggests that the risk of such accidents is real and not zero probability, even under strict control. One might conclude that even with Best Management Practices, the risk is real and likely significant. Given that the proposed school site is a mere 686-feet from the WRF and homes only 250-feet away, and down wind most days, isn't the conclusion that the risks from the use of toxic, hazardous chemicals are less than significant, overly optimistic?

And, if not, what is the calculated probability of such an event using risk analysis techniques?

Also regarding the WRF, in the early phases of the Project before the WRF is constructed, sewage will be trucked to an off-site location for disposal. That same trucking issue will continue after construction is complete and the WRF is operational, in order to dispose of waste solids screened from the influent. What impact would the 2-3 times weekly truckloads of sewage and/or waste solids have on the safety of residents in the Project?

Will there be a plan in place to deal with an accidental sewage or sludge spill?

What impact will those same frequent trips have on the traffic flow to and from the Project?

C1d-150, cont.

C1d-151

C1d-152

C1d-153

C1d-154

C1d-155

2.7.3 General

The entire Hazard section identifies a single Hazard Impact HZ-1 Fuel Management Zones, and proposes ineffective mitigation of HZ-1.

The Deer Springs Fire Protection (DSFPD) has not agreed to any of the four Options that the County has cited as valid solutions to provide 5 minute Fire and Advanced Life Support (ALS) Service to the Project. In fact, the DSFPD has certified on the Project Availability Form that it can provide an average seven-minute response time to the Project.

Fire Protection response time

As of this date, DSFPD has disagreed with all four Fire Protection Service Options listed in Subchapter 2.7 Hazards. DSFPD has responded that it intends to serve the Project from the existing Station 11 at Circle R Drive and Old Hwy 395.

Using Station 11 to serve the Project, response times for the furthest area of the Project is 9.5 minutes, and DSFPD has assessed "average" service at 7 minutes on the Project Availability Form.

This creates a Significant Impact – Failure to meet 5-minute response time, which has not been mitigated. Counter to the County's statements in the RDEIR this is a **Significant Unmitigated Impact** until Mitigation measures are agreed to.

Fuel Management Zone (FMZ) Impact HZ-1

We agree with the County that the Project has not provided the FMZ that Fire Codes require. Refer to Chapter 1 Figure 1- 6 Fire Protection Plan. The mitigation offered by the County is that property owners surrounding the Project provide an FMZ by managing fuel loads on their own private lands for the benefit of the Project.

This mitigation offered by the County is ineffective, and requires continuous and uniform maintenance by property owners outside the project that do not have a requirement to provide the Project's FMZ.

C1d-151 The FEIR, Chapter 1.0 and subchapter 3.1.7, has been revised to clarify that sewage may be collected and trucked to an off-site facility for the first 100 homes. This is necessary due to the fact that a minimum flow would be needed to operate the WRF and as soon as sufficient flows are available, trucking operators would cease.

The sewage will be hauled by a company that is familiar with the practices and response procedures needed when hauling sewage. These include safety procedures for the truckers themselves as well as procedures for accidental spill of material. Initial trucking of sewage will likely take place for a period of three to six months and would involve approximately one to three trucks per week.

The comment also discusses trucking after the construction of the WRF is operational. The other type of material that would be screened from an on-site treatment plant would be dry solids and would be disposed of in a bin. The company would be familiar with the procedures needed to deal with an accidental spill. In the case of the screenings it would be a spill of solid material not liquid material. The facility is designed to contain any spills that may occur on-site.

C1d-152 As discussed in response to comment C1d-151, trucking of sewage would be required for up to the first 100 homes. This would equate to approximately three truck trips per day as estimated in the Wastewater Management Alternatives Report (FEIR Appendix S) and the traffic impact was included in the Traffic Impact Statement (FEIR Appendix E and this study included 6 ADT for these truck trips) and the related analyses. .

C1d-153 It is noted that the most recent comments from DSFPD were provided July 28, 2014. See Global Response: Fire and Medical Services for a thorough discussion of this topic.

There is sufficient information provided to the County, which can support the four options as feasible and that the options can achieve comparable emergency response objectives. The Capabilities Assessment (Appendix D of the Lilac Hills Ranch Specific Plan) thoroughly examined the four options and provided sufficient evidence to support the feasibility of each of the options.

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	<p>C1d-153 (cont.) (Capabilities Assessment, Executive Summary, pages x-xiii.) The ultimate determination of feasibility is made by the County Board of Supervisors who prepare the findings in the project approval process. (<i>Los Angeles Unified School District v. City of Los Angeles</i> (1997) 58 Cal. App. 4th 1019.)</p> <p>C1d-154 See Global Response: Fire and Medical Services for a thorough discussion of this topic.</p> <p>C1d-155 The commenter's agreement with the Impact HZ-1 is acknowledged. Mitigation M-HZ-1 states that either an easement shall be obtained to allow compliance with the 100-foot FMZ standards off-site, or measures identified in the FPP shall be used to provide equivalent fire protection. The easement would allow the project access to the adjacent parcels to complete brush management. If the adjacent property owners do not agree to an easement, then the project would implement the equivalent fire protection measures. Either mitigation option would be effective and enforceable, and would provide protection in compliance with the County Consolidated Fire Code.</p>
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The effective mitigation is for the Project to apply a uniform FMZ to Fire Code requirements on the Project's property exclusively. Please amend the Project's Tentative Map and Site Plan to reflect this and remove the Impact. **C1d-156**

Evacuation Route Comments

The County concludes the following:
 "Through implementation of the project design features included in the Evacuation Plan, impacts associated with the adequacy of an evacuation process would be less than significant."

This is an unsubstantiated comment by the County. We find an Impact that is not mitigated effectively. **C1d-157**

Having read the Evacuation Plan for the proposed Lilac Hills Ranch Project for 1746 residential units and a 200 bed memory care facility, we have concerns that the 5185 persons residing in this proposed project can be safely evacuated in an emergency scenario. The Hunt and Dudek Study concludes that the likely Evacuation Population for the Project is 8200 persons – far greater than the traffic network evaluated.

The Evacuation Plan dated May 1, 2014 focuses nearly entirely on development of plans.

Evacuation Planning is important.

However, the Evacuation Plan does not adequately address the fundamental Evacuation issue for this proposed Project – capacity of available Public Roads for Evacuation.

There are only two exits to the West from the Project

Only West Lilac and Circle R roads provide ingress and egress to the Project. Both are 2-lane 2.2F roads built to below standard conditions. The Project does not plan any lane additions or other improvements beyond upgrading West Lilac from the Project's Westerly entry to Old Highway 395. This limited improvement will not improve the ability for the population to safely evacuate in a Wildfire Evacuation scenario. **C1d-158**

There is only one exit to the East from the Project

West Lilac to Lilac Road is the only Public Road to the East. This road has Horizontal and Vertical Curve radii that make it very marginal in an Evacuation scenario in which not only thousands of cars need to exit the area, but also first responders need ingress.

Westerly and Easterly Evacuation Routes **C1d-159**

C1d-156 As indicated above in response to comment C1d-136, Mitigation M-HZ-1 would be effective and would provide protection in compliance with the County Consolidated Fire Code. No changes to the project are warranted.

C1d-157 The quote provided by this comment is accurate, and is intended to provide a conclusion for the approximately one page of preceding evacuation plan analysis. As the impact would be less than significant, mitigation is not warranted.

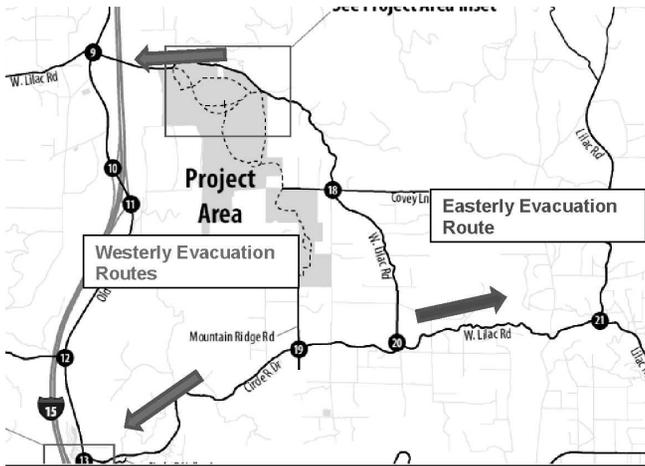
The traffic analysis included in FEIR subchapter 2.3 is intended to address average daily traffic conditions and is not intended to analyze the evacuation traffic. There is not one area of San Diego County that offers roadways that can handle a mass evacuation without some level of congestion, and it is infeasible to build roads to that standard. Instead, contingency plan evacuations will be implemented in phases, based on predetermined trigger points so smaller percentages of the evacuees are on the road at the same time. When a wildfire occurs, if it reaches a predetermined trigger point, then the population segment located in a particular vulnerable area downwind of that trigger point would be evacuated. Then, when the fire reaches the next trigger point, the next phase of evacuation would occur. This would allow smaller groups of people and correspondingly fewer vehicles to more freely evacuate areas. The Evacuation Plan determined that the location of the project and the existing and planned roads provide adequate multi-directional primary and secondary emergency evacuation routes (Evacuation Plan, page 8). The commenter's concern is acknowledged and included in the project's FEIR for the decision makers to consider.

C1d-158 This comment identifies West Lilac Road and Circle R Drive as westerly evacuation routes consistent with the FEIR analysis. The project does include improvements to West Lilac Road as identified in this comment, but the purpose of these improvements are to improve daily traffic flows and to provide frontage improvements. While the West Lilac Road improvements may also improve evacuation conditions, it is not the primary purpose of these improvements. Refer to response to comment I51e-21 above regarding evacuation procedures. As indicated in the FEIR

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	<p>C1d-158 (cont.)</p> <p>subchapter 2.7.6, impacts associated with emergency response and evacuation plans would be less than significant and no mitigation is warranted.</p> <p>The FEIR analyzed the road network design and determined the project would provide adequate emergency access and conform to Goal M-4, including the single evacuation route to the east and with approval of the roadway design exceptions. The roads within the project site were designed to accommodate emergency vehicles and allow residents to evacuate efficiently if necessary (Policy M-4.4) and the project would provide four connecting points to existing roads ensuring that both local and surrounding residents have alternate routes (Policy M-4.2). (see FEIR, subchapter 2.3.3.3.) It should be also noted that the project's emergency access has been approved by DSFPD, as a part of the Fire Protection Plan.</p>
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In several of the May, 2014 fires, notably the Cocos fire, there were significant Urban Populations in Subdivisions with steep terrain and limited ingress and egress.

The Lilac Hills Ranch Project has similar terrain, fuel loads, and Wildfire Hazard risks.

The County has found that the impacts of Wildfire Hazards are Less than Significant without any effective mitigation measures.

We request that the County carefully consider the Evacuation difficulties encountered in the May 2014 Wildfires before approving the Lilac Hills Ranch Project. We then find that reasonable and unbiased analysis will assess this as an Impact for which Mitigation is required.

Because of the Human Safety aspects of these impacts, we request that the County retain a third party expert at the Applicant's expense to review the impacts and propose effective mitigation measures:

- Ability for W. Lilac and Circle R to safely evacuate the area population as well as populations to the east for a westerly evacuation scenario.
- Ability of West Lilac to safely evacuate the area population for an easterly evacuation scenario.

Primary and Secondary Access use of Private Roads by the Project

The County's following statement on Page 2.7-31 is not true and is confusing:

"Successive proposed phases of development will include two access points via Covey Lane

C1d-159, cont.

C1d-160

C1d-159 As indicated in response C1d-158,, overall road network design for the project would provide adequate ingress and egress for residents as well as emergency access. Terrain, fuel loads, and wildfire risks were evaluated as a part of the Fire Protection Plan and adequately addressed in the FEIR to determine environmental impacts. Refer to FEIR subchapter 2.7 and the Fire Protection Plan for details.

The FEIR concluded the project would have a less than significant impact related to evacuation plans and no mitigation was warranted.

The commenter's concern is acknowledged and included in the project's FEIR for the decision makers to consider. The analysis included in FEIR subchapter 2.7 and the Fire Protection Plan is in compliance with the County's requirements

C1d-160 The text quoted in this comment is discussing the site access points for project Phases 4 and 5, and is identifying that Rodriguez Road would be an emergency access point for the project. This statement does not imply that Rodriguez Road is for internal project circulation. The map referenced in this comment and shown in FEIR Figure 2.7-3 accurately shows Rodriguez Road as an evacuation route consistent with the quoted statement.