

LIST OF PERSONS, ORGANIZATIONS, AND
PUBLIC AGENCIES THAT COMMENTED
ON THE DRAFT EIR

**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES
THAT COMMENTED ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL
IMPACT REPORT (EIR)**

A draft version of this Supplemental EIR was circulated for public review from August 8, 2013 to September 23, 2013, with comments on mineral resources issues being accepted through October 8, 2013. The following is a listing of the names and addresses of public agencies, organizations, and special interest groups that commented during this public review period.

<u>LETTER DESIGNATION</u>	<u>NAME</u>	<u>ADDRESS</u>
FEDERAL AND STATE AGENCIES		
A	United States Fish and Wildlife Service	Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, CA 92008
	California Department of Fish and Wildlife	South Coast Region 3883 Ruffin Road San Diego, CA 92123
STATE AGENCIES		
B	Caltrans District 11 Planning Division	4050 Taylor Street, M.S. 120 San Diego, CA 92110
C	Native American Heritage Commission	1550 Harbor Boulevard, Suite 10 West Sacramento, CA 95691
LOCAL AGENCIES		
D	North County Fire Protection District	315 East Ivy Street Fallbrook, CA 92028-2138
E	San Diego County Water Authority	4677 Overland Avenue San Diego, CA 92123-1233
F	San Luis Rey Municipal Water District (letter submitted by Aleshire & Wynder, LLP)	18881 Von Karman Ave, Suite 1700 Irvine, CA 92612
G Late Letter	The Metropolitan Water District of Southern California	P.O. Box 54153 Los Angeles, CA 90054-0153
H Late Letter	Endangered Habitats League	Endangered Habitats League 8424 Santa Monica Blvd., Suite A 592 Los Angeles, CA 90069

LETTER DESIGNATION**NAME****ADDRESS****SPECIAL INTEREST/ORGANIZATIONS**

I	A & B	A-Fallbrook Community Planning Group	205 Calle Linda Fallbrook, CA 92028
	B – Late Letter	B-Design Review Board Committee	
J		Pala Tribal Historic Preservation Office	PMB 50, 35008 Pala Temecula Road Pala, CA 92059
K		Pechanga Cultural Resources, Temecula Band of Luiseno Mission Indians	P.O. Box 2183 Temecula, CA 92593
L		Rincon Band of Luiseno Indians	1 W. Tribal Road Valley Center, CA 92082
M		San Luis Rey Band of Luiseño Mission Indians	1889 Sunset Drive Vista, CA 92081

COMMENTS AND RESPONSES

COMMENTS

RESPONSES



U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008
760-431-9440
FAX 760-431-9624



California Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, California 92123
858-467-4201
FAX 858-467-4299

In Reply Refer To:
FWS/CDFW-13B0209-13TA0464

SEP 26 2013

Mr. Dennis Campbell
County of San Diego
Planning and Development Services
9150 Chesapeake Drive, Suite 200
San Diego, California 92123

Subject: Draft Environmental Impact Report and Habitat Loss Permit for the Campus Park West Project
TM 5424 PDS 2005-3100-5424, PDS2005-3813-05-001, PDS2005-3800-05-003, PDS2005-3600-05-005, PDS2005-3910-05-02-009, San Diego County, California (SCH#2009061043)

Dear Mr. Campbell:

A1

The Department of Fish and Wildlife (Department) and the U.S. Fish and Wildlife Service (Service), collectively referred to as the Wildlife Agencies, have reviewed the Campus Park West Project Draft Environmental Impact Report (draft EIR) and Habitat Loss Permit (HLP). The comments provided in this letter are based on information provided in the draft EIR, HLP, and associated documents [including the Biological Technical Report (dated July 2013) prepared by REC Consultants, Inc.], our knowledge of sensitive and declining vegetation communities in the County of San Diego (County), and our participation in regional conservation planning efforts.

A2

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(2) of the Act.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA; Fish and Game Code §2050 *et seq.*) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program (DFG Code Section 2800, *et seq.*). The County of San Diego (County) has signed a Planning Agreement with the Wildlife Agencies for the development of the draft North County Multiple Species Conservation Program Subregional Plan (NCMSCP), and this NCCP/HCP is currently in development for unincorporated lands in north San Diego County.

A3

The Campus Park West project site is 116.5 acres and is located at the intersection of Interstate 15 and State Route 76 (SR-76) within the unincorporated area of the County. The project may incorporate approximately 2.1 additional acres into the project that are currently designated as SR-76 right-of-way by the California Department of Transportation. Because SR-76 is now built to its final anticipated

- A1 The County of San Diego appreciates the review and comments on the Project. Specific responses to the comments are provided below.
- A2 These paragraphs provide information regarding the Service's and the Department's jurisdiction, enabling legislation and the Department's status as a trustee and responsible agency under CEQA, as well as an introduction to timing of the NCMSCP. County staff agrees with each of these statements.
- A3 The County agrees that the statements provided in Comment 3 provide an accurate overview of the Project.

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configuration, this area would be decertified and could be sold to the project Applicant. Should this occur, the project area would encompass a total of 118.6 acres. The project site consists of two parcels north of SR-76 and three parcels south of SR-76. The proposed project includes multi-family residential units, commercial space, and industrial space. The project would dedicate approximately 32 acres of permanent open space.

A4

Our review of the habitat evaluation maps of the County’s draft NCMSCP indicates that habitats on and adjacent to the project site are “very high” and “high” habitat quality. The project site is located within the Pala Core (Planning Unit 4) and the Escondido-Temecula Linkage (Planning Unit 18) of the draft NCMSCP. The Escondido-Temecula Linkage provides for north-south movement for species such as the coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher).

A5

As part of the planning process for the NCMSCP, we met with County staff numerous times to discuss and reach consensus on proposed development/preserve design of the subject project (Campus Park West) as well as key adjoining properties (i.e., Campus Park and Meadowood), and to identify biological mitigation measures and County planning commitments that would enable these projects to proceed and not preclude completion of the preserve design or other essential goals of the NCMSCP. As a result of these meetings, the County, project applicants, and the Wildlife Agencies reached agreement on the “hardline” reserve boundary that would be incorporated into the NCMSCP. The primary concern of the Wildlife Agencies was the requirement for a north-south gnatcatcher movement corridor in this general area of the NCMSCP Plan Area. This linkage was generally referred to as the I-15 Linkage (or I-15 Stepping Stone Linkage). Initially, this linkage was planned to occur in immediate proximity to Interstate 15, and would have overlapped considerable portions of the three proposed hardlined properties.

A6

However, because retaining the linkage conflicted with key County urban planning goals for dense housing and a regional transportation node adjacent to I-15, an alternate linkage area was sought to accommodate north-south gnatcatcher movement. The alternate location was subsequently identified to the east along Rice Canyon, but was less ideal due to higher elevation, multiple ownerships, limited presence of coastal sage scrub, and amount of active agriculture across the landscape. In discussions for the NCMSCP, the Wildlife Agencies made it clear that the County would need to develop clear and specific requirements in the NCMSCP to ensure that the Rice Canyon linkage would be established and maintained. This means that any future proposed development in Rice Canyon must consider corridor width, the potential need for habitat restoration where agricultural uses currently exist, and other potential factors. These measures were to be incorporated into the NCMSCP, and specific goals and objectives were to be developed for this Planning Unit as part of the NCMSCP. This was not completed to our satisfaction but was part of the discussions in our last series of meetings with the County on the NCMSCP.

A7

It is important to understand that the hardline discussions between County representatives and the Wildlife Agencies for Campus Park West, Campus Park, and Meadowood were always done in the context of achieving a viable NCMSCP reserve system, and completing the NCMSCP. That is, at that time these projects were expected to receive their respective County approvals through the NCMSCP, not as separate HLPs. This is critical because the necessary measures to be assured by the County that would offset the loss of the I-15 Linkage are not in place, are not conditions of the current project (Campus Park West) approval, and there has been no other form of commitment by the County to ensure the Rice Canyon Linkage will ultimately be achieved. Absent such a commitment by the County, it is difficult for the Wildlife Agencies to make the HLP finding that the Campus Park West project would not preclude successful establishment of the anticipated NCMSCP.

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A4

It is important to note the draft NCMSCP does not apply to the Project because it has not yet been adopted. Nonetheless, the County agrees with the statements provided in this comment. As shown in the Biological Technical Report ([BTR] REC August 2013), the majority of habitat types on and adjacent to the site are comprised of non-native vegetation and disturbed land. However, the Habitat Evaluation Model shows most of the site as being “very high” quality with some areas of “high” and “moderate” quality.

A5

The County agrees with this comment. Please also see response to Comment 4 above.

A6

The County generally agrees with this comment. County staff understands that the Rice Canyon linkage was less ideal than the I-15 linkage because, while the I-15 linkage was relatively intact land with only a few owners and minimal topography, Rice Canyon had steeper topography, multiple ownerships and areas of active agriculture. It should be noted, though, that Rice Canyon was also viewed as a better potential linkage for the coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) when combined with the proposed hardline preserves near I-15. The regional habitat mapping shows that the majority of coastal sage scrub near I-15 will be preserved to allow for a strong connection to the coastal sage scrub habitat located in Rice Canyon. Please also see response to Comment 4 above.

A7

It is important to note the draft NCMSCP does not apply to the Project because it has not yet been adopted. Nonetheless, the County agrees with this comment and intends to make Rice Canyon a north-south corridor for wildlife movement for reasons identified in response to Comment 6. The current draft of the NCMSCP has the following goals for Rice Canyon:

- Strive to ensure that gnatcatchers are able to move in natural habitat north-south between the Heights of Pala Mesa Conservation Bank

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through the slopes of Rice Canyon and to the hills and banks adjacent to the San Luis Rey River.

- Strive to conserve existing patches of coastal sage scrub over 1,000 feet wide along the slopes of Rice Canyon (to the extent that any one project can reasonably contribute to this conservation) to maintain live-in habitat for gnatcatcher and maintain north-south connectivity of its habitat. Require restoration of habitat where feasible to increase habitat corridor widths if minimum widths cannot be maintained in existing habitat.

In addition, County staff met with the Wildlife Agencies on December 19, 2013 to discuss Rice Canyon in detail and consider additional ways to prioritize preservation, and potential enhancement, of the vegetation communities in Rice Canyon. This discussion is still ongoing but all parties agree that these linkage issues can be resolved within the context of the NCMSCP planning documents.

A8

The applicants for Campus Park, Campus Park West and Meadowood all stated their intent to use the NCMSCP permitting process if the program was adopted before their projects were approved or to proceed with a separate Section 7 consultation or other appropriate permit process. For this reason, the Project's BTR was prepared with a dual analysis of processing, allowing the Project to be processed with either an approved NCMSCP or through the NCCP Process. This was explained in the Draft Subsequent EIR (EIR) in Section 2.6.1.2, Regulatory Framework.

Because the NCMSCP is not yet approved, the County is also moving forward with NCCP compliance for upland habitat impacts. Pursuant to the 4d rule of the federal Endangered Species Act (ESA), impacts to coastal sage scrub are limited to five percent of the total acreage occurring within the County's unincorporated area and require a Habitat Loss Permit pursuant to Habitat Loss Ordinance 8365. Project impacts have been assessed based on the NCCP flowchart. The Project will potentially impact 2.27 acres of coastal sage scrub, which will not exceed the County's five percent allowance when combined with other projects and will not preclude preserve and linkage design for this area of North County.

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Focused surveys for the gnatcatcher were conducted on the proposed project site in 2004 with negative results. No additional surveys have been conducted because the coastal sage scrub (CSS) on site is contained in a small, isolated patch, which has not recovered from the 2007 wildfire burn. The proposed project would impact 2.27 acres of CSS that would be mitigated at a 2:1 ratio. The Applicant proposes to mitigate impacts to CSS through the on-site preservation/restoration of 1.29 acres of CSS and off-site preservation of 3.25 acres of CSS.

We offer the following recommendations and comments to assist the County in minimizing and mitigating project impacts to biological resources, and to ensure that the project is consistent with the NCMSCP hardline agreement and HLP process, federal and state endangered species laws/regulations, and ongoing regional habitat conservation planning efforts:

A10

1. As discussed above, a major point of the "hardline" agreement reached among the County, the project applicant, and the Wildlife Agencies for the proposed project was that if the north/south gnatcatcher corridor along Interstate 15 was to be further compromised or eliminated, the County would ensure a north/south connection for gnatcatchers through Rice Canyon. The Wildlife Agencies did suggest to the County that the projects could directly contribute toward securing the Rice Canyon Linkage as part of their mitigation requirements, but absent that contribution, the County must provide necessary language and a commitment to achieve the necessary outcome. The draft EIR/HLP Conditions of Approval do not obligate either the County and/or a project Applicant commitment to contributing to the Rice Canyon corridor. If this project moves forward and is processed prior to finalization of the NCMSCP without contributing off site within the Rice Canyon corridor, it is unclear how the County's commitment to ensure the preservation of the Rice Canyon corridor would be met. We request to meet with the County to discuss the issue, and to identify potential options that would allow this project to receive our HLP concurrence.

A11

2. The draft EIR and supporting documents indicate that the proposed "hardline" was confirmed during County and project Applicant coordination with the Wildlife Agencies in September 2010. In Appendix E of the latest draft version of the NCMSCP (July 2010), under the hardline description, mitigation for Campus Park West impacts will include a significant contribution to the North County preserve in three ways:

- Contribution of 25-30 acres of land, consisting of a combination of existing and restored vegetation, for impacts to southern riparian forest, tamarisk, and mulefat scrub. Mitigation for impacts to these vegetation types will be 3:1.
- Contribution of 25-30 acres of land for impact of various upland vegetation types (e.g., coastal sage scrub, annual grasslands). Mitigation ratios will vary from 0.5 acre to 2.0 acres of open space per acre of impact, as specified in the Biological Mitigation Ordinance.
- Contribution of 18 acres of restored upland aestivation area for arroyo toad. Mitigation ratios will be 3:1 for development of approximately 6-8 acres of non-native grassland located south of SR-76. It is estimated that approximately 6 acres will be located on site on a parcel that bounds the San Luis Rey River.
- In addition, the draft NCMSCP states that all mitigation that is not provided on site will be provided in the Pre-Approved Mitigation Area (PAMA). The arroyo toad mitigation will be located within San Luis Rey River in the area between the Oceanside City limit

A8 cont. While the Project itself meets the current goals of the southern California coastal sage scrub NCCP process and the future goals of the NCMSCP, the County agrees that a commitment to maintain the proposed Rice Canyon Linkage is warranted. See also response to Comment 7 above.

A9 The County agrees with the characterization of on-site habitat, impacts, and the proposed mitigation ratio and locations (per EIR biological mitigation measure M-BI-4d). This mitigation ratio and acreage are based on the pre-fire habitat status and do not reflect the diminished quality of the habitat resulting from the 2007 wildfire. In addition to the 2004 protocol survey series for the gnatcatcher, a focused protocol survey for the gnatcatcher was initiated in spring 2013. Protocol surveys were not completed at that time due to the condition of the on-site habitat, as noted in the comment. This information was relayed to Service staff by REC on April 9, 2013 as part of the routine notification process regarding survey activities.

A10 The County agrees with this comment. Please refer also to the responses to Comments 4, 6, 7 and 8 above with regard to the existing and planned north-south gnatcatcher corridor east of I-15. It should be noted that Rice Canyon is currently still a viable linkage with minimal impacts from development. Meetings between the County and Wildlife Agencies on this issue are ongoing through the continued effort to finalize the NCMSCP.

A11 This comment provides a summary of the mitigation requirements determined during the hardline negotiation process for the Project. The following bullet points within this discussion respond to each of the specific items in this comment and demonstrate how each of these mitigation requirements are being met by the Proposed Project. It should be noted that between 2005 and 2010 extensive negotiations between the County, Service, Department and Applicant occurred to address Project-related biological impacts and (by extension) many of the concerns identified in this letter. Multiple iterations of the Project design were provided to the agencies during this negotiation process, and the Project was revised to address stated agency concerns. Please also note that in previous meetings with the Service in 2010, Service staff (M. Moreno) agreed the Project would address additional issues related to the hardline NCMSCP negotiations as part of the Section 7 permitting requirements, rather than as part of the EIR environmental process. The information

A11 contained within the Draft EIR and supporting BTR presents the results of this extensive negotiation process.

Figure 5 within the BTR shows the pre-negotiated (hardline) take authorized areas. As shown on Figure 2.6-1 of the EIR and Figure 6 of the BTR, Project impacts are consistent with these negotiations and include all brush management activities. Direct and indirect impacts to sensitive species within on-site preservation areas would be mitigated through a number of Project design features identified in Table 1-3 of the EIR and Section 2.0 of the BTR, including, but not limited to: the Resource Management Plan (RMP), construction of a noise wall, light shielding, use of native landscaping, sufficient storm drainage, etc.

Please note that mitigation acreage identified in these negotiation points are dependent upon the final Project design proposed for approval.

- a) As shown on EIR Table S-1, EIR Section 2.6.5 and BTR Table 5, the Project will provide on-site mitigation of 12.16 acres of wetland enhancement and 11.97 acres of wetland creation, in addition to off-site mitigation of 11.78 acres (creation and enhancement) for a total of 35.91 acres of restored and created habitat. In addition, the Project avoids and preserves in perpetuity 13.26 acres of high quality riparian woodland habitat on site. Therefore, the Project would contribute more than 25-30 acres of mitigation for riparian forest, tamarisk and mulefat scrub impacts.
- b) As shown in EIR Table S-1, EIR Section 2.6.5 and BTR Table 5, the Project will provide on-site mitigation through the preservation and restoration of 9.28 acres of on-site upland habitat and the preservation of 17.45 acres of off-site habitat, for a total of 26.73 acres. Therefore, the Project would result in the contribution of 25-30 acres of mitigation for impacts to various upland vegetation types.
- c) Regarding the arroyo toad, the Project includes three parcels located south of SR-76 that are currently zoned for commercial use. The most southerly parcel is disturbed and vacant, and no development is proposed on this parcel; it is proposed to be restored to native habitat. The most westerly parcel is disturbed

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and is currently experiencing heavy use by off-road vehicles. The most easterly parcel is an abandoned orange grove. None of these three parcels serves as breeding habitat or aestivation habitat for the arroyo toad based on personal communication with Cadre Environmental. The area is not considered breeding habitat or aestivation habitat due to the fact that the site has been repeatedly disturbed for fire fuel maintenance and for orchard operations. Although toads are thought to distribute up to one kilometer away from breeding habitat, the upland areas have been continuously disrupted such that aestivation of toads in these areas is unlikely. Dispersal from San Luis Rey River to the property would require the toad to either traverse the property south of SR-76, cross SR-76 (either over the pavement or through culvert) then traverse a rip rap slope with a steep 1:1-embankment. Past discussions with the Service, specific to the arroyo toad, led to a reduction in the amount of proposed development south of SR-76. Specifically, development was removed from one parcel as an avoidance measure. It was also agreed during those meetings between the Service and the County that arroyo toads do not inhabit or aestivate on the Campus Park West property. Based on this prior coordination, it was determined that the southern-most parcel would be likely to provide the best viable aestivation area in the future, following restoration, for the arroyo toad population occurring up and downstream in the San Luis Rey River. As a result, the avoidance of this parcel and the eventual restoration of this area were anticipated to avoid any potential impacts to arroyo toads in the future.

As described in EIR Section 2.6.1.1, Existing Setting, and BTR Section 1.4.6, Sensitive Wildlife Species, the northern and southern portions of the Project site contain no habitat suitable for arroyo toad. For additional information related to arroyo toad surveys, please refer to Appendix G of the EIR, BTR, Section 1.4.6, Sensitive Wildlife Species. Additionally, arroyo toad has been determined to not utilize the southern portion of the Project site, south of SR-76, because the banks of the San Luis Rey River and Horse Ranch Creek are too steep for toads to access the three parcels. Toads do not aestivate in orange groves and would only be attracted to such property due to irrigation, which would not

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continue under the Proposed Project. Additionally, the risk of road kill for toads trying to cross from the orange groves to the bare parcels is high and there is no suitable habitat there. Further, there is no suitable habitat for the toads in the southern portion of the Project site because the vast majority of toads aestivate in very loose, sandy soils under the riparian canopy or in mulefat. This was also confirmed with Service staff during a meeting in December 2012. The only potential area for arroyo toad on the Project site is within Horse Ranch Creek, which was determined to be void of toads during surveys. Also, toads breeding in the San Luis Rey River channels are generally colonizing these areas and not moving into the upland areas because they are not suitable. Based upon the information presented above and within the Appendix G of the EIR, the BTR, the contribution of approximately 18 acres of restored upland aestivation area for arroyo toad is no longer applicable for the Project.

- d) The Project requirements for on- and off-site mitigation will be conditioned in the on- and off-site Project Final RMP. Given that this Project is being reviewed for approval prior to completion and finalization of the NCMSCP, the EIR and BTR state that all mitigation will be within an approved mitigation bank or land approved by the Director of Planning and Development Services (PDS). As noted above, for clarification purposes, Mitigation Measures M-BI-4a, M-BI-4b, M-BI-4d, M-BI-4e and M-BI-4f within Section 2.6 of the Final EIR have been revised to read: “Off-site mitigation acreage shall be located within a PAMA (if the NCMSCP has been adopted when the Project is approved), at an approved mitigation bank, or on purchased land to be managed by an RMP, as approved by by the Director of the County PDS.” Mitigation Measure 3 within the BTR has also been revised to read: “All habitat based mitigation requires that mitigation be within a Pre-Approved Mitigation Area (if the NCMSCP is adopted before Project approval), a pre-approved mitigation bank or other land approved by the Director of PDS.” Therefore, the Project is conditioned to provide mitigation within a PAMA, if the NCMSCP is adopted before Project approval.

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and the Pala Casino. Suitability will be determined by a biologist familiar with the needs of the arroyo toad and with expertise in restoring a wide variety of habitat types.

The draft NCMSCP further provides for the hardline that uses allowed within the North County preserve areas within Campus Park West are limited and specific, and consist of the following:

- Revegetation of disturbed areas within the North County preserve as might be undertaken or permitted by state, federal, and local agencies in accordance with take permits
- Management and maintenance (including construction associated with repair) of public trails within the open space areas of the project that connect to trails in adjacent properties.
- Construction and maintenance of the water line, roads, and other public facilities.

In addition, all brush management will be done within the development envelope (page 5 of Appendix E of draft NCMSCP). The final EIR and supporting documents should demonstrate how each of these hardline mitigation requirements are being met with the current project, including demonstrating that any proposed public access would be located in the least sensitive area of the site and not result in direct or indirect impacts to any listed/sensitive species within the on-site preserved areas.

3. The proposed project would impact approximately 2.27 acres of coastal sage scrub (CSS), as well as other sensitive habitats. The draft EIR (Table 2.6-2) indicates that approximately 21.44 acres of on-site preservation (of which 1.29 acres would be CSS preservation), and 41.49 acres of off-site mitigation (of which 3.25 acres would be CSS preservation), would be required to offset impacts to the CSS and other sensitive habitats. The draft EIR/HLP does not identify a specific site for the off-site mitigation. We recommend that all impacts to sensitive habitats be mitigated within the PAMA identified by the draft NCMSCP. The final location of the off-site CSS mitigation would require approval from the Wildlife Agencies as part of the HLP review and approval process. Once approved, all mitigation lands for impacts to sensitive habitats should be placed within a biological open space easement with adequate secured funding to ensure long-term management and monitoring of the habitat and any sensitive/listed species at the mitigation sites in perpetuity.

According to Table 2.6-1, there are 39.48 acres of disturbed areas mapped on site, of which 38.31 acres would be impacted (in addition to another 2.45 acres off-site impact). As described in the draft EIR on page 2.6-5, the areas mapped as disturbed contain non-native annual grasses and forbs. There also is a brief statement in the draft EIR that “[t]ypical species of these areas include oats, non-native brome grasses, filaree, short-pod mustard, burclover (*Medicago* sp.), and wild radish (*Raphanus sativus*), but not to an extent that would justify classifying it as non-native grassland” (page 2.6-5). The Wildlife Agencies disagree with this assessment. The amount of non-native grasses and forbs is seasonally dependent, particularly in the absence of maintenance measures typically undertaken by landowners to control these species. Additionally, the project site has been recognized as a very important location to NCMSCP planning, and discussions for the NCMSCP recognized that in areas important for wildlife movement that agriculture and other non-native conditions may be necessary for conservation/mitigation to achieve broad conservation objectives. Due to the presence of indicator non-native grass and forb species, and

A11 cont.

- e) The Final RMP will limit the allowed uses within the preserve areas but will allow for the revegetation of disturbed areas.
- f) The Final RMP will limit the allowed uses within the preserve areas but will allow for management and maintenance of public trails within the open space.

A12

All brush management is proposed within the development footprint. The final RMP will discuss any proposed public access to the on-site preserve and ensure any access occurs in the least sensitive area of the site in a manner that prevents direct and indirect impacts while providing long-term protection of sensitive species. Responses in Comment 11 are further applicable to this comment.

A13

The County agrees with the majority of this comment, aside from the request to identify a specific site for off-site mitigation in the Final EIR. While the Final EIR does not identify a specific mitigation site, Mitigation Measures M BI-4a, M-BI-4b, M-BI-4d, M-BI-4e and M-BI-4f (Section 2.6 of the Final EIR) have been revised to read: “Off-site mitigation acreage shall be located within a PAMA (if the NCMSCP has been adopted when the Project is approved), at an approved mitigation bank, or on purchased land to be managed by an RMP, as approved by by the Director of the County PDS.” Mitigation Measure 3 within the BTR has also been revised to read: “All habitat based mitigation requires that mitigation be within the draft Pre-Approved Mitigation Area, a pre-approved mitigation bank or other land approved by the Director of Planning & Development Services.”

Requirements for on-site and off-site mitigation will be conditioned in the Final on- and off-site RMP for the Project. At that time, the Service and Department will serve as reviewing and approving agencies for the HLP and/or Section 7 process, including the location of the off-site mitigation. The mitigation lands will be placed within a biological open space easement with adequate secured funding, in perpetuity, as requested by the commenter.

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- A14 cont. because this area is within the modeled I-15 Linkage, it is appropriate for these areas to be mitigated as non-native grassland.
- A15 4. Based on the information contained in the draft EIR and supporting documents, it is unclear as to whether or not on-site biological open space areas to be used as mitigation for project impacts (21.44 acres) would be within Homeowner Association (HOA) controlled areas. All on-site mitigation areas should have biological open space easements recorded over the land with adequate secured funding to ensure long-term management and monitoring of the habitat and any sensitive/listed species in perpetuity by a qualified, Wildlife Agency-approved land management entity.
- A16 5. Page 2.6-12 of the draft EIR states that “Although toads are thought to disperse up to 0.6 mile away from breeding habitat, the upland areas on the project site are continuously disrupted such that aestivation of toads in these areas is unlikely. Dispersal from the San Luis Rey River to the property would require the toad to either traverse the property south of SR-76, cross SR-76 either over the pavement or through culvert, and then traverse rip rap slope and/or steep 1:1 embankment. In addition, during a meeting with Service representatives regarding the adjacent Campus Park project (TM 5538) on December 4, 2012, Service staff indicated that the habitat in this area was not suitable for the arroyo toad.”

While we concur with the above statements for the portion of the proposed project north of SR-76, we do not concur with these statements for the three parcels south of SR-76. Although the project site does not support suitable arroyo toad [*Anaxyrus (=Bufo) californicus*] breeding habitat, the parcels south of SR-76 do support suitable arroyo toad foraging and aestivation habitat, including gentle slopes, southern riparian scrub, coastal sage scrub, non-native grasslands, and friable soils. In addition, although not ideal, arroyo toads are known to utilize agricultural areas for foraging, aestivation, and movement. Arroyo toads have also been documented both upstream and downstream of the proposed project site. Based on these observations of arroyo toads in proximity to the project area and the presence of suitable arroyo toad foraging and aestivation habitat within the project area, we recommend that impacts to suitable arroyo toad habitat on the three parcels south of SR-76 be mitigated as follows: a minimum 1:1 ratio for impacts to non-native grassland and agriculture, 2:1 ratio for coastal sage scrub, and 3:1 ratio for southern riparian forest. All mitigation should occur either on site within the open space south of SR-76, or, if adequate habitat is not available within this on-site open space, mitigation should be acquired off site within suitable arroyo toad habitat along the San Luis Rey River, within the proposed PAMA of the draft NCMSCP.
- A17 6. The biological report (Appendix D) indicates that there is suitable habitat on site for the California yellow-billed cuckoo (*Coccyzus americanus occidentalis*), a state-listed species. We recommend that protocol surveys for this state-listed species be conducted in all areas of suitable habitat within and adjacent to the project site and the results of these surveys included in the final EIR and supporting documents. If it is determined that the area is occupied by yellow-billed cuckoo, all impacts to occupied habitat should be mitigated with in-kind habitat at the appropriate ratios. In addition, state CESA authorization/permits would be required for any impacts to this species.
- A18 7. The Biological Technical Report included with the draft EIR states that one flycatcher was detected within Horse Ranch Creek adjacent to the proposed project during protocol surveys conducted for another development project in this area. While it is assumed that the flycatcher

A14 The County respectfully disagrees with the statement that it is appropriate for disturbed areas on site to be mitigated as non-native grassland. On page 2.6-5 of the EIR and page 10 of the BTR, the discussion of disturbed lands on site is divided into two sections: one describing the disturbed land in the northern portion of the Project site and one describing the disturbed land in the southern portion of the Project site.

As stated in the EIR and BTR and confirmed by County staff biologists, “Disturbed land in the northern section of the site consists of land cleared for fuel management around the entry drive and model airplane runway, and includes the runway and associated parking area, including a dirt remote control car track. This area has been repeatedly disked and cleared for fuel management, and contains low growth of primarily non-native annual grasses and forbs.” Disturbed lands in the northern portion of the Project site are actively maintained and will continue to be maintained as disturbed, through fuel management activities, until implementation of the Project. Throughout much of the year, this area is bare ground. During the time of biological resource surveys, some annual non-native grasses were observed.

Within the southern section of the Project site, the EIR and BTR describe disturbed land as land that “consists of a triangle of bare land between the road and the orchard, and is mostly bare soil with scattered non-native grasses and forbs. Typical species in these areas include oats, non-native brome grasses, filaree, short-pod mustard, burclover (*Medicago* sp.), and wild radish (*Raphanus sativus*) but not to an extent to classify it as non-native grassland.” The majority of disturbed land in the southern portion of the Project site, therefore, is predominantly bare of vegetation with only a minimal amount of non-native grasses occurring in the area, but not to the extent to classify as non-native grasslands.

County staff agrees that the Project site is located in an important location for regional conservation efforts. In this case, however, and as noted above, the areas in question qualify as disturbed lands and would not contribute to the NCMSCP reserve system.

Therefore, the disturbed areas on site have been mapped correctly and should not be classified as non-native grassland or require mitigation for impacts.

- A15 The County agrees with the statements related to appropriate biological open space management. Within the EIR and BTR, it is clearly identified that the HOA will not manage the on-site open space. EIR Table 1-3 and Section 2.0 of the BTR state the following: “Open space areas will be preserved within an easement and will be subject to a Resource Management Plan.” As stated in Appendix J, the conceptual RMP, “The County of San Diego Department of Parks and Recreation, or other acceptable entity, will be the preserve Resource Manager of the property through the Landscape Maintenance District regulations, Community Facilities District or other acceptable funding mechanism.” The Final RMP will require the recordation of the open space easements, adequate secure funding for management and monitoring of the habitat and species. The Service and Department will serve as reviewing and approving agencies for the Final RMP.
- A16 The County does not agree with the statement that parcels south of SR-76 support suitable arroyo toad foraging and aestivation habitat. The Project includes three parcels located south of SR-76 that are currently zoned for commercial use. The most southerly parcel is disturbed and vacant, and no development is proposed on this parcel; it is proposed to be restored to native habitat. The most westerly parcel is disturbed and is currently experiencing heavy use by off-road vehicles. The most easterly parcel is an abandoned orange grove. None of these three parcels serves as breeding habitat nor aestivation habitat for the arroyo toad, based on personal communication with Cadre Environmental. The area is not considered breeding or aestivation habitat due to the fact that the site has been repeatedly disturbed for fire fuel maintenance and for orchard operations. Although toads are thought to distribute up to one kilometer away from breeding habitat, the upland areas have been continuously disrupted such that aestivation of toads in these areas is unlikely. Dispersal from the San Luis Rey River to the property would require the toad to traverse the property south of SR-76 and cross a rip rap slope with a steep 1:1 embankment. Please also note that past discussions with the Service, specific to the arroyo toad, led to a reduction in the amount of proposed development south of SR-76. Specifically, development was removed from one parcel as an avoidance measure. Although arroyo toads may be present in the region of the Project, it was agreed between the Service and the County during those meetings that arroyo toads do not inhabit or aestivate on the Campus Park West property. In addition,

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A16 cont. the southern-most parcel of the Project site was set aside as restorable open space in coordination with Service staff, to avoid any significant future direct or indirect effects to the arroyo toad, and thereby alleviating the need for further analysis. At that time, it was determined by the Service and the County that this area was the most suitable acreage for the arroyo toad to utilize in the future, should it colonize the area. The remainder of the area was determined to not be suitable due to the extensive amount of continual disturbance noted above and the fact that the portion of Horse Ranch Creek on the southern parcels are lined with riprap and contain 1:1 embankments making arroyo toad migration onto the site for aestivation unlikely.

Regarding the suggested mitigation ratios, other than the non-native grassland and agriculture, the suggested mitigation ratios are being implemented for all portions of the Project, including the parcels south of SR-76. Currently non-native grassland on site is being mitigated at 0.5:1, consistent with the current County of San Diego Biological Guidelines; and agriculture (in the form of groves) does not require mitigation because this habitat type is not considered sensitive.

A17 The County disagrees with the need to conduct protocol surveys for the California yellow-billed cuckoo on the Project site. Appendix D to the BTR indicates that there is a low potential for the California yellow-billed cuckoo to occur on site. Although suitable habitat is present, this species was not detected during any least Bell's vireo surveys, which were performed on site in 2004 and 2012. Therefore, protocol level surveys are not required.

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A18 cont.

was a southwestern willow flycatcher (*Empidonx traillii extimus*), the bird was not observed. Based on the observation (2011) of two southwestern willow flycatchers along Horse Ranch Creek that were determined to be a pair (see page 2.6-10 of the draft EIR), the presence of suitable southwestern willow flycatcher habitat adjacent to the project site, and the observation of an unconfirmed flycatcher, we recommend that protocol surveys for the southwestern willow flycatcher be conducted in all areas of suitable habitat within and adjacent to the project site and the results of these surveys included in the final EIR and supporting documents. If it is determined that the area is occupied by the southwestern willow flycatcher, measures to avoid, minimize, and offset project related impacts to the species should be identified.

A19

8. The draft EIR and supporting documents (page 17 of biology report) indicate that the last focused survey work for the federally listed endangered and state-listed threatened Stephens' kangaroo rat (*Dipodomys stephensi*; SKR) occurred in September 2004. The 2004 work concluded that suitable habitat exists on site. We recommend that an updated habitat assessment and, if warranted, protocol surveys for SKR be conducted in all areas of suitable habitat within and adjacent to the project site. The results of these surveys should be included in the final EIR and supporting documents. If it is determined that the area is occupied by SKR, measures to avoid, minimize, and offset project related impacts should be identified.

A20

9. Federally listed endangered species are known or have the potential to occur within the project site [i.e. least Bell's vireo (*Vireo bellii pusillus*; vireo), southwestern willow flycatcher, SKR, and arroyo toad]. In addition, the project site is located within designated critical habitat for the arroyo toad and gnatcatcher. Therefore, based on the potential direct and indirect impacts that may occur to these listed species and/or designated critical habitats as a result of the proposed project, it may be necessary for the applicant to obtain "take" authorization for these species/critical habitats through a section 7 consultation (if a Federal nexus exists, such as through involvement of the U.S. Army Corps of Engineers). For federally listed species, if a Federal nexus is not involved, it may be necessary for the applicant to obtain "take" authorization for the species alone through development of a Habitat Conservation Plan, pursuant to section 10 of the Act.

A21

10. Since the NCMSCP has not yet been completed, any take authorization for impacts to state-listed species including the least Bell's vireo, southwestern willow flycatcher (and potentially SKR and yellow-billed cuckoo) would have to be achieved through CESA. If the applicant intends to have take of any state-listed species addressed through a 2080.1 consistency determination (CD), it is important that the final EIR and supporting documentation contain a mitigation program that would fully mitigate for impacts to those state-listed species. Moreover, for the Department to evaluate and potentially issue a CD, it is important that the federal biological opinion (BO) for the project contain measures to clearly demonstrate that the state take would be fully mitigated under CESA. As part of the mitigation required under CESA, a biological conservation easement over the protected lands may be required along with adequate secured funding to ensure that the mitigation land would be managed, maintained, and monitored for listed species in perpetuity by qualified personnel.

A22

11. A final site-specific resource management plan (RMP) should be developed and implemented for the proposed on- and off-site mitigation areas as a condition of HLP approval to ensure the long-term conservation of the mitigation sites. The final RMP should provide measures and demonstrate that adequate funding would be provided to protect and manage the resources on the

A18 Focused surveys for the southern willow flycatcher will be conducted and submitted for review to the agencies as part of the permitting process for the Project site, which is required to obtain an Individual Section 404 Permit from the U.S. Army Corps of Engineers (ACOE), a Streambed Alteration Agreement from the Department and a 401 Certification from the Regional Water Quality Control Board (RWQCB). In addition to these permits, consultation with the Service is required.

Based upon a 2012 presence-absence survey for the southwestern willow flycatcher performed by Natural Resource Consultants, no observed locations of the southwestern willow flycatcher would be directly impacted by the Project. Impacts to potential southwestern willow flycatcher habitat would be mitigated by the ratios provided in EIR Table 2.6-2 and BTR Table 5, in accordance with the mitigation for the least Bell's vireo. Indirect impacts are mitigated by the Project design features identified in EIR Table 1-3 and BTR Section 2.0, Project Effects, in addition to EIR Mitigation Measure M-BI-3a and BTR Mitigation Measure 2, including, but not limited to: implementation of an RMP, construction of a noise wall, light shielding, use of native landscaping, adequate storm drainage, etc. Therefore, any potential impacts to the southwestern willow flycatcher have been offset by the mitigation identified above.

A19 Focused surveys for the Stephens' Kangaroo Rat will be conducted and submitted for review to the agencies as part of the permitting process for the Project site, which is required to obtain an Individual Section 404 Permit from ACOE, a Streambed Alteration Agreement from the Department and a 401 Certification from the RWQCB. In addition to these permits, consultation with the Service is required. Although this species was determined absent from the Project site, direct impacts to any potential habitat are mitigated by the ratios provided in EIR Table S-1 and BTR Table 5. Indirect impacts are mitigated by the Project design features identified in EIR Table 1-3 and BTR Section 2.0, Project Effects, in addition to EIR Mitigation Measure M-BI-3a and BTR Mitigation Measure 2, including, but not limited to: implementation of an RMP, construction of a noise wall, light shielding, use of native landscaping, adequate storm drainage, etc.

A20 The County agrees with this comment.

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A22 cont. on-site and off-site mitigation lands in perpetuity. The RMP should include biological goals, management objectives, and specific tasks to achieve the objectives, provisions to monitor populations of sensitive and/or listed species, control for invasive plants, provide adequate fencing, limit public access, and address any other relevant land/species management issues. The RMP for the on- and off-site mitigation lands would require approval by the Wildlife Agencies as part of the County's HLP process.

A23 12. In the event take of least Bell's vireo, flycatcher, SKR, yellow-billed cuckoo or any other listed species would occur, one of the purposes of the RMP (Section 1.0 of the RMP) should be to demonstrate adequate mitigation, management, and funding has been provided to achieve state mitigation requirements for take to the listed species. We recommend that the species monitoring program in the final RMP be further developed, especially for the listed species. For example, sufficient monitoring and reporting of the existing and restored areas would be required to demonstrate that impacts to state listed species have been fully mitigated under CESA. In addition, Section 2.0 (Implementation) of the RMP should be specific on how the funding for managing and ongoing maintenance/monitoring of the on-site open space proposed as biological mitigation would be provided. For purposes of CESA compliance, the method of funding would need to be identified and established prior to impacts. The funding would also need to be provided in a separate, protected fund that cannot be used for purposes other than managing and monitoring the conserved open space. Additional comments on the draft RMP that should be addressed in the final version are as follows:

A24 a. The RMP should include a species monitoring component to allow for protocol surveys for all the listed species in the on- and off-site restored areas. Currently, only least Bell's vireo is provided for (A9). We also recommend that surveys for the gnatcatcher be included subsequent to restoration of the upland areas to the extent practicable.

A25 b. Section 6.0 (Biological Goals) of the RMP should have specific measurable goals and objectives for least Bell's vireo and southwestern willow flycatcher (see Goal 2). Goal 3 addresses cowbird trapping, and should be carried forward in the RMP as a potential future (funded) management action since Appendix C currently notes the presence of cowbird on site and cowbird is known to impact listed species.

A26 c. The final RMP should include a section describing any access that would be provided and how those areas would be managed and monitored. Table 5 (Public Use Tasks) on page 25 should include contingency or remedial measures for addressing issues that are identified in the field.

A27 d. The final RMP should clearly identify the entity that would be responsible for ensuring that all necessary management and monitoring tasks for the mitigation lands would be conducted by qualified personnel.

A28 e. The plant palette for the restored slope within the riparian buffer should be provided as part of the RMP, including the proposed locations and draft success criteria (including metrics for diversity).

A29 13. We recommend that any fuel clearing areas requiring replanting be planted with compatible, low-fuel natives (e.g., cacti and other succulents) to minimize the potential for invasive species to spread into the proposed on-site mitigation/open space areas and into adjacent natural lands. In

A21 The County agrees with this comment. The Project fully mitigates for significant impacts to state and federally listed species and a conservation easement will be placed over all areas set aside as open space. Consistent with the comment, the Project is required to provide adequate funding for all mitigation lands (on site and off site) to ensure that those lands be managed, maintained, and monitored for listed species in perpetuity by qualified personnel.

A22 The County agrees that the Service and the Department will serve as reviewing and approving agencies for the on- and off-site Final RMP through the HLP and/or Section 7 process. The Final RMP will provide measures and demonstrate that adequate funding would be provided to protect and manage the resources on the mitigation lands in perpetuity. The Final RMP will also include biological goals, management objectives, and specific tasks to achieve the objectives, provisions to monitor populations of sensitive and/or listed species, control for invasive plants, provide adequate fencing, limit public access, and address other relevant land/species management issues.

In accordance with the County of San Diego Biological Resource Guidelines, the RMP contained within the EIR and BTR is conceptual. A Final RMP will be required as a condition of the Project and completed prior to grading or finalizing the map. The Final RMP will require specific on-site and off-site mitigation for the Project. The Service and Department will serve as reviewing and approving agencies for the Final RMP.

A23 The County agrees that the Final RMP should provide a specific species monitoring program. Therefore, the Final RMP will include a species monitoring program that is fully developed, especially for listed species. The Final RMP will be provided to the Service and Department for review and approval through the HLP and/or Section 7 process.

A24 The County agrees that the Final RMP should include a species monitoring component that allows for protocol surveys for all listed species and to survey for the species with a potential to occur on site. The Final RMP will be provided to the Service and the Department for review and approval through the HLP and/or Section 7 process.

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- A25 The County agrees that the Final RMP will have specific measurable goals and objectives for least Bell's vireo and southwestern willow flycatcher. The Final RMP will be provided to the Service and Department for review and approval as part of the HLP and/or Section 7 process.
- A26 The County agrees that the Final RMP should include a section describing any access points and how those areas would be managed and monitored. The Final RMP will be provided to the Service and the Department for review and approval as part of the HLP and/or the Section 7 process.
- A27 The County agrees that the Final RMP should clearly identify the management and monitoring entity for the mitigation lands. The Final RMP will be provided to the Service and Department for review and approval as part of the HLP and/or Section 7 process.
- A28 The County agrees that the Final RMP should include the riparian buffer plant palette, including locations and draft success criteria. The restored slopes will be part of a revegetation effort and will be addressed in the Final Revegetation Plan. That plan will include a final plant palette as well as success criteria. Once the slopes achieve the success criteria, the area will be included in the long term management goals and tasks of the Final RMP. The Final Revegetation Plan and Final RMP will be provided to the Service and Department for review and approval as part of the HLP and/or Section 7 process.

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addition, we recommend that native plants (endemic to the local area) be used to the greatest extent feasible in landscaped areas adjacent to and/or near mitigation/open space areas and/or wetland/riparian areas to avoid degradation of native habitats. The California Invasive Plant Council provides a list of exotic plants species (Invasive Plant Inventory [Cal-IPC; <http://www.cal-ipc.org/>]) that should be avoided in landscaped areas. We recommend this measure be incorporated into the final EIR or that the final EIR identify other measures to address the potential degradation of native habitats from the use of invasive species in the landscaped areas.

A30

14. The draft EIR (Table 2.6-2) indicates that some areas adjacent to Horse Creek have grading that would be revegetated with native species. The draft EIR also indicates that these revegetated areas would be included in the RMP to offset the reduced biological buffers (*i.e.*, less than 100 feet) adjacent to occupied least Bell's vireo areas. The proposed planting palette for these areas should be included in the final EIR. Furthermore, if these areas are proposed to meet project mitigation requirements, all related restoration and revegetation plans should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location and acreage of the area proposed as mitigation; (b) plant species to be used, including container sizes, spacing and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific/measurable success criteria; (h) a detailed monitoring program supported by secured funding; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. In addition, please clearly indicate (with supporting figures/maps) if these areas would be included within any areas where fuel clearing, trails, or other uses would occur and the method of protection proposed for these areas (e.g., conservation easement, limited building zone etc.). See also comment 4 above.

A31

15. The Wildlife Agencies recommend that measures be taken to avoid project impacts to nesting birds. Proposed project activities (including, but not limited to, staging and disturbances to native and non-native vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1 to September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, we recommend that pre-construction surveys be conducted by a biologist with experience in conducting breeding bird surveys. These surveys would be used to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or other factors.

A32

16. As a condition of any CESA take authorization for the project, the land manager and entity that would hold conservation easements and funds for any mitigation would need to be approved by the Department. This review and approval process may occur when the CESA application (or 2080.1 consistency request) is provided to the Department. The Department is not currently interested in managing the conserved lands associated with this project. For purposes of CESA compliance, ownership of the conserved lands by a home owner's association (HOA) would likely not be appropriate. Page 5 of the draft RMP (Proposed Easement Holder) indicates that "if the land is transferred in fee title to any non-governmental entity, a Biological Open Space

A33

A29 EIR Table 1-3 and BTR Section 2.0, Project Effects, state that as a Project feature, all Project landscaping adjacent to open space will include native vegetation and drought tolerant plant materials. In addition, the Final Landscape Plans for the development will be required to preclude any species listed by Cal-IPC.

A30 The Final Wetland Mitigation plan will be revised to include the revegetation of the buffer slopes, including the identification of a buffer slope plant palette, irrigation and success criteria. The proposed planting palette will be included in the Final Wetland Mitigation Plan, which will be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. This Final Plan will be provided to the Service and Department for review and approval during the HLP and/or Section 7 process.

A31 Revegetated manufactured slopes will be included in the on-site biological open space easement and managed in perpetuity under a conservation easement. These biological open space areas are shown in EIR Figure 2.6-5 and would be managed by the RMP, included as Appendix J to the BTR. The Final RMP will address this request and will be provided to the Service and Department for review and approval as part of the HLP and/or Section 7 process.

A32 The County agrees with this comment and, therefore, the EIR and BTR require all brush clearing and grading to occur outside the bird breeding/ nesting season, as stated in EIR Mitigation Measure M-BI-3a and BTR Mitigation Measure 2. As stated in the EIR and BTR, if avoidance of the breeding season is not possible, pre-construction surveys, noise monitoring and noise attenuation measures shall be utilized.

A33 The County agrees with this comment. The land manager and entity that would hold conservation easements must be approved by the Service and Department. Within the EIR and BTR, it is clearly identified that the HOA will not manage the on-site open space. EIR Table 1-3 and Section 2.0 of the BTR state the following: "Open space areas will be preserved within an easement and will be subject to a Resource Management Plan." As stated in Appendix J, the conceptual RMP: "The County of San Diego

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Easement or Conservation Easement dedication must be recorded.” For purposes of CESA compliance (where there is not adopted NCCP), a biological conservation easement (held by a bona fide conservation entity) would likely be required over the on- and off-site mitigation lands regardless of who ultimately would have fee title.

A34

17. The Conceptual Wetland Restoration Plan should include a monitoring/success metric for diversity. In addition, please note that the final wetland restoration plan would require review and approval by the Department as part of the 1600, and possibly CESA, permitting processes.

A35

18. The proposed project includes an access road (Pankey Road) that would be constructed immediately adjacent to occupied least Bell’s vireo habitat (see Figure 2.6-1 of the draft EIR). The final EIR and supporting documents should provide more detail on the anticipated construction timing and activities/methods associated with this road, including what specific measures would be provided to avoid/minimize impacts to least Bell’s vireo (and potentially flycatcher and yellow-billed cuckoo). If it is possible that construction for this access road may occur during the breeding season for this or any other state listed species, it should be determined upfront the type of impact (e.g., direct impact to a nest, indirect impacts from noise, etc.) that is likely to occur so that measures can be identified and evaluated in the final EIR and supporting documents for compliance with CESA. In addition, it is unclear whether or not any culvert or facility is proposed under Pankey Road to convey stormwater flows. Additional information on any required hydrological conveyance of water flows associated with the new road should be included in the final EIR and supporting documents. If any such facility/feature is required, we recommend that it be adequately sized and maintained to allow passage of smaller wildlife.

A36

A37

Thank you for the opportunity to comment on the subject draft EIR and HLP. If you have any questions, please contact Michelle Moreno of the Service at Michelle_Moreno@fws.gov or 760-431-9440, or Randy Rodriguez of the Department at Randy.Rodriguez@Wildlife.ca.gov or 858-637-7100.

Sincerely,

Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Gail K. Sevrens
Environmental Program Manager
California Department of Fish and Wildlife

A33
cont.

Department of Parks and Recreation, or other acceptable entity, will be the preserve Resource Manager of the property through the Landscape Maintenance District regulations, Community Facilities District or other acceptable funding mechanism.” The Final RMP will be provided to the Service and Department for review and approval as part of the HLP and/or Section 7 process.

A34

The County disagrees that the Conceptual Wetland Restoration Plan should include a monitoring/success metric for diversity. This information will be included in the Final Wetland Restoration Plan. The Final Wetland Restoration Plan will be prepared as part of the permitting process and will address this information. Consistent with this comment, the Plan will be provided to the Service and Department for review and approval in conjunction with Section 7 and California Fish and Game Code 1600.

A35

This information is consistent with the EIR. EIR Mitigation Measure M-BI-3a requires avoidance of brushing, clearing and grading during the least Bell’s vireo, as well as other bird species, breeding and nesting season. This would include any construction or grading associated with the access road (Pankey Road). Direct and indirect impacts to sensitive species within on-site preservation areas would be mitigated through a number of Project design features identified in EIR Table 1-3; including, but not limited to, the RMP, construction of a noise wall, light shielding, use of native landscaping, adequate storm drainage, etc. EIR Mitigation Measure M-BI-3a requires the Project applicant to confirm that construction would be outside of the breeding season. If avoidance of the breeding season is not possible, pre-construction surveys, noise monitoring and noise attenuation measures shall be utilized.

A36

A bridge or large culvert is being proposed as part of the Project to convey the creek under Pankey Road. At this time, the bridge/culvert is not fully designed. However, regardless of facility type, it will be conditioned to provide an adequate height and width to allow for small animals/wildlife to cross. Please refer to the Horse Ranch Creek Flood study for the requested information on the hydrological conveyance of water flows associated with the new road.

A37

County staff appreciates the comments provided and expect that close coordination with Service and Department staff will continue throughout resolution of Project permitting and mitigation.

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DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, M.S. 120
SAN DIEGO, CA 92110
PHONE (619) 688-6668
FAX (619) 688-3122
TTY 711
www.dot.ca.gov



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September 25, 2013

11-SD-76
PM 17.87
Draft SEIR
SCH #2009061043

Mr. Dennis Campbell
County of San Diego, DPLU
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Mr. Campbell:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Subsequent Environmental Impact Report (Draft SEIR) for the Campus Park West development (SCH #2009061043) located near Interstate 15 (I-15) and State Route 76 (SR-76). Caltrans has the following comments:

Traffic:

- Mitigation (TR-2, 2a, 3, 3a) to improve or agree to provide security for the I-15/SR-76 interchange through a fairshare contribution should be identified in the EIR or County Conditions of Approval. The fair share contribution shall be equal to an amount proportional to this project's impact to the interchange. At the time the mitigation condition is triggered, it is recommended that the project proponents enter into an agreement directly with the San Diego Association of Governments (SANDAG) for reimbursement to SANDAG as part of the SR-76 East TransNet project and SR-76/I-15 Interchange improvements.

Hydrology:

- Grading for this proposed project that would modify existing drainage and increase runoff to State facilities will not be allowed. Any approval of encroachment into Caltrans right-of-way (R/W) will need to confirm that there will be no increase in the peak flow between pre-project and post-project conditions, and that there will be no overtopping of SR-76 during a peak event. Caltrans standard drainage details and drainage structures should be provided in the drainage study for work inside Caltrans R/W. For Hydrology related questions, please contact Tim Brownson in Caltrans Hydraulics Engineering Branch at (619) 688-3391, or Curt Whiteaker at (619) 688-6736.

Other Comments:

- Any proposed decertification of Caltrans R/W will need to be formally reviewed to be determined if it is excess and no longer necessary for transportation purposes with final approval of the California Transportation Commission (CTC).
- Caltrans will not be held responsible for any noise impacts to this development.

"Caltrans improves mobility across California"

- B1 These are introductory remarks and no response is required.
- B2 The County agrees that a fair share contribution will be made to the costs for the existing interchange improvements. This is stated in the cited mitigation measures (TR-2, 2a, 3 and 3a). As documented in your June 7, 2013 communication, if the Project is approved, the amount of the fair share for full Project buildout will be 2.28 million dollars. The fair-share payments will be made in conjunction with the Project's phased development.
- B3 The County understands that any increase runoff to state facilities will not be allowed. There would be no increase in flows to Caltrans facilities due to the project and overtopping of SR-76 during a 100-year storm event would not occur. All work within Caltrans' right-of-way would be submitted as part of an Encroachment Permit process and as such, standard Caltrans details and specifications for drainage and other structures would be utilized for the design.
- B4 The County agrees that any proposed decertification would require formal review, leading to a determination that the excess right-of-way is no longer necessary for transportation purposes, with final approval by the CTC.

Mr. Dennis Campbell
September 25, 2013
Page 2

B6

- All landscape and irrigation improvements shall conform to Caltrans' policies for design construction and maintenance. The local agency is responsible for requiring any additional highway planting called for by its community standards as part of any development approval. All planting designs are approved by the Caltrans District Landscape Architect. The permittee can obtain from Caltrans District Landscape Architect Caltrans' standard details, plant list, planting and irrigation standard specifications, and special provisions where applicable. Large trees must be located outside the "clear recovery" area, as described in the Highway Design Manual. Any landscaping proposed within Caltrans R/W will need an executed Maintenance Agreement between Caltrans and the approving local agency. Additional information regarding landscaping can be found in Caltrans Encroachment Permit Manual, and Project Development Procedures Manual, which are available on Caltrans website.

Caltrans Encroachment Permit

B7

Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). A PEER should always be prepared, regardless of the cost of improvements, when new operating improvements are constructed by the permittee that becomes part of the State Highway System. These include but are not limited to, signalization, channelization, turn pockets, widening, realignment, public road connections, and bike paths and lanes. After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents, Project Study Reports and Cooperative Agreements). A Caltrans District responsible unit will be notified and a project manager will be assigned to coordinate the project approval.

In order to expedite the process for projects sponsored by a local agency or private developer, it is recommended a PEER be prepared and included in the Lead Agency's CEQA document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM). <http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm>
[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_\(TR-0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_(TR-0112).pdf)

B8

As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the

B5

The County also agrees that Caltrans would not be responsible for noise impacts to the Project related to SR-76 or I-15. The Project Acoustical Report fully incorporates traffic numbers associated with these facilities, and provides appropriate sound barriers, as depicted in Figure 2.5-1 of the EIR. This barrier is addressed in the EIR and would be required as part of the Project mitigation.

B6

As shown on Figure 1-26a of the EIR, landscaping is not currently proposed within Caltrans right-of-way adjacent to SR-76 or I-15. As shown on Figures 1-26b and 1-26c, Project areas abutting these rights-of-way are identified simply for fuel modification or for a sidewalk/pathway. No Project trees would be planted within the clear recovery areas. As a result, no encroachment permit would be required relative to landscaping installation and no maintenance agreement would be required. Hydroseeding as part of Project Best Management Practices may be required, and would be monitored for effectiveness as an erosion control measure, as required by the Construction General Permit.

B7

The County agrees that any work performed within Caltrans right-of-way would require discretionary review and approval by Caltrans. It is understood that a Permit Engineering Evaluation Report (PEER) is recommended to determine the appropriate permit process. A Draft PEER was provided to Caltrans on September 19, 2013 and coordination is ongoing.

B8

Should the Project be approved and an encroachment permit be necessary during Project construction, this Final EIR and supporting technical studies would be included as part of the permit application. Regulatory and resource agency permits are identified in Section 1.5.1 of the EIR and the County is coordinating with those agencies as appropriate.

COMMENTS

RESPONSES

Mr. Dennis Campbell
September 25, 2013
Page 3

B8
cont.

permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits. Encroachment permit submittals that are incomplete can result in significant delays in permit approval.

B9

When a property owner proposes to dedicate property to a local agency for Caltrans use in conjunction with a permit project, Caltrans will not issue the encroachment permit until the dedication is made and the property has been conveyed to Caltrans.

B10

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California. Caltrans' Encroachment Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

B11

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised.

If you have any questions, please contact Trent Clark of the Caltrans Development Review Branch at (619) 688-3140.

Sincerely,



JACOB M. ARMSTRONG, Chief
Development Review Branch

B9 Comment noted.

B10 Any improvement plans for construction within Caltrans right-of-way would include engineering information consistent with state code and would be stamped by a professional engineer registered within California. Information would be submitted consistent with the Caltrans Encroachment Permit Manual and both design and construction would conform to ADA requirements.

B11 Comment noted.

08/19/2013 09:37 FAX 916 657 5390

NAHC

001/003

STATE OF CALIFORNIA

Edmund G. Brown, Jr. Governor

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
 West Sacramento, CA 95691
 (916) 373-3715
 Fax (916) 373-5471
 Web Site www.nahc.ca.gov
 E-mail De_nahc@pacbell.net



August 16, 2013

Mr. Dennis Campbell, Planning Associate

**San Diego County Department of Planning and
 Development Services**

5510 Overland Avenue, Suite 110
 San Diego, CA 92123

Sent by FAX to: 858-694-2555
 No. of Pages: 3

RE: Native American Consultation pursuant to California Government Code Sections 6540.2, 65092, 65351, 65352.3., 65352.4, 65562.5 *et seq.* for the proposed "General Plan Amendment No. GPA05-003; Specific Plan Amendment No. SPA05-001; Subsequent Environmental Impact Report, State Clearinghouse No. 2009061043Project;" located in the northeast quadrant of the Intersection of Interstate 15 and State Route 76 ; North County; San Diego County, California.

Dear Mr. Campbell:

Government Code Sections 65351, 65352.3, 65562.5, *et seq.* incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American tribes as part of the adoption or amendment of any general or specific plan proposed on or after January 1, 2005. California Native American tribes are identified on a list maintained by the Native American Heritage Commission (NAHC).

In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites. Note that the NAHC does NOT APPROVE General or Specific Plan; rather, it provides a list of tribal governments with which local jurisdictions must consult concerning any proposed impact to cultural resources as a result of the proposed action.

C1

C1 Comment noted. This comment is not at variance with the environmental document. No changes were made to the environmental document as a result of this comment.

COMMENTS

RESPONSES

08/19/2013 09:38 FAX 916 857 5390

NAHC

002/003

C2

The NAHC did conduct a Sacred Lands file search of the of the 'area of Potential Effect or APE which did indicate indicate the presence of Native American cultural resources. As part of the tribal consultation process, the NAHC recommends that local governments and project developers contact the tribal governments and individuals to determine if any cultural places might be impacted by the proposed action. Also, the absence of specific site information in the sacred lands file does not preclude their existence. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

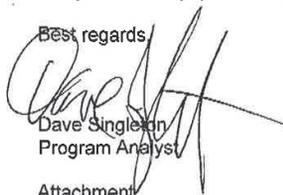
C3

Attached is a consultation list of tribal governments with traditional lands or cultural places located in the vicinity of the Project Area (APE). The tribal entities on the list are for your guidance for **government-to-government consultation** purposes.

A Native American tribe or individual may be the only source of the presence of traditional cultural places. For that reason, a list of Native American Contacts is enclosed as they may have knowledge of cultural resources and about potential impact, if any, of the proposed project.

If you have any questions, please contact me at (916) 373-3715.

Best regards,


Dave Singleton
Program Analyst

Attachment

C2

Comment noted. A cultural resources survey was completed for the Proposed Project and was negative for cultural resources. The study identified that the major portion of the significant Pankey Site CA-SDI-682 is located well east of the Project. Identified significant loci were capped and/or preserved in open space in 2012 as part of the previously approved Meadowood Project. The County acknowledges that other sources should be contacted in order to supplement previously known information and Project survey data. The County conducted SB-18 consultations that included contacting listed tribes provided by the NAHC on October 14, 2005 and August 24, 2010. Only two tribes (Pala and San Luis Rey) requested consultation. The County consulted with both of these tribes during the processing of this Project. No changes were made to the environmental document as a result of this comment.

C3

Comment noted. The Proposed Project includes a specific plan amendment and a general plan amendment that requires tribal consultation pursuant to SB-18. Each of the contacts listed on the NAHC correspondence with the County in 2005 and 2010 was contacted. Only two tribes (Pala and San Luis Rey) requested consultation. The County has met with these tribes during the processing of the Proposed Project. The San Luis Rey Band requested a pre-excavation agreement to be entered into prior to any ground-disturbing activities; and outlined concerns regarding the preservation of cultural, archaeological, and historical sites and resources located within the Project area. The Pala Band of Mission Indians recommended archaeological monitoring and expressed a desire to stay involved with Project planning. The County is continuing to consult with interested Tribal representatives regarding the Proposed Project.

COMMENTS

RESPONSES

08/19/2013 09:38 FAX 916 657 5390

NAHC

@003/003

X **Native American Tribal Government Consultation**
 San Diego County
 August 16, 2013

Pala Band of Mission Indians
 Historic Preservation Office/Shasta Gaughen
 35009 Pala Temecula Road, PMB 50 Luiseno
 Pala , CA 92059 Cupeno
 PMB 50
 (760) 891-3515
 sgaughen@palatribe.com

Pechanga Band of Mission Indians
 Mark Macarro, Chairperson
 P.O. Box 1477 Luiseno
 Temecula , CA 92593
 (951) 770-6100
 hlaibach@pechanga-nsn.gov

Pauma & Yuima Reservation
 Randall Majel, Chairperson
 P.O. Box 369 Luiseno
 Pauma Valley , CA 92061
 paumareservation@aol.com
 (760) 742-1289

La Jolla Band of Mission Indians
 Lavonne Peck, Chairwoman
 22000 Highway 76 Luiseno
 Pauma Valley , CA 92061
 rob.roy@lajolla-nsn.gov
 (760) 742-3796

Soboba Band of Mission Indians
 Rosemary Morillo, Chairperson; Attn: Carrie Garcia
 P.O. Box 487 Luiseno
 San Jacinto , CA 92581
 carrieg@soboba-nsn.gov
 (951) 654-2765

Rincon Band of Mission Indians
 Bo Mazzetti, Chairperson
 1 West Tribal Road Luiseno
 Valley Center , CA 92082
 bomazzetti@aol.com
 (760) 749-1051

San Luis Rey Band of Mission Indians
 Tribal Council
 1889 Sunset Drive Luiseno
 Vista , CA 92081
 760-724-8505

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3. and 65362.4 et seq.

NORTH COUNTY FIRE PROTECTION DISTRICT

315 East Ivy Street • Fallbrook, California 92028-2138 • (760) 723-2005 • Fax (760) 723-2004 • www.ncfire.org

BOARD OF DIRECTORS

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Planning and Development Services
Project Servicing Counter
5510 Overland Ave. Suite 110
San Diego Ca. 92123

September 24, 2013

RE: General Plan Amendment; PDS2005-3800-05-003 (GPA). PDS2005-3813-05-001 (SP). PDS2005-3600-05-005 (REZ). PDS2005-3100-5424 (TM), HLP XX-XXX, LOG NO. 3910 05-02-009 (ER). SCH NO. 2009061043, CAMPUS PARK WEST PROJECT.

Comments for amendments to general plan are as follows:

- 1. Fire Protection plan letter from Chief Morel, dated Dec 17, 2012 will still apply and any changes to project should be addressed in new submittal of FPP.
- 2. Table 7-1. North County Fire Protection District should be listed as an agency that approvals are required.

Patty Koch, Fire Prevention Specialist
North County Fire Protection District
760 723-2040

D1

D2

D1 No changes to the Fire Protection Plan as circulated with the Draft EIR are anticipated. The County concurs that the December 17, 2012 Fire Protection Plan (FPP) letter from Chief Morel still applies.

D2 The County agrees that the NCFPD should be listed as a responsible agency. Table 7-1 of the Specific Plan Amendment Report has been revised.



PROUDLY SERVING THE COMMUNITIES OF FALLBROOK, BONSALE AND RAINBOW



San Diego County Water Authority
 4677 Overland Avenue • San Diego, California 92123-1233
 (858) 522-6600 FAX (858) 522-6568 www.sdcwa.org

September 23, 2013

MEMBER AGENCIES

- Carlsbad Municipal Water District
- City of Del Mar
- City of Escondido
- City of National City
- City of Oceanside
- City of Poway
- City of San Diego
- Fallsbrook Public Utility District
- Helix Water District
- Lakeside Water District
- Oliverhain Municipal Water District
- Otay Water District
- Padre Dam Municipal Water District
- Camp Pendleton Marine Corps Base
- Rainbow Municipal Water District
- Ramona Municipal Water District
- Rincon del Diabla Municipal Water District
- San Diego Water District
- Santa Fe Irrigation District
- South Bay Irrigation District
- Volcanos Water District
- Valley Center Municipal Water District
- Vista Irrigation District
- Yuma Municipal Water District

Mr. Dennis Campbell
 County of San Diego
 Planning & Development Services
 Project Processing Counter
 5510 Overland Avenue, Suite 110
 San Diego, California 92123

Subject: Comments on the Campus Park West Project Draft Subsequent EIR (PDS2005-3800-05-003 (GPA), PDS2005-3813-05-001 (SP), PDS2005-3600-05-005 (REZ), PDS2005-3100-5424 (TM), HLP XX-XXX, LOG NO. 3910 05-02-009 (ER), SCH NO. 2009061043, CAMPUS PARK WEST PROJECT)

Dear Mr. Campbell:

The San Diego County Water Authority (Water Authority) has reviewed a copy of the above-referenced documents made available on the County of San Diego's (County) website. The Subsequent Draft Environmental Impact Report (DEIR) identifies the need to annex the Campus Park West Project to the Water Authority in order to provide imported water supply to the proposed project. If the project were to annex to the Water Authority for water service, the Water Authority would be considered a responsible agency under the California Environmental Quality Act. The Water Authority has therefore examined the relevant portions of the documents and offers the following comment and clarification on the DEIR.

Draft EIRc

The DEIR provides discussion on the Water Authority's 2010 Urban Water Management Plan (UWMP). It states that the accelerated forecasted growth component of the demand projections provided in the UWMP can be used by the Water Authority member agencies to meet the demands of new annexations not currently identified in the Water Authority's UWMP.

This discussion is found in two places in the DEIR: 1) Draft Chapter 3.0 - Environmental Effects Found not to be Significant, Section 3.1.9 Utilities and Service Systems, beginning on page 3.1.9-3, and 2) Appendix R - Water Supply Assessment. The comment below is relevant to both of these sections of the DEIR.

A public agency providing a safe and reliable water supply to the San Diego region

E1 Thank you for these comments. County staff agree that annexation to the Water Authority would be required for this Project and that the Water Authority is a responsible agency under CEQA.

E2 The County agrees with the location of discussion in the EIR regarding this issue.

E1

E2

Mr. Dennis Campbell
 September 23, 2013
 Page 2

Comment

In order to provide imported water service, the proposed project will need to annex to a Water Authority member agency, the Water Authority, and the Metropolitan Water District of Southern California. Annexation of the proposed Campus Park West project was not included in the Water Authority's 2010 UWMP. Accelerated forecasted growth is for projects within the Water Authority's service area and does not account for new annexations not identified in the UWMP. This should be corrected in the DEIR. The 2010 UWMP is found on the Water Authority's website at: <http://www.sdcwa.org/urban-water-management-plan>. The following contains background information on the additional demand increments in the Water Authority's UWMP and on the Water Authority's annexation policies.

To provide for a more comprehensive planning analysis and fully quantify potential demands served by the Water Authority, the Water Authority's UWMP includes two demand components in the demand forecast to address potential near-term annexations and accelerated forecasted growth. The potential near-term annexations and estimated demands associated with the annexations were provided to the Water Authority by its member agencies. The Water Authority is not familiar with all of the land-use activities at the local level and must rely on the member agencies for information. The Water Authority did not receive a request to include the Campus Park West Project in the near-term annexation demand increment, and therefore it is not included in the 2010 UWMP.

The 2010 UWMP also includes a second demand increment, referred to as accelerated forecasted growth, which is associated with accelerated forecasted development as part of the Water Authority's Municipal & Industrial (M&I) sector demand projections. According to the UWMP (Section 2.4.1), "These forecasted housing units were identified by SANDAG in the course of its regional housing needs assessment, but are not yet included in local jurisdiction's existing general land use plans. The demand associated with accelerated forecasted growth is intended to account for a portion of SANDAG's residential land-use development currently projected to occur between 2035 and 2050, but has the potential to occur on an accelerated schedule. SANDAG estimates that general plan amendments, allowing this accelerated residential development, could occur within the planning horizon of the 2010 UWMP update." Accelerated forecasted growth is for projects within the Water Authority's service area and does not account for new annexations not identified in the UWMP.

The Water Authority has annexation policies that provide criteria for evaluating the annexation of territory to the Water Authority, which include a policy that provides for the protection of member agency supply reliability. The Water Authority Board also has approved implementation procedures that provide guidance in determining if approval of a proposed annexation would adversely affect member agency supply reliability. The guidance states that when water demands of an annexing property have not been included in the Water Authority's adopted UWMP, as is the case with the proposed project, then annexation of property generally will have an adverse impact on member agency supply

E3

E3 Annexation to both of these service providers is specified in Section 1.5.1, Matrix of Project Approvals/Permits.

E4 The approved Water Supply Assessment (WSA) by the Rainbow Municipal Water District (RMWD) Board assumed that the Water Authority's accelerated forecasted growth (AFG) water supply developed in the 2010 UWMP would be available in the near term for projects such as Campus Park West. Moreover, the Project was previously included as a proposed annexation by the Water Authority and RMWD in the 2005 UWMP. At a meeting on September 11, 2013 with RMWD, the Water Authority and Project representatives, it was noted that the 2010 UWMP AFG supply did not include the proposed annexation of the Project into RMWD. This was also noted in the Water Authority's comment letter. The discrepancy between the 2005 and 2010 UWMP is understood. It was apparent that at that time, RMWD did not provide Campus Park West information to the Water Authority, and as a result, the Water Authority was unable to incorporate the Project as a proposed annexation.

E4

The Water Authority is required by California Water Code to update the 2010 UWMP every five years. For the 2015 UWMP, RMWD has made certain that the Proposed Project will be included as a proposed annexation. This is further supported by the RMWD's Board approval of a pre-annexation agreement on May 22, 2012, indicating its commitment and support to supply water to the Project, especially since portions of Campus Park West are currently within the RMWD service area.

The 2015 UWMP will not only include the Project as a proposed annexation, but will likely be approved and adopted prior to the Project requiring water service. The current Project schedule estimates that entitlements, design, construction and first occupancies would occur within 2015, at the earliest. Therefore, it seems reasonable to expect the Water Authority 2015 UWMP will account for the Project.

COMMENTS

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Mr. Dennis Campbell
September 23, 2013
Page 3

reliability, unless the Water Authority finds that additional supplies are reasonably available to meet the long-term demands of the annexing property, without harming the supply reliability of its member agencies.

In July 2013, the Water Authority Board of Directors approved a 2013 Annual Water Supply Report for distribution to its member agencies, the county of San Diego, and cities within the county. This report identified a number of significant events that have occurred since the development of the Water Authority's long-range demand forecast for the 2010 UWMP. Mandatory water use restrictions, supply allocations, and lingering effects of the national economic recession all contributed to a sizable decrease in San Diego area water demands. Between fiscal years 2007 and 2012, total demand dropped by almost 27 percent. Taking into account that the Water Authority's service area demand over the past few years continues to be low compared with 2007 demand levels, the projected forecast for 2015 included in the 2010 UWMP, and it is reasonable to consider that the Water Authority could meet the long-term demands of the annexing property. The Water Authority will be revising its long-range demand forecast as part of the 2015 UWMP update. If the Campus Park West Project is approved and annexed to the Water Authority service area, demands associated with the project will be included in the revised format.

Thank you for this opportunity to comment. Please add the Water Authority on your mailing list to receive the final EIR and any other information concerning this project. If you have any questions, please contact Ms. Lesley Dobalian at (858) 522-6747.

Sincerely,



Dana Frieauf
Principal Water Resources Specialist

DF:ld

E4 cont. Should the 2015 UWMP be delayed or the Project be developed sooner, it seems reasonable that the Water Authority could rely on the fact that the Water Authority service area has seen a dramatic drop in water use since 2007 (almost 27 percent). For any short timeline gap between Project opening and approval of the 2015 UWMP, the Water Authority would reasonably be expected to meet the water demands of the Project. It is expected that this will allow inclusion of the Project into long-term demand assumptions used by the Water Authority for long-range forecasts, and that annexation into RMWD and the Water Authority service area will be approved.

All of this information has been added to EIR Appendix R, the Water Supply Assessment.

Specifically with regard to annexation, a memorandum that incorporates the Pre-annexation Agreement has been prepared for Water Authority and RMWD use during the annexation process. This has been added to EIR Appendix R, the Water Supply Assessment.

E5 Comment noted.



Respond to Orange County
wmlilband@awattorneys.com
Direct (949)250-5416

Orange County
18881 Von Karman Ave., Suite 1700
Irvine, CA 92612
P 949.223.1170 • F 949.223.1180

Los Angeles
Continental Park Terrace
2361 Rosecrans Ave., Suite 475
El Segundo, California 90245-4916
P 310.527.6660 • F 310.532.7395
awattorneys.com

September 23, 2013

VIA E-MAIL AND OVERNIGHT DELIVERY (Dennis.Campbell@sdcounty.ca.gov)

County of San Diego
Planning & Development Services
Project Processing Counter
ATTN: Mr. Dennis Campbell
5510 Overland Avenue, Suite 110
San Diego, California 92123

Re: Notice of Availability of a Draft Environmental Impact Report, Draft Habitat Loss Permit, General Plan Amendment and Specific Plan for Campus Park West

Public Notice Project Numbers & Name: PDS2005-3800-05-003 (GPA), PDS2005-3813-05-001 (SP), PDS2005-3600-05-005 (REZ), PDS2005-3100-5424 (TM), HLP XX-XXX, LOG NO. 3910 05-02-009 (ER), SCH NO. 2009061043, CAMPUS PARK WEST PROJECT

Dear County of San Diego:

The undersigned serves as Legal Counsel to the San Luis Rey Municipal Water District ("San Luis Rey"), and in that capacity, thanks you for the opportunity to comment on the above-referenced matters, collectively referred to herein as the "Project." Pursuant to the Notice of Availability for the Project ("Notice"), including the Draft Subsequent Environmental Impact Report ("Draft SEIR"), San Luis Rey hereby submits the comments expressed herein and timely does so as set forth in the Notice.

Brief Background

By way of brief background, San Luis Rey has a long, rich history of preserving rights and interests of its landowners primarily involving ground and surface water rights. San Luis Rey was formed on October 17, 1958 with its primary purposes and activities including: (1) Monitoring and acting upon issues which impact water, land and environment, and other activities which can potentially affect the quality or quantity of the water available to the water users in San Luis Rey; (2) Closely monitoring the regulation, design, environmental review, and permitting process for the Gregory Canyon Landfill ("GCL") project to assure that the local water supply is protected; and, (3) Monitoring the proceedings of the federal and State

01134/0001/151123.01

F1 Aleshire & Wynder LLP's legal relationship with the San Luis Rey Municipal Water District (SLRMWD) is understood. The statement of the District's interest and powers is also understood. These are introductory remarks and do not require a response. Individual comments are addressed below.

F1

County of San Diego
 September 23, 2013
 Page 2

government environmental agencies and environmental advocacy groups that could restrict water production, water use, or construction and operation of water management facilities.

Comments

San Luis Rey hereby provides the following comments specific to the pending Draft SEIR:

Comments on Section 3.1.4 (Hydrology/Water Quality):

Page 3.1.4-25:

This section contains statements regarding “disposal of extracted groundwater,” by purporting that “[d]isposal of groundwater extracted during construction activities into local drainages and/or storm drain facilities could potentially generate significant water quality impacts...”

While this section addresses water-quality issues related to construction-related groundwater extraction, no discussion whatsoever is made of the anticipated loss of local groundwater supplies arising from these construction activities. As set forth in *Madera Oversight Coalition, Inc. v. City of Madera (Tesoro Viejo, Inc.)* (2011) 199 Cal.App.4th 48, “full discussion” must be made, which means a reasoned analysis and full disclosure of the pertinent facts regarding potential environmental effects or consequences. As such, analysis is needed regarding the Project’s anticipated effects on the groundwater supply arising from the construction-related activities identified in this section.

Electing not to provide this analysis would fail to provide an adequate basis for decision making under the California Environmental Quality Act (“CEQA”), Pub. Resources Code, § 21000 *et seq.* (see, *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316).

Accordingly, San Luis Rey requests analysis regarding the Project’s anticipated effects on the groundwater supply arising from the construction-related activities identified in this section, including without limitation, the quantity of water anticipated to be extracted and the feasibility of returning that quantity of water to the groundwater supply of the same quality as when extracted.

Comments on Section 3.1.9 (Utilities and Service Systems):

Page 3.1.9-3:

In discussing the “local water supply considerations,” a “pre-annexation agreement dated May 22, 2012” between RMWD and SDCWA is mentioned wherein an amendment to San Luis Rey’s Sphere of Influence is anticipated. This pre-annexation agreement is not included or

01134/0001/151123.01

F2 As described in Section 3.1.4.1, groundwater was identified at depths of 13 to 18 feet during on-site exploratory borings. The depth to ground water in the northern portion of the site is anticipated to be at a shallower depth but has not yet been confirmed. The amount of subsurface groundwater is unknown at this time. Although the cited section provides a conservative approach to potential water quality issues associated with incursions into shallow groundwater (in order to provide for potential mitigation of any adverse effects), identification of any anticipated amount of removed water would be speculative. Please note, however, that the recommendations for site remedial grading is to remove the on-site alluvium to within two feet of the static ground water table, so no major removals of groundwater are anticipated. Localized deeper excavations such as for utility installation may require some dewatering, but it is likely that the water could be moved to on-site detention basins where it would infiltrate back into the subsurface. No formal groundwater recharge is planned, although the site grading process would use a significant amount of water that may locally infiltrate and temporarily add to the ground water reserves.

F3 As noted, a memorandum that incorporates the Pre-annexation Agreement was prepared for San Diego County Water Authority and Rainbow Municipal Water District (RMWD) use during the annexation process. This has been added to EIR Appendix R, the Water Supply Assessment (WSA). The administrative requirements associated with disclosure of this annexation process do not require additional environmental review over the water supply analysis provided in the Subsequent EIR.

County of San Diego
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 Page 3

otherwise properly incorporated into the discussion, thus precluding full disclosure as required by *Madera Oversight Coalition, Inc. v. City of Madera (Tesoro Viejo, Inc.)* (2011) 199 Cal.App.4th 48.

As such, San Luis Rey requests that a true and complete copy of this agreement be incorporated into and fully analyzed in the DSEIR.

Comments on Appendix R: Water Supply Assessment (“WSA”):

Page 8:

A typographical error exists in the first sentence of the first paragraph by citing to Water Code section 7100 for the governing statutes of RMWD, when the appropriate citation is to Water Code section 71000 *et seq.* Also, the last paragraph contains a factual error when referring to the San Luis Rey River as the “sole source of water” to the San Luis Rey, when in fact groundwater is another source of supply to San Luis Rey landowners. Kindly correct these two items.

Page 12:

Under “water supply,” second paragraph, the WSA states that “[t]he District’s primary resource of potable water is imported...”; however, no further mention is made of what the secondary, or “non-primary,” resources are for the water supply. Moreover, the next section entitled, “water sources - ground water,” refers to RMWD’s 2005 Urban Water Management Plan (“UWMP”) determining that “the potential exists within the District to utilize groundwater as a supplemental water supply, and, that RMWD “is also looking into buying water rights from the City Carlsbad [sic] from the San Luis Rey River.”

The WSA’s comments, without any discussion or analysis of groundwater or surface water supply sources, needs to be developed more. As held in *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316 (“*Cherry Valley*”), an EIR for a land use project must address the impacts of likely future water sources (and related mitigation and alternatives), and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water availability. Also, where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies.

The *Cherry Valley* standard requires further discussion and analysis to allow for proper decision making, for reasons including without limitation: (i) a lack of analysis regarding the quantity of groundwater potentially to be extracted and under what authority; (ii) the effects of such groundwater extractions on the environment and other users (including storage rights); and, (iii) the basis for the purported surface rights of the City of Carlsbad and related information,

01134/0001/151123.01

F3
cont.

F4

F4 These two items have been noted in the approved Water Supply Assessment (EIR Appendix R). The remainder of this response is based on discussions between Mr. Mark B. Elliott (Atkins Project Director) and Ms. Kirsten Plonka (RMWD District Engineering) on October 11, 2013.

The minor typographical and factual errors are noted and will be documented with RMWD. Please note that the Project does not propose any use of ground water to meet its potable water supply requirements, and would only obtain water service through RMWD. Relative to the Carlsbad water rights—this was only referenced to document a feasibility investigation that was conducted in 2005 by RMWD to explore alternative local water supplies. Based on recent discussion with RMWD, this water supply alternative is no longer being considered. Therefore, the reference within the WSA is only for historical documentation. RMWD continues to explore other local water supply alternatives, but is not currently evaluating ground water supplies within and under the control of the SLRMWD.

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such as the quantity diverted, point of diversion, place of use, and time(s)/season of use. Ultimately, the WSA's references to these local supply sources are speculative without any further information, or incorporation of an agreement, if one exists, that establishes such right to either of these local supplies.

F4
cont.

Accordingly, discussion and analysis of these sources, and their potential environmental effects, is necessary.

SBX7-7

The 2009 legislative package, commonly known as "SBX7-7," requires a statewide twenty percent (20%) reduction in urban per capita water use by 2020. It requires that urban water retail suppliers determine baseline water use and set reduction targets according to specified requirements, and requires agricultural water suppliers prepare plans and implement efficient water management practices.

F5

No mention of SBX7-7 is made in the DSEIR, which suggests that conservation is not pursued to the extent set forth by the Legislature through SBX7-7, which in turn implicates environmental impacts by not conserving as much as may be achievable.

Accordingly, this water conservation initiative should be addressed in the DSEIR.

Conclusion

Given San Luis Rey's focused commitment to protecting its landowners' interests, namely as to water rights and supplies, and the quality of those supplies, San Luis Rey submits its comments with the expectation that its comments will ultimately be implemented.

F6

Again, thank you for this opportunity to provide comments. Please do not hesitate to contact me if you would like to discuss this matter or if you have any questions regarding San Luis Rey's comments.

Very truly yours,

ALESHIRE & WYNDER, LLP



Wesley A. Miliband

F5 Although not directly referenced in the WSA, the Project would comply with the District's SB 7 x 7 requirements as documented in the 2010 RMWD UWMP Tables 7A and 7B. Because of historical high agricultural water use in the RMWD service area, the methodology used to calculate the baseline averages generated a high per capita demand to be reduced by 2015 and 2020. Because RMWD agricultural use continues to decline and RMWD water demands have been reduced over 20 percent the past few years, RMWD is on target to meet the SB 7 x 7 requirements by 2015 and 2020. Campus Park West would be conditioned to comply with all Best Management Practices for water conservation as outlined in the 2010 RMWD UWMP. In addition, the Project would construct a recycled water pipeline and, when available, serve all on-site irrigation demands with recycled water.

F6 Comment noted.

COMMENTS

RESPONSES

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cc: Mr. Victor Pankey, President *(via e-mail)*
Mr. William Pankey, Vice-President *(via e-mail)*
Ms. Helga Fritz, Director *(via e-mail)*
Mr. Thomas Veysey, Director *(via e-mail)*
Mr. Claren Yarger, Director *(via U.S. Mail)*

01134/0001/151123.01



THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

October 1, 2013

Via E-Mail and Federal Express

Mr. Dennis Campbell
County of San Diego
Planning and Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

Dear Mr. Campbell,

Notice of Availability for the Campus Park West Draft Subsequent Environmental Impact Report

G1 [The Metropolitan Water District of Southern California (Metropolitan) reviewed the Draft Environmental Impact Report (Draft EIR) for the Campus Park West (Project). The County of San Diego (County) is acting as the Lead Agency under the California Environmental Quality Act for the Project. The Project proposes to approve four discretionary actions: a tentative map for a subdivision, a specific plan amendment, a general plan amendment, and rezoning to develop a mixed-use community on approximately 118 acres. A small percentage of the project lies within the Rainbow Municipal Water District (RMWD).

G2 [RWMD is a public agency that distributes water to utility companies and municipal water departments, and is a member of San Diego County Water Authority (SDCWA), Metropolitan's member agency. RWMD and SDCWA have contacted Metropolitan regarding this Project. Metropolitan appreciates these efforts and looks forward to continued coordination on this Project. Metropolitan acknowledges RWMD's efforts to enhance water supply reliability and flexibility by helping develop programs to increase storage, water distribution, and other resource-management plans.

G3 [This letter contains Metropolitan's comments to the Draft EIR as a potentially affected public agency. The Project is partially within Metropolitan's service area, east of Interstate 15 and is situated both north and south of State Route 76 in San Diego County (see attached map). The project area south of State Route 76 and a small parcel north of State Route 76 is within SDCWA boundaries. The remaining project area north of State Route 76 is not currently within Metropolitan's service area and will need to be annexed prior to water being served. Should the parcel develop and receive imported water it will need to be annexed to Metropolitan and SDCWA. Metropolitan is a responsible agency with respect to annexation and needs to be listed in the agency approval list related to EIR actions.

G1 This is a correct summary of the County's role in this project under the California Environmental Quality Act (CEQA), the proposed discretionary actions and the relationship of the Project to Rainbow Municipal Water District's (RMWD's) current service area. No response is necessary.

G2 This is a correct characterization of RMWD, and your acknowledgement of RMWD's efforts to enhance water supply reliability and flexibility is noted. No response is necessary.

G3 The County agrees with these comments. The need to annex additional Project area into the Metropolitan service system is identified in EIR Section 1.5.1 on the Matrix of Project Approvals and Permits. The identified need for this annexation in the Draft Supplemental EIR indicated that Metropolitan is a responsible agency under CEQA.

COMMENTS

RESPONSES

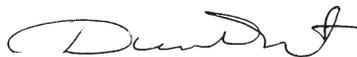
Page 2
October 1, 2013
Mr. Dennis Campbell

G4 [The Draft EIR needs to clearly state the need for a proposed annexation to Metropolitan, SDCWA, and San Diego County LAFCO, including water standby charges and other required conditions for annexation in the project description. The Draft EIR also needs to expressly state that discretionary annexation to Metropolitan is required. This statement should appear in each section of the Draft EIR (e.g., water supplies or utilities) where annexation to SDCWA and the County is discussed. Furthermore, an analysis of the proposed annexation must be included in the appropriate impact section of the Draft EIR so that Metropolitan and other public agencies can rely on the Draft EIR for their own discretionary actions.

G5 [The Draft EIR describes a pre-annexation agreement dated May 22, 2012 that describes specific provisions for service between RMWD and SDCWA, referenced in Appendix S. However, the pre-annexation agreement was not attached in Appendix S. Metropolitan requests the agreement be made available for review. We encourage RWMD to continue to work with Metropolitan, SDCWA, and San Diego County LAFCO on annexation procedures by contacting Ethel Young at (213) 217-7677.

G6 [Metropolitan thanks the County for granting us an additional two weeks for comment preparation. We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental documentation and the Final EIR on this project. If you have any questions, please contact Mr. Dave Clark at (213) 217-6070 or dclark@mwadh2o.com

Very truly yours,



Deirdre West
Manager, Environmental Planning Team

BSM/bsm
EPT 2013091701

Enclosure: Map

G4 Please refer to the response to Comment G3 regarding identification of proposed Metropolitan annexation. This is also described in Section 1.2.2.3, Utilities of the EIR. These result in the requested clear statements regarding annexation. The County disagrees that additional discussion needs to be included in other sections of the EIR. Section 3.1.9, Utilities and Service Systems, looks at the environmental effects of service connections. Excluding the footprint analyses addressed (as appropriate) in resource discussions throughout Chapters 2 and 3 of the EIR, the annexation is primarily a paper exercise. This is considered an administrative effort that is adequately disclosed in Chapter 1.

G5 A memorandum that incorporates the Pre-annexation Agreement has been prepared for San Diego County Water Authority and RMWD use during the annexation process. This has been added to EIR Appendix R, the Water Supply Assessment and is part of the public record. The Applicant and County staff are continuing to work with the local water agencies as well as LAFCO. The contact person and number for this issue at Metropolitan are appreciated.

G6 Comment noted. Metropolitan is on the mailing list to receive the Final Subsequent EIR and other important information (e.g., the Project hearing date).

COMMENTS

RESPONSES

October 7, 2013

Dennis Campbell
Planning and Development Services
5510 Overland Ave, Suite 110
San Diego, CA 92123

RE: Draft HLP and DEIR for Campus Park West (PDS2005-3800-05-003 (GPA), PDS2005-3813-05-001 (SP), PDS2005-3600-05-005 (REZ), PDS2005-3100-5424 (TM), HLP XX-XXX, LOG NO. 3910 05-02-009 (ER), SCH NO. 2009061043)

Dear Mr Campell:

H1 [The Endangered Habitats League (EHL) appreciates the opportunity to comment on this draft HLP and DEIR. I apologize for the late submittal of comments but nevertheless ask that this information be placed into the administrative record and considered by staff, applicant, and decision-makers. Our comments will focus on coastal sage scrub impacts and North County MSCP consistency.

H2 [Campus Park is part of a group of "hard line" projects in the vicinity. EHL supports such hard lines when sound preserve segments are created. The current proposal is to impact 2.27 acres of additional coastal sage scrub formerly anticipated to be part of a Caltrans right of way. The regional significance of the coastal sage scrub is as "steppingstone" linkage along I-15.

EHL has two concerns:

1) Is the remaining stepping stone habitat sufficient for connectivity purposes?

According to the HLP,

"The onsite preservation/restoration of 1.29 acres of coastal sage scrub in combination with the existing habitat within the right of way of Interstate 15 is adequate for the archipelago to function in this area."

H3 [According to the DEIR,

"When compared to the Project site, both Rice Canyon and off-site I-15 "stepping stone" linkages provide higher quality habitat and unobstructed development; creating feasible wildlife corridors, adequate foraging, and vegetation cover sufficient for protection from predators."

These statements are long on conclusions and short on supporting facts. Where is the habitat that, along with the preserved 1.29 acres, provides for archipelago function? How many acres is it, and why is it sufficient, particularly as "live in" habitat? No map is provided.

H1 Comments noted.

H2 This statement summarizes the commenter's understanding of the Project and impacts to coastal sage scrub. The County of San Diego appreciates the review and comments on the Project. Specific responses to the comments are provided below.

H3 The remaining stepping stone habitat is considered sufficient for connectivity purposes. Figure 2.6-3 in the EIR and Figure 4 of the Biological Technical Report (BTR) identify the wildlife movement corridors within the vicinity of the Project site. The 1.29 acres of preserved coastal sage scrub on site is located in the northernmost portion of the site, shown in Figure 2.6-5 of the EIR and Figure 11 of the BTR. This preserved acreage would enhance the existing local wildlife corridor that occurs to the east of the Project site, as shown in Figures 2.6-3 and 4, referenced above. The off-site coastal sage scrub stepping stone habitat occurs primarily to the west of I-15 and is shown as a yellow regional wildlife corridor. As described in Section 2.6.1.1 under the heading Habitat Connectivity and Wildlife Corridors, as well as in Section 1.4.8 of the BTR, the stepping stone habitat along I-15 is ideal for foraging purposes. This habitat is not ideal for "live in" habitat. Rice Canyon is located less than one mile northeast of the Project site. Rice Canyon contains vegetation cover ideal for the movement of wildlife species to hide from predators, foraging for food, and breeding and nurturing of young.

COMMENTS

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H3 cont. In regard to the the Rice Canyon and off-site steppingstones, where are these? No map is provided, nor acreages, although the rationales cited are helpful. Are Rice Canyon and the off-site steppingstones permanently protected, or is that speculative?

H4 2) Is the mitigation adequate?

According to the HLP,

"In addition, 3.25 acres of off-site mitigation at a 2:1 ratio will be provided in the Northern Valley Ecoregion for the impacted coastal sage scrub."

Because we do not yet have an adopted North County MSCP that ensures a viable archipelago as part of a comprehensive plan, this particular mitigation should be "in kind" in terms of function.

That is, it should conserve other stepping stone habitat along I-15 as opposed to coastal sage scrub *anywhere* in the Northern Valley Ecoregion. Absent that, and especially in view of the failure to provide evidence that sufficient land for stepping stone function has been *avoided* on-site, the impact is not mitigated to an insignificant level.

H5 Thank you for considering our views.

Yours truly,
Dan

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

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

H3 cont. Both Rice Canyon and the off-site I-15 stepping stones are identified as being protected in the future. County regional habitat mapping shows that the majority of coastal sage scrub near I-15 would be preserved to allow for a strong connection to the coastal sage scrub habitat located in Rice Canyon. The County has also committed to preserving Rice Canyon and the current draft of the NCMSCP has the following goals for Rice Canyon:

- Strive to ensure that coastal California gnatcatchers are able to move in natural habitat north-south between the Heights of Pala Mesa Conservation Bank through the slopes of Rice Canyon and to the hills and banks adjacent to the San Luis Rey River.
- Strive to conserve existing patches of coastal sage scrub over 1,000 feet wide along the slopes of Rice Canyon (to the extent that any one project can reasonably contribute to this conservation) to maintain live-in habitat for coastal California gnatcatcher and maintain north-south connectivity of its habitat. Require restoration of habitat where feasible to increase habitat corridor widths if minimum widths cannot be maintained in existing habitat.

In addition, County staff met with the Wildlife Agencies on December 19, 2013 to discuss Rice Canyon in detail and consider additional ways to prioritize preservation, and potential enhancement, of the vegetation communities in Rice Canyon. This discussion is ongoing but the parties agree that these linkage issues can be resolved within the context of the NCMSCP planning documents.

H4 The Project's habitat loss has been minimized and mitigated to the maximum extent practicable. As stated in Section 2.6.5 the EIR, significant direct impacts to 2.27 acres of Diegan coastal sage scrub on and off site shall be mitigated at a 2:1 ratio, for a total of 4.54 acres. A total of 1.29 acres shall be preserved/ restored on site and 3.25 acres shall be preserved off site. Off-site mitigation acreage shall be located within: a Pre-approved Mitigation Area (PAMA) if the NCMSCP has been adopted when the Project is approved, at an approved mitigation bank, or on purchased land to be managed by a RMP (Resource

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H4 cont. Management Plan), as approved by the Director of the County Planning and Development Services (PDS). The Habitat Loss Permit (HLP) provision of a 2:1 mitigation ratio within the Northern Valley Ecoregion, in addition to the on-site preservation of 1.29 acres of coastal sage scrub, is considered adequate, as both Rice Canyon and the off-site I-15 stepping stones are identified as being protected in the future. Refer to response to Comment 3 for additional information. The mitigation proposed for the Project impacts is considered adequate and would reduce Project impacts to a less than significant level.

Since the NCMSCP is not yet approved, the County is also moving forward with Natural Community Conservation Planning (NCCP) compliance for upland habitat impacts. Pursuant to the 4d rule of the Federal Endangered Species Act, impacts to coastal sage scrub are limited to five percent of the total acreage occurring within the County, and require an HLP pursuant to Habitat Loss Ordinance 8365. Project impacts have been assessed based on the NCCP flowchart. The Project would potentially impact 2.27 acres of coastal sage scrub, which would not exceed the County's five percent allowance when combined with other projects and would not preclude preserve and linkage design for this area of North County. The NCCP Flowchart indicates the coastal sage scrub habitat is "Intermediate Potential Value for Long-term Conservation." At the required 2:1 mitigation ratio for this impact, the Project complies with the total required mitigation of 4.5 acres of occupied coastal sage scrub (1.25 acres on site and 3.25 off site).

H5 Comment Noted.

FALLBROOK COMMUNITY PLANNING GROUP

**And
DESIGN REVIEW BOARD**

Regular Meeting
Monday 16 September 2013, 7:00 P.M., Live Oak School, 1978 Reche Road, Fallbrook
MINUTES

Mr. Russell called the meeting to order at 7:00 p.m.

Twelve (12) members were present: Anne Burdick, Roy Moosa, Tom Harrington, Jean Dooley, Ron Miller, Paul Schaden, Jim Russell, Jack Wood, Lee J. De Meo, Eileen Delaney, Jackie Heyneman and Donna Gebhart. Ike Perez, Michele Bain and Jerry Farrell were not present.

1. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion, & Non-voting item.

Ms. Burdick informed the Group that work had begun on the Mission and Ammunition intersection improvements and that the new four way traffic control was in place and working well at Alturas and Fallbrook Street.

2. Approval of the minutes for the meetings of 19 August 2013. Voting Item.

Ms. Dooley motioned to approve the minutes and it passed unanimously.

3. GPA05-003, SPA -001, REZ 05-005, TM5424. Campus Park West located in the north east corner of I-15 and SR-76. NOTICE IS HEREBY GIVEN that the County of San Diego is circulating for public review a draft Environmental Impact Report in accordance with the California Environmental Quality Act along with a General Plan Amendment and Specific Plan for the following project. The draft Environmental Impact Report, General Plan Amendment and Specific Plan can be reviewed on the World Wide Web at http://www.sdcounty.ca.gov/pds/ceqa_public_review.html and at Planning & Development Services (PDS), Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, California 92123 and at the public libraries listed below. Comments on these draft documents must be sent to the PDS address listed above and should reference the project numbers and name. PDS2005-3800-05-003 (GPA). PDS2005-3813-05-001 (SP). PDS2005-3600-05-005 (REZ). PDS2005-3100-5424 (TM), HLP XX-XXX, LOG NO. 3910 05-02-009 (ER). SCH NO. 2009061043, CAMPUS PARK WEST PROJECT. The Campus Park West project is a proposed amendment to the Hewlett-Packard Campus Park Specific Plan; and is the result of changes in land ownership and regional planning goals, generally consistent with the 2011 County General Plan. The Project proposes two design scenarios. One (Scenario 1) is sited within the original Project boundaries and covers approximately 116.5 acres. The other (Scenario 2) would incorporate approximately 2.1 additional acres into the Project that are currently held as State Route 76 (SR-76) right-of-way by the California Department of Transportation (Caltrans). Because SR-76 is now built to its final anticipated configuration and the excess right-of-way is not anticipated to be required for state route operations, this area would be decertified and could be sold to the Project Applicant. Should this occur, the Project would encompass a total of 118.6 acres. Under both Scenarios 1 and 2, the Project includes review and proposed approval of four discretionary actions. These include:
 - A Tentative Map (TM 5424) to subdivide the property into 23 lots;
 - A Specific Plan Amendment (SPA 05-001) to amend the 1983-approved Specific Plan to the currently proposed mix of uses;
 - A Rezone (REZ 05-005) from S90 to S88; and,

IA1 The introductory comments are noted and do not require a response.

IA1

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- A General Plan Amendment (GPA 05-003) to revise or reconfigure land use designations as well as amend the Mobility Element (ME)
 Specifically, the GPA would: (1) change the Regional Category on two parcels south of SR-76 from Rural to Village; (2) change the land use designation of three parcels south of SR-76 from Specific Plan to General Commercial and Rural Lands 40; (3) expand Limited Impact Industrial uses north of SR-76 south to Pala Mesa Drive; (4) reconfigure land use designations north of SR-76 to reflect the Project SPA; and (5) amend the ME to reclassify Pankey Road from a Collector to a Boulevard with Class II bike facilities from Pala Mesa Drive to Shearer Crossing, apply Class II bike facilities to the portion of Pala Mesa Drive within Project boundaries, and designate Pala Mesa Drive between the western Project boundary and Old Highway 395 as a Class III bike route.
 The draft Environmental Impact Report (DEIR) identifies significant and unavoidable environmental impacts to Aesthetics, Air Quality, and Transportation and Traffic. The DEIR also identifies significant and mitigated environmental impacts to Biological Resources, Cultural Resources, Noise, and Paleontological Resources. In accordance with Section 86.104 of County of San Diego Ordinance No. 8365 (N.S.) and Section 4.2.g of the Coastal Sage Scrub Natural Communities Conservation Plan Process Guidelines (November 1993), a Habitat Loss Permit is required because the project would impact Diegan coastal sage scrub.
 Section 2762 of the Public Resources Code requires the County as lead agency under CEQA to prepare in conjunction with preparation of an EIR, and prior to approving the project, a statement specifying the County's reasons for permitting a proposed use in an area that contains mineral resource deposits of regional or statewide significance. The County of San Diego is considering the approval of the proposed Campus Park West project which would allow residential use on the project site which currently contains lands classified by the Mineral Resource Zone- (MRZ system. In addition to public circulation, this statement must be provided to the State Geologist and the State Mining and Geology Board for review and comment.
 Comments on this DEIR, General Plan Amendment, Specific Plan and Draft HLP must be received no later than September 23, 2013 at 4:00 p.m. (a 45 day public review period). These draft documents can also be reviewed at the Fallbrook Library, located at 124 S. Mission Rd., Fallbrook, CA 92028. For additional information, please contact Dennis Campbell at (858) 505-6380 or by-mail atDennis.Campbell@sdcounty.ca.gov.
 Comments on the project related to mineral resource issues should also be directed to Dennis Campbell at Dennis.Campbell@sdcounty.ca.gov or at the above address. Comments related to mineral resource issues must be received no later than October 8, 2013 at 4:00 p.m. (a 60 day public review period). County planners Kristin Blackson, Kristin.Blackson@sdcounty.ca.gov and Dennis Campbell, Dennis.Campbell@sdcounty.ca.gov.
Land Use & Circulation Committees. Community input. Voting item. (8/8)

IA1 cont.

Ms. Camille Passon of Project Design Consultants introduced the project. She informed the Group that the Number of multi family units had been reduced from 320 to 248 units. The open space had been increased and industrial area reduced to 12.6 acres. Within the open space and the development a network of pathways and trails would link to other similar features in the adjoining developments and the college site. Ms. Passion stated that an effort was made to have the project match the Fallbrook Guidelines with a few exceptions. Also the project now has a commitment from Rainbow Water to provide sewer and water for the development. The project currently has a EIR out for review with the comment period ending September 23.

IA2

Mr. Dennis Campbell of the Department of Planning and Development Services then commented on the County view of the project. He stated that while the project required both General Plan and Specific Plan approval these actions were going to require the developer to come back to the Planning Group and the County with more detailed designs. The pressing issue was getting the Groups comments and concerns with the proposed EIR.

Mr. Jack Wood reported on the Land Use Committee review of this project. The Committee felt that the current plan basically is decreasing the d/u from 355 to 283.

IA2 This is an accurate summary of the introductory comments provided regarding Project changes, and return to the FCPG with more detailed designs as the Project moves forward if approved. The number of overall potential residential units, when considering both the multi-use area as well as the multi-family residential area, is also correct.

COMMENTS

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Points of :

- IA3 [Possible combination of Residential and Reduced Footprint Alternatives. Rational is that the private outdoor space per unit is totally inadequate. . Extensive industrial area creates long expanse backing on the I-15 freeway Reduce from 12.6 – 6.6 acres leaving more for a buffer zone.
- IA4 [Height of commercial buildings are of concern. North County Fire District does not have adequate equipment for buildings of the projected 45’ height that includes articulation features.
- IA5 [Proposed two bus stops only on Pankey Rd with no connection to the Park and Ride on the west side of I-15.
- IA6 [Grading 20’ – 30’ cut and fill slopes near freeway. It was observed that it does shield view of backside of Industrial and Commercial buildings from I-15.
- IA7 [Concern – Is the commercial area neighborhood-serving or regional?- documentation states that it will not conflict with Fallbrook proper commerce. Big Box stores?
- IA8 [Commercial segments sold separately? Will each then come back to FCPG for compliance?
- IA9 [Discussion of the pros and cons of Smart Growth.

The Committee motioned to respond to the project with the following statement:

We oppose this project’s application of Smart Growth because

1. The livable space provided in this project effects the quality of life because of limited space per unit.
2. Too much industrial area. Reduce from 12.6 to 6.6 acres.
3. Proposed commercial would compete rather than compliment Fallbrook proper. To enhance the area and compliment Fallbrook all commercial opportunities must be neighborhood.

Ms. Burdick reported on the Circulation Committee review of this project. **THE LACK OF IMPROVEMENTS TO PALA MESA BRIDGE:** Members had serious concerns about the inadequacy of the bridge and its “T” connection to Pankey Road. Even with a signal installed at the intersection of Highway 395, the traffic will still queue onto the bridge and back up as far as Pankey Road, creating a bottle-neck in and out of the Campus Park West project.

THE CREATION OF PANKEY PLACE AS A SUBSTITUTE EAST-WEST CONNECTOR BETWEEN HORSE RANCH CREEK ROAD AND PALA MESA DRIVE. While the Committee recognizes the overriding issue of sensitive habitat, the members had always hoped that a direct connection between Pala Mesa Drive and Horse Ranch Creek would one day be possible. The lack of a direct connection will have a significant impact on general congestion and fire response times to all the projects east of Interstate 15.

The cul-de-sac at the north end of Pankey Road does not meet county standards and creates only one ingress and egress for the industrial park. What secondary access is available for the industrial area in the event of a closure at Pankey Road and Pala Mesa Drive?

What is the purpose of the right-in, right-out intersection on Pankey Road approximately 320 feet north of Pankey Place? This would infer that truck traffic, in fact all traffic accessing whatever area is being serviced by this intersection, would have to enter Campus Park West via Pala Mesa Bridge. That issue had been raised in 2008 and deleted from consideration in 2010. How is this circulation concept different from prior proposals?

The bike route data is confusing because the street design maps indicating Class II and Class III bike routes do not match the Circulation Plan map or the written descriptions. Figure II-11 shows Pankey Road North of SR-76 as a Class III bike route, but Figure II-9 shows it as a Class II bike route. The GPA description says it would....”amend the ME to reclassify Pankey Road....with Class II bike facilities from Pala Mesa Drive to Shearer Crossing” and does not mention Pankey Drive north of Pala Mesa Drive.

IA3 The Reduced Residential and Reduced Footprint alternatives do not need to be combined in order to provide adequate outdoor space per unit. The amount of open space proposed under the Proposed Project meets County requirements and FCPG Design Guidelines and is included as conditions of approval for the Project. The future site plan layout would identify the actual number of residential units to be provided as well as precisely lay out how the required open space requirements would be met.

The amount of proposed limited impact industrial acreage is appropriate to the mix of uses anticipated under the adopted General Plan and other approved uses in adjacent properties. It could accommodate both a new sheriff’s station and other light industrial/office employment-generating uses. The development of industrial uses in this area would not “create a long expanse backing on the I-15 freeway” due to setbacks and landscaping. Buildings would be setback at least 75 feet from the freeway to account for brush management. This would include a 25-foot Zone 2 fuel modification zone, which would include thinning and maintenance of natural vegetation, as well as a 50-foot Zone 1 fuel modification zone, which would include a 5-foot fully landscaped and irrigated setback area. This rear setback would be fully landscaped per the Project Design Guidelines, which are consistent with the FCPG Design Guidelines. Please refer to EIR Figure 2.1-8 for a depiction of these buildings and their visibility from southbound I-15.

IA4 Proposed building heights would not exceed 35 feet, except for uninhabited architectural projections, which may reach 40 to 45 feet and are subject to NCFPD review. The adjacent Campus Park project was also approved with a 40-foot height limit in its Town Center area to permit architectural projections exceeding 35 feet. Therefore, Campus Park West is consistent with the planned character for this new village area. The potential for an isolated structure or two to exceed 35 feet would only be realized if the North County Fire Protection District (NCFPD) obtained equipment allowing them to access higher structures This wording is in the Project Specific Plan and on the Tentative Map, which identify the Project with a “D” designator. This designation requires future plans to be reviewed against the Specific Plan. This would trigger any necessary coordination with NCFPD prior to construction.

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- IA5 The park and ride on the west side of I-15 will have bus loading and unloading as well. As noted in comment, the Project would reserve space for one to two bus stops along Pankey Road to accommodate future bus service based on standards provided by the North County Transit District (NCTD). Once NCTD extends service to the area, people will be able to take a bus from the park and ride to the Project site. Alternatively, people living within the Project site would be able to take a bus to the park and ride and beyond. Therefore, there would be a connection to the park and ride once bus service is extended to the area.
- IA6 Slopes adjacent to I-15 would shield some views from I-15 to proposed buildings. These slopes would be hydroseeded, and on-site landscaping would provide additional visual shielding and visual interest. Please refer to EIR Figures 2.1-7 and 2.1-8 for illustrations of the slopes abutting I-15 and visibility of these buildings from points west.
- IA7 The on-site commercial uses proposed as part of this Project are identified as general commercial, which would incorporate some neighborhood commercial uses. The nature of the commercial areas is described under the heading “General Commercial” in Section 1.2.2.1 of the EIR, as are the exterior appearance and relation of these uses to the proposed development. Their regional nature is also noted in the discussion of land use consistency in Section 3.1.5.2 of the EIR. The purpose of the commercial uses is to support the projects located in the northeast quadrant of I-15 and SR-76, as well as the surrounding residential community and passersby on I-15. This is expected to minimize trips for Fallbrook and adjacent residents (e.g., to Temecula, Oceanside or Escondido) and to provide convenience and minimize additional off-freeway trips for travelers along I-15. The proposed project is located approximately 10 miles away from downtown Fallbrook.
- IA8 Although the timing and number of buyers of commercial segments are not known at this time, development on each of the parcels will require subsequent permits and discretionary review. As the Project moves through final mapping and design, it would undergo site plan review, and would come back before the FCPG for review and comment.
- IA9 A discussion of smart growth pros and cons did ensue. It was not specific to this Project and no response is required.

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- IA10 Please refer to response to Comment IA3. The livable space per unit meets required guidelines and standards. The limited impact industrial uses are in scale with the overall proposed development and appropriately set back from I-15. Please also refer to EIR Figure 2.1-7 for a depiction of a portion of these uses for viewers located west of I-15.
- IA11 Please see response to Comment IA7.
- IA12 The Pala Mesa Bridge would remain intact, with improvements proposed at the western and eastern termini of Pala Mesa Drive at Old Highway 395 and Pankey Road, respectively. Level of Service (LOS) C or better operations are calculated at these locations during the a.m. and p.m. peak hours with the addition of Project traffic (Existing + Project). Queuing is anticipated to occur in the westbound direction along the Pala Mesa Bridge at the Old Highway 395/Pala Mesa Drive intersection due to the single westbound storage lane across the bridge. These queues would clear during signal cycles, as modeling demonstrates by the acceptable overall LOS cited above. The Traffic Analysis confirmed this anticipated outcome through completion of SIMTRAFFIC 2D analyses of intersection operations throughout the site (including this location). The SIMTRAFFIC2d analysis consists of a moving simulation of traffic in plan view (from above) with all projected lane geometry, signal timing, and Project traffic loading in place. No excessive queuing on Pankey Road resulted.
- IA13 Pankey Place would be just one of the east-west connections provided between Horse Ranch Creek Road and Pala Mesa Drive. Other connections include Pala Mesa Drive/Pankey Road to SR-76 and Pala Mesa Drive to Old Highway 395 to Steward Canyon Road. A direct east-west connection between Pala Mesa Drive and Horse Ranch Creek Road would require cutting through a riparian area (Horse Ranch Creek) that supports birds that are identified as endangered by the United States Fish and Wildlife Service (Service). The resource agencies, including the Service, the California Department of Fish and Wildlife (Department), and U.S. Army Corps of Engineers (ACOE), all of which would be instrumental in Project permitting, are on record as requiring avoidance of the creek, its sensitive habitat, and associated species, to the maximum extent practicable. The changes to the circulation network were previously approved through the approval of Palomar College

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- IA13 cont by the College District and other adjacent projects by the Board of Supervisors and are included in the County’s adopted Mobility Element. Please note that the Project has been designed to operate without high levels of congestion and within appropriate emergency response times. Please refer to Subchapters 2.3 (Transportation/Traffic) and 3.1.8 (Public Services) for detail on these issues.
- IA14 The Pankey Road cul-de-sac is designed to accommodate anticipated traffic to the office/industrial park located north of Pala Mesa Drive and would meet requirements of the Consolidated Fire Code. The commercial development is not proposed to include manufacturing facilities, which would require design specifications to accommodate tractor-trailers. As such the proposed cross section is sufficient to serve anticipated traffic. Adequacy of the cul-de-sac is detailed in Section 2.3, Primary and Secondary Access Roads, in the Project Fire Protection Plan (Appendix K to the EIR). Please refer in particular to: Appendix K Section 2.3.1, Access Road Widths; Section 2.3.3, Turning Radius; and Section 2.3.4, Dead Ends. Therefore, no secondary access is required for this short extension of Pankey Road north of Pala Mesa Drive.
- IA15 The “right in, right out” intersection on Pankey Road is proposed to provide direct access to businesses to be located on the southern portion of the commercial parcel. This is advantageous in that it provides an alternative to the main full-access signalized driveway, thereby reducing overall delay at this location. It is not accurate to infer that this driveway would be only available for southbound traffic via Old Highway 395, or would somehow exacerbate traffic distribution from this roadway. In fact, northbound vehicles on Pankey Road would utilize this driveway via a U-turn at the main driveway if their commercial destination was located along the Project’s southern perimeter. It would also provide convenient access for drivers traveling southbound from within the Project (office/industrial or residential).
- IA16 The County disagrees that the bike route information is confusing or inaccurate. Figure II-11 shows Pankey Road north of SR-76 with Class II bike facilities. There is an eight-foot striped bike lane. This is consistent with Figure II-9, which also shows Pankey Road north of SR-76 as a Class II bike route. A Class III bike route would not have a separate bike

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- IA17 (Also, Figure 1-14 in the DESEIR shows proposed off-site roadway improvements on a 2010 On-site Circulation map.)
- IA18 The volume of traffic resulting from this development will create bottlenecks at both access points: the southern access at Highway 76 and the western access at Old Highway 395. All the traffic to and from this development will need to use one of these two intersections for ingress and egress.
- IA19 There was concern about freeway traffic noise affecting the residential areas. The walls suggested in the EIR appear inadequate and unsightly.
- IA20 Shared parking seems inadequate based on the data presented. Parking requirements for the multi housing units should at minimum equal the requirements for single family homes because in most developments such as this there is always a shortage of parking. Parking provisions today do not reflect the reality of high density developments.
- IA21 There was concern about the “significant traffic impacts” listed in the EIR. Most of the solutions for these were resolved by stating that Traffic Impact Fees would be paid. The committee felt that this answer did not adequately clarify what exactly would be done to resolve these “significant” issues. What are the specific solutions?
- IA22 A Diamond Interchange for I-15 at Stewart Canyon would greatly improve most of the traffic problems created by the developments east of I-15.
- IA23 The long-requested transportation node for the developments east of I-15 should be located in the Campus Park West project. The existence of a Park and Ride across the freeway is of little value to the residents, merchants, and customers east of the I-15.
- IA24 The roads in the commercial/shopping areas should be built to Public Road standards in order to provide adequate access and to eliminate excessive congestion.
- IA25 There is a great deal missing from these documents. Where is the on-site circulation plan? How do the described intersections feed into the road network of the various component areas? Where are the buildings located? What is the phasing of the project?
- IA26 Committee members wondered why is the project coming to us now when so much of the information appears incomplete?

Next Mr. Jim Owning (a Fallbrook businessman and past Group member) spoke as an interested citizen and property owner in an adjacent subdivision and felt that his concerns matched many of his neighbors and business clients. While he had no major concerns with the General or Specific Plan he did have the following comments on the overall project.
- IA27 1) He felt the industrial element of the project should be maintained not reduced.
- IA28 2) Mr. Owning was very concerned with pedestrian traffic crossing SR-76, both with the hazard to pedestrians and the added pollution with heavy traffic starting and stopping to allow pedestrian traffic to cross. He noted that there is already an undercrossing under SR-76 that could utilized as a pedestrian crossing and should be incorporated into the design.
- IA29 3) Finally Mr. Owning was concerned with the projects effects on air quality. He encouraged the County to consider requiring the developer to follow Granite Construction example and place monitoring equipment prior to construction to develop a base line and then continue to monitor as the project develops to assure air quality is maintained.

- IA16 facility. Instead, bicyclists would share the travel lane with automobiles.
cont. The GPA description does not mention Pankey Road north of Pala Mesa Drive because that section of road is not a Mobility Element roadway.
- IA17 The comment is correct. The year of the base map, however, is not important to the focus of the figure. The purpose of the figure is to schematically represent the geographic extent of the off-site improvements at the Old Highway 395/Pala Mesa Road, SR-76/Pankey Road, and Pankey Road/Shearer Crossing intersections. Those are accurately represented.
- IA18 The Project proposes improvements to both of the connecting intersections—from Old Highway 395 onto Pala Mesa Drive, and from SR-76 onto Pankey Road. These improvements, which include additional pavement, restriping, and signalization, as appropriate, would alleviate the bottlenecks which could occur without these improvements. No adverse impacts are anticipated. Please refer to EIR Figures 2.3-4, -6, -9, and -10 for comparison of existing and future peak volumes and turn geometrics at these locations (snapshots 13 and 32).
- IA19 The proposed sound walls are limited (being located only on the east side of Pankey Road north of SR-76 abutting the multi-family residential uses) and are primarily visible only from within the Project. The sound walls are adequate to attenuate noise while at a height consistent with privacy fencing throughout the County (five and a half feet tall) and would be shielded by Project landscaping. Fire walls required by the NCFPD would be more visible, but similar—six feet in height, and generally set back from the viewer due to riparian open space and fuel modification areas. The proposed fire wall located along SR-76 located south of SR-76 and west of Pankey Road also would be set back from SR-76. If the Caltrans excess right-of-way in that area is decertified and commercial uses extend up to SR-76, that roadway would serve as a fire block and no wall would be constructed.
- IA20 The Project complies with zoning ordinance parking requirements for multi-family development. The shared parking regulations allow for the ability of non-residential uses that have different hours of operation to share parking spaces; thereby reducing the need for expansive parking lots. Uses that are only occupied during the day may offer their spaces to uses that are primarily occupied in the evenings and vice versa.

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- IA21 The cumulative project impacts identified with development of the Project would be mitigated by payment of Transportation Impact Fees (TIF), which is the County of San Diego's approved method of mitigating cumulative impacts. For the Project, TIF monies would be utilized by the County to implement improvements within the Fallbrook planning area. The specific improvements anticipated are described in the Mobility Element Network Appendix (Fallbrook Mobility Element Network).
- IA22 The County has discussed the possibility of a diamond interchange at Stewart Canyon Road with Caltrans, the agency with jurisdiction over the interchange. Caltrans has indicated a diamond interchange is not feasible because the traffic volumes do not warrant that configuration of an interchange.
- IA23 The traffic node is being built across I-15 at the existing park and ride. See also the response to Comment IA5.
- IA24 Internal roads in commercial/shopping areas do not need to be designed and built to public road standards. They will accommodate destination driven travelers internal to the site and will be moving at slower speeds and lower volumes, consistent with road surfaces designed to route drivers between structures and through parking areas.
- IA25 The on-site circulation plan is depicted on each of the EIR figures that use the site plan as a base for specific Project elements. Cross sections of the primary project roads are shown on Figures 1-17 through 1-20. Alleys and byways within the development bubbles are not illustrated at this time. These facilities would not provide through traffic capabilities, would carry only destination-driven travelers internal to the site, and would be designed as part of the final site plans incorporating structure locations. Please note, however, that roads traversing the Project, as well as the vehicular transportation patterns throughout the limited impact industrial, multi-family residential, and commercial parking areas, would be designed to meet standard County safety design criteria. Project phasing is described in EIR Section 1.2.2.6, Project Phasing, and shown on Figure 1-27, the Conceptual Phasing Plan.

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- IA26 The level of Project information is adequate to identify the Project footprint, with associated specificity regarding quantifiable impacts to natural resources and identification of necessary mitigation. CEQA Guidelines Section 15004(b) notes that choosing the precise time for CEQA compliance involves balancing competing factors. As stated, EIRs: “should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.” The County finds that enough information is available at this point to ascertain impacts with an appropriate level of specificity, while not requiring design detail that is not necessary at this time. It also allows for consideration of community requests relative to design, prior to final site plan development.
- IA27 Comment noted.
- IA28 No undercrossing is proposed at this location. A cross walk at the signalized intersection is considered the appropriate solution for pedestrian use. There is no existing culvert in the vicinity of the Pankey Road/SR-76 intersection large enough to accommodate a pedestrian crossing. Further, there are multiple underground utilities near the intersection, which, in addition to the safety concerns of an underground passageway, would make the creation of an underground passageway very problematic. A pedestrian undercrossing of SR-76 also would be below the floodplain elevation and would periodically flood, creating a potential safety issue. As a result of these considerations, pedestrian and equestrian crossings of SR-76 would occur at marked intersections, and in accordance with signalized crossing patterns.
- IA29 As noted in the comment, the monitoring equipment proposed in this comment is focused on construction-period effects. For a quarry, which requires long-term movement of dirt and rocks, as well as potential rock crushing activities, the ongoing “construction period” can provide heightened long-term effects on air quality within the basin. Project-related effects on air quality, however, are primarily related to operations rather than construction activities. Please see EIR Tables 2.2-4 through 2.2-10, which indicate that construction activities alone would not result in anticipated air quality exceedances. The conformance with air basin standards shown through Project modeling would be obtained through routine emissions control measures that would be monitored as part

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IA30 Mr. Campbell informed the Group that the project would be conditioned to provide fire equipment if they exceeded the 35 foot building height. Also while a traffic node was not a part of this project Caltrans was constructing one across the freeway by the existing park and ride. Mr. Campbell felt bus service from the college and the developments on the east side of the I-15 to the traffic node on the west side of the freeway was inevitable. He also commented the Fire response times appeared to be adequate for this development and the other developments with the proposed location of Pankey Way. In discussions with State Fish and Wildlife staff they had stated that if there was an effort to move Pankey Way north they would fight that proposal.

IA31 Ms. Jean Dooley suggested that the reduced footprint EIR alternative (223 units) be applied to the project to address the majority of the publics concerns.

IA32 Ms. Delaney felt the industrial aspect of the project was very important and should be increased even if it meant less commercial.

After lengthy further discussion Mr. Wood motioned to provide the County with all of the concerns brought up during the discussion. The motion passed unanimously.

4. Request by Mark Olson, 619-296-0605 x236, mo@nstpr.com, to provide a presentation to present information on an invasive pest that can be very deadly for citrus trees, called the Asian citrus psyllid, which has been detected in Fallbrook. Mark represents the Citrus Pest & Disease Prevention Program – a non-profit program dedicated to stopping the spread of invasive pests in the San Diego region. With 7 out of 10 residents owning backyard citrus trees in the area, his presentation will be very valuable to the Fallbrook community and board members. We will present information on the spread of this pest, what is being done about it in Fallbrook, and how residents can best protect their citrus trees. For more information <http://www.californiacitrusthreat.org>. (8/19)

IA33 Mr. Mark Olson introduced the presentation. He informed the Group that the Asian Citrus Psyllid had been found in Fallbrook, the LA basin, Riverside and San Bernardino. While the Psyllid itself was not harmful to citrus trees a disease it can transmit can be very deadly to citrus trees (primarily orange, lemon and lime). He illustrated the worldwide damage the disease has caused. He encouraged all citrus growers to inspect their trees and remove any old or dead trees.

5. Appoint Patty Koch, Fire Prevention Specialist, North County Fire Protection District, 330 S. Main Ave., (760) 723-2040, pkoch@ncfire.org as a non-elected member of the Circulation Committee. Community input. Voting item.

Mr. Russell presented the request and the appointment was approved unanimously.

6. Presentation by BENJAMIN J. STABLES III, 951-972-7963, jays@landwestco.com, and Nate Pivaroff, 949-233-2549, NPivaroff@leeirvine.com on a conceptual site plan and architectural samples for a proposed retail center located on 2.7 acres at the southwest corner of Mission Road and Rocky Crest Road. The applicant believes that the proposed project adheres to the existing zoning and County guidelines and have discussed it with the County Planning Dept. staff. Since they are in the due diligence stage, the Planning Dept. has recommended that they obtain some initial feedback from the Community, the Planning Group and the Design Review Board prior to moving any further. Community input. Non-voting item. (9/13)

A representative of the Lands West Development Company presented a tentative site plan a commercial center at the southwest corner of Mission Road and Rocky Crest. The plan proposed a 16,000 Square foot building in the center of the parcel and two smaller 2,500 square foot buildings along Mission. They representative presented some Mission style architecture they had used on a similar project. The Group was informed the developer intended to present plans to the County within 60 days.

IA29 of the Project construction effort if the Project is approved. As such, cont. additional monitoring equipment would not be expected to provide additional benefit.

IA30 Please refer to responses to Comments IA4, IA23, and IA13, respectively.

IA31 As discussed in the responses to Comments IA3 through IA29, the issues raised during FCPG discussion would not be resolved by the Reduced Footprint Alternative, which was developed to minimize biological resources impacts north of Pala Mesa Drive. None of the issues raised by the group pertained to biological resources.

IA32 The preference for additional limited impact industrial, even if it means less commercial is noted. No change to the Proposed Project is being made at this time. The current proposed mix of uses is an integral part of the development scenario proposed for the northeast quadrant at I-15 and SR-76, as assumed in the adopted County General Plan.

IA33 The remainder of the minutes addresses other issues and projects that do not require responses as part of the Campus Park West Final EIR.

COMMENTS

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AI33
cont.

Mr. Wood noted the single entry on Mission and two access points on Rocky Crest. He felt that the traffic on Mission was very fast and would make that entry dangerous. Also the proposed traffic signal at Peppertree would further complicate the problem.

Ms. Delaney stated that the Landscaping may not meet the Fallbrook Community plan requirements. She also felt the larger building should be flipped to the easterly side of the lot.

Mr. Moosa asked what type of retailer did they hope to attract. The developer stated they felt a small soft goods or grocer would be ideal.

The Group identified other tenants that the community could use, like a hobby shop, hardware store or office supply store.

Ms. Dooley suggested a green building with lots of trees and shade.

Mr. Moosa suggested the developer consider tying the architecture into the community flavor and perhaps link to the Historical Society just down the street from their project.

The Meeting was adjourned at 8:45 pm
Tom Harrington, Secretary

COMMENTS

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SPECIAL MEETING OF THE FALLBROOK COMMUNITY PLANNING GROUP
DESIGN REVIEW BOARD COMMITTEE

Tuesday, 2 October, 2013 9:00 AM

Fallbrook Sheriffs Station

Alvarado St, Fallbrook

DRAFT MINUTES

Committee members present: Jean Dooley, Roy Moosa, Ron Miller, Jackie Heyneman, Eileen Delaney, Bob Sabus. Excused: Jack Wood & Jedda Lorek

Also present: Chris Brown, Dennis Campbell, Camille Passon, & Project Architect: _____

1. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group’s jurisdiction but not on today’s agenda. Three minute limitation. Non-discussion, & Non-voting item.

None

2. GPA05-003, SPA -001, REZ 05-005, TM5424. Campus Park West located in the north east corner of I-15 and SR-76. NOTICE IS HEREBY GIVEN that the County of San Diego is circulating for public review a draft Environmental Impact Report in accordance with the California Environmental Quality Act along with a General Plan Amendment and Specific Plan for the following project. The draft Environmental Impact Report, General Plan Amendment and Specific Plan can be reviewed on the World Wide Web at http://www.sdcounty.ca.gov/pds/ceqa_public_review.html at Planning & Development Services (PDS), Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, California 92123 and at the public libraries listed below. Comments on these draft documents must be sent to the PDS address listed above and should reference the project numbers and name. PDS2005-3800-05-003 (GPA). PDS2005-3813-05-001 (SP). PDS2005-3600-05-005 (REZ). PDS2005-3100-5424 (TM), HLP XX-XXX, LOG NO. 3910 05-02-009 (ER). SCH NO. 2009061043, CAMPUS PARK WEST PROJECT. The Campus Park West project is a proposed amendment to the Hewlett-Packard Campus Park Specific Plan; and is the result of changes in land ownership and regional planning goals, generally consistent with the 2011 County General Plan. The Project proposes two design scenarios. One (Scenario 1) is sited within the original Project boundaries and covers approximately 116.5 acres. The other (Scenario 2) would incorporate approximately 2.1 additional acres into the Project that are currently held as State Route 76 (SR-76) right-of-way by the California Department of Transportation (Caltrans). Because SR-76 is now built to its final anticipated configuration and the excess right-of-way is not anticipated to be required for state route operations, this area would be decertified and could be sold to the Project Applicant. Should this occur, the Project would encompass a total of 118.6 acres. Under both Scenarios 1 and 2, the Project includes review and proposed approval of four discretionary actions. These include:

IB1 These introductory comments are noted.

IB1

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- A Tentative Map (TM 5424) to subdivide the property into 23 lots;
 - A Specific Plan Amendment (SPA 05-001) to amend the 1983-approved Specific Plan to the currently proposed mix of uses;
 - A Rezone (REZ 05-005) from S90 to S88; and,
 - A General Plan Amendment (GPA 05-003) to revise or reconfigure land use designations as well as amend the Mobility Element (ME)

Specifically, the GPA would: (1) change the Regional Category on two parcels south of SR-76 from Rural to Village; (2) change the land use designation of three parcels south of SR-76 from Specific Plan to General Commercial and Rural Lands 40; (3) expand Limited Impact Industrial uses north of SR-76 south to Pala Mesa Drive; (4) reconfigure land use designations north of SR-76 to reflect the Project SPA; and (5) amend the ME to reclassify Pankey Road from a Collector to a Boulevard with Class II bike facilities from Pala Mesa Drive to Shearer Crossing, apply Class II bike facilities to the portion of Pala Mesa Drive within Project boundaries, and designate Pala Mesa Drive between the western Project boundary and Old Highway 395 as a Class III bike route.

The draft Environmental Impact Report (DEIR) identifies significant and unavoidable environmental impacts to Aesthetics, Air Quality, and Transportation and Traffic. The DEIR also identifies significant and mitigated environmental impacts to Biological Resources, Cultural Resources, Noise, and Paleontological Resources.

In accordance with Section 86.104 of County of San Diego Ordinance No. 8365 (N.S.) and Section 4.2.g of the Coastal Sage Scrub Natural Communities Conservation Plan Process Guidelines (November 1993), a Habitat Loss Permit is required because the project would impact Diegan coastal sage scrub.

Section 2762 of the Public Resources Code requires the County as lead agency under CEQA to prepare in conjunction with preparation of an EIR, and prior to approving the project, a statement specifying the County's reasons for permitting a proposed use in an area that contains mineral resource deposits of regional or statewide significance. The County of San Diego is considering the approval of the proposed Campus Park West project which would allow residential use on the project site which currently contains lands classified by the Mineral Resource Zone- (MRZ system. In addition to public circulation, this statement must be provided to the State Geologist and the State Mining and Geology Board for review and comment.

Comments on this DEIR, General Plan Amendment, Specific Plan and Draft HLP must be received no later than September 23, 2013 at 4:00 p.m. (a 45 day public review period). These draft documents can also be reviewed at the Fallbrook Library, located at 124 S. Mission Rd., Fallbrook, CA 92028. For additional information, please contact Dennis Campbell at (858) 505-6380 or by e-mail [atDennis.Campbell@sdcounty.ca.gov](mailto:Dennis.Campbell@sdcounty.ca.gov).

Comments on the project related to mineral resource issues should also be directed to Dennis Campbell at Dennis.Campbell@sdcounty.ca.gov or at the above address.

Comments related to mineral resource issues must be received no later than October 8, 2013 at 4:00 p.m. (a 60 day public review period). County planners Kristin Blackson, Kristin.Blackson@sdcounty.ca.gov and Dennis Campbell, Dennis.Campbell@sdcounty.ca.gov.

IB1
cont.

COMMENTS

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IB1 cont. After a lengthy discussion a motion was made by Jackie Heyneman & the Committee voted unanimously to submit the following comments:

Design Review encompasses almost every aspect of a project: land use, circulation, parks, landscaping, architecture, aesthetics and signage. Since many comments have already been made by the Land Use & Circulation Committees, they will not be duplicated in our comments here.

A chapter/sub-chapter /page number of the DEIR may be listed as reference to our comments. However these same comments are pertinent to other Chapters/sub-chapters that may not be listed, but discuss the same subject.

IB2 Pages 1-22-23, 2.1-23, Figure 1-6, Figure 5, 1.2.2.4, 2.1.2.1 Appendix
“Acceptable architectural styles would include “rustic rural ranch” characteristics, “urban Victorian,” Mediterranean,”
 1-22 1.2.2.4. Landscape/hardscape
”Proposed Mediterranean”
While design styles are not specifically listed in the Community Character section of the Fallbrook Community Plan, styles & materials are addressed in Commercial, Industrial & Multi-Family sections. They exclude Mediterranean. DEIR should be revised to reflect this in the architecture & landscaping.

IB3 **FALLBROOK COMMUNITY PLAN**
 Commercial. Page 17
 Policy LU 2.2.4 Encourage “Village Style“ architecture, described as Craftsman, Victorian, Ranch, Colonial, Cottage Mission and Spanish architectural styles and utilization of building materials such as wood (simulated, non-combustible) rock, brick, stone or similar materials which are in harmony with the natural environment. These requirements aim to maintain and promote the intimate personal scale of the Village, its character, and warmth.
 Industrial page 18
 Policy LU 2.3.4 Require the use of “Village Style“ architecture, described as Craftsman, Victorian, Ranch, Colonial, Cottage Mission and Spanish architectural styles and utilization of building materials such as wood (simulated, non-combustible) rock, brick, stone or similar materials which are in harmony with the natural environment. These requirements aim to maintain and promote the intimate personal scale of the Village, its character, and warmth.

IB4 http://www.sdcounty.ca.gov/pds/advance/POD_11-005_Draft_Fallbrook_Design_Review_Checklist.pdf
 The project does not propose the following tree species :
 • All Eucalyptus
 • Palms that exceed 20 feet at maturity such as:
 o Archontophoenix (All) o Brahea (o Standard Cocos (Coconut Palm) o Julaea (Chilean Wine Palm)
 o Livistona (All)
 o Phoenix (All)
 o Pritchardia (All)
 o Rhapalostylis (All)
 o Roystonea (All)
 o Sabal (All)
 o Syagrus romanzoffianum aka Arecastrum romanzffinum (Queen Palm) o Washingtonia (All)
 o Caryota (All)

IB2 Campus Park West is the third of three projects moving through the County environmental review process in the northeast quadrant of the I-15/SR-76 interchange. The County views all three of these projects as elements of an overall development plan for this area, and has requested that they both provide complementary land uses and common design elements. The other two projects (Campus Park, approved in 2011, and Meadowood, approved in 2012) included the Mediterranean design style in their Specific Plans. As such, Campus Park West was directed to include the same or compatible styles in the Campus Park West Specific Plan. Specific to landscaping, the portion of San Diego County in which the Project would be located has a Mediterranean climate. As such, the types of plants that thrive in warm (sometimes hot) summers and relatively mild winter zones also do well here. The plant list must contain the plants that do well in this environment.

IB3 The County agrees that use of the noted materials provide visual links to the natural environment, and result in structures that contribute to an emotionally “warm” setting. As noted in Appendix A of the Project Visual Impact Analysis (Appendix B to the EIR), the Fallbrook Design Guidelines specify that native stone, masonry with cement plaster finish, wood framing with cement plaster finish, detailed wrought iron, wood, and brick walls are encouraged. Chain link or open wire, corrugated metal, bright colored plastic or plastic coated materials, and reed materials are discouraged. The material encouraged in this guideline would be used in the Project to create an aesthetically pleasing environment on site. In addition, the Project may include precast concrete walls or panels. If used, the materials discouraged in the noted guideline would be minimized.

COMMENTS

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- IB5 { Pages 1.27-28
1.2.2.4
"Where there is a conflict between the Fallbrook Design Guidelines & San Diego County ZO sign regulations, the Project Specific Plan would control. Where the Specific Plan is silent, the County ZO (sections 6200 & 6250 would prevail."
Many Design Guidelines for signage in Fallbrook conflict with County Ordinance. The most restrictive is what controls, so this should also apply to this project as well.

- IB6 { Chapter 6 II- 103
WALL SIGN AREA
General Commercial Signs
Signs should be no more than 50% of the architectural building element on which it is placed.
Industrial
Signs should be less than 50% of the architectural building element on which it is placed.

- IB7 { Page 1-58, Table 1-3.
Building heights should not exceed 35 feet for consistency throughout the region and comply with the Fallbrook Design Guidelines; With the exception of unoccupied architectural features which may not exceed 45 ft.

- IB8 { 2.1.2.4
Green Roofs
While green roofs/rooftops are said to improve building energy efficiency, they should not be used to replace or calculate open space configurations in residential areas. They can be very costly to maintain (example -Fallbrook Library) and may also cause safety or liability issues.

Clarify- Children’s play areas will not be satisfied by roof tops

- IB9 { Figure 1-9, Appendix B
"The trees and landscaped street edges and open spaces would reduce and soften the strong geometric forms and lines, the bright or neutral colors, and hard textures that the Proposed Project would introduce in to the viewshed when seen from areas within the viewshed that are at higher elevation, such as within Engel Family Preserve, Monserate Mountain Trail, and I-15 at the southern edge of the viewshed. The difference from the Fallbrook Design Guidelines, therefore, would not create a visual impact."
More trees & shrubs should be used along the I-15 to reduce the visual impacts of the Project.

- IB10 { The meeting was adjourned at approximately 10:45 A.M.

Eileen J. Delaney
Chair

- IB4 Please refer to the response to Comment IB4 regarding consistency with the two “sister” projects in this quadrant. In response to this request, however, palms have been deleted from the plant palette for Campus Park West.

- IB5 The “most restrictive” standard is not the appropriate standard in this case. The Fallbrook Design Guidelines were developed for the type of commercial uses prevalent in the currently developed portions of Fallbrook, including the “downtown” area. These uses are different from the Project-proposed uses that would provide area residents with commercial options not currently available. They are different both in type of commercial business, and in type of user. Some of the businesses would require larger stores than currently exist in the more storefront and strip mall type of commercial use. These larger stores would also be pulling I-15 travelers from the freeway, and as such, need to be visible from that facility in such a way that viewers can safely see and respond to the signs at appropriate exits. As a result, the signage plan requires more flexibility and different standards than are found in strict compliance with the current guidelines. Revisions to the plan will not be implemented.

- IB6 Please refer to the response to Comment IB5.

- IB7 Building heights would not exceed 35 feet at this time, except for uninhabited architectural projections, which may reach 40 to 45 feet and are subject to NCFPD review. This wording is also in the Project Specific Plan and on the Tentative Map, which identify the Project with a “D” designator. This designation requires future plans to be reviewed against the Specific Plan. This would trigger any necessary coordination with NCFPD prior to construction. The adjacent Campus Park project was also approved with a 40-foot height limit in its Town Center area to permit architectural projections exceeding 35 feet. Therefore, Campus Park West is consistent with the planned character for this new village area. The potential for an isolated structure or two to exceed 35 feet would only be realized if the North County Fire Protection District (NCFPD) obtained equipment allowing them to access higher structures. This variation would not be visually substantially different relative to a five- to six-foot viewer.

COMMENTS

RESPONSES

- IB8 The County’s zoning ordinance permits up to 20 percent of common open space to be placed on rooftops. If green roofs are provided, they would be implemented according to current building standards, including safety requirements. The private owner would be responsible for their maintenance. While residents may take their children with them to these rooftops, they would not be designed to contain specific children’s play areas. A requirement has been added to the Specific Plan Amendment to clarify that no portion of the required children’s play area may be located on a rooftop.
- IB9 The setbacks and landscaping requirements along I-15 are wholly consistent with the requirements of the Fallbrook Design Guidelines. In addition, the Applicant cannot add vegetation that would conflict with the Fire Protection Plan in terms of tree canopy adjacency, or that would create unsafe conditions for drivers on I-15 trying to read Project signs.
- IB10 Comment noted.

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax
PALA THPO



September 23, 2013

Dennis Campbell
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

Re: PDS2005-3800-05-003 (GPA), PDS2005-3813-05-001 (SP), PDS2005-3600-05-005 (REZ),
PDS2005-3100-5424 (TM), HLP XX-XXX, LOG NO. 3910 05-02-009 (ER), SCH No.
2009061043, CAMPUS PARK WEST PROJECT

Dear Mr. Campbell:

- J1 [Thank you for the notification of the availability of the draft Environmental Impact Report for the above-referenced project. This letter constitutes our initial response on behalf of Robert Smith, Chairman of the Pala Band of Mission Indians.
- J2 [I have looked over the cultural resources review for the project and I am generally in concurrence with your findings and proposals for mitigation. However, I would like to stress that the Pala Band continues to request government-to-government consultation as the project moves forward. We would like to be involved in the development of any pre-excavation agreements, data recovery plans, and/or mitigation plans for unexpected discoveries and inadvertent disturbance of human remains. I appreciate that the DEIR addresses the significance of the Tom-Kav site (CA-SDI-682) but would like to see a greater emphasis on the potential for related sites and subsurface cultural resources to potentially be discovered on the Campus Park West property. In the interests of avoiding a similar outcome as what happened with Horse Ranch Creek Road, it is imperative that the DEIR discuss exactly how any such discovery will be handled, and that it be made explicit that no decisions will be made regarding such discoveries without immediate and direct involvement of the Pala Band.
- J3 [Please feel free to contact me with any questions or concerns: sgaughen@palatribe.com or 760-891-3515. I look forward to continuing consultation on this project.

Sincerely,

Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians

- J1 Comment noted. This comment is not at variance with the environmental document. No changes were made to the environmental document as a result of this comment.
- J2 Comment noted. In the event that unknown cultural resources are located during construction activities, the Grading Monitoring Program that is a condition of approval must be followed. If a Research Design and Data Recovery Plan are required, a Luiseño Native American monitor would be involved in the program. Furthermore, the condition has been revised to require coordination with the Luiseño tribes should a Data Recovery Program be required. A copy of the plan would be provided for review and comment. If human remains are identified consultation pursuant to Public Resources Code Section 5097.98 is required with the Most Likely Descendant (MLD) as designated by the NAHC. The environmental document has been revised as a result of this comment.
- J3 Comment noted. It is considered very unlikely that additional cultural resources would be located on Campus Park West given the amount of existing disturbance and ground visibility. Unidentified resources are expressly addressed in Mitigation Measure M-CR-1, 2, and 3, under clauses g, j and l. The Luiseño Native American monitor would coordinate with the Principal Investigator regarding appropriate next actions. Please note that in clause d, an adequate number of monitors is expressly required,

COMMENTS

RESPONSES

- J3 cont. including Luiseño Native American monitors during all earthmoving activities. Should human remains be identified, the process identified in clause h of the above-noted mitigation measures would be followed. The Native American Heritage Commission would identify the Most Likely Descendant/point of contact and the requirements of Public Resources Code Section 5097.98 would be followed. Pre-Excavation Agreements are not required because a Grading Monitoring Program has been made a condition of approval and SB-18 consultation has afforded the tribes the opportunity to request revisions to the condition. No changes were made to the environmental document as a result of this comment.
- J4 Comment noted. Your contact information is noted. Staff will continue to coordinate with the Historic Preservation Office on these important issues as necessary and appropriate. No changes were made to the environmental document as a result of this comment.



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

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

September 23, 2013

VIA E-MAIL and USPS

Mr. Dennis Campbell
Project Planner
County of San Diego
Planning & Development Services
5510 Overland Avenue, Ste 110
San Diego, CA 92123

Re: Pechanga Tribe Comments on the Draft Environmental Impact Report for the Campus Park West Project (PDS2005-3800-05-003 (GPA), PDS2005-3813-05-001 (SP), PDS2005-3600-05-005 (REZ), PDS2005-3100-5424 (TM), Log No. 3910 05-02-009 (EIR), SCH No. 2009061043

Dear Mr. Campbell:

K1

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). Please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archaeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

K2

The Tribe submits these comments concerning the Project's potential impacts to cultural resources in conjunction with the environmental review of the Project. The Tribe knows that the Campus Park West Project area is a part of a Traditional Cultural Property that is associated with the Luiseño village of Tómqav. This is acknowledged in the Draft Environmental Impact Report (DEIR) as well as the cultural studies and the Tribe concurs with this assessment.

K3

The Tribe is also concerned that cultural resources will be impacted during development of this Project. Although there were no physical manifestations of the Tribe's ancestors observed on the surface of this Project, because of the surrounding resources and the importance of the area, the potential is high for impacting subsurface resources. The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts

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Chairperson:
Mary Bear Magee
Vice Chairperson:
Darlene Miranda
Committee Members:
Evie Gerber
Bridgett Barcello Maxwell
Richard B. Scarce, III
Germaine Arenas
Director:
Gary DuBois
Coordinator:
Paul Macarro
Cultural Analyst:
Anna Hoover

K1 Comment noted. The Tribe is on the distribution list for public notices and document circulation. The Tribe also will be notified of public hearings and scheduled approvals for the Project. These comments have been incorporated into the Final Subsequent EIR, and as such, are part of the administrative record and will be before the Board of Supervisors during consideration of the Project for approval or denial. No changes were made to the environmental document as a result of this comment.

K2 The Project does not assume that the site extends onto Campus Park West. As noted in Section 2.4.1.6 of the EIR:

The village of Tom-Kav, recorded to the east of the Campus Park West property as site CA-SDI-682, would potentially qualify as a Traditional Cultural Landscape/Property.

In relation to the Campus Park West property, however, the currently known location of the Tom-Kav village/CA-SDI-682 is well to the east. During the archaeological studies for the Campus Park West property, no archival or archaeological evidence was discovered to indicate that

COMMENTS

RESPONSES

Pechanga Comment Letter to the County of San Diego
Re: Pechanga Tribe Comments on the Campus Park West Project
September 23, 2013
Page 2

this Project may have to tribal cultural resources. The Tribe's primary concerns stem from the Project's proposed impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work.

At this time, the Tribe refers the County to the substantial and extensive letters submitted for the Meadowood, North Education Center and Campus Park projects regarding the significance and importance of this area to the Luiseño people. The Tribe additionally requests that the Developer, the Project archaeologist and the County involve the required Luiseño monitor/representative(s) in all aspects of the development including but not limited to mass grading, trenching, borings, archaeological excavations, consultations regarding evaluation of artifact sensitivity, development of the Grading Monitoring and Data Recovery Plan, recommendations and concurrence of artifact type and use as well as temporary fencing placement and buffer development.

Further, the CEQA Guidelines state that lead agencies should make provisions for inadvertent discoveries of cultural resources (CEQA Guidelines §15064.5). The Tribe believes that adequate cultural resources assessments and management must always include a component which addresses inadvertent discoveries. Every major State and Federal law dealing with cultural resources includes provisions addressing inadvertent discoveries (See e.g.: CEQA (Cal. Pub. Resources Code §21083.2(i); 14 CCR §1506.5(f)); Section 106 (36 CFR §800.13); NAGPRA (43 CFR §10.4). Moreover, most state and federal agencies have guidelines or provisions for addressing inadvertent discoveries (See e.g.: FHWA, Section 4(f) Regulations - 771.135(g); CALTRANS, Standard Environmental Reference - 5- 10.2 and 5-10.3). Because of the extensive presence of the Tribe's ancestors within the Project area vicinity, it is not unreasonable to expect to find vestiges of that presence. Such cultural resources and artifacts are significant to the Tribe as they are reminders of their ancestors. Moreover, the Tribe is expected to protect and assure that all cultural sites of its ancestors are appropriately treated in a respectful manner. Therefore, as noted previously, it is crucial to adequately address the potential for inadvertent discoveries.

Finally, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures for the permit must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage Commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. It is the position of the Pechanga Tribe, and all Luiseño tribes, that human remains must never be moved or other impacted, but rather, they should remain in their original resting place, undisturbed.

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
Post Office Box 2183 • Temecula, CA 92592*

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K3
cont.

K4

K5

K6

K2
cont.

Tom-Kav village (site CA-SDI-682), extends onto the Project property. Similarly, no evidence of independent and in situ milling features, stone quarries and lithic tool process areas, ceremonial locations and landmarks, and temporary or seasonal camps was noted.

No changes were made to the environmental document as a result of this comment.

K3

Comment noted. A cultural study was completed and was negative for cultural resources. It is considered very unlikely that additional cultural resources would be located on Campus Park West given the amount of existing disturbance and ground visibility. The County appreciates the Tribe's statement of lack of opposition and understands the Tribe's concerns regarding potential impacts to cultural resources. The Project would be conditioned to require a Grading Monitoring Program that includes a Luiseño Native American monitor. The Luiseño Native American monitor would be invited to attend the pre-grading meeting(s) (clause b), would be present for all earth-moving activities and during cutting of previously undisturbed formations (clauses d and e), would be involved in the location and assessment of any previously unidentified cultural resources (clause g), and would be included in data recovery, if required. In addition, please note that based on comments received during public review of the Draft Subsequent EIR for this Project, the involvement of the Luiseño Native American monitor in any potential fencing required in clause 2 of this mitigation measure has been expressly added to the measure. Should human remains (clause h) be identified, the property owner would be required to follow the requirements of the Grading Monitoring Program, County Guidelines for Determining Significance, County Grading Ordinance, Health & Safety Code Section 7050.5 (b and c), and Public Resources Code Section 5097.98. No changes were made to the environmental document as a result of this comment.

K4

Comment noted. The correspondence referred to has been reviewed. As specified in Section 2.4.5 of the EIR, a Native American monitor is

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Pechanga Comment Letter to the County of San Diego
Re: Pechanga Tribe Comments on the Campus Park West Project
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K7

The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts.

The Pechanga Tribe looks forward to working together with the County of San Diego in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov should you have questions or comments. Thank you.

Sincerely,



Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
Post Office Box 2183 • Temecula, CA 92592*

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K4 cont. expressly required to be involved with the grading monitoring program (including the pre-grading meeting), and during earth-moving activities (including borings) and cutting into previously undisturbed deposits. Coordination with the Luiseño Native American monitor is included in the Grading Monitoring Program and would include consultation regarding artifact sensitivity, and artifact type. The Pechanga Tribe was contacted on October 14, 2005 regarding their desire to be involved in SB-18 consultations. No response was received. The Tribe is involved in the development of the Data Recovery Plan through comments submitted in the above-noted correspondence and modifications to the prior County standard operating procedure regarding curation of artifacts. Please note that the Mitigation Measure M-CR-1, 2, and 3 (clause j) has been modified to include options for curation; consisting of curation at either a San Diego curation facility or a Luiseño Tribal curation facility that meets federal standards per 36 CFR Part 79, or repatriation to a Luiseño Native American tribe. In addition, based on this request, the involvement of the Native American monitor in any potential fencing required in clause 2 of this mitigation measure has been expressly added to the measure. Also see response to Comment 3 above. Changes were

K5 made to the environmental document as a result of this comment. Comment noted. Unidentified resources are expressly addressed in Mitigation Measure M-CR-1, 2, and 3, under clauses g, j and l. The Luiseño Native American monitor would consult with the Principal Investigator regarding appropriate next actions upon the discovery of resources. Please also refer to the response to Comment 3 of this letter. Please note that professional standards and County intent require that all Native American cultural sites be treated in a respectful manner. Please refer to the response to Comment 3 regarding inadvertent discoveries. No changes were made to the environmental document as a result of this

K6 comment. Comment noted. The potential for discovery of human remains is expressly addressed in Mitigation Measure M-CR-1, 2, and 3, under

COMMENTS

RESPONSES

K6 cont. clause h. The Tribe's preference for treatment of human remains is noted. The County strictly adheres to California State law as cited in the comment (PRC Section 5097.98). No changes were made to the environmental document as a result of this comment.

K7 Comment noted. The Tribe's interest in the Project is appreciated and the Tribe's right to participate in the environmental review process is understood and welcomed. The Pechanga Tribe was contacted on October 14, 2005 regarding their desire to be involved in SB-18 consultations. No response was received. Although, the Pechanga Tribe is not part of the SB-18 consultations, the County is open to any comments or concerns that they may have and is available to consult under Sacred Lands. No changes were made to the environmental document as a result of this comment.

RINCON BAND OF LUISEÑO INDIANS
Culture Committee

1 W. Tribal Road · Valley Center, California 92082 ·
(760) 297-2621 or (760) 297-2622 & Fax:(760) 749-8901



September 23, 2013

County of San Diego
Department of Planning and Land Use
5510 Overland Avenue, Suite 110
San Diego, CA 92123

Re: Campus Park West (Pappas Property) Project, GPA 05-003, SPA 05-001, REZ 05-005, TM 5424,
ER 05-02-009

Dear Ms Donna Beddow

Rincon is submitting these comments in response to the draft Environmental Impact Report

RINCON TRIBE CULTURAL AFFILIATION TO PROJECT AREA

D. L. True, C. W. Meighan, and Harvey Crew¹ stated that the California archaeologist is blessed “with the fact that the nineteenth-century Indians of the state were direct descendants of many of the Indians recovered archaeologically, living lives not unlike those of their ancestors.” Similarly, the Tribe knows that their ancestors lived in the land and that the Luiseño peoples still live in their traditional lands. While we agree that anthropological and linguistic theories as well as historic accounts are important in determining traditional Luiseño territory, the Rincon Tribe asserts that the most critical sources of information used to define our traditional territories are our songs, creation accounts and oral traditions. The Rincon Tribe has specific cultural and legal interest in the Campus Park West Project. The project property is located within Luiseño ancestral territory and the Tribe is culturally affiliated with the geographic area. The Tribe also has specific knowledge of cultural resources and sacred places within/near the proposed Project alignments. Therefore further asserts that this culturally sensitive area is affiliated with the Rincon Band of Luiseño Indians because of the specific cultural ties to this area. Rincon considers any resources located on this Project property to be Luiseño therefore Rincon cultural resources, and do to its proximity to Rincon the Tribe asserts it’s right to be named the Most Likely Descendent (Cal. Pub. Res. C. §5097.98) in case human remains are uncovered.

PROJECT IMPACTS TO CULTURAL RESOURCES AND PROPOSED TREATMENT FOR CULTURAL RESOURCES

¹ D. L. True, C. W. Meighan, Harvey Crew. Archaeological Investigations at Molpa, San Diego County. California, University of California Press 1974 Vol. 11, 1-176

Bo Mazzetti
Tribal Chairman

Stephanie Spencer
Vice Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Frank Mazzetti III
Council Member

L1 Comment noted. Rincon’s assertion of right to be named Most Likely Descendant in the case of location of human remains on site is acknowledged. Should human remains be identified, the determination would be made by the Native American Heritage Commission. In addition, the County will strictly follow steps identified in Public Resources Code Section 5097.98. No changes were made to the environmental document as a result of this comment.

L1

RINCON BAND OF LUISEÑO INDIANS

Culture Committee

1 W. Tribal Road · Valley Center, California 92082 ·
(760) 297-2621 or (760) 297-2622 & Fax:(760) 749-8901



L2

In General the Rincon Tribe has no disagreement with the findings in this draft Environmental Report, accept under the heading "Ethnographic Evidence for the San Diego Region" (p.8) the author states that "one of the most comprehensive ethnographic overviews compiled in Southern California was completed for the Palm Springs Cahuilla by noted ethnographer Lowell Bean. We would like to point out that this project is situated in Luiseño territory and is in an area that is central to the Luiseño creation story. The Rincon Tribe asserts that while anthropological and linguistic theories as well as historic accounts are important in determining traditional Native American life ways, the most critical sources of information used to define Luiseño life ways are our creation accounts and oral traditions. Therefore the proximity of this project to the Pankey site and as pointed out above the area is central in our creation story we regard this area as very sensitive.

L3

Based on the discussion above the Rincon Tribe is asking the County and developer to work with the Rincon Tribe to avoid where possible our Cultural Heritage. We thank you for the opportunity to submit this information to the County. If you should have any questions or comments, please do not hesitate to contact the Rincon Cultural Resource Center at (760) 297-2635.

Sincerely,

Rose Duro

Rincon Cultural Committee Chair

L2

Comment noted. As stated in the comment, the ethnographic background section does include the work of Lowell Bean. The prehistory and history of the area continues to expand as additional studies are completed and information is shared by the Native American tribes. Rincon was contacted on October 14, 2005 and August 24, 2010, regarding whether they wanted to participate in the SB-18 consultations. No response was received. During consultations, the County encourages Native American tribes to share any information they may have to make a study more complete. The County encourages Rincon to forward any information they may have relative to the traditional Native American "life ways" based on creation accounts and oral tradition. No changes were made to the environmental documents as a result of this comment.

L3

Comment noted. The Tribe's interest in and coordination regarding this Project is appreciated and noted. Rincon has been added to the distribution list and will be notified of the public hearings. No changes were made to the environmental documents as a result of this comment.

Bo Mazzetti
Tribal Chairman

Stephanie Spencer
Vice Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Frank Mazzetti III
Council Member

SAN LUIS REY BAND OF MISSION INDIANS

1889 Sunset Drive • Vista, California 92081

760-724-8505 • FAX 760-724-2172

www.slrmisionindians.org

September 23, 2013

Dennis Campbell
Planner
Planning & Development Services
County of San Diego
5510 Overland Ave., Ste. 110
San Diego, CA 92123

VIA ELECTRONIC MAIL
Dennis.Capbell@sdcounty.ca.gov

RE: COMMENT LETTER ON DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE CAMPUS PARK WEST PROJECT AND GENERAL PLAN & SPECIFIC PLAN AMENDMENTS (SCH NO. 2009061043)

Dear Mr. Campbell:

Thank you for the opportunity to submit the following comments regarding the Draft Subsequent Environmental Report (“DSEIR”) for the Campus Park West Project (“Project”).

M1

As you are aware, we, the San Luis Rey Band of Mission Indians (“SLR” or “Tribe”) are a Northern San Diego County tribe whose traditional territory encompasses the cities of Oceanside, Carlsbad, Vista, San Marcos and Escondido, as well as the unincorporated communities of the County of San Diego such as Fallbrook and Bonsall. SLR is resolute in the protection and preservation of our cultural resources within our traditional territory.

It is the Tribe’s understanding that the Project is located on 116.5 or 118.6 acres, to the north and south of the intersection at State Route 76 (“SR 76”) and Pankey Road in the unincorporated community of Fallbrook, CA. The Project proposes to subdivide the property into 23 lots and to rezone the current use of the property to allow mixed uses of the property (Specific Plan) and to revise the land use designations to meet the Project goals (General Plan Amendment). In addition, it is the Tribe’s understanding that the Project contained within these new zoning and land designations, 283 multi-family residential homes, general commercial with a mixed-use core, limited impact industrial/business professional uses, on- and off-site infrastructures and open space that would allow for a connecting trail system with the envisioned San Luis Rey River Park will be constructed. These uses would then be subdivided and/or separated into six (6) planning areas (“PA’s”).

M2

M1 Comment noted. The comment is not at variance with the environmental document. No changes were made to the environmental document as a result of this comment.

M2 Comment noted. The comment is not at variance with the environmental document. No changes were made to the environmental document as a result of this comment.

M3

The Tribe has reviewed the DSEIR and will support its passage if additional and revised mitigation measures are adopted to protect and preserve our Luiseño Native American cultural resources. It is important for the County of San Diego (“County”) to realize that the Tribe does not oppose the Project in general, but that we *are* passionately opposed to any plans that may damage or destroy any potentially significant cultural or sacred sites and ancestral remains that may be located within the Project’s footprint. As the County is aware, this Project is proposed to be constructed within the Traditional Cultural Property and/or Landscape known as Tom-Kav. Tom-Kav is sacred to the Luiseño people and is home to the Second Part of our Creation Story. Any development within this sacred place must be done with caution and acknowledgment of its intense sensitivity.

I. THE PRESENCE OF A LUISEÑO NATIVE AMERICAN MONITOR DURING ALL EARTH DISTURBING ACTIVITIES IS JUSTIFIED, AND AS SUCH, LUISEÑO NATIVE AMERICAN MONITORS SHOULD BE REQUIRED AND CONTRACTED WITH DURING THIS PROJECT.

The Tribe has reviewed the DSEIR for this Project and the Mitigation Measures for Cultural Resources contain therein. As stated within Cultural Resources Mitigation Measures CR-1 through 3, it is clear that the County acknowledges the necessity and benefits of requiring a Luiseño Native American monitor to be present during all earth disturbing activities; however, the language used within the CR1-3 is still too limiting in the protections our cultural resources require and deserve and therefore need to be revised accordingly.

II. THE CREATION OF ANY GRADING MONITORING PROGRAM AND/OR A DATA RECOVERY PLAN MUST BE DONE IN COLLABORATION WITH THE LUISEÑO NATIVE AMERICAN COMMUNITY AND MUST TAKE INTO ACCOUNT THE LUISEÑO SPIRITUAL PRACTICES AND PREFERRED PRESERVATION AND PROTECTIVE MEASURES.

Currently, the language of the Cultural Resource Mitigation Measures states, “Prior to approval of grading or improvement plans, the Applicant shall implement a grading monitoring and data recovery program to mitigate potential impacts to undiscovered, buried archaeological resources to the satisfaction of the Director of PDS and to a level below significant.” Developing a grading monitoring program and/or a data recovery program that results in the satisfaction of the Director of Planning and Development Services without collaboration and/or input from the Luiseño Native American community is not acceptable to the Tribe. Many of our sacred places are being destroyed and desecrated in the name of new development. This Project is within the sacred landscape of Tom-Kav and within extremely close proximity to a burial ground to many of our ancestors. Special considerations and precautions must be made to preserve and protect what can and cannot be seen at present.

M4

M3

Comment noted. The Tribe’s interest in development in this area is understood. A study was completed which was negative for cultural resources. The Project would be conditioned to require a grading monitoring program that requires preservation in place (avoidance) be considered as the first alternative should resources be identified. If such preservation would be infeasible, data recovery would be an appropriate mitigation measure, as identified in CEQA. The County is aware that the Project is in proximity to Tom-Kav, the location of the Second Part of the Creation Story for the Luiseño. As noted in Section 2.4.1.6 of the EIR:

In relation to the Campus Park West property...the currently known location of the Tom-Kav village/CA-SDI-682 is well to the east. During the archaeological studies for the Campus Park West property, no archival or archaeological evidence was discovered to indicate that the Tom-Kav village (site CA-SDI-682), extends onto the Project property. Similarly, no evidence of independent and in situ milling features, stone quarries and lithic tool process areas, ceremonial locations and landmarks, and temporary or seasonal camps was noted.

Because of the sensitivity of the area, as previously discussed, the Project would be conditioned to require a grading monitoring program including a Luiseño Native American monitor. No changes were made to the environmental document as a result of this comment.

M4

Comment noted. The presence of the Luiseño Native American monitor is noted for all critical elements of the cultural resources mitigation program. These Project elements are identified in the Mitigation Measures M-CR-1, 2, and 3. As indicated, the Luiseño Native American monitor would (1) be invited to attend the pre-grading meeting(s) (clause b) when the monitor could review the grading plan; (2) be invited to be present for all earth-moving activities and during cutting of previously undisturbed formations (clauses d and e); (3) be involved in the location and assessment of any previously unidentified cultural resources (clause g); and (4) be included in data recovery, if required. In addition, please note that based on comments received during public review of the Draft Subsequent EIR for this Project, the involvement of the Luiseño Native American monitor in any potential required fencing, has been added to the Mitigation Measure. The Luiseño Native American monitor

COMMENTS

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M4 cont.

Therefore, prior to developing a monitoring plan to grade the Project area or subjecting Luiseño cultural resources to a data recovery, the Project archaeologist and County archaeologist must take into consideration the beliefs and wishes of the Luiseño Native American community. A grading plan is simply the understanding of all interested parties on how the soils will be manipulated and/or extracted for construction and/or development purposes. These procedures can have extremely detrimental impact if done incorrectly or insensitively to a cultural belief and practice. It is imperative that SLR and the other Luiseño tribes be provided an opportunity to review the proposed grading plan, be allowed to provide our input and to see that input be seriously considered and implemented when feasible.

In regards to a data recovery plan, it is equally crucial that the Applicant and the County first evaluate avoidance and preservation measures prior to the implementation of a data recovery plan. The Luiseño Native American community should not only be consulted with in regards to the creation of a data recovery plan, but also be invited to collaborate on its appropriateness and necessity in deconstructing a sacred cultural resource.

- a. CR-1(C) And (D) Should Be Revised To Require Luiseño Native American Monitors At All Earth Disturbing Activities, Both On-Site And Off-Site.

M5

Presently, the language contained with CR-1 (c) and (d) restrict the presence of Luiseño Native American monitors to the earth disturbing activities as they pertain to the activities taking place on-site. It is clear from the DSEIR that there will be many, many impacts to Tom-Kav and that these will not all take place within the Project boundaries, but will occur “off-site” as well. These “improvements” will impact areas of importance to the Tribe and therefore, Luiseño Native American monitors must be present in order to be protect these areas from inappropriate and unwarranted disturbances. Therefore, this language must be amended to reflect that Luiseño Native American monitors will be present during all earth disturbing activities on-site and off-site.

- b. CR-1(E) Should Be Revised To State That Luiseño Native American Monitors Should Be Present During All Cutting Of Deposits And Other Earth Disturbing Activities, And Not Be Limited To Cuts Of Undisturbed Soils Only.

M6

The language contained with CR-1(e) states that “[M]onitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.” The Tribe respectfully requests that language be added to this mitigation measure that clearly indicates that the Principal Investigator must consult with the Luiseño Native American monitor in reaching this determination. Therefore, the phrase should be restated to read, “[M]onitoring of cutting of previously disturbed

M4 cont.

would advise and coordinate with the Project Archaeologist should any Traditional Cultural Properties (TCPs) be identified. The TCPs would be treated in accordance with the Grading Monitoring Program condition. Furthermore, it is also expected that the Luiseño Native American monitor would communicate the beliefs and wishes of the Luiseño Native American community to the Project Archaeologist.

Please refer to the response to Comment 3 of this letter regarding the physical relationship of the Project site to the village of Tom-Kav. The potential for the location of human remains is expressly addressed in Mitigation Measure M-CR-1, 2, and 3, under clause h. Based on comments received, the Grading Monitoring Program has been revised to require avoidance as the first measure pursued when a resource is located. If such avoidance is infeasible, then data recovery is the appropriate measure to be pursued under CEQA. The Luiseño Native American community has been consulted under SB-18 consultations and as such, has been afforded an opportunity to participate in the development of mitigation measures. Clause j has been modified in this Final Subsequent EIR to include options for curation; including use of a San Diego facility or Luiseño Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively the collections may be repatriated to a Luiseño Native American tribe. Changes have been made to the environmental document as a result of this comment.

M5

Comment noted. The need for Luiseño Native American monitors to be present during on- and off-site investigations is expressly required by Mitigation Measures M-CR-1, 2, and 3 (each of these mitigation measures addresses unknown but potentially significant impacts to off-site resources). Specifically, 1d states in part: “Native American monitors shall be present to ensure that all earthmoving activities are observed and shall be on site during all grading activities for areas to be monitored (on and off site).” The text “all areas to be monitored” means both on and off site. The Mitigation Measures have been changed accordingly.

M6

Comment noted. The condition has been expanded to include consultation with the Luiseño Native American monitor for the determination of monitoring of the cutting of previously disturbed deposits. The environmental document has been changed as a result of this comment.

COMMENTS

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deposits will be determined by the Principal Investigator after consulting with the Luiseño Native American monitor.”

- c. CR-1(F)’S Language Should Include That Any Determination Of A Cultural Resource Deposits Significance Should Be Determined By The Project Archaeologist In Collaboration And Consultation With The Luiseño Native American Monitor.

M7

Archaeologists and Native American monitors are trained to perform different analysis of cultural resources. For instance, in the case of determining the significance of isotopes we believe adamantly that any determination as to whether the deposits are “non-significant” should be left to the archaeologist and the Native American monitor and that both should agree on the deposit’s insignificance. Both entities should agree due to the fact that each professional weighs the deposits differently based on their training and beliefs. An archaeologist looks at the deposits value for research purposes and its scientific worth. Whereas, a Native American monitor looks at the deposits importance as it relates to its religious significance and cultural relevance. Each opinion is equally important and both should be taken in equal consideration. Therefore, it is the Tribe’s request that Native American monitors be accorded the same amount of respect for their training and professional opinions in regards to the identification and protection of cultural resources as the contracted archaeologist and this request should be incorporated into the Final SEIR accordingly.

- d. CR-1(F) Should Permit The Collection And Repatriation Of All Isolates And Non-Significant Deposits By The Luiseño Native American Monitor.

M8

If it is the determination of the Project archaeologist after consultation with the Luiseño Native American monitor that the deposits are isolates and non-significant, then the Tribe respectfully requests that County permit the Luiseño Native American monitor to collect the resources and repatriate them in accordance with Luiseño beliefs and traditions. To abandon the resources for imminent destruction and desecration cannot be permitted and their collection and repatriation should be allowed.

- e. CR-1(G)’S Language Should Be Revised To Provide The Luiseño Native American Monitor Equal Authority To Temporarily Halt Ground Disturbance Operations As The Project Archaeologist.

M9

The Tribe respectfully requests that if cultural resources are encountered that the Native American monitor be given the authority to temporarily halt ground disturbing activities if a cultural resource and/or archaeological artifact deposit or cultural feature is discovered. It is imperative that Native American monitors possess the authority to temporarily halt ground disturbing activities when a cultural resource or archaeological resource are discovered in order for the resource to be properly identified and not destroyed by heavy machinery. Therefore, the Tribe respectfully requests that the

M7 Comment noted. It appears that the comment mistakenly references 1f instead of 1g. Native American monitors are accorded the same level of respect as other professionals. The language in clause g does not restrict determination of significance to the Principal Investigator. The Mitigation Measure provides for consultation with the Luiseño Tribes regarding the significance of identified cultural sites and the Data Recovery Program. Decisions as to lack of significance would be made in concert with the Native American monitor as part of the ongoing and close coordination required during monitoring. No changes were made to the environmental document as a result of this comment.

M8 Comment noted. The County agrees with this request. As noted in the final wording of clauses f and j, curation would be acceptable at a San Diego Curation facility, a Luiseño Tribal Cultural facility, or through repatriation. If artifacts are identified as isolates and non-significant and are not collected in the field by the Project Archaeologist, but desired by the Native American monitor, the monitor has the ability to collect them and transfer them to either a tribal center or repatriation program. Changes were made to the environmental document to clarify that collection by the Native American monitor is appropriate for isolates and non-significant deposits should the archaeological materials not be collected by the Project Archaeologist.

M9 Comment noted. The County agrees with this request. Clause g has been revised to expressly allow for the Native American monitor to divert grading or temporarily halt grading in the event of discovery of a cultural resource, pending determination of significance. Changes were made to the environmental document as a result of this comment.

COMMENTS

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M9 cont. language authorizing the temporary halting of ground disturbing activities be included as well.

f. CR-1(G)'S Language Needs To Be Clarified As To When The Principal Investigator Shall Contact The County Archaeologist.

M10 CR-1(g) lacks clarity as to when the County Archaeologist needs to be contacted by the Principal Investigator. It is imperative that this directive be clearly communicated by the County. Therefore, the Tribe respectfully requests that this statement be amended with a clear directive as to when the Principal Investigator must be in contact with the County Archaeologist.

g. CR-1(G)'S Language Regarding The Creation Of A Research Design And Data Recovery Program Needs To Be Revised To Include A Requirement Of Collaboration With The Luiseño Native American Community.

M11 If a significant cultural resource and/or unique archaeological resource are unearthed during ground disturbing activities for this Project, the Tribe respectfully requests that they be notified and consulted with in regards to the respectful and dignified treatment of those resources. The Tribe's preference will always be for avoidance and that the resource be protected and preserved in perpetuity. If however, relocation and/or a data recovery plan is authorized by the County as the Lead Agency, the Tribe respectfully requests that as a condition of any authorization, the Tribe be consulted regarding the drafting and finalization of any such recovery. These resources are evidence of our ancestors' lost history and, as such, we must have a voice and be a part of how those resources are treated and preserved for future generations.

M12 Moreover, when cultural resources are discovered during the Project, if the archaeologist collects such resources, a Luiseño Native American monitor must be present during any testing or cataloging of those resources. Additionally, if the archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor, may in their discretion, collect said resources and provide them to the Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Therefore, it is the Tribe's recommendation that these items be given to the Tribe so that they may be repatriated at the site on a later date.

h. CR-1(H)'S Language Needs To Be Revised To Include The Luiseño Spiritual Preference And Procedures Regarding Identification Of Our Ancestors Remains.

M13 If Native American remains and/or associated burial goods are unearthed during the Project, and prior to a Most Likely Descendant being determined by the Native American Heritage Commission, it is the Tribe's request that the ancestral remains be kept *in situ* (in place), or in a secure location in close proximity to their discovery and

M10 Comment noted. The County disagrees that the timeframe lacks clarity. As stated in clause g, "The Principal Investigator shall contact the County Archaeologist at the time of discovery." In other words, the notification should be immediately following discovery. No additional change to wording of clause g is required. No changes were made to the environmental document as a result of this comment.

M11 Comment noted. Please refer to the responses to Comments 4 and 7 of this letter. The County understands the concerns identified in this comment, and finds that they have been appropriately addressed. No changes were made to the environmental document as a result of this comment.

M12 Comment noted. The Luiseño Native American monitor would be involved in grading monitoring, data recovery, if required, and the initial identification and cataloguing in the field. It is required that the archaeological materials identified during the grading monitoring program be collected by the Project Archaeologist unless they are isolates or non-significant deposits. Please refer to the response to Comment 8 of this letter regarding the collection of artifacts by the Luiseño Native American monitor. No changes were made to the environmental document as a result of this comment.

M13 Comment noted. If human remains are identified in the field, the County acts strictly in compliance with California Health and Safety Code Section 5070.50 and Public Resources Code 5097.98, as cited in the comment. All work is stopped in the area where the human remains were identified and the remains are retained in situ and secured until the County Coroner is on site. The request that the human remains remain in-situ for analysis can be made by the Most Likely Descendent (MLD),

COMMENTS

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M13 cont.

that a forensic anthropologist perform their analysis of the remains on-site in the presence of a Luiseño Native American monitor. Any transportation of the ancestral remains would be considered by the Tribe as disrespectful and undignified treatment. Therefore, the Tribe requests that in addition to the strict adherence to the protocol stated in the California Health and Safety Code Section 7050.5 and California Public Resource Code Section 5097.98, the Final SEIR reflect that if Native American remains are suspected to have been discovered, then those suspected Native American remains shall be kept in situ, or in a secure location in close proximity to where they were found, and that the analysis of the remains occur only on-site in the presence of a Luiseño Native American monitor by a forensic anthropologist and/or osteologist.

M14

- i. CR-1(I)'S Language Must Be Amended To Acknowledge That Not All Artifacts May Be Subjected To Analysis.

When cultural resources are discovered, it is vital that those resources be identified not only for their pre-historic use, but also their spiritual importance. Artifacts discovered within close proximity to a burial area could be considered by the Most Likely Descendant to be a burial good. The artifact may also be an item used for religious ceremonies. In either instance, neither artifact will be permitted to be tested by the Luiseño Native American community. Hence, the language currently being used in CR-1(i) needs to be amended and revised accordingly.

M15

- j. CR-1(J) Should Be Stricken And Replaced With Language That Would Allow For Repatriation Of Our Luiseño Cultural Resources And Not Require Curation Of Those Cultural Resources.

It is the religious belief, custom, and practice of the Tribe to repatriate all cultural resources that are unearched during ground disturbing activities. Therefore, any plans to curate any such items would blatantly disregard the respect due to these cultural resources. Instead, any such items should be returned to the Tribe and/or the Most Likely Descendant, if applicable, as determined by the Native American Heritage Commission. This Project is located within the traditional and aboriginal territory of our Tribe and the other Luiseño tribes. The Tribe considers all cultural items found in this area to belong to their ancestors, and the ancestors of the other Luiseño tribes. This request should be included in the Final SEIR.

M16

- k. CR-1(K-M) SLR Respectfully Requests That Any And All Reports Produced Regarding The Earth/Ground Disturbing Activities Related To This Project Be Provided To SLR In A Timely Manner.

CR-1 (k)-(m) requires monthly reports, and End-Of-Project reports to be compiled and submitted to the County for record keeping purposes. The SLR Band respectfully requests that copies of all said reports required and received by the County be provided to the Tribe within a reasonable time period.

M13 cont.

at the time that the County Coroner is contacted; however, if the remains are removed by the Coroner, the County would not have control over the remains. A forensic anthropologist on the County Coroner's staff would determine the origin of the human remains. If the remains are left in situ, or returned, the County would consult with the MLD, as identified by the Native American Heritage Commission, pursuant to State law. No changes were made to the environmental document as a result of this comment.

M14

Comment noted. The County agrees that testing of human remains and grave goods is not allowed under the law. Consultation as required under State law would take place with the MLD. As part of the consultation, the artifacts located in proximity to the burial would be available for review by the MLD. Please also refer to the response to Comment 13, above. Changes were made to the environmental document as a result of this comment.

M15

Comment noted. Please refer to the response to Comment 8 of this letter. This applies to all prehistoric (but not all historic) artifacts. No changes were made to the environmental document as a result of this comment.

M16

Comment noted. The County agrees that each of the cited reports would be provided to the Tribe within a reasonable time period. Changes were made to the environmental document as a result of this comment.

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- 1. CR-2's Language Should Be Amended To Require The Presence Of A Luiseño Native American Monitor During The Erection Of Any Temporary Fencing Around SDI-682 Given The Area's Concentrated Sensitivity.

M17

The area described by the DSEIR that could potentially require temporary fencing, is an area that is in very close proximity to extremely sensitive cultural resources. As such, any erection of temporary fencing must be done in the presence of a Luiseño Native American monitor and the Project archaeologist. Each is trained to evaluate and discern evidence of pre-habitation and each has their own objectives of protection and preservation. Therefore, a Luiseño Native American monitor must be present during any erection and break down of any and all temporary fencing.

III. ADDITIONAL CULTURAL RESOURCE TESTING IS NECESSARY AND JUSTIFIED AND MUST REQUIRE THE PRESENCE OF A LUISEÑO NATIVE AMERICAN MONITOR.

M18

In 2004 and 2012 no Luiseño Native American monitor(s) were present during the archaeological testing and evaluation of this Project site. The glaring absence of a Luiseño Native American monitor at this particular site is extremely disturbing to the SLR Band. In fact, the cultural resource report created for this Project fails to reflect any discernible true expertise and knowledge of this area. There is no mention of the many cremation burials discovered in close proximity to this Project. Nor is there any mention of the unique archaeological resources discovered within close proximity of this Project. Nor is there any mention of the additional resources being found in this sacred area- the Traditional Cultural Property and Landscape known as Tom-Kav. Unrestricted access to this land has been denied to the Luiseños for generations. It is only now through the Applicant's desire to develop the land that the Luiseños can finally return to Tom-Kav and research and investigate our oral history and spiritual understandings. Therefore, prior to any further discussion, the County should demand of the Applicant that additional testing be conducted over the lands they propose to develop and that any future evaluations must be done in the presence of a Luiseño Native American monitor.

M19

In addition, the construction of Street R or Pankey Place will be commencing within the near future. Special consideration is being given to the development of this road and the necessary infrastructure that will need to be placed beneath it. Therefore, prior to any grading and development approvals, the Tribe respectfully requests that the County first weigh the results of Street R/Pankey Place's road construction and preparation of necessary infrastructure as they relate to the discovery of Luiseño Native American cultural resources.

M17 Comment noted. The County agrees with this comment. The Project would be conditioned to include a Luiseño Native American monitor during the placement and removal of temporary fencing. Please also refer to Mitigation Measure CR-2. Changes were made to the environmental document as a result of this comment.

M18 Comment noted. The comment is correct that no Native American monitors were present during the 2004 survey or 2012 field check. The presence of Native American monitors was not required until the County's Guidelines for Significance were approved in 2006. Because the work in 2012 was a field check and not a survey, a Native American monitor was not required. The Project would be conditioned to require a grading monitoring program which requires the inclusion of a Luiseño Native American monitor to be involved during monitoring, testing and evaluation activities.

The County disagrees with the characterization of the cultural resources technical report. A discussion of Tom-Kav and the associated burials (as well as the resulting coordination with the San Luis Rey Tribe) is presented in Section 1.2.2 of the report. Similarly, the Addendum presented at the beginning of the report describes the attributes of a TCP as well as why Campus Park West is not currently identified as being part of such a property.

The archaeological study did not identify potentially significant deposits. No surficial evidence exists that indicates the presence of subsurface archaeological remains that would require testing. As such, additional testing is not warranted. Monitoring of all grading activities would occur as required and as described in the above responses. No changes were made to the environmental document as a result of this comment.

IV. SLR STRONGLY RECOMMENDS AND REQUESTS THAT ADDITIONAL MEASURES OF MITIGATION BE ADOPTED BY THE CITY IN ORDER TO LESSEN ANY ADDITIONAL NEGATIVE IMPACT TO OUR KNOWN NATIVE AMERICAN CULTURAL RESOURCES.

Furthermore, the Tribe strongly recommends and requests that additional measures of mitigation be adopted by the City in order to lessen any additional negative impact to our known Native American cultural resources.

A. Cultural Resources should be avoided and protected from pedestrians, residents and/or trail users.

Currently, PA-6 is proposed as a trail that will serve as a beginning/ending part of the San Luis Rey River Park. If cultural resources are discovered within this proposed area, and/or any other proposed areas where residents, customers and/or members of the general public will congregate, it is the Tribe’s express request that the Applicant and the County work in collaboration with the Tribe to determine if the resources may be avoided and preserved in perpetuity, or whether the resources could be relocated and incorporated in an area of open space or development whereby the resource may still be preserved and protected in perpetuity.

B. Only “Clean Fill” Should Be Utilized During This Project

Lastly, the Tribe is opposed to any undocumented fill being used during the proposed development. In the event the “fill” will be imported into the Project area, the Tribe requests that any proposed use of fill be clean of cultural resources and documented as such. It has been a practice of many in the construction profession to utilize fill materials that contained cultural resources from other “unknown” areas thereby contaminating the potential cultural landscape of the area being filled. This type of fill material is unacceptable. Moreover, if the fill material is to be utilized from areas within the Project boundaries, then we ask that that fill be analyzed and confirmed by an archeologist and/or Luiseño Native American monitor that such fill material does not contain cultural resources. A requirement that fill material be absent of any and all cultural resources should therefore be included as an additional mitigation measure of the Final SEIR.

V. CONCLUSION

The San Luis Rey Band of Mission Indians appreciates this opportunity to provide the County of San Diego with our comments and recommendations on the Campus Park West Project. The Tribe hopes the County will adopt the mitigation measures for

M19 Comment noted. Construction of Street R/Pankey Place is not required as part of Campus Park West implementation. As such, Campus Park West mitigation does not apply to this potential road improvement (Street R/Pankey Place). Monitoring of grading associated with roadway construction was required under the 2011-approved Campus Park project, located east of Campus Park West. No changes were made to the environmental document as a result of this comment.

M20 Comment noted. The Campus Park West Project is located wholly within the jurisdiction of the County of San Diego. Therefore, it is assumed that the comment should refer to the County and not a city.

Relative to PA 6 and the existing trail that bisects the parcel, if the trail is improved and any resources are located, they would be addressed consistent with all other restrictions and requirements of the mitigation measures addressed above in responses to this letter. Please note, that the County is pursuing re-routing of this existing trail to abut portions of existing roadways, which would minimize ground disturbance activities in this PA. No changes were made to the environmental document as a result of this comment.

M21 Comment noted. The Project cut and fill would be balanced on site; no import is anticipated. On-site soil would be monitored and reviewed for cultural material as part of the monitoring program required in clauses d and e of Mitigation Measures M-CR-1, 2, and 3. No change to the mitigation measures specified in the Final Subsequent EIR is necessary.

M22 Comment noted. The Tribe’s interest in the Project and comments are appreciated. Modifications to the Project Mitigation, Monitoring and Reporting Program have been made as indicated in the responses above. If this Project is approved, the County will move forward with implementing Project improvements in accordance with CEQA and in

COMMENTS

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M22
cont.

Cultural Resources as herein requested and that they will appear in the Final SEIR. As always, we look forward to working with the County to guarantee that the requirements of CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseño cultural resources.

Sincerely,



Merri Lopez-Keifer
Tribal Legal Counsel

M22 cont. compliance with all relevant state law. As part of the ongoing Project evaluation, the County is continuing Government-to-Government Consultation with the Tribes. The County appreciates the opportunity to work with the Tribe in protection of valuable cultural resources.