StopCottonwoodSandMine.org
Save Our Community

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Subject: Cottonwood Sand Mining Project Environmental Impact Report Issued 12/16/21 (PDS2018-MUP-18-023), (PDS2018-RP-18-001); LOG NO. PDS2018-ER-18-19-007; SCH# 2019100513

Dear Mr. Hingtgen,

On behalf of the StopCottonwoodSandMine.org Board of Directors and the 1300 community members and their families we represent, I submit the following points that must be considered regarding the Cottonwood Sand Mining Project Draft Environmental Impact Report issued on December 16, 2021. We request that the County reply to each comment made in this letter.

D-O10-1

The purpose of this response is to provide specific comments regarding the Cottonwood Sand Mining Project Draft Environmental Impact Report (draft EIR). For the reasons discussed below, the Project draft EIR is a flawed and incomplete document that does not adequately analyze the significant environmental impacts of the potential sand mine project to the people, wildlife, water, air, and roads of the community. Additionally, the Project does not propose adequate mitigation measures or alternatives to address those impacts. The draft EIR does not comply with applicable goals, policies or requirements of the San Diego County General Plan as well as the Valle De Oro Community Plan.

D-O10 – StopCottonwoodSandMine.org

D-O10-1 The County acknowledges these introductory comments; however, they do not raise a specific issue concerning the environmental analysis or adequacy of the DEIR. Please see Topical Response 2, *CEQA Requirements for Responding to Comments*, as well as the responses below to specific comments raised in this letter.

The draft EIR is incomplete and not in compliance with CEQA and therefore must be revised and reissued to the public for review.

D-O10-2

The draft EIR concludes that there would be significant, unmitigable aesthetic impacts, but determines that all other impacts are mitigable to a less than significant level. Several impacts and key areas of analysis were neglected. In several cases the analysis was not provided because the project would be complying with laws and plans. Compliance with laws and plans does not ensure that there are not significant impacts. There must be a case-by-case consideration, especially when assessing something as uniquely problematic as a sand mine. When plans are deferred until after certification of the EIR, such as development of the Cultural Resources Treatment Agreement and Preservation Plan, it is impossible to determine if the plan adequately mitigates the impact. Tribal representatives need specified recourse if they believe that the plan is not adequate.

D-O10-3

Aesthetics (Section 2.1) is a significant unmitigable environmental impact

Draft EIR admits that the mine would significantly harm the aesthetic of the community.

The Cottonwood Sand Mining Project draft EIR states that "Overall, the visual character of the landscape unit is suburban in nature due to the integration of the built environment primarily comprised of suburban residential neighborhoods and the golf course with natural features of the river corridor and surrounding hillsides and mountainous landforms".

The draft EIR points out that there is "noticeable contrast between Lakes and Ivanhoe golf courses and unmaintained golf course sign… notably detracts from the overall memorability of the area." Contrary to the draft EIR, Community members will report that the natural environment of the "abandoned" Lakes golf course property is a memorable view. The draft EIR should have included a survey of the community residences with regard to their perspective of the views that are proposed to be destroyed for at least 10 to 12 years and up to 20 years following reclamation before vegetation is fully mature.

The Cottonwood Sand Mining Project draft EIR states that residences occur immediately to the Southeast of the site, within approximately 120 feet to the north, and within approximately 100 feet to the northeast. Jamacha Elementary school is one quarter mile from the site. Steele Canyon high school is three quarters of a mile from the site. Hillsdale Middle school is one half mile from the site. And Cuyamaca College is two thirds mile from the Project location. The draft EIR fails to include other significant locations near to this potential industrial sand mining Project location including the YMCA within one quarter mile and La Vida Real, a senior living residence, which is about a half mile from the site.

The Site Plan and Mine Phasing image clearly shows that the Project site is surrounded by development, residences, and schools and is incompatible with the surrounding developed area. See additional images below.

D-O10-2 The comment is correct that the DEIR identifies significant and unmitigable aesthetic impacts that would occur during the mining phase of the Project prior to Project completion and site restoration. The comment includes a general statement that "several impacts and key areas of analysis" were neglected. Without specifics, specific answers cannot be provided. Nonetheless, the County disagrees with the general comment. Technical specialists reviewed analyses subject to their expertise and approved those analyses as being consistent with County report content and format guidelines, as well as consistent with County guidelines for significance thresholds. In addition, compliance with laws and plans can indeed ensure that there are not significant impacts. For analyses that rely on laws and regulations designed to ensure that significant impacts do not occur (e.g., those regulations related to preservation of water quality or retention of hydrologic patterns), compliance with those laws and regulations can eliminate potential for a project to be inappropriately designed, or engage in activities during construction or operation that would adversely affect resources to a significant degree. Relative to those technical areas for which plan conformity may be necessary (for example, land use), consistency with adopted plans of the relevant land use planning agency can ensure that a significant planning impact would not occur. Proposed Project construction and implementation is analyzed in the DEIR specific to its design, location, existing conditions, surrounding setting, etc., as relevant, for each of the technical topical areas addressed in the DEIR.

Specific to the issue of the Cultural Resources Treatment Agreement and Preservation Plan, the timing of the proposed mitigation measures is adequate. The Cultural Resources Treatment Agreement and Preservation Plan would address currently unknown resources potentially discovered during Project implementation. At this time, there is no known subsurface resource to which such an Agreement would pertain. The Agreement would be based on additional consultation and coordination with culturally affiliated Tribes following certification of the FEIR and approval of the Project. It would incorporate and expand upon elements specified in mitigation measures M-CR-2 and M-CR-3 in Subchapter 2.3, *Cultural Resources.* The Tribes have had opportunity to provide comments and input into the specifics of those mitigation measures to date and their input and coordination would be critical to the Preservation Plan as it unfolds. The elements of that Plan are spelled out in Section 5.2.1, *Mitigation Measures and Design Considerations of the EIR.*

D-O10-3 cont.

D-O10-3 As described in Section 2.1.2.3, *Substantial Obstruction, Interruption or Detraction from a Valued Vista*, of the DEIR, the Proposed Project would result in a significant impact if the Project would substantially obstruct, interrupt, or detract from a valued focal and/or panoramic vista from a public road, a trail within an adopted County or State trail system, a scenic vista or highway, or a recreational area. Impacts to views from private residences and schools in the Project vicinity are not considered an environmental impact for purposes of CEQA because they do not involve key viewing locations.

D-O10-4

The San Diego National Wildlife Refuge, immediately adjacent to the Cottonwood Sand Mining Project property, has two hiking/biking/riding trails that have prominent views of the potential sand mining site. The draft EIR states that these trails are "in the vicinity with potential views of the Project". The draft EIR minimizes the actual experience of these trails. The draft EIR also states that "viewshed may not be clear due to levels of humidity or haze. Atmospheric conditions such as fog, mist, haze, and/or smog can decrease visibility and cause features to lose sharpness at approximately 0.5 mile." Residences and visitors to Rancho San Diego can assure any reader of the draft EIR that the weather, on average, is mostly clear and sunny. The description of how views can be seen is inaccurate in the draft EIR. Views are generally crystal clear.

Figure 2.1-2a and 2.1-5a – Photo J: View Northeast from Upper Wildlife Refuge Trail is not an accurate photo since it does not show the true visual impact from homes adjacent to the site. Above, this image shows more accurately the visual impact of nearby residences.

As you look at Figure 2.1-4, a key view from Steel Canyon Road going South to North (from Highway 94/Campo Road) and coming down the hill is a prominent view many community residents/vehicles view daily. This view would be significantly impacted yet was not included in the draft EIR analysis.

D-O10-4 The cited statement is in the EIR to provide the reader with the range of potential atmospheric conditions that may affect views. There is no intention to minimize effects on the views due to those conditions, and no statement that fog, mist, haze, or smog is a prevailing condition. The comment says that Figures 2.2.2a and 2.1.5a are not accurate as they do "not show the true visual impact from homes adjacent to the site." This is a confusing comment as the photos in question depict views to the northeast, encompassing the site, from the Upper Wildlife Refuge Trail. It is not intended to depict views from the nearby residences. Similarly, the "visual impact of nearby residences" is not considered relevant to the current analysis. The Project must only evaluate potential effects associated with proposed elements of mining and reclamation, not with existing homes, which are not part of the Project.

Relative to the comment regarding a second key view on Steel Canyon Road, as stated in the DEIR in Section 2.1.1.6, "Analyzing all views from which a proposed project would be seen is not feasible...." Views are "typicals" and chosen to best exemplify specific elements of the Project. In this instance, Key View 2, located on the same street, is arguably a more impactful choice as it looks crosswise across current open space, over the river, and is more specifically focused on the Phase 2 area of the Project, whereas the suggested Key View would be seen by drivers exiting an area of developed houses, with the backdrop of the bluff across the Willow Glen Drive. Inclusion of an additional key view would not be expected to change the assessment of significant and unmitigable aesthetic impacts for the duration of mining activities that has been identified for the Project. No additional review of a key view from the suggested vantage point is required.

D-O10-5

The draft EIR indicates that "Noise barriers would be installed when Phase I excavation activities would occur within 400 feet of the nearest residences". The report also states that the barriers would not be visually pleasing and that the "overall quality of the visual environment would be strikingly reduced".

The green screening mesh to be installed on fencing along Willow Glen Drive and on Steele Canyon Road bridge is a visual blight to the area.

The public will ultimately be screened from a well-known and loved view of the riverbed, mountains, and sky (see image below). The draft EIR reports that this mesh fencing will become "a visual monotonous wall". This will clearly change the intended visual character of the community since a treasured view of the mountain vista will be eviscerated.

D-O10-5 The comment summarizes information found in the DEIR. The County acknowledges this comment. No further response is necessary.

D-O10-6

The draft EIR reports that "the existing quality and character of the Willow Glen Drive corridor would be adversely impacted" and that "proposed mining operations would create substantial contrast and reduce the existing visual quality of the site and surrounding area". It is assumed, in the draft EIR, that community member "response to perceived Project changes to visual character and quality of the site and surroundings would be high and adverse." The draft EIR goes on to say that "the Project would be inconsistent with several goals and policies related to aesthetics contained within the County General Plan COS Element and Open Space Element, as well as the Valle de Oro Community Plan…. Proposed activities and effects to landforms and vegetation would contrast with the existing character of the community." The draft EIR concludes that "impacts would be considered potentially significant (Impact AES-4)".

D-O10-7

The Proposed Project is inconsistent with the Valle de Oro Community Plan.

The Valle de Oro Community Plan states that Willow Glen Drive is a Scenic Highway. The plan indicates that "scenic highway corridors should be utilized as one method of protecting and enhancing the appearance of scenic, historical, and recreational areas". With regard to Community Character, the Valle de Oro Community Plan states that "Development of the remaining undeveloped land must be closely scrutinized to ensure compatibility with the existing Rancho San Diego community and the area's wildlife resources" and decision makers should "seek to eliminate uses which are nonconforming and are detrimental to surrounding areas".

The Valle de Oro Community Plan addresses Industrial uses by emphasizing that they should "not detract from the existing character of the community" and that they should be "adequately buffered from surrounding uses" with "strict regulation of all extraction industries to minimize dust, noise, traffic, unsightly views, undesirable accumulation of water, and safety and health hazards". Open Space uses is described in the Valle de Oro Community Plan as "The preservation of open space including sensitive habitat, steep slopes, canyons, floodplains, and agricultural lands; and regulation of the use of open space within the community". Areas included in the plan are the Sweetwater River floodplain and the San Diego National Wildlife Refuge.

Figure 2.1-7b shows the miles long construction site all community members will live with, view, drive by, bike by, walk and run by for 12 years (plus an additional 10-15 years until vegetation matures).

D-O10-8

The Cumulative Effects are discussed in the draft EIR and states that "given the duration of Project activities and potential overlap with construction of the Ivanhoe Ranch project (119 large homes), a potential cumulative impact would occur, and the Project's contribution would be cumulatively considerable" as it relates to aesthetics. What is not mentioned in the draft EIR is the potential impacts the Cottonwood Sand Mining Project would have to the proposed Ivanhoe Ranch Project. The draft EIR should be rejected to

D-O10-6 The comment summarizes information found in the DEIR. The County acknowledges this comment. No further response is necessary.

D-O10-7 The comment is acknowledged. Planning is a complex process and balances ostensibly competing interests. Overall goals go hand-in-hand with zoning requirements for planning categories. In this instance, the zoning for open space categories includes mining uses. Please see Topical Response 11, *Consistency with Plans and Policies*, regarding the Project's consistency with the Valle Del Oro Community plan. Additionally, please note that at the conclusion of the proposed mining activities, the river would be returned to a more natural state, invasives would be removed, natives would be installed, and more upland areas would be retained in open space; all of which are consistent with the long-term goals of the Valle de Oro Community Plan. Furthermore, impacts would primarily occur within individual subphases of less than 30 acres at any given time, rather than the entire Project site for all 12 years.

D-O10-8 The Notice of Preparation for the Ivanhoe Ranch Project was issued in 2021, and this Project DEIR noted that at the time of public circulation, Ivanhoe Ranch was engaged in initial impact analyses. As of November 8, 2023, no changes to the status of the Ivanhoe Ranch project have been publicly available through CEQA documentation on the County website. As noted in the comment, the potential for worst-case construction to be ongoing for both projects at the same time was assessed in the DEIR. Any review of visual effects to the Ivanhoe Project resulting from the 12-year mining and reclamation program associated with the Proposed Project must be analyzed by that Project during their CEQA review should that project move forward.

D-O10-8 cont.

include an analysis of the potential impacts to the 119 large homes to be built adjacent to a proposed industrial sand mining operation.

The draft EIR states that "no mitigation is available to reduce project-level aesthetics impacts related to scenic vistas and resources, visual character and quality, and conflicts with applicable goals and policies that would occur during proposed mining and reclamation activities. These impacts would be significant and unmitigable until reclaimed and revegetated areas reach mature vegetation densities and height – at approximately 15 to 20 years post initiation of subphase 1A mining."

D-O10-9

Biological Resources (Section 2.2) are significant environmental impacts with incomplete analysis

The existing condition of the proposed sand mine site currently operates as a golf course on its eastern end. On the western portion, the property has been fallowed for four years. The land is not being utilized for any purpose. The western part is also adjacent to the San Diego National Wildlife Refuge on its southern boundary. Over these last four years native species of flora and fauna have begun the process of reclaiming the western portion of the property. Except for the periodic mowing of the western portion of the property, there has been a continual increasing growth of native vegetation on the western portion of the property. Except for the periodic mowing of the western portion of the property, the land would look very similar to the natural vegetation that is in the adjacent Wildlife Refuge.

The fauna that utilizes the western portion of the site and its lakes are migratory birds such as ducks, heron, and various other animal species such as deer, bobcat, coyotes, raccoon, possum, lizards, frogs, rattle snakes, king snakes, ground squirrels, rabbits, and tree squirrels. Other species of birds in the vicinity that utilize the western portion of the site are hawks, owls, wild turkey, eagles, pigeons, black birds, red-wing blackbirds, and hummingbirds. This varied and vibrant biodiversity will be eliminated for more than ten years if a Major Use Permit is approved to allow an open pit strip mine to occur. The draft EIR failed to accurately describe the wildlife currently prevalent on the Project property.

The San Diego National Wildlife Refuge (SDNWR) is rarely spelled out in the draft EIR. It needs to be clear in the draft EIR that this important wildlife refuge exists adjacent to the proposed industrial sand mining property and that potential impacts to biological resources will also occur at the refuge. Since a refuge is "a condition of being safe or sheltered from pursuit, danger or trouble", the draft EIR needs to state that the potential project does not meet requirements of the zoning ordinance: "In accordance with Section 7358 of the Zoning Ordinance, before any use permit may be granted or modified, it shall be found that the location size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures."

D-O10-9 The County notes that this comment letter was received during the public review and comment period on the DEIR. As explained in Topical Response 1, *Reason for the Recirculation of the DEIR and the Recirculated DEIR Process*, the biological resources analysis contained in the DEIR was significantly revised and recirculated as part of the RDEIR. The revised biological resources analysis circulated in the RDEIR wholly supersedes the original biological resources analysis contained in the DEIR. Please refer to the updated analysis in the FEIR (Subchapter 2.2), the Biological Resources Technical Report circulated as Appendix C, and responses to comments received during public review of the RDEIR.

D-O10-9 cont.

The draft EIR states that it did not study the endangered Quino checkerspot butterfly since the "property lacks suitable habitat for the species therefore focused surveys are not required."

According to U.S. Fish & Wildlife Service, the Quino checkerspot butterfly was listed as endangered on January 16, 1997. This subspecies was added to the endangered species list as a result of significant declines in both species distribution and abundance caused primarily by human actions that degraded, fragmented, and destroyed habitat essential for this subspecies' survival.

Today, the Quino checkerspot butterfly is only observed from western Riverside County, southern San Diego County, and northern Baja California, Mexico. Quino checkerspot butterfly habitat is characterized by patchy shrub or small tree landscapes with openings of several meters between large plants, or a landscape of open swales alternating with dense patches of shrubs; such habitats are often collectively termed "scrublands." Quino checkerspot butterflies will frequently perch on vegetation or other substrates to mate or bask, and they require open areas to facilitate movement. Historically, this species has been documented in small numbers on at least 13 distinct locations including on hilltops and ridges within the Sweetwater River and San Miguel areas, and within the Otay Lakes and Mesa area.

Although the Quino checkerspot butterfly was not seen on sight, nor thoroughly investigated, it should be noted that the species has been found nearby, and efforts are underway to expand its territory, meaning that by the time of the project's impact, the Quino checkerspot could be a species of concern. The draft EIR made a grave error not considering the impact to this species. Given the Sweetwater River is a location the Quino checkerspot butterfly has been documented, the Cottonwood Sand Mining Project draft EIR must properly study this endangered species and determine the potential significant impact the project would have on the species.

2.2-17 Raptor Foraging – the draft EIR erroneously states that the proposed property site does not support raptors, yet it states that "several species of raptors were observed within the Project site including Cooper's hawk, turkey vulture, red-shouldered hawk, peregrine falcon, and red-tailed hawk". This is a contradiction that warrants the draft EIR studying raptor foraging more comprehensively.

When discussing the impact the Project will have on the local raptor population, the draft EIR states that golfing was discontinued on the project site in 2017, and therefore, "the Project site has likely not functioned as a local or regional foraging resource of importance for raptors and would provide low quality foraging habitat in its current state". However, this stance is then contradicted near the end of the section, when the report discusses how the project's mitigation will create less than significant impact at the site by creating more habitat overall. What the report fails to consider is the length of time it will take this habitat to establish. The years planned for the project will be long enough to drive local wildlife out of the area, and if their habitat is so significantly altered for such a long period of time, they may not return readily or in the same population as before. The project also

D-O10-9 cont.

plans to mitigate with unestablished plants, which will take years or decades beyond the length of the project to grow to a useful size for wildlife support.

The report also fails to consider that human establishment has long been proven to be beneficial to foraging for raptors. The biological survey on site noted only one potential prey species, the Botta's gopher, however; raptors are indiscriminate about prey species and commonly feed on other small animals that find suitable habitat in a human-developed area, such as the native cottontail, ground squirrels, field mice, brown rats, lizards, and others. In addition, the disturbance of the waterways in the project's boundary would have an impact on birds who rely on the waterways for their prey, and who will be far less able to seek their prey elsewhere.

According to the Biological study conducted by Helix, seventeen special status animal species have been observed or detected on or directly adjacent to the project site during biological surveys conducted for the project: Cooper's hawk (Accipiter cooperii), great blue heron (Ardea herodias), Belding's orange-throated whiptail (Aspidoscelis hyperythra beldingi), oak titmouse (Baeolophus inornatus), red-shouldered hawk (Buteo lineatus), green heron (Butorides virescens), turkey vulture (Cathartes aura), monarch butterfly (Danaus plexippus), peregrine falcon (Falco peregrinus), yellow-breasted chat (Icteria virens), coastal California gnatcatcher (Polioptila californica californica), vermilion flycatcher (Pyrocephalus rubinus), yellow warbler (Setophaga petechia), western bluebird (Sialia mexicana), Lawrence's goldfinch (Spinus lawrencei), barn owl (Tyto alba), and least Bell's vireo (Vireo bellii pusillus). Additionally, USFWS critical habitat for the coastal California gnatcatcher and least Bell's vireo occurs in the southwestern portion of the site, and critical habitat for the southwestern willow flycatcher is located immediately west of the site.

The draft EIR states that "the Project would result in significant impacts" to Federally and State Endangered or Threatened Species. Proposed mitigation plans are not sufficient to protect endangered and threatened species in the area.

The draft EIR must state more clearly that, in accordance with Section 7358 of the Zoning Ordinance (before any use permit may be granted or modified, it shall be found that the location size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures), the proposed Cottonwood Sand Mine Project is not compatible with adjacent uses.

The draft EIR minimized impact destroying mature trees will have on nesting bird species.

At least one hundred mature trees that are 20 feet or taller are on the property and provide nesting sites for the birds listed above. Only at the end of the mining process does the draft EIR propose 15-gallon trees as replacement – none of which are of sufficient size

D-O10-9 cont.

to allow for the viable nesting of birds. These trees will take 10-15 years to mature after the 10-year term of mining for a total of 25 years before mature trees are suitable for nesting habitat.

When writing a mitigation measure, it is imperative that it be possible to determine if the mitigation measure has been enacted. "To the extent feasible" implies a strong commitment, but what is feasible is subject to dispute, and is not helpful terminology. For example, what mitigations measures M-BIO-2 and M-BIO-3 actually require is that if breeding season cannot be avoided, a survey must be done, and if a nest is found in the area, then the project will have to wait until the chicks have fledged.

The draft EIR states that mitigation efforts will include "mining activities within 500 feet shall be avoided to the extent feasible". This is a meaningless statement due to the level of interpretation the word "feasible" has. The draft EIR must be revised to state clearly what mitigation plans will be implemented and not leave any part up to chance.

The draft EIR mentions that due to the noise impacts related to the project, "Wildlife may be temporarily displaced from or avoid the Project site during construction activities but would be expected to return to the area once activities have ceased. The proposed mining and reclamation would occur in 20-acre to 30-acre subphases across the site, rather than the entire project footprint impacted concurrently. This would allow for wildlife, particularly avian species, to continue to use or occupy portions of the site outside of active work areas." This claim is erroneous, as it does not account for the length of time of the project's phasing, and, therefore, minimizes the significance of the impact on wildlife. In addition, the plan to remove old-growth vegetation and trees from the property means that regardless of the project's phasing, the lasting impact to the local wildlife populations will exist for years or decades.

The draft EIR states that, "Larger wildlife species, such as mule deer or bobcat, would already be discouraged from utilizing the Project site based on current golf course activity and lack of vegetative cover along the Sweetwater River." This is also erroneous, as mule deer would take the opportunity to forage on the vegetation in the absence of humans, and with acres of cultivated grass for forage, they would likely consider this a prime area for foraging. Additionally, the bobcat, a crepuscular species, mostly active at dusk and dawn, would take the opportunity to hunt small prey animals onsite that were attracted to the vegetation as well. Once again, by removing the vegetation, the opportunities for these animals to forage is being removed entirely for an unknown but significantly impactful length of time.

The draft EIR notes that the reclamation efforts will "significantly widen the existing Sweetwater River floodplain." Although this is presented as a benefit of reclamation, by increasing the overall size of the wetland habitat available, it again fails to account for the length of time it will take for this remediation to provide suitable habitat for the impacted wildlife. In addition, the widening of the floodplain is not necessarily an ecological benefit

D-O10-9 cont.

due to the impacts this may have downstream, where the flow of water could significantly subside and dry up another habitat. In a compounding effect, this may cause the animals who have moved off the project site to find suitable habitat once again without the resources they need for survival.

We cannot understate the impacts the report does consider significant – to the least Bell's vireo, and California gnatcatcher, among others. Though the report mentions a biologist will be responsible for monitoring habitat, sensitive species presence, decibel levels, and nesting activity. However, the report does not indicate who will be responsible for ensuring the project's compliance or who the biologist will report to. The report should state what the consequences would be for failure to comply and who will ensure that those consequences are meted out.

D-O10-10

Noise (Section 2.4) is a significant environmental Impact with incomplete analysis

The Cottonwood Sand Mine would result in significant increases in noise in the community. Cottonwood Sand Mine draft EIR states that sand mining activities will occur with only a 100-foot setback from residences. The report also states that proposed mining setbacks in areas adjacent to residential properties were increased from 50 feet to 100 feet. When discussing mitigation measures (M-N-1), the draft EIR proposes that sand mining activities will occur within 400 feet of noise sensitive land uses (NSLUs). The Sweetwater River on the property site was included in the San Diego Region Aggregate Supply Study 2011 funded by the San Diego Association of Governments (SANDAG). In this study, Sweetwater River is listed as a potential source of high-quality sand of over 100 acres. The site was eliminated from the study's analysis early in their surveys, as a viable location for sand mining, because the site is too close to developed residential areas and environmentally protected areas.

The San Diego Region Aggregate Supply Study 2011 indicates that "A 1,300-foot setback from residential areas is considered in the County of San Diego's mineral resource evaluation methodology guidelines to mitigate noise." This 1,300-foot setback needs to be employed in the draft EIR analysis of the sand mine and its operations.

Per the County of San Diego General Plan, extractive (mining) operations typically involve a range of noise-generating equipment, operations, and sometimes include blasting noise. Heavy equipment used in quarry and mining activities and blasting operations may generate noise levels that are incompatible with surrounding land uses. Additionally, off-site noise may be generated associated with the transportation of materials to and from the mining facility. Some noise-generating activities such as blasting or pile-driving as part of mining or construction operations may also result in excessive levels of ground borne vibration that may affect nearby land uses.

D-O10-10 Please see Topical Response 7, *Noise Impacts*, for discussion on the applicability of the 1,300-foot setback for the Project.

D-O10-10 cont.

The San Diego County Guidelines For Determining Significance And Report Format And Content Requirements, Mineral Resources, July 20, 2008, on page 15, also recommends a 1,300-foot setback. The guidelines state, "Impacts from noise typically require the largest setback and past County approved noise studies indicate a setback of approximately 1,300 feet is needed for most typical extractive operations.".

D-O10-11 cont.

The draft EIR did not include the extent that noise will be generating from the engine and exhaust stacks from the Project's heavy equipment.

Both the engine and exhaust stacks are very close to or higher than the proposed noise barriers of 8 feet and 12 feet which will deem them ineffective.

Measurements of proposed equipment is as follows:

CAT 988K Loader

- Height to top of hood (engine enclosure) – 10.9 feet
- Height to top of exhaust – 14.8 feet
- Height to top of ROPS (cab) – 13.8 feet

CAT 740 Haul Truck

- Height to top of hood (engine enclosure) – 8.2 feet
- Height to top of exhaust – 12.3 feet
- Height to top of ROPS (cab) – 12.3 feet

CAT 349F Excavator

- Height to top of hood (engine enclosure) – 9.7 feet
- Height to top of exhaust – 10.7 feet
- Height to top of ROPS (cab) – 10.7 feet

The proposed sand mining project is in a valley with residences up the sides of the valley in an elevated position. The direction of the equipment noise will travel to these communities unencumbered by the existing project site topography, vegetation or the sound barriers proposed. The draft EIR must be revised to include a more thorough analysis of the potential noise impact as it relates to the equipment proposed to be used as well as the more complex analysis of noise impacts for all surrounding residences/communities both level to the project property site and at a variety of elevated positions. See below image showing an example of residences at a higher elevation in the valley.

D-O10-11 Please see Topical Response 7 for discussion on how equipment heights and topographical factors were considered in the analysis.

D-O10-11 cont.

D-O10-12

The draft EIR states that "construction-related noise generated from mining and reclamation activities could temporarily impact wildlife" due to daily use of heavy equipment resulting is wildlife being temporarily displaced from or avoid the Project site during construction activities "but would be expected to return to the area as activities have ceased." The draft EIR goes onto state that impacts would be less than significant due to mining the property one section at a time rather than the entire property. The impact of noise on the wildlife of the area, including gnatcatchers, vireos, and raptors, was not addressed. Noise has been shown to have significant effects on many wildlife species including these endangered and special species.

The draft EIR must be revised to state the unmitigable significant impact sand mining activity noise will have to wildlife.

D-O10-13

The draft EIR states that, over the 10-year mining period "the Project would generate elevated noise levels during operation of its individual components that would have the potential to affect nearby Noise-Sensitive Land Uses (NSLUs)" such as people and wildlife. A list of prominent operational noise sources are provided including "on-road haul truck activities – up to 18 trucks per hour traveling west of the Project driveway along Willow Glen Drive". The draft EIR states that barriers would be placed between excavation activities and certain residences when excavation is occurring within 400 feet of those locations. These barriers would be moved according to excavation activities.

D-O10-12 Please see Topical Response 7 for discussion on potential noise impacts on wildlife species.

D-O10-13 Section 2.4.2.3 of the DEIR considers the Project's operational noise sources (including both on-site and off-site sources) in combination with existing traffic noise levels. Section 2.4.3.1 considers the Project's operational noise sources in combination with existing traffic noise levels and cumulative traffic noise levels. Mitigation measure M-N-1 would reduce impacts under both these scenarios to less-than-significant levels by attenuating noise from the Project's on-site sources. Please see the Addendum to the Acoustical Site Assessment Report, which is included in Appendix F to the FEIR, for additional discussion on combined and cumulative off-site noise impacts and the associated mitigation.

D-O10-13 cont.

The draft EIR must be revised to address how noise impacts (with noise levels resulting in an increase of 3dB or exceeding the 60dB threshold) associated with existing noise, cumulative traffic noise along Willow Glen Drive, and Project noise (both onsite and on-road truck hauling) will be mitigated.

D-O10-14

Moving barriers obviously will not address this significant impact. In addition, the draft EIR states that mining extraction will occur below grade therefore producing less noise. The draft EIR needs to provide the proof that this measure will be an effective mitigation technique given that the property is a valley and that residences are located around the perimeter of the property and go from grade to much higher on ridges around the valley.

D-O10-15

The draft EIR must be revised to accurately assess the Project's ability to meet the following Valle de Oro Community Plan requirements related to Noise:

- **Encourage land use and circulation patterns which will minimize noise in residential neighborhoods and sensitive wildlife habitat.**
- **Support limiting truck traffic to designated routes to reduce noise in residential areas.**

D-O10-16

Tribal Cultural Resources (Section 2.6)

The Cottonwood Sand Mine Project draft EIR states that a "Cultural Resources Treatment Agreement and Preservation Plan shall be developed". **The draft EIR must be revised to include this Cultural Resources Treatment Agreement and Preservation Plan. It must be available for public review.**

POTENTIAL IMPACTS COTTONWOOD SAND MINING PROJECT DRAFT ENVIRONMENTAL REPORT DETERMINED NOT TO BE SIGNIFICANT:

D-O10-17

Air Quality (Section 3.1.1) is a significant environmental Impact with incomplete analysis

That air quality impacts are dismissed with nothing but a nod to BACT and BMPs and significantly understates the emissions associated not only with aggregate production and transportation, but with cement manufacturing in general. This is an issue with the air quality discussion and also with the GHG analysis.

D-O10-18

The health risk associated with Valley Fever is drastically minimized in the draft EIR.

The reference made to San Diego County Incidence Rates are shown without the presence of the Cottonwood Sand Mining operation. Missing is what the range of infection might be with the project. Data for communities that currently contain comparable projects

D-O10-14 Please see Topical Response 7 for discussion on potential noise impacts on wildlife species.

D-O10-15 During the Project's 10-year mining duration, mitigation would be implemented that would reduce noise levels at residences and wildlife habitat to below applicable noise limits. Following the completion of mining and reclamation activities, the site would be restored to an end use of open space, which would be a land use that would minimize noise to the surrounding residential neighborhoods and wildlife habitat. Trucks would utilize Willow Glen Drive west of the processing plant. As shown in Table 2.4-1, noise from the trucks along Willow Glen Drive would not result in an exceedance of applicable noise thresholds at adjacent residences.

D-O10-16 The Cultural Resources Treatment Agreement and Preservation Plan would be prepared as a Project Condition of Approval that would be required prior to ground disturbance. The Agreement would be developed between the Project Applicant, County of San Diego, and a culturally-affiliated Kumeyaay tribe(s). This documentation would ensure Project compliance with the mitigation measure M-CR-1 and was not required to be circulated for public review with the DEIR or RDEIR. Please see Response to Comment D-O10-2.

D-O10-17 This comment is an introductory statement to the specific points made in Comments DO1018 and D-O10-19. Please see responses to Comments D-O10-18 and D-O10-19 for specific responses.

D-O10-18 The reference to the general Project area having lower rates for Valley Fever than San Diego as a whole is noted. Please see Topical Response 6, *Public Health Effects*, under the heading "Valley Fever" for information on why Project area soils do not favor the occurrence of *Coccidioides* fungus, as well as dust control measures to be implemented under the Fugitive Dust Control Plan (please see also Response to Comment D-O8-28).

should be disclosed as valid references, essential to a conclusion that this risk falls below any level of concern. Local physicians and veterinarians should be queried to understand the prevalence of Valley Fever and other respiratory conditions in people and animals that could be exasperated by an industrial sand mining operation.

A local veterinarian, Dr. Christine Wilson, as well as other community members shared stories with StopCottonwoodSandMine.org about animals who suffered and died due to Valley Fever. Some shared their experience with family members who contracted Valley Fever and the long-term effects of this painful respiratory disease.

The baseline rate for Valley Fever in this area is lower than for San Diego as a whole. However, the spores are considered endemic to San Diego. Therefore, when the soils are disturbed, especially when dust suppression occurs (water increases the likelihood of spread), this incidence will increase.

D-O10-18 cont.

Coccidioidomycosis affects humans, dogs, and other animals. It starts as a respiratory illness and in less than 1% of cases disseminates to other anatomic sites. Antifungal therapy is beneficial and entails careful periodic assessment with therapies ranging from none or short courses of therapy, to prolonged or lifetime antifungal therapy. Factors that influence the decision to treat are the duration or severity of infection, radiographic findings, complement fixation titers, presence of underlying immunosuppression, and comorbidities.

The cure for disseminated infection is infrequent with current treatment regimens. Fortunately, the morbidity rate is very low, ~0.59 per million person years. But, disturbance of the soils will in all likelihood increase the rate of exposure in the area, and increase the infection rate, potentially resulting in death. Therefore, the significance of the risk of Valley Fever is much greater than indicated in the draft EIR.

The draft EIR should be revised to include studies about the effects of airborne silicates on COVID-19 positive patients (and those with long-term effects following diagnosis); especially those persons with pre-existing conditions.

D-O10-19

The draft EIR appears to gloss over the impact on air quality as not being significant. However, even a moderate impact could be catastrophic and should be considered and studied.

Throughout the analysis of airborne dust and particulate risks, the use of a twice daily watering is identified as an effective mitigation strategy. Missing from the draft EIR is any reference to valid studies that show, to a reasonable certainty, the effectiveness of this posited mitigation strategy. The draft EIR only provides an unsupported assertion of effectiveness.

D-O10-19 Please see Topical Response 3, *EIR Errata and Updated Technical Reports*, for details related to revised fugitive dust estimates. Dust has been re-evaluated using USEPA 1995 methodology consistent with the request made in SDAPCD's comment letter on the DEIR; please see Response to Comment D-A4-3. The control efficiency of watering is well documented in the SDAPCD's memorandum titled Haul Road Emissions.

D-O10-20

Green House Gas Emissions (Section 3.1.3)

The error of analysis regarding distance to construction site versus distance to batch plant is an issue not only for traffic impact considerations, but because the faulty way of looking at VMT, erroneously claiming the project reduces VMT, is used to argue that the project has no GHG impacts.

Keeping a vast amount of sand available is like pumping more and more oil, and yet expecting people to quit driving gas-powered cars. Just as gas-powered cars are a GHG problem, so is concrete as a building material. Yet nowhere is the massive contribution of concrete to GHG emissions and the role of this project in promoting that impact addressed. The GHG analysis is inadequate because it does not address the role of sand as a feedstock for concrete, which is a significant GHG producer, and because VMT is not properly addressed.

The draft EIR compares Vehicle Miles Traveled (VMT) for this Project with the County demand for sand and related import of sand and its relative VMT. This is not an appropriate comparison to show that the VMT and subsequent Green House Gas Emissions will have a less than significant impact. GHG analysis for this proposed project must show a mitigation plan onsite.

The draft EIR must be revised to describe appropriate mitigation related to VMT and GHG that will occur onsite.

D-O10-21

Hydrology and Water Quality (Section 3.1.5)

The draft EIR identified 114 permitted groundwater wells within one mile of the project site. Impacts of the project will extend to the entire aquifer, therefore the one mile cut off is insufficient to understand the nature of the impact of the industrial sand mining project to the aquifer. While the golf course is a water sucking use that holds water in ponds and exposes it to contamination and evaporation, the golf course at least keeps the substrate in which the aquifer occurs intact. Once the sediment is removed, it is like cutting away the sponge that has been holding water. The less sponge material available, the less water will be stored.

D-O10-22

The analysis assumes that because fill material will be dumped where the sand is extracted, that there will be no loss other than that from evaporation in the relatively small pit ponds and from watering use and irrigation. However, this analysis is faulty because construction debris and other inert fill materials that will be used for this purpose do not have the sponge-like storage abilities that sand does. Given Climate Change and the need to provide local sources of water, losing this underground storage that serves 114 wells (plus more beyond the one-mile perimeter considered in the draft EIR) is a serious impact that deserves consideration. Furthermore, the County's Groundwater Ordinance calls for it.

D-O10-20 While the analysis acknowledges the potential reduction in GHG emissions from reduced regional VMT, the significance conclusion does not rely on this reduction. Emissions are quantified for the vehicle trips associated with the Project for inclusion in the Project's GHG emissions inventory before compared with the applicable threshold. Accounting for the emissions from the use of the sand produced by the Project at batch plants and in concrete used for building materials would be a full life-cycle analysis. This full life-cycle analysis is not required by CEQA. The Project has no control over how the sand would be used and cannot impose limits or controls on batch plants which may receive the Project's product.

D-O10-21 The noted removal of sediment does not represent a significant factor in the larger context of regional groundwater storage or recharge in the 230 square mile watershed or groundwater basin. Less than significant impacts have been identified in the analyses conducted in Appendix R (*Groundwater Investigation Report*), as well as the Streamflow Infiltration to Groundwater Technical Memorandum (FEIR Appendix R2), which was prepared following public circulation of the DEIR to address streamflow infiltration to groundwater during water transfers and potential impacts to surface water or groundwater as a result of proposed sand mining and reclamation activities. Please see Topical Response 3 under "Appendix S – Sediment Load Analysis" for discussion on updates made to the Sediment Load Analysis. As discussed therein, the Project would be conditioned to ensure that the top three feet of material used to backfill the site consists of materials with a similar hydraulic connectivity as the existing conditions to maintain downward infiltration and recharge.

D-O10-22 Please see Response to Comment D-O10-21, above, as well as Response to Comment D-O8-18 related to Project groundwater use.

D-O10-23

The threshold of significance used in this document is: a 5-foot draw down in groundwater level. Many nearby residences are on well, and if there were to be a 5-foot drop in their aquifer, they would have to have new wells installed. Clearly, a 5-foot threshold is not adequate to determine significance.

D-O10-24

Property owners proximate to Cottonwood Golf Club, have reported the ground water level on its southern boundary ranges from 4 feet to 13 feet BGS. Many wells that are proximate to the proposed excavation pits will see a reduction in their water tables as the draft EIR describes these open pit extraction sites going to 40 feet BGS. Ground water will leach into these pits, impacting the overall level of the adjoining property's water table. The draft EIR concedes that the water table will be impacted by excavation pits.

This is an unacceptable significant impact to affect property water wells in this way and to damage rights of the other well water users that rely on the wells near this property.

D-O10-25

The draft EIR must include the following information for review:

- Description of designed passage ways for wells proximate to the excavation pits for the ground water to move through the aquifer.

D-O10-26

- Total number of gallons of water used to wash 400 tons of sand per hour.

D-O10-27

- Description of how waste water used to wash sand will be recycled, such that it will not pollute the aquifer.

The draft EIR misstates the Sweetwater River's water flow.

D-O10-28

In the analysis of the impacts on the Sweetwater River, notably missing is any consideration of its subsurface flow. By observation throughout the year, particularly west of Steele Canyon Road, there is clear evidence shown by the green swath that follows the river bed of continual water availability that can only be through the sand which this project intends on removing. This flow and the filtering properties of the river bed would be lost, with a resultant degradation of water quality in the Sweetwater Reservoir.

D-O10-29

The Sweetwater River channel does flow with water when it rains in the Jamacha Valley. In the past decades, flowing water ran in the river channel during the winter and spring seasons and any other extended rain events. The Sweetwater River also receives water run-off from Mexican Canyon. The river channel on the property site receives water from various washes and channels from higher elevations, which then takes the run-off from those channels into the Sweetwater River channel and are then carried down to the Sweetwater Reservoir. The draft EIR has not adequately discussed how the project will modify the Project property's topography and the river to change, therefore preventing those mountain washes and other channels from draining and creating localized flooding of property south of the Sweetwater River and creating standing water in those various washes causing property damage. In addition, the standing water will also become mosquito breeding grounds.

D-O10-30

D-O10-23 The cited threshold relates to the following County Guideline for the Determination of Significance:

5. Result in a decrease in water level of 5 feet or more in off-site wells as indicated by results of a five-year projection of drawdown. If site-specific data indicates alluvium or sedimentary rocks exist which substantiate a saturated thickness greater than 100 feet in off-site wells, a decrease in saturated thickness of 5 percent or more in the off-site wells would be considered a significant impact.

Section 4.4.2 of the County Guidelines for Determining Significance for Groundwater Resources states:

"Static water levels in wells vary seasonally. For typical wells in an unconfined aquifer with alluvial sediments, the yearly variations may be a few feet per year. Therefore, well interference effects that would result in a similar drawdown are not considered significant. Additionally, the amount of water that can be produced from a well is dependent on the depth of water that is present above the pump. Therefore it is advantageous to place the pump as deep as is reasonable in a well. The depth to which pumps are placed below the static water level varies from well to well, but in general, pumps are usually placed at a depth of greater than 100 feet below the water table in alluvial or sedimentary basins."

Based on this guidance, the noted threshold is adequate to evaluate the potential significance of Project groundwater impacts.

D-O10-24 Please see Response to Comment D-O8-11, which addresses the data obtained to estimate and evaluate Project area groundwater levels in the Groundwater Investigation Report (Appendix R to the DEIR and FEIR), as well as Response to Comment D-O8-17, which summarizes the DEIR conclusions related to evaporative loss of groundwater during mining. This comment does not provide specific information regarding the location of the "proximate" wells from which the noted groundwater level data was obtained; therefore, no additional response is provided.

D-O10-25 It is unclear from this comment what is meant by "designated passage ways for wells proximate to the excavation pits for the groundwater to move through the aquifer." Please see Response to Comment D-O10-21 related to infiltration of groundwater.

D-O10-26 The water used to wash the excavated material at the processing plant would be retained in a series of connected settling basins near the plant. Two submersible pumps enclosed in a waterproof casing would feed and circulate the wash water. Water used in the washing operation would be continuously reused and recycled. Approximately 70 gallons per minute of water input would be required to make up for consumptive water use. Please refer to the Reclamation Plan, Section 2.9.1, *Water and Wastewater*, for additional information.

D-O10-27 Please see Response to Comment D-O10-26 regarding how waste water used to wash sand would be continuously reused and recycled. The water used to wash the excavated material would be groundwater pumped from on-site wells. Excavated materials would be the same as the materials already present within the site, through which stormwater infiltrates to groundwater. None of the excavated material is expected to be contaminated such that the Project would contribute to pollution in excess of that allowed by applicable State or local water quality regulations (refer to FEIR Section 3.1.5, *Hydrology and Water Quality*).

D-O10-28 Please see Response to Comment D-O10-21.

D-O10-29 The Project has been designed to accept existing stormwater runoff from lateral channels and drainage facilities. In the existing condition, ephemeral drainages such as Mexican Canyon Creek enter the Project site and flow across the existing golf course to eventually converge with the Sweetwater River. The post-reclamation condition would be similar in nature to the existing condition (i.e., entering perpendicular at a bank slope). A PDP SWQMP is included as Appendix P to the RDEIR and FEIR and was prepared using the County's standard form to describe how the Project would comply with the applicable requirements of the County BMP Design Manual and the County Watershed Protection Ordinance. The PDP SWQMP includes construction stormwater BMPs and structural and site design BMPs that would be implemented to satisfy County requirements for managing urban runoff, including stormwater, from land development activities. The PDP SWQMP identifies relevant storm drain systems, as noted.

D-O10-30 Appendix U of the DEIR contains the Vector Management Plan prepared for the Project. According to Section 2.0 *Vector Management*, of the *Vector Management Plan*, vector sources occur where site conditions provide habitat suitable for breeding. These can include any source of standing water,

D-O10-31

The Flood Analysis found in Sections 3.1.5.1 and 3.1.5.3, Appendix 'E' Hydraulic Analysis and the Appendix 'O' CEQA-Level Drainage Study of the draft EIR are flawed. The report addresses the proposed final remediated conditions as compared to the existing conditions, but generally glosses over the condition during the 10-year period of planned mining operations and only gives generalized references to berms and riprap throughout the mining operation except for the more specific recommendations for riprap reinforcement of the Steel Canyon Road bridge abutments.

D-O10-32

Many residents have witnessed two 100-year or near 100-year flood events within the last thirty to forty years at the Project property site, one of which exceeded the width of the 100-year floodway as shown on the SANDAG SanGIS FEMA Flood Plain map. It is concerning that the location of the proposed processing plant area (scale house, scales, muck ponds, settling ponds, storage containers, stockpiles, and wash skid) shown on Plot Plan Sheets 3 and 4 of 11 are located within the FEMA 100-year floodplain and partially within the 100-year floodway. These facilities, which will contain a large volume of stockpiled erodible material, diesel fuel, and heavy equipment and processing structures are subject to flooding and damage, directly upstream from a County bridge which would be subject to debris flow from these manmade materials and upstream of the environmentally sensitive San Diego National Wildlife Refuge.

D-O10-33

The draft EIR generally refers to earthen berms and silt-fences throughout the areas of Phases 1 through 4 along a widened central channel but appears to only address central channel flow rates during occasional water transfer events from Loveland Reservoir to Sweetwater Reservoir and not 100-year flood events, with exception of a best-case scenario, glossed over comment that flood water flow rates might be lessened by the deepened pits during sand extraction. The actual height, width, reinforcement, bedding, and construction of the berms, which would ascend from a depth lower than the central channel where adjacent to a sand extraction pit, thus acting as a dike or flood wall is not discussed in the draft EIR.

The draft EIR states, "If mining were to occur within 10 feet of the low-flow channel, berms approximately five feet in height would be constructed to separate operation areas from the channel, as needed." This is insufficient considering some estimates of the project put the depth of mining to 30 feet. Digging five feet away from an active water channel in a silty material seems significantly insufficient to prevent channel collapse into the mining area, which would have significant impacts on downstream water flow and river resources.

D-O10-34

The draft EIR failed to address and acknowledge the extreme safety hazard to the public from sand mining adjacent to the existing Steele Canyon bridge. There is inherent danger that river sand mining presents, especially the undercutting of downstream infrastructure. It is well documented. An article *Sand mining: the global environmental crisis you've probably never heard of* from The Guardian, dated February 27, 2017, enumerates several instances of bridges being undermined due to sand mining, with some resulting in the loss of life.

D-O10-30 (cont.) wetlands, irrigation ponds, detention basins and infiltration basins. A standard requirement for projects of this type is the incorporation of BMPs to reduce the health risks and nuisance factors associated with the vectors which can result from the standing, stagnant water, and water detention systems, such as referenced in this comment. Refer to Section 2.1.1, *Mosquitos*, to see the explanation of the vector risk and the BMPs that the project would implement to manage this vector source.

D-O10-31 The comment is incorrect. Hydraulic analyses were performed for each of the mining phases. Please refer to the Hydraulic Analysis section of Appendix O, *CEQA Drainage Study*. Tables 2 and 3 provide detailed numeric data by phase.

D-O10-32 The PDP SWQMP contains a Drainage Management Area (DMA) exhibit demonstrating that the plant would be elevated above 100-year flood levels, with 1 foot of freeboard.

D-O10-33 Please see Response to Comment D-A2-8 regarding the use of berms.

D-O10-34 Grade control has been incorporated into the Project design to maintain the channel bed at the Steele Canyon Bridge. Please see Responses to Comments D-A3-2, D-A3-3, and D-A3-15 regarding the Steele Canyon Bridge.

D-O10-34 cont.

In this proposed Project, the bridge is located between several massive excavation pits, both upstream and downstream. The planned maximum excavation depth is 40 feet below the existing grade. There is speculation whether naturally occurring "pit elongation" of excavated pits occurs upstream or downstream. For this project, it doesn't matter – excavation pits are on both sides of the bridge. This elongation can undermine the footings of a bridge or other infrastructure, causing it to fail. "Modeling" can be helpful, but if it is inaccurate, there is great risk. The loss of human life is not worth it. Nor is the cost of replacing the bridge. But, foremost, this is a safety issue.

The drainage study provided in Appendix O of the draft EIR states that velocities over six feet per second (fps) are typically considered to be erosive. The proposed velocities within the site at the completion of mining are less than six fps except at cross-sections 120 and 130, which happen to be on either side of Steele Canyon Bridge. The plans show that grouted light class rip rap will be installed there to "prevent erosion associated with upstream head cutting". Similar grouted rip rap will also be placed at the upstream end of the quarry to prevent upstream head cutting.

The EIR must be revised to address the following:

D-O10-35

1. The possible safety hazard if the high-tension electrical wires which cross the site from north to south on metal towers in the middle of the site, and adjacent to the floodway, are undermined.

D-O10-36

2. Provide a close-up simulated upstream view of the massive proposed 610-foot drop structure, so the public knows what to expect, perhaps indicating the change in elevation from top to bottom.
3. Provide a detail of the proposed 610-foot drop structure, including change of elevation.
4. Provide a detail of the proposed grouted rip rap and highlight it on the Plot Plan throughout the project so that it is obvious where it will be placed.

D-O10-37

5. Provide the overall water surface elevation drop within the Project limits.

D-O10-38

6. Provide the overall decrease of elevation in the backfilled and otherwise altered areas of the floodplain.

D-O10-39

7. Address the inherent undercutting that will take place due to the drop structure and the alteration of the floodplain, and how it will over time, undermine infrastructure and riverbanks.

D-O10-40

8. Require a sieve analysis and other backfill tests – the draft EIR did not establish gradation specifications for the backfill of excavation pits or specify that these tests be conducted by an independent certified lab.

D-O10-35 The wires are in the air, and flood waters would not reach high enough to reach the wires. Relative to the one tower to remain in the channel on an "island," with mining occurring around it, hydraulic analyses demonstrated in "Hydraulic Analyses" of the CEQA-Level Drainage Study that the cross sections at the SDG&E tower (cross sections 160 and 170) would experience flow velocities that are not projected to be high enough to require protection around the island.

D-O10-36 The plan view and two cross-sections for the noted areas are shown on the plans. Please see Sections A-A and B-B in the Reclamation Plan Drawings, which show the grouted riprap. Maximum height would be less than 20 feet. Top and bottom elevations are noted on the plans.

D-O10-37 Please refer to the HEC-RAS analysis in the *CEQA-Level Drainage Study* (FEIR Appendix O) for water surface elevations.

D-O10-38 The elevation of the backfilled and/or mining areas would be either restored to the approximate pre-Project ground elevation or would be slightly above the adjacent channel flow line elevations. Please see the discussion of pre- and post-project conditions under "Hydraulic Analyses" and the cross sections provided in Appendix A to the CEQA-Level Drainage Study.

D-O10-39 Project design was undertaken with the goal of not resulting in undercutting or undermining of infrastructure and riverbanks. Please see the hydraulic analysis in the CEQA-Level Drainage Study, which describes the flow velocities and grouted riprap proposed to prevent erosion and undercutting. These actions are not anticipated.

D-O10-41

9. Address requiring soil density compaction tests for each 8-inch layer of fill by an independent certified lab, when backfilling the excavation pits.

D-O10-42

10. Address the inconsistencies of the drainage report where it states, "A sizable portion of the Sweetwater River floodplain will be altered within the project boundaries". Yet, it also states, "Since the project proposes mining and restoration in the floodplain, the floodplain is being altered somewhat". It goes on to say, "The following summarizes the CEQA level requirements: the project will not substantially alter the existing drainage pattern of the site or area". It is not clear what statement is true. This does not meet CEQA requirements.

D-O10-43

11. Address where the draft EIR defies the need to get an additional MUP for removing "the choke point" at the downstream end of the Project, which occurs under the jurisdiction of the Rancho San Diego Specific Plan (S88). Extractive uses on these parcels are restricted to site preparation; however, this is blatantly not site preparation. The applicant proposes to remove 70,000 CY (47 days' worth of extraction). The market value of that extracted material is 1.25 million dollars. The applicant needs to obtain an additional MUP or redesign the project.

D-O10-44

Land Use and Planning (Section 3.1.6)

The proposed Project is inconsistent with the Land Use Element of the County of San Diego General Plan updated August 3, 2011. The designation for the entire project site is Open Space-Recreation which applies to large, existing recreational areas and allows for active and passive recreational uses.

The project site is currently zoned as Open Space, Specific Planning Area, and Holding Area. Mineral extraction is allowed in Open Space and Holding Areas with a Major Use Permit, but mineral extraction is supposed to be balanced with freedom from the disturbing effects of mining. To assure that freedom, there is supposed to be conservation of construction aggregate. No effort was made to investigate how much aggregate is currently disposed in landfills, how much could be reclaimed, whether existing facilities could be expanded, and if there is in fact any need beyond existing facilities for aggregate. The 2011 SANDAG report was, in fact, internally inconsistent on this point, with input from EnviroMine clear when it says new facilities are needed, but elsewhere in the document indicating that in fact the County is unusually rich in aggregate resources.

The draft EIR then proceeds to minimize and gloss over all of those existing goals and policies, by solely referencing allowances noted in the County Zoning Ordinance, instead of relying on the clearly defined policies stated in all of the land use elements noted above. The draft EIR notes that CEQA Guidelines and County staff guidance, when determining the significance of a project, the following: "A significant impact would occur if the proposed project would… Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect."

D-O10-40 Project mining activities would be subject to the inspection and reporting requirements of the Project Operation Plan that would be prepared and implemented pursuant to CCR Title 14 Section 17388.3 to ensure that placement of inert debris within the 100-year floodplain would be adequately compacted and remain in place in the event of a flood. The California Department of Conservation's Division of Mine Reclamation would be responsible for overseeing implementation of the Project Operation Plan. As part of quality control during backfilling of excavation pits, tests would be undertaken as necessary to determine gradation specifications. Unless excavated soils are fine and silty, a sieve analysis may not be necessary.

D-O10-41 Please see Response to Comment D-A6-47 regarding backfill compaction.

D-O10-42 Please refer to Response to Comment D-O8-16, which addresses similar comments. Within the Project boundaries, extraction and subsequent improvements to river flow would result in effects to a sizable portion of the on-site floodplain. The Sweetwater River drainage/floodplain, however, extends for a substantially longer length than is contained with the Project boundaries. Therefore, the floodplain overall is only being somewhat altered. Similarly, the Project only affects the portion of the river within its boundaries. The accommodation of water flow, the acceptance of inflow from upstream and off-site sources, and amount of water flowing off the site remain virtually identical. Therefore the "existing drainage pattern of the site or area" would not be substantially altered. The analysis is specific and meets CEQA standards.

D-O10-43 A very small portion of the grading plan is located in the S88 zone in the southwestern portion of the Project. Site preparation use is defined as "places where the off-site removal of materials is secondary to the future use of the site and where the removal of materials is not completed within one year but otherwise exempt from the definition of a 'Borrow Pit'." This definition does not specify a limit on the volume of material for site preparation. The MUP for the Proposed Project also would cover the site preparation activities.

D-O10-44 Please see Topical Response 11 and Response to Comment D-O8-48 regarding Project conformance with the General Plan goals, objectives, and policies. The comment suggests need for research and analysis of "conservation of construction aggregate" that may be in landfills and could be reclaimed, or whether existing facilities by others could be expanded (which would in turn require modifications to existing or potentially new permits, with associated new

D-O10-44 cont.

The proposed project is very much in conflict with the land use plans of the County.

The Major Use Permit Findings Cannot be Made

In accordance with Section 7358 of the Zoning Ordinance, before any use permit may be granted or modified, it shall be found that:

1. The location size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - Harmony in scale, bulk, coverage and density;
    - The availability of public facilities, services and utilities;
    - The harmful effect, if any, upon desirable neighborhood character;
    - The generation of traffic and the capacity and physical character of surrounding streets;
    - The suitability of the site for the type and intensity of use or development which is proposed;
    - Any other relevant impact of the proposed use; and
2. That the impacts and the location of the proposed use will be consistent with the San Diego County General Plan.
3. That the requirements of the California Environmental Quality Act have been complied with.

D-O10-45

The Cottonwood Sand Mining Project draft EIR failed to properly study and report how the location size, design, and operating characteristics will be compatible with adjacent uses, residents, buildings or structures, giving consideration to harmony in scale, bulk, coverage and density; the harmful effect, if any, upon desirable neighborhood character; the generation of traffic and the capacity and physical character of surrounding streets; the suitability of the site for the type and intensity of use or development which is proposed; and any other relevant impact of the proposed use.

D-O10-46

The draft EIR does not specify how the impacts and location of the sand mine will be consistent with the San Diego County General Plan.

D-O10-44 (cont.) footprint environmental impacts). This is beyond the purview of an individual applicant to complete, and elimination of all other sources is not a CEQA requirement prior to proposing use of a private property. The County also finds that aggregates are needed in the County and some are currently being imported. Local resources would benefit County businesses and individuals needing such aggregate, as well as taking some import trucks off the roads.

D-O10-45 Please see Response to Comment D-O8-59. The comment incorrectly states that the DEIR failed to study and report on compatibility/harmony of elements, etc. The elements of the MUP are detailed in EIR Subchapter 2.1, *Visual Resources*, in Section 2.1.1.7, *Regulatory Setting,* under the heading "San Diego County Zoning Ordinance." The elements of scale, bulk, overall harmony, etc. are addressed in the impact discussions in Section 2.1.2.1, *Potential Conflict with Importance Visual Elements or Inconsistency with Applicable Design Guidelines,* which provides detailed analysis for each key view. Traffic is addressed in both Section 3.1.7, T*ransportation*, and the proposed Traffic Control Plan. The overall suitability of the site for the type and intensity of use is addressed in detail throughout the issue-specific analyses in the DEIR and FEIR, as well as Appendix B, *Land Use Consistency Analysis.* It is not possible to provide a specific response to "any other relevant impact."

D-O10-46 Please see Topical Response 11 regarding the Project's consistency with the County's General Plan. The comment regarding adequacy of DEIR analyses is a general statement without specifics, and no specific response can be made. Each of these topics is addressed in the FEIR, and the analysis is comprehensive. The County agrees that the public must have access to thorough and accurate information and that decision makers must be able to rely on accurate impact analyses and believes that the document contains such analyses.

D-O10-46 cont.

The draft EIR fails to properly analyze, per requirements of the California Environmental Quality Act, potential significant impacts to Air Quality, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, and Transportation/Traffic. These areas must be thoroughly analyzed to measure potential impacts and the EIR revised to include a comprehensive review. The true potential impacts must be available and known to the community and decision makers prior to any decision being made about approval of a Major Use Permit to allow industrial sand mining. Such approval will set a precedent in San Diego County as well as any developed, semi-rural area in California. Decision makers cannot take this immense responsibility lightly.

D-O10-47

The Cottonwood Sand Mine draft EIR is incompatible with the Valle de Oro Community Plan regarding Conservation.

The Valle de Oro Community Plan addresses Conservation by promoting "conservation and planned management of all valuable resources, natural and manmade, and prevent wasteful exploitation and destruction of the resources". The plan specifies guidelines:

- Conserve unique resources in VDO by utilizing Resource Conservation Area (RCA) overlays and appropriate land use and zoning controls
- Only uses compatible with flooding, such as agriculture, parks, recreation, riding and hiking trails, and other open space activities shall be allowed in significant natural drainage areas
- Significant drainage areas as Resource Conservation Areas - Sweetwater River Floodplain and identified contiguous high value habitats (RCA No.77)
- Require retention of native vegetation
- Conserve unique functional plant and wildlife habitats, particularly those supporting rare, endangered, or threatened or depleted species
- Protect wildlife refuge areas from noise impacts, outdoor lighting impacts, and pollution impacts from stormwater runoff
- Discourage new sources of air pollution in the Valle de Oro area

The Valle de Oro Community Plan designates the Sweetwater River Floodplain (RCA 77) as a Resource Conservation Area. Resources include riparian, riparian woodland, oak woodland, Coastal sage, chaparral, and grassland habitats. These habitats are important for wildlife, supporting a great diversity including many threatened and endangered species. Resources to be protected include trees, including willows, sycamores,

D-O10-47 Please see Topical Response 11 regarding the Project's consistency with the Valle Del Oro Community Plan. Additionally, please see Response to Comment D-O8-56, as well as FEIR Appendix B, pages B-52, and B-59 through B-61, which address the policies noted.

D-O10-47 cont.

cottonwoods, and oaks; riparian vegetation, including cattails, sedges, rushes, and aquatic vegetation; and native non-riparian vegetation including Coastal sage, chaparral and grasslands. Adjacent native vegetation should be conserved as viable edge habitats contributing to wildlife diversity of the local ecosystem. Page 53 of the Valle de Oro Community Plan shows Figure 7, the Valle de Oro Resource Conservation Area Map, highlights RCA 77, the Sweetwater River Floodplain, as an area to conserve.

D-O10-48

The Cottonwood Sand Mine Project draft EIR must be rejected because it does not adequately address how its proposed sand mining activities will conserve rather than destroy wildlife habitats.

D-O10-49

The San Diego Region Aggregate Supply Study (January 2011) researched "how to meet the increasing demand for aggregate at a time when the locally based supply is shrinking, while at the same time preserving environmentally sensitive lands and communities". The report's intent "is to identify issues and develop tools that decision makers could use as a starting point in adaptive management strategies". The Expert Review Panel included persons working to develop the Cottonwood Sand Mine Project: Jon Cloud of Hester's Granite; Warren Coalson of EnviroMine Inc.; and Crystal Howard of EnviroMine Inc.

Principal Findings of the San Diego Region Aggregate Supply Study report included:

- While river deposits and drainage systems provide a high-quality source of sand and gravel, they may be considered to be environmentally sensitive areas or contain endangered species and habitats, so access is limited.
- Analysis identified over 1,000 possible aggregate sites of 20 acres or greater in the San Diego region. These potential sites are not developed and have not been conserved for environmental reasons.
- The development of a mine changes the topography of a site, and can reduce habitat and biodiversity, and alter the visual scene. Operations associated with extraction and processing include noise, dust, truck traffic near the site, visually disturbing landscapes, and affected surface or groundwater.
- Report identifies the Sweetwater River as having a good source for sand and gravel. However, it also states "it is important to note that while these drainage systems potentially provide a good source of sand and gravel, they may be considered environmentally sensitive areas if endangered species and habitats occur there".
- Overlay analysis removed Sweetwater River in Rancho San Diego as a potential sand mine due to it being environmentally conserved lands.

D-O10-48 Please see Response to Comment D-O10-9 regarding DEIR comments related to biological resources.

D-O10-49 Please see Response to Comment D-O8-4 regarding the purpose and intent of the 2011 San Diego Region Aggregate Supply Study that was prepared on behalf of SANDAG, in cooperation with Caltrans District 11, to examine the supply issues related to aggregate and the exclusion of developed sites such as the Project site from the study. This comment provides a summary of the principal findings of the 2011 San Diego Region Aggregate Supply Study and suggests that the EIR should have addressed the findings. As stated in Chapter 1 of the study under "Objectives and Limitations of the Study," the intent of the report is not to make policy recommendations, but rather to identify issues and develop tools that decision makers could use as a starting point in adaptive management strategies. Evaluation of Project consistency with the study's findings is not warranted. Please see Topical Response 11 regarding the Project's consistency with the County's land use plans, policies, ordinances, and codes.

D-O10-49 cont.

- Areas with a land use classification of "open space" were handled separately. These were eliminated as potential candidates for aggregate supply if they overlapped with environmental areas that already were conserved or identified (per South County Multiple Species Conservation Plan or MSCP) for conservation at the 90% level.
- Representatives from environmental agencies noted that from a resource management standpoint, the expansion of existing mines and extension of existing permits likely would have fewer negative impacts to the environment and, therefore, could be more desirable then establishing new mines.
- Proximity to Existing Residential Land Uses – report indicates that "a 1,300-foot setback from residential areas is considered in the County of San Diego's mineral resource evaluation methodology guidelines to mitigate noise".
- Report, on Figure 7-9, shows a Map of Available Land (60 acres or greater after 1,300-foot setback from existing residential land). Cottonwood Golf Course property is not indicated as Available Land with the recommended overlays.

The Cottonwood Sand Mine Project draft EIR must be rejected since it does not address the above findings in the San Diego Region Aggregate Supply Study, of which the Developer was involved as part of the Expert Review Panel.

D-O10-50

The project property is currently zoned "Special Use Permit/Major Use Permit" (SUP/MUP). These permits supersede any other use designation that may have been on the property until those Special/Major Uses are modified by the County Land Use process. Any claim of other permitted use must follow the underlying zoned use which defaulted to Open Space. When the applicant abandoned golf operations on the western half of the property its lack of continued use caused the SUP/MUP to expire due to non-use. Since the western portion of the Project's property has been four years as Open Space, at this point the western portion of the property should remain zoned as Open Space. No permit to mine sand should be permitted on the western portion of the property.

D-O10-51

Reclamation Plan – the draft EIR does detail the future positive condition of the site. This includes references such as:

- "The Project would leave the site suitable for uses allowed by the existing land use designation... with the site remaining as open space."
- "...the Project would specifically provide only open space uses, including recreational trails."

D-O10-50 As described in Section 3.1.6 of the DEIR, the existing County of San Diego General Plan designation for the entire Project site is Open Space-Recreation (OS-R). This section of the DEIR also acknowledges that the existing zoning designations on the Project site are S80 (Open Space); S90 (Holding Area); and S88 (Specific Planning Area). Extractive uses, such as those proposed as part of this Project, are permitted in the S80 Open Space and the S90 Holding Area zoning designations. The Project Applicant is seeking approval of a new MUP and is not relying on any prior Specific Use Permit (SUP)/MUP issued for the golf course. The Project's proposed extractive use is allowed within areas designated as Open Space (Recreation) with the issuance of an MUP.

D-O10-51 The comment summarizes information found in the DEIR. No further response is necessary.

D-O10-51 cont.

- "At maturity (approximately five to seven years post reclamation for each phase), the visual character of the Project site would be enhanced with native vegetative cover..."
- "As part of the Reclamation Plan, the Project would create new on-site trails that would be accessible by the public and local residents."
- "...ultimately, the Project would be consistent with scenic highways policies in the long-term condition."

While these long-term benefits are duly noted, the developer would already be expected as a matter of course to return the site to its current condition, and it is nearly a given that efforts would be made to enhance some of those conditions.

Focusing on reclamation efforts that would most likely be an expectation by the County only minimized the real long-term impacts of this project. This is not an 18-month or 2-year project, in which the area residents would face and accept some short-term annoyances and less than optimum conditions in exchange for an improved site just on the horizon. The project proposes 10 years of mining, followed by a 2-year reclamation plan, not counting any delays caused by unforeseen conditions or other circumstances. In addition, the developer notes "five to seven years post reclamation for each phase" to gain full maturity for any regrowth of vegetation.

D-O10-52

Visual Impacts – the Land Use and Planning element of the draft EIR addresses some of the long-term significant visual impacts resulting from the proposed project. This includes:

- "These Project elements would be visible and highly contrasting, affecting the composition of the visual environment, including as viewed from Willow Glen Drive, a County-designated scenic highway corridor. Mining and reclamation activities would create notable physical changes in the composition of the visual environment, as viewed from Willow Glen Drive, Steele Canyon Road, and surrounding recreational and residential areas that would result in reduced visual quality of the site and surrounding area."
- "...visual impacts were assessed as potentially significant and would result in conflicts with applicable goals and policies."
- "...the visual change in the Project site and associated visual landscape experienced from Willow Glen Drive would be notable, strong, and perceived negatively. Thus, the Project would not protect and enhance the appearance of the scenic landscape experience from Willow Glen Drive, resulting in a conflict with scenic highways policies."

D-O10-52 Please see Topical Response 11, which specifically addresses this issue. In brief, however, please note that each of the items referenced relates to visual issues. Although the long-term condition of the Proposed Project site post reclamation would be consistent with the planning documents, the magnitude of temporary environmental effects is reflected in the significant visual impact assessed in Subchapter 2.1, *Visual Resources*.

D-O10-51 cont.

- "At maturity (approximately five to seven years post reclamation for each phase), the visual character of the Project site would be enhanced with native vegetative cover..."
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D-O10-52 cont.

Despite the Land Use and Planning element of the draft EIR clearly stating many of the negative impacts from the proposed project as being inconsistent with and in violation of County policies, it concludes with the opinion that the impacts associated with the County General Plan, Valle de Oro Community Plan, and Zoning Ordinance are "less than significant." The document further states that the Project would comply with the County goals and policies "**to the extent feasible for an extractive use**..." That appears to be carefully chosen wording. The level of feasibility to appropriately mitigate the impacts of a long-term extractive use in the middle of an established residential area remains highly in question, due to the contradictions and inconsistencies inherent in the draft EIR.

The long-term impacts of the project must be considered in total, against all applicable County standards, while considering the overall scope and sheer length of the development.

D-O10-53

Transportation/Traffic (Section 3.1.7) is a significant environmental impact with incomplete analysis

The draft EIR overlooks potential traffic impacts.

In determining that the project would not have traffic impacts, the draft EIR relies on the San Diego Region Aggregate Supply Study (January 2011) report as a baseline, saying that projected miles to construction sites would be 26 miles. The draft EIR says that since the projected distance to a batch plant is 16 miles, the distance (and hence VMT) is less than estimated in the regional Aggregate Supply Study report. However, the report estimate was not portrayed as if it were intended to be used as a baseline. Furthermore, distance to construction site and distance to batch plant are apples to oranges – and also highlight one of the problems with the report, since the VMT is indeed distance to the batch plant and then to the construction site.

D-O10-54

Additionally, since some alternative locations of source material use much more efficient modes of transportation (e.g., barge or rail), the overly simplistic VMT comparison is inadequate. Also, sand mines have a particular traffic impact that other uses do not have and that is the rock-throwing. Most of us have driven behind an aggregate truck that has thrown a rock that breaks wind shields and injures cyclists. A location-specific consideration of this unique impact is warranted.

D-O10-55

D-O10-56

The Cottonwood Sand Mining Project draft EIR indicates that 88 heavy hauling trucks will be accessing the Project site daily resulting in an average 440 daily trips (one large hauling truck = 2.5 regular vehicle trips). 14 light vehicles, for 9 employees and 5 visitors will be traveling to the Project daily as well as 4 vendors resulting in 36 average daily trips. The large hauling trucks will make an actual 176 trips, to and from, the Project site. This equates to 27 large hauling trucks traveling on Willow Glen Drive each hour or a large hauling truck going to or from the Project site on Willow Glen Drive every 2.2 minutes. In addition to the large hauling trucks coming to and going from the Project site, according

D-O10-53 Please see Topical Response 8 under *Congestion and VMT*, which describes the methodology used to evaluate the Project's VMT impacts. This comment incorrectly states that the DEIR relies on the San Diego Region Aggregate Supply Study dated January 2011; the San Diego County Construction Aggregate Market Study Dated February 2020 is the report utilized in the Project Transportation Impact Analysis in developing assumptions related to VMT. Please see Section 5.3 of the Transportation Impact Analysis, included as Appendix V to the FEIR, which describes the conservative assumptions utilized to evaluate VMT impacts.

D-O10-54 Please see Topical Response 8 under *Congestion and VMT*, which describes the methodology used to evaluate the Project's VMT impacts. The commenter does not provide any evidence to substantiate the claim of the source materials using other modes of transportation. No further response is required.

D-O10-55 The comment raises a public safety concern relating to aggregate hauling. However, the California Vehicle Code requires that commercial vehicles ensure their loads are covered or otherwise secured to prevent any contents from escaping the vehicle. It is reasonable to assume that commercial drivers would adhere to the law. There is nothing inherent in the Proposed Project that would make it less likely that aggregate haulers approaching or leaving the site would be less likely to follow the law.

D-O10-56 The County notes that this comment letter was received during the public review and comment period on the DEIR. As explained in Topical Response 1, *Reason for the Recirculation of the DEIR and the Recirculated DEIR Process*, the quantity of truck trips contained in the DEIR was significantly revised and

D-O10-56 cont.

to the draft EIR, there will be at least 15 over-the-highway large trucks parked onsite each day near the processing area and the entrance to the site.

Processing at the Project site will occur Monday through Friday 7:00am – 5:00pm and truck hauling will occur Monday through Friday 9:00am – 3:30pm.

Significant Impacts would result, per the draft EIR, if the percentage or magnitude of increased traffic on the road due to the proposed project may affect the safety of the roadway or if the percentage or magnitude of increased traffic on the road due to the proposed project may adversely affect pedestrian and bicycle safety. The Cottonwood Sand Mine draft EIR fails to adequately address how safety would be ensured. The draft EIR states that a "Traffic Control Plan would be required to be prepared and approved by the County Engineer and would require approval prior to the issuance of grading permits". A Traffic Control Plan should be specified in the draft EIR so that the public, who will be most significantly impacted, may review its adequacy.

D-O10-57

The draft EIR must be revised to address Emergency Access adequately. Again, the draft EIR only indicates that a "Traffic Control Plan would establish procedures" however these procedures are not described. The public must be able to review the details related to Emergency Access.

The draft EIR states that the increase in traffic "is not expected to substantially disrupt travel along roadways in the Project area compared to existing conditions" yet the draft EIR reports that 88 large trucks will make 176 trips resulting in 27 large trucks either going to or from the Project site on Willow Glen Drive every hour or a large truck either going to or from the site every 2.2 minutes. The draft EIR has not sufficiently analyzed the potential significant impact these large trucks will have to traffic, auto accidents, pedestrian/bicycle safety, and to road wear. The draft EIR must be revised to include such comprehensive analysis.

D-O10-58

There are currently twelve significant gaps in the six-foot-high chain-link fence along the south side of Willow Glen Drive; the fence intended to separate vehicular traffic from the property at Cottonwood Golf Course (between Steele Canyon Road and the west end of the property). These gaps have been caused over the last two years by vehicles careening off Willow Glen Drive and onto the Cottonwood Golf Course property. Clearly, the communities in this area and the County of San Diego Planning & Development Services team can understand that:

1. High-speed accidents have happened and will continue to happen on this section of Willow Glen Drive;

D-O10-56 (cont.) recirculated as part of the Project Description of the RDEIR. The revised project description circulated in Chapter 1.0 of the RDEIR wholly supersedes the original Project Description contained in the DEIR; therefore, the details related to truck trips provided in this comment are no longer valid. Please see Topical Response 8 under "Congestion and VMT," which describes the methodology used to evaluate the Project's transportation impacts using VMT. The Project is not calculated to result in a significant transportation impact. Please also see Responses to Comments D-O8-44 through D-O8-46, which address the comments related to safety hazards and proposed improvements that would enhance mobility along Willow Glen Drive for vehicles, bicyclists, and pedestrians.

As detailed in Topical Response 8 under "Roadway Improvements," as well as Response to Comment DA3-7, a Traffic Control Plan would be implemented to notify local residents and motorists of construction activities associated with the Project and ensure the safe and efficient movement of traffic through the Project area.

D-O10-57 Please see Response to Comment D-A5-2, which addresses similar comments related to emergency access, and Responses to Comments D-O8-44 through D-O8-46, which address the comments related to accidents and safety hazards.

D-O10-58 This comment claims that accidents have caused gaps in the fence along the south side of Willow Glen Drive, which have the potential to result in drivers to enter the Project site. There is no evidence of cars causing the existing gaps and none is provided in this comment. These speculative assumptions do not directly address the accuracy or adequacy of the DEIR. Please see Response to Comment D-O8-44, which addresses accidents in the Project vicinity.

2. And, that the proposed six-foot-high chain-link fence (mentioned in paragraph 2 of draft EIR, section 3.1.6-9) to mitigate the sound and view impacts will not be sufficient to keep vehicles from entering the proposed sand mine.

D-O10-58 cont.

Currently, vehicles that breach the fence along Willow Glen Drive continue traveling onto a relatively flat open field of grass and weeds. However, as per the draft EIR, there will be extended periods of time (years) when vegetation, topsoil and sand will be removed from the property, creating large open pits up to thirty-five feet deep. Therefore, those large pits could prove deadly to drivers that veer off Willow Glen Drive (at speeds up to – and in some cases exceeding – 45 miles per hour), then plummet to the bottom. And, as has been currently proven on this stretch of road, a chain-link fence will not stop a vehicle.

D-O10-59

The draft EIR only addresses traffic on Willow Glen Drive. That segment of road is a tiny portion of what the vehicles will be traveling during the entirety of their trips. While it is impossible to estimate the length of every trip and the impact of every trip, the draft EIR should certainly address a much larger area. As insurance statistics indicate, the majority of accidents occur within five miles of one's residence (or in this case, the point of origin/business). Dangerous traffic will be created for at least a five-mile radius from the proposed sand mine, and that fact should be addressed in the draft EIR. This radius includes schools, shopping centers, restaurants (including outdoor dining facilities that would be affected by air quality), residences, parks, retail shops, and commercial businesses of all kinds. The impact on all roads in that five-mile radius should be studied.

D-O10-60

While the current assumption in the draft EIR seems to be that traffic flow would occur solely to the west of the mine property, there is no plan indicating any definitive direction of traffic flow for the hauling trucks or additional mine-related vehicles to and from the proposed sand mine. Since no plan related to the direction of incoming and outgoing traffic exists, the County of San Diego Planning & Development Services team must require that the permit applicant:

1. Conduct traffic and environmental studies based upon the possibility that any or all of the hauling trucks and mine-related vehicles could proceed eastbound on Willow Glen Drive; towards Hillsdale Drive, Dehesa, Sycuan, Alpine and other areas to the east of the property.

2. Conduct traffic and environmental studies based upon the possibility that any or all of the hauling trucks and mine-related vehicles could proceed northbound and southbound on Steele Canyon Road.

3. Conduct complete environmental impact studies regarding hauling trucks, fully laden with sand, passing within 30-feet of the Jamacha Elementary School property.

D-O10-59 This comment claims that the majority of accidents occur within a five-mile radius of one's residence. The commenter does not provide any factual data to substantiate these claims and these comments are speculative assumptions that do not directly address the accuracy or adequacy of the DEIR. Please see Response to Comment D-010-44, which addresses comments related to safety hazards.

D-O10-60 Please see Topical Response 8 under "Project Study Area," which describes the study area that was evaluated for the Project and why evaluating traffic beyond the Project study area is not warranted per County Guidelines.

D-O10-60 cont.

4. Since sand-laden truck traffic could potentially travel south on Steele Canyon Road, environmental impact studies would need to be conducted for Steele Canyon Road as well as Highway 94 (east of the Highway 94 and Highway 54 intersection and potentially over to, and including, Otay Lakes Road).

Either these additional studies need to be conducted or a clearly defined traffic flow plan needs to be submitted stating that all traffic accessing the proposed open pit sand mine will travel only on Willow Glen Drive between the proposed access driveways and the west end of the property (e.g., towards Jamacha Road) and not travel on Willow Glen Drive to the east of the property, and not travel on Steele Canyon Road at all.

D-O10-61

The traffic impact from the proposed sand mine is in direct conflict with the goals of the new SANDAG 2021 Regional Plan. One of the goals is to reduce traffic and make transportation corridors more efficient. Adding the equivalent of 440 trips per day in a dense community and choking the roads with semi-tractor trailers filled with sand seems to be a recipe for failure as far as SANDAG is concerned.

D-O10-62

The draft EIR compares Vehicle Miles Traveled (VMT) for this Project with the County demand for sand and related import of sand and its relative VMT. This is not an appropriate comparison to show that the VMT and subsequent Green House Gas Emissions will have a less than significant impact to the community and its surrounding uses simply because it is less than potential County-wide VMT and GHG.

Mitigation for this proposed project must show a plan onsite, not County-wide. The draft EIR must be revised to describe appropriate mitigation related to VMT.

D-O10-63

The perceived need for aggregate was based upon what was a steadily growing population in San Diego County as well as California. However, the California population is

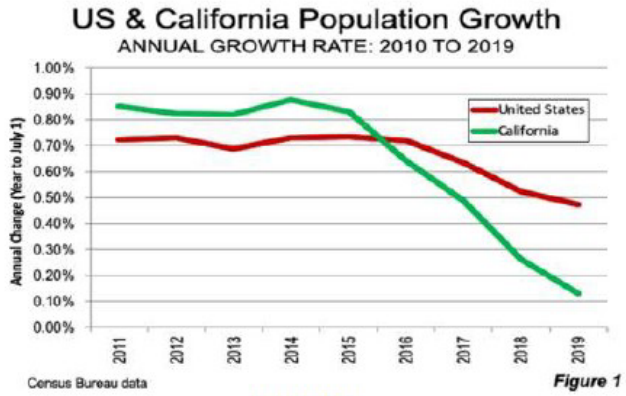


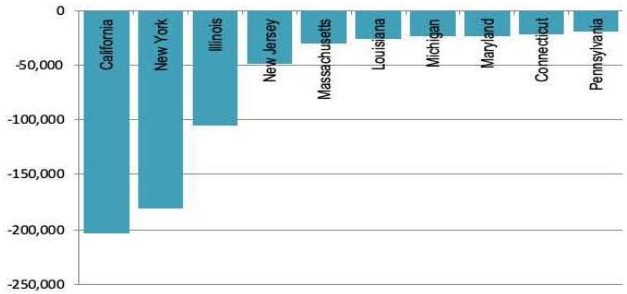
Figure 1

D-O10-61 The commenter does not provide specifics on which goals of the SANDAG 2021 Regional Plan with which the Project is in conflict. Regardless, the SANDAG 2021 Regional Plan deals with transportation policies and programs as it relates to the buildout of the entire San Diego region. The Regional Plan does not address individual land development project transportation issues, or more specifically, the number of trips that can be added on a given roadway. The transportation impacts of the Proposed Project are disclosed per CEQA Guidelines. Please see Topical Response 8 under "Congestion and VMT," which describes the methodology used to evaluate the Project's transportation impacts using VMT.

D-O10-62 Please see Topical Response 8 regarding VMT analysis. GHG impacts were found to be less than significant, thus requiring no mitigation. It is also important to note that the GHG analysis did not rely on the potential reduction in regional VMT the Project may achieve.

D-O10-63 The comment states that the aggregate demand was based on a growing population, but census bureau data shows stagnation and claims it is expected to decline. The data the comment shows include population growth data for all of California, not San Diego specifically, and is therefore not directly applicable to the aggregate demand projected for the County.

D-O10-63 cont.



Census Bureau data

Figure 8

stagnated and expected to decline; as evidenced by the recent loss of a Congressional Seat in the House of Representatives. See above census bureau data charts. Therefore, the need is not nearly as great as had been previously projected. Also, the remaining population is moving further from the coastal areas, including San Diego.

D-O10-64

In section 3.1.7.3 Cumulative Impact Analysis, the Project-Specific VMT Threshold – Supplemental Analysis states that the analysis was conducted using "projected sand demand in 2021". This analysis was conducted by EnviroMine; which poses a conflict of interest. A subsequent analysis should be undertaken by a neutral third party.

D-O10-65

Within the same report, it states that "The El Monte Sand Mine in San Diego County is a potential additional major consistent sand mine that could be in production in the near term and, therefore, was included in the near-term analysis as an additional supplier. The inclusion of the proposed El Monte Sand Mine in the VMT calculations represents a conservative analysis, since it would reduce the proportion of sand demand that would need to be met by sources outside of the County and, therefore, lower the baseline VMT used to evaluate Project impacts." The assumption of a proposed mine as operational in the "near-term" (or, at all) cannot be used as if it were a factual event that can be used to calculate the overall VMT of the proposed Cottonwood Sand Mine project.

D-O10-66

According to the San Diego Region Aggregate Supply Study (January 2011), the current and foreseeable demand for aggregate is predominantly along the west/coastal region of San Diego County. That same study identifies over 700 sites with hundreds of acres of aggregate resources (Figure 5-18 Potential Aggregate Sites For Each RTP Demand Point Within A 40-Mile Driveshed). And, the proposed Cottonwood Sand Mine property, nor any other property within the Sweetwater River, is identified on that list. The point is that just because the location of the proposed Cottonwood Sand Mine project may be determined in certain ways "not to represent a significant impact" on the area residents, animals, and wildlife, it does not mean that the location is a logical, reasonable, and/or safe place to

D-O10-64 The County peer reviews all technical reports, and the text of the EIR itself. That a technical report was prepared by a third-party consultant does not present a conflict of interest.

D-O10-65 The comment misunderstands the effect of assuming that the El Monte Sand Mine would remain operational. Assuming the El Monte Sand Mine would remain operational results in *less* of a VMT reduction attributable to the Proposed Project. Thus, assuming the El Monte Sand Mine remains in operation results in *maximizing* the potential impacts of the Proposed Project. If the VMT analysis were revised to assume that the El Monte Sand Mine were no longer operating, the analysis would show that the Project would result in *even greater* reductions in VMT.

D-O10-66 Please see Topical Response 2, *CEQA Requirements for Responding to Comments*. These comments do not raise an issue concerning the environmental analysis or adequacy of the DEIR and are beyond the scope of the DEIR. No response is required.

D-O10-66 cont.

extract sand. There are too many other more suitable places around the County for extraction. Not only is the proposed Cottonwood Sand Mine project property not identified as a resource, but it is also beyond the 20-mile range that the study clearly states is a decrease in marginal benefits.

D-O10-67

Much of the 'perceived need' for this sand mining project is based upon San Diego's projected aggregate need. All tables and charts used in the draft EIR to predict this need were created before 2020. The COVID-19 pandemic has radically changed the way our country works. Remote and home workspaces have boomed – these require no new aggregate. As a result, people commute less resulting in roadway infrastructure being used less. This makes the need for new highways and roadways less urgent. Occupational levels in high-rise commercial real estate is significantly lower therefore the need for new construction has diminished. Updated studies need to be carried out to address this significant change in our culture.

D-O10-68

Three new intersections will be added to the project per the draft EIR (Figure 3.1.7-1). According to the maps referenced, the following was noted:

- Intersection 2 (Future Project Driveway) indicated on Map 2, across from Muirfield Drive, has no stop sign for vehicles exiting the proposed site from the south side of Willow Glen Drive.

D-O10-69

- Intersections 4 (Project Driveway West) and 5 (Project Driveway East) are proposed to be added to Willow Glen Drive at a point where the road is only two undivided lanes wide. Traffic exiting and entering the site would be significantly impacted even with the addition of a decelerating lane.

D-O10-70

- Intersections 4 (Project Driveway West) and 5 (Project Driveway East) are proposed to handle both ingress and egress to the site; this means that multiple trucks could be leaving and entering the property simultaneously; and all within 200 yards of each other.

D-O10-71

- Since there is no scheduled timing for the arrival and/or departure of trucks (nor is there any commitment/limit regarding the number of trucks being used to transport sand), the 88 trucks or 176 round-trips could potentially occur well within a few hours; choking all traffic on Willow Glen Drive.

D-O10-72

- There is no consideration for accelerating traffic leaving the proposed sand mine site and heading West. The assumption that this traffic could cross two lanes of 45-mph traffic with insufficient space to accelerate are dangerous and completely unrealistic; and would warrant, at the very least, the inclusion of a new acceleration lane to accommodate westbound traffic leaving the property.

D-O10-67 The comment claims that there would be an impact on projected sand demand due to cultural changes from the pandemic in San Diego County. It is important to note that the *"San Diego County Construction Aggregate Market Study"* the comment is addressing shows that the current sand supply in the County is already insufficient to meet the existing demand. Currently, the permitted reserves and the output from the single existing sand mine (East County Sand Mine) are not keeping up with the demand, necessitating the importation of sand to meet construction needs. The current supply struggles to meet the current demand for sand, and future demand, even at a slower rate, would still outpace the present capacity in the County.

D-O10-68 Please see Topical Response 8 under "Congestion and VMT," which describes the methodology used to evaluate the Project's transportation impacts using VMT and not congestion. DEIR Figure 3.1.7-1 shows the *existing* roadway conditions and specifically, Intersection 2 is shown with the future Project driveway. The future Project driveway across from Muirfield Drive would include a stop sign, but was not included as such in Figure 3.1.71 given that it was illustrating *existing* conditions.

D-O10-69 Please see Topical Response 8 under "Congestion and VMT," which describes the methodology used to evaluate the Project's transportation impacts; and Topical Response 8, under "Roadway Improvements," which includes several design features to address vehicular access at the Project driveways.

D-O10-70 This comment is incorrect in stating that the Project Driveway West and Project Driveway East handle both ingress and egress movements. Project Driveway West is designed to serve ingress movements only, while Project Driveway East is designed to serve egress movements only.

D-O10-71 This comment is incorrect in stating that there is no scheduled timing for the arrival and departure of trucks. As stated in Chapter 1.0 of the EIR, trucking is proposed to occur between 9:00 a.m. and 3:30 p.m. on weekdays. As required by CEQA, a best guess estimate of daily truck trips provides the basis for the analysis in the EIR. The best guess estimate is based on expected annual quantity of sand exports, market conditions, and standard truck hauling capacity. An EIR is not required to analyze every possible scenario, such as the scenario

D-O10-73

The draft EIR indicates that "The Project proposes to re-stripe Willow Glen Drive between Steele Canyon Road and the Project ingress driveway to provide Class II buffered bicycle lanes on both sides of the roadway. A dedicated right-turn lane would be constructed to facilitate deceleration of right-turning vehicles into the Project ingress driveway." However, there are two proposed "Project ingress driveways" and no indication as to which driveway is referenced in this situation.

D-O10-74

The draft EIR assumes that all traffic leaving the proposed sand mine site would be heading West on Willow Glen Drive. It seems an unrealistic assumption that no traffic would be heading East on Willow Glen Drive given such a narrow, heavily traveled road. If this is in fact true that no traffic will head East from the Project site, the draft EIR needs to indicate who and how this will be regulated and enforced. If traffic will be heading East from the Project site, the draft EIR must include Transportation and Traffic studies related to acceleration lanes, increases in VMT, etc.

D-O10-75

Nowhere in the draft EIR is there any mention of sand clean-up along Willow Glen Drive or elsewhere. There will undoubtedly be sand dropped along the road. Sand on the roadway creates dangerous driving conditions. On sand, cars are much more difficult to control. As far as bikes are concerned, sand produces the same conditions as oil on the road surface. Sand on the road surface is extremely dangerous and there are no plans in the draft EIR that exist addressing the impact to the environment. This should be studied in cases related to minor spills through to major accidents.

AREAS COTTONWOOD SAND MINING PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT DETERMINED NOT TO HAVE SIGNIFICANT IMPACTS DURING INITIAL STUDY PROCESS:

D-O10-76

Geology and Soils (Section 3.2.2)

Ground Shaking and potential liquefaction is a concern and could be significant if it were to occur.

The loose subsurface soils and near surface groundwater present the chance for liquefaction. The possible event of liquefaction should not only address onsite effects but address the effects of liquefaction beyond the site to adjoining developments and especially on water quality impacts to Sweetwater Reservoir.

D-O10-77

Public Services (Section 3.2.5)

Fire and Emergency Services - a Fire Protection plan has been prepared for the project per the draft EIR. It does not state that the plan has been reviewed and approved by the San Miguel Fire District and the County of San Diego. The site is in the Moderate Fire Hazard Severity Zone and is bordered by a Very High Fire Hazard Severity Zone to the south and

D-O10-71 **(cont.)** suggested in the comment that all estimated daily trucks would arrive at the site within a single small window of time, resulting in unaccounted for congestion. Further, please see Topical Response 8 under *Congestion and VMT*, which discusses that congestion is not considered an environmental impact under CEQA. The LMA prepared for the Project addressed traffic related safety impacts and determined that no significant impact would occur as a result of the Proposed Project.

D-O10-72 Please see Topical Response 8 under "Roadway Improvements," which describes several design features proposed by the Project, including an acceleration lane for westbound truck egress movements.

D-O10-73 Please see Response to Comment D-A1-16, which describes the extent of the proposed use of the existing access at the northwest corner of the Project site.

D-O10-74 Please see Topical Response 8 under "Project Study Area," which describes the study area that was evaluated for the Project and why evaluating traffic beyond the Project study area is not warranted per County Guidelines.

D-O10-75 The SWPPP and erosion control plan will define BMPs for vehicle track out and transport of sand. Vehicular trackout and dust related BMPs may include paved or stabilized roadway surfaces, tire washes, use of grates at vehicle entrances or exits, soil stabilizers, and water spray. The final plan may incorporate these or additional BMPs as appropriate on the site.

D-O10-76 Please see Section 3.2.2, *Geology and Soils*, of the DEIR for analysis related to liquefaction.

D-O10-77 Please see Response to Comment D-O4-7. In addition, contrary to what is stated in this comment, the Project would implement recommendations provided in the Fire Protection Plan to reduce fire potential for the entire site, not just the areas undergoing mining. In fact, the areas undergoing mining would have negligible fire potential since they would be devoid of flammable vegetation.