

### I-348 Mark Seebach

**I-348-1** The comment states that the DEIR does not address endangered species and notes that both the California Gnatcatcher and Fairy Shrimp live in the construction zone. The comment questions what provisions will be taken to “save these areas that are home to endangered species?” The County does not concur with the comment.

Section 2.4, Biological Resources, addresses both gnatcatcher and fairy shrimp. Specific to gnatcatcher, Section 2.4.8.1, USFWS Designated Critical Habitat, states that “There are 706 acres of critical habitat for California gnatcatcher within the project Site ... The majority of the critical habitat (99 percent) is mapped as chaparral, woodland, or grassland and is not considered typically suitable for California gnatcatcher nesting.” Section 2.4.8.2, County Group 1 Species and/or SSC Species, provides a description of gnatcatcher beginning on Page 2.4-36 and explains the following:

Focused surveys for California gnatcatcher on the project Site resulted in the detection of two pairs and various individuals. The originally detected pair was located within the planned development footprint near the terminus of the cul de sac on Mesa Rock Road (PSBS 2007). During the 2013 surveys, no California gnatcatchers were detected within previous locations, but were instead located adjacent to I-15 within a mix of sage scrub communities, north of the 2007 observation and planned development area. Individuals have variously been anecdotally detected within other patches of sage scrub on Site. Calls of this species were also detected by an experienced and permitted biologist within the matrix of southern mixed chaparral and disturbed habitat in the western section of the abandoned landing strip (Figures 2.4-5A through 2.4-5E). Occurrences for this species were recorded in the southeastern portion of the Site in 2002–2003 (CDFW 2014c; USFWS 2014), with numerous occurrences documented throughout the vicinity in surrounding areas. The closest occurrence outside of the Site is located approximately 0.5 to 1.0 mile northeast of project Site in 1996 and 2007 (CDFW 2014c; USFWS 2014).

Section 2.4.12.1, Candidate, Sensitive, or Special-Status Species identifies the following potential impacts to gnatcatcher:

- A. There are no federally listed or state-listed endangered or threatened plant species known to occur on Site. However, one federally threatened wildlife species was detected on Site. Coastal California gnatcatcher was observed occurring in the project Site, and the project Site may support

## Comment Letter Responses

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foraging and nesting opportunities that would be impacted by the proposed project.

Loss of coastal California gnatcatcher from construction-related activities, including unintentional habitat loss, soil loss, water quality impacts, introduction of invasive species, and/or disruption of wildlife activities by construction activities adjacent to remaining suitable habitat would be considered significant. If any active nests or the young of this species are impacted through direct grading, these impacts would be **significant (Impact W-1)**, based on the FESA and MBTA.

Potential permanent direct impacts to coastal California gnatcatcher would include the loss of suitable nesting and foraging habitat (56.7 acres), and replacement with residential, commercial, recreational, and infrastructure uses (Tables 2.4-13 and 2.4-14). Permanent direct impacts to suitable foraging and nesting habitats would be **significant (Impact W-2)**.

Further, cumulative impacts to gnatcatcher are analyzed in Section 2.4.13, Cumulative Impact Analysis. As described on Pages 2.4-98 and 2.4-99:

There are 24,264 acres of critical habitat for California gnatcatcher within the cumulative study area, including 706 acres within the proposed project Site. The majority of the critical habitat within the proposed project Site (99 percent) is mapped as chaparral, woodland, or grassland, and is not typically considered suitable for California gnatcatcher breeding or base territory. However, the general area has been identified as a network of islands supporting movement, which is likely the source of the designation. The proposed project, combined with the reasonably foreseeable cumulative projects, despite species avoidance, minimization, and mitigation measures that could be implemented by each project, would have the potential to reduce the distribution and/or the overall population size of California gnatcatcher. The cumulative direct project impacts to California gnatcatcher would be **significant (Impact BI-C-2)**.

Section 2.4.16 summarizes the required mitigation measures to mitigate these impacts (W-1, W-2 and BI-C-2), and makes the following conclusions:

**Impact W-1** Direct loss of federally threatened coastal California gnatcatcher nesting individuals (including nests and/or young) would be reduced to **less than significant** through implementation of mitigation measures **M-BIO-1, M-BIO-2, M-BIO-3, M-BIO-4,**

**M-BIO-5, M-BIO-6, and M-BIO-7**, which require biological monitoring during construction, temporary construction fencing, preparation of a biological monitoring report, review of landscape plans, preconstruction surveys for nesting birds and setbacks, and minimizing night lighting. Biological monitoring and reporting would ensure that additional habitat is not impacted during construction, and that the best management practices (BMPs) outlined in the Storm Water Pollution Prevention Plan (SWPPP) are adhered to. Preconstruction surveys would identify locations of coastal California gnatcatchers and other migratory bird nests and implement construction limitations or provide suitable buffers between these locations and construction activities. Review of the conceptual landscape plan would ensure that native species are being used, thus reducing the potential for invasive species to encroach upon existing native habitat. PDS would confirm use of native species during approval of the final landscape plans prior to grading. Minimizing night and outdoor lighting would reduce disruption of nocturnal wildlife movement. Therefore, implementation of these mitigation measures would reduce these impacts to less than significant.

**Impact W-2** The significant long-term direct impacts to coastal California gnatcatcher as a result of removal of suitable habitat would be reduced to **less than significant** through implementation of mitigation measures **M-BIO-8A** through **M-BIO-8E**, which would provide commensurate on- or off-site habitat management and conservation that is demonstrated to contain habitat for these species. The proposed project has been incorporated into the overall conservation strategy of the County's draft North County Plan, and the development areas and biological open space areas of the proposed project are identified as proposed hardline areas in the draft North County Plan (County of San Diego 2016). Loss of coastal sage scrub and any associated incidental take of California gnatcatcher would be authorized through the County's Section 4(d) HLP process or through Section 7 consultation with the US Army Corps of Engineers and the USFWS. A Draft Habitat Loss Permit, including 4(d) findings has been provided in Appendix H of this EIR. As demonstrated by the incorporation of the proposed project as a proposed hardline area in the draft North

## Comment Letter Responses

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County Plan and by the draft HLP findings provided in Appendix H, the loss of coastal sage scrub associated with the proposed project would be consistent with the NCCP Guidelines, County's draft North County Plan, and the Section 4(d) Rule.

**Impact BI-C-2** Cumulative direct impacts to California gnatcatcher movement within the region would be reduced to **less than significant** through **M-BIO-8A** through **M-BIO-8E**, which would provide for habitat management and conservation of open space areas that would allow for unimpeded wildlife movement and use.

Relative to Fairy Shrimp, the DEIR analyzes Fairy Shrimp in Section 2.4.8.1, which states the following:

There is a small area designated as critical habitat for San Diego fairy shrimp approximately 4 miles southwest of the project Site (San Marcos Northeast, Southeast, and Southwest units) (Figure 2.4-6); however, due to the lack of vernal pools on the project Site, this species has low potential to occur (see Appendix G of the BTR (Appendix H)). Previously, no features were found within the project Site that might support San Diego fairy shrimp. The significant rain events in January caused low areas within existing dirt roads to pond with enough water to be sustained beyond the 7-day threshold which would trigger protocol surveys (USFWS 2015). The Site does not support vernal pool habitat and all features mapped within the project Site have been categorized as puddles. The Site includes steep hills with dirt roads that exhibit significant off-road vehicle use and erosion. Soils on Site are predominately sandy loam and there are no areas of clay soils which would support the typical vernal pool habitat. The closest known location of occupied pools are approximately 5 miles southwest of the project Site in San Marcos, with other occurrences 15 miles to the southeast in Ramona and 16 miles northwest within Camp Pendleton (USFWS 2017). These sites contain the typical vernal pool habitat that support San Diego fairy shrimp (i.e., open areas with clay soils, mima mounds, and generally flat topography). None of the puddles surveyed contained San Diego fairy shrimp, only versatile fairy shrimp have been collected (see Appendix H for more information).

## Comment Letter Responses

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As stated in the DEIR, the project Site does not support vernal pool habitat, and all mapped features within the project Site were categorized as puddles. Only versatile fairy shrimp were collected in surveys following significant rain events.

Accordingly, the DEIR analyzes both California gnatcatcher and Fairy Shrimp. Impacts to gnatcatcher are identified and mitigation measures are provided to reduce impacts to less than significant. No impacts are expected to Fair Shrimp as there is no evidence to support that San Diego Fairy Shrimp occupy the project Site. No further response is required or necessary.

**I-348-2** The comment states that the DEIR does not address freeway interchange designs for the I-15 north and southbound ramps at Deer Springs Road. The County acknowledges the comment and directs the reader to Chapter 2, page 2.1-1 of the DEIR, which states the following regarding the analysis of the I-15 Interchange Improvements (Mitigation Measure M-TR-1):

“Caltrans is the lead agency for the I-15 interchange improvements project. Accordingly, in a separate environmental review and approval process under CEQA and the National Environmental Policy Act (NEPA), Caltrans will analyze the I-15 interchange improvements, and whether the existing park-and-ride lots should be expanded, reconfigured, and/or enhanced to support transportation alternatives (e.g., ride-share, car-share, and transit). This EIR identifies the I-15 interchange improvements as a mitigation measure (See EIR Section 2.13, Transportation and Traffic, Mitigation Measure M-TR-1). Because the interchange improvements are a mitigation measure, this EIR discusses the potential environmental effects of the interchange improvements as required by CEQA (see CEQA Guidelines Section 15126.4(a)(1)(D)).

In addition, evaluating the Caltrans interchange improvements in terms of the project’s mitigation is appropriate because information concerning the interchange improvements is still under review and scoping through the Caltrans process, including an assessment of alternatives to the interchange improvements, which affect the intersection size, configuration, disturbance zones, and other features that are needed for an overall environmental analysis. Nonetheless, this EIR endeavors to disclose all it reasonably can at this time regarding environmental effects associated with the interchange improvements.”

Accordingly, the DEIR analyzed the interchange improvement to the extent feasible and as required by CEQA. It should be noted that Impacts TR-1, TR-19A and 19B, are considered significant and unavoidable because implementation of M-TR-1 is not within the jurisdiction of the County of San Diego to enforce.

## Comment Letter Responses

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**I-348-3** The comment states that the City of San Marcos General Plan assumes that the City will one day annex the Merriam Mountains area and call for the preservation of those mountains. The comment notes this area is currently under the County's jurisdiction.

The County notes the comment provides background information and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue concerning the adequacy of the Draft EIR.

Nonetheless, the County agrees the project Site is within the County's jurisdiction and the County is the Lead Agency under CEQA for purposes of analyzing impacts to ridgelines. The comment addresses general subject areas, preservation of ridgelines, which received extensive analysis in the Draft EIR, specifically Section 2.1, Aesthetics. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

**I-348-4** The comment states the health risk assessment does not evaluate health risks to residents outside of the project area and appears to be incomplete. The comment asks why the health risk assessment does not consider nearby residents and asks what the increased cancer and non-cancer risks to these nearby residents are.

The County acknowledges the comment. Please refer to **Topical Response AQ-1**.

**I-348-5** The comment restates information from the air quality analysis and states that even with mitigation, the proposed project would exceed the thresholds for CO, NO<sub>x</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> during construction. The commenter asks how these exceedances are evaluated within the context of the entire project.

The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment address general subjects, air quality, which received extensive analysis in Section 2.3, Air Quality of the DEIR. Please refer to Section 2.3.5 and 2.3.6 of the DEIR, which analyze the proposed project's air quality impacts at both the project-level and cumulative level. As concluded in the DEIR and restated in the comment, the proposed project would result in significant air quality impacts. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

## Comment Letter Responses

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- I-348-6** The comment asks whether SDAPCD believes these impacts are acceptable and what steps SDAPCD will impose upon the project.

The County acknowledges the comment and notes that it does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

Nonetheless, the County notes the DEIR includes 17 mitigation measures to reduce impacts to air quality for the proposed project. In addition, relative to SDAPCD, the proposed project would be required to comply with all regulations advanced by SDAPCD and applicable to projects within SDAPCD's jurisdiction.

- I-348-7** The comment states that the proposed project uses "poor assumptions" to justify the conclusion that the proposed project can result in a 35-52% savings over the exiting General Plan by using water factors from the mid-1990s which inflates the proposed project's water savings. The County does not concur with this comment. Please see **Topical Response UTL-1** and **UTL-2**.

- I-348-8** The comment states there is no link or evidence that the 1990's water usage figures accurately calculate or reflect actual water usage. The comment states that improved technical has resulted in much more efficient water usage today. The comment concludes the proposed project should have used more recent water usage figures, and that had it done so, the DEIR would not likely have been able to conclude the project achieves the 35-52% reduction.

The County does not concur with this comment. Please see **Topical Response UTL-1** and **UTL-2**.

- I-348-9** The comment states the DEIR does not address existing wildlife corridors that will be severed by the proposed project. The County does not concur. **Please see Topical Response BIO-2**.

The comment also states the DEIR does not mention the existing of vernal pools or the species that live in them. The County refers the commenter to page 2.4-29 of the DEIR, which states,

"There is a small area designated as critical habitat for San Diego fairy shrimp approximately 4 miles southwest of the project Site (San Marcos Northeast, Southeast, and Southwest units) (Figure 2.4-6); however, due to the lack of vernal pools on the project Site, this species has low potential to occur (see Appendix G of

## Comment Letter Responses

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the BTR (Appendix H)). Previously, no features were found within the project Site that might support San Diego fairy shrimp. The significant rain events in January caused low areas within existing dirt roads to pond with enough water to be sustained beyond the 7-day threshold which would trigger protocol surveys (USFWS 2015). The Site does not support vernal pool habitat and all features mapped within the project Site have been categorized as puddles. The Site includes steep hills with dirt roads that exhibit significant off-road vehicle use and erosion. Soils on Site are predominately sandy loam and there are no areas of clay soils which would support the typical vernal pool habitat.”

- I-348-10** The comment states the rural character of the area would be destroyed by the proposed project and urges the County to reject the project and enforce the General Plan.

The County acknowledges the comment, and notes it expresses general opposition for the project. The comment addresses general subject areas, habitat, corridors, aesthetics, community character, and quality of life, which received extensive analysis in the Draft EIR, specifically in Section 2.1, Aesthetics, 2.4, Biological Resources, 3.3, Land Use and Planning (and Appendix DD, Land Use Consistency Analysis), and 3.5, Public Services. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. For that reason, the County provides no further response to this comment.