



Response to Comment Letter J

Investigative Science and Engineering (Rick Tavares)
December 10, 2015

J-1 This comment is introductory and a summary of more detailed comments that occur later in the comment letter. As such, this comment is noted and detailed responses to the issues mentioned in this comment are provided below in responses to comments J-2 through J-5.

J-2 The County does not concur with this comment. The County of San Diego has evaluated the proposed project on its own merits and in accordance with all applicable environmental laws and regulations. The County has prepared the Draft EIR pursuant to the applicable requirements under CEQA. This comment does not address the adequacy of the Draft EIR; therefore, no further response is required.

J-3 This comment does not specifically identify the “non-scientific and/or non-technically-justifiable opinions or data.” Also, the comment does not specifically identify the “false attribution of our work products and manipulation of our work after it was submitted.”

In an effort to facilitate public review and make readily available to all members of the public the Lake Jennings Market Place EIR, the County provided this documentation on the County’s website. This process requires the conversion of Word documents to a PDF format so that documents can be uploaded to the County’s website. It also facilitates viewing by the public and prevents manipulation by the General Public.

	<p>There were no changes to the analysis, data or conclusions of the ISE reports. The County acknowledges that while the analysis, findings, and conclusions of the ISE reports referenced in this comment were not altered or changed in any manner, the process of converting the Word files provided by ISE to the County into a PDF format resulted in a formatting error. This formatting error has been corrected as part of the Final EIR, as the Word documents provided by ISE and referenced in this comment, are provided in the Final EIR.</p>
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So, with that being said, ISE would like to take this opportunity to point-out two items, which from a procedural standpoint, are grossly inconsistent with our understanding of the project being presented to the public.

1. At no time during the NOP process did the EIR preparer ever contact ISE for a technical comment, clarification, or explanation. The resource sections of the EIR for which ISE was providing the technical analyses was predominately written without input from our staff. On two separate occasions ISE had to discuss with the client that certain EIR findings were inconsistent with our analysis or understanding of the project description. Thus, any discussion and/or analyses presented in the EIR, which is attributed to ISE, and differs from the content presented in our final technical reports, was not provided by ISE. ISE provides no warranty on said work, nor do we endorse it.
2. The unsigned technical report PDF's provided on the County's website as Appendices H and J, are not the final work products generated by ISE. For some reason, the County decided not to include the signed finalized PDF's of the reports provided by ISE, and instead attempted to recreate a verisimilitude of our work products using the Microsoft Word file also send to the County for EIR text extraction purposes. This document has clearly been edited as one need only look at the first page to see the addition of text not present in our final PDF.

Although one could attribute this to carelessness on the County's part, this is not the case, as the perpetrator went through the additional effort to copy the document security features from the front page of the legitimate PDF so as to make the published PDF look as though it originated from ISE. Loading the files into Adobe Acrobat identifies document metadata showing that the County's PDF's for ISE's work was generated from a Microsoft Word file by someone named 'TPARSONS' on the afternoon of 11/2/15, long after the report was generated by ISE. This is a clear infringement on our copyright, a violation of the client's consulting agreement with ISE, and incredibly dishonest. ISE is exploring our legal options regarding this clear alteration of our technical work.

Should you have any questions, please do not hesitate to contact me at the number listed above.

Sincerely,



Rick Tavares, Ph.D.
 President
 Investigative Science & Engineering, Inc.

J-4 Comment noted. As previously stated, there were no changes to the analysis, data or conclusions of the ISE reports (Air Quality Conformity Assessment and Acoustical and Ground Vibration Site Assessment). The County considers the EIR's air quality and noise findings to be valid, and has confirmed that they are consistent with the various technical analyses prepared for the project.

J-5 The technical reports provided by ISE and included as appendices by the County were reviewed and approved by the County as the CEQA Lead Agency for the project. The reports provided on the County's website reflect a conversion of the Word documents provided by ISE to a PDF format. The technical aspects of the ISE reports were not altered. Additionally, the commenter does not address the adequacy of the technical analysis. Therefore, no further response is required.

J-6 Comment noted.