

LL-12
Latham & Watkins LLP – Jennings
on behalf of the Golden Door Properties, LLC
Dated: April 11, 2018

1. Introduction

The comment letter submitted by Latham & Watkins on behalf of the Golden Door Properties, LLC, dated April 11, 2018, is a late letter that does not require a written response from County.

Under CEQA Guidelines section 15105, the County was legally required to provide a 45-day public review period on the Draft Environmental Impact Report (EIR). To provide additional time, the County instead afforded 60 days for public review and comment. The Draft EIR public comment period began on June 15, 2017, and ended on August 14, 2017. All comment letters received after expiration of the public review and comment period ending on August 14, 2017, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the April 11, 2018, submitted by EHL. (See, CEQA Guidelines §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter does not raise new issues related to the Newland Sierra Project.

The late letter submits a second review prepared by Megan K. Jennings, PhD. titled “Effects of Wildfire on Wildlife and Connectivity”. The issues raised in this review were also presented in **Comment Letter O-1.5**, “Landscape Connectivity Issue Review Newland Sierra June 2017 DEIR” (August 1, 2017).

The County refers the reader to the **Responses to the Comment Letter O-1.5**, specifically **Responses to Comments O-1.5-9, O-1.5-14, O-1.5-27, and O-1.5-31**. The project will have minimal effect on fires occurring within the preserved habitat areas. The 250-foot wide fuel modification zones specified for this project provide the dual role of protecting the project’s structures and people from direct flame impingement from natural areas, while also performing an important role of minimizing the likelihood that a structure or other project-related fire escapes

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into the preserve areas. The primary fire threat at Newland Sierra Project Site is the I-15 corridor, which historically includes vehicle-related ignitions. The North County and Deer Springs Fire Protection Districts (along with other fire districts and agencies that provide service along the I-15 corridor) have successfully contained fires started along the I-15 corridor and put them out before they could escape into either undeveloped land or communities to the west of I-15. This will continue as DSFPD enhances their suppression resources and, with Fire Station #12 being just south of the I-15/Deer Springs Road interchange, can quickly respond to fires adjacent to I-15 and fires that may ignite within the project's proposed preserve areas. The project would also not be expected to result in a decrease in the frequency of fire events (refer to **Response to Late Comment Letter LL-22**). Changes in the fire regime would not be expected based on these factors.