

Letter I51k

July 8, 2014

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
(858) 495-5172

Subject: Revised DEIR Public Comments Regarding Cumulative Impacts, and DEIR Chapter 2 and 3 Cumulative Impacts, Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

Attached are the August, 2013 Public Comments regarding Lilac Hills Ranch Cumulative Impacts.

The REIR factually did not directly respond to each of the items and failed to adequately respond to the issues raised in this letter.

For example, specific questions were asked regarding Land Use Planning and Utility Services and were not directly and completely answered in the RDEIR.

Specifically, the REIR did not provide an answer to the questions raised on every questioned element of the attached Cumulative Impact Comment letter.

Published County policies and specific assurance from County Staff have clearly stated that all August 2013 DEIR comments if resubmitted, will be responded to. Therefore, respond to each specific issue raised in the attached letter as part of the County's Response to Public Comments for the revised DEIR.

Sincerely,



Mark Jackson
9550 Covey Lane
Escondido, CA 92026
760-731-7327
jacksonmark92026@gmail.com
Attachment

I51k-1

I51k-1 Refer to responses I51k-2 through I51k-16 below.

Attachment

August 15, 2013

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
(656) 495-5172

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), DEIR Chapter 2 Analysis of **Cumulative Impacts** of the proposed Lilac Hills Ranch (LHR) Project

Dear Mr. Slovick:

By way of brief summary: A) the County has asserted that all Environmental Impact areas assessed in Chapter 3 of the proposed LHR Project DEIR are either less than significant or can be mitigated to less than significant. We disagree with the County's unsupported conclusions, and submit that five of the seven areas involve **Significant Environmental Impacts**: B) Several of the impacts addressed in Chapter 2, Findings of Significant Environmental Impact, are not properly analyzed in terms of avoidance and mitigation options and requirements; and C) As a result of the deficiencies in Chapters 2 and 3, the so-called cumulative impacts analysis in each of the respective impact sections is inadequate and functionally meaningless.

I51k-2

I51k-2 The comment provides introductory comments to the letter. The commenter's opinion and discussion of project concerns is acknowledged and included in the project's FEIR for the decision makers to consider. The responses to the comments included in this letter are addressed by response to comments I51k-3 to I15k-17 below.

A. Chapter 3 - Findings of Less than Significant Environmental Impacts

3.1.2 Greenhouse Gases (GHG) – Evidence presented disagrees strongly with the finding of Less than Significant reached in the DEIR analysis of GHG impacts.

I51k-3

I51k-3 The comment refers to a comment letter submitted by another commenter. Responses to the issues raised in this comment are provided by responses to comments for Letter O9. In summary, the GHG analysis in the FEIR is adequate. GHG is a cumulative issue by nature and, therefore, the analysis included in the FEIR represents the cumulative impact assessment.

As the Cleveland National Forest Foundation has elaborated in great detail in the GHG Public Comments authored by Shute, Mihaly, & Wineberger on August 19, 2013, the LHR Project GHG analysis is deficient and inadequate; the County must find **Significant Impacts** in the area of GHG.

As a consequence of a finding of Significance, a Cumulative Impact assessment **must** be performed and **was not** performed.

3.1.3 Hydrology and Water Quality – Evidence presented disagrees strongly with the conclusions on the finding of Less than Significant reached in the DEIR analysis of Hydrology and Water Quality impacts.

I51k-4

I51k-4 Please see response to comments to Letter I51m. As indicated below, the FEIR, revised since July 2013 regarding the discussion of hydrology and water quality, adequately addresses hydrology and water quality at subchapter 3.1.3. The determination that, after design features and implementation of mitigation measures, the project's cumulative impact to hydrology and water quality would be less than significant, is based on the discussion at FEIR subchapter 3.1.3 and Appendices U1 through U3. See also response to comment I51o-2. Further, a cumulative analysis regarding hydrology and water quality is found at FEIR subchapter 3.1.3.3.

As demonstrated with evidence in the July 31, 2013 "Water Quality and Related Impacts" Public Comments letter, the proposed LHR Project has several Significant Environmental Impact issues with Hydrology and Water Quality. As the facts

LETTER

RESPONSE

demonstrate, the County must find **Significant Impacts** in the area of Hydrology and Water Quality.

As a consequence of a finding of Significance, a Cumulative Impact assessment **must** be performed and **was not** performed.

3.1.4 Land Use Planning – Evidence presented disagrees strongly with the conclusion of finding less than Significant Impacts reached in the DEIR analysis of Land Use Planning.

As demonstrated with evidence in the August 13, 2013 “General Plan Consistency” Public Comments letter, the proposed LHR Project has a multitude of Significant Environmental Impact issues with Land Use Planning. As the evidence in the letter demonstrates, the County must find **Significant Impacts** in the area of Land Use Planning.

As a consequence of a finding of Significance, a Cumulative Impact assessment **must** be performed and **was not** performed.

3.1.5 Public Services - Evidence presented disagrees strongly with the conclusion of finding less than Significant reached in the DEIR analysis of Utilities and Service Systems.

As demonstrated with evidence in the August 11, 2013 “Fire Protection Plan, Evacuation Study, and DEIR Chapter 2.7 Hazard” Public Comments letter, the proposed LHR Project has multiple Significant Environmental Impact issues with Fire Protection and Evacuation. As the facts demonstrate, the County must find **Significant Impacts** in the area of Public Services.

As a consequence of a finding of Significance, a Cumulative Impact assessment **must** be performed and **was not** performed.

3.1.7 Utilities and Service Systems – Evidence presented disagrees strongly with the conclusion of finding less than Significant reached in the DEIR analysis of Utilities and Service Systems.

As demonstrated with evidence in the July 31, 2013 “Water Quality and Related Impacts” Public Comments letter, the proposed LHR Project has several Significant Environmental Impact issues with Waste Water Treatment. As the facts demonstrate, the County must find **Significant Impacts** in the area of Utilities and Service Systems.

As a consequence of a finding of Significance, a Cumulative Impact assessment **must** be performed and **was not** performed.

In summary, of the seven areas assessed by the County in DEIR Chapter 3 as having Less than Significant Environmental Impacts, **five areas** have evidence that require

I51k-4
cont.

I51k-5

I51k-6

I51k-7

I51k-8

I51k-5 The comment refers to a comment letter submitted by another commenter. Responses to the issues raised in this comment are provided by responses to comment letters O3e and I51n. See also Global Response: Project Consistency with General Plan Policy LU 1.2.

I51k-6 The comment refers to a comment letter submitted by another commenter. Responses to the issues raised in this comment are provided by responses to comment letter I51i.

I51K-7 The comment refers to a comment letter submitted by another commenter. Responses to the issues raised in this comment are provided by responses to comment letter I51m.

I51k-8 The comment provides a summary of preceding arguments; no further response is required.

finding of **Significant Impacts** AND GENERATION OF CUMULATIVE IMPACT ASSESSMENT ANALYSES.

Given the overwhelming body of evidence that supports these findings of Environmental Significance, and the County's failure to address the Impacts in a Cumulative Impacts analysis, it is requested that the County revise its DEIR to reflect the evidence and recirculate it for Public Comment.

B. Chapter 2 - Findings of Significant Environmental Impacts
The analyses of Cumulative Impacts as presented in Chapter 2.0 "Significant Environmental Effects" are discussed for each area examined in Chapter 2.

2.1.3 Visual Resources Cumulative Impacts – We concur with the County's assessment that "Cumulative visual impacts would remain significant and unavoidable," especially in light of the very minimal mitigation the LHR Project proposes. Planting a few trees doesn't blot out the scars from 4 million cubic yards of grading that drastically and irreversibly alters the scene scape.

2.2.3 Air Quality Cumulative Impacts – We concur with the County's assessment that there are severe cumulative Environmental Impacts and the proposed mitigation will not reduce adverse Environmental Impacts from this proposed Urban Sprawl Commuter community located far from services and employment.

We agree that "the project would result in a cumulatively considerable net increase in emissions, representing a **cumulatively significant impact. (Impact AQ-5).**" The mitigation offered whereby the Applicant offers to observe County regulations when conducting Blasting Operations is acceptable. However, to conclude that "implementation of M-AQ-5 would reduce direct and cumulative significant construction related impacts to less than significant" is an unsubstantiated assertion. The Construction process has many component parts. In addition to Blasting all need to be discussed before evidence is provided that the mitigation is effective. Merely watering down the Blast site before detonation is inadequate to mitigate all Construction impacts to less than Significant.

We agree that: "In combination with the emissions of pollutants from other proposed projects or reasonably foreseeable future projects, impacts would be **cumulatively significant (AQ-6).**" The pedantic mitigation whereby the Applicant offers to generously develop a Green Cleaning Product education program has the functional utility of rearranging deck chairs on a sinking ship. The Significant Environmental Impact remains after this ineffective attempt at mitigation.

2.3.3 Traffic Impacts Cumulative Impacts – The evidence presented in the Darnell and Associates Independent Expert Review of Traffic submitted as Public Comments on August 16, 2013 presents evidence of **Significant Cumulative Impacts** that have not been mitigated.

151k-8
cont.

151k-9

151k-10

151k-11

151k-9 The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider. As discussed in FEIR subchapter 2.1.6, Fire Code regulations prevent a more effective use of mature foliage to mitigate visual impacts from the project.

151k-10 The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider. It is noted that FEIR subchapter 2.3.3 does not include a discussion of mitigation or significance after mitigation as this comment implies, and that such information is located in FEIR subchapter 2.2.6.

This comment incorrectly indicates that FEIR states cumulative Impact AQ-5 is mitigated by M-AQ-5. As clarified in the FEIR subchapter 2.2.6.3, all mitigation measures described in subchapter 2.2.5 (measures M-AQ-1 to M-AQ-7) would be implemented to reduce the project's contribution to cumulative emissions. As indicated in FEIR subchapter 2.2.6.3 and Table 2.2-12, the project's cumulative emissions of ROG, CO, and PM₁₀ would remain significant and unmitigated.

The second quote provided in this comment misquotes the text in FEIR subchapter 2.2.6.2, Construction Emissions and incorrectly infers that this text is referring to cumulative Impact AQ-5. The recirculated DEIR actually said "implementation of M-AQ-2 through M-AQ-5 would reduce direct and cumulative significant construction related impacts to less than significant" and the "impacts" it is referring to are Impacts AQ-2a, AQ-2b, and AQ-2c. The word "cumulative" in this sentence was referring to the combination of project construction phases, not to Impact AQ-5. This has been clarified in the FEIR.

Air quality mitigation measures for construction include four different mitigation measures to control PM₁₀, PM_{2.5} and NO_x emissions (M-AQ-2 through M-AQ-5), not just M-AQ-5 or "watering down the blast site before detonation" as asserted by this comment. Mitigation measures include dust control measures throughout the construction site, halting all on-site construction the days blasting is completed, rock-crushing emission control measures, and implementing blasting best management practices. The implementation of all four measures would be required to mitigate the overall construction emissions to below a level of significance, as discussed in FEIR subchapter 2.2.6.2 and shown in Table 2.2-10.

2.4.3 Agricultural Resources Cumulative Impacts – The assertion that all Cumulative Agricultural Impacts can be reasonably mitigated to less than Significant has no evidence that supports it. On the contrary, the Cleveland National Forest Foundation Public Comments authored by Shute, Mihalay, & Wineberger on August 19, 2013 present factual evidence that the Agricultural Cumulative Impacts remain **Significant**. A summary of the Agricultural evidence provided is in the next three paragraphs.

For many of the same reasons that the DEIR’s analysis of Project-specific impacts is deficient, its analysis of cumulative impacts is also insufficient. For example, the DEIR again relies on the LARA model’s faulty analysis to conclude that, because the Project allegedly will not impact an important agricultural resource, it cannot possibly contribute to a significant cumulative impact. DEIR at 2.4-21. This is absurd for all of the reasons detailed above, and for the additional reason that the Project will directly impact more than 40 acres of Prime Farmland or Farmland of Statewide Importance; thus, even impacts on only this type of farmland contribute to a significant cumulative impact.

The DEIR’s analysis is also internally inconsistent. After first determining that the Project will not contribute to a cumulative impact, the DEIR then analyzes cumulative impacts anyway, and determines that “significant cumulative indirect impacts could occur.” DEIR at 2.4-22. Such inconsistent reasoning and analysis thwarts CEQA’s fundamental purpose to inform the public and decision makers and is in itself a CEQA violation.

Regardless, the DEIR’s analysis is faulty for substantive reasons as well. First, the DEIR attempts to show that the Project’s conversion of hundreds of acres of productive farmland is insignificant by comparing it to the loss of farmland statewide, as opposed to regional, or community-wide losses. DEIR at 2.4-22. It thus bases its finding of insignificant cumulative impacts on this County-wide analysis, even though it admits that the Project represents 58% of the potential impacts to Important Farmland within the cumulative study area. *Id.* The DEIR may not artificially minimize the Project’s apparent impacts by ignoring the document’s selected cumulative impact study area and “watering down” the Project’s impact by comparing them to a vastly larger area. As the DEIR recognizes, the County requires agencies to analyze cumulative impacts by looking at impacts caused by other projects in the cumulative study area. DEIR at 2.4-21; see also Guidelines § 15130(b)(3) (agencies must define a relevant cumulative study area in which they analyze cumulative impacts). Here, the cumulative study area consists of a few thousand acres surrounding the Project site, not the entire County. DEIR at 2.4-22. Within this study area, the Project will unquestionably make a cumulatively considerable contribution to a significant cumulative impact on agricultural resources. The DEIR’s conclusion to the contrary is not supported by substantial evidence.

2.5.3 Biological Resources Cumulative Impacts – The County assesses the Cumulative Environmental Impact in the five categories below as “potentially significant, contribute

151k-12

151k-13

The commenter implies that the FEIR indicated mitigation M-AQ-6 would mitigate Impact M-AQ-6. As mentioned above, Mitigation M-AQ-1 through M-AQ-7 are proposed to reduce the project’s contribution to cumulatively considerable Impacts AQ-5 and AQ-6.

As shown in Table 2.2-12, cumulative construction and operational emissions would exceed the significance thresholds for ROG, CO, and PM₁₀ emissions even with mitigation measure M-AQ-1 through M-AQ-7. Therefore, the FEIR concludes that cumulative air quality impacts AQ-5 and AQ-6 would remain significant and unmitigated. Refer to subchapter 2.2.6.3 for additional information.

151k-11 The comment refers to a comment letter submitted by another commenter. Responses to the issues raised in this comment are by response to comment letter I511.

151k-12 The comment refers to a comment letter submitted by another commenter. Responses to the issues raised in this comment are provided by response to comments for Letter O9. In summary, the recirculated DEIR identifies significant direct and cumulative impacts.

To specifically respond to this comment, the project would have significant agricultural resource impacts due to the loss of 43.8 acres of Prime and Statewide Important soils (Impact AG-1). This loss would combine with the cumulative project agricultural resource losses to result in a cumulatively considerable agricultural resource impact (Impact AG-16).

The cumulative impact analysis in FEIR subchapter 2.4.3 is divided into three individual issues, and the conclusion of each of those analyses is summarized in FEIR subchapter 2.4.6. Thus, it is not inconsistent, but in fact provides separate issue analysis conclusions.

As detailed in response to comment letter O9, the analysis was completed consistent with the County Guidelines and CEQA requirements. Contrary to what this comment states, the FEIR identifies significant direct and cumulative impacts related to the loss of a significant agricultural resources (i.e., Prime and Statewide Important soils). The cumulative analysis considers both the local and regional conditions. Refer to the FEIR subchapter 2.4, Appendix F, and response to comment letter O9 for additional information.

to cumulative loss, add to the cumulative loss, and generally contribute to the cumulative loss.”

2.5.3.1 Special Status Species; 2.5.3.2 Riparian Habitat or Sensitive Natural Communities; 2.5.3.3 Jurisdictional Waters and Waterways; 2.5.3.4 Wildlife Movement and Nursery Sites; 2.5.3.5 Local Policies, Ordinances, Adopted Plans

Yet despite these descriptors that are not recognized CEQA analytical categories, somehow the cumulative impact is deemed by the Applicant to be less than Significant, despite the equivocal statements above.

How is this possible? The Applicant states without support that because the Project complies with applicable County, State and Federal policies that Significant impacts are magically reduced to less than Significant.

The Applicant does not specifically provide evidence that the proposed LHR Project in fact complies with applicable County, State, and Federal policies that protect Biological Resources – the Applicant merely makes the unsupported assertion that the Project complies.

Is the statement “these plans and regulations are designed such that significant cumulative County impacts would be less than significant” sufficient evidence that the LHR Project does not have Significant Environmental Impacts?

Short answer – No! **Significant and Irreversible Impacts** to Biological Resources are incurred by the proposed LHR Project

2.6.3 Cultural Resources Cumulative Impacts – In this section, the County states:

“Therefore, because the proposed project and those projects within the cumulative impact study area are mitigated through the placement of cultural resources within open space, data recovery, curation, temporary fencing, and recordation, the proposed project would not cumulatively contribute to a significant impact.”

And then states two paragraphs later:

“Impact CR-1: Site CA-SDI-20436 does not meet the threshold of significance under RPO but it is a significant resource under CEQA. Because the site is not within the dedicated open space easement, there is the potential for significant direct and indirect impacts.”

So – the impacts are Significant, but they’re less than Significant because of what? A statement has been made in the DEIR at 2.6.3 that mitigation has been provided by locating all Cultural Resource sites in Open Space. And yet two paragraphs later, the DEIR identifies Site CA-SDI-20436 **outside** proposed LHR Project Open Space.

I51k-13
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I51k-14

I51k-13 The County typically utilizes the following CEQA analytical categories: no impact, less than significant impact, significant but mitigated impact, and significant not mitigated impact. It is unclear where the suggested impact categories are from; and regardless of where they are from, the impact categories used for this FEIR are consistent with the current County EIR Format and General Content Requirements and CEQA requirements.

The County CEQA Guidelines state that the EIR shall “[o]nly discuss in detail significant cumulative impacts. For a project with a cumulative impact that is not cumulatively considerable, the EIR need not consider that effect significant, but shall provide only a brief explanation of the basis for the determination. (§15130(a).)” Thus, no additional cumulative analysis of these impacts is warranted.

Nonetheless, it is noted that the 2014 FEIR subchapter 2.5.3 was revised subsequent to this 2013 comment letter to clarify the cumulative analysis for sensitive plants, sensitive animals, riparian and natural communities, jurisdictional waters and waterways, wildlife movement and nursery sites, and local policies, ordinances, adopted plans. As detailed in that subchapter, there are sufficient regulations in place by the County, RWQCB, CDFW, and USFWS to ensure the project does not significantly contribute to a cumulatively considerable biological resource impact. This includes compliance with the County Biological Guidelines, Draft MSCP, RPO, San Diego Light Pollution Code, County Zoning Ordinance, WPO, HLP Ordinance, Clean Water Act, MBTA, Fish and Game Code, and NCCP, as well as other Codes and regulations discussed at FEIR subchapter 2.5.

As with the proposed project, cumulative projects would be required to avoid or mitigate for the loss of biological resources in compliance with the previously mentioned regulations. Implementation of these measures would ensure long-term sustainability of sensitive species and their associated habitats and would avoid significant cumulative biological impacts. Refer to FEIR subchapter 2.5.3 for additional details.

I51k-14 Mitigation M-CR-1 requires the portion of SDI-20436 that meets the CEQA significance criteria to be preserved in open space (see subchapter 2.6.5.1). As such, all significant resources will be preserved. Refer to the FEIR subchapter 2.6 for additional information.

Due to lack of supported evidence of Impact CR-1 mitigation, the Environmental Impacts remain **Significant**.

2.7.3 Hazards and Hazardous Materials Cumulative Impacts – The County’s analysis of Wildland Fires and Evacuation totally misses the architectural transportation flaw of this ill-conceived Community:

The Evacuation Plan does not address the most fundamental evacuation issue of the Proposed LHR Project – the limited number of roads for automobile evacuation of the 5185 residents of the proposed LHR Project when added to the cumulative impact of existing population that would be evacuating with trucks and trailers with livestock creates an unacceptable Safety Hazard.

The LHR Project has but two Public Roads that provide evacuation routes to the West: West Lilac Road to the north and Circle R Road to the South. Both are two lane rural Circulation Element 2.2 E roads for which **Accretive plans no upgrade**. Accretive is requesting exception to future County upgrade plans for portions of West Lilac Road to be **downgraded** from 2.2 C to 2.2 F capacity.

The LHR Project has but a single evacuation route to the East. That is the easterly section of West Lilac Road that connects to Lilac Road. It is a Circulation Element 2.2 E two lane rural road. The current “as built” configuration of this road does not meet current 2.2 E road design standards for certain design features, such as paved shoulder width, sight distance, design speed, curve radii, etc. In addition to the 5185 human in the LHR Project, this single evacuation route will also be used by the existing population for evacuation, leading to extreme Safety risks to human life.

Please refer to Figure 1 below that illustrates the proposed LHR Project Evacuation Routes:

Figure 1 – Westerly and Easterly Evacuation Routes

151k-14 cont.

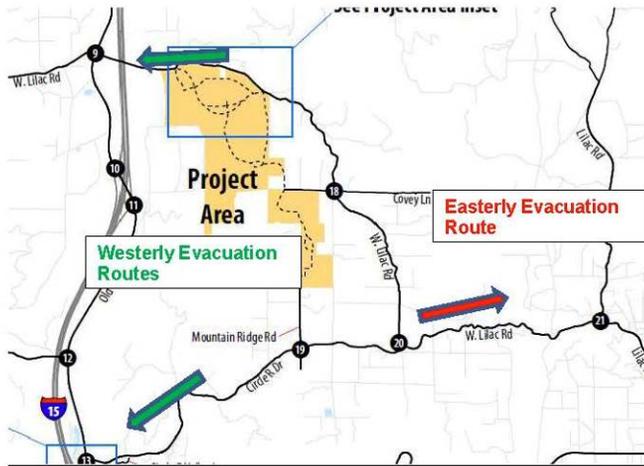
151k-15

151k-15 The project’s Evacuation Plan (Appendix K) of the FEIR does include multiple components intended to create an orderly and safe evacuation of the project site in time of emergency. As discussed in subchapter 2.7 of the FEIR, the Evacuation Plan provides evacuation routes, evacuation points, and specific measures to keep future residents and employees informed about what to do if a wildfire occurs and safe at a time of evacuation. See also responses to comment letter I51m.

In addition to the education materials that will be provided to all residents and businesses and the implementation of a “Ready, Set, Go” Program, the Evacuation Plan includes both primary and secondary evacuation routes for use during an emergency. The evacuation routes include project egress at multiple locations, directing traffic as shown in Figure 2.7-3 of the FEIR. As shown highlighted in red on Figure 2.7-3, primary evacuation routes consist of Main Street, Street “Z,” Lilac Hills Ranch Road, Covey Lane, and Mountain Ridge Road. Additionally, the project site would also be served by secondary emergency evacuation routes using Street “F” and Birdsong Drive on the north and Rodriguez Road in the south.

Specifically, existing Mountain Ridge Road would provide access to Circle R Drive with a direct connection to Old Highway 395. While the project does propose to amend the road standard for West Lilac Road from 2.2C to 2.2F, along certain locations, this would not affect the road’s actual capacity. See Appendix E (Traffic Impact Study).

Overall, the availability of the Evacuation Plan to all residents and businesses, along with the multiple exits available for egress from the site, would assure that impacts associated with an evacuation process would be less than significant.



Wildland Fires and Evacuation is a LHR Project **Significant** Environmental that the County has not mitigated.

2.7.3 Noise Cumulative Impacts – The County identifies the following four Significant Noise Cumulative Impacts:

“2.8.4.4 Cumulative Impacts

Impact N-17: Traffic generated noise at off-site receivers adjacent to Covey Land and future Lilac Hills Ranch Road would increase significantly over existing conditions and would result in a significant cumulative impact.

Impact N-18: The project would place NSLUs in areas where the projected cumulative noise levels from road traffic could exceed the County’s exterior noise limits. This is a significant cumulative impact.

Impact N-19: Construction noise would result in noise events construction activity, including grading. If multiple construction operations occurred simultaneously, a significant cumulative impact would result.

Impact N-20: Construction noise would result in impulsive noise events from blasting. If multiple blasting operations occurred simultaneously, a significant cumulative impact would result.”

The County further discusses these Cumulative Impacts and potential mitigations:

151k-15 cont.

151k-16

151k-16 The FEIR subchapter 2.8.4.4 states:

Impact N-17: The project would place NSLUs in areas where the projected cumulative noise levels from road traffic could exceed the County’s exterior noise limits. This is a significant cumulative impact.

Impact N-18: Traffic generated noise at off-site receivers adjacent to Covey Lane and future Lilac Hills Ranch Road would increase significantly over existing conditions and would result in a significant cumulative impact.

Impact N-19: If construction operations occurred on-site and off-site simultaneously, a significant cumulative impact could result.

Impact N-20: Construction noise would result in impulsive noise events from blasting. If multiple blasting operations occurred simultaneously, a significant cumulative impact could result.

The FEIR subchapter 2.8.6.4 states:

The project could result in a cumulatively considerable noise impacts associated with cumulative traffic (Impact N-17 and N-18), construction operations (Impact N-19) and blasting activities (Impact N-20). Implementation of mitigation measures M-N-1, 2, 11, and 12 would reduce cumulatively considerable noise impacts associated with construction and blasting to less than significant by limiting project construction noise to the County’s noise level limits such that it would not combine with other projects to expose any local occupied property to excessive construction noise. However, impacts associated with traffic increase would remain significant and unmitigated.

Nonetheless, the comment correctly characterizes the cumulative traffic noise impacts as significant and unavoidable. CEQA requires all feasible mitigation to be implemented to reduce impacts when significant impacts are determined. However, as discussed in FEIR subchapter 2.8.6.1, mitigation for the cumulative traffic noise impacts were determined to be infeasible for various reasons, including legal access issues and environmental impacts of the mitigation.

"The project could result in a cumulatively considerable noise impacts associated with cumulative traffic (Impact N-17 and N-18), construction operations (Impact N-19) and blasting activities (Impact N-20). Implementation of mitigation measures M-N-1, 2, 11, and 12 would reduce cumulatively considerable noise impacts associated with construction and blasting to less than significant by assuring that multiple construction operations would not occur simultaneously with the project.

However, impacts associated with traffic increase would remain significant and unmitigated."

By the County's own admission, Cumulative Traffic Noise exceeds County standards and no mitigation is provided. Therefore, it remains a **Significant** unmitigated Environmental Impact.

C. The DEIR's Analysis of Cumulative Impacts is Deficient

As a result of the above cited deficiencies, the cumulative impacts analysis in each impact section is inadequate and meaningless. By way of example, in the Agricultural Resources analysis, the DEIR inappropriately relies on the LARA model and concludes that, because the Project allegedly will not impact an important agricultural resource, it cannot possibly contribute to a significant cumulative impact. Once the DEIR accurately reflects and characterizes the significant impacts in the Agriculture area, there must be a related avoidance, mitigation and cumulative impacts analysis. The same need for a new and meaningful cumulative impacts analysis in the other impact sections will arise as soon as there are proper and supportable conclusions regarding actual impacts and avoidance and mitigation measures..

In conclusion, the DEIR needs to be rewritten to recognize a multitude of significant environmental impacts and to carefully address related avoidance and mitigation measures. These additions will then be the basis for meaningful cumulative impacts analysis. Once rewritten the DEIR should be renoticed and circulated for public review and comment.

Sincerely,

Mark Jackson
9550 Covey Lane
Escondido, CA 92026
jacksonmark92026@gmail.com
760-731-7327

I51k-16
cont.

I51k-17

I51k-17 The comment provides a summary of preceding comments within the letter that are addressed above (refer to responses to comments I51k-1 to I51k-16). The commenter's opinion and discussion of project concerns is acknowledged and included in the project's FEIR for the decision makers to consider. No additional response is necessary.